

UNIFIED LAND MANAGEMENT ORDINANCE



SPARTANBURG COUNTY SOUTH CAROLINA

Ordinance # O-99-015 adopted **December 31, 1999**

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SPARTANBURG COUNTY, SC

UNIFIED LAND MANAGEMENT ORDINANCE

AN ORDINANCE OF SPARTANBURG COUNTY, SOUTH CAROLINA REGULATING THE USE OF CERTAIN BUILDINGS, STRUCTURES AND LAND, THE HEIGHT OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS, THE DEVELOPMENT OF FLOOD PLAIN AREAS, MULTI-FAMILY DWELLINGS, MANUFACTURED HOMES, AIRPORT ENVIRONS, LAND DEVELOPMENTS, AND STORM WATER RUNOFF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

In accordance with authority conferred by the general statutes of South Carolina, 1976 Code of Laws, Title 6, Chapter 29 of the Comprehensive Planning Enabling Act of 1994, as amended, and for the purpose of promoting public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; securing safety from fire; providing adequate light, air, and open space; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the creation of a convenient, attractive, and ecologically sensitive areas; facilitating the provision of public services, affordable housing, and disaster evacuation, in harmony with the adopted Comprehensive Plan for Spartanburg County, South Carolina, the Spartanburg County Council hereby ordains and enacts into law the following articles and sections, which shall comprise and be known as the Unified Land Management Ordinance of Spartanburg County, South Carolina, and shall be applicable throughout the designated portions of the unincorporated area of the County.

ARTICLE 1 – APPLICATIONS AND REQUIRED PERMITS

Section 1.01 Responsibility

All requests for permits and licenses required by this Ordinance, and legislative change or relief from the terms of this Ordinance shall be in the form of an application. The provisions of this Article shall govern the basic requirements for processing different types of applications from initiation to final action and issuance of a permit.

It shall be the responsibility of the Spartanburg County Administrator or his designee to administer the requirements for processing applications and issuing permits in accord with the provisions of this Ordinance.

It shall be the responsibility of an applicant to provide the required information to process a permit application, secure or renew a license, and present facts about circumstances which would justify a proposed change or modification to the terms and/or application of this Ordinance.

Section 1.02 Types of Applications

Types of applications for processing matters subject to the requirements of this Ordinance include:

1. Applications to Develop or Alter the Use of Land

This includes all land use and development activity covered by this Ordinance. Applications to develop or alter the use of land are classified for administrative purposes into two (2) categories.

Minor Land Development – is any land development or land altering activity requiring a permit from the County other than a subdivision or Major Land Development.

Major Land Development – includes but is not limited to commercial and industrial parks and subdivisions, townhouse developments, shopping centers, manufactured home parks, condominium and apartment complexes, and similar developments. (Amended 10/21/2002)

2. Applications for Change or Relief

This includes applications for changes to and/or relief from any part or provision of this Ordinance, of which there are three types of applications:

Amendment – is a change to the text of the Ordinance.

Variance – is an adjustment or modification of any regulation alleged to impose an unnecessary hardship on the use or development of land.

Appeal – is a petition by an applicant to reverse or modify a decision of an administrative officer, board, commission or council.

Section 1.03 Eligible Applicants

Parties and individuals required and/or eligible to initiate an application to alter, develop, subdivide or utilize land for purposes and activities regulated by this Ordinance, or to seek relief from or change requirements of this Ordinance are identified on Table 1.

Parties not listed may petition the Planning Commission and/or Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner.

Table 1 Applicant Requirements/Eligibility				
Eligible Applicants	Applicants to Develop or Alter Use of Land	Applicants for Change and/or Relief from Ordinance Requirements		
		Amendment	Variance	Appeal
Property Owners	YES	NO	YES	YES
Agent of Property Owner*	YES	NO	YES	YES
Option Holder	YES	NO	YES*	YES*
Aggrieved Person or Party	NO	NO	NO	YES
Officials Administering this Ordinance (Staff)	NO	YES	NO	YES
Planning Commission	NO	YES	YES**	NO
Governing Council	YES	YES	NO	NO

* Must have written authorization

** Major Land Developments only

Section 1.04 Application Procedures

The procedure for processing applications is outlined by the following Application Procedural Chart (APC).

The process is initiated by filing a complete application including all information and fees required by Section 1.06 and assignment of the application to the proper staff member, agency, board or commission for review and processing outlined in Section 1.05.

Public notice where required by the APC chart shall be announced in a newspaper of general circulation in Spartanburg County at least 15 days but not more than 30 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the application and the time, date and place of the hearing.

In addition to public notice in a newspaper, notice of an application for a variance shall be posted by Spartanburg County Planning Department staff on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Notification shall be made by Staff via Certified Mail to contiguous land owners, which shall include those separated by a paved road.

If public hearing is delayed; party responsible for delay is to pay for re-advertising, re-notification, additional fees, etc.

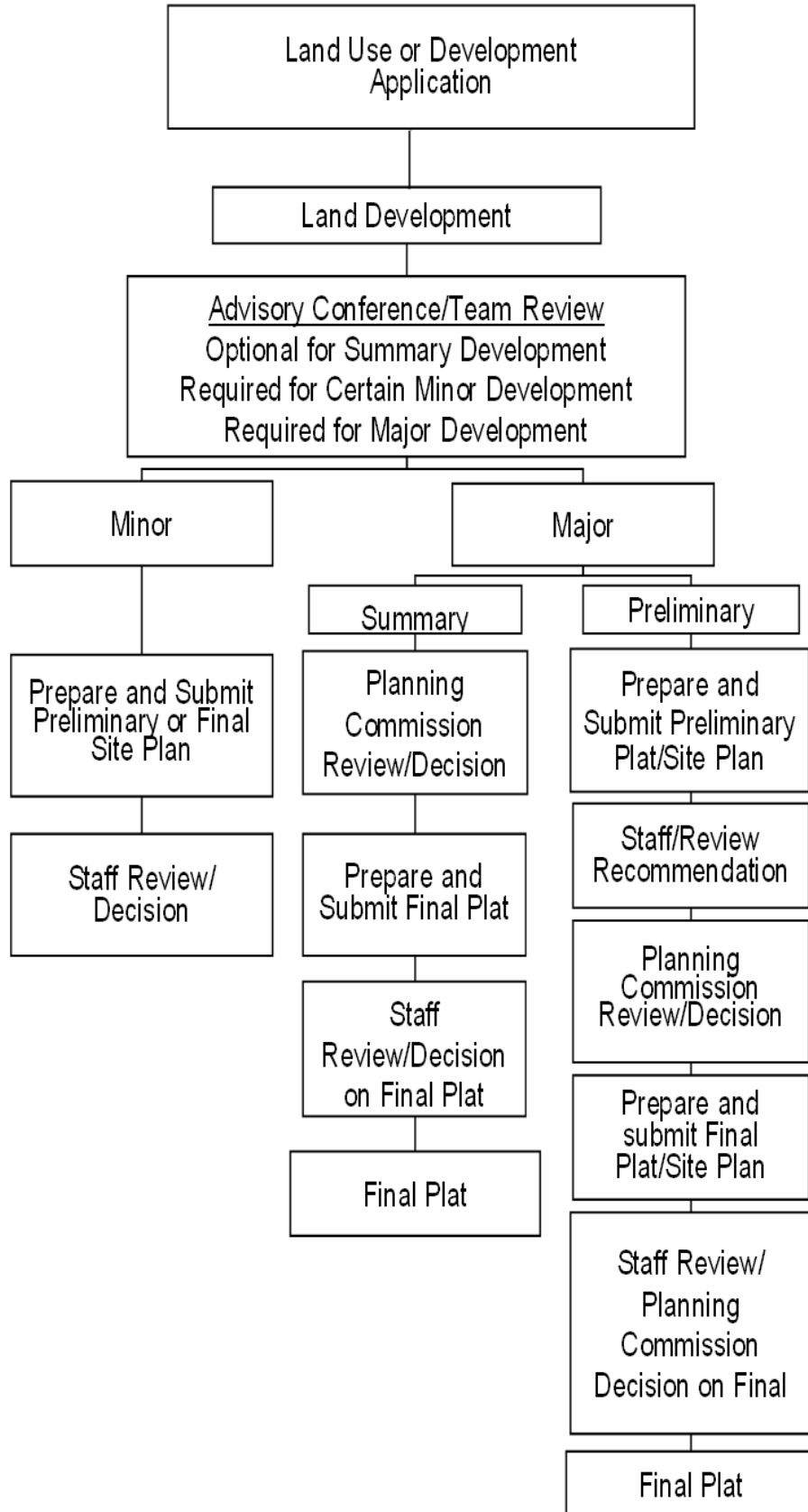
Appeals shall be taken within 10 days of the date of the action filing notice of appeal with the County.

A permit for an application subject to appeal to the Planning Commission or to the Board of Zoning Appeals may not be issued until the appeal period has expired. (Amended 5/15/2000)

Section 1.05 Assignment of Application for Review, Approval, Variances, and/or Appeals

Final authority on any land development application or application seeking relief from or change of any provision or regulation contained herein shall reside with the following County divisions, unless appealed, as provided for below. (See page 1-7) (Amended 10/21/2002) (Amended 07/19/2004)

Application Procedural Chart 1



Application Procedural Chart 2

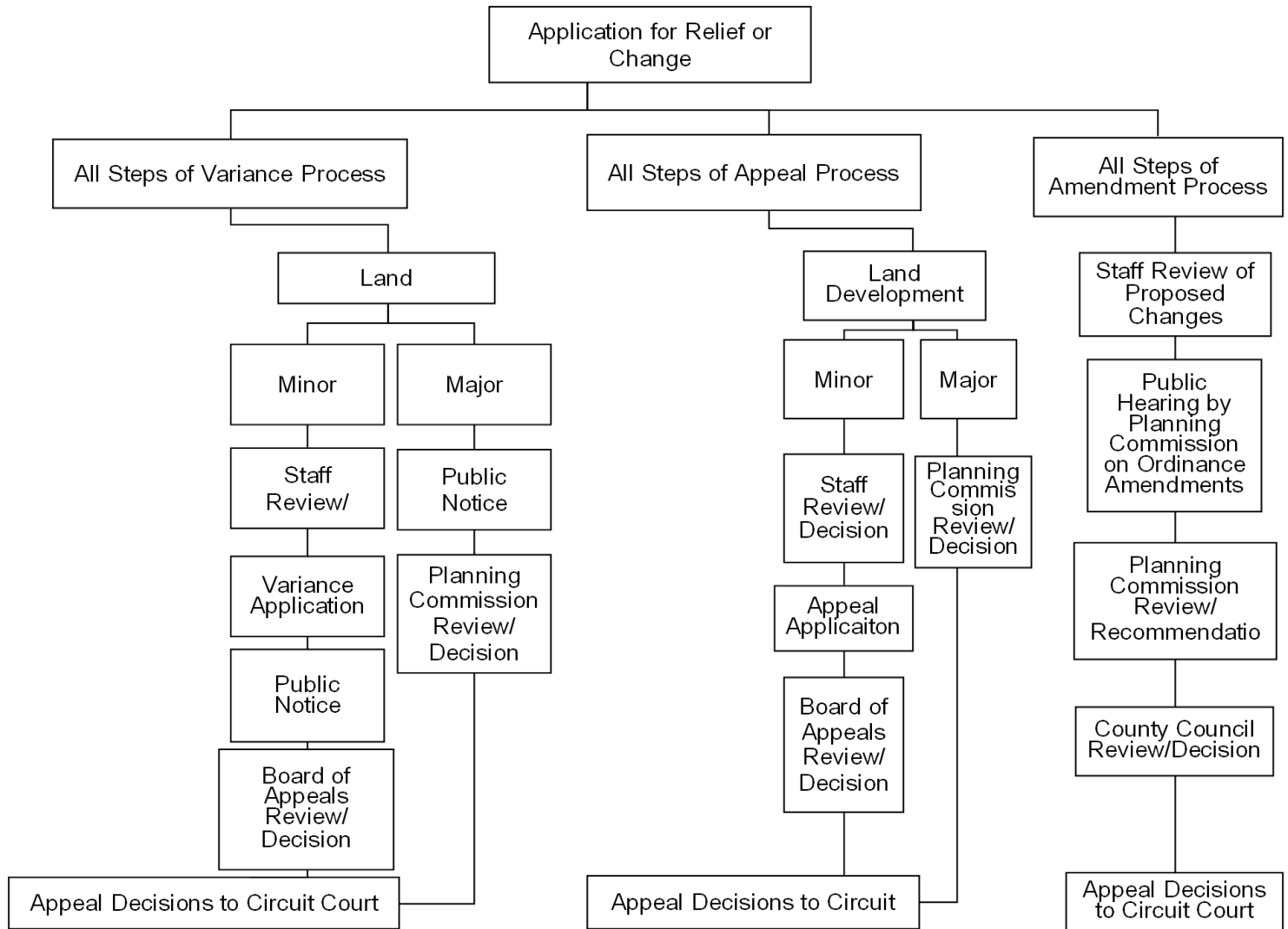


EXHIBIT A

EXHIBIT A	Review and Approval Authority			Variances		Appeals		Circuit Court Appeal
	Administrative		Board	Board		Administrative		
Land Developments	Building Department	Planning Department	Planning Commission	Board of Appeals	Planning Commission	Board of Appeals	Planning Commission	Circuit Court
Minor, to include								
Single-family dwelling	YES			YES		YES		YES
Manufactured home	YES			YES		YES		YES
Mining Operation		YES		YES		YES		YES
Outdoor Gun Range		YES		YES		YES		YES
Sexually Oriented Business		YES		YES		YES		YES
Open Storage		YES		YES		YES		YES
Communication Tower		YES		YES		YES		YES
Junk or Salvage Yard		YES		YES		YES		YES
Tattoo Parlors		YES		YES		YES		YES
Signs		YES		YES		YES		YES
Temporary Uses		YES		YES		YES		YES
All other Uses Not Classified as Major		YES		YES		YES		YES
Major, to include								
Attached Multi-Plex Dwelling Projects:								
(Apartment, Condominium & Townhouse)			YES		YES		YES	YES
Manufactured Home Park			YES		YES		YES	YES
Industrial Park & Commercial Subdivision			YES		YES		YES	YES
Shopping Center, Big-Box Retail			YES		YES		YES	YES
Office Park			YES		YES		YES	YES
Camp or RV Park			YES		YES		YES	YES
Multiple Occupancy Building Project			YES		YES		YES	YES
Motor Speedway or Racetrack			YES		YES		YES	YES
Bulk Storage of Fuel Products and Asphalt Distribution Terminal			YES		YES		YES	YES
Waste Management Facility			YES		YES		YES	YES
Asphalt Batch Plant			YES		YES		YES	YES
Scrap Metal Processor			YES		YES		YES	YES
Certain Public Uses			YES		YES		YES	YES

Section 1.06 Requirements and Fees

Table 2
Information Required to Support Application

All applications shall be filed on forms provided by the County and contain or be accompanied by the information required by Table 2, and any applicable ULMO section, with the required fee to help cover the cost of processing. Major Land Development Projects shall be submitted not less than 10 working days prior to the Planning Commission meeting and shall show the date of submittal. (Amended 06/16/2014)

Type of Application:	Information Required (Requirements are Cumulative, except # 13):
LAND DEVELOPMENT	
Minor (Final Plat or Site Plan Approval)	1. Location of all proposed structures, including free standing signs; 2. Required building setback lines; 3. Required landscaping and bufferyards; 4. Required off-street parking; 5. All information specified by Article 3 for conditional uses, as applicable.
Major (Preliminary Plat or Site Plan Approval)	
Major (Final Plat or Site Plan Approval) (Letter of Credit Plat)	
REVISIONS	1. Plat revisions by Developer/Owner/Surveyor, or by County on third submittal.
AMENDMENT	1. Draft of new text to be added and existing text to be deleted; 2. State reasons for change.
VARIANCE	1. State nature of variance; 2. Provide evidence of unnecessary hardship; 3. State necessity of variance.
APPEAL	1. State reasons for appeal, with specific reference to action being appealed.
Land Use Compliance Letter	

(Please obtain a checklist for projects from the Planning Department.)

Fees: Set per Fee Schedule adopted by Resolution of County Council

Section 1.07 Required Permits/Certificates

No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation or grading be commenced until the required permits have been issued.

No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this Ordinance.

No permits inconsistent with the provisions of this Ordinance shall be issued unless accompanied by an approved variance.

Unless elsewhere regulated, the provisions of this Section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, cross arms, guys, wire, cable and drops.

Section 1.08 Types of Required Permits/Certificates

One or more of the following permits/certificates together with the fees set per the Fee Schedule adopted by Resolution of County Council, which fees are non-refundable, shall be required by this Ordinance. (Amended 06/16/2014)

Permits (See Fee Schedule)
Building Permit
Repair Permit
Grading Permit
Right-of-Way Encroachment Permit
Development Permit
Certificate of Occupancy (use)
Stormwater Permit

Section 1.09 Building Permit

A building permit shall be required of all proposed building and/or development activity unless expressly exempted by the County Building Code.

Section 1.10 Repair Permit

When a permit is requested to make repairs only, the County may waive the requirements of a plat or plan.

Section 1.11 Grading (Land Disturbing) Permit

A grading permit approved by the Spartanburg County Public Works Department, Engineering Division shall be required prior to ANY land disturbing activity covered by the Spartanburg County Stormwater Management and Sediment Reduction Regulations (County Ordinance #497) [This ordinance has been replaced by the Storm Water Management Ordinance of Spartanburg County (No. O-09-02). (See also County Code Chapter 30, Article IV.)] This requirement applies to all land disturbing activities covered by this Unified Land Management Ordinance. No grading permit shall be issued in the absence of an approved Storm Water Management Plan. (Amended 5/15/2000)

Section 1.12 Right-of-Way Encroachment Permit

A Right-of-Way encroachment permit approved by the County Roads and Bridges Department shall be required prior to any improvements in Spartanburg County Road Rights-of-Way. No encroachment will be allowed in the absence of an approved Encroachment Permit. Reference to Section 2.02-8. (Amended 10/21/2002)

Section 1.13 Development Permit

No building, other structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part, to any other use, until a Development permit, certifying compliance with this Ordinance has been issued by the Planning Department staff, other than for such uses specifically exempted by this Ordinance or meet the following conditions: Continued identical use(s) of any building or land in existence and occupied on the effective date of this ordinance.

Section 1.14 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the County stating that the proposed use of the building or land conforms to the requirements of this Ordinance. A Certificate of Occupancy shall not be issued unless and until all required improvements have been met and approved by the County, a Letter-of-Credit notwithstanding.

Section 1.15 Inspections for Compliance

The County enforcement officer may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

Section 1.16 Expiration of Permit

If the work described by any permit has not begun within six months from the date of issuance thereof, said permit shall expire, unless extended by the County upon application by the owner/developer.

Section 1.17 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the appropriate County agent or enforcement officer shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 1.18 Penalties for Violations

Any person violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

Where any building, structure, use or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance or in violation of an approved plan or plat granted by the County or Planning Commission, the enforcement officer may, in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, issue stop work order, withhold permits or Certificates of Occupancy, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense. (Amended 07/19/2004)

ARTICLE 2 – DESIGN AND DEVELOPMENT STANDARDS

Section 2.01 Types of Land Development

For purposes of this Article, land development activity is divided into five categories:

1. Land Development, Generally
2. Land Development in Flood Hazard Areas
3. Land Development in the Vicinity of Spartanburg Downtown Memorial Airport

Design and development standards for each type of development follow.

Section 2.02 Land Development, Generally

The following requirements apply to all development in Spartanburg County, where applicable.

Section 2.02-1 Dimensional Standards

1. Purpose

The purpose of this Section is to establish order to the development process and reduce, if not eliminate, potential off-site conflicts regarding the development of a lot or parcel.

2. Lot Dimensions, Building Setbacks, and Height Requirements

Minimum lot areas, lot width, building setbacks and maximum height requirements are established on Table 3 (Amended 05/21/2007).

EXHIBIT A Table 3a – Residential Setbacks and Other Requirements

(Amended/18/2013)

In any case where this table does not match the text in the chapters, use the requirements in the text.

Uses	Section Reference	Minimum Lot (Project Area - square feet)	Minimum Lot Frontage (feet)	Minimum Setback (feet from)									Maximum Height (feet)
				Front Lot Line See Footnote (Z):			Rear Lot Line	Side Lot Line	Residential Units				
				Arterial Street	Collector Street	Minor Street			One	25 or More (I)	Other Uses (A)	Spacing Between Buildings on Same Lot	
RESIDENTIAL													
Single-Family With or Without Community Sewer	NONE	(J)(Q)	50(K)(S)(T)(U)(AA)	50(L)/83(M)	30(L)/55(M)	20(L)/45(M)	20(Z)	5 or 10(N)(Z)	NA	NA	NA	Sec. 2.02-6	(Y)
Duplex	NONE	(J)(Q)	50(K)(U)	50(L)/83(M)	30(L)/55(M)	20(L)/45(M)	20(Z)	5 or 10(N)(Z)	NA	NA	NA	Sec. 2.02-6	(Y)
Patio Homes	3.01	4000 R	40 (K)(S)(U)	50 (L)/83(M)	30(L)/55(M)	15(L)/40(M)	20(Z)	(H)(N)(Z)	NA	NA	NA	NA	(Y)
CONDITIONAL													
Townhouses	3.02	See Sec. 3.02	18(K)(S)	50(L)/83(M)	30(L)/55(M)	20(L)/45(M)	20(Z)	(G)(N)(Z)	NA	NA	NA	NA	(Y)
Attached Multi-Plex Dwelling Projects	3.02	See Sec. 3.02	50(K)	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)	20(Z)	10(N)(Z)	NA	NA	NA	20 + 5 per story over first (DD)	(Y)
Manufactured Homes	3.03	(J)(Q)	50(K)(S)(T)(U)(AA)	50(L)/83(M)	30(L) / 55(M)	20(L)/45(M)	20(Z)	7.5 or 10(N)(Z)	NA	NA	NA	Sec. 2.02-6	(Y)
Manufactured Home Park	3.04	(87,120)	3-99 lots 60 ft. 100 lots or more 100 ft. (K)	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)	20(Z)	7.5 or 10(N)(Z)	NA	NA	NA	20	(Y)
Accessory Apartments	3.05	-	-	50(L)/83(M)	30(L)/55(M)	20(L) / 45(M)	20(Z)	5 or 10(N)(Z)	-	-	-	10(DD)	(Y)
Accessory Use		-	-	50(L)/83(M)	30(L)/55(M)	20(L)/45(M)	5(Z)	5 or 10(N)(Z)	NA	NA	NA	NONE	(Y)
Home Occupations	3.06	See Sec. 3.06	-	-	-	-	-	-	-	-	-	-	Section 3.06

(A) Other uses include public parks, schools, religious institutions, hospitals, day care facilities, and nursing homes.	(N) 10-ft side yard setback for corner lots within Residential Subdivisions on Minor and Major Residential Streets shall be measured from right-of-way.
(G) No side yard required between townhouses; 7.5 feet required between building and property line.	(Q) Without Community Sewer, as determined by SC DHEC
(H) If a zero lot line development, one side of lot shall provide a five-foot (5') side yard setback. If not a zero lot line development, each side shall have a three & ½ foot (3.5') side yard setback.	(R) For Patio Homes designated deeded Common Areas may be substituted to fulfill the minimum requirements for setback, bufferyard and open space. A 10-ft. setback required between the unit and the Common Areas. In such cases, lot size may be reduced by up to 10%.
(I) 25 or more units in a platted subdivision.	(S) 25 feet for approvable flag lots, see Section 2.05-4.
(J) 8,000 sq. ft. with community sewer.	(T) Required frontage on residential private roads built in accordance with Section 2.05-3.
(K) Commercial/Industrial Developments must take access off a paved public or privately maintained road built to at least the County standards other than Section 2.05-3-Private Road Developments. Other Uses require frontage on all weather or paved public or privately maintained road built to at least the County Standards.	(U) For cul-de-sac lots, see Section 2.05-4.
(L) Setbacks shall be measured from the right-of-way line where dedicated. Setbacks may be modified by Section 2.02-2 Bufferyards.	(Y) Each additional foot above 35' add 1' to each side and rear yard setback.
(M) Where there is no right-of-way, measure from the centerline of the road.	(Z) All setbacks on roads are front setbacks as required by the road classification except as in footnote (N).
	(AA) Family Property-minimum of a 20'-foot recorded access easement to a publicly maintained road.
	(DD) Spacing between residential buildings may be reduced if requirements of the International Residential Code are met.

EXHIBIT A Table 3b – Commercial & All Other Uses – Setbacks and Other Requirements Amended 2/17/2014)

In any case where this table does not match the text in the chapters, use the requirements in the text.

Uses	Section Reference	Minimum Lot (Project area- square feet)	Minimum Lot Frontage (feet)	Minimum Setback (feet from)								Spacing between buildings on same lot	Maximum Height (feet)
				Front Lot Line See Footnote (Z)			Rear Lot Line	Side Lot Line	Residential and Other Uses				
				Arterial Street	Collector Street	Minor Street			One Res.	25 or more Res. Units (I)	Other Uses (A)		
Auction House/Barn	3.07	(87,120)	60(K)	50(L)/83(M)	40(L)/65(M)	X	20(Z)	15(Z)	500(W)	500(W)	NA	20(DD)	(Y)
Commercial Kennels and Certain Agricultural Uses	3.08	(20,000)	60(K)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	25(Z)	500(W)	1000 (W)	1000 (W)	20(DD)	(Y)
Mining Operations	3.09	NONE	60(K)	50(L)/83(M)	40(L)/65(M)	Sec. 3.09	25	25	(B) (W)	(B) (W)	NA	20(DD)	(Y)
Motor Speedways and Testing Tracks	3.10	NONE	60(K)	100(L)/133(M)	100(L)/125(M)	X	100(Z)	100(Z)	1000 (W)	2000 (W)	2000 (W)	20(DD)	(Y)
Outdoor Gun or Skeet Range	3.11	NONE	60(K)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	25(Z)	1000 (W)	1000 (W)	1000 (W)	20(DD)	(Y)
Sexually Oriented Businesses	3.12	NONE	60(K)	50(L)/83(M)	40(L)/65(M)	X	20(Z)	15(Z)	200(W)	1000 (W)	(F) (W)	20(DD)	(Y)
Campgrounds & RV Parks	3.13	(217,800)	100(K)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	50(Z)	NA	NA	NA	10	(Y)
Fuel Products Bulk Storage and Distribution Facility	3.14	NONE	60(K)	Sec.3.14	Sec. 3.14)	X	Sec. 3.14	Sec. 3.14	Sec. 3.14	Sec. 3.14	Sec. 3.14	Sec. 3.14	Sec. 3.14
Off-Site Hazardous Chemicals	3.15	(87,120)	60(K)	Sec. 3.15	Sec. 3.15	X	Sec. 3.15	Sec. 3.15	Sec. 3.15	Sec. 3.15	Sec. 3.15	20(DD)	(Y)
Coin-Operated Amusement, Cash Payouts	3.16	NONE	60(K)	50(L)/83(M)	40(L)/65(M)	X	20(Z)	15(Z)	NA	500(W)	500(W)	20(DD)	(Y)
Waste Management Facilities	3.17	Sec. 3.17	60(K)	See Sec. 3.17	See Sec. 3.17)	X	Sec. 3.17	Sec. 3.17	Sec. 3.17	Sec. 3.17	Sec. 3.17	20(DD)	(Y)
Communication Towers	3.18	NONE	(V)	(D)(E)	(D)(E)	(D)(E)(P)	(D)(E)(Z)	(D)(E)(Z)	(D)	(E)	Sec. 3.18	20(DD)	Sec 3.18
Junk/Salvage Yards	3.19	(217,800)	100(K)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	50(Z)	Sec. 3.19	Sec. 3.19	Sec. 3.19	20(DD)	Sec. 3.19-4(3)
Accessory Buildings/Uses	3.21	NA	NA	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)	5(Z)	5(Z)	NA	NA	NA	NONE	(Y)
Temporary Uses	3.22	-	-	-	-	-	-	-	-	-	-	-	Sec 3.22
Nuclear & Hazardous Waste Disposal	3.23	NOT permitted	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX
Certain Public Service Uses	3.24	Sec. 3.24	-	-	-	-	-	-	-	-	-	-	Sec. 3.24
Tattoo Facility	3.26	Sec. 3.26	50(K)	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)	20(Z)	15(Z)	Sec 3.26	Sec 3.26	Sec 3.26	20(DD)	(Y)
Flea Markets, Swap Meets, etc.	3.27	2 acres	60(K)	50(L)/83(M)	50(L)/83(M)	X	30(Z)	30(Z)	200	200	NA	20(DD)	(Y)
Asphalt Plants	3.28	NONE	60(K)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	50(Z)	1000(W)	1000(W)	1000(W)	20(DD)	(Y)
Scrap Metal Processors	3.29	217,800	100(K)	Sec 3.29	Sec 3.29	X	Sec 3.29	Sec 3.29	Sec 3.29	Sec 3.29	Sec 3.29	20(DD)	Sec 3.29
All Other Commercial & Industrial Uses	3.25	NONE	60(K)	50(L)/83(M)	40(L)/65(M)	30(L)/55(M) (BB)	20(Z)	15(Z)	NA	NA	NA	20(DD)	(Y)
ALL OTHER USES		NONE	60(K)	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)	20(Z)	15(Z)	NA	NA	NA	20(DD)	(Y)

(A) Other Uses include public parks, schools, religious institutions, hospitals, day care facilities, nursing homes.	(P) Upon a case-by-case review by Commission, a 25-foot or more easement may be substituted.
(B) 1,000 feet for mining involving explosives. 300 feet for mining not involving explosives.	(V) Minimum of a 25-foot recorded access easement to a publicly maintained road.
(D) Height of tower minus 20 feet.	(W) Setbacks shall be measured from the proposed structure to the nearest property line.
(E) Setbacks from platted subdivisions with 25 lots or more or at least 50 dwelling units within 1,000 feet of a proposed tower shall be 2 times the height of the tower (if the tower is less than 200 ft.) or 3 times the height of the tower if tower is 200 ft. or taller.	(Y) Each additional foot above 35' add 1' to each side and rear yard setback OR IF DESIGN STANDARDS ARE APPLICABLE, SEE SECTION 2.02-9(4F)
(F) 1,000 feet from another sexually oriented use and other uses listed in (A).	X= Denied Access to Minor Street.
(I) 25 or more units in a platted subdivision.	XX= Not Permitted.
(K) Nonresidential Developments must take access off a paved public or privately maintained road built to at least the County standards other than Section 2.05-3-Private Road Developments. Other Uses require frontage on all weather or paved public or privately maintained road built to at least the County Standards.	(Z) All setbacks on roads are front setbacks as required by the road classification.
	(BB) As allowed in Section 3.25
(L) Setbacks shall be measured from the right-of-way line where dedicated. Setbacks may be modified by Section 2.02-2, Bufferyards.	(CC) 35 on non-interstate road; 50 on interstate. See Section 3.20 (5).
(M) Where there is no right-of-way, measure from the centerline of the road	(DD) Spacing between non-residential buildings may be reduced if the requirements of the International Building Code are met. Twenty-foot spacing requirement does not apply to communication equipment buildings.

Section 2.02-2 Bufferyards

1. Purpose

The purpose of a buffer area is to minimize any potential adverse impact between adjacent land uses and minor streets; and promote land use compatibility.

2. Definition

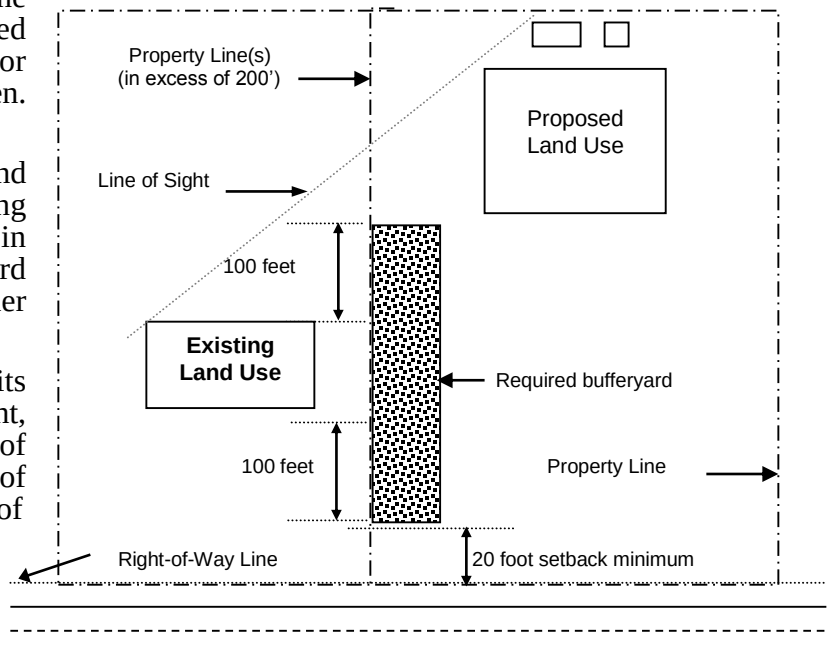
A bufferyard is a portion of a yard, which contains fences, walls, berms and plantings located along the perimeter of a parcel of land to lessen the impact of noise, land use intensity, and light on adjoining property. The area used in the bufferyard must be a portion of the property under development and may be a portion of the rear, side or front yard setback requirements of Section 2.02-1. Bufferyards are inclusive of required setbacks. The yard depths shown in the Bufferyard Illustrations are the minimum required.

3. Specifications and Options

To determine the required bufferyard for a given use, refer to Table 4, and match the abutting use with a proposed use or expansion of an existing use. Should a question arise as to the land use classification of a proposed or abutting use, Planning Department staff shall determine the classification. Next, refer to the Bufferyard Illustrations to determine the amount of bufferyard required. After review of the preliminary plan, the County staff shall determine the appropriate bufferyards. The requirements are given in 100-foot units as measured along the property line. Whenever a wall or fence and/or landscaping is required, the location of the structure shall be determined by Planning Department staff. After site review, fencing requirements may be changed by Planning Department staff. The required bufferyards must be installed before a Certificate of Occupancy or Certificate of Completion is given. (Amended 07/19/2004)

The length of a bufferyard shall extend the length of the property line separating two uses, except for property lines in excess of 200 feet, where the bufferyard need only extend 100 feet beyond either end of the existing use to be buffered.

However, if proposed use or its accessories are within the line of sight, the buffer may be extended. Line of sight shall be taken from corner of existing use structure to corner of adjacent proposed use structure and/or its accessory buildings, as shown. The above also applies to any second existing residential use structure on the same parcel.



4. Use of Existing Vegetation In Bufferyard Areas

Existing vegetation shall be retained to the degree practical and feasible with special attention given to existing trees 18 inches in diameter or larger at DBH. If the existing vegetation provides a screen equal to or greater than that which would be planted, no other plant material shall be required. In case of open woods, an additional planting of eye level shrubs such as hemlock or pines may be needed to improve screening.

Site plans submitted for approval shall show location and extent of existing vegetation within bufferyard areas. Approved site plans can only be altered or amended by the Planning Commission.

5. Materials

To achieve the desired results, only evergreen plants, suitable for local conditions, shall be used, to achieve an opaque screen as required. Deciduous trees may be planted along with the evergreens to enhance the height of the screen. Lower story deciduous shrubs may be used in front of evergreen screens as part of the required number of plants. Refer to Table 5 for plant suggestions. When structures are used, the materials shall be durable and suitable for screening, as outlined in 2.02-2.9.

6. Plant Size and Caliper

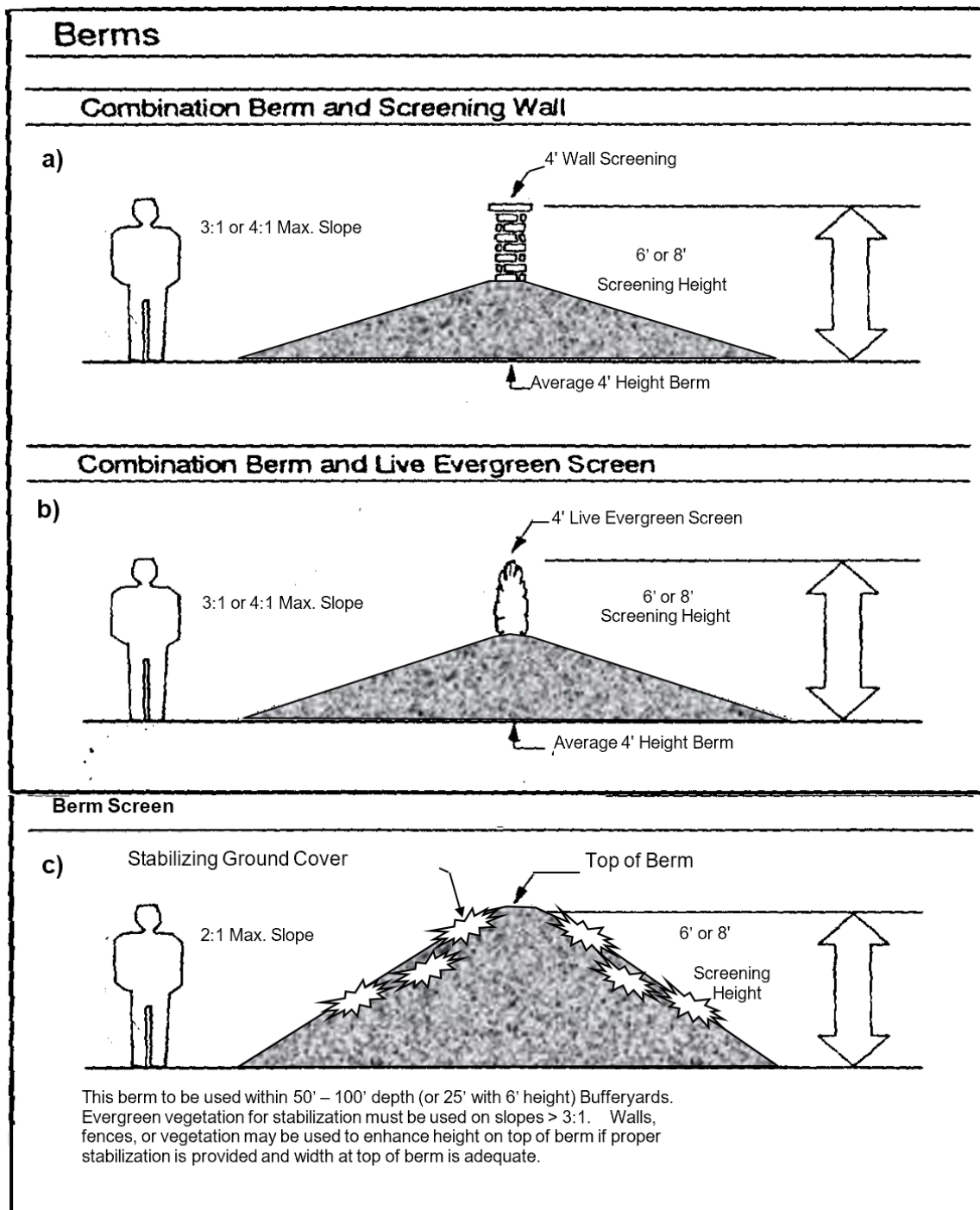
The minimum tree at planting shall be 6 to 7 feet in height and 2 or more inches in trunk diameter at a height of 18 inches above the ground. The minimum shrub shall be 2 to 3 feet in height but shall also be large enough to ensure an opaque screen within the specified time period of four (4) years, in accord with Bufferyard Illustration requirements. Both trees and shrubs shall be nursery stock with well-developed root systems unless comparable plants found in place can be used.

It is generally understood that the strict application of these provisions will apply. However, due to unique circumstances the Planning Department staff may approve an alternative method. When determined appropriate by staff one of the following alternatives may be used: (Amended 5/15/2000)

7. Berms

- Combination berms may be used to compensate for fences or walls. A six (6) or eight (8) foot high opaque structure can be a combination of berm and fence or wall to total six (6) or eight (8) feet.
- Combination berms may be used to compensate for live evergreen screens. A six (6) or eight (8) foot high opaque screen can be a combination of berm and evergreen plants to total six (6) or eight (8) feet.
- Stand-alone berms may be used to compensate for fences, walls or vegetative screens. A six (6) or eight (8) foot high opaque screen can be a berm planted with grass if the slope is 3:1 or less, or with evergreen vegetative ground cover to prevent erosion if the slope is greater than 3:1.

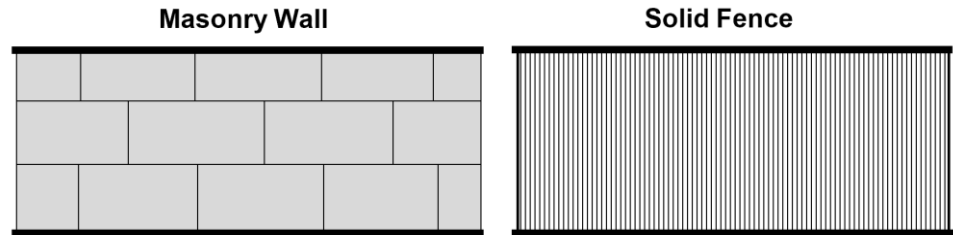
Bufferyard width and site conditions will determine the proper slope ratio to be used for berms. All berms are to have compacted and stabilized dirt material.



8. Fence and Wall Specifications

Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, and brick. See Bufferyard Illustrations for placement options.

Chain link fences with evergreen hedge on the outbound side may be substituted for wooden fence of the same height, as approved by Planning Department staff. Refer to Table 5 for hedge plants which are among those acceptable. All plants must be sized and spaced to obscure the chain link fence within four (4) years of planting. Chain link fences with wood, plastic, or metal strips are expressly prohibited.



9. Front Yard Plant Strip Required

All commercial, industrial, office, and institutional developments must have at least a five (5) foot wide plant strip between the road right-of-way and any property development. The plant strip shall be grassed or mulched and may have plantings that do not interfere with sight distance for egress and ingress. On expansion projects, the requirement for a five (5) foot plant strip may be waived if it can be shown that existing or new dimensions of the lot or buildings make it impossible to comply.

10. Responsibility

It shall be the responsibility of the proposed new use to provide the bufferyard where required by this Ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such bufferyard.

11. Required Maintenance

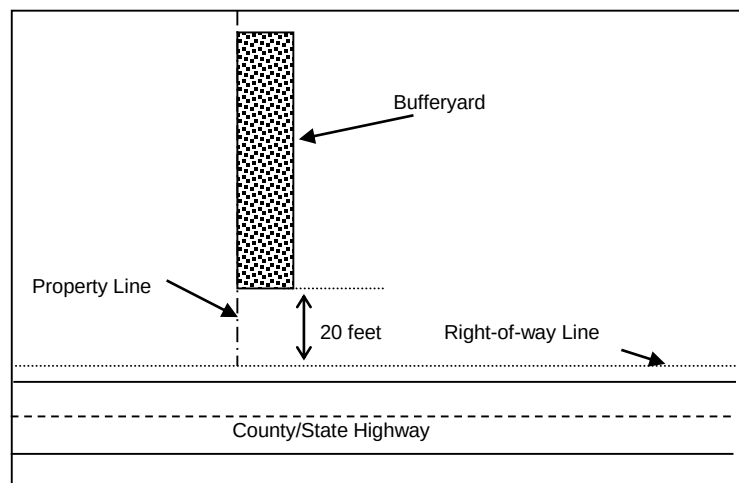
The maintenance of required bufferyards shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. Dead trees shall be removed and promptly replaced with correct sized plants; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

12. Use of Bufferyards

A bufferyard may be used for passive recreation and may be interrupted by access driveways not exceeding 16 feet in width (exceptions for uses requiring wide curb cuts may be approved by Planning Department staff). All other uses are prohibited, including off-street parking and accessory uses.

13. Sight Clearance

Bufferyards may not obscure a clear line of sight for vehicular traffic. Therefore, bufferyards should be placed no closer than 20 feet from street/road right-of-way lines.



14. Bufferyards for Industrial or Commercial Expansions

When an industrial or commercial land use expands in the direction of an existing adjacent land use, it is required to provide a bufferyard against that adjacent land use, as outlined in Table 4.

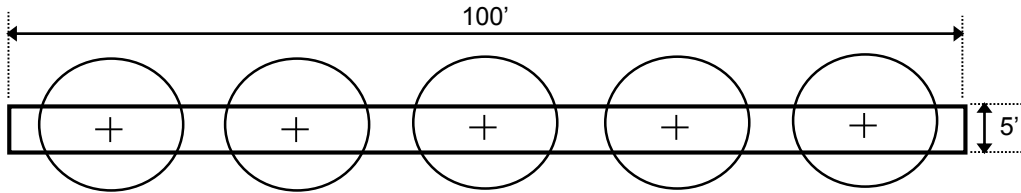
Table 4 (Amended 08/28/2009) Side and Rear Bufferyard Requirements (Note: Check Design Standards Section 2.08-9 for additional buffer yard requirements.)									
<i>Proposed Use (5)*</i>	<i>Existing Use (1)(2)</i>								
	Agricultural (with residence) (6)	Single-family Home (3)	All Other Residential (4)	Office/Institutional	Low Intensity Commercial	Medium Intensity Commercial	High Intensity Commercial	Light Industry	Heavy Industry
Office / Institutional	2	4	3	0	0	0	0	0	0
Manufactured Home Park	3	5	4	0	0	0	0	0	0
Multi-Family 1-3 units/acre	1	3	2	0	0	0	0	0	0
Multi-Family 4-8 units/acre	2	4	3	0	0	0	0	0	0
Multi-Family > 8 units/acre	3	5	4	0	0	0	0	0	0
Townhouses 1-3 units/acre	1	2	1	0	0	0	0	0	0
Townhouses 4-8 units/acre	2	3	2	0	0	0	0	0	0
Townhouses > 8 units/acre	3	4	3	0	0	0	0	0	0
Low Intensity Commercial	1	3	2	0	0	0	0	0	0
Medium Intensity Commercial	2	5	4	1	1	0	0	0	0
High Intensity Commercial	3	5	5	2	2	1	0	0	0
Light Industry	3	6A	5	2	2	1	1	0	0
Heavy Industry	4	6B	6	3	3	2	2	1	0
Footnotes apply only where indicated in the table. (1) Buffer along minor streets as if the property were an adjacent parcel. (2) In determining buffer yard classification, adjacent vacant parcel(s) that total less than 100 feet in width shall be disregarded, and the buffer applied shall be determined by the next adjacent property use. (3) Includes subdivision of 25 or more submitted for approval or recorded platted lots, or a single-family home or manufactured home on a minor street. (4) Requirements may be reduced by one side buffer yard class where existing residential use is located on an arterial street. (5) Planning Department Staff shall determine appropriate buffer yard within the classes listed above. (6) To be considered, existing residence must be within 100 feet of property line adjacent to new use. Accessory structures and uses are not to be considered. * If the proposed use is not stated on the site plan or plat, then the highest intensity buffer shall be required at perimeter of project boundary. If projects are phased, Buffer yard must be consistent with previous or other phases. (Amended 07/19/2004)									

Bufferyard Illustrations

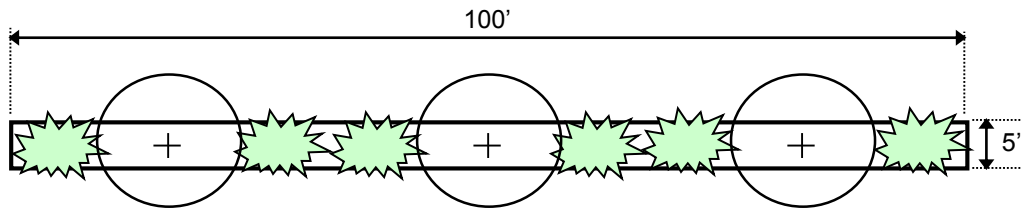
Following are examples of vegetation, fence, wall or berm layouts within each Bufferyard. "o,c," means 'on center', or from the center of one plant to the center of the next plant, indicating the possible spacing. The bottom border of each bufferyard represents the existing use side. The scale used in the illustrations is approximately 1"=20'-0". See Legend for symbol representations.

Bufferyard 1 Options

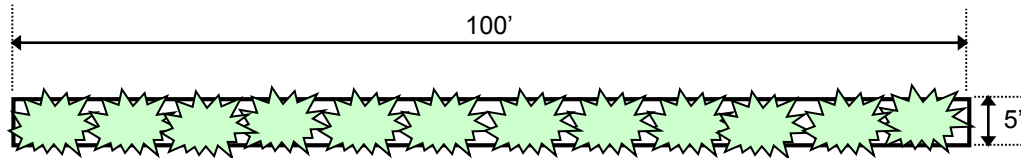
a) 5 trees (20' o.c.)



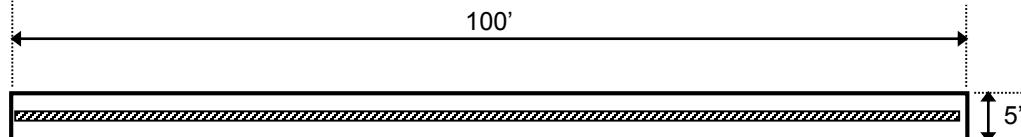
b) 3 trees (33' o.c.) & 6 shrubs



c) 12 shrubs (8' o.c.)

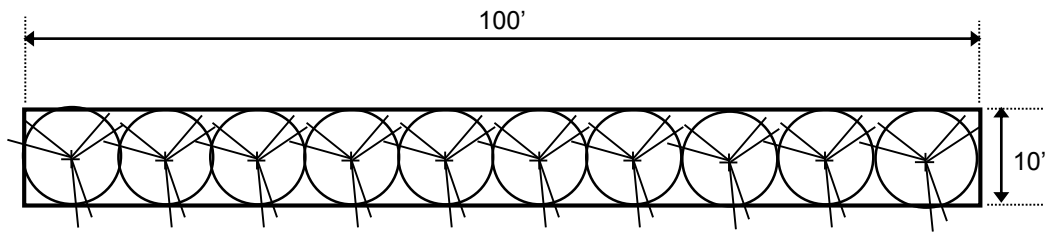


d) 6' fence

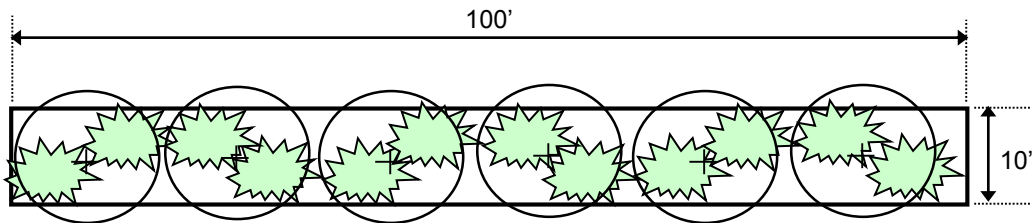


Bufferyard 2 Options

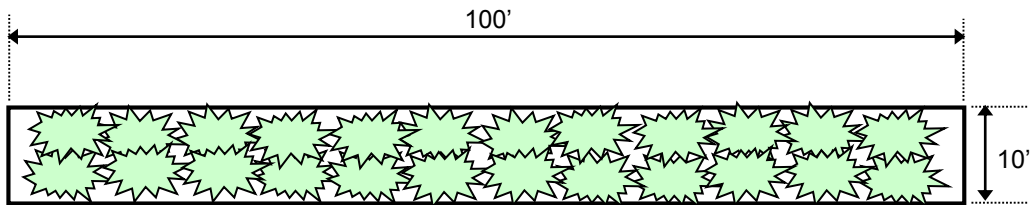
a) 10 trees (10' o.c. single row)



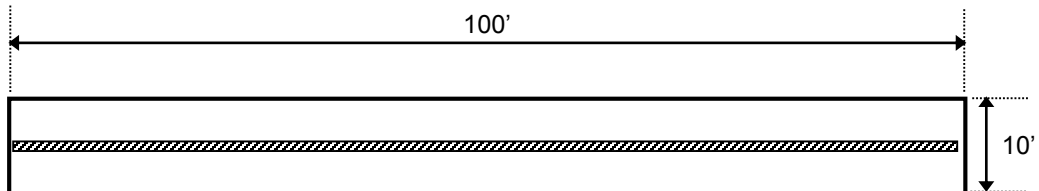
b) 6 trees (17' o.c. single row) & **12 shrubs** (8' o.c. single row)



c) 24 shrubs (5'-8' o.c. two rows)

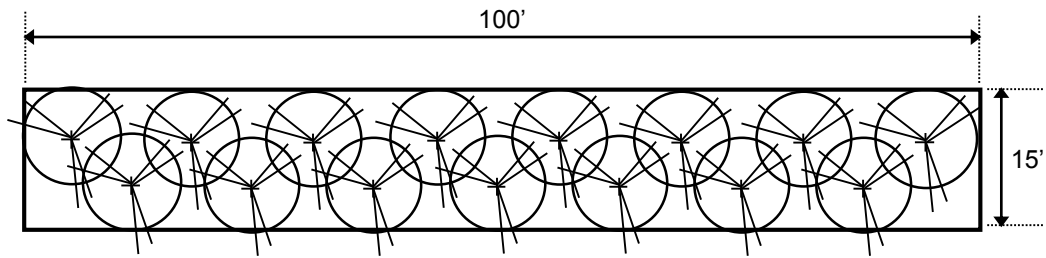


d) 6' fence

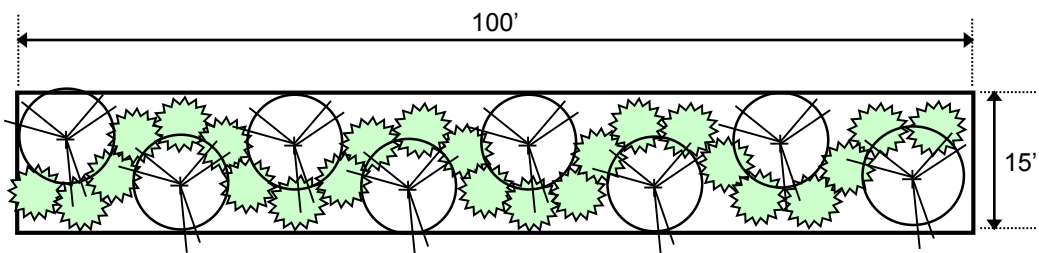


Bufferyard 3 Options

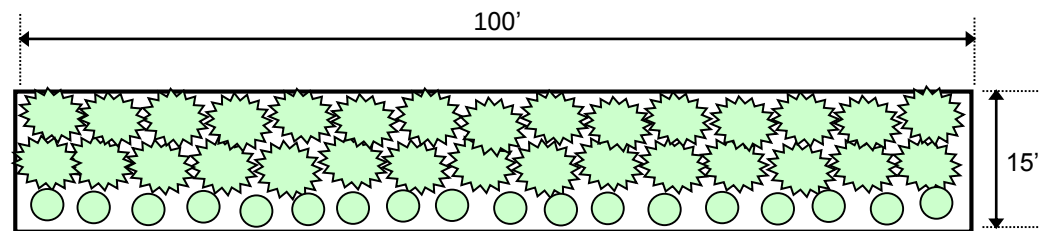
a) 15 trees (8' o.c. staggered rows)



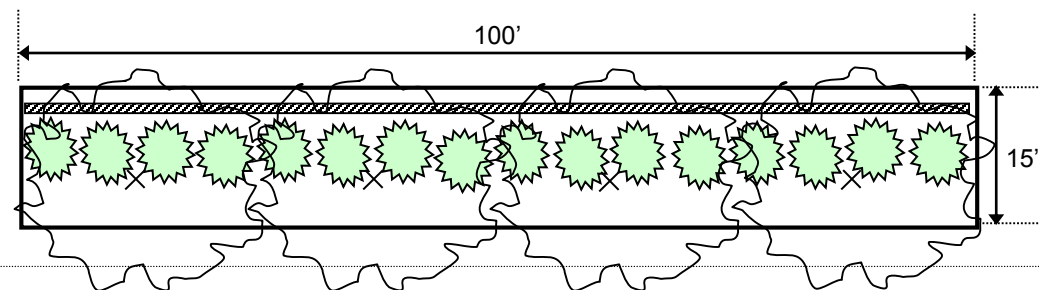
b) 8 trees (12' o.c.) & **24 shrubs** (4' o.c. single row; 8' o.c. two rows)



c) 48 shrubs (4' o.c. two rows; 6' o.c. three rows; or combine large and small)

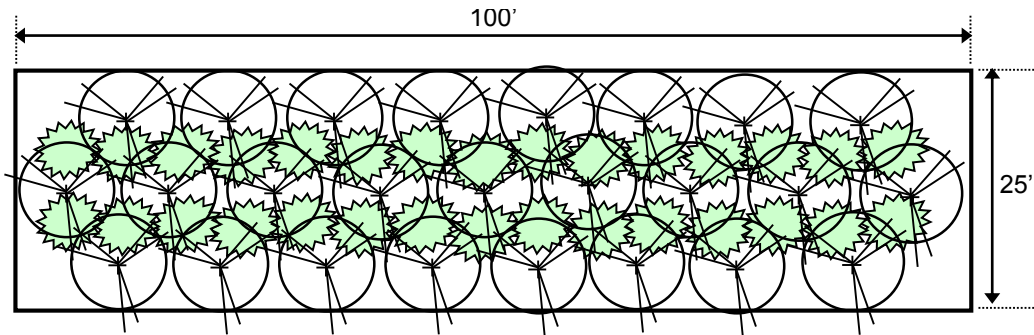


d) 6' fence & 20 shrubs or trees (5' o.c. single row; 8' o.c. single row, staggered; or a combination)

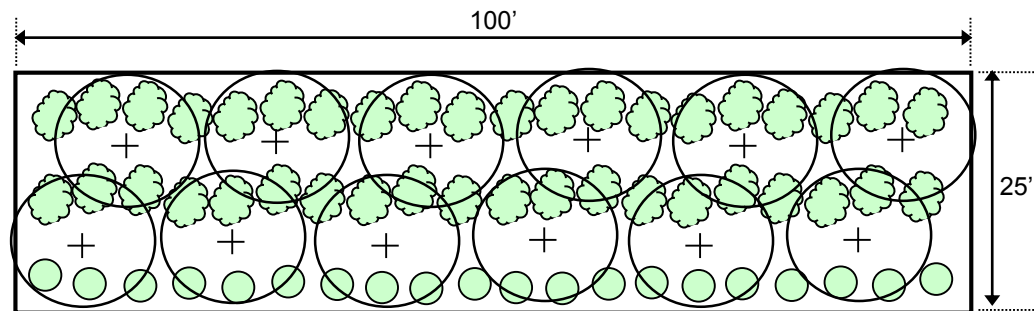


Bufferyard 4 Options (Opaque Screen)

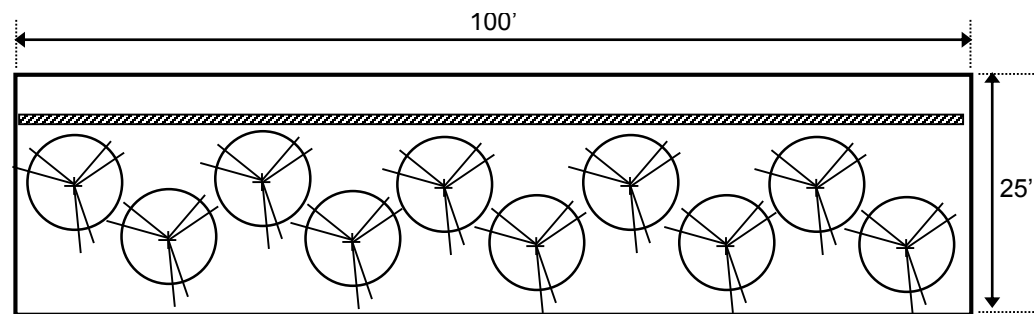
a) 25 trees (12' o.c. three rows) & **30 shrubs** (6' o.c. two rows)



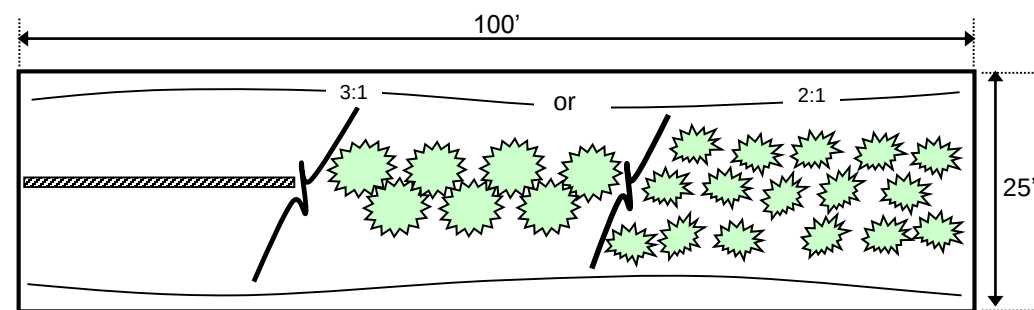
b) 12 trees (17' o.c. two rows) & **60 shrubs** (5' o.c. three rows)



c) 8' fence & 10 trees or shrubs (10' o.c. single row, staggered; 20' o.c. two rows)

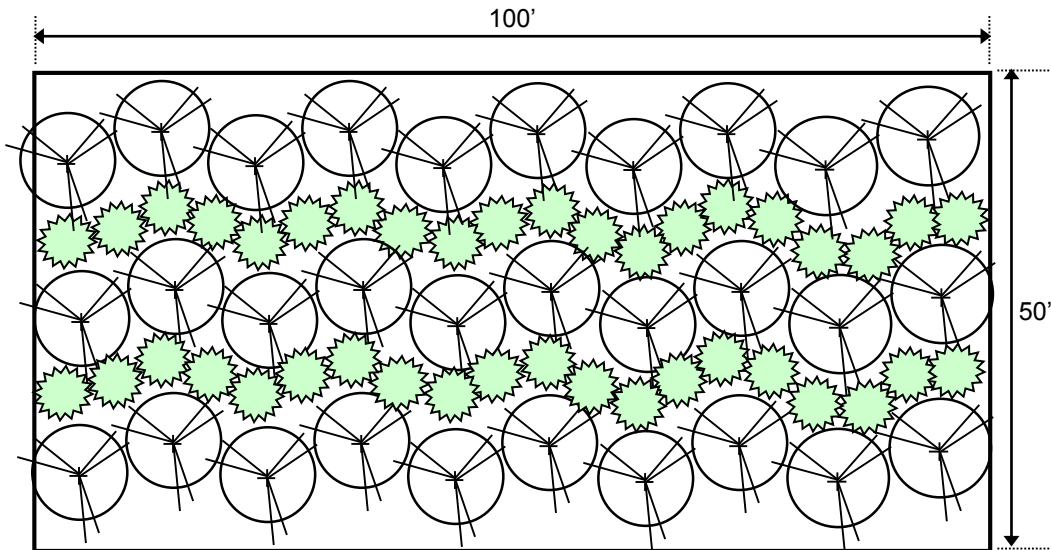


d) 3:1 Berm (4' Height) or 2:1 Berm (6' Height with stabilization vegetation)

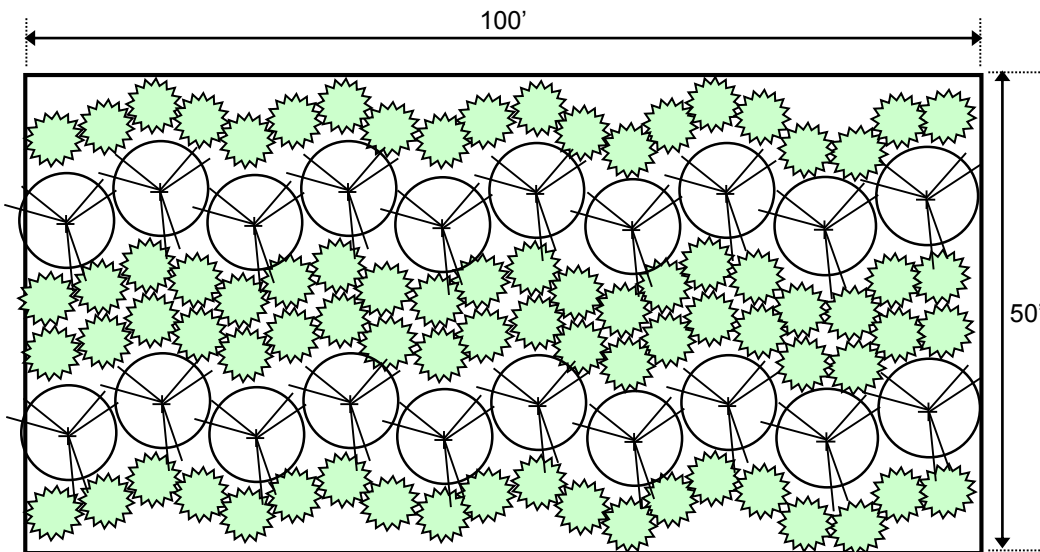


Bufferyard 5A Options (Opaque Screen)

a) 30 trees (10' o.c. three rows) & **40 shrubs** (5' o.c. two rows)

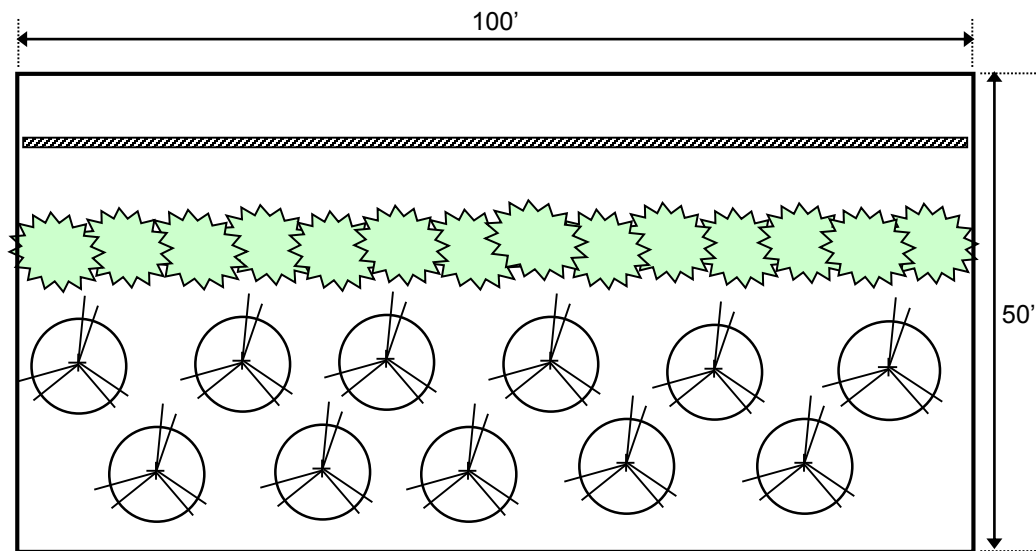


b) 20 trees (10' o.c. two rows) & **80 shrubs** (5' o.c. four rows)

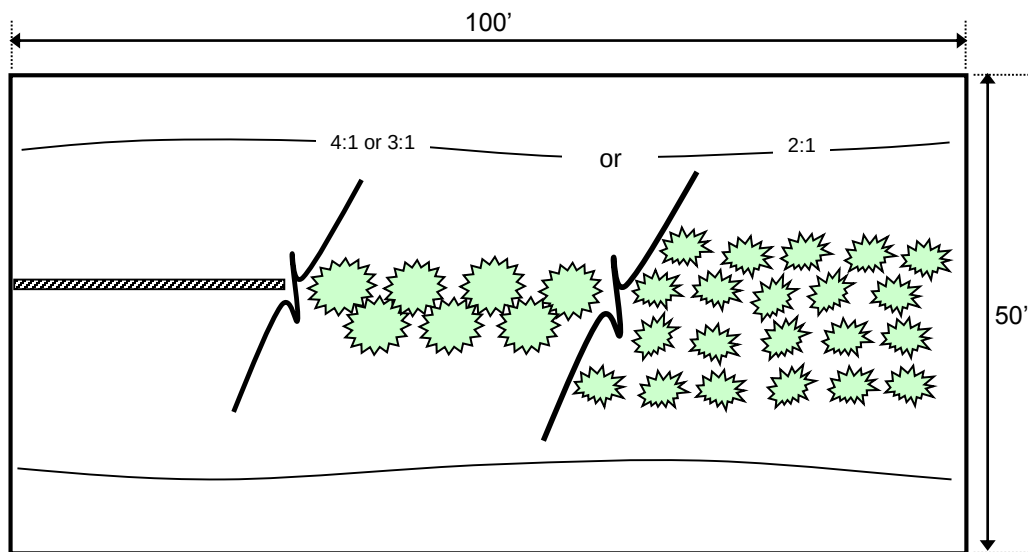


Bufferyard 5A Options (Opaque Screen)

c) 8' fence & 25 trees or shrubs (or a combination)

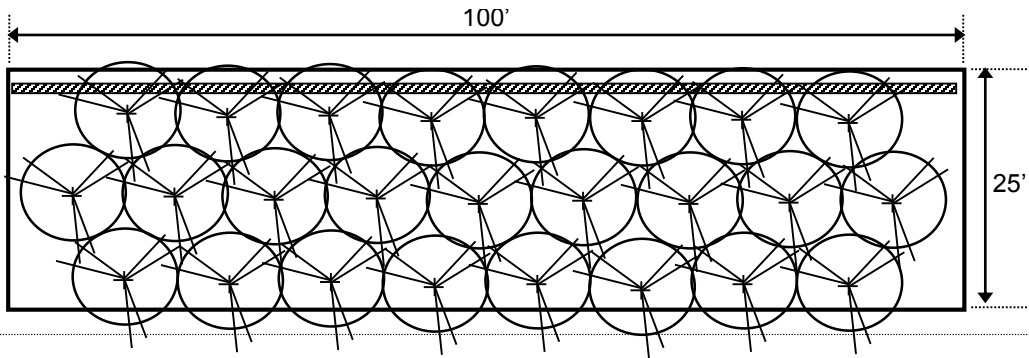


d) Any Berm option 4:1, 3:1, or 2:1 (With stabilization vegetation)

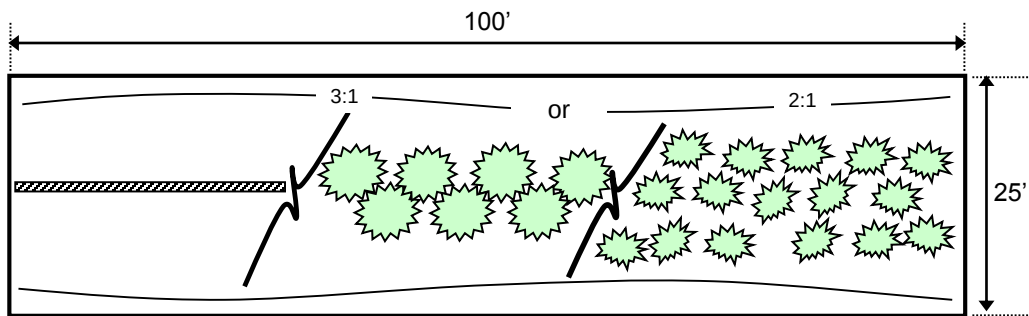


Bufferyard 5B Options (Opaque Screen)

a) 6' wall & 25 trees or shrubs (10' o.c. three rows, staggered)

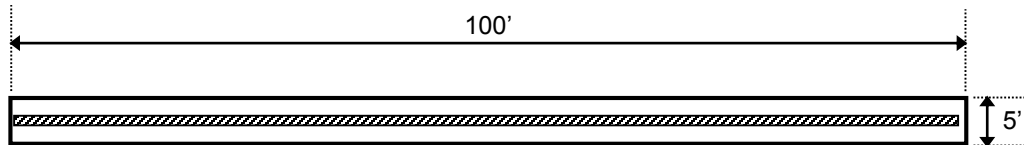


b) 3:1 Berm (4' Height) or 2:1 Berm (6' Height with stabilization vegetation)



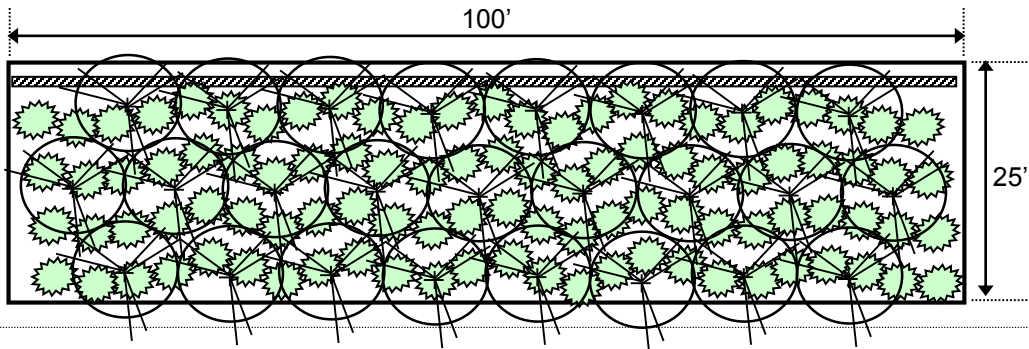
Bufferyard 5C Option (Opaque Screen)

a) 8' wall

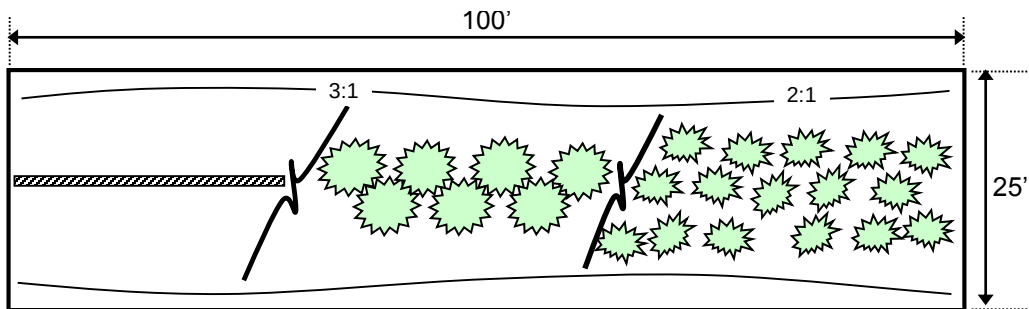


Bufferyard 6A Options (Opaque Screen)

a) 6' wall & 25 trees (10' o.c. three rows, staggered) & **100 shrubs** (4' o.c. four rows)

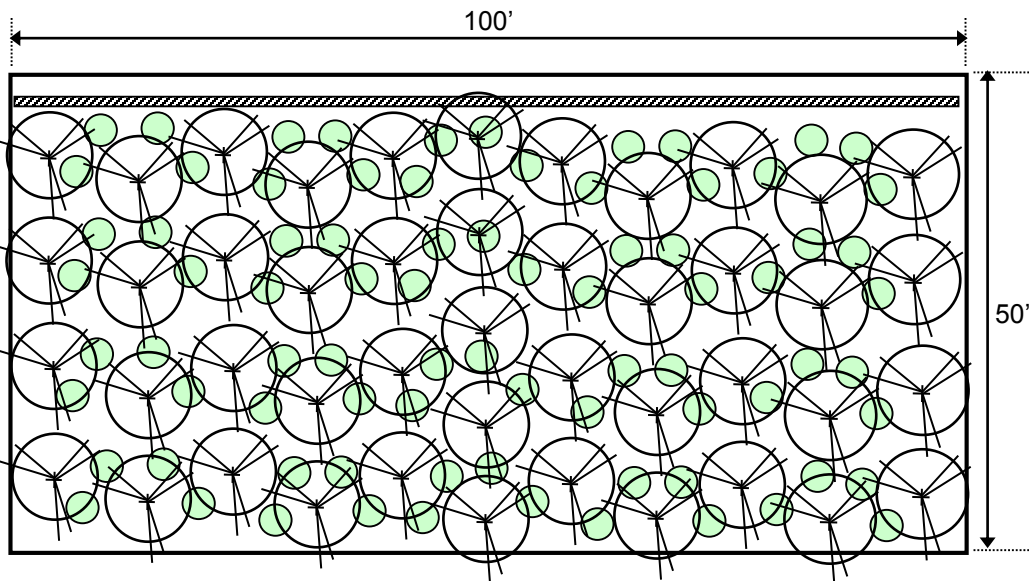


b) 3:1 Berm (4' Height) or 2:1 Berm (6' Height with stabilization vegetation)

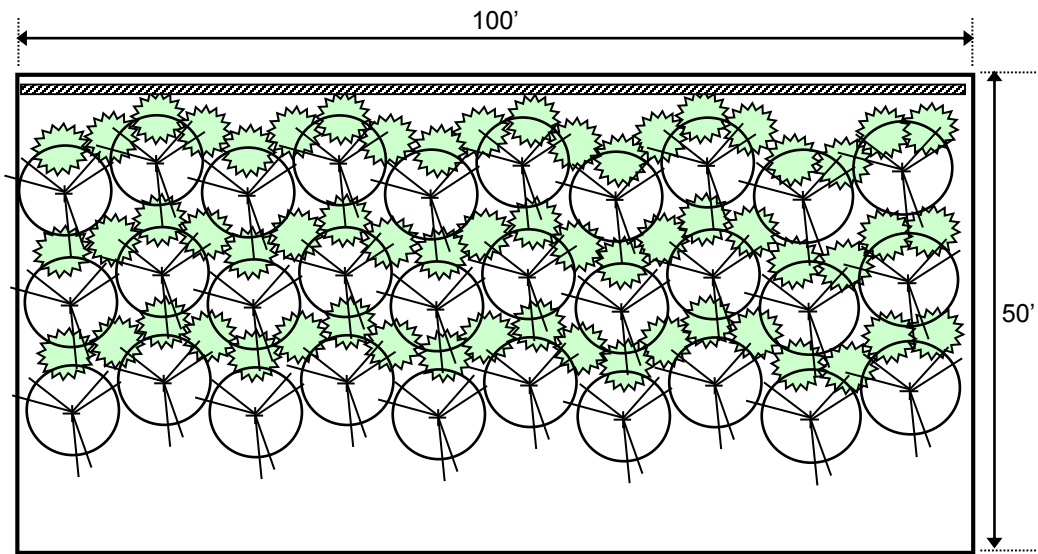


Bufferyard 6B Options (Opaque Screen)

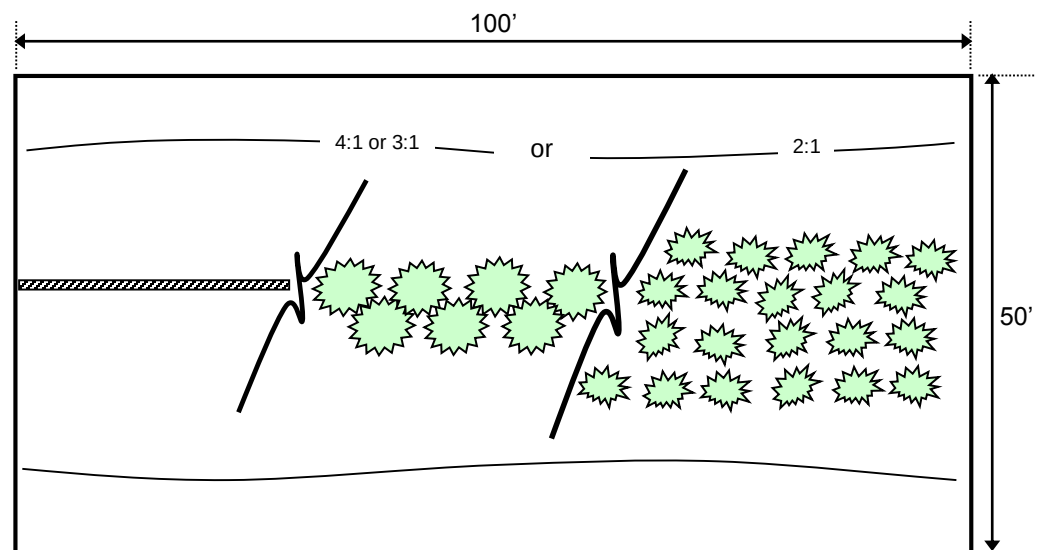
a) 8' fence & 45 trees (9' o.c. four rows) & **80 shrubs** (5' o.c. four rows, staggered)

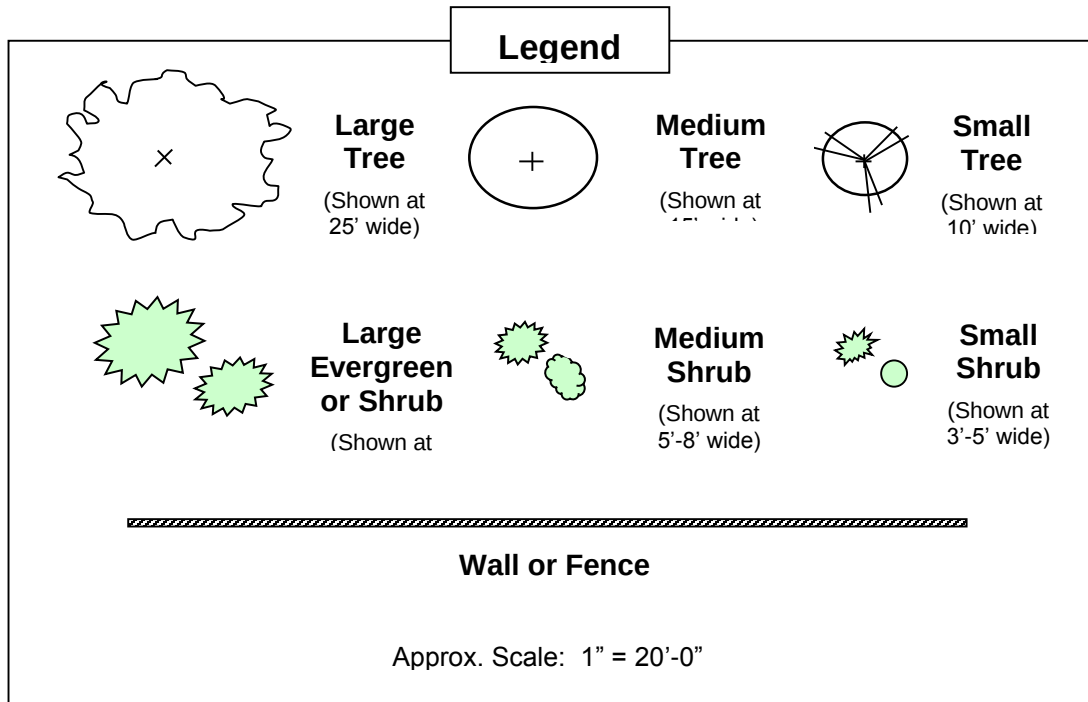


b) 30 trees (10' o.c. three rows) & **120 shrubs** (5' o.c. six rows)



c) Any Berm option 4:1, 3:1, or 2:1 (With stabilization vegetation)





See Table 5 for Suggested Landscape Plants.

Table 5 Suggested Landscape Plants						
Plant Name Or Variety Name	Approximate Mature Height	Width	Growth Rate	Screening Capacity	Maintenance Level	Evergreen or Deciduous
Large Trees or Evergreens						
Leyland Cypress	70'	12'	Fast	Good	Low	Evergreen
Loblolly Pine	70'	25'	Fast	Good	Low	Evergreen
Maple, Red	40'-60'	35'-40'	Med-Fast	Good	Low	Deciduous
Maple, Sugar	70'	45'	Med-Fast	Good	Low	Deciduous
Oak, Pin	70'	50'	Fast	Good	Low	Deciduous
Oak, Red	65'	65'	Fast	Good	Low	Deciduous
Oak, Sawtooth	40'	30'	Fast	Good	Low	Deciduous
Oak, Water	70'	45'	Med-Fast	Good	Low	Deciduous
Oak, Willow	50'	35'	Medium	Good	Low	Deciduous
Red Cedar	50'	20'	Medium	Excellent	Low	Deciduous
River Birch	70'	40'	Fast	Good	Low	Deciduous
Southern Magnolia	70'	40'	Slow-Med	Excellent	Low	Evergreen
White Pine	70'	40'	Fast	Good	Low	Evergreen
Medium Trees or Evergreens						
Cherry Laurel	25'	20'	Fast	Good	Low	Deciduous
Flowering Dogwood	30'	30'	Slow-Med	Good	Medium	Deciduous
Holly, Nellie Stevens	25'	15'	Fast	Excellent	Low	Evergreen
Japanese Cherry 'Kwanzan'	35'	35'	Med-Fast	Good	Low	Deciduous
Small Trees or Evergreens						
Anise	20'	15'	Medium	Excellent	Low	Evergreen
Crape Myrtle	20'	30'	Fast	Good	Low	Deciduous
Fortune's Tea Olive	20'	15'	Slow	Excellent	Low	Evergreen
Holly, Chinese 'Burford'	20'	15'	Fast	Excellent	Low	Evergreen
Holly, Emily Bruner	20'	15'	Fast	Excellent	Low	Evergreen
Ligustrum Japonica	10'	8'	Fast	Excellent	Low	Evergreen
Torulosa Juniper 'Hollywood'	15'	10'	Fast	Good	Low	Evergreen

Section 2.02-3 Landscaping

1. Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land in the County; to promote public health and safety through the reduction of noise pollution, storm water runoff, air pollution, visual pollution, and artificial light glare.

2. Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and trees.

3. Where Required

No proposed commercial, institutional, industrial or other non-residential use shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this Section. Expansions shall meet the minimum requirements of the expansion area only. Landscaping is not required for existing uses. (Amended 5/15/2000)

4. Landscaping Plan

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

5. Landscaping Requirements

Required landscaping shall be provided as follows:

- (1) Along the outer perimeter of a lot or parcel, where required by the bufferyard provisions of this Article to buffer and separate incompatible land uses. The amount specified shall be as prescribed by Section 2.02-2.
- (2) There is no landscaping requirement for sites needing fewer than 20 parking spaces. Landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces, or fraction thereof. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points, but shall contain not less than one canopy tree per 20 parking spaces, or fraction thereof. This will allow for clustering of trees. In no case shall a parking space be located more than 100 feet from the trunk of a canopy tree. Elsewhere, landscaped areas shall be designated to soften and compliment the building site. (Amended 5/15/2000)

6. Landscaped Areas

- (1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six (6) inches in height. The barrier need not be continuous.
- (2) Interior landscaped areas containing canopy trees must have a minimum area of eight (8) feet by eight (8) feet in size.
- (3) Landscaped areas adjacent to parking spaces shall be landscaped so that no plant material greater than 12 inches in height is located within two feet of the curb or other protective barrier. (Plant material greater than 12 inches in height would be damaged by the automobile bumper overhang or by doors swinging open over the landscaped areas.)

7. Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value.

Section 2.02-4 Common Open Space

1. Purpose

The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects;

to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

2. Definition

Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings, structures, roads, or parking, other than those in conjunction with the use of the open space. Nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

3. Common Open Space Plan

Proposed uses/projects required by this Ordinance to have common open space shall be accompanied by an open space or landscaping plan as part of the application. The plan shall:

- (a) Show natural areas of undisturbed vegetation or areas replanted with vegetation construction. Woodlands and wetlands are specific types of natural areas.
- (b) Designate the type of open space, which will be provided.
- (c) Specify the manner in which common open space shall be perpetuated, maintained and administered.

4. Types of Common Open Space and Required Maintenance

The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

- (a) Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
- (b) Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields, and similar uses.
- (c) Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged.
- (d) Landscaped areas, lawns and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs, shall be watered regularly to ensure survival and mowed regularly to ensure neatness.

5. Preservation of Open Space

Land designated as open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

- (a) Dedication and acceptance by the County.
- (b) Common ownership of the open space by a homeowner's association, which assumes full responsibility for its maintenance.
- (c) Deed-restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the County may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Section 2.02-5 Off-Street Parking and Loading

1. Purpose

The purposes of this Section are to ensure adequate provision of on-site parking and loading space, to improve traffic circulation and minimize vehicular and pedestrian conflicts, to reduce the expense of paving, and to promote the aesthetic appeal of parking lots.

2. Land to Provide Parking

Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required; however, street separation is permissible.

3. Numerical Requirements, Off-Street Parking

When any new development is commenced or when any existing development is enlarged by 10% or more, or the use changed, provision shall be made for off-street vehicular parking facilities on the same lot in accordance with the standards of this Section.

Off-street parking provided to comply with the provisions of this Section shall not be reduced below the requirements herein. (Amended 07/19/2004)

**Table 6 (Amended 02/17/2014)
Off-Street Parking Requirements**

Use	Required Off-Street Parking Spaces
Amusement-Coin Operated, Video Arcades, etc.	6.0 per 1,000 sq. ft. of GFA
Animal Shelter & Pounds	1.0 per 1,000 sq. ft. of GFA
Antique Store	1.0 per 350 sq. ft. of GFA
Apartment Development	1.5 per dwelling unit <u>plus</u> 1.0 per every 5 units for visitor parking
Apparel & Accessory Stores	1.0 per 350 sq. ft. of GFA
Aquarium	2.0 per 1,000 sq. ft. of GFA
Attached Multi-Plex Dwelling Projects	See Apartment Development, Condominium Development, or Townhouse Development
Automotive, Repair & Services	1.0 per 300 sq. ft. of GFA <u>plus</u> 1.0 per 5,000 sq. ft. of gross land area
Automotive/Recreational Vehicle/Boat Dealers	2.0 per 1,000 sq. ft. of GFA <u>plus</u> 1.0 per every 20 vehicle display spaces
Barber/Beauty Shops/Tattoo Facilities	1.0 per each employee <u>plus</u> 2.0 per chair
Bed & Breakfast Inns	1.0 per guestroom <u>plus</u> 1.0 per each employee
Billard/Pool Halls	1.0 per 200 sq. ft. of GFA
Book Stores	1.0 per 350 sq. ft. of GFA
Bowling Centers	5.0 per lane
Broadcasting & Telecommunications	1.0 per 500 sq. ft. of GFA
Business Services	1.0 per 350 sq. ft. of GFA
Camera & Photography Supply	1.0 per 350 sq. ft. of GFA
Campgrounds, RV Parks	1.5 per RV / campsite or dwelling unit <u>plus</u> 1.0 per employee
Car Washes	Mechanical: 1.0 per every 2 employees <u>plus</u> 1.0 per manager / owner <u>plus</u> stacking spaces equal to 5 times the maximum capacity of auto washing unit. Self-Service: Stacking spaces equal to 5 times the maximum capacity.
Cemeteries	None
Churches	1.0 per every 4 seats in the main assembly room
Clubhouses – Development Specific	1.0 per 350 sq. ft. of GFA
Communication Tower Antenna	None
Condominium Development	2.0 per dwelling unit
Correctional Institution	1.0 per each employee on largest shift <u>plus</u> 1.0 per 25 inmates
Crematories	1.0 per 500 sq. ft. of GFA
Day Care Services (Nursery School)	1.0 per 300 sq. ft. of GFA with designated drop-off & stacking.
Depository Institutions, Banks	5 stacking spaces per drive-in window <u>plus</u> 1.0 per each employee on largest shift <u>plus</u> 1.0 per 300 s.f. of GFA

Drug Stores	1.0 per 350 sq. ft. of GFA
Dwelling, Single-Family & Duplex, Two-Family	2.0 per dwelling unit
Fairs, Carnivals	By individual review
Fire Departments, EMS	4.0 per bay
Fireworks	1.0 per 350 sq. ft. of GFA
Flea Markets	1.5 per stall
Florists	1.0 per 350 sq. ft. of GFA
Fuel Dealers	1.0 per 500 sq. ft. of GFA
Funeral Chapels (except crematories)	5 spaces <u>plus</u> 1.0 per every 2 seats in the main assembly room
Furniture, Home Furnishings	1.0 per 350 sq. ft. of GFA
Gasoline Service Stations-Full Service	1.0 per each employee on largest shift <u>plus</u> 3 for each service rack or car wash
Gasoline Service Stations-Self Service	1.0 per 600 sq. ft. of GFA
Gift, Novelty & Souvenir Shops	1.0 per 350 sq. ft. of GFA
Golf, Driving Range-only	1.0 per tee <u>plus</u> 1.0 per each employee on largest shift
Golf, Miniature, Putt-Putt	1.0 per hole <u>plus</u> 1.0 per each employee on largest shift
Golf, Par 3-only	2.0 per hole <u>plus</u> 1.0 per each employee on largest shift
Government, Executive, Legislative, General	1.0 per 350 sq. ft. of GFA
Gravestones, Monuments	1.0 per each employee
Grocery Store-Convenience, (i.e.7-11)	1.0 per 100 sq. ft. of GFA
Grocery Store-Supermarket	1.0 per 350 sq. ft. of GFA
Hardware Stores	1.0 per 350 sq. ft. of GFA
Health Services-Urgent Care (No beds)	1.0 per 150 sq. ft. of GFA
Health, Home Care Services	1.0 per 500 sq. ft. of GFA
Hobby, Toy & Game Shops	1.0 per 350 sq. ft. of GFA
Holdings, Investment Companies	1.0 per 350 sq. ft. of GFA
Hospitals, Institutions-Medical (Beds)	1.0 per each bed <u>plus</u> 6.0 per 1000 s.f. of office & administrative area
Hotels, Rooming Houses, Lodging, Motels	1.1 per room or suite <u>plus</u> 1.0 per every 3 patrons of maximum capacity of each meeting/banquet room <u>plus</u> 50% of spaces otherwise required for accessory uses (i.e. restaurants, lounges, etc.)
Industry-Heavy, Publishing, Manufacturing, Distributing	1.0 per company vehicle left on premises <u>plus</u> 1.0 per each employee on largest shift
Industry-Light	2.0 per every 3 employees
Jewelry Shops	1.0 per 350 sq. ft. of GFA
Junk Yards, Salvage Yards	1.0 per each employee PLUS 1.0 per business vehicle <u>plus</u> 1.0 per 350 sq. ft. GFA
Laundries/Dry-cleaning-Coin Operated	1.0 per 150 sq. ft. of GFA
Laundry, Cleaning & Garment Services	1.0 per 500 sq. ft. of GFA
Lawn & Garden Equipment & Supply Stores	1.0 per 350 sq. ft. of GFA
Libraries	1.0 per 350 sq. ft. of GFA <u>plus</u> 1.0 per each employee on largest shift
Liquor Stores	1.0 per 350 sq. ft. of GFA
Manufactured Home Parks	2.0 per dwelling unit
Marina/Marina with Landing	3.0 per every 4 slips <u>plus</u> 10% of spaces large enough for cars with boat trailers
Medical & Dental Laboratories	1.0 per 500 sq. ft. of GFA
Merchandise Stores (General)	1.0 per 350 sq. ft. of GFA
Mining	2.0 per every 3 employees
Mobile Home Dealers	1.0 per every 10 mobile homes on display <u>plus</u> 1.0 per 300 sq. ft. of office space with a minimum of 5 spaces
Monasteries, Convents	1.0 per every 6 residents <u>plus</u> 1.0 per each employee <u>plus</u> 1.0 per every 5 chapel seats (if possible)
Motor Freight Transport	1.0 per each employee on largest shift <u>plus</u> 1.0 per truck parked on site
Motorcycle Dealers	1.0 per 600 s.f. of GFA
Multi-Family	See Attached Multi-Plex Dwelling Projects
Museums, Art Galleries	1.0 per 350 s.f. of GFA

Night-Club, Cocktail Lounge, Tavern, Disco, Bar	1.0 per every 3 seating accommodations <u>plus</u> 1.0 per every 2 employees on largest shift or 1.0 per 100 s.f. of GFA, whichever requires the greatest number of spaces
Nursing & Personal Care Facilities	1.0 per every 5 patient beds <u>plus</u> 1.0 per each employee on largest shift
Office Administrative/Professional Services	1.0 per 350 s.f. of GFA
Offices & Clinics of Physicians	1.0 per 150 s.f. of GFA
Paint, Glass & Wallpaper	1.0 per 350 s.f. of GFA
Parcel Delivery Services	1.0 per 250 s.f. of GFA
Parks & Playgrounds, Public/Non-Athletic	1% of land area
Patio Homes	2.0 per dwelling unit
Pawn Shops	1.0 per 350 s.f. of GFA
Photographic Studios, Portraits	1.0 per 350 s.f. of GFA
Physical Fitness Facilities	1.0 per 300 s.f. of GFA
Produce Stand	1.0 per 350 s.f. of GFA
Racetracks	1.0 per every 4 seats provided
Racquetball/Handball	1.0 per 200 s.f. of GFA
Refuse Systems, Sanitary Landfills, Dumps	See Waste Management Facilities(Section 3.17)
Rehabilitation, Vocational Services	1.0 per 350 s.f. of GFA
Residential Care, Congregate Care, Assisted Living	1.0 per 500 s.f. of GFA
Restaurant/Food Service-with inside or outside seating	1.0 per every 3 seats-including dining & drinking areas <u>plus</u> 2.0 for every 3 employees on largest shift
Restaurant/Food Service- Drive-through only	1.0 per 150 s.f. of GFA <u>plus</u> area for 8 stacking spaces for the first drive-in window & 6 stacking spaces for the additional drive-in window
Rifle/Shooting Range-Outdoor	1.0 per target area <u>plus</u> 1.0 per each employee
Scrap Metal Processor	1 per 40,000 square feet of gross land area (inside screened area) not to exceed 12 spaces + 1 per employee + 1 per company vehicle.
School, College, University	5.0 per classroom <u>plus</u> 10 administrative spaces
Schools, Elementary, Secondary	2.0 per classroom <u>plus</u> 5 administrative spaces
Schools, Fine Art, Music, Dance, Vocal	1.0 per 200 s.f. of GFA
Schools, High Schools	5.0 per classroom <u>plus</u> 10 administrative spaces
Schools, Vocational, Commercial, Trade	5.0 per classroom <u>plus</u> 10 administrative spaces
Shopping Centers	1.0 per 250 s.f. of GFA
Skating/Ice Rink	1.0 per 200 s.f. of GFA or individual review
Sporting Goods & Bicycle Shops	1.0 per 350 s.f. of GFA
Stables, Horseback Riding, Boarding, etc.	1.0 per 200 s.f. of GFA or individual review
Stadium, Arena, Athletic Field	By individual review
Swimming Pool – Public	2.0 per 100 s.f. of water surface area
Swimming Pool – Development Specific	1.0 per 100 s.f. of water surface area
Tax Return Preparation Services	1.0 per 350 s.f. of GFA
Taxation, Finance, Monetary-Public	1.0 per 350 s.f. of GFA
Tennis Club	2.0 per court <u>plus</u> 1.0 per 200 s.f. of clubhouse floor area in excess of 1,000 s.f.
Tennis Courts	2.0 per court
Terminal, Truck	1.0 per 250 s.f. of floor area devoted to office space <u>plus</u> 2.0 per company vehicle operated from premises
Theaters-Indoor	1.0 per every 4 seats provided
Theaters-Outdoor	1.0 per every 5 patrons at maximum capacity, or per individual review
Townhouse Development	2.0 per each unit
Transportation Services	1.0 per 500 s.f. of GFA
Transportation, Air	1.0 per 250 s.f. of GFA
Transportation, Bus	1.0 per 250 s.f. of GFA
Travel Agency	1.0 per 350 s.f. of GFA
Truck Stops	1.0 per 600 s.f. of GFA
Veterinary Services	1.0 per 250 s.f. of GFA

Video Tape Rental	1.0 per 250 s.f. of GFA
Warehousing	1.0 per 10,000 s.f. or minimum of 5 spaces
Warehouses-Mini	1.0 per on-site employee with a minimum of 3 spaces
Waste Management Facility(Section 3.17)	1.0 per each employee <u>plus</u> 1.0 per business vehicle <u>plus</u> 1.0 per 350 sq. ft. of office space
SPECIAL LAND USES (unique land uses)	The minimum number of parking spaces required for a use not specifically mentioned in this section shall be determined by Planning Department staff.

3. Numerical Requirements, Off-Street Loading

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk or alley.

4. Design Standards

Required off-street parking shall be designed so that all movement onto a public street shall be in a forward motion, and meet the following standards:

(a) Parking Dimensions

Parking stalls shall be not less than nine (9) feet by 18 feet, except that a maximum of 30 percent of the total number of stalls may be 8.5 feet by 18 feet. However, the dimensions of all parallel parking stalls shall be not less than eight (8) feet by 22 feet. Minimum isle width shall be as follows:

90 degree parking	24 feet
60 degree parking	18 feet
45 degree parking	13 feet
30 degree parking	11 feet

(b) Parking Construction

- (1) Parking lots with 20 or more spaces shall be surfaced with asphalt, concrete, porous asphalt, porous concrete, or brick pavers. However, expansive impervious surface parking lots shall be avoided. In their design, parking lots shall be broken down into sections as appropriate for the type and size of development, and shall be separated by landscaped dividing strips, berms and similar devices.
- (2) Parking lots intended to provide for off-street parking shall be improved with a minimum 6-inch stabilized aggregate base course and a minimum 1½-inch asphalt or concrete surface course or equivalent. A Professional Engineer may design, and submit for approval, an alternate paving design of at least equivalent durability. However, the surface course must be of the materials found in (1). (Amended 5/15/2013)
- (3) For parking provided in excess of the spaces required by Table 6, porous brick pavers or cellular confinement systems that use grassing should be used. (Amended 5/15/2013)
- (4) Parking areas for Rural Event Venues, including rural wedding venues, agritourism facilities and natural/passive park facilities, regardless of the number of spaces required, may be surfaced with grass or gravel, in lieu of the surfaces listed above.

(c) Drainage

Parking lots shall be designed so as not to drain into or across public sidewalks or on adjacent property, except into a natural watercourse or a drainage easement. In developed areas where this condition may be impossible to meet, the County may exempt the developer from this requirement, provided that adequate provision is made for drainage.

(d) Separation from Walkways and Streets

Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Planning Department staff.

(e) Entrances and Exits

Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas shall be designed so that all movement onto a public street is in a forward motion. Entrance and exit driveways to public streets and alleys in the vicinity of street intersections must be located at least forty (40) feet, measured along the curbline, from the intersection of the nearest curbline.

(f) Marking

Parking lots with 20 or more spaces shall be marked by painted lines, curbs or other means to indicate individual spaces. Signs or markers, as approved, shall be used as necessary to ensure efficient traffic operation of the lot.

(g) Lighting

Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.

5. Maintenance

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

6. Parking Space for the Physically Handicapped

When off-street parking is required for any building or use, except for residential dwellings with fewer than 20 units, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

<u>Number of Required Spaces</u>	<u>Number of Spaces Reserved for Handicapped Persons</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
Over 500	2% of total required

Parking spaces for the physically handicapped shall measure 12 feet by 18 feet or 8 feet in width, with an adjacent access isle 8 feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps and walkways. (Refer to Appendix E-1)

7. Stacking Lanes for Drive Through Facilities

Each drive through facility shall provide stacking lanes long enough to accommodate drive through traffic and ensure that on-site circulation will not interfere with traffic movement on adjacent streets.

8. Joint Use of Off-Street Parking Lots

Up to 50 percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (1); provided however, that written agreement assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and content by the County Attorney, and shall be filed with the application for a building permit.

9. Approval of Parking and Off-Street Loading Plans and Layouts

Designs and plans for areas to be used for off-street parking and off-street loading shall be subject to approval by the Planning Department staff, who may withhold a permit or take other action if the layout of either would create avoidable safety or traffic congestion problems, pending acceptable modification of the layout, or appeal to the Board of Zoning Appeals.

Section 2.02-6 Multiple Buildings on a Lot

Except for single-family, detached residential dwellings, including manufactured/mobile homes (as defined in Section 3.03-1), there is no limit on the number of principal buildings or structures which may be built or located on a lot or parcel; provided all applicable requirements of this Ordinance shall be met.

Two single-family, detached residential dwellings, including manufactured/mobile homes (as defined in Section 3.03-1), or any combination of two such dwellings may be established on a single lot or parcel; provided the dimensional requirements on Table 3 shall be met for both dwellings as if they were established on separate lots, and so arranged to ensure public street access, building setback and lot conformance with Section 2.05-4 in the event the property upon which the dwellings are located is subsequently subdivided for sale or transfer. For the purposes of this section, 25-foot flag lots shall not be allowed. The minimum public street frontage required for each dwelling is fifty (50) feet.

Multiple dwelling units are prohibited on lots located on roads built in accordance with the Private Street Design Section 2.05-3 or lots located on a Road of any lesser standard. (Amended 10/21/2002)

Single family dwellings may be located on non-residential parcels provided all applicable requirements of this ordinance are met. (Amended 5/15/2000) (Amended 5/21/2012)

Section 2.02-7 Access to Property/Curb Cuts for Non-Residential Uses

All Commercial/Industrial developments must take access from a paved State, County or Municipally maintained road.

Section 2.03 Land Development in Flood Hazard Areas

All development must conform to the Spartanburg County Flood Damage Prevention Ordinance, Ordinance # 0-04-01, adopted January 12, 2004. (Amended 07/19/2004)

Section 2.04 Land Development in the Vicinity of the Spartanburg Downtown Memorial Airport

Section 2.04-1 Purpose

The purpose of this Section is to protect the dual interests of the airport and neighboring land uses, and to:

- (1) Protect and promote the general health, safety, economy, and welfare of the airport environs;
- (2) Prevent the impairment and promote the utility and safety of the airport;
- (3) Promote land use compatibility between the airport and surrounding development;
- (4) Protect the character and stability of existing land uses in the vicinity of the airport; and
- (5) Enhance environmental conditions in the areas affected by airport operations.

Section 2.04-2 Applicability

This Section shall apply to all areas, referred to as zones, within an established Airport Environ District shown on the Airport District Map for the Spartanburg Downtown Memorial Airport, which map is hereby adopted and declared to be a part of this Ordinance and is on file in the County Planning Department.

Section 2.04-3 Airport Zones Defined

There are hereby created four Airport Environ Zones, defined as follows:

Zone 1

Zone 1 is defined by those areas exposed to an annual average noise level between 60 and 65 decibels as measured utilizing A-weighted day-night sound levels (Ldn) methodology.

Zones 2 and 3

Zones 2 and 3 are defined as being exposed to an annual average noise level in excess of 65, but not more than 75 decibels as measured utilizing A-weighted day-night sound level (Ldn) methodology.

Zone 4

Zone 4 is defined as being exposed to an annual average noise level in excess of 75 decibels as measured utilizing A-weighted day-night sound level (Ldn) methodology.

Section 2.04-4 Prohibited Uses

Prohibited uses within any of the four zones include any use which would:

- (1) Create electrical interference with navigational signals or radio communication between the airport and aircraft;
- (2) Diminish the ability of pilots to distinguish between airport lights and other lights;
- (3) Result in glare in the eyes of pilots using the airport;
- (4) Impair visibility in the vicinity of the airport; and create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft using the airport.

Section 2.04-5 Use Restrictions

Table 8 establishes the types of land uses which are compatible within and which may be permitted in each zone, based upon its respective tolerance for noise.

Future development within each zone shall be governed by Table 8, which assigns use compatibility by zone, based on the following:

- (1) No New Development: A clear incompatibility exists between future development and unavoidable aircraft noise.
- (2) Noise Restrictions Applicable: Potential incompatibility exists due to noise exposure from proximity to a runway which can be avoided if certain noise attenuation restrictions are met, as required by this section.
- (3) No Use Restrictions: A clear compatibility exists between the proposed land use and airport.

Section 2.04-6 Noise Restrictions

Noise restrictions shall apply within the zones identified by Table 8.

Where permitted within such zones, residential dwellings and portions of buildings where the public will be received, shall be structurally designed and constructed to achieve an outdoor to indoor Peak Noise Level Reduction (NLR) of at least 30 Db (decibels). All other permitted uses and structures shall be exempt from this Section.

Normal construction can be expected to provide an NLR of 20 Db, thus the actual required reduction is only 10 Db. Lowering the NLR shall be achieved through incorporation into the design and construction of all proposed uses, sound insulation materials and methods for improving acoustic insulation performance.

A description of such methods and materials shall accompany all building applications for uses affected by this Section and shall be subject to approval by the County prior to the issuance of a building permit.

Table 8 Land Use Compatibility Performance Standards				
Land Uses	Compatible Land Use Zones			
	Zone 4 Ldn>75	Zone 3 Ldn 70-75	Zone 2 Ldn 65-70	Zone 1 Ldn <65
RESIDENTIAL Low density (less than 1 DUA)*				
RESIDENTIAL Medium density (1-4 DUA)				
RESIDENTIAL High density (5 or more DUA)				
MOBILE HOMES Single lots or parks				
COMMERCIAL General retail				
COMMERCIAL Airport related				
COMMERCIAL Highway related				
SERVICES Professional and personal				
RECREATIONAL Indoor and cultural activities				
INSTITUTIONAL Schools, churches, hospitals, nursing home				
INSTITUTIONAL Governmental				
RECREATIONAL (<2 acres) Playgrounds, neighborhood parks				
RECREATIONAL (>2 acres) Community and regional parks				
RECREATIONAL Golf courses, riding stables, water recreation				
RECREATIONAL Spectator sports, outdoor assembly				
WHOLESALE Warehouses, transportation, freight				
INDUSTRIAL Light and heavy				
AGRICULTURAL (except livestock) Crops, forestry				
OPEN SPACE USES Utilities, quarries, cemeteries, vacant land				
*DUA = dwelling units per acre				

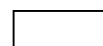
No New Development



Noise Restrictions Applicable



No Restrictions



Section 2.04-7 Lighting Regulations

No use, subdivision, or project in the Airport District shall have outdoor lighting or illumination arranged and/or operated in such a manner as to be misleading or pose a danger to aircraft operations.

Section 2.04-8 Regulations Applicable to Existing Structures

The owner of any existing structure or vegetation that is currently penetrating any airport zone surface shall permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, or the South Carolina Aeronautics

Commission to indicate to the operators of aircraft in the vicinity of an airport the presence of an airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the Airport Operator.

However, the regulations prescribed in this Section shall not be construed to require the removal, lowering, or other change or alteration of any existing structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of an existing use. Nothing contained herein shall require any change in the construction, alternation, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

Section 2.04-9 Variances

Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this Section may apply for a variance from such regulations to the Board of Zoning Appeals (the Board), in accord with the provisions of Article 1. The Application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

Additionally, no application for a variance to the requirements of this Ordinance may be considered by the Board unless a copy of the application has been furnished to the Airport Operator for advice as to the aeronautical effects of the variance. If the Airport Operator does not respond to the application within 15 days after receipt, the Board may act on its own to grant or deny the application for a variance.

Any permit or variance granted, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure in question to install, operate, and maintain at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the South Carolina Aeronautics Commission, and the Airport Operator.

ARTICLE 3 CONDITIONAL USE REGULATIONS

The regulations contained in this Article are intended to better the impact and improve the siting of certain uses, buildings, and projects whose characteristics could adversely affect surrounding property and environmental conditions. For purposes of this Ordinance, these uses are classified as Conditional Uses. Standards and criteria over and above those set forth elsewhere in this Ordinance are imposed herein on all such conditional uses, listed below, to enhance land use compatibility.

Reference	Section
Patio and Zero Lot Line Housing Projects	3.01
Attached Multi-Plex Dwelling Projects	3.02
Manufactured Homes	3.03
Manufactured Home Parks	3.04
Accessory Apartments	3.05
Home Occupations	3.06
Auction Barns and Auction Houses	3.07
Commercial Kennels, and Certain Agricultural Uses	3.08
Mining Operations	3.09
Motor Speedway or Testing Tracks	3.10
Outdoor Gun or Skeet Range	3.11
Sexually Oriented Businesses	3.12
Camps & Recreational Vehicle Parks	3.13
Petroleum Products & Bulk Storage & Distribution & Asphalt Plants	3.14
Off-Site Hazardous Chemical Storage	3.15
Coin Operated Amusements, Cash Payouts	3.16
Waste Management Facilities	3.17
Communication Towers & Antennas	3.18
Junk and Salvage Yards	3.19
Accessory Buildings and Uses	3.20
Temporary Uses	3.21
Nuclear and Hazardous Waste Disposal	3.22
Certain Public Service Uses	3.23
All Other Commercial and Industrial Uses	3.24
Tattoo Facilities.....	3.25
Flea Markets, Swap Meets, and Open-Air Markets.....	3.26
Asphalt Batch Plants	3.27
Scrap Metal Processor	3.28

Section 3.01 Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the following design requirements shall supplement other applicable requirements of this Ordinance and govern the development of such uses.

1. Minimum lot area shall be 4,000 square feet per unit.
2. Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
3. Front yard setbacks shall be as prescribed by Table 3. (Amended 7/19/2004)
4. Direct access of a patio house shall be limited to minor streets. Where a patio home complex fronts on a collector or major street, no more than two access points shall be allowed. No direct access for individual houses shall be permitted on collector or major streets.
5. Projects shall be served by public water and sewer facilities.
6. Projects consisting of twenty-five (25) or more units shall include at least 10 percent of the project site in common open space, in accord with the requirements of Section 2.02-4.

Section 3.02 Attached Multi-Plex Dwelling Projects

(Amended 7/19/2004)

The following design requirements shall supplement other applicable requirements of this Ordinance and govern the development of Attached Multi-Plex Dwelling Projects. An Attached Multi-Plex Dwelling Project shall consist of at least one building with three (3) or more attached units on a single parcel of land or two (2) or more buildings each with two (2) attached units on a single parcel of land. Any such development shall be categorized as an apartment development, condominium development, or townhouse development, depending upon ownership arrangements and Building Code requirements.

Below are the requirements that Attached Multi-Plex Dwelling Projects have in common. Specific requirements for each type of Attached Multi-Plex Dwelling Projects type shall be found in separate sections immediately following this section.

1. Density shall not exceed:
 - Eight (8) units per acre on minor streets, minor residential streets, and major residential streets
 - Twelve (12) units per acre on collector streets
 - No maximum on arterial streets
2. Bufferyards shall be as required by Section 2.02-2 for the specific type of project.
3. All telephone and electric service utilities shall be underground in all Attached Multi-Plex Developments where feasible.
4. Setbacks and frontage requirements shall be governed by Table 3 Setbacks and Other Requirements.
5. The current International Building Code requirements shall be adhered to, paying particular attention to the firewall requirements.
6. Due to the differing design and ownership features associated with apartment developments, condominium developments, and townhouse developments the following requirements shall supplement the above requirements:

a. Townhouse Developments

1. Not more than eight (8) townhouse units may be joined together.
2. Projects consisting of twenty-five (25) or more units shall include at least 10 percent of the project site in Common Open Space, in accordance with the requirements of Section 2.02-4 Common Open Space.

3. Direct vehicular access of a townhouse shall be limited to minor streets. Where the project fronts a collector or major street, no more than two access points shall be allowed. No direct access for individual units shall be permitted on collector or major streets.

b. Condominium Developments

1. Projects consisting of twenty-five (25) or more units shall include at least 15 percent of the project site in Common Open Space, in accordance with the requirements of Section 2.02-4 Common Open Space.
2. The site for a condominium project must be at least one acre in size.
3. Any centralized garbage and refuse pickup and other utility areas shall be enclosed and screened from view by fencing, walls or shrubbery.
4. Direct vehicular access of a condominium shall be limited to minor streets. Where the project fronts a collector or major street, no more than two (2) access points shall be allowed. No direct access for individual units shall be permitted on collector or major streets.

c. Apartment Developments

1. Projects consisting of twenty-five (25) or more units shall include at least fifteen (15) percent of the project site in Common Open Space, in accordance with the requirements of Section 2.02-4 Common Open Space.
2. The site for an apartment project must be at least two (2) acres in size.
3. Garbage and refuse pickup and other multi-family utility areas shall be provided, enclosed and screened from view by fencing, walls or shrubbery.
4. Interior development streets, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and vehicles utilizing the same. Lighting shall be so arranged as to reflect away from adjoining properties.
5. Off-street parking areas shall not open directly onto a public street, but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified parking area and shall be kept clear of parked vehicles. On-street bay parking shall not be permitted on public rights-of-way. For specific parking space requirements see Table 6 - Off-Street Parking Requirements.

Section 3.03 Manufactured Homes

Section 3.03-1 Definitions

For purposes of this Ordinance there are the following types of manufactured homes: Residential Designed Manufactured Homes, Standard Designed Manufactured Homes, and Mobile Homes, the definitions of which are found in Article 6.

Section 3.03-2 Use of Mobile Homes, Manufactured Homes, Travel Trailers, and RVs

No mobile home or manufactured home shall be used for any purpose other than that for which it was designed. (Amended 10/21/2002)

Further, no recreational vehicle or travel trailer shall be used or permitted for permanent residential use. These vehicles are not built in compliance with the HUD Standards or the International Residential Code and, as such, shall not be allowed for permanent residential use.

A recreational vehicle may be set up for a period of up to 90 days within a twelve-month period for the purposes of living on site while building a residence.

Section 3.03-3 Location

Manufactured Homes, Residential Designed, when meeting the requirements of this section and other applicable requirements of this Ordinance shall be permitted anywhere in the unincorporated areas of

Spartanburg County, unless specifically prohibited by deed restrictions, prohibitions contained elsewhere in this Ordinance, or other applicable regulations.

Manufactured Homes, Standard Designed, when meeting the requirements of this section and other applicable requirements of this Ordinance shall be permitted; (1) on existing lots of record as of May 21, 2012; (2) as a second residence on a lot of record with a single-family detached dwelling, in accordance with Section 2.02-6; (3) in a Manufactured Home Park, in accordance with Section 3.04; and (4) in an approved subdivision, accessible by and fronting on a minor public street. While direct access to and frontage on minor, collector or major streets is allowed, in those cases where a corner lot is created (through the planning/construction of a new street), the manufactured or mobile home will front and take access on the internal street.

Mobile Homes, as defined by this Ordinance, shall not be permitted or established within the jurisdiction of this Ordinance. Where in existence at the time of adoption of this Ordinance, such uses may be continued in accordance with the provisions of Section 4.06, Nonconformities, provided such uses are maintained in habitable condition as defined by and subject to the conditions of Section 3.03(5) and 3.03(6). Furthermore, it shall be unlawful for any person, firm, or legal entity to bring into Spartanburg County any manufactured housing or mobile home constructed prior to 1976, unless the manufactured unit can be certified to meet June 1976 HUD Standards for Construction.

Section 3.03-4 Exception

Manufactured Housing structures and mobile homes currently on the tax rolls of Spartanburg County built prior to 1976 may be relocated within Spartanburg County provided they are first inspected by the Building Codes Department and meet this Ordinance's Habitability requirements prior to electrical service being released.

Section 3.03-5 Setup

All manufactured housing shall:

- a. Be installed in accordance with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accordance with the requirements of Section 19-425-42 of the South Carolina Manufactured Housing Board Regulations.
- b. Be under-skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation and be tied down per the South Carolina Manufactured Housing Board Regulations.
- c. Have constructed at all egress doors steps and landings conforming to the latest adopted edition of the International Residential Code. These steps and landings must be anchored securely into the ground.
- d. The owner of a mobile home who obtains a replacement mobile home has 30 days from the date of electrical power transfer or 90 days from the issue date of a moving permit, whichever is less, to remove the original mobile home from the property or meet the requirements contained in Table 3 of this Ordinance.
- e. Be provided with a sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
- f. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. Any existing home not in compliance with this Section upon the effective date of this Ordinance shall be served by a separate meter within one hundred eighty (180) days of the effective date, or be declared by a code enforcement officer to be in violation of this Ordinance, and processed accordingly as provided for in Section 1.20 Penalties for Violations. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of an approved permit issued by the appropriate County Official to establish said home.
- g. No Manufactured Home shall have the electrical service installed until porches, steps, tie downs and skirting requirements have been met.
- h. Permit Required for Individual Mobile Homes and Manufactured Homes

No mobile home or manufactured home shall be parked, located or permanently placed on an individual lot, parcel or Manufactured Home Park Space without a manufactured/mobile home

permit being issued by the County's permitting authority in accordance with S.C. Code 1976, § 31-17-320. A permit is also required when ownership is transferred regardless of whether the mobile/manufactured home is relocated. No permit shall be issued except in conformity with the provisions of this Section.

- i. A current Spartanburg County decal shall be displayed on the mobile/manufactured home so as to be clearly visible on the main door or from the street.
- j. The proper address shall be posted on the home so that it is visible from the street as required by the Spartanburg County Road Naming and Property Numbering Ordinance (No. 599) (See County Code, Chapter 62, Article 3.

Section 3.03-6 Habitability

No manufactured home or mobile home built prior to June 15, 1976 shall be permitted, used or occupied nor shall public utilities be extended to or activated in any such home unless and until the home has been inspected and found to be habitable by the Building Official or his designee.

The term "habitable" as used herein means that there is no defect, damage, or deterioration to the home which creates a dangerous or unsafe situation or condition; that the plumbing, heating, and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place. Further, the term habitable shall include the provision of the following facilities.

- a. **Sanitary Facilities** – Every manufactured and mobile home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.
- b. **Hot and Cold Water Supply** – Every manufactured and mobile home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.
- c. **Heating Facilities** – Every manufactured and mobile home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each mobile or manufactured home shall be provided with an alternative system, approved by the Building Official.
- d. **Cooking and Heating Equipment** – All cooking and heating equipment and facilities shall be installed in accordance with Federal Manufactured Home Construction and Safety Standards.
- e. **Smoke Detector** – Every mobile and manufactured home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm.

Section 3.04 Manufactured Home Parks

Section 3.04-1 Purpose

The purpose of this section is to address the unique needs of Manufactured Home Parks, in order that they may be considered a safe and healthy residential option to the residents of Spartanburg County. The County has an interest in maintaining and improving the supply of affordable housing for its citizens.

Section 3.04-2 Compliance with the Definition of a Manufactured Home Park

The following shall be used in determining compliance with the definition of a Manufactured Home Park found in Article 6:

- a. Any manufactured or mobile home on a parcel(s) shall be counted toward the total number of Manufactured Home Park Spaces even if the home is unoccupied, used for storage, or not currently connected to electricity. This count also includes a manufactured/mobile home occupied by the property owner as a legal residence.

- b. Separating the ownership of manufactured/mobile homes or Manufactured Home Park Spaces into two or more legal entities for the purpose of avoiding being defined as a Mobile Home Park is not allowed unless the requirements for a subdivision and the dimensional requirements of Table 3 can be met. If the manufactured/mobile homes or Manufactured Home Park Spaces are adjacent or across the street from each other and their management is not clearly handled as separate entities, then they shall be considered part of a single Manufactured Home Park.
- c. All such “parks” in Spartanburg County, new or pre-existing this ordinance, will be subject to requirements for licensing and inspection found in Section 3.04-5 and shall register with Spartanburg County within one year of May 21, 2012.

Section 3.04-3 Site Plan for New or Expanding Manufactured Home Parks

The establishment or expansion, and operation of a Manufactured Home Park shall be shown on a site plan professionally-drawn by an engineer or surveyor, shall comply with the design and development standards contained in this ordinance, and shall include the following information:

1. General: A required development plat or park plan at a scale of not less than 1"=20 feet or not more than 1"=100 feet shall contain the following information:
 - Proposed name of Manufactured Home Park;
 - North arrow, graphic scale, and written scale;
 - Name of record owner(s), developer(s), and surveyor(s) or engineer;
 - A vicinity map, for the purpose of locating the proposed park; and
 - Correct Assessor's Office Parcel Identification Number(s).
2. Existing Site Data
 - a. Total tract boundaries of the park, and a statement of total acreage of the property;
 - b. All existing rights-of-way, easements, sewer lines, fire hydrants, utility transmission lines, storm drainage ditches, water courses, buildings, and all other significant man-made or natural features within the proposed park;
 - c. All existing streets on or abutting the park, including names, right-of-way widths, pavement widths and approximate grades; and
 - d. The 100-Year Flood Boundary from the most current Spartanburg County FEMA Flood Insurance Rate Maps (FIRM).
3. Proposed Site Data
 - Street rights-of-way, pavement widths, grades, and street names;
 - Preliminary plans for sanitary sewerage disposal systems, storm sewers, water, electricity and gas lines, showing connections to existing systems or proposals for developing new systems, storm sewer profiles, cross-sections and sizes;
 - Other easements and rights-of-way, including location, dimensions, and purposes;
 - Topographic maps with a contour interval of 5 feet;
 - Contour changes to be made by grading, if any;
 - Location, size, and number of proposed and existing Manufactured Home Park Space and all existing and proposed automobile parking spaces for each unit in accordance with Section 3.04 (12), as well as any planned common parking areas;
 - Location, width, and plantings of bufferyard areas;
 - Centerline profile for any newly constructed interior streets;
 - Location of common open space, if required by Section 3.04-5 (14);
 - Location of all solid waste containers and screening of containers, as required by Section 3.04-4 (15); and
 - E-911 addresses as required by Ordinance No. 599. (See also County Code Chapter 62, Article 3.) and as approved by the County E911/Addressing staff.

Section 3.04-4 Requirements for the Establishment or Expansion and Operation of Manufactured Home Parks

All required site improvements shall be installed prior to placement of units in the park. The establishment or expansion, and operation of a Manufactured Home Park shall comply with the following design and development standards:

1. Adherence to Existing Regulations and Guidelines

All Manufactured Home Parks must adhere to any applicable Federal, State, or County regulations or guidelines, including but not limited to DHEC Regulations, the Property Addressing and Road Naming Ordinance (See Code Chapter 62, Article 3.), and the Assessor's Mobile Home Registration process.

2. Water and Sewer

All proposed Manufactured Home Parks shall be served by public water and sewer systems or other community systems, plans of which shall be approved by DHEC.

3. Lighting

A Manufactured Home Park containing five (5) or more homes must be lighted at night with electric overhead vapor lamps no more than four hundred (400) feet apart along interior streets and within amenity and common areas. Lighting shall be arranged so as to reflect away from adjoining properties, unless such light direction is dictated by safety concerns. Lighting shall use full cut off fixtures which give the property owner maximum directional control of site lighting.

4. Signage, Names

All Manufactured Home Parks containing five (5) or more units must provide a sign of at least six (6) square feet indicating the name of the park.

Park names shall not be the same as or phonetically similar to other park or subdivision names.

5. Streets-Interior

- (a) All interior streets shall have a minimum fifty (50) foot right-of-way and be constructed on a prepared soil base that has had all tree stumps and other vegetation removed to a depth of two (2) feet below sub-grade and properly compacted. No permanent parking or structures shall be permitted in the right-of-way.
- (b) The paved portion of the street shall be at least 16 feet wide for a park with fewer than 50 homes and 20 feet wide for a park with more than 50 homes. The street must consist of at least 1.5 inches of compacted tar and gravel on a 4-inch compacted stone base or at least 1.5 inches of compacted asphalt surface on 2 inches of compacted asphalt base.
- (c) Entrances must either be aligned with opposing exterior streets or there shall be at least 125 feet between the entrance and the existing street measured centerline to centerline.
- (d) Projects in excess of one hundred (100) units shall have a second twelve (12) foot exit lane and an entrance lane of sixteen (16) feet. Transition from the entrance/exit lanes to the internal street system shall begin not less than sixty (60) feet from the street right-of-way line at the entrance.
- (e) A paved or piped ditch is required along any section of roadway that is in excess of a 5% grade.
- (f) All dead-end roadways shall terminate in a "cul-de-sac" with a minimum turning radius of thirty-five (35) feet, exclusive of parking. In lieu of a "cul-de-sac," other methods to achieve vehicular turnaround as set forth in Section 2.05-2 must be provided.
- (g) All road names are subject to approval by the Planning and Development Department in accordance with Spartanburg County Ordinance No. 599 - Road Naming and Property Numbering. (See County Code Chapter 62, Article 3.)
- (h) To the extent not in conflict with subsection (b) above, construction of all streets shall be in compliance with Spartanburg County Standard Specifications for Construction of Roads. The Spartanburg County Public Works Department, Engineering Division, shall review and approve all street plans.

- (i) A “Letter of Compliance”, issued by a registered/licensed engineer, must be submitted, assuring that the construction of the roads and drainage system conforms to this Section.
- (j) In order to expand a Manufactured Home Park by more than 10 Manufactured Home Park Spaces, the main roadway inside the park (leading to the expanded Manufactured Home Park Spaces) must be paved to at least the width of the current driving surface or a minimum of 16 feet, whichever is greater, and a depth of 1½ inches. The number of new Manufactured Home Park Spaces added after July 19, 2004, shall be cumulative. (Amended 07/19/2004)

6. Drainage

The land shall be so graded, paved areas so pitched and storm drains and catch basins so located and sized as to provide rapid run-off of storm waters and avoid undue accumulations of water under the normal range of weather conditions. Drainage and sedimentation plans shall be required in accordance with the Storm Water Management Ordinance of Spartanburg County (No. 09-02). (See County Code Chapter 30, Article IV.)

7. Installation

All proposed homes, including replacements, shall be installed in accordance with the installation requirements of Section 19-425.42 of the South Carolina Manufactured Housing Board Regulations.

8. Numbering

Permanent numbers shall be placed on each mobile or manufactured home and shall be located in accordance with the requirements of the Road Naming and Property Numbering Ordinance No. 599. (See County Code Chapter 62, Article 3). (Amended 10/21/2002)

9. Access

No Manufactured Home Park Space shall have direct access to a public street, but shall instead access an internal driveway system.

10. Density

The maximum density shall not exceed eight (8) manufactured homes or mobile homes per acre with public water and public sewer or as approved by DHEC.

11. Setbacks and Spacing

- a. Spacing between manufactured homes, common buildings (laundry, etc), and accessory buildings shall meet the requirements of Table 3.
- b. The setbacks from exterior streets shall meet the requirements of Table 3.
- c. The setbacks of manufactured homes from interior streets shall be 25 feet from the street centerline.
- d. All building structures and mobile homes shall be setback from the park perimeter as found in Table 3. The requirements of this section may be superseded by the bufferyard requirements since the bufferyard may be wider than the side or rear setback.

12. Parking

Two off-roadway parking spaces shall be provided for each designated Manufactured Home Park Space in accordance with Table 6. Each parking space shall be 9 feet wide and 18 feet long and shall be paved.

Parking on roadways in the Manufactured Home Park is not permitted. Signs shall be posted at sufficient intervals stating such.

13. Bufferyards

Bufferyards shall be provided on the perimeter of the park or court in accordance with the requirements of Section 2.02-2.

14. Common Open Space

Projects consisting of twenty-five (25) or more units, whether a new park or an expansion of an existing park to a total of 25 units or more, shall include at least 15 percent of the total project site

in designated common open space, in accordance with the requirements of Section 2.02-4-Common Open Space. (Amended 7/19/2004) The area shall be suitable for active recreation.

15. Household Waste Removal

In Manufactured Home Parks containing five (5) or more homes, dumpsters shall be easily accessible to the residents for the collection and disposal of refuse. Bulk waste containers shall be provided at an average of at least 1.5 cubic yards for every three (3) manufactured homes. Dumpster sites shall be screened from public rights-of-way. Collection shall be on a weekly basis to ensure that containers do not overflow.

A garbage pickup service may be substituted, but such service must be continuously maintained with at least weekly pick up to ensure that containers do not overflow.

16. No recreational vehicle or travel trailer shall be used or permitted. These vehicles are not built in compliance with the HUD Standards or the International Residential Code and, as such, shall not be allowed.

17. Operational Requirements

All grounds and common buildings located within Manufactured Home Parks are expected to be maintained in a clean, sanitary and safe manner, the Manufactured Home Park Spaces kept clear of refuse, debris and unnecessary clutter, and all refuse shall be stored, collected and disposed of in such a manner as not to create a nuisance, vector attractant, breeding or harborage problem, in accordance with Spartanburg County's Property Maintenance Ordinance and South Carolina DHEC Regulation 61.40.

**Section 3.04-5 Licensing, Inspection, and Annual Fees for Manufactured Home Parks
(Amended 06/16/2014)**

1. Licensing and Fees

- a. A license shall be required to open and/or operate a Manufactured Home Park and shall be subject to annual renewal due June 15th. The license fee shall be set per the Fee Schedule adopted by Resolution of County Council.
- b. or an owner who fails to renew the annual license by the deadline, there shall be a monthly late fee equal to half of the above base rate.
- c. n owner may not renew a license if his/her park is not in compliance with this ordinance. Late fees will continue to accrue for those parks that are found to be non-compliant.
- d. Late fees will continue to accrue for an owner who is in compliance and does not pay the annual license fee.
- e. In either case (c. or d.), failure to comply with the requirements of this ordinance may result in the revocation of license to operate a park. After the annual fee is 60 days delinquent, the owner shall be considered in violation of this ordinance for the lapsed license.
- f. A Manufactured Home Park license is not transferrable.
- g. Successors or assigns of a Manufactured Home Park may be responsible for payment of any delinquent or due fees, penalties or fines.

2. Annual Inspection; Violation

- a. All Manufactured Home Parks registered in Spartanburg County shall undergo an annual inspection to ensure compliance with this Ordinance.
- b. When a violation is determined, notice shall be given in writing by the code enforcement officer, together with an established time period within which the violation must be corrected.
- c. A park owner whose park, upon annual inspection, has been found to be in violation shall not be allowed to renew the license, and no mobile/manufactured home moving permits will be issued for said park until violations are resolved.
- d. A Manufactured Home Park license may be revoked by the Spartanburg County Environmental Enforcement Department Director for a violation of this Ordinance or other applicable regulations governing the operation of such uses based on inspection of the premises.

3. Suspension of License

- a. Failure to correct the violation(s) within the established time period will result in license suspension. When a license is suspended, all occupants of the park shall be notified of the suspension and be given notice to vacate the park within ninety (90) days.
- b. Any person who has received notice that his license will be suspended unless certain conditions or practices at the Manufactured Home Park are corrected, may request and shall be granted a hearing on the matter before County Council by filing a petition with the Planning and Development Department. The petition for such hearing must be filed within 10 calendar days following the day on which delivery of the notice of license suspension was delivered to such person. If no petition is filed within 10 calendar days following the delivery of the notice of license suspension, the license shall be deemed to have been automatically revoked.
- c. A Manufactured Home Park, upon the owner's loss of license, based on violations of this Ordinance shall meet all Unified Land Management Ordinance requirements in order to reopen. Otherwise, the park must be closed and all manufactured/mobile homes disposed of by the park owner.
- d. The provisions of this section can be enforced through appropriate court or legal action. (Amended 5/21/2012)

Section 3.05 Accessory Apartments

A single detached accessory dwelling unit no greater than 1/3 the floor area of the principal dwelling may be permitted, provided all applicable requirements of Table 3 are met and other public agencies have been satisfied (Amended 10/21/2002).

Section 3.06 Home Occupation

A home occupation, as defined by this Ordinance, shall meet the following requirements.

1. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
2. The home occupation shall be conducted entirely within the residence, except where the residence is located on two or more acres, in which case, part or all of the occupation may be conducted in an accessory building, provided that a total of no more than 50 percent of the floor area of the residence be used in the conduct of the home and meet all setback requirements of Table 3 for Accessory Uses.(Amended 10/21/2002)
3. No exterior indication of the use shall be evident other than a sign of two (2) square feet or less in size.
4. No more than one (1) person not residing in the residence shall be employed.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
6. There is no alteration of the residential character of the building and/or premises.
7. Deleted (Amendment 07/19/2004)

Section 3.07 Auction Barns and Auction Houses

Auctions Barns and Auction Houses shall be considered land uses incompatible with residential neighborhoods due to the impacts of noise, traffic, and operating hours.” As a result, any such use proposed for Spartanburg County shall comply with the following standards:

1. Proposed structures shall take access only on collector and arterial streets. Parking will be required to meet the same requirements as required for places of public assembly, which is one space for each four places of public assembly seats based on maximum capacity.
2. No such use may be located within 500 feet of an individual residential structure or within 500 feet of a platted subdivision of 25 or greater lots.
3. No outside speakers or audible auction activities shall be allowed for any such use.
4. Proposed structures must be fully enclosed and all sales and items displayed for sale must be contained within enclosed buildings.
5. The minimum lot size for any such use shall be Two Acres.
6. Proposed structures shall be located 60 feet from the front Right-of-Way line at which street access is located, 20 feet from the rear property line and 15 feet from the side property lines.
7. Front setback on an arterial street for any such use shall be 50 feet and the front setback on a collector street shall be 40 feet.
8. There shall be a minimum distance of 20 feet between any and all proposed structures.
9. The maximum height of any proposed structures shall be 35 feet plus 1 per 1 additional side and rear yard setback.
10. Any such use is classified as High Intensity Commercial for establishment of required buffer yards.

Section 3.08 Commercial Kennels, Veterinary Services, and Certain Agricultural Uses and Crematories

The above referenced uses shall be located no closer than 1,000 feet from any residential subdivision, multi-family development, or mobile home park of 25 units or more and 500 feet to any adjacent residence other than the principal residence. In addition to the distance separation, a Class 3 bufferyard shall be required for referenced uses requiring the 1,000 feet of separation and a Class 4 bufferyard for referenced uses requiring the 500 feet of separation. Incineration of animals or animal refuse shall be permitted under the above conditions. Veterinary clinics that have no outdoor pens or incineration are exempt from this regulation. Commercial kennels and certain agricultural uses, including stockyards, livestock auction houses, livestock feed lots, poultry houses, pig parlors, dairy barns, packing houses, farm processing operations (e.g., cider mills, dairies, poultry, or meat processing) with six (6) or more employees, and other agricultural support uses that create sustained noise and odor problems, shall be located and operated in accord with DHEC regulations.

Section 3.09 Mining Operations

A. Mining

Due to the land disturbing nature of these operations, the potential of air and water pollution, and noise and vibration from explosives, mining operations shall be subject to the following conditions:

1. A mining permit must be obtained from the South Carolina Department of Health and Environmental Control (DHEC) prior to securing a County permit. The mining permit shall have been issued within six (6) months of the date of the request for the County permit.
2. Mining Operations shall not be located on Minor Streets.
3. Any and all applicable requirements specified by Table 3b must be met.

B. Sand Dredging

Sand Dredging Operations with less than 5 acres of Disturbed Mining Area shall be allowed on Minor Streets under the following conditions. Sand Dredging Operations with 5 or more acres of disturbance shall follow the Mining provisions in Section 3.09(A). Disturbed Mining Area shall be defined as the area of land or water from which sand has been removed, or upon which sand has been deposited, including the location of on-site processing, stockpiles, settling ponds, and mining vehicle operation.

1. A mining permit must be obtained from the South Carolina Department of Health and Environmental Control (DHEC) prior to securing a County permit. The mining permit shall have been issued within six (6) months of the date of the request for the County permit.
2. Any and all applicable requirements specified by Table 3b must be met.
3. Any Sand Dredging Operation, or expansion of an existing operation creating a new access, shall submit a proposed Access Plan and must receive approval of the Plan. This Plan shall show the anticipated routing of all truck traffic to the nearest Collector Street.
 - a) Sand Dredging Operations are only allowed access by roads that are paved.
 - b) Any roads or bridges to be utilized must be capable of handling the additional traffic and weight loads of the mining activity. If they are not, they must be improved as needed to handle that traffic and weight. However, the County nor State are required to make and/or fund the improvements. The entity responsible for the maintenance of such facilities will be asked to review the condition of any roads and bridges contained in the Access Plan and report that information along with required improvements to the Planning and Development Department. This entity may be the South Carolina Department of Transportation, the Spartanburg County Department of Public Works, or a municipality.

Section 3.10 Motor Speedways or Testing Tracks

Land uses of this Section are declared to be incompatible with residential development, and many nonresidential uses. To enhance compatibility, the following development standards shall apply:

Dirt tracks shall not be permitted.

Bufferyards specified for heavy industrial uses shall be required around all sides of the facility.

A Storm Water Management and Sediment Reduction Plan, as defined in the County's Storm Water Ordinance # 497 [This ordinance has been replaced by the Storm Water Management Ordinance of Spartanburg County (No. O-09-02). (See also County Code Chapter 30, Article IV.)]

Section 3.11 Outdoor Gun or Skeet Range

Due to potential danger and noise generated by these uses, the following criteria shall govern their location in Spartanburg County.

The use shall be oriented away from inhabited areas.

The site upon which the use is proposed shall be suitable in size and topography to insure the safety of surrounding residents as determined by the Spartanburg County Planning Department Staff. (Refer to Table 3.)

Section 3.12 Sexually Oriented Businesses

Owing to the potentially deleterious effects as a result of the location or concentration of sexually oriented businesses within the County, such uses in addition to meeting the requirements of Table 3 shall be permitted, operated and regulated in accord with the requirements of Ordinance No. 670, as amended; said Ordinance herein adopted and incorporated in its entirety by reference.

Section 3.13 Camps and Recreational Vehicle Parks (SIC 703)

Camps and recreational vehicles (RV) parks shall comply with the following site and design standards.

1. Exposed surfaces shall be covered or protected with vegetative growth capable of preventing soil erosion.
2. The site shall be developed in a manner that preserves natural features and landscape.
3. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
4. No site shall be located less than 150 feet from drinking water supply or 300 feet from a comfort station.
5. Maximum density shall not exceed 15 vehicles per acre, with minimum 10-foot separation.
6. Bufferyards shall be as specified by Section 2.02-2.
7. Areas designated for parking and loading or for circulation shall be physically separated from public streets. All one-way drives shall be 12' wide, and two-way drives shall be 20' wide, and shall be located at least 150 feet from any street intersection. All interior streets shall be private and not public, and shall be constructed with a 4" compacted stone travel-way approved by the County Engineer. Street grades shall not exceed 12 percent.
8. Each park site shall be serviced by public water and sewer or other systems approved by DHEC.
9. Durable, watertight, refuse containers, with fly-tight covers sufficient to contain all refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than 300 feet from any camp or picnic site unless provided at the campsite. Refuse containers shall be provided at the rate of eight cubic feet (60 gallons) for each five campsites or the equivalent thereof if containers are provided at individual sites.
10. The site, if located on a corner lot, may access a minor road, when both roads are maintained by the South Carolina Department of Transportation, notwithstanding the limitation in Table 3b that prevents a site from accessing a minor road.

Section 3.14 Bulk Storage and Distribution Facility for Fuel Products and Liquid Asphalt Distribution Terminals

(Amended 09/16/2013)

The intent of this section is to manage and regulate the bulk storage, blending, transfer, and distribution of Fuel Products and Liquid asphalt Distribution Terminals. It is not intended to include retail gasoline stations, convenience stores selling gasoline, retail sales of Fuel Products, or businesses who, due to operational requirements, Fuel Products for internal use. Due to considerations for the public health and safety and potential pollution to the environment, such uses being built or expanded shall be permitted in Spartanburg County only under the following conditions. An expansion of a facility includes expansion of tank capacity, new tanks or structures, or adding to the acreage of a site.

1. A site plan shall be prepared by an individual licensed to practice engineering and/or land surveying in the State of South Carolina, as applicable. The site plan must show the Facility's property boundaries; off-site and on-site utilities (such as, electric, gas, water, storm, and sanitary sewer systems), right-of-ways and easements; the names, addresses, and tax map numbers of abutting property owners; wells, benchmarks and permanent survey markers; on-site buildings and appurtenances, tanks, dikes, fences, gates, roads, parking areas, drainage culverts, and signs; the delineation of the total facility area including planned staged development of the facility's construction and operation; and site topography with five feet minimum contour intervals; and any other relevant information as necessary for proper operation. The site plan shall show adjacent property lines, existing water wells, and surface water bodies. The plan shall show all buildings, to include all dwellings, and places of Extensive Group Assembly on adjacent properties. The plan shall be on a scale of not greater than 200 feet per inch unless otherwise approved by the Planning and Development Department.
2. All facilities shall have adequate access to a collector or arterial roadway. If the facility is not served directly by such a roadway, a road must be constructed or reconstructed in accordance with County roadway construction standards to link the proposed facility with a collector or arterial road.
3. Entrance/exists shall provide a minimum 50-foot turning radius.
4. A storm water runoff and sedimentation plan as defined by the County's Storm Water Ordinance No. O-09-02, as amended, shall be required showing all on-site and off-site drainage. (See also County Code Chapter 30, Article IV.)]
5. Access to any Bulk Storage and distribution Facility for Fuel Products or Liquid Asphalt Distribution Terminal shall be controlled through the use of an 8-foot chain link fences topped with barbed wired that encloses the entire premises in order to prevent unauthorized access.
6. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
7. Fuel Products shall be stored in accordance with the following storage capacity and height limits. However, the spacing and setback requirements in #8 of this Section must also be met.

Tank Type	Maximum Allowed Capacity (In or Adjacent to Heavy Industrial Areas)	Maximum Allowed Capacity (Adjacent to All Other Uses)	Height Limit
Under-ground (UST)	Unlimited	150,000 gallons/acre	Not Applicable
Above Ground (AST)	150,000 gallons/acre	100,000 gallons/acre	35 feet
AST or UST Within 1000 feet of a Fuel Product Pipeline* or within an Existing Bulk Storage and Distribution Facility	Unlimited	Unlimited	65 feet
* Fuel Product Pipeline in existence as of September 16, 2013			

Liquid Asphalt shall be stored in accordance with the following storage capacity and height limits. However, the spacing and setback requirements in #8 of this Section must also be met.

Tank Type	Maximum Allowed Capacity (In or Adjacent to Heavy Industrial Areas)	Maximum Allowed Capacity (Adjacent to All Other Uses)	Height Limit
Under-ground (UST)	Unlimited	150,000 gallons/acre	Not Applicable
Above Ground (AST)	150,000 gallons/acre	100,000 gallons/acre	35 feet

8. Spacing and Setbacks

a. New Bulk Storage and Distribution Facility for Fuel Products or Liquid Asphalt Distribution Terminal.

Tanks or other storage vessels and dikes within a proposed Bulk Storage and Distribution Facility for Fuel Products or Liquid Asphalt Distribution Facility shall meet the setbacks and spacing requirements in the following table. The same setbacks that apply to industrial uses shall be used for other buildings and structures on the site. Table 3b requirements also apply.

Bulk Storage and Distribution of Fuel Products or Liquid Asphalt Distribution Terminal Spacing/Setback Requirements	
Property line	200 Feet; 50 Feet if adjacent to another Bulk Storage and Distribution Facility for Fuel Products
All Dwellings and Places of Extensive Group Assembly	1000 Feet
Drinking water well in current use	500 Feet
Surface water bodies	100 Feet
Rights-of-way/Easements	Outside ROW/Easement
These Spacing/Setback Requirements apply to tank cars and tank vehicles, as well as stationary tanks. Please see definition of Bulk Storage and Distribution. Measurements shall be taken from the nearest storage tank, dike, or fuel transfer area to the residential or other listed structure.	

b. Expansion of Existing bulk Storage and Distribution Facility for Fuel Products or liquid Asphalt Distribution Terminal

The expansion or addition of tanks or other storage vessels and dikes within an Existing Bulk Storage and Distribution Facility for Fuel Products or an existing Liquid Asphalt Distribution Terminal shall meet the setbacks and spacing requirements in the following table. The same setbacks that apply to industrial uses shall be used for other buildings and structures on the site. Table 3b requirements also apply.

Bulk Storage and Distribution of Fuel Products Spacing/Setback Requirements for Expansion of Existing Facilities	
Property line	200 Feet; 50 Feet if adjacent to another Bulk Storage and Distribution Facility for Fuel Products
All Dwellings and Places of Extensive Group Assembly	500 Feet
Drinking water well in current use	500 Feet
Surface water bodies	100 Feet
Rights-of-way/Easements	Outside ROW/Easement
These Spacing/Setback Requirements apply to tank cars and tank vehicles, as well as stationary tanks. Please see definition of Bulk Storage and Distribution. Measurements shall be taken from the nearest storage tank, dike, or fuel transfer area to the residential or other listed structure.	

9. The following fire and safety requirements shall be reviewed and approved by the Spartanburg County Fire Marshal's Office prior to the issuance of a Development Permit.
- a. All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NFPA 30" of the National Fire Protection Association.
 - b. Storage tanks must be protected by either an attached extinguishing system approved by the Fire Marshal or an American Petroleum Institute-approved floating roof.
 - c. Dikes
 - 1) Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other properties, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than 110 percent of the capacity of the largest tank within the diked area.
 - 2) Dikes or retaining walls shall be of earth, steel, concrete or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle of repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks.
 - 3) Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be so designed that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.
 - d. Onsite access to all storage tanks shall be provided by means of gravel or paved roadways.
 - e. A fire hydrant with sustained water flow rate of at least 1500 gallons per minute must be available on the site and hydrant(s) situated in an area of low risk in case of a fire emergency.
 - f. All Bulk Storage and Distribution Facilities for Fuel Products and Liquid Asphalt Distribution Terminals shall provide to the County in digital format upon obtaining all approvals and prior to the issuance of the County permit: (a) a spill plan; (b) contingency plans for moving product in leaking or damaged tanks to backup tanks, and (c) an emergency preparedness and response plan that will be filed with the appropriate emergency service officials and the County's Office of Emergency Management. Any revisions shall also be filed with the aforementioned offices.
10. Approvals from Other Agencies
- a. Any Bulk Storage and Distribution Facility for Fuel Products or Liquid Asphalt Distribution Terminals proposing to locate within the jurisdiction of this Ordinance shall provide to the Ordinance Administrator a certificate from the State Fire Marshal's Office and/or the Compliance and Enforcement Division of the NPDES Permits Administration of DHEC, as applicable, and other state, federal or outside agency that regulates the facility indicating compliance with the rules and regulations administered by those agencies.
 - b. When a land development application from a Bulk Storage and Distribution Facility for Fuel Products or a Liquid Asphalt Distribution Terminal requires a permit or approval from an outside agency and the applicant presents an application and site plan that is "approvable" under this ordinance, the Planning and Development Department will issue a letter to that agency, if required, stating that a land development permit will be issued upon receipt of their permit/approval as long as the proposed facility still meets the requirements of this Ordinance after obtaining their approval.
 - c. The applicant must report any changes required by outside agencies upon their review that affect a change in the submitted site plan and submit a revised site plan.
 - d. All required permits and approvals must be obtained from outside agencies, as applicable, prior to the County issuing a land development permit. Only until such certification is received shall the facility be permitted for occupancy by Spartanburg County.

11. Maintenance

- a. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.
 - b. All storage tanks shall be maintained in a leak-proof condition with an adequately painted, rust free exterior surface.
12. Nothing contained herein shall be intended to preempt or abrogate the requirements for a Bulk Storage and Distribution Facility for Fuel Products or a Liquid Asphalt Distribution Terminal to adhere to the requirements of state or federal agencies.

Section 3.15 Off-Site Hazardous Chemical Storage

The purpose of this section is to manage the off-site storage of Hazardous Chemicals. Due to considerations for the public health and safety and potential pollution to the environment, such uses being built or expanded shall be permitted in Spartanburg County only under the following conditions. An expansion of a facility includes expansion of storage capacity, new construction, or adding to the acreage of the site. This Section is not intended to allow for permanent or long-term storage of hazardous chemicals or hazardous chemical waste.

1. A site plan shall be prepared by an individual licensed to practice engineering or land surveying in the State of South Carolina, as applicable. The site plan must show the Facility's property boundaries; off-site and on-site utilities (such as, electric, gas, water, storm, and sanitary sewer systems), rights-of-way and easements; the names, addresses, and tax map numbers of abutting property owners; wells, benchmarks and permanent survey markers; on-site buildings and appurtenances, fences, gates, roads, parking areas, drainage culverts, and signs; the delineation of the total facility area including planned staged development of the facility's construction and operation; the location and identification of waste handling areas; and site topography with five feet minimum contour intervals; and any other relevant information as necessary for proper operation. The site plan shall show adjacent property lines, existing water wells, and surface water bodies. The plan shall show all buildings, to include all dwellings and places of Extensive Group Assembly on adjacent properties. The plan shall be on a scale of not greater than 200 feet per inch unless otherwise approved by the Planning and Development Department.
2. All facilities shall have adequate access to a collector or arterial roadway. If the facility is not served directly by such a roadway, a road must be constructed or reconstructed in accordance with County roadway construction standards to link the proposed facility with a collector or arterial road.
3. Chemicals shall be stored on impermeable flooring so that soils and ground water sources will not be contaminated and the storage shall meet all applicable State and Federal regulations.
4. A Storm Water Management and Sediment Plan, regardless of size, shall be developed as defined in County Ordinance No. O-09-02, as amended, showing all on-site and off-site drainage. (See also County Code, Chapter 30, Article IV.)
5. Access to any Off-Site Hazardous Chemical Storage facility shall be controlled through the use of an 8-foot chain link fence topped with barbed wire that encloses the entire premises in order to prevent unauthorized access.
6. Off-Site Hazardous Chemical Storage Facilities shall meet the following setbacks and spacing requirements, along with applicable requirements found in Table 3b.

Off-Site Hazardous Chemical Storage Spacing/Setback Requirements	
Property line	500 Feet
All Dwellings and Places of Extensive Group Assembly	1000 Feet
Drinking water well in current use	500 Feet
Surface water bodies	100 Feet
Rights-of-way/Easements	Outside ROW/Easement

7. In addition to determining whether the stored chemical(s) trigger the requirements of this Section, the Spartanburg County Fire Marshal's Office shall review and approve the following fire and safety requirements prior to the issuance of a Development Permit.
 - a. A fire hydrant with sustained water flow rate of at least 1500 gallons per minute must be available on the site and hydrant(s) situated in an area of low risk in case of a fire emergency.
 - b. The site shall include an on-site containment area for the Hazardous Chemical so that a leak or spill is contained entirely on the facility's property and thus prevented from entering the surface or subsurface drainage system, man-made or natural, within the County.
 - c. All facilities storing Hazardous Chemicals off-site shall provide to the County in digital format upon obtaining all approvals and prior to the issuance of the County permit: (a) a spill plan; (b) contingency plans for moving product in leaking or damaged tanks or containers to backup vessels, and (c) an emergency preparedness and response plan that will be filed with the appropriate emergency service officials and the County's Office of Emergency Management. Any revisions shall also be filed with the aforementioned offices.
8. Approvals from Other Agencies
 - a. Any Off-Site Hazardous Chemical Storage Facility proposing to locate within the jurisdiction of this Ordinance shall provide to the Ordinance Administrator a certificate from the State Fire Marshal's Office, the Department of Health and Environmental Control, or other outside agency (Environmental Protection Agency (EPA) and others) that regulates the facility indicating compliance with the rules and regulations administered by those agencies.
 - b. When a land development application from an Off-Site Hazardous Chemical Storage Facility requires state government, federal government or other outside agencies' permit or approval and the applicant presents an application and site plan that is "approvable" under this ordinance, the Planning and Development Department will issue a letter to that agency, if required, stating that a land development permit will be issued upon receipt of their permit/approval as long as the proposed facility still meets the requirements of this ordinance after obtaining their approval.
 - c. The applicant must report any changes required by outside agencies upon their review that affect a change in the submitted site plan and submit a revised site plan.
 - d. All required permits and approvals must be obtained from outside agencies, as applicable, prior to the County issuing a land development permit. Only until such certification is received shall the facility be permitted for occupancy by Spartanburg County.
9. Nothing contained herein shall be intended to preempt or abrogate the requirements for an Off-Site Hazardous Chemical Storage Facility to adhere to the regulations of state or federal agencies.

Section 3.16 Coin Operated Amusement Devices, Cash Payouts

No coin operated amusement device which provides payouts authorized by Section 17-19-60 of the South Carolina Code of Laws shall be operated in a non-permanent structure such as a tent, mobile home, trailer or temporary structure. The provisions of this section shall not apply to any location with machines:

1. licensed before May 30, 1993; or
2. not involving payouts authorized by Section 17-19-60 of the Code of Laws of South Carolina.

Section 3.17 Waste Management Facilities

Legislative Findings of Fact and Policy Intent: All of the provisions and procedures set forth in this ordinance are derived from and based upon County Council's findings of fact in reference to the unique and peculiar attributes of Spartanburg County including its population projections, density and distribution, its highways and feeder roads, terrain, soil, industrial and commercial propensities, water resources, climate and seasonal effects, present and future environmental projections, law enforcement capabilities, property values, public facilities, residential uses, parks and recreational facilities,

churches and commercial uses, affects upon tax revenues, quality of life, and adverse secondary effects. Based upon all those findings, County Council has concluded as a matter of fact that the provisions are necessary and required to avoid or retard the deterioration of quality of life in Spartanburg County and the deterioration of commercial, business and industrial viability in Spartanburg County. All of those findings are the basis for the requirements and governing provisions of this ordinance which is also enacted pursuant to 4-9-25 of the Home Rule Act as necessary for the preservation of health, order and good government in Spartanburg County.

The requirements of this section shall apply to all new waste management facilities and to expansions of all existing waste management facilities as defined herein.

The facilities covered under this section include, but are not limited to, the following:

Solid Waste Landfills (SC Code of Regulations 61-107.19)

<u>New DHEC Classifications</u>	<u>Old Classifications</u>
Class One Landfill	Land Clearing Debris Landfills
Class Two Landfill	Construction and Debris Landfills and Industrial Solid Waste Class I Landfills
Class Three Landfill	Municipal Solid Waste Landfills, Industrial Solid Waste Class II Landfills, and Industrial Solid Waste Class III Landfills

Other Waste Management Facilities covered by this Section:

Composting and Wood Chipping/Shredding Facilities (SC Code R.61- 107.4)
 Infectious Waste Management Facilities (SC Code R.61-105)
 Recovered Materials Processing Facilities
 Recycling Facilities
 Short Term Structural Fills (SC Code R.61-107.19)
 Waste Incinerators
 Waste Processing Facilities
 Waste Transfer Stations

3-17.1 Definitions

For purposes of Section 3.17 the following definitions shall apply:

“Composting and Wood Chipping/Shredding Facility” means a facility that receives yard trash and land-clearing debris and prepares it to be used as mulch, etc. These facilities do not bury waste. DHEC registers these facilities, but does not issue a permit.

“Disposal” means the discharge, deposition, injection, dumping, spilling or placing of any waste into or on any land or water, so that the substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater. Incineration of waste shall be considered a form of disposal for purposes of this Section.

“Facility” means all contiguous land, structures, other appurtenances and improvements on the land used for managing waste. A facility may consist of several management units. Junk and salvage yards shall not be included in this definition.

“Incineration” means the use of controlled flame combustion or other techniques to thermally break down solid, liquid, or gaseous combustible wastes, producing residue that contains little or no combustible materials. For purposes of this ordinance, waste-to-energy facilities, pyrolysis facilities and any form of high temperature-high energy waste management facilities shall be classified as incineration facilities.

“Incinerator” means a facility or device engaged in or used for incineration as defined herein.

“Infectious waste” means any used material which is: generated in the health care community in the diagnosis, treatment, immunization, or care of human beings; generated in embalming, autopsy, or necropsy; generated in research pertaining to the production of biologicals which have been

exposed to human pathogens; and generated in research using human pathogens. This includes discarded articles that may cause puncture or cuts, such as needles, syringes, lancets, or scalpel blades; microbiologicals, such as specimens, cultures, human pathogenic agents, culture dishes, etc.; blood and blood products; pathological waste, including human tissues and bodily fluids; contaminated animal waste; isolation waste; and other waste as set forth in SC Code R.61-105. Infectious Waste does not include those wastes defined by SC DHEC as hazardous waste; radioactive and nuclear wastes; infectious waste generated by a private household; and other such exemption as defined by SC DHEC regulations.

“Infectious Waste Management Facility” means a facility engaged in waste management where the waste is infectious waste. Hospitals, nursing and personal care facilities, dentist offices, medical offices, laboratories, clinics, and medical treatment centers, and other similar patient care facilities are exempt from this definition if the waste generated is collected on a schedule or treated on site whereby the storage does not constitute a nuisance or risk to human health. Mortuaries and tattoo and body piercing facilities shall be similarly exempted.

“Landfill” means an engineered land burial facility for the disposal of waste which is so located, designed, constructed, and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment.

“Person” means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity

“Processing” means to reduce or alter the volume, biological, chemical, and/or physical characteristics of waste through processes prior to delivery of such waste to a recycling, resource recovery facility or to any waste management facility.

“Processing facility” is any combination of structures, machinery, or devices utilized to reduce or alter the volume, biological, chemical, or physical characteristics of waste through processes (such as baling or shredding) prior to delivery of such waste to a recycling or resource recovery facility or to a waste treatment, storage, or disposal facility, and excludes collection vehicles.

“Recovered material” means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

“Recovered Materials Processing Facility” means a facility engaged in the recycling, storage, processing, resale and/or reuse of recovered materials.

“Recyclable material” means those materials which are capable of being recycled and which would otherwise be processed or disposed of as waste.

“Recycling” means any process by which materials that would otherwise become waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

“Recycling Facility” means any facility engaged in the recycling of recyclable materials.

“Residence” means a structure or part of a structure that has been used as a residence or for which a permit has been issued by the County containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, apartments, manufactured home parks, dormitories, or fraternity or sorority houses. Residences, for the purpose of this section, shall also include commercial, overnight-stay services such as hotels, motels, or tourist cabins.

“Separation” means the sorting of waste into its various components prior to recycling or disposal.

“Short term structural fill” is restricted temporary land-filling for future beneficial use where hardened concrete, hardened asphaltic concrete, bricks, masonry blocks and land-clearing debris may (under a DHEC permit-by-rule) be disposed of in a area of one (1) acre or less for a period not to exceed twelve (12) months. Such sites must be registered and approved by SCDHEC, but do not require consistency with the Spartanburg County Solid Waste Plan.

“Solid waste” means any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agriculture

operations, and from community activities. This term does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations or refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.

“Storage” means the containment of waste, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such solid waste; provided, however, that storage in containers by persons of waste resulting from their own activities on their property, leased or rented property, if the waste in such containers is collected on a schedule whereby the storage does not constitute a nuisance or risk to human health, shall not constitute storage. The term does not apply to containers provided by or under the authority of the County for the collection and temporary storage of residentially generated wastes prior to disposal.

“Subdivision, Residential” means an application for a subdivision or a subdivision approved by the County as defined in Article 6 of this Ordinance.

“Transfer station” means a combination of structures, machinery, or devices at a place or facility where waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another waste management facility.

“Treatment” means any technique designed to change the physical, chemical, and/or biological characteristics or composition of any waste so as to render it safe for transport, amenable to storage, recovery, or recycling, safe for disposal, or reduced in volume or concentration.

“Waste” means any substance or material whether it is in solid, liquid, semi-solid, or contained gaseous form that is defined as a waste by South Carolina Department of Health and Environmental Control regulations or any U.S. EPA regulation. This definition includes, but is not limited to, solid waste and infectious waste. Any recyclable material or recovered material shall be considered a waste until such time as the recyclable material or recovered material has been converted to a product with a viable market. Speculation that a market exists does not constitute viable.

“Waste management” means the systematic control, by any technique, of the storage, treatment, processing, incineration, transfer, recycling, recovery, separation, and/or disposal of waste.

“Waste management facility” means a “facility” engaged in “waste management”. A junk or salvage yard shall not be included in this definition. Convenience centers and drop-off centers are exempt from this definition.

“Waste-to-Energy” means the incineration process whereby waste is converted into thermal energy to generate steam that drives turbines for electricity generation.

To the extent that a term is not defined in the Unified Land Management Ordinance and is defined in the South Carolina Code of Laws or Regulations that definition shall apply. Other terms shall carry their customary and ordinary meaning.

3.17-2 Waste Management Facility Standards

3.17-2.1 General Requirements

All Waste Management Facilities and Sites shall be subject to the following:

1. The Planning and Development Department shall not begin the review of an application for a permit until the applicant has submitted a complete application to the Planning and Development Department, as determined by staff. If staff determines the application to be incomplete, the applicant will be notified in writing of the deficiencies within fourteen calendar days of receipt of the application.
2. All applicants must submit four (4) hard copy sets and one (1) PDF set of the following plans for the specific type of facility being proposed.

- a. Vicinity plan that shows the area within one-half mile of the property boundaries of the facility in terms of: the existing and proposed land uses within that area at the time of permit application; and, residences, public and private water supply wells, known aquifers (Class Two and Class Three Landfills only), surface waters (with quality classifications), access roads, bridges, railroads, airports, historic sites, and other existing and proposed man-made or natural features relating to the facility. The plan shall be on a scale of not greater than 500 feet per inch unless otherwise approved by the Planning and Development Department.
 - b. Site plan that shows the facility's property boundaries, as certified by an individual licensed to practice land surveying in the State of South Carolina; off-site and on-site utilities (such as, electric, gas, water, storm, and sanitary sewer systems), rights-of-way and easements; the names, addresses, and tax map numbers of abutting property owners; wells, benchmarks and permanent survey markers; on-site buildings and appurtenances, fences, gates, roads, parking areas, drainage culverts, and signs; the delineation of the total facility area including planned staged development of the facility's construction and operation; the location and identification of waste handling areas; and site topography with five feet minimum contour intervals; and any other relevant information as necessary for proper operation. The site plan shall show property lines, existing wells, and surface water bodies. The plan shall show all buildings, to include residences and schools, on adjacent properties. The plan shall be on a scale of not greater than 200 feet per inch unless otherwise approved by the Planning and Development Department.
 - c. A full set of storm water plans shall be submitted to the Engineering Division of the Public Works Department.
 - d. If the owner of the site on which the waste management facility is to be placed is not the project applicant, written permission must be obtained from the owner to apply for the project's approval. (Amended 07/19/2004)
3. If a waste management facility land development application requires South Carolina Department of Health and Environmental Control (DHEC) permitting and is "approvable" under this ordinance, the Planning and Development Department will issue a letter to DHEC stating that a land development permit will be issued upon receipt of the DHEC permit so long as the proposed waste management facility still meets the requirements of this ordinance after obtaining approval from DHEC.
 4. All required permits and approvals must be obtained from the DHEC, as applicable, prior to the County issuing a land development permit.
 5. Waste management facility operators shall provide an estimate of daily, weekly, and monthly truck trips broken out by the size, type, and load capacities of vehicles. County staff will examine public road access to the site and make a determination based on the above data and the construction of the road, regardless of functional road classification, regarding the adequacy and safe use of the public road to support projected truck traffic resulting from projects on county roads. If the capacity of the road is found to be inadequate, the project will not be approved. Waste management facilities will not be allowed on minor streets in any case, except for structural fill projects of less than one acre where it is determined that the road is capable of handling anticipated loads.
 6. No Waste Management Facility shall be established within 1000 feet of the following Scenic Corridors: SC Highway 11 (Cherokee Foothills Scenic Highway), SC Highway 9, SC Highway 56, SC Highway 110 (Battleground Road), SC Highway 30 (J Verne Smith Parkway), Interstate 85 and Interstate 26. Waste Management Facilities with outdoor processes or storage shall be prohibited on any Federal Aid Primary Highway unless screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the highway. (SC Code of Laws, Title 57, Chapter 27 Junkyard Control, as amended)
 7. The provisions of Article 2 for Heavy Industrial Uses shall apply to all Waste Management Facilities unless the requirements for certain types of Waste Management Facilities are specified otherwise herein. Table 6 specifies off-street parking for Waste Management Facilities.
 8. Access to any Waste Management Facility shall be controlled through the use of fences, gates, berms, natural barriers, or other means to prevent illegal dumping and unauthorized access as demonstrated by the applicant with the concurrence of staff.

9. Dust, odors, fire hazards, litter and vectors shall be effectively controlled at all waste management facilities so they do not constitute nuisances or hazards.
10. Open burning at any waste management facility shall be prohibited.
11. Setback measurements shall be made from the nearest point of improvement (including any structure, parking, landfill footprint, etc.) on the subject property to the property line of the neighboring use (residence, residential subdivision, school, daycare, church, hospital, public park or airport). Setbacks from drinking water wells, surface water bodies, easements, right of ways, and wetlands shall be measured from the nearest point of improvement on the subject property to the feature itself.

3.17-2.2 Solid Waste Landfills

Landfills shall be subject to the General Requirements for all Waste Management Facilities in addition to the following:

A. Class One Landfills

1. A Class One Landfill shall accept only trees, stumps and wood chips which have not come into contact with petroleum products or hazardous contaminants.
2. The height/gradient of fill materials shall not exceed a 3 to 1 side slope ratio and shall not exceed the highest adjoining natural grade.
3. All materials and activities shall be screened in such a fashion as not to be visible from off-site.
4. A Class One landfill shall meet the following setbacks and spacing requirements, along with the Dimensional Requirements found in Table 3.

CLASS ONE LANDFILLS Spacing/Setback Requirements	
Property line	50 feet
Residence, residential subdivision, school, daycare, church, hospital or public park	200 feet
Drinking water well	100 feet
Surface water bodies	100 feet
Utilities	50 feet
Rights-of-way	50 feet
Wetlands	Compliance with USACE

5. Upon DHEC certification of proper closure, a plat showing the boundaries of the disposal area of the closed disposal facility with the type and location of the solid wastes disposed of at the facility shall be submitted to the Spartanburg County Planning Department and recorded in the Spartanburg County Register of Deeds Office. The recorded plat shall state that the land contained herein has been used for a Class One Landfill.

B. Class Two Landfills

1. The height/gradient of fill materials shall not exceed a 3 to 1 side slope ratio and shall not exceed a height of 100 feet from the highest adjoining natural grade.
2. A Class Two Landfill shall meet the following setbacks and spacing requirements, along with the Dimensional Requirements found in Table 3.

CLASS TWO LANDFILLS Spacing/Setback Requirements	
Property line	100 feet
Residence, residential subdivision, school, daycare, church, hospital or public park	1000 feet
Drinking water well	100 feet
Surface water bodies	200 feet
Utilities	50 feet
Rights-of-way	50 feet
Airport *	10,000 (Turbojet) 5,000 (Turboprop)
Wetlands	Compliance with USACE
* Requires landfill owner with a landfill within these distances to demonstrate that the landfill does not pose a bird hazard.	

3. Upon DHEC certification of proper closure, a plat showing the boundaries of the disposal area of the closed disposal facility with the type and location of the solid wastes disposed of at the facility shall be submitted to the Spartanburg County Planning Department and recorded in the Spartanburg County Register of Deeds Office. The recorded plat shall state that the land contained herein has been used for a Class Two Landfill.

C. Class Three Landfills

1. The facility shall be enclosed by an eight-foot chain link fence with evergreen screen with a minimum height not less than eight feet at maturity or a wall structure as illustrated by Section 2.02-2, on all sides visible from streets.
2. The height/gradient of fill materials shall not exceed a 3 to 1 side slope ratio and shall not exceed a height of 100 feet from the highest adjoining natural grade.
3. A Class Three Landfill shall meet the following setbacks and spacing requirements, along with the Dimensional Requirements found in Table 3.

CLASS THREE LANDFILLS Spacing/Setback Requirements	
Property line	200 feet
Residence, residential subdivision, school, daycare, church, hospital or public park	1000 feet
Drinking water well	500 feet—up gradient 750 feet—side gradient 1000 feet—down gradient
Surface water bodies	200 feet
Utilities	50 feet
Rights-of-way	50 feet
Airport	10,000 feet (Turbojet) 5,000 feet (Turboprop) 6 miles (New Landfill)
Wetlands	Compliance with USACE

4. Upon DHEC certification of proper closure, a plat showing the boundaries of the disposal area of the closed disposal facility with the type and location of the solid wastes disposed of at the facility shall be submitted to the Spartanburg County Planning Department and recorded in the Spartanburg County Register of Deeds Office. The recorded plat shall state that the land contained herein has been used for a Class Three Landfill.

D. Short-Term Structural Fill

A Short-term Structural Fill is exempt from the vicinity plan and site plan requirements. Instead a plat delineating the fill area, surrounding land uses, wells, water bodies, and easements shall be submitted to the Planning Department.

A notice, along with the above-mentioned plat, shall be recorded in the Register of Deeds Office to put future purchasers on notice that short term structural fill was placed on the site. The notice shall include a list of the specific materials used as fill.

SCDOT right-of-way Structural Fill sites that are directly related to road construction are exempt from these requirements if the fill is within the road right of way.

Structural Fills shall meet the General Requirements for Waste Management Facilities and the following requirements:

- a. The materials utilized for fill must not have been contaminated by hazardous contaminants, petroleum products, or painted with lead-based paint. Structural fill may not provide a sound structural base for building purposes.
- b. A Structural Fill shall meet the following setbacks and spacing requirements.

STRUCTURAL FILL Spacing/Setback Requirements	
Property line	100 feet
Residence, residential subdivision, school, daycare, church, hospital or public park	200 feet
Drinking water well	100 feet
Surface water bodies	200 feet
Utilities	50 feet
Rights-of-way	Outside of right-of-way without approval from right-of-way holder
Wetlands	50 feet
Between structural fills on same property	500 feet

3.17-2.3 Other Waste Management Facilities (Amended 2/17/2014)

Except as noted, the following facilities are subject to the General Requirements listed above.

A. Waste Incinerators

A Waste Incinerator shall meet the following setbacks and spacing requirements.

WASTE INCINERATORS Spacing/Setback Requirements	
Property line	100 feet
Residence, residential subdivision, school, daycare, church, hospital or public park	500 feet

Drinking water well	100 feet
Surface water bodies	200 feet
Utilities	50 feet
Rights-of-way	Outside of right-of-way without approval from right-of-way holder
Wetlands	50 feet

B. Recycling Facilities and Recovered Materials Processing Facilities

All Recycling Facilities and Recovered Materials Processing Facilities as defined in this Article shall be subject to the following requirements.

A Recycling Facility or a Recovered Materials Processing Facility whose operation is totally contained within a building and that does not deal with Hazardous Chemicals as defined in this Ordinance, produce noxious or foul odors, or produce noise in excess of 45 decibels shall be considered under this Ordinance as Industrial Uses.

- 1) Recycling Facilities and Recovered Materials Processing Facilities shall also comply with the provisions of Article 2 to the extent that it does not conflict with this Section.
- 2) All outside storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or pelletized.
- 3) The site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.
- 4) If the facility is open to the public, space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials.
- 5) Recycling Facilities and Recovered Materials Processing Facilities shall meet the following setbacks and spacing requirements.

RECYCLING FACILITIES and RECOVERED MATERIALS PROCESSING FACILITIES Spacing/Setback Requirements	
Property line	100 feet
Residence, residential subdivision, school, daycare, church, hospital or public park	500 feet
Drinking water well	100 feet
Surface water bodies	200 feet
Utilities	50 feet
Rights-of-way	Outside of right-of-way without approval from right-of-way holder
Wetlands	50 feet

C. Waste Transfer Stations

A Waste Transfer Station shall meet the following setbacks and spacing requirements.

WASTE TRANSFER STATION Spacing/Setback Requirements	
Property line	100 feet
Residence, residential subdivision, school, daycare, church, hospital or public park	500 feet

Drinking water well	100 feet
Surface water bodies	200 feet
Rights-of-way	Outside of right-of-way without approval from right-of-way holder
Wetlands	50 feet

D. Waste Processing Facilities

A Waste Processing Facility shall meet the following setbacks and spacing requirements.

WASTE PROCESSING FACILITIES Spacing/Setback Requirements	
Property line	100 feet
Residence, residential subdivision, school, daycare, church, hospital or public park	500 feet
Drinking water well	100 feet
Surface water bodies	200 feet
Rights-of-way	Outside of right-of-way without approval from right-of-way holder
Wetlands	50 feet

E. Composting and Wood Chipping/Shredding Facilities

Composting and Wood Chipping Facilities will follow the same setback/ spacing requirements as Class One Landfills.

3.17-2.4 Infectious Waste Management Facilities

Infectious Waste Management Facilities shall be subject to the following requirements in addition to the General Requirements listed above:

1. In addition to the application requirements described for all waste facilities, infectious waste facilities shall provide to the County upon obtaining DHEC approval: (a) a spill plan; (b) contingency plans for alternate treatment, storage and/or disposal sites, and (c) an emergency preparedness and response plan that will be filed with the appropriate emergency service officials and the County's Office of Emergency Management.
2. Storage of waste must not be outdoors. Storage buildings must display the universal biohazard symbol, must be locked, and must allow access to authorized personnel only.
3. The facility must be connected to the public sanitary sewer system.
4. Infectious Waste Facilities shall meet the following setbacks and spacing requirements, along with the Dimensional Requirements found in Table 3.

INFECTIOUS WASTE FACILITIES Spacing/Setback Requirements	
Property line	100 feet
Residence, residential subdivision, school, daycare, church, hospital or public park	500 feet
Drinking water well	100 feet
Surface water bodies	200 feet

Rights-of-way	Outside of right-of-way without approval from right-of-way holder
Wetlands	Compliance with USACE

(Amended 12/13/2011)

Section 3.18 Communication Towers

The intent of this Section is to aid in the siting of Communication Towers in the County of Spartanburg by establishing regulations, which allow for the harmonious co-existence of Communication Towers with other land uses. It is also the intent of this Section to reduce the impact of Communication Tower by providing setbacks from residential property, encouraging Communication Tower locations in commercial/industrial areas, and encouraging co-location of Communication Towers and innovative locations (i.e., church steeples, other nonresidential buildings, outdoor advertising signs, water tanks and electric transmission towers, etc.) when technically feasible.

Section 3.18 shall apply to any tower or antenna used for communication purposes. It includes any new tower and/or antenna location unless it is a previously approved communication tower that is not being increased in height for the purposes of accommodating the additional equipment.

Section 3.18-1 Standards

The following standards shall apply for the permitting of Communication Towers:

Section 3.18-1.1 A pre-application conference with the Development Project Team review Staff from the Planning Department is required prior to applying for a development permit.

Each applicant for an antenna and or tower shall provide to the Planning Department an inventory of its existing towers that are either within Spartanburg County or within one-quarter mile of the border thereof, including:

1. correct, up-to-date information on the Assessor's map and parcel reference,
2. map showing exact location on the parcel,
3. height,
4. design,
5. number of antenna that can be accommodated on the tower,
6. year constructed,
7. correct street address, and
8. current co-locators.

The Planning Department may share such information with other applicant applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within Spartanburg County, provided however that the Planning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

The applicant must provide expert testimony that demonstrates to the satisfaction of the Planning Department that any existing tower, building, or other structure within one-half (½) mile of the proposed site is unavailable, at a reasonable cost or other business terms, to accommodate the equipment or purpose for which a new tower or an existing tower's increase in height is proposed. The need for structural or equipment modifications shall not alone be sufficient to demonstrate non-availability. Any one or more of the following shall be considered to demonstrate non-availability:

- i. Evidence with reference to EIA-RS 222, in its current adopted revision, that the structural capacity of existing and approved towers cannot accommodate the planned equipment and cannot be reinforced to accommodate the planned equipment at a reasonable cost. The applicant shall be required to calculate the capacity of existing or approved towers based on information on file with the County or requested from the tower owner if supplied.

- ii. Evidence that the planned equipment may and/or will cause objectionable radio frequency interference with other existing or planned equipment on that tower, which cannot be made better at a reasonable cost.
- iii. Evidence that existing or approved towers do not have space to locate the planned equipment where it can function effectively and at the strength of signal required by the FCC.
- iv. Evidence that the addition of the planned equipment to existing or approved towers would result in non-ionizing electromagnetic radiation (NIER) levels in excess of those permitted by OST-65 and ANSI C95.1 or any revisions thereto, or any adopted local standard.
- v. Evidence that the fees and/or cost to be charged to the collocating company, or contractual provisions required by the owner, including the cost to adapt existing facilities to the proposed use based on comparable terms, exceed the current fair market value to locate on a build to suit tower.

Section 3.18-1.2 Setbacks from Property Lines and Certain Residential Uses

A Communication Tower shall be set back from all property lines of the parcel on which it is located, a distance equal to the height of the Communication Tower minus twenty (20') feet, except as modified below: Towers shall also observe external setbacks from certain residential land uses as described below. See Table 3 for additional information.

- a. A Communication Tower with a center point closer than one thousand (1,000') feet from the nearest property line of any platted residential subdivision, as defined herein, containing twenty-five (25) or more lots, shall observe a setback from the nearest property line in the subdivision(s) as set forth below. Also, a Communication Tower that has a total of fifty (50) Dwelling Units, as defined herein, located within a one thousand (1,000') foot radius from the center point of the Communication Tower shall observe a setback, as set forth below, from the nearest residential structure, but not to include residential structures on the subject property upon which the Communication Tower is to be constructed.
 - i. For a Communication Tower, which is less than two hundred (200') feet in height from the ground on which it rests, the setback shall be two (2) times the height of the Communication Tower from the nearest residential structure or the nearest applicable residential subdivision property line, whichever applies.
 - ii. For a Communication Towers, which is two hundred (200') feet or more in height from the ground on which it rests, the setback shall be three (3) times the height of the Communication Tower from the nearest residential structure or the nearest applicable residential subdivision property line, whichever applies.
- b. For the purpose of measuring the applicable setback, distance measurements on monopole and guyed Communication Towers will be made from the center point of the Communication Tower. Distance measurements on lattice Communication Towers will be made from the closest legs of the lattice Communication Tower to the point of reference.
 All guy wires (if any) shall be located within the applicable setback, and no residential dwelling (except one located on the same parcel) shall be located within any applicable setback.
- c. The height of the Communication Tower shall be the distance from the ground on which the Communication Tower rests to the top of the tower structure.
- d. For purposes of Section 3.18-1.2(a) a platted residential subdivision is defined as being either that shown in an approved final or summary plat as defined in Section 1 of this ordinance, together with any additional adjacent phases to such plat shown on a subsequently approved final or summary plat, or a map showing a subdivision of land which was recorded in the Office of the Register of Deeds for Spartanburg County prior to November 2, 1977, together with any additional adjacent phases to such subdivision of property shown on a subsequently recorded map.
- e. For purposes of Section 3.18-1.2(a) and for purposes of determining the number of dwelling units within the one thousand (1,000) foot radius from the center point of the Communication Tower, a Dwelling Unit shall be defined as a single unit providing complete, independent living facilities designed, arranged, used or intended for use by one or more persons living together and maintaining a common household, and which shall include permanent provisions for living, sleeping, eating,

cooking and sanitation, (but excluding lodging units located in hotels or motels), including and limited to the following types of residences:

- i. Single Family Dwelling: A building designed, constructed and used for one dwelling unit.
- ii. Two Family or Duplex Dwelling: A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall. However, for purposes of determining the number of dwelling units within the one thousand (1,000)-foot radius of the Communication Tower site, any two-family or duplex dwelling will only be considered as a single dwelling unit. Furthermore, a two- family or duplex dwelling shall not include any such structure(s) utilized for the housing of transients.
- iii. Limited Multiple Family Dwelling: A building designed, constructed, or reconstructed and used for more than two (2) Dwelling units but for no more than five (5) Dwelling units, with each Dwelling unit having a common wall with any other Dwelling unit. However, for purposes of determining the number of dwelling units within the one thousand (1,000) foot radius of the Communication Tower site, any Limited Multiple Family Dwelling will only be considered as a single dwelling unit. Furthermore, a Limited Multiple Family dwelling shall not include any such structure(s) utilized for the housing of transients.
- iv. For purposes of Section 3.18-1.2(a), a dwelling unit shall not be defined as including the following types of residences:
 1. Multiple Family dwelling: A building designed, constructed, or reconstructed and used for more than five (5) Dwelling units, with each Dwelling unit having a common wall with any other Dwelling unit.
 2. Resident Group Care Homes: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. A Group Care Home may include nursing homes, extended care facilities, retirement homes, halfway houses, recovery homes, and homes for orphans, foster children, the elderly, battered children and women. It could also include a specialized treatment facility providing less than primary health care.
 3. Mobile Home Parks: A lot or lots used, designed or intended to be used for the purpose of supplying parking spaces for three (3) or more occupied mobile/manufactured homes and which includes, buildings, structures, or enclosures used or intended to be used as a part of such mobile home park, but not including a Mobile Home Subdivision as defined by the Spartanburg County Unified Land Management Ordinance.
- f. To encourage the location of Communication Towers in commercial and industrial areas, the required setback for Communication Towers located in areas of Medium/High Intensity Commercial, Industrial, and/or Institutional areas, including properties containing apartment buildings, shall be as follows:
 - i. If the proposed tower is within 1000 feet of the residential uses described in Section 3.18 1-2(a), then the tower must be set back from that residential use as described in that section. As long as the proposed structure can meet said setback, it may take advantage of the 30-foot setback as described in this section.
 - ii. Thirty (30') feet from the property line of the property on which the Communication Tower is located provided the setback requirement of the height of the Communication Tower minus 20 feet is on like use property. Otherwise, the setback shall be the height of the tower minus 20 feet from the property line of the property on which the Communication Tower is located.
 - iii. For the purpose of measuring the applicable setback, distance measurements on monopole and guyed Communication Towers will be made from the center point of the Communication Tower. Distance measurements on lattice Communication Towers will be made from the legs of the lattice Communication Tower.
 - iv. For purposes of Section 3.18-1.2(d), and for purposes of determining the applicability of the setbacks set forth in this Section 3.18-1.2 (2)(d), the Medium/High Intensity Commercial, Industrial, and/or Institutional use must exist over an area of five (5) or more acres within one (1) or more contiguous Medium/High Intensity Commercial, Industrial, and/or Institutional use properties regardless of common ownership. In addition to those uses considered to be Medium/High Intensity Commercial, Industrial, and/or Institutional as set forth in Article Six

of the Spartanburg County Unified Land Management Ordinance, the use of any subject property shall be considered to be Medium/High Intensity Commercial, Industrial, and/or Institutional so long as any one of the following conditions exist:

1. The property has a present and ongoing Medium/High Intensity Commercial, Industrial, and/or Institutional use;
 2. The property was last used for Medium/High Intensity Commercial, Industrial, and/or Institutional purposes, the use is not presently ongoing or active, but the use of the property has not been changed;
 3. The property is undeveloped but its location and proximity to other uses make it highly unlikely to be developed for residential purposes such as commercial and/or industrial properties located along the boundaries of interstates.
- v. For purposes of Section 3.18-1.2(d), and for the purpose of determining the amount of property subject to Medium/High Intensity Commercial, Industrial, and/or Institutional use, subject to the conditions set forth herein, the land area of any easements or rights of way touching upon or located within any property may be included in the calculation, but any such land area included shall not exceed fifty (50%) percent or two and one-half (2.5) acres of the total five (5) acres. The Planning Department staff shall make the consideration of any land area of any easements or rights of way on a case by case basis. The Planning Department staff shall take into account all relevant information, including, but not limited to, the existence of a transitional commercial area, in considering any land area of any easements or rights of way.

The applicant for the construction of a Communication Tower in an area of Medium/High Intensity Commercial, Industrial, and/or Institutional use pursuant to this Section 3.18-1.2(d), shall not be required to lease or purchase the entire five (5) acres but only so much land area that is necessary for its purposes and to meet the setback requirements set forth herein.

The Spartanburg Planning Department Staff shall conduct a survey of land uses for each proposed Communication Tower location proposed in a commercial and/or industrial area and make a finding of fact for the Public record. To encourage the location of Communication Towers and/or antennae on existing buildings and structures, only the height of the Communication Tower and/or antennae (and not the building or structure on which the Communication Tower and/or antennae are located) shall be considered in determining any required setback under this Section 3.18-1.2(d).

For purposes of Section 3.18-1.2(d), and for purposes of determining the applicability of the setbacks set forth in this Section 3.18-1.2(d), the definition of Medium/High Intensity Commercial, Industrial and/or Institutional areas shall not include properties containing churches, synagogues or any other building improvements for the purpose of religious worship.

Section 3.18-1.3 Two (2) copies of a site development plan (in lieu of the information required in Table 2 for a Minor Land Development site plan) shall be drawn to scale and show, at a minimum, the following information;

1. the height and precise location of the tower on the parcel (as most previously subdivided) along with guy anchors, if any,
2. any new property lines/lease property lines that may be a result of the project,
3. all applicable setbacks, including the herein-described setbacks from certain residential uses,
4. transmission buildings and other accessory uses,
5. access,
6. landscaped areas,
7. fence, and
8. adjacent land uses.

Section 3.18-1.4 All proposed Communication Towers shall provide for controlled access to the Communication Tower facility with an eight (8') foot high chain link fence surrounding the Communication Tower facility and any guy wire abutments. Access to the tower shall be through a locked gate.

In addition, a row of evergreen shrubs capable of forming a continuous hedge at least five (5') feet in height shall be provided around the outside perimeter of the fence to the extent the outside perimeter is not otherwise obscured by existing trees and natural vegetation.

The owners and their agents shall be responsible for maintaining all required landscaping material in a healthy condition, replacing unhealthy or dead plant materials by the next planting season. Replacement material shall be as described in the previous paragraph.

Section 3.18-1.5 All Communication Towers shall be constructed to accommodate at least two (2) additional communication antennas. The applicant must submit an affidavit stating that space on the proposed tower will be made available to future users when technically possible at a comparable market rate.

Section 3.18-1.6

- a. With the exception of Communication Towers for aeronautical purposes, Communication Towers may not penetrate any imaginary surface, as described in Chapter 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77 as amended, associated with existing or proposed runways at any publicly owned airport. All Communication Towers located within the first 12,000 feet of the approach surface on an existing or proposed runway, or within the horizontal surface associated with such runway(s) as described in FAR Part 77, shall be lighted. Strobe lights during the daylight and twilight hours and red lights shall illuminate such Communication Towers during nighttime hours.

Prior to issuance of a building permit, applicants shall provide documentation that the proposed Communication Tower has been reviewed by the Federal Aviation Administration (FAA), if so required, and that finding of no hazard to air navigation has been determined.

The applicant shall also provide copies of the site development plans for comment to Greenville-Spartanburg International Airport and Spartanburg Downtown Memorial Airport to be delivered at least ten (10) days prior to staff approval. Prior to approval, documentation must be received by the Spartanburg County Planning Department that the proposed Communication Tower has been reviewed by each of the said airports and that neither airport has an objection. If either airport has an objection to the proposed Communication Tower, an Advisory Conference composed of Airport officials, County Officials, and representatives of the communication company's shall be convened. The results and findings of such conferences shall be presented to the County Planning and Development staff for evaluation and final action. Because proximity and lighting of Communication Towers near these aeronautical facilities affects the safety of the public, careful consideration should be given to the results and findings and such may be grounds for denial of the issuance of a permit or requiring that certain additional requirements be imposed as a condition for the issuance of a permit.

- b. Care shall also be taken in locating Communication Towers in the vicinity of any private airport whether or not it is open to the public.
- c. All Communication Towers shall be lighted in accordance with Federal Aviation Administration Circular 70-7460, "Obstruction Marking and Lighting," as amended from time to time.
- d. Communication towers not requiring FAA painting/marketing shall have either a galvanized finish or be painted a dull blue or gray finish.

Section 3.18-1.7 All Communication Towers shall be designed and constructed so as to withstand winds in accordance with ANSI/EIA/IIA 222 (latest revision) standards.

Section 3.18-1.8 No advertising of any type may be attached to a Communication Tower. However, a Communication Tower and/or antenna may be placed upon an outdoor advertising sign subject to the requirements of Section 3.18-1. The placement of a Communication Tower and/or antenna upon an outdoor advertising sign shall not change the principal nature or classification of the outdoor advertising sign.

Section 3.18-1.9 Communication towers shall be removed at the owner/operators expense within 120 days of the date such tower ceases to be used for its intended purpose. (Amended 10/21/2002)

Section 3.19 Junk and Salvage Yards

Section 3.19-1 Findings

Spartanburg County finds that junkyards:

- (1) Pose a hazard to the health, safety, and general welfare of the citizens of Spartanburg County;
- (2) Depreciate the value of surrounding property;
- (3) Pose environmental and fire hazards;
- (4) Are a breeding ground for mosquitoes or other insects, snakes, rats and other pests;
- (5) Pose a threat of injury to children and other individuals who may be attracted to the premises;
- (6) Are a visual blight and patently offensive to the aesthetic quality of the environment of Spartanburg County

Section 3.19-2 Purpose

To preserve the physical integrity of established neighborhoods for the quiet enjoyment of family, safety of children, and the maintenance of residential property values; to protect the citizens and residents of Spartanburg County from possible injury at junkyards; to achieve responsible economic growth in areas of Spartanburg County that is compatible with growth and development in nearby areas; to protect the public from health nuisances and safety hazards by controlling vectors, concentration of volatile or poisonous materials, and sources of danger to children; and to preserve and enhance the natural scenic beauty of areas in the vicinity of the primary and secondary roads of Spartanburg County, it is declared to be in the public interest of Spartanburg County, and necessary and proper for the general welfare, convenience, safety and health of the people of the County, to regulate the operation and maintenance of junkyards in areas adjacent to public roads and highways within Spartanburg County, including those regulated by the South Carolina Department of Highways and Public Transportation to the extent that this division is not in conflict with such regulations. Spartanburg County Council hereby finds and declares that junkyards which do not conform to the requirements of this ordinance are public nuisances.

Section 3.19-3 Fencing and Screening

All junkyards shall be enclosed on all sides by one of the following that shield the junkyards from view:

1. A chain link fence with evergreen screening of an approved type; or
2. Where evergreen screening is not possible, a chain link fence with vinyl strips or slats woven into the fence fabric may be used upon approval by the ordinance administrator; or
3. A wooden or masonry privacy fence; or
4. Other type material which has been given approval by the ordinance administrator.

Section 3.19-4 General Requirements

1. Anchoring - All metal or wooden fence posts shall have at least one-fourth of their length below ground level and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber.
2. All junkyard business shall be conducted entirely within the screened area of the property.
3. No junk shall be stacked, stored or maintained at a height greater than the opaque screen around the junkyard.
4. Adequate off-street customer parking must be provided, and must be graveled or paved in an acceptable manner.
5. If a junkyard closes, it must comply with the provisions of Section 3.19-5 for new junkyards to re-open. Evidence of closing shall be established by inspection of the property, written notification or non-renewal of a junkyard permit.

6. Any person, company, business or corporation not covered by this division or exempted from this division shall comply with state statutory law regarding disposition of abandoned or derelict motor vehicles as provided by S.C. Code Ann. § 56-5-5610, 56-5- 5810, et. seq. and 44-67-10 et. seq. (1976).
7. All junkyards shall be maintained to protect the public from health nuisances and safety hazards. The Spartanburg County Health Department may inspect each junkyard to determine that the junkyard does not create a nuisance or safety hazard. Should a nuisance or safety hazard be identified, the owner, operator or maintainer shall submit satisfactory evidence to the health department and planning department that the nuisance or safety hazard has been eliminated. Failure to comply with this provision shall result in revocation of permit as well as other penalties and remedies for violation of this division.

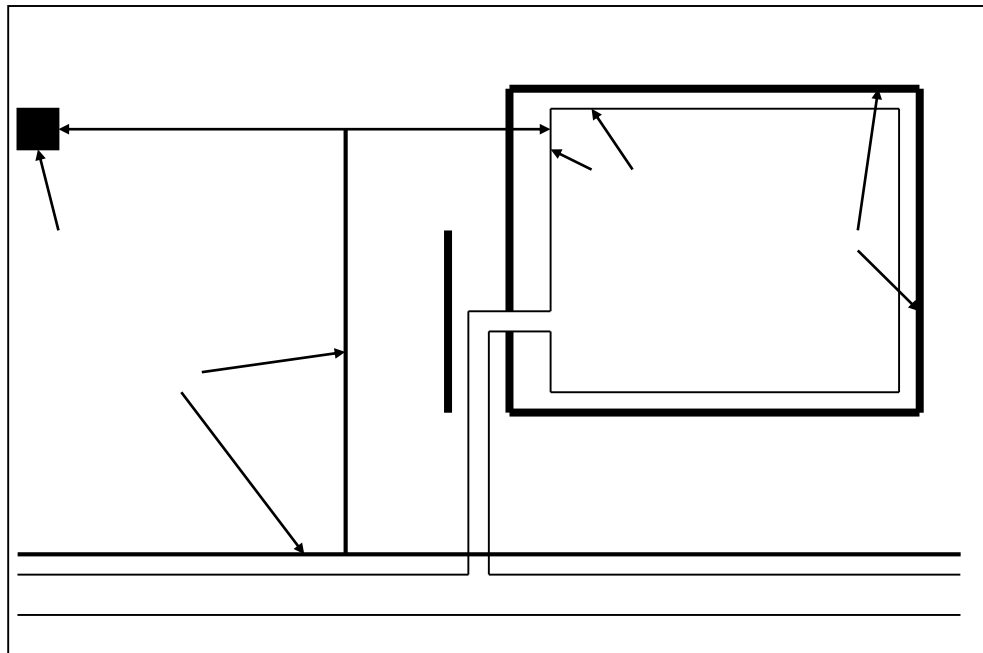
Section 3.19-5 Operation of New Junkyards

The following standards shall be applicable to junkyards that open, re-open, or begin operations or business after December 31, 1999:

1. New junkyards shall be situated on a continuous parcel of at least five acres excluding rights-of-way that are undivided by road rights-of-way or public dedication.
2. Have a minimum front lot line of 100 feet on a public right-of-way. Wrecker, towing and impoundment services as defined by Section 3.19-7(e) of this ordinance, shall have a minimum front lot line of sixty (60) feet on a public right-of-way. Reference minimum sixty (60) foot front lot line requirement for commercial property pursuant to the Development Standards Ordinance.
3. All driveway entrances shall be from side property lines. The centerline of the driveway shall not be closer than 30 feet from the side property line. An opaque gate shall be utilized. The view toward the gate from the adjacent property shall be screened by a continuous hedge row not less than 30 feet wider than the gate.
4. Have a minimum setback to the fence from front, side and rear property lines excluding road rights-of-way of at least 50 feet. Wrecker, towing and impoundment services as defined by Section 3.19-7(e) of this ordinance, shall have a minimum setback to the fence from front, side and rear property lines excluding road rights-of-way of at least 25 feet.
5. No junkyard shall be established closer than 1,000 feet to a church, school, daycare center, nursing home, health care facility, hospital, public building, public recreation facility, a concentration of ten or more contiguous residences, or closer than 500 feet from any single residence. An on-site residence at the junkyard by the owner or its agent is permitted. No junkyard shall be established closer than 1,000 feet of the following scenic corridors: S.C. Highways 9, 11, 56, 110 (Battleground Road), and U.S. Highways 26 and 85.
6. The junkyard shall be entirely surrounded by an opaque fence at least eight feet in height or by either a woven or welded wire (11-gauge minimum) or chain link fence a minimum of 8 feet in height and with an opaque evergreen screen with a minimum height of not less than eight feet when mature. The evergreen vegetation shall be planted between the property line and the outbound side of the fence. The distance spacing of the evergreen vegetation from the fence and the property line should allow for maintenance of the mature vegetation from inside the property line. Evergreen vegetation that serves as screening shall be of an approved type that can reach a minimum height of eight feet when mature from the date planted and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken screen (without gaps or open spaces) will exist to a height of at least eight feet along the length of the fence surrounding the junkyard. The evergreen screen shall be maintained as a continuous, unbroken screen for the period the property is used as a junkyard. Acceptable species include, but are not limited to, Ligustrum, Euonymus, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Junipers, Holly and Yew. Each owner, operator, or maintainer of a junkyard shall utilize good husbandry techniques by pruning, mulching, and fertilizing, so that the vegetation can reach a height of eight (8) feet within five years of the date planted and will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.
7. A junkyard plan prepared by the owner or operator of any new junkyard shall be submitted prior to the junkyard permit being granted by Spartanburg County. The plan shall indicate setbacks, location of public rights-of-way, all proposed structures, all structures within 500 feet of a junkyard,

driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junkyard, gross acreage, owner(s)' name(s), address(es), preparer of plan name(s) and address(es). Submission of information shall establish pre-existing conditions. Plan may be drawn at a scale of one inch equals 400 feet or less.

8. When, for reasons of topography, it is determined by the ordinance administrator that the fencing and screening requirements of the new junkyard will not produce a result that sufficiently shields the junkyard from view and otherwise preserves the policy and intent of this division, the following alternatives are available:
 - a. The junkyard may locate at the site if its fenced boundaries are no closer than 1,000 feet to any adjacent residence; or
 - b. Topographic features shall be graded to adjacent roadway levels so that the provisions for fencing and screening can be effective; or



- c. The developer of a junkyard may seek another site that is more suitable to junk yard development.
9. In addition to the spacing requirements of paragraph five (5) and nine (9) herein, all junkyards established after December 31, 1999 shall be restricted to property located in areas characterized by light, medium or heavy "Industrial Uses" as defined by this Ordinance and shown on the Future Land Use Map in the approved "Spartanburg County Comprehensive Plan" (Amended 10/21/2002)

Section 3.19-6 Licensing, Inspection, and Annual Fees for Junkyards

1. Licensing and Fees
 - a. A license shall be required to open and/or operate a junkyard and shall be subject to annual renewal due January 1st. The license fee shall be set per the Fee Schedule adopted by Resolution of County Council.
 - b. For an owner who fails to renew the annual license by the deadline, there shall be a monthly late fee equal to half of the above base rate.
 - c. An owner may not renew a license if his yard is not in compliance with this ordinance. Late fees will continue to accrue for those yards that are found to be non-compliant.
 - d. Late fees will continue to accrue for an owner who is in compliance and does not pay the annual license fee.

- e. Failure to comply with the requirements of this Ordinance may result in the revocation of license to operate a junkyard. After the annual fee is 60 days delinquent, the owner shall be considered in violation of this Ordinance for the lapsed license.
 - f. A Junkyard license is not transferrable.
 - g. Successors or assigns of a junkyard shall be responsible for payment of any delinquent or due fees, penalties or fines.
2. Annual Inspection; Violation
- a. All junkyards registered in Spartanburg County shall undergo an annual inspection to ensure compliance with this Ordinance.
 - b. When a violation is determined, notice shall be given in writing by the code enforcement officer, together with an established time period within which the violation must be corrected.
 - c. A junkyard license may be revoked by the Spartanburg County Environmental Enforcement Department Director for a violation of this Ordinance or other applicable regulations governing the operation of such uses based on inspection of the premises.
3. Suspension of License
- a. Failure to correct the violation(s) within the established time period will result in license suspension.
 - b. Any person who has received notice that his license will be suspended unless certain conditions or practices at the junkyard are corrected, may request and shall be granted a hearing on the matter before the Board of Zoning Appeals by filing a petition with the Planning and Development Department. The petition for such hearing must be filed within ten calendar days following the day on which delivery of the notice of license suspension was delivered to such person. If no petition is filed within ten calendar days following the delivery of the notice of license suspension, the license shall be deemed to have been automatically revoked.
 - c. A junkyard, upon the owner's loss of license based on violations of this Ordinance, shall meet the requirements of all County Ordinances in order to reopen. Otherwise, the yard must be closed.
4. Providing false or incorrect information on any application form, registration form, permit form or license renewal form under this division shall constitute a misdemeanor. Any license not containing the current mailing address of the license holder or the current mailing address of the record owner of the parcel of land upon which the junkyard is located, is void. Any application form submitted by a lessee or tenant for a license under this division shall contain the signature and current mailing address of the landlord, leaser, or record owner constituting an affirmation that the license applicant is in fact a lessee or tenant of the landlord, leaser, or record owner of the parcel of land upon which the junkyard is located.

Section 3.19-7 Exemptions

(Amended 2/17/2014)

Although the following are junkyards as defined by this ordinance and are subject to the provisions of this section, the following limited exemptions are granted:

- a. Service stations are exempt from Section 3.19-5 and Section 3.19-6 of this division. All other provisions of this division shall apply. A service station is any establishment or place of business which provides retail sales of fuel, lubricants, air, water or other items for the operation or maintenance of motor vehicles or for making mechanical repairs, servicing or indoor washing of motor vehicles.
 - b. Wrecker, towing and impoundment services, as defined herein, are exempt from the five (5) acre requirement of Section 3.19-5(1) for the operation of new junkyards under this ordinance. All other provisions of this division shall apply including the fencing and anchoring requirement of Sec. 3.19-3. A wrecker, towing or impoundment service is any establishment or place of business which provides towing or temporary storage services of no more than twenty five (25) currently licensed and currently registered motor vehicles which have been wrecked, or whose possession is by virtue of court order, a copy of which is in the possession of the proprietor of such service or affixed to the vehicle. Temporary storage is defined as not exceeding ninety (90) days from the date possession or custody of the vehicle is obtained except when possession is pursuant to a court order.
- (Amended 5/15/2000)

Section 3.20 Accessory Buildings and Uses/Non-Residential

(1) Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe the required setback requirements on Table 3.

(2) General Requirements

- a. There is no limit to the number of accessory buildings.
- b. Accessory uses shall observe the setback requirements for the principal use to which they are accessory when located contiguous to a residential use.

(3) Location

Without exception, no accessory use may be located in a required bufferyard area. Accessory buildings and uses are permitted anywhere within the buildable area of a lot or parcel unless specifically regulated. They may be permitted within required yards and setback areas, but not in bufferyards, under the following conditions:

a. Off-Street Parking and Loading Space

Off-street parking and loading spaces are permitted in required yards and setback areas

b. Buildings, Sheds, and Structures for Dry Storage; Greenhouses

Building sheds and structures for dry storage and greenhouses may be located in rear yard and rear setback areas only.

c. Swimming Pools, Tennis Courts, Recreational Uses

These uses may be located in required rear yard and side yards; provided said uses shall be no closer than 10 feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.

d. Ground Supported Communication and Reception Antennas

These uses may be located in required rear and side yards only, and if located in the buildable area shall not extend or be located in front of any principal building.

e. Fences and Walls

May be located in all required yards and along any property line.

Section 3.21 Temporary Uses

All temporary uses shall submit a sketch plan for review, and upon approval shall be issued a temporary permit. The uses listed in this Section are not a complete list and staff will determine the proper category of a temporary use not listed. Temporary uses, their location, duration, and conditions applicable thereto, are as follows:

1. Fairs, Carnivals, Festivals, and Outdoor Concerts with no public sponsorship

Uses with less than 500 attendees/day shall be located in an area where there are less than 10 residential dwellings with 500 feet radius of a circle located in the center of the proposed site. Uses with 1000 or more attendees/day shall locate in a area where there are less than 10 residential dwellings with 1000 feet radius of a circle located in the center of the proposed site and shall take access from a collector or arterial roadway. Maximum length of stay shall be (15) days for fairs and carnivals and (3) days for festivals and concerts. Extensions of the temporary permit may be considered by staff for good cause. Operations for such uses shall cease between 12:00 PM midnight and 6:00 AM. Off street parking shall be provided at the rate of 3 persons/car and all parking areas shall be roped off.

2. Religious Tent Meetings

Religious meetings in a tent or other temporary structure shall not exceed (30) consecutive days per permit. Extensions of the temporary permit may be considered by staff for good cause. The tent/structure shall not be closer than 400 feet to any residential dwelling. Uses with more than 1000 attendees/day shall take access from a collector or arterial roadway. Off street parking shall be provided at the rate of 3 persons/car and a parking area shall be roped off.

3. Seasonal uses such as Snow Cone Stands, Firework Stands, Produce Stands, Christmas Tree Sales Lots, Haunted Houses, Haunted Trails and Similar Uses

Uses in this category may be issued a temporary permit for a period of up to 90 days. Temporary structures must remain out of the road right of way. Adequate parking shall be provided and parking may not be so arranged that vehicles are forced to back into traffic on the primary access street. Sites used for these purposes shall not be used for another (6) months for any temporary use. (Amended 10/21/2002)

4. Modular Real Estate Sales Office

Real estate sales offices, representing sales of land on which the use is located may be permitted for up to 2 years, provided no cooking or sleeping accommodations are maintained in the structure. Extensions of the temporary permit may be considered by staff for good cause.

5. Modular Contractor's Office

Contractor's office and equipment sheds may be permitted for a period covering the construction phase of the project but not to exceed 2 years provided that such office be placed on the property to which it is appurtenant. Extensions of the temporary permit may be considered by staff for good cause.

6. Temporary Shelter

When fire or natural disaster has rendered a single family or duplex residence unfit for human habitation, the temporary use of a mobile home located on the single family or duplex lot during rehabilitation of the original residence or construction of a new residence is permitted, provided that (a) adequate water and sewer facilities are available, (b) maximum length of the permit shall be (6) months, (c) the mobile home shall be removed from the property upon issuance of a Certificate of Occupancy for the new or rehabilitated residence. Extensions of the temporary permit may be considered by staff for good cause.

7. Clean Up After Use

The site on which a temporary use is located shall be cleared of all debris at the end of the time for which the use is permitted and cleared of all temporary structures in connection therewith. Failure to do so shall constitute a violation of this Ordinance. (Amended 10/21/2002)

8. Temporary Rural Event Venue

Uses in this category may be issued a temporary permit for a period of up to 90 days. Extensions of the temporary permit may be considered by staff for good cause. Temporary structures and vehicles must remain out of the road right of way. Adequate parking shall be provided and parking may not be so arranged that vehicles are forced to back into traffic on the primary access street. Staff may require necessary documents or plans to verify how the structure will be utilized temporarily.

Section 3.22 Nuclear Wastes and Hazardous Waste Management and Disposal Facilities

Due to consideration for the public health and safety as well as potential pollution to the environment, nuclear waste and hazardous waste management and disposal facilities are prohibited from locating new facilities or expanding existing facilities in Spartanburg County. (Amended 12/13/2011)

Section 3.23 Certain Public Service Uses

Section 3.23-1 Uses Identified

Due to the nature of certain public uses and the need to locate such uses in various areas of the County, the following uses or expansion of said uses thereto must be located on adequate streets:

- Prisons
- Area-wide Sewerage Treatment Facilities
- Cemeteries

The Planning Commission, at a regular monthly meeting, reviews and approves these uses. The Planning Commission may impose special requirements for these uses to protect public health and safety. These special requirements may include, but are not limited to, the following: (Amended 10/21/2002)

1. Full disclosure of all emergency procedures and an analysis of the adequacy of those procedures;
2. Environmental analysis of water and air quality.
3. Roads accessing these uses, where significant truck traffic is projected, must be upgraded to meet the County's industrial/commercial road standards.
4. Bufferyard requirements.

Section 3.24 All Other Commercial and Industrial Uses (Amended 07/19/2004)

1. Road Access

Any commercial or industrial use will take its primary access off the highest classified street onto which it fronts.

2. Setbacks and Other Requirements

See Table 3 for specific setbacks, lot frontage, and related requirements. See Table 4 for bufferyard requirements. See Table 6 for Off-Street Parking Requirements.

Section 3.25 Tattoo Facilities

In order to enhance land use compatibility between tattoo facilities and certain other land uses, the following development standards shall apply:

1. A permit must be obtained from the South Carolina Department of Health and Environmental Control (DHEC) prior to securing a County permit. The permit shall have been issued within six (6) months of the date of the request for the County permit.
2. Location of Tattoo Facilities
 - a. The place of business cannot be located within one thousand feet of a church, school, or playground.
 - b. There must be a 500-foot spacing between tattoo facilities.
 - c. A tattoo facility cannot be located within 500 feet of a bar.
 - d. These distances shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground.
3. A tattoo facility shall not be allowed as a home occupation.
4. No tattoo facility shall be operated in a non-permanent structure such as a tent, mobile home, trailer or temporary structure.

5. Meet any and all applicable requirements specified by Table 3- Commercial Setbacks and Other Requirements, Table 4-Side and Rear Bufferyard Requirements, and Table 6-Off-Street Parking Requirements. (Amended 5/15/2006)

Section 3.26 Flea Markets, Swap Meets, and Open-Air Markets

Applications for flea markets, swap meets, and other open-air markets shall include a site plan professionally-drawn by an engineer or surveyor to scale of the layout of buildings, sales area, driveways, walkways, and parking spaces. The information required to support an application is found in Table 2 under the category of Minor Land Development.

Farmer's markets shall be exempt from these requirements.

The following regulations apply:

1. The use shall have a minimum of at least two acres with principal access along a collector or higher capacity road. An encroachment permit must be obtained from the appropriate agency.
2. No flea markets, swap meets, or other open-air markets shall be developed within 200 feet of a residential structure or within 200 feet of the nearest property line of a residential subdivision containing 25 or more lots. No business sales or activities shall be allowed within this setback (residential separation area). The distance shall be measured from the closest portion of improved area of the site (including parking) containing the market.
3. Setbacks shall be as follows:
 - Front - 50 feet
 - Rear - 30 feet
 - Side - 30 feet

No sales activity shall be allowed in setbacks. The residential separation requirement in #2 will supersede other setbacks.

4. The site shall conform to all building and mechanical codes. Any DHEC requirements must be met.
5. Customer parking and vehicular traffic shall be separated from vendor areas during operating hours. In no case shall vendors set up in the customer parking area. Customer parking and traffic shall not be allowed in vendor sales areas.
6. Parking shall be provided in accordance with the provisions of Article 2, Section 2.02-5.
7. In addition to any buffers required under Article 2, Section 2.02-2, Table 4, flea markets, swap meets, and other open-air markets shall provide landscape screening at the street. This buffer, which must begin at least 15 feet off the right of way and wrap around the sides of the market property so as to screen the operation from the view of the roadway, must include a combination of evergreen trees and shrubs that will create an opaque screen within two years. The minimum tree size at planting shall be six or more feet in height and two or more inches in trunk diameter at the height of 18 inches above the ground. There shall be no parking between the landscape screening and the road.
8. All sales items must be returned to storage and not left out overnight. Covering sale items with a tarp or other material is not an acceptable means of storage.
9. No RVs or campers shall be allowed on the property overnight.
10. Goods shall not be sold from enclosed trucks or trailers.
11. Owners of vacant or abandoned, non-residential properties shall not allow transient merchants or vendors to offer goods for sale on their property. Transient merchants or vendors shall not be permitted by Spartanburg County to sell from vacant or abandoned, non-residential properties notwithstanding the permission of the property owner.
12. Sale of merchandise is prohibited in road right-of-ways. In no case shall a merchant or vendor set up in a way that obscures the view of the traveling public.
13. There shall be no less than one (1) trash receptacle per 75 feet of aisle space.

14. This Section does not include roadside agricultural stands as described in the South Carolina Right to Farm Statutes (S.C. Code Ann. §§ 46-45-10 to 46-45-80). (Amended 4/15/2013)

Section 3.27 Asphalt Batch Plants (Amended 9/16/2013)

Due to considerations for the public health and safety and potential pollution to the environment, Asphalt Batch Plants shall be permitted in Spartanburg County only under the following conditions:

1. A site plan shall be prepared by an individual licensed to practice engineering or land surveying in the State of South Carolina, as applicable. The site plan must show the Facility's property boundaries; off-site and on-site utilities (such as, electric, gas, water, storm, and sanitary sewer systems), right-of-ways and easements; the names, addresses, and tax map numbers of abutting property owners; wells, benchmarks and permanent survey markers; on-site buildings and appurtenances, tanks, dikes, fences, gates, roads, parking areas, drainage culverts, and signs; the delineation of the total facility area including planned staged development of the facility's construction and operation; and site topography with five feet minimum contour intervals; and any other relevant information as necessary for proper operation. The site plan shall show adjacent property lines, public parks, schools, religious institutions, hospitals, day care facilities, and nursing homes. The plan shall be on a scale of not greater than 200 feet per inch unless otherwise approved by the Planning and Development Department.
2. All facilities shall have adequate access to a collector or arterial roadway. If the facility is not served directly by such a roadway, a road must be constructed or reconstructed in accordance with County roadway construction standards to link the proposed facility with a collector or arterial road.
3. Entrance/exits shall provide a minimum 50-foot turning radius.
4. A storm water runoff and sedimentation plan as defined by the County's Storm Water Ordinance No. O-09-02, as amended, showing all on-site and off-site drainage. (See also County Code, Chapter 30, Article IV.).
5. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
6. Asphalt Batch Plants shall follow the Heavy Industry buffer requirements in Table 4 Bufferyards.
7. Approvals from Other Agencies
 - a. Any Asphalt Batch Plant proposing to locate within the jurisdiction of this Ordinance shall provide to the Ordinance Administrator a certificate from the Department of Health and Environmental Control or other outside agency that regulates the facility indicating compliance with the rules and regulations administered by those agencies.
 - b. When a land development application from an Asphalt Batch Plant requires state government, federal government or other outside agencies' permit or approval and the applicant presents an application and site plan that is "approvable" under this ordinance, the Planning and Development Department will issue a letter to that agency, if required, stating that a land development permit will be issued upon receipt of their permit/approval as long as the proposed facility still meets the requirements of this ordinance after obtaining their approval.
 - c. The applicant must report any changes required by outside agencies upon their review that affect a change in the submitted site plan and submit a revised site plan.
 - d. All required permits and approvals must be obtained from outside agencies, as applicable, prior to the County issuing a land development permit. Only until such certification is received shall the facility be permitted for occupancy by Spartanburg County.
8. Meet any and all applicable requirements specified by Table 3.
9. Nothing contained herein shall be intended to preempt or abrogate the requirements for an Asphalt Batch Plant to adhere to the regulations of state or federal agencies.

Section 3.28 Scrap Metal Processor

The intent of this section is to provide standards for Scrap Metal Processing sites so as to distinguish them from the Recycling requirements found in Section 3.17 Waste Management Facilities and Section 3.19 Junk and Salvage Yards.

All Scrap Metal Processors as defined in Article 6, Definitions shall be subject to the following requirements except Indoor Scrap Metal Processors, as defined by this Ordinance, which shall be considered as Industrial Uses, and except locations operated by Scrap Metal Processors which do not involve the handling of scrap metal.

3.28-1 Application and Site Plan Submittal

1. The Planning and Development Department shall not begin the review of an application for a permit until the applicant has submitted a complete application to the Planning and Development Department.
2. All applicants must submit four (4) hard copy sets and one (1) PDF set of the following plans for the specific type of facility being proposed.
 - a. A site plan shall be prepared by an individual licensed to practice engineering and/or land surveying in the State of South Carolina, as applicable. The Site plan must show the facility's property boundaries, as certified by an individual licensed to practice land surveying in the State of South Carolina; off-site and on-site utilities (such as, electric, gas, water, storm, and sanitary sewer systems), rights-of-way and easements; the names, addresses, and tax map numbers of abutting property owners; benchmarks and permanent survey markers; on-site buildings and appurtenances, fences, buffers/screening, gates, roads, parking areas, drainage culverts, and signs; required setbacks and spacing; the delineation of the total facility area including planned staged development of the facility's construction and operation; the location and identification of metal scrap handling areas; and site topography with five feet minimum contour intervals; and any other relevant information as necessary for proper operation. The site plan shall show property surface water bodies. The plan shall show all structures, to include residential and school properties within 1000 feet. The plan shall be on a scale of not greater than 200 feet per inch unless otherwise approved by the Planning and Development Department.
 - b. After conditional approval by the Planning and Development Department of the site plan described in subsection 2(a), a full set of plans as defined by the County's Storm Water Management Ordinance No. O-09-02, as amended, shall be submitted to the Engineering Division of Public Works for review and approval. Final approval shall be contingent upon approval by the Engineering Division of the Public Works Department. (See also County Code, Chapter 30, Article IV.)
 - c. If the owner of the site on which the Scrap Metal Processor is to be placed is not the project applicant, written permission must be obtained from the owner to apply for the project's approval.
3. All required permits and approvals must be obtained from other entities, as applicable, prior to the County issuing a land development permit.

3.28-2 Standards

1. All Scrap Metal Processors shall have adequate access to a collector or arterial roadway. If the facility is not served directly by such a roadway, a road must be constructed or reconstructed in accordance with County roadway construction standards to link the proposed facility with a collector or arterial road. Scrap Metal Processors shall not be allowed on Minor Streets. County staff will examine public road access to the site and make a determination based on the data provided by the applicant and the construction of the road, regardless of functional road classification, regarding the adequacy and safe use of the public road to support projected truck traffic resulting from projects on county roads. If the construction and/or capacity of the road is found to be inadequate pursuant to professional engineering standards, the project will not be approved.
2. Entrance/exits shall provide a minimum 50-foot turning radius.
3. The view toward any driveway entrances shall be screened or positioned as necessary in a manner such that materials stored in the open are not visible through the driveway entrance.

4. Scrap Metal Processors shall be situated on a parcel of at least five contiguous acres that are undivided by road right-of-ways or public dedication.
5. The Scrap Metal Processing property must have a minimum front lot line of 100 feet on a public right-of-way.
6. Parking shall be provided in accordance with Table 6.
7. All Scrap Metal Processor business shall be conducted entirely within the screened area of the property.
8. No scrap metal shall be stacked, stored or maintained at a height greater than 75 feet.
9. An on-site residence at the Scrap Metal Processing site which is used by the business owner or its agent is permitted.
10. Setbacks and Spacing
 - a. Setback and spacing requirements shall be as follows:

SCRAP METAL PROCESSOR Spacing/Setback Requirements	
Property line	50 feet
1-24 Residences	500 feet (measured from source of noise to primary residential structure)
25+ Residences	1000 feet (measured from source of noise to primary residential structure)
Residential subdivision with 25 or more platted lots	1000 feet (measured from source of noise to primary residential structure)
School, daycare, church, nursing home, residential healthcare facility, public building, hospital or public recreation facility or park	1000 feet (measured from source of noise to nearest school, daycare, church, nursing home, residential healthcare facility, public building, hospital or public recreation facility or park property line)
Surface water bodies (except storm water pond)	Outside of right-of-way without approval from right-of-way holder
Utility rights-of-way	Outside of right-of-way without approval from right-of-way holder

- b. Setback measurements shall be made from the source of noise on the subject property to the property line of the neighboring use or to the primary structure as set forth in the table above. Setbacks from surface water bodies and utility rights of way shall be measured from the nearest point of improvement on the subject property to the feature itself.
- c. For the purposes of this Section, source of noise shall include any non-office structure, metal storage area, grinder, crane, shredder, shearer, or other machinery or fixed equipment capable of producing noise in excess of 80 decibels as measured at the property line of the Scrap Metal Processor, but excluding parking areas.
- d. In addition to the Setback/Spacing Requirements Table above, no Scrap Metal Processor shall be established within 1000 feet of the following Scenic Corridors: SC Highway 9, SC Highway 56, SC Highway 110 (Battleground Road), SC Highway 80 (J Verne Smith Parkway). Scrap Metal Processors shall be prohibited on or within 1000 feet of SC Highway 11 (Cherokee Foothills Scenic Highway). No person shall establish, operate, or maintain a Scrap Metal Processor, any portion of which is within one thousand (1,000) feet of the nearest edge of the right-of-way of Interstate 85 and Interstate 26, unless screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the aforementioned interstates, or otherwise obscured from sight. If the Ordinance Administrator determines that the above-mentioned screening requirements will not produce a result that shields the Scrap Metal Processor from view of the interstates set forth herein, a Scrap Metal

Processor shall be compelled to engage in land grading or the erection of additional screening, but only to the minimum extent required to achieve the desired screening.

- e. Have a minimum setback to the fence from front, side and rear property lines excluding road rights-of-way of at least 50 feet.

11. Screening

- a. Where a Scrap Metal Processor's property abuts or adjoins residential uses, public parks, schools, religious institutions, hospitals, day care facilities, nursing homes, office/institutional uses, light industry, commercial uses or public roadways, a continuous visual screen shall be provided and maintained between any improvements on the Scrap Metal Processor's property and the property line with such other properties. The screen shall be a minimum 8-foot wall, opaque fence, berm, or evergreen plant material or combination thereof.
- b. Where required evergreen vegetation that serves as screening shall be of an approved type that shall reach a minimum height of eight feet within five years from the date of final inspection and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken screen (without gaps or open spaces) will exist to a height of at least eight feet along its length. The evergreen screen shall be maintained as a continuous, unbroken screen for the period the property is used for Scrap Metal Processing.
- c. Acceptable species include, but are not limited to, Ligustrum, Euonymus, Cedar, Arborvitae, Hemlock, Leyland Cypress, and upright varieties of Junipers, Holly and Yew. The species to be planted must meet the required height of 8 feet within 5 years. White Pine is not acceptable for screening.
- d. Each owner, operator, or maintainer of a Scrap Metal Processing site shall utilize good husbandry techniques by pruning, mulching, and fertilizing, so that the vegetation can reach a height of eight (8) feet within five years of the date planted and will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.

12. Health and Safety

- a. Dust, odors, fire hazards, litter and vectors shall be effectively controlled at all Scrap Metal Processing sites so they do not constitute nuisances or hazards.
- b. Open burning at any Scrap Metal Processing site shall be prohibited.

ARTICLE 4 – GENERAL AND ANCILLARY REGULATIONS

The regulations set forth in this Article are intended to clarify, supplement, or modify the regulations set forth elsewhere in this Ordinance.

Section 4.01 Application of Regulations

The regulations established herein are declared to be the minimum requirements necessary to carry out the purposes of this Ordinance. These regulations are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

Section 4.02 Exceptions and Modifications

1. Setbacks - Corner Lots

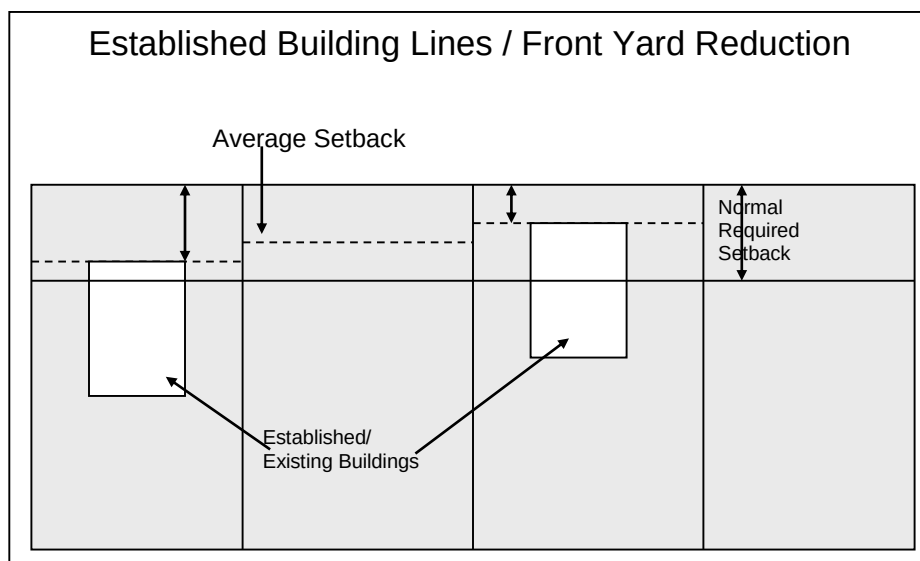
The setback from the street upon which the principal building will face shall be the minimum required front yard setback. The setback from the street upon which the side of the building will face shall be established by Table 3 for the use in question.

2. Setbacks - Partially Developed Areas

Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five (5) feet from the average depth of said existing front yard setbacks without written approval of contiguous property owners. However, in no case shall setbacks be less than 15 feet.

Section 4.03 Measurements

1. Yards, Setbacks, Buildable Area



The required front, side, and rear yards for individual lots, as set forth for by Table 3 shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable" area within which the approved structure(s) shall be placed.

2. Height

The height of a building or structure shall be measured from the lowest grade elevation of the structure or from the base of a tree when computing height in the Airport Environ Zones, to the highest point of the building, structure, or tree.

Section 4.04 Conversion of Residential Property

When the conversion of a house to a commercial use is proposed, the house shall be made to meet all applicable codes for commercial buildings. Where a house will be used for a dwelling and a commercial use, that section of the house that will be open to the public shall meet all requirements for a commercial building. All parking, landscaping, buffering, and other requirements of this Ordinance for the commercial use of the property shall be met.

Section 4.05 Transitioning Land uses on Arterial Streets

In cases where it is determined by the Planning Department staff that residential land uses along arterial streets are in the process of transitioning to commercial, industrial, and office development, Planning Department staff, upon review and approval of the Planning Director, has the option of reducing the required bufferyard between an existing residential use and a proposed commercial or office use by one bufferyard class increment. The Planning Department staff will utilize the future land use map of the County Comprehensive Plan to assist in evaluating these transitioning area requests.

Section 4.06 Nonconformities

Section 4.06-1 Continuation (Grandfather Clause)

Nonconforming uses, buildings, or structures are deemed by this Ordinance to be incompatible with new permitted construction.

Section 4.06-2 Types of Nonconformities

Land uses may be nonconforming with respect to this Ordinance in the following ways:

- a. Violates height requirements
- b. Insufficient bufferyard
- c. Insufficient setback from street right-of-way or property line
- d. Excessive density as defined by the floor area ratio
- e. Excessive impervious surface ratio
- f. Not enough parking or loading spaces
- g. Does not conform with respect to the size and spacing of curb cuts
- h. Does not conform with respect to entrance/exit spacing
- i. Does not conform with respect to access to the street system (road classification system)

Except as otherwise provided nonconforming uses may not be enlarged, extended, reconstructed or structurally altered except in compliance with the provisions of this Article.

Section 4.06-3 Existing Nonconforming Use

(Amended 9/16/2013)

1. Continuation

A use that is in existence at the effective date of this Ordinance may continue provided it does not require an increase in the total square footage of buildings or other structures or change to a more intense land use. Such buildings or other structures may be structurally altered or reconstructed as long as the total square footage of such buildings does not increase. Existing mining operations may continue until the existing body of ore or rock is exhausted.

2. Nonconforming Sexually Oriented Business

Any sexually oriented business lawfully operating on the effective date of this Ordinance that is in violation of this Ordinance shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.

A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a use identified on Table 3 within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

3. Nonconforming Manufactured Home Parks

This Section shall regulate Manufactured Home Parks which are legal nonconformities.

A. Measurement of Period until Required Compliance

The period until required compliance for each nonconforming manufactured home park, as described in B., shall be measured from the effective date of May 21, 2012.

B. Required Conformance of a Manufactured Home Park

Any Manufactured Home Park, which is a legal nonconformity, may be continued for a period of two years, without increasing the degree of nonconformity. After two years, the Manufactured Home Park may continue only through compliance with lighting and garbage removal requirements found in Section 3.04-4 (3) and (15).

C. General Provisions

1. Abandonment

Whenever all manufactured/mobile homes within a Manufactured Home Park are removed or become unoccupied for a continuous period of 12 months, the Manufactured Home Park may be reestablished only through compliance with all the requirements applicable to a new park.

2. Damage

If a structure in a legally nonconforming Manufactured Home Park is damaged or destroyed during the period until required compliance, the structure may be repaired or replaced without increasing the degree of nonconformity. After the period until required compliance, a damaged structure may be repaired or replaced only in compliance with Section 3.03 and 3.04.

3. Vacant Single Non-Conforming Structures

A non-conforming structure that has been removed for one year or more may not be replaced unless it can comply with the requirements found in this Ordinance

4. Repairs and Alterations

Nothing in this Section shall be deemed to prevent the ordinary maintenance and repair of a structure in a legally nonconforming Manufactured Home Park. However, no alterations are allowed except in compliance with Sections 3.03 and 3.04.

5. Change in Use

If a nonconforming Manufactured Home Park is replaced by another allowed use, and the owner wishes to reestablish the Manufactured Home Park before the 12-month abandonment period for the park elapsed, the reestablished park must comply with all requirements applicable to a new park.

6. Nonconformity and Highway Expansion

The relocation of a road right-of-way by the South Carolina Department of Transportation or Spartanburg County Public Works shall not be deemed to create or increase nonconformity with respect to the required setback from the road right-of-way. When a park is located on more than one right-of-way, each of its frontages shall be treated separately under this Section. (Amended 5/21/2012)

4. Non-Conforming Bulk Storage and Distribution Facility for Fuel Products

Bulk Storage and Distribution Facility for Fuel Products which are legal nonconformities are subject to the applicable requirements of non-conforming uses and structures found in this Article, except as follows.

- a. A nonconforming use of this kind may hereafter be replaced or brought back online on the parcel as it existed on September 16, 2013.
- b. The County Fire Marshal must receive an inspection report from the American Petroleum Institute on any bulk storage tank/vessel that is put back into service.

5. Nonconforming Flea Markets

This section shall regulate Flea Markets which are legal nonconformities.

a. Abandonment

If a Flea Market is unoccupied for a continuous period of 12 months, the Flea Market may be reestablished only through compliance with all the requirements applicable to a new Flea Market in Section 3.27

b. Damage

If a structure within a legally nonconforming Flea Market is damaged or destroyed during the period until required conformance, the structure, may be repaired or replaced without increasing the degree of nonconformity. After the period until required compliance above, a damaged structure may be repaired or replaced only in compliance with Section 3.27.

c. Repairs and Alterations

Nothing in this Section shall be deemed to prevent the ordinary maintenance and repair of a structure in a legally nonconforming Flea market. However, no alterations are allowed except in compliance with Section 3.27. (Amended 4/15/2013)

6. Nonconforming Scrap Metal Processors

- a. Existing Scrap Metal Processors in operation on 2/17/2013 shall be exempt from Section 3.29 and allowed to continue operation, but only as to such Existing Scrap Metal Processors' locations which are in operation on 2/17/2013 or which have final site plan approval on 2/17/2013 and which commences operation within six months after the effective date. Where the Existing Scrap Metal Processor's property abuts or adjoins residential property, school property, church property, or recreational property or parks and along the front of public roadways, the Existing Scrap Metal Processor shall remain subject to and comply with all the fencing and screening requirements of Section 3.19-3.

- b. An Existing Scrap Metal Processor shall be allowed to expand its land area by 20 percent onto contiguous properties and shall be exempt from the requirements of Section 3.29-2 except the following subsections of Section 3.29-2: subsection 11(Screening) and subsection 12 (Health and Safety).
- c. Existing Scrap Metal Processors wishing to expand in excess of 20 percent may request a variance from the Planning Commission.
- d. If an Existing Scrap Metal Processor closes, it must re-open within twelve (12) months or else it must comply with the provisions of Section 3.29 in order to re-open. (Amended 2/17/2014)

Section 4.06-4 Intermittent Use

The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Section 4.06-5 Change of Nonconforming Use

Land uses existing on the effective date of this Ordinance may expand to any size provided the use can meet setback, bufferyard and parking requirements of this Ordinance.

A change to a more intense land use or movement of buildings/structures on site may be permitted if the new or relocated use can meet bufferyard, setback requirements, parking requirements, curb cut size and spacing requirements, and entrance/exit requirements if applicable.

Section 4.06-6 Replacement of Nonconforming Use

A use that is destroyed beyond 50 percent of the fair market value immediately prior to the damage must meet all applicable requirements of this Ordinance in order to rebuild or reconstruct.

A use that is damaged 50 percent or less of fair market value immediately prior to the damage may repair or reconstruct such use, provided that repair and reconstruction are completed within twelve (12) months of the date of damage and provided the use is no greater size or land use intensity.

Section 4.06-7 Extension of Use within Existing Building

The nonconforming use of a building may be hereafter extended throughout those parts of a building which are primarily arranged or designed for such use at the time of enactment of this Ordinance.

Section 4.06-8 Discontinued Nonconforming Uses

If a use which was in existence and occupied on the date of enactment is discontinued for a period of six (6) months or more, it must comply with the Ordinance in as much as it is physically possible to do so in order to reopen. Discontinued for the purpose of this section is defined as the discontinuation of occupancy and utility services which can be clearly documented by the utility provider (i.e., electricity, water, sewer, gas, and telephone).

The provisions of this section shall not apply to any residential use.

Section 4.06-9 Lot of Record

Where a lot of record existed before September 30, 1974, or where a lot of record was created in accordance with applicable county ordinances between the dates of October 1, 1974, and December 31, 1999, and does not contain sufficient land to conform to the dimensional requirements of this ordinance or where such lot does not have sufficient frontage on a privately or publicly maintained road or street, such lot may nonetheless be used as a building site for a single-family dwelling or one manufactured home, and the Building Official is hereby authorized to issue a permit for the use of the property which conforms to the requirements (setbacks, heights, bufferyards, parking, etc.) established in Table 3 of this Ordinance. Applicable setback requirements shall not be reduced by more than twenty-five (25%) by the Planning Department staff. Setback reductions greater than twenty-five (25%) percent shall be referred to the Board of Appeals for consideration and final action. (Amended 10/16/2000)

ARTICLE 5 – REESTABLISHMENT, POWERS AND DUTIES OF SPARTANBURG COUNTY PLANNING COMMISSION AND BOARD OF ZONING APPEALS

Section 5.01 Spartanburg County Planning Commission

Section 5.01-1 Reestablishment of Planning Commission

The Spartanburg County Planning Commission is hereby reestablished under the provisions of the S.C. Code, §6-29-320.

Section 5.01-2 Powers and Duties of the Planning Commission

It is the function and duty of the Planning Commission to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the unincorporated areas of Spartanburg County. The Planning Commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the development of its area of jurisdiction to County officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the Planning Commission shall be liable for any injury or damage to property resulting therefrom. In general, the Planning Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.

In the discharge of its responsibilities, the Spartanburg County Planning Commission has the power and duty to:

1. Prepare and revise periodically plans and programs for the development and redevelopment of its area of jurisdiction; and
2. Prepare and recommend for adoption to the County Council as a means for implementing the plans and programs in its area:
 - a. Land use (Zoning) ordinances to include district maps and appropriate revisions thereof;
 - b. An official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it;
 - c. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
 - d. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by County Council for implementation prior to preparation of the capital budget;
 - e. Policies or procedures to facilitate implementation of planning elements; and
 - f. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted. In overseeing the administration of subdivisions and major land developments, the Planning Commission has the authority to:
 1. To Hear and Decide Appeals from staff decisions where it is alleged there is error in any order, requirement, decision, or determination made by the staff in the administration of subdivision and/or major land development applications.
 2. To grant variances in specific cases from the regulations pertaining to subdivisions and major land developments as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in the unnecessary hardship so that the spirit of the Ordinance shall be observed, public

safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship if the Commission finds:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. These conditions do not generally apply to other property in the vicinity;
- c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the area.

The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Section 5.01-3 Composition of the Commission

The Planning Commission shall consist of nine members appointed by County Council for overlapping terms of four (4) years. Three (3) members first appointed shall serve two (2) years, three (3) members first appointed shall serve three (3) years, and three (3) members first appointed shall serve four (4) years.

Of the nine (9) members, six (6) shall be appointed from council districts, one (1) from each district. Three members shall be appointed at large.

To the extent possible, membership shall represent a broad cross section of the interests and concerns of the Spartanburg Community, and shall be representative of the racial and gender composition of the County. No member shall be the holder of an elected public officer in Spartanburg County.

Members shall serve until their successors are appointed and qualified.

Section 5.01-4 Compensation

Compensation will be provided to members of the Planning Commission at an amount of compensation determined by Spartanburg County Council. Reimbursement for actual expenses incurred in the performance of official duties may be paid from budgeted funds pursuant to reimbursement policies and procedures for employees of the County. Spartanburg County will also provide training and workshop training for Commissioners.

Section 5.01-5 Removal of Members

County Council may remove members of the Planning Commission at any time for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, South Carolina. Code, §30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

Section 5.01-6 Organization and Rules of Procedure

The Planning Commission shall organize, elect officers, and adopt rules of procedure as required by South Carolina Code, §6-29-360.

Section 5.02 – Spartanburg County Board of Zoning Appeals

Section 5.02-1 Reestablishment of Board of Zoning Appeals

The Spartanburg County Board of Zoning Appeals is hereby reestablished under the provisions of the South Carolina Code, §6-29-780 and Chapter 2 of Article 9 of the Spartanburg County Performance Zoning Ordinance.

Section 5.02-2 Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following powers and duties:

1. **To Hear and Decide Appeals, Generally.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the enforcement officer of this Ordinance.
2. **To Grant Variances, Generally.** To authorize upon appeal in specific cases a variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in the unnecessary hardship so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship if the Board makes and explains in writing the following findings:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - b. These conditions do not generally apply to other property in the vicinity;
 - c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the area will not be harmed by the granting of the variance.

The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Section 5.02-3 Decisions of the Board of Zoning Appeals

In exercising the above powers, the concurring vote of two-thirds of the members present and voting shall be required to reverse, wholly or in part, or modify any order, requirement, decision, or determination of the County Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, and to that end, shall have the powers of the officer from whom the appeal is taken and may direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and, in case of contempt may certify such fact to the Circuit Court having jurisdiction. (Amended 5/15/2000)

All final decisions and orders of the Board shall be in writing and be permanently filed in the office of the Board as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

ARTICLE 6 – DEFINITIONS

(Amended 2/17/2014)

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code, or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel."

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

The term "Planning Commission" refers to the Spartanburg County Planning Commission, as reestablished by Article 6 of this Ordinance.

The term "Council" refers to the Spartanburg County Council.

Other words and terms defined herein are as follows:

Abutting – Sharing a common border; physically touching.

Airport – Any landing area, runway, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft including all necessary taxiways, aircraft storage and tie down areas, hangars, and other necessary buildings and open spaces.

Aviation Easement – The right of aircraft to fly above the plane formed by the approach, transition, horizontal, and conical zones as defined in Ordinance No. 75 of Spartanburg County and to generate noise not to exceed levels projected in the 1995 Ldn noise contours as defined in this ordinance.

Airport Hazard – Any structure, tree, or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

Area of Shallow Flooding – A designated AO or VO Zone shown on Flood Insurance Rate Maps (FIRM) with base flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard – The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

Asphalt Batch Plant – An establishment engaged in manufacturing asphalt-type roofing materials, asphalt and tar paving mixtures and paving block made of asphalt and various compositions of asphalt or tar with other materials to be used in building or construction; and the recycling of old asphalt into asphalt-type material. This does not include a Temporary Asphalt Batch Plant. These facilities are also known as hot mix asphalt plants, drum mix plants, or batch mix plants among others.

Asphalt Batch Plant, Temporary – A temporary Asphalt Batch Plant on an active construction site that processes asphalt only for use in a particular construction project and only for the duration of that project.

Asphalt Distribution Terminal, Liquid – Facility where liquid asphalt is received from a petroleum refinery and stored for distribution to an Asphalt Batch Plants.

Bar – (Also, Nightclub, Tavern, Pub, Cocktail Lounge, Disco) – An area primarily devoted to the servicing of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages (percentage of alcohol sales exceeds food sales).

Base Flood – The 100-year flood elevation at any point within the flood plain of any given stream as determined by the Federal Emergency Management Agency on their Flood Boundary and Floodway Maps (FHBM) #450176, dated November 15, 1982.

Big-Box Retail – A singular retail or wholesale user who occupies no less than 50,000 square feet of GFA, typically requires high parking to building area ratios. (Amended 6/18/2001)

Breakaway Wall – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buildable Area – That portion of any lot which may be used or built upon when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

Building – Any structure built for support, shelter, or enclosure for any occupancy or storage.

Building, Accessory – A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, domestic animal shelters, pool houses, etc., when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building, Alteration – Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

Building, Principal – A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Bulk Storage and Distribution – The manufacture of or the receiving of liquids, gases, or solids by truck, tank vessel, pipelines, tank car, or tank vehicle, and storing, processing, or blending them in bulk for the purpose of distributing such liquids, gases, or solids by truck, tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.

Bulk Storage and Distribution Facility – A facility where Bulk Storage and Distribution occurs which has a combined capacity of 100,000 gallons or more. The facility may include terminal facilities, bulk stations, surge and storage tanks.

Bulk Storage and Distribution Facility for Fuel Products, Existing – A Bulk Storage and Distribution Facility for Fuel Products that existed as of September 16, 2013.

Business, Permanently Maintained – Any business which has at least one employee present at the site, providing goods and/or services to the community and available to the public for at least 36 hours per week on at least 4 days per week for 48 weeks per year. The activity, or a major portion of it, must be conducted from a permanent building, modular unit, or an open air use which the applicant can prove is considered part of the real estate and is taxed as a commercial use by the Spartanburg County Tax Assessor's Office. (Amended 02/23/2009)

Canopy Tree – A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

Certificate of Occupancy – A document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this Ordinance and the Building Code.

Church – A building or structure or group of buildings or structures, other than a private dwelling, where organized religious services are usually conducted.

Cluster Home Development – A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

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.

Conditional Use – A use of land or structure that, owing to special characteristics attendant to its operation or installation, is subject to specified conditions different from the general development requirements of this Ordinance.

DBH – Diameter at breast height, or the diameter (in inches) of a tree measured at four and one-half (4½) feet above the existing grade. (Amended 6/18/2001)

Density – The number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this Ordinance are expressed in dwellings units per gross acre; that is, per acre of land devoted to residential use is based on the total land area within a development tract or subdivision, excluding nothing.

Developer – An individual, partnership, or corporation (or agent therefore) that undertakes the activities covered by these regulations.

Development – Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DHEC – South Carolina Department of Health and Environmental Control.

Distressed Property – A vacant commercial or industrial building which, after a 30-month period of reasonable marketing efforts, has not been sold, leased, or otherwise placed into service.

Domestic Animal Shelter – A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot-bellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

Drainage – The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage way – Minor watercourses where water is concentrated which are defined either by topography or by the presence of intermittent or perennial streams or by legal description.

Driveway – A paved or unpaved area used for ingress and egress of vehicles and allowing access from a street to a building or other structure or facility.

Dwelling – A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment – (See dwelling, multi-unit)

Dwelling, Condominium – A multiplex dwelling unit in which the dwelling unit is individually owned, and the land is held in common.

Dwelling, Detached – A single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex – A building containing two dwelling units.

Dwelling, Group Occupied – A dwelling unit occupied by five (5) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Mobile Home – A single family dwelling that is wholly, or in substantial part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built prior to the enactment of the *Federal Manufactured Housing Construction and Safety Standards, June 15, 1976*.

Dwelling, Multi-Family – A building containing three (3) or more dwelling units on a single parcel of land.

Dwelling, Patio House – A single-family detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy.

Dwelling, Quadraplex – A build containing four (4) dwelling units.

Dwelling, Residential Designed Manufactured Home – A single-family dwelling built according to the *Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code*, which:

- a. Has a minimum width over 20 feet (multiple-section);

- b. Has a minimum of 900 square feet of enclosed living area;
- c. Has a nominal minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- d. Is covered with an exterior material customarily used on site-built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
- e. Has a roof overhang of not less than eight (8) inches.

Dwelling, Single-Family – A building containing one (1) dwelling unit.

Dwelling, Standard Designed Manufactured Home – A single family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the definition of a Residential Designed Manufactured Home.

Dwelling, Townhouse – A series of attached single-family dwelling units on separate lots which may or may not have a common roof and are separated from each other by common vertical walls.

Dwelling, Triplex – A single building containing three (3) dwelling units.

Dwelling, Zero Lot Line – A zero lot line dwelling is a single-family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines.

Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement – A right-of-way granted to another party for specific limited use.

Elevated Building – A non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, (post and piers), shear walls, or breakaway walls.

Evergreen Tree – A coniferous or deciduous tree that remains green throughout the year.

Family – One or more persons related by blood, marriage, adoption, or guardianship, and not more than five (5) persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws.

Family, immediate – The children, grandchildren, sibling, or parents of an individual, whether by blood, marriage or legal adoption. (Amended 10/21/2002)

Farmer's market – The seasonal offering of home-grown agricultural products directly to the consumer in an open-air market or pre-designated area where the vendors are generally individuals who have raised the vegetables or produce or taken the same on consignment for retail sale. (Amended 02/21/2011)

Federal Manufactured Home Construction and Safety Standards – Regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

Flea market – Any activity:

- (i) at which two or more persons offer personal property for sale or exchange; and
- (ii) at which a fee is charged for the privilege of offering or displaying personal property for sale or exchange; or
- (iii) at which a fee is charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange; or
- (iv) regardless of the number of persons offering or displaying personal property or the absence of fees, at which personal property is offered or displayed for sale or exchange if the event is held more than two days per month or more than twelve days per calendar year.

The term flea market is interchangeable with and applicable to “swap meet,” “open air market,” “jockey lot” or other similar terms where events are held under a semi-enclosed building or shelter

or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business. Such activities that take place in a fully enclosed and secured building shall be treated in this Ordinance as medium-high intensity commercial use. (Amended 4/15/2013)

This term does not include sidewalk sales or other such merchandise owned by shopping centers or individual retail operations, sales conducted by nonprofit organizations, farmer's markets, or residential yard sales. (Amended 02/21/2011)

Flood - A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Hazard Boundary Map (FHBM) – An official map issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard are defined.

Flood Insurance Rate Map (FIRM) – An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones.

Flood Insurance Study – An official study provided by the Federal Emergency Management Agency.

Flood-resistant Material – Any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair.

Floodway – The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor – The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles.

Floor Area Ratio – An intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

Fuel Product – Any solid, gas or liquid that is used for fuel purposes and which is detonable, ignitable, or flammable. This term shall include, but not be limited to butane, propane, hydrogen, petroleum, diesel, natural gas, ethanol, methanol and other fuels and bio-fuels.

Garage, Private – (As defined by the Standard Building Code.)

Garage, Public – (As defined by the Standard Building Code.)

Gross Floor Area (GFA) – The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building which is designed for parking of motor vehicles.

Group Assembly, Limited – A meeting place at which the public is assembled regularly or occasionally for the purposes of, but not necessarily limited to, schools, daycares, churches, hospitals, banquet halls, auditoriums, conference centers, stadiums, theaters, public parks, and public or private clubs and lodges with occupancy levels of less than 200.

Group Assembly, Extensive – A meeting place at which the public is assembled regularly or occasionally for the purposes of, but not necessarily limited to, schools, daycares, churches, hospitals, banquet halls, auditoriums, conference centers, stadiums, theaters, public parks, and public or private clubs and lodges with occupancy levels of 200 or greater.

Habitable Dwelling – A dwelling meeting the minimum habitability requirements of this Ordinance, and other applicable regulations.

Hazard to Air Navigation – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous Chemical – Any gas, liquid or solid that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released. Materials and substances considered as Hazardous Chemicals shall be those contained within the listing published by the Environmental Protection Agency, as amended, under the provision of the Toxic Substances Control Act of 1976. A further listing of such materials

is found in Regulation No. 61-79.1 of the Rules and Regulations of the State of South Carolina, appended to the 1976 Code of Laws, as amended.

Height – The vertical distance of a structure or vegetation.

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.

Home Occupation – Any use of the principal building/structure on a residential lot which is incidental to the use for dwelling purposes and conducted for compensation by the resident thereof.

Improvement – Any man-made immovable item which becomes part of, placed upon, or is affixed to real estate.

Individual Waste Disposal System – A system which will treat and dispose of domestic sewage from a single house or residence without creating a nuisance or a potential health hazard.

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.

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;

Industry, Heavy – Any industrial use not classified as Light Industry.

Institutional Use – The use of land, buildings or structures for public and non-profit purposes, including religious, charitable, educational and health, and includes such uses as churches, places of worship, public or private schools, community centers, hospitals, etc.

Junkyard or Salvage Yard – terms used interchangeably to describe any business (property, structures) registered as such by Spartanburg County and whose purpose is to buy, sell or trade wrecked, dismantled or disabled motor vehicles or parts thereof, dismantled or inoperable industrial or commercial equipment, or machinery being salvaged for parts. These terms include vehicle dismantlers; auto salvage yards; auto recyclers; pick-a-part yards; and property used for wrecker, towing and impoundment purposes. The term does not include scrap metal processors.

Kennel – Any building(s), facility/facilities, or land that is used for the care or housing of dogs, cats, or other household pets for the purpose of breeding, boarding, training, show, grooming, or sale and where profit or reward is the intended end purpose. Uses that do not involve outdoor facilities for housing, boarding, training, or exercise are exempt from this definition. (Amended 5/15/2000)

Land Development – The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Letter-of-Credit – See definition of Performance Guarantee.

Lot – A parcel or single tract of land. The terms “lot”, “lot of record”, “property”, or “tract”, whenever used in this Ordinance are interchangeable.

Lot, Corner – A lot located at the intersection of two or more streets.

Lot, Flag – a lot with access provided to the bulk of the lot by means of a narrow corridor or stem/pole.

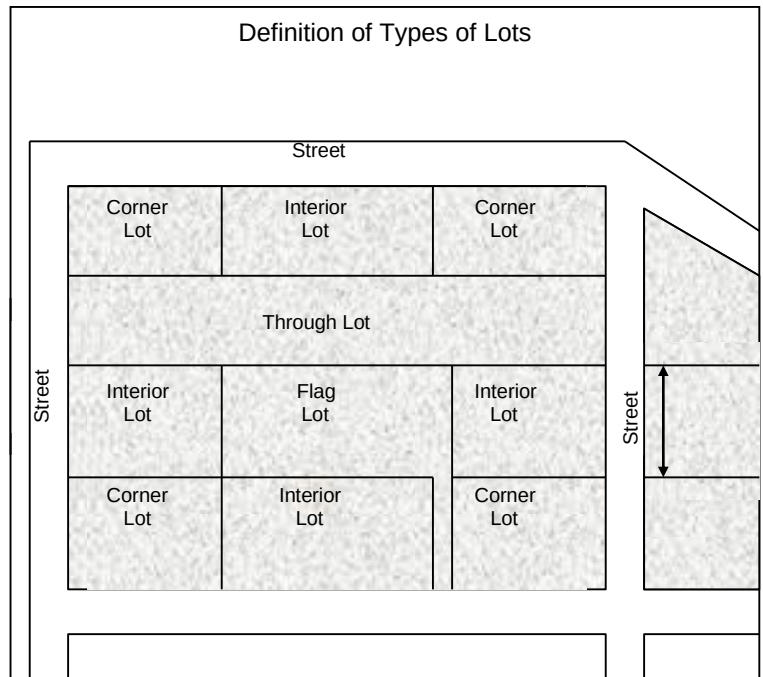
Lot, Interior – A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot, Reverse or Double Frontage – A lot having frontage on two non-intersecting roads, as distinguished from a corner lot.

Lot Area – The area contained within the boundary line of a lot.

Lot Depth – The horizontal distance between front and rear lot lines.

Lot Width – The width of the lot at the front building line.



Lot Frontage – Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Ordinance shall be provided, at each such line.

Lot Line – A line bounding a lot which divides one lot from another or from a street or any other public or private space.

Lot of Record – A parcel of land, created and recorded in compliance with all county ordinances at the time of recordation or that were recorded on or before September 30, 1974. Lots of record may or may not be buildable lots (Amended 10/21/2002)

Lot of Record, Nonconforming – A parcel of land, which was created and/or recorded which was not in compliance with all County Ordinances at the time of creation and/or recordation or which was not approved by the Spartanburg County Planning Commission. (Amended 10/21/2002)

Low Intensity Commercial – Uses in this category have low traffic generation rates (less than 20 vehicle trips per day and/or 1,000 square feet gross floor area), operate primarily during the day, and do not include vehicle service stations, convenience stores, liquor stores, eating or drinking establishments.

Manufactured Home – A Manufactured Home, Residential Designed or a Manufactured Home, Standard Designed.

Manufactured Home Park – Three or more Manufactured/Mobile Homes or Manufactured Home Park Spaces which are located adjacent to one another and operated in a coordinated manner. The park may be located on a single parcel or multiple parcels. Multiple adjacent manufactured homes must meet the requirements for a Manufactured Home Park or the requirements of the subdivision regulations and Table 3 of this ordinance.

Manufactured Home, Residential Designed – A single-family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which:

- Has a minimum width of 20 feet (multiple-section);
- Has a minimum of 900 square feet of enclosed living area;
- Has a minimum nominal 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;

- d. Is covered with an exterior material customarily used on site-built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
- e. Has a roof overhang of not less than eight (8) inches.

Manufactured Home, Standard Designed – A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the definition of a Residential Designed Manufactured Home.

Manufactured Home Park Space – A plot or ground within a manufactured home park designed for the accommodation of one unit.

Mobile Home – A single-family dwelling that is wholly, or in substantial part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards HUD Code, June 15, 1976.

Medium Intensity Commercial – Typical uses in this category include entertainment uses and commercial uses such as auto accessory stores, blueprint and photostat stores, bowling alleys, private indoor clubs, commercial and trade schools (e.g., dance studios, schools for martial arts), funeral homes, mortuaries, garden supply and/or greenhouses (provided all sales on premises are retail), grocery stores and supermarkets (excluding convenience stores), hospitals, hotels/motels, ice cream stores, etc.

Modular Building Unit or Modular Structure – Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection.

Nonconformity – A nonconformity is any lot of record (see Lot of Record-Nonconforming), use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance. (Amended 10/21/2002)

Non-residential Use – A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Off-Site Hazardous Chemical Storage Facility – An establishment providing storage for Hazardous Chemicals for a period not to exceed two (2) years. These locations are not part of a manufacturing plant that uses Hazardous Chemicals in a manufacturing process on their site. Further, Off-site Hazardous Chemical Storage does not refer to active chemical distribution warehouses.

Open Space Ratio – The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the Total Site Area.

Parcel – A land area bounded by property lines that is recognized as such by the Spartanburg County Assessor's Office and which has been assigned a parcel identification number (PIDN) by the Spartanburg County Assessor's Office.

Park-Private – These are lots or parcel of land devoted to recreational pursuits both active and passive. The facilities can range from open landscaped area to tot lots, playgrounds, neighborhood parks, and playfields.

Park-Public – A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

Performance Guarantee (Letter-of-Credit) – A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

Perimeter – The outermost property line in a development.

Plat – A map showing a plan for the development of land which is submitted for approval and is ultimately in final form for recording.

Playground – A place, other than grounds at a private dwelling, that is provided by the public or members of a community for recreation.

Public Improvement – Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for such public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Sponsorship – Sponsorship provided by local government or quasi-public organization (e.g., fire district, rescue squad, water district).

Premises – A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

Right-of-Way – A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.

Road – See definition of Street.

Roadside Stand – A temporary structure not permanently affixed to the ground with no space for customers inside and readily removable in its entirety, which is used solely as a location at which an individual farmer sells his/her produce directly to consumers. This is in contrast to a group or association of farmers selling their produce at a farmers' market. (Amended 02/21/2011)

Rural Event Venue – an intermittent use located in a rural setting, on a parcel of at least 5 acres, that may utilize temporary or permanent structures for the purpose of holding a private event to include weddings and private social events.

School – A building or structure or group of buildings or structures, other than a private dwelling, where the usual processes of education are conducted.

Scrap Metal Processor – Any person, firm or corporation whose principal business sells scrap metal to steel mills, foundries, exporters or other entities for re-melting, reusing, recycling, or other uses. Such firms or corporations are those operating from a fixed location and utilizing heavy machinery such as cranes, balers, grinders, and shearers for processing and manufacturing iron, steel, or non-ferrous metallic scrap.

Scrap Metal Processor, Existing – A Scrap Metal Processor in operation at a fixed location in Spartanburg County on [the effective date of this amendment].

Scrap Metal Processor, Indoor – A Scrap Metal Processor whose operations are contained wholly within an enclosed building and whose noise decibel level does not exceed 45 at any adjoining property line.

Shoulder – The graded part of a right-of-way that lies along the edge of the main pavement (main traveled way). This area of the roadway is often used to park vehicles in emergencies.

South Carolina Manufactured Housing Board – The Board authorized by State Statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which Board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Stall, flea market – An area (such as tables, booths, spaces, rooms, etc) within a flea market or open air market that is rented to an individual retailer. (Amended 04/15/2013)

Street – Any thoroughfare (drive, road, highway, avenue, boulevard, etc.) which has been dedicated, deeded or designated for vehicular traffic, public or private.

Street, All Weather – A street or road constructed on a compacted sub-base of suitable material with a compacted stone base, a cross-section consisting of a crowned center, shoulders stabilized side slopes and a drainage system.

Street, Arterial – A street/road that carries traffic from region to region. These streets/roads are intended to provide for high speed travel between or within communities or to and from

collectors and expressways. The concept of service to abutting land should be subordinate to the provision of travel service and major traffic movement.

Street, Collector – A street that connects minor streets to the highway systems major and high-speed arterial roads. The collector street provides both land access service and traffic service within residential neighborhoods, commercial and industrial areas. Collector roads form barriers between neighborhoods and are designed for higher speeds and traffic volumes than minor streets.

Street, Cul-de-sac – A street with a single common ingress and egress and with a turnaround at the end.

Street, Major Residential – an access street that provides frontage for residential lots and may carry a small amount of residential streets. Generally these streets serve 116 or more dwelling units and have an average daily traffic (ADT) volume greater than 1600.

Street, Minor Residential – A street that has the sole purpose of providing frontage for service and access to residential lots. These streets carry only traffic having either origin or destination on the street itself. Generally these streets serve 115 dwelling units or fewer, and have an average daily traffic (ADT) of 1159 vehicles or fewer.

Street, Public – Any street that serves two or more properties and is not necessarily within the maintenance responsibility of any public entity, but not to include private driveways. Property owners along said street have full and free access and may have one dwelling per lot of record.

Street/Road, Minor – a street/road that serves traffic to and from residences and a small amount of low intensity commercial development. A minor street/road typically serves up to 140 dwelling units and has an average daily traffic (ADT) of 1400 vehicles or fewer.

Structure – (As defined by the Standard Building Code.)

Structural Alteration – Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Substantial Improvement – Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include Americans with Disabilities Act compliance standards); or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years.

Tattoo Facility or Tattoo Parlor – Any room, space, location, area, structure, or business, or any part of these places where the business of tattooing is conducted.

Temporary Use – A prospective use, intended for a limited duration, and not involving the placement of permanent buildings or structures.

Transient merchant or vendor – Any person who engages in the temporary business of the retail sale and delivery of goods, wares or merchandise within the jurisdiction of Spartanburg County, and who does not operate inside a permanent structure that meets the commercial standards of this ordinance and the International Building Code. This definition shall not include merchants having regularly established places of business within the county if they are operating from their established place of business, persons who have obtained a temporary use permit from Spartanburg County, persons making sales at any annual fair, festival, annual celebration or observance, or regularly employed route salespeople. (Amended 4/15/2013)

Travel Trailer or Recreational Vehicle – A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

Understory Tree – A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Use – The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Accessory – See Building, Accessory.

Use, Principal – The primary purpose for which land is used.

Use, Temporary – A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Vacant Lot – An unimproved lot which is classified as vacant by the Spartanburg County Assessor's Office.

Variance – A modification of the area regulations of this Ordinance, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Vegetation – Any object of natural growth.

Wetlands – Areas of one-quarter (.25) acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Jurisdictional wetlands are those over which the U.S. Corps of Engineers has permitting jurisdiction.

Yard – An open space that lies between the principal or accessory building or buildings and the nearest lot line.

Yard, Front – A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, Rear – A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required – That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

Yard, Side – A yard extending the full length of the lot in the area between the side lot line and a side building line.

Yard Sale – All general sales open to the public, conducted from or on a residential premise for the purpose of disposing of personal property including, but not limited to, all sales entitled “garage,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” or “rummage” sale. Selling items purchased for the purpose of resale (on an ongoing basis) shall not be considered a yard sale, but a business and shall meet the commercial requirements of this Ordinance, including buffers, setbacks and parking requirements. (Amended 02/21/2011)

ARTICLE 7 – LEGAL STATUS PROVISIONS

Section 7.01 Conflict with Other Laws

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 7.02 Validity

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 7.03 Repeal of Conflicting Ordinances

The following ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

1. Spartanburg County Development Standards Ordinance, No. 452, and subsequent amendments thereto.
2. Spartanburg County Flood Damage Prevention Ordinance, No. 365, and subsequent amendments thereto.
3. Spartanburg County Subdivision Regulations, No. 429, and subsequent amendments thereto.
4. Spartanburg County Mobile Home Ordinance, No. 477, and subsequent amendments thereto.
5. Spartanburg County Junkyard Control Ordinance, No. 453, and subsequent amendments thereto.
6. Spartanburg County Sign Ordinance, No. 359, and subsequent amendments thereto.
7. Spartanburg Downtown Memorial Airport Environs Ordinance, No. 549.
8. Spartanburg County Multi-Family Development Ordinance, No. 336.

Section 7.04 Effective Date

This Ordinance shall take effect and be in force from and after 5:00 PM on December 31, 1999.

Section 7.05 Enforcement

1. All enforcement procedures, remedies, legal and equitable, processes, and penalties, provided in enabling statutes for local government ordinance violations, including ordinance summons, injunctions, mandamus, stop orders and warrants, and other applicable provisions of Section 56-7-80, et seq. and Section 6-29-950(a) et seq., Code of South Carolina 1976, are hereby adopted and incorporated by reference as if fully set forth. (Amended 5/15/2000)
2. The County Administrator is authorized to prescribe and approve such administrative policies and procedures, including forms, as he may deem appropriate for the proper administration and enforcement of this ordinance. (Amended 5/15/2000)

ENACTED AND ORDAINED into an Ordinance this 20th day of December 1999, by the Spartanburg County Council.

Chairman, County Council

ATTESTED:

County Administrator

PARKING STANDARDS

