PERFORMANCE ZONING ORDINANCE

Spartanburg County
South Carolina

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Preamble

This Ordinance has been drafted at the request of Spartanburg County Council. Its intention is to introduce Performance Zoning to the County with the implementation of this ordinance in the Southwest quadrant of the County. Performance Zoning is adaptive and accommodating while providing balanced protections to County stakeholders. Performance Zoning differs from traditional Euclidean Zoning found within the City of Spartanburg. In the City under the traditional zoning system, all parcels are assigned a specific zoning classification that mandates the use of each specific parcel. Any deviation from that mandated use requires a specific change to the zoning ordinance by an amendment to the official zoning map. Such a process is time consuming, uncertain and contentious. Spartanburg County must have a better zoning methodology to accommodate the demands of our growing County and to enhance the quality of life that our citizens enjoy. The basis of Performance Zoning is not a parcel by parcel classification system that can be arbitrary and cumbersome but rather a Road Classification system. The basis is addressed in the balance of this Preamble.

In 1926 the Village of Euclid, Ohio, won a court case over the Ambler Realty Company which established the constitutionality of zoning as a local government land use tool. Through the years municipalities and counties have grappled with the opportunities, and difficulties, available to them with that authorization.

It is too often assumed that the mere zoning of property causes the use of that property to be committed to the use mandated by such zoning. One must understand that residential or non-residential development on a parcel of land does not occur unless and until there is a market for that use and a property owner willing to sell or develop the property for that activity. Added to that decision-making process is the requirement for needed utilities, roadways for access, customers, workers, etc.

Non-residential activities, such as retail stores, personal and medical services, additional employment options, schools, etc. do not develop until after there is residential development in an area that fuels demand for those activities. The exception to that scenario is the locating of manufacturing, distribution, or institutional activities which are attracted to an area of abundant available and required amenities, being water, sewer, power, road or rail access, and a workforce. These activities provide much of the needed economic viability to a local jurisdiction.

Trying to guess precisely where non-residential activities will seek to locate before the residential changes and growth have occurred is very difficult. However, most zoning formats are predicated on that sort of guesswork. When the zoning product of that guess-work differs from real time demand of the market, a constant parade of proposed zoning map amendments will follow. This process is frustrating to everyone involved, including property owners, residents in the particular area, elected officials charging with making those decisions, and people who are trying to gain certainty into the alternate uses to which property can be developed. Attempts at very specific five-, ten-, or twenty-years plans fail because of the constant need to update the plans as conditions change compounded by a lack of a reliable method of changing the plans. Property owners and residents are left without a dependable look at the future upon which they can rely.

Spartanburg County has adopted a different way of looking at the future through the adoption of this Ordinance. This document is intended to give our residents, property owners, and potential stakeholders a clear picture of the role the County plays in land use decisions, providing them information that will help each to better decide where to live, where to locate a business, etc.

This Ordinance begins with the creation of a Road Classification Plan which categorizes all roads in the proposed Planning Area of Spartanburg County as either an Arterial Road, a Collector Road, or a Local Road. These classifications are based upon a long range look at the ultimate role of that roadway based on its location, design criteria and connectivity, and not merely constantly changing characteristics such as traffic counts.

> **Arterial Roads** are roads of regional importance or a main road of the community. They make up the major road network of the County. Because of this, more and more traffic will use these roads as the only way to get from one part of the County to another. Some of these roads are also used for travel beginning in other portions of the State and which eventually traverse into or through Spartanburg County. A large portion of the traffic on these roadways will come from vehicles travelling through that area, not from the activities located on those roads. Although portions of some Arterials may seem residential, over the years the roads will become busier, making the property along these roads less desirable for homes. For that reason, properties with access along Arterial Roads are more likely to be developed for non-residential uses.

Collector Roads are major travel routes that often connect the Local Roads and Arterial Roads to each other and sometimes funnel traffic to and from extensive activities. Collectors are generally shorter than Arterials, and while they will also carry high volumes of traffic, the traffic on Collectors derives from activities and residential development along these Collectors and from the high volume of through-traffic. Development of land along Collectors should be compatible with high traffic volumes.

Local Roads provide a way to get from residences to non-residential uses, and often connect residential roads to Arterials and Collectors.

These road classifications can be extremely helpful to the public as they decide where to buy land, buy or build a house, or locate a business. That quiet two-lane road through the country-side might seem like the ideal place to build a house, but a prudent decision-maker must and can look at what that location will look like in the years to come based on the Road Classification.

This Road Classification Plan is the backbone to a truly long-range planning effort that will address compatible land use for many decades into the future in Spartanburg County. Properties not located on an Arterial Road will have limited options for development beyond residential, limited service, or farming uses. On non-Arterial Roads uses beyond residential, limited service type activities, and farming must be done with extreme care to insure compatibility with the surrounding properties in such a way that all parcels remain desirable for homes and agricultural activities. It is equally important that non-residential activities, such as business, services, schools, industry, manufacturing and distribution that locate or exist on Arterial Roads, not be denied development opportunity nor suffer a restriction on existing activities should residential development seek to locate in proximity to such users along the same Arterials at a later date.

In order to achieve such an ambitious long-range plan, it was important that this Ordinance create compatibility between two different activities adjacent to each other and provide the ultimate protection for residences, property, or farmland not in the vicinity of or accessed from an Arterial Road. Property adjacent to Arterial Roads are more easily used for non-residential activities. In all instances, there is compatibility protection for residences already located in those areas prior to the adoption of this Ordinance.

Compatibility is achieved through implementation of rigorous standards for buffering, setbacks, height, screening, light, glare, noise, etc. It is therefore very important **how** an activity places itself on a parcel which is determined by **where** it is to be located.

In the development of a subdivision, or other new developments which may contain a variety of activities or mixed uses, the internal compatibility standards may be determined by the design of the project, allowing for creative and innovative smart growth mixed use projects. Compatibility standards with respect to surrounding properties shall be the same as with all other activities.

ARTICLE 1 – GENERAL PROVISIONS

Chapter 1. Introduction

1.1.00 Authority

This Ordinance is enacted pursuant to authority conferred by the 1994 "South Carolina Local Government Comprehensive Planning Enabling Act," Title 6, Chapter 29 of the South Carolina Code of Laws, as amended, to promote the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of the present and future inhabitants of Spartanburg County, South Carolina.

1.1.10 Title

This Ordinance may be cited as the Performance Zoning Ordinance for Spartanburg County, South Carolina. The map portion, including overlays, may be cited separately as the Zoning Maps for Spartanburg County, South Carolina.

1.1.20 Jurisdiction

The regulations set forth herein shall apply to all land and improvements thereon as described on the Zoning Maps for Spartanburg County, South Carolina.

1.1.30 Scope of Regulations

1.1.31 New Activities

Upon the effective date of this Ordinance any building, structure, or tract of land shall be used, constructed, or developed only in accordance with the applicable regulations contained herein.

1.1.32 Existing Activities

Any activity legally established prior to the effective date of this Ordinance or subsequent amendments, which does not comply with its regulations, shall be subject to the provisions of Article 8.

1.1.33 Existing Permits and Approvals

Building and development plans submitted or building permits and development plan approvals lawfully issued before the effective date of this Ordinance or subsequent amendments shall remain in effect for as long as provided by the Spartanburg County Building Code and Unified Land Management Ordinance. Development Plans submitted and zoning permits lawfully issued before the effective date of amendments to this Ordinance shall remain in effect as long as provided for in *Section 9.1.10, Zoning Permits*.

1.1.40 Establishment of Districts

In order to implement the provisions of this Ordinance, the following districts are hereby established:

Restrictive Development District (RD)

The Restrictive Development (RD) District is intended to be primarily used and preserved for agricultural and residential activities and development. The Performance Zoning Ordinance requires non-residential activities that locate in the RD district to be "good neighbors" to the existing or future residential development, which means that those activities must meet the more restrictive compatibility standards in this Performance Zoning Ordinance. In this way, Spartanburg County promotes good development, without unreasonably taking away a property owner's land use options.

General Development District (GD)

The General Development (GD) District is better suited for non-residential activities, and, therefore, most activities are allowed to locate in the GD District with fewer restrictions. However, residential uses located in the GD District prior to the effective date of this Ordinance are considered "protected" and would be given compatibility protection in accordance with the RD District standards in this Ordinance.

Partial Restriction District (PR)

In the Partial Restriction (PR) District the regulations contained in the Unified Land Management Ordinance (ULMO) shall apply. The provisions for Signs in *Article 7*; Architectural Standards in *Section 2.3.51, Minimum Nonresidential Standards;* and *Section 2.3.53, Appeals* of this Ordinance shall apply in all the unincorporated portions of Spartanburg County, therefore they shall also apply in the PR District. If any roads are designated as Appearance Corridors in the Partial Restriction (PR) District then the following provisions shall apply along those roads:

a. Architectural Standards in *Section 2.3.51, Minimum Nonresidential Standards*
b. Procedures in *Section 2.3.53, Appeals*
c. Standards found in *Chapter 3, Appearance Corridor Protection*
d. Standards found in *Chapter 4, Open Space,* of *Article 6, Landscape and Open Space*

Overlay Districts

Overlay Districts include land use and development requirements designed to be applied over, or in addition to, the requirements of the underlying district for a specific purpose without removing or modifying the underlying district requirements. Article 3 contains any Overlay Districts associated with this Ordinance.

1.1.50 Incorporation of Maps

The boundaries of districts and road classifications established by this Ordinance are shown on the Zoning Maps, which are hereby incorporated into the provisions of this Ordinance. The location and boundaries of the special overlay districts are shown on the Zoning Maps by special overlays or maps. These maps and overlays in their entirety, including all map amendments, shall be as much a part of this Ordinance as if fully set forth and described herein.

1.1.60 District Boundary Interpretations

Whenever the location of a district boundary on the Zoning Maps which are a part of this Ordinance, including subsequent amendments, approximates the edge or centerline of a street, alley, railroad, or other right-of-way, incorporated municipality, county, river, stream, pond, lake, flood plain, or topographic feature, which was in existence when the boundary was first established, then the location of the district boundary shall be interpreted to be such edge or centerline. Whenever the location of a district boundary line approximates the predominant alignment of a block or a lot within a block, or lines bounding parcels, or a straight line drawn between two identifiable points, shown on the official tax maps of Spartanburg County, then the location of the district boundary shall be interpreted to follow such predominant alignment.

Whenever the above method of interpretation is not applicable, the location of the district boundary shown on the Zoning Maps shall be determined by the use of the scale on the map. Should any further uncertainty exist, the location shall be determined by the Zoning Administrator, which shall be subject to appeal to the Board of Zoning Appeals.

Chapter 2. Construction of Language and Definitions

1.2.00 Rules for Construction of Language

a. The particular shall control the general.

b. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

d. Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. All public officials, bodies, and agencies to which reference is made are those of Spartanburg County unless otherwise indicated.

f. The word "County" or "Spartanburg County" shall mean the area of jurisdiction of Spartanburg County, South Carolina, excluding all incorporated municipalities.

1.2.10 Definitions

Except when definitions are specifically included in the text, words in the text of this Ordinance shall be interpreted in accordance with the provisions set forth in this Section. Where words have not been defined, the standard dictionary definition shall prevail. In cases of conflicting definitions, the Zoning Administrator shall be required to define any word or interpret any definition.

Accessory: an activity or structure that is customarily associated with and appropriately incidental and subordinate to a principal activity and/or structure, and is located on the same property except as provided under the provisions for accessory off-street parking.

Activity: the performance of a function or operation which constitutes the use of the land.

Attached: buildings which share one or more common walls with other buildings. As pertains to residential activity, dwelling units may also be considered attached when sharing structures in a manner other than just common walls, except in Planned Cluster Developments.

Building: a structure having a roof supported by columns or walls or other structural members.

Building Envelope: the three-dimensional outline of a building to which requirements of this Ordinance such as setbacks, buffers, and height are measured. Elements of a building such as porches, patios raised above ground level, carports, chimneys, roof overhangs, and HVAC units shall be considered part of this envelope.

Detached building: a building which is surrounded by yards or other open areas.

Dwelling: a building, or portion thereof, designed exclusively for residential occupancy, including single dwellings, duplexes, and multiple dwelling units, but not including transient occupancy.

Dwelling Unit: one or more rooms in a residential building or residential portion of a building, which are arranged, designed, used, or intended for use by one or more persons living together and maintaining a common household, and which shall include lawful cooking space and lawful sanitary facilities reserved for occupants thereof.

Gross Acreage: is to be measured as the total area of land confined within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement or grant of use other than existing publicly dedicated road rights-of-way.

Landowner: *see Property Owner*.

Minerals are solids, liquids, or gases found in natural deposits on or in the earth, including, but not limited to, soil, sand, clay, gravel, stone, rock, coal, phosphate, metallic ore, petroleum, or natural gas.

Parcel: pieces of property are often referred to as parcels (or a parcel). Parcels of land may also be described as lots or tracts of land.

Performance Compatibility Standards: limits imposed upon land uses with respect to their height by means of height control slopes, with respect to their proximity by means of buffer and setback distances, with respect to their visibility by means of screening requirements, and with respect to the amount of light and noise travelling across property lines.

Principal Activity: an activity which fulfills a primary function of an establishment, institution, household, or other entity.

Principal Building: a building which contains the principal activity or use located on the parcel on which the building is situated.

Property Owner: the legal owner(s) of land. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 50 years in duration, or other person having an enforceable proprietary interest may be considered a "property owner" for the purposes of this Ordinance.

Protected Property: property which is protected from the impacts of land uses on surrounding properties by means of specified performance compatibility standards.

Protected Property Line: a District boundary line or a property boundary or portion thereof from which, across which, or at which performance compatibility standards are measured. Some of the protected property lines for a particular project, especially if it is an intense activity, may include more than just those adjacent property lines. They could be located across adjacent property or road rights-of-way but close enough to be included in the distance, height, and screening standards as well as those for noise, light, and glare.

Protected Residential Use: *see Residential Use.*

Residence: a building or part of a building containing one or more dwelling units, including manufactured housing. Manufactured home parks and group housing activities are considered residential activities within the body of this Ordinance. However, residences do not include transient habitation, detention centers, nursing homes, and hospitals.

Residential Use: pertaining to a residence. An attached garage is considered a residential use, whereas a detached garage is considered an accessory use. In a mixed-use building, that part of the structure used for nonresidential purposes is not considered a residential use.

> Protected Residential Use: residential lots approved for development or a residential use in existence or permitted for construction before the dates below:
>
> Southwest Planning Area – January 1, 2020
>
> An abandoned residential structure which is derelict or uninhabitable for a continuous period of 12 months or greater shall not be considered a protected use. An uninhabited residence shall not in and of itself constitute abandonment.

Road: any thoroughfare (road, highway, street, avenue, boulevard, etc.) which has been dedicated, deeded, or designated for vehicular traffic, public or private.

Roof Line: the outermost extension of a roof beyond the wall of a building.

Single Ownership: means the proprietary interest of a property owner as herein defined.

Street: *see Road.*

Structure: any object constructed or installed by man, including, but not restricted to buildings, towers, and smokestacks.

Use: the performance of a function or operation which constitutes the use of land.

ARTICLE 2 – APPLICATION OF REGULATIONS

Chapter 1. Schedule of Permitted Uses

2.1.00 General Classification Rules

The purpose of this chapter is to classify all uses into a number of specially defined activities on the basis of common functional characteristics and similar compatibility with other uses. This classification system provides a basis for the regulation of these activities and their assignment to districts later in this chapter. Vacant land, itself, shall not constitute an activity type. In the event of conflicting interpretations, or uncertain references to a particular use, the Zoning Administrator will assign uses to the most appropriate activity category. Any disagreement with that assignment may be appealed to the Board of Zoning Appeals.

2.1.10 Description of Principal Activities

NOTE: All Activities listed here will also appear in the following three charts found in this Article: the Chart of Permitted Access by Road Classification, the Chart of Parking Requirements, and the Chart of Compatibility Standards. Most activities requiring a conditional use approval from *Article 4* will have a description here and standards to meet in this Article 2 like all other Principal Activities. *Article 4, Activities requiring Conditional Use Approval,* will primarily contain those extra conditions that must be met for those unique activities. However, there will be a few activities (i.e. Temporary Activities) that are only addressed in the *Article 4*.

Administrative Offices are of a non-service nature where patrons are not served on the premises.

Advertising Signs are any signs, pictorial or otherwise, regardless of size or shape, which direct attention to businesses, commodities, attractions, professions, services, or entertainment conducted, sold, offered, manufactured, existing, or provided at locations other than on the premises where the signs are located or to which they are affixed. Such signs are sometimes called off-premise signs, and include, but are not limited to those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

Airports and landing strips consist of the runways, landing areas, and possibly hangers and terminals. Activities comprising other airport related uses shall be classified according to the specific activity as found within these descriptions.

Animal Facility (Limited) – a fully enclosed building not exceeding 10,000 square feet, with soundproofed exterior walls meeting the noise requirements of this Ordinance, used for the temporary lodging and boarding of domestic house pets and other animals. Medical treatment, clipping, training, and grooming are also considered to be a part of this activity (See also "Kennels, Catteries, and Stables").

Animal Facility (Extensive) – a building exceeding 10,000 square feet or any size facility with outdoor kennels and cages used for the temporary lodging and boarding of animals, including medical treatment, clipping, training, and grooming. Such a facility must meet the noise requirements of this Ordinance (See also "Kennels, Catteries, and Stables").

Animal Operations include the keeping, grazing, or feeding of animals for animal products, animal increase or value increase. This activity does not include animal operations that meet the criteria of a Concentrated Animal Feeding Operation (CAFO).

Asphalt Batch Plant includes an establishment engaged in manufacturing asphalt-type roofing materials, asphalt and tar paving mixtures, 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. These facilities are also known as hot mix asphalt plants, drum mix plants, or batch mix plants among others, but does not include a temporary Asphalt Batch Plant established for road construction. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Broadcast Studio, Radio, or Television Station.

Bus and Transit Terminals.

Business Services include clerical or goods brokerage services; banks, savings and loans, or other financial, consulting, or administrative activities; communication related services; book and newspaper publishing;

multi-copying, and custom printing; mail services; and other such activities where clientele are served on the premises with nothing other than a service rendered.

Bulk Storage and Distribution includes fuel and liquid asphalt facilities with a combined capacity of at least 100,000 gallons involved in 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. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Bulk Storage and Distribution (Existing) is a bulk storage and distribution facility for fuel products that existed as of September 16, 2013. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Call Center includes a centralized office used for receiving or transmitting a large volume of requests by telephone. An inbound call center is operated by a company to administer incoming product support or information inquiries from consumers. Outbound call centers are operated for telemarketing, solicitation of charitable or political donations, debt collection, or market research.

Campgrounds and Recreational Vehicle Parks. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Cemeteries.

Communication Towers. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Communication Towers (Monopole) are single tube towers with antennas on the exterior of the tower.

Communication Towers (Lattice) are sometimes referred to as "self-support" because they are free-standing lattice with a base of three or four sides.

Communication Towers (Guyed) are generally straight rods supported by wires that attach to the ground as support.

Communication Towers (Broadcast) provide mounting space for FM radio, AM radio, and Television (TV) antennas. Most broadcast towers are guyed towers with wires attached to grounded anchors.

Community Education activities include public, parochial, and private kindergartens, primary and secondary schools, colleges, junior colleges, technical education centers, and universities. Day care centers, stadiums, dormitories and other activities attendant to scholastic endeavors shall be dealt with as separate activity types, not to be included within the scope of this definition. The following shall be the subcategories of this activity for the purpose of establishing the applicable standards:

Community Education (Pre-School)
Community Education (Elementary School)
Community Education (Middle School)
Community Education (High School)
Community Education (Vocational) involves trade or vocational training.
Community Education (University) includes colleges, junior colleges, technical and vocational.
Community Education (Arts/Skills Training) includes studios for fine arts, martial arts, etc.

Concentrated Animal Feeding Operation (CAFO) is an animal feeding operation that confines animals for more than 45 days during a growing season in an area that does not produce vegetation and meets the size thresholds of the Environmental Protection Agency. A CAFO is a production process that concentrates large numbers of animals in relatively small and confined places and substitutes structures and equipment (for feeding, temperature controls, and manure management) for land and labor. In addition to the provisions of this Ordinance, this activity shall be governed by the laws and regulations of the South Carolina Department of Health and Environmental Control (SCDHEC).

Construction Services (Limited) involve such operations where a maximum of three construction type pieces of equipment are kept and all storage of on-site construction materials and parts for equipment repair shall be indoors.

Construction Services (Extensive) involve such operations which include the storage of materials and equipment used to conduct the business.

Crops include the raising of trees, vines, field, forage or other plant crops intended to provide food or fiber.

Day Care includes any facility for the regular care, supervision, or guidance of children, senior citizens, or adults with disabilities, which is subject to registration or licensing by the South Carolina Department of Social Services. Regular care, supervision, or guidance of a limited number of such individuals may qualify as a Home Occupation Day Care under *Section 2.1.33*.

Detention Centers, prisons, or correctional institutions, but not halfway houses.

Essential Services include all facilities which provide power, communications, or personal health protection and emergency services as specified below.

> Essential Services (Limited) shall include communication equipment installations and exchanges, natural gas substations, electric substations, and post offices (excluding major mail processing centers).
>
> Essential Services (Extensive) shall include law enforcement stations, fire stations, ambulance substations, and emergency first aid stations.

Flea Market is a term interchangeable with and applicable to "swap meet," "open air market," "jockey lot," or other similar terms at which two or more persons offer personal property for sale or exchange. 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 a General Retail use. This term does not include sidewalk sales or other such merchandise owned by shopping centers or individual retail operations, sales conducted by nonprofit organizations, farmers' markets, or residential yard sales. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Food Services (Limited) include functions performed by restaurants or other establishments wherein prepared food or beverages are sold for take-out, home or function delivery, or on-site consumption in a single building which does not exceed 8,000 square feet in size. A drive-through operation is considered accessory to the performance of the activity. Only entertainment activities that are a minor accessory to the principal activity are allowed.

Food Services (Extensive) include functions performed by restaurants or other establishments wherein prepared food or beverages are sold for take-out, home or function delivery, or on-site consumption. A drive-through operation is considered accessory to the performance of the activity. Entertainment activities as a principal activity are allowed.

Fuel Products Bulk Storage and Distribution includes the bulk storage, blending, transfer, and distribution of fuel products and liquid asphalt. 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, store fuel products for internal use.

Funeral Services and attendant facilities, including funeral homes, mortuaries, and crematoriums.

General Retail (Limited) activities include the wholesale or retail sale or rental of goods (not otherwise specifically listed in another principal activity) wherein the goods are offered at one location, either in the same building or in a series of buildings, which, in the aggregate, do not exceed 5,000 square feet in size. None of the merchandise may be stored or displayed outside of the building(s). Gaming or amusement devices, including coin-operated or Internet-based, for which a customer must pay and which provides payouts of any kind may be classified as a "General Retail activity" with an approval letter from the South Carolina Attorney General.

General Retail (Intermediate) activities include the wholesale or retail sale or rental of goods (not otherwise specifically listed in another principal activity) wherein the goods are offered at one location, either in the same building or in a series of buildings, which, in the aggregate, are between 5,000 and 25,000 square feet in size. None of the merchandise may be stored or displayed outside of the building(s). Gaming or amusement devices, including coin-operated or Internet-based, for which a customer must pay and which provides payouts of any kind may be classified as a "General Retail activity" with an approval letter from the South Carolina Attorney General.

General Retail (Extensive) activities include the wholesale or retail sale or rental of goods (not otherwise specifically listed in another principal activity) wherein the goods are offered at one location, either in the same building or in a series of buildings. Outdoor storage and/or sale of merchandise that is used outdoors is allowed. Other merchandise shall not be located in the parking lot or where it is visible from view from

public rights-of-way. Any activity that operates during the hours of 7:00 p.m. to 7:00 a.m. or involves the sale of petroleum products shall be considered a General Retail (Extensive) activity. Gaming or amusement devices, including coin-operated or Internet-based, for which a customer must pay and which provides payouts of any kind may be classified as a "General Retail activity" with an approval letter from the South Carolina Attorney General.

Golf Courses include the playing course itself as well as the support activities essential to its operation such as a pro shop, food service, group assembly (for less than 500 participants), maintenance sheds, daylight driving range, and cart storage. Any other activity must meet the requirements of the appropriate category as defined in this section.

Group Assembly (Limited) activities include the provision of cultural, entertainment, educational, recreational, religious, and athletic services to assembled groups of spectators or participants smaller than 350 in number. This activity includes clubs, lodges, and meeting halls.

Group Assembly (Intermediate) activities include the provision of cultural, entertainment, educational, recreational, religious, and athletic services to assembled groups of spectators or participants numbering 350 to 1,500. This activity includes clubs, lodges, and meeting halls.

Group Assembly (Extensive) activities include the provision of cultural, entertainment, educational, recreational, religious, and athletic services to assembled groups of spectators or participants greater than 1,500 in number. This activity includes clubs, lodges, and meeting halls.

Group Housing (Limited) activities include convents, monasteries, orphanages, and halfway houses with nine or fewer residents. It shall also include homes for the mentally and physically handicapped with nine or fewer residents; however, such residences may still follow the procedures outlined in South Carolina State Statute 6-29-770, as amended, whereby these activities shall be permitted as Residential Detached or Residential Attached activity types, as appropriate.) This activity does not include convalescent homes, nursing facilities, or retirement centers. (See also Nursing Homes and Retirement Centers)

Group Housing (Extensive) activities include convents, monasteries, orphanages, membership lodging such as fraternity and sorority houses, halfway houses, residence hotels, residence halls, dormitories, and homes for the mentally and physically handicapped (except as specifically exempted in South Carolina State Statute 6-29-770, as amended, whereby these activities shall be permitted as Residential Detached or Residential Attached activity types, as appropriate.) This activity does not include convalescent homes, nursing facilities, or retirement centers. (See also Nursing Homes and Retirement Centers)

Gun or Archery Range (Indoor) are activities designed for the purpose of providing an indoor place for the discharge of various types of firearms and archery.

Gun, Archery, or Skeet Range (Outdoor) are activities designed for the purpose of providing a place for the discharge of various types of firearms or archery. For the purpose of applying the compatibility standards of Article 2 its footprint includes the component shooting ranges, safety fans or shotfall zones, and ammunition storage areas. This activity does not include occasional target practice by individuals on property owned or leased by the individuals, sighting of weapons for purposes of hunting, or temporary turkey shoots conducted no more than 12 days in any calendar year. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Hazardous Materials Storage and Distribution shall be the definitions referenced in *Article 5, Chapter 1, Extremely Hazardous Materials*.

Heliports are facilities specifically designed to accommodate the operational characteristics of helicopters and other rotary wing aircraft, separate and apart from inclusion in an airport facility.

Hospitals include institutions providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institutions, related facilities such as laboratories, outpatient facilities, or training facilities.

Kennels, Catteries, and Stables include any person, establishment, partnership, corporation, or other legal entity that owns, keeps, harbors, or is custodian of domestic animals and/or domestic fowl kept or used for stud for which a fee is charged and/or for breeding purposes for which a fee is charged for the offspring, or for the purpose of commercial boarding, grooming, sale, or training. Animal rescue and/or adoption facilities, whether operated for profit or as nonprofit organization, shall be included in this category.

Activities under this category shall not include livestock and other farm animals used in customary and normal agricultural husbandry practices or an Animal Hospital maintained by a licensed veterinarian.

Landfills are engineered land burial facilities for the disposal of waste which are so located, designed, constructed, and operated to contain and isolate the waste so that they do not pose a substantial present or potential hazard to human health or the environment. The following are the Landfill classifications of the South Carolina Department of Health and Environmental Control: *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Class One Landfills shall accept only trees, stumps and wood chips which have not come into contact with petroleum products or hazardous contaminants.

Class Two Landfills

Class Three Landfills

Manufacturing (Light Assembly Limited) activities include the final assembly, packaging, incidental storage, sale and distribution of small products from a number of purchased components. This classification will be for manual assembly of components using light tools. All portions of the activity must be within an enclosed building no larger than 7,500 square feet and employ no more than 10 persons.

Manufacturing (Light Assembly Extensive) activities include the final assembly, packaging, incidental storage, sale and distribution of small products from a number of purchased components. This classification will be for manual assembly of components using light tools. All portions of the activity must be within an enclosed building.

Manufacturing (Limited) activities include, among others, the manufacturing, compounding, processing, assembling, packaging, treatment, fabrication, or storage of products and services associated with the following and similar activities:

apparel accessories such as hats, jewelry, umbrellas, footwear, and garments;
art objects;
bakery goods;
beverage bottling plants;
dairy products;
instruments for medical, dental, engineering, scientific, or like purposes;
optical instruments and lenses;
major mail processing centers;
motion picture production lots;
printed matter;
research science;
signs; and
activities and operations which include the following, among others:

book binding;
photoengraving;
precision machining of dies, jigs, and fixtures;
record pressing; and
upholstering.

In addition to the type of manufacturing processes and materials allowed, this activity must be contained in buildings whose total size is no more than 200,000 square feet and the number of employees must not exceed the larger of the two following ratios: one employee per 500 square feet of building space or 30 employees per acre of the activity site.

Manufacturing (Intermediate) includes any manufacturing activity not included within Limited Manufacturing which is conducted within an enclosed space except for the following or similar activities:

arsenals, explosives and fireworks plants;
asphalt batch plants;
chemical manufacturing in excess of one ton per day;
offal processing;
paper mill;
petroleum refining;
pulp mill and manufacturing; and
waste disposal by incineration or other means as a principal use.

In addition to the type of manufacturing processes and materials allowed, this activity is considered to be buildings whose total size is larger than 200,000 square feet but no more than 500,000 square feet and whose number of employees do not exceed the larger of the two following ratios: one employee per 1,000 square feet of building space or 20 employees per acre of the activity site.

Manufacturing (Extensive) includes all other manufacturing activities not included within the definition of Limited or Intermediate Manufacturing except for those specialized activities included in a separate activity classification within the body of this Ordinance. In addition to the type of manufacturing processes and materials allowed, this activity is considered to be buildings whose total size is larger than 500,000 square feet or whose number of employees exceed the larger of the two following ratios: one employee per 1,000 square feet of building space or 20 employees per acre of the activity site.

Manufactured Homes includes Residential Designed Manufactured Homes and Standard Designed Manufactured Homes as defined in *Article 4, Activities Requiring Conditional Use Approval*. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Manufactured Home Parks are three or more manufactured homes or spaces, exclusive of a manufactured home occupied by the property owner as a legal residence, that are located within the vicinity of one another and operated in any coordinated manner. The park may be located on a single parcel, or multiple parcels in the same or different ownership. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Manufactured Home Sales include the wholesale or retail sale of manufactured homes.

Medical Services include the therapeutic, preventative, or corrective personal treatment of people normally performed by physicians, dentists, or other practitioners, as well as medical testing and analysis services. This activity may include a public health clinic but would exclude any facilities providing extended or inpatient care.

Mining includes the extraction, dredging, or removal of minerals for sale, processing, or consumption even if the mining activity is not required to obtain a mining permit from the South Carolina Department of Health and Environmental Control (SCDHEC). It does not include grading, backfilling, plowing, or excavating areas for agriculture or on-site construction, unless the extraction or removal of minerals exceeds 25,000 cubic yards or the activity continues for longer than six months. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Mining (Limited) includes all mining operations where the mining area does not exceed five acres. This activity category does not permit on-site mineral processing, including but not limited to, milling, crushing, or refining. This activity category does not include chemical leaching of minerals, hard rock quarrying, or blasting.

Mining (Intermediate) includes all mining operations where the mining area does not exceed 25 acres. This category permits on-site mineral processing, chemical leaching of minerals, hard rock quarrying, or blasting, provided that the blasting or chemical leaching of minerals meets the compatibility standards of the Mining (Extensive) category.

Mining (Extensive) includes all other mining activities not included within the definition of Mining (Limited) or Mining (Intermediate). This activity category permits on-site mineral processing, chemical leaching, and blasting.

Mini-Parks are recreational areas with no more than playground equipment and picnic facilities.

Mini-Warehouses include the operation of warehousing and storage wherein the storage capacity of individual units is less than 1,000 square feet of floor area and individual units are locked during the term of a rental agreement.

Natural Reserves and undeveloped open spaces include passive parks with minimum equipment, botanical gardens and arboretums, and the like.

Non-Assembly Cultural activities include public, parochial and private museums, art galleries, libraries, and observatories.

Nursing Homes (Limited) include convalescent homes, convalescent hospitals and clinics with no more than 20 resident beds. Skilled care is typically provided to residents/patients. (See also Retirement Centers/Assisted Living Facilities)

Nursing Homes (Extensive) include convalescent homes, convalescent hospitals and clinics. Skilled care is typically provided to residents/patients. (See also Retirement Centers/Assisted Living Facilities)

Personal Services (Limited) including barbering, beauty care, the repair of personal apparel and similar items, and other comparable activities in a single building which does not exceed 7,500 square feet in size with no outdoor storage.

Personal Services (Extensive) including barbering, laundromats, beauty care, exercise, dry cleaning, the repair of personal apparel and similar items, and other comparable activities.

Plant Nurseries include the cultivation, for sale, of horticultural specialties such as flowers, shrubs, trees, and bushes intended for ornamental or landscaping purposes.

Power Generation (Limited) include electrical power generation facilities that utilize solar or wind as a fuel or energy source and are operated by a public utility or independent power producer whose primary function is the provision of electricity to the electrical distribution system or transmission grid.

Power Generation (Extensive) include electrical power generation facilities that use a fuel or energy source~~,~~ other than solar or wind and are operated by a public utility or independent power producers whose primary function is the provision of electricity to the electrical distribution system or transmission grid.

Professional Services include those performed by recognized professionals such as lawyers, architects, engineers, CPAs, private instructors with less than 30 students at one time, real estate brokers and the like.

Race Tracks and Testing Tracks are courses used for racing or testing vehicles. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Railroad Terminals and Yards include freight and passenger services.

Recycling Facilities (Indoor) include the processing and storage of consumer goods/materials to be sold for the purpose of creating post-consumer use products. It may also involve recovered materials processing. This activity will occur in a totally enclosed structure. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Recycling Facilities (Outdoor) include the processing and storage of consumer goods/materials to be sold for the purpose of creating post-consumer use products. It may also involve recovered materials processing. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Repair and Maintenance Services (Limited) includes activities such as appliance repair, furniture repair and/or refinishing, electronics repair, small engine repair, welding shops (excluding fabrication), and minor mechanical repairs with no outdoor activity or storage. Does not include vehicle repair. (See Vehicle Repair)

Repair and Maintenance Services (Extensive) include activities such as appliance repair, furniture repair and/or refinishing, electronics repair, small engine repair, welding shops (excluding fabrication), and minor mechanical repairs. Work is completed primarily on the site of this activity, to include the storage of parts and items under repair. Does not include vehicle repair. (See Vehicle Repair)

Research Services are research activities of a scientific or industrial nature which are offered as an independent service, and do not include medical testing and analysis and routine product testing.

Residential Detached are dwelling units regulated by the *International Residential Code for One- and Two-family Dwellings* and located in a single structure which are surrounded by yards or other open area.

Residential Attached are three or more dwelling units in a single structure. *(Additional descriptions and definitions can be found in Chapter 16 - Apartments in Article 4 – Activities requiring Conditional Use Approval.)*

Retirement Centers/Assisted Living Facilities include those complexes offering a combination of housing options with the following accessory activities allowed on site as long as they are for the residents only: support services, light retail/personal services, food services, and/or medical services. Activities may take place under one roof or in separate buildings. (See also Nursing Homes.)

Salvage Yard (Indoor) activities (often referred to as junk yards) include the dismantling or wrecking of used automobiles, vehicles, crafts and trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. It may also include other salvage materials like white goods. This activity will occur in a totally enclosed structure, but does not include Scrap Metal Processing. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Salvage Yard (Outdoor) activities (often referred to as junk yards) include the dismantling or wrecking of used automobiles, vehicles, crafts and trailers, or the storage, or sale of dismantled or wrecked vehicles or their parts. It may also include other salvage materials like white goods. The presence on any parcel of land of five or more motor vehicles or bulk of five or more vehicles, which for a period exceeding 30 days have not been capable of operating under their own power and/or from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of a salvage yard. This activity does not include Scrap Metal Processing. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Scrap Metal Processing includes the furnishing of scrap metal to steel mills, foundries, exporters, or other entities for re-melting, reusing, recycling, or other uses. It is often operated from a fixed location utilizing heavy machinery such as cranes, balers, grinders, and shearers for processing and manufacturing iron, steel, or non-ferrous metallic scrap. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Towing and Impoundment Lot includes the temporary storage of automobiles, vehicles, crafts and trailers, as part of a towing or repossession activity. To include parking and dispatch of tow truck or wrecker equipment, but not the repair or sale of vehicles and/or their parts.

Trade Enterprises (Limited) include services such as HVAC repair, plumbing, pest control, landscaping services, and electrical repair where the service is typically provided at a home or business. A maximum of three service vehicles are allowed and all storage on-site of items for parts or repair shall be indoors.

Trade Enterprises (Extensive) include services such as HVAC repair, plumbing, pest control, landscaping services, and electrical repair. There may be storage on-site of items for parts or repair.

Transient Habitation activities include lodging services to transient guests, such as hostels, motels, hotels, etc., and include restaurants and certain attendant recreational activities that are accessory to the principal activity.

Transport Services include taxi services, non-emergency medical transport services, charter bus services, limousine services, etc.

Utilities include all facilities used for water and sewer treatment and storage except septic tanks and individual wells. Distribution and collection lines, lift stations and booster pumps, and wells for ground water systems are also not considered as principal activities for regulation by this Ordinance.

Utilities (Limited) include "package" sewer treatment plant without lagoons and water system storage facilities.

Utilities (Intermediate) include "package" sewer treatment plants with lagoons and water treatment facilities which use a surface water supply.

Utilities (Extensive) include all sewer treatment plants other than "package" plants.

Vehicle Parking (Limited) activities include surface and subsurface facilities which house automotive, vehicular, and craft parking and storage activities.

Vehicle Parking (Extensive) activities are high-rise facilities which house automotive, vehicular, and craft parking and storage activities.

Vehicle Repair (Limited) activities include the minor repair and tune-up of engines, transmissions, etc., and accessory installation for no more than four automobiles, vehicles, or crafts at a time excluding trucks over one ton or heavy equipment.

Vehicle Repair (Extensive) activities include the major repair and tune-up of engines, transmissions, etc., painting, body work, and major accessory installation for automobiles, vehicles, and crafts. No more than five unlicensed vehicles may be on the property and must be screened from public view. All other vehicles must have a current license plate registered to the vehicle.

Vehicle Sales (Limited) activities include the wholesale or retail sale or rental of vehicles, crafts, and related equipment with incidental maintenance and no more than six vehicles on-site at the same time excluding trucks over one ton or heavy equipment. No more than four vehicles not ready for sale can be kept on the property but must be totally screened in all Districts.

Vehicle Sales (Extensive) activities include the wholesale or retail sale or rental of vehicles, crafts, and related equipment with incidental maintenance. Up to ten vehicles not ready for sale can be kept on the property but must be totally screened in all Districts.

Vehicle Servicing (Limited) activities include self-service automotive washing establishments with no employees laboring on the premises.

Vehicle Servicing (Extensive) activities include the sale of goods and the provision of services which are generally required in the operation and maintenance of automobiles, vehicles, and crafts. This includes the sale and dispensing of petroleum products; the sale of tires, batteries, and automotive accessories; the replacement of small items; lubricating services; the performance of minor repairs; and the washing and polishing of vehicles.

Veterinarian Services are used for the medical treatment of domestic house pets and other animals, allowing for their overnight treatment and/or observation. Outdoor kennels and cages are not permitted (See also "Kennels, Catteries, and Stables").

Warehousing and Distribution activities include the operation of warehousing and storage, freight handling, shipping services and a building or area in which freight brought by truck or rail spur is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Warehousing and Distribution (Limited) shall include the above where the total storage area is 20,000 square feet or less.

Warehousing and Distribution (Extensive) shall include the above where the total storage area exceeds 20,000 square feet.

Waste Management Facilities (Limited) shall include composting and waste transfer stations no larger than five acres. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Waste Management Facilities (Extensive) shall include waste incinerators, waste transfer stations, waste processing facilities, composting and wood chipping/shredding facilities, and infectious waste management facilities. *(Additional descriptions and definitions may be found in Article 4 – Activities requiring Conditional Use Approval.)*

Zoos include zoological gardens and petting zoos.

2.1.20 Accessory Activities

Each principal activity as defined in Section 2.1.10 above shall be deemed to include activities customarily associated with and appropriate, incidental, and subordinate to the principal activity when located on the same lot and when meeting the further conditions set forth in Sections 2.1.21 and 2.1.22 below. Such accessory activities shall be controlled in the same manner as its associated principal activity except as otherwise provided in this Ordinance.

2.1.21 Partial List of Accessory Activities

Such accessory activities include, but are not limited to, the activities indicated below:

a. Off-street parking, driveways, dumpsters, etc., serving the principal activity, whether located on the same lot or on a different lot, but only if the facilities involved are reserved for the residents, patrons, employees, or other persons participating in the principal activity.

b. Residential occupancy in connection with a principal nonresidential activity on the same lot.

c. Operation of a cafeteria for employees, residents, patrons, or others participating in the principal activity on the same lot.

d. Production of goods for sale by a firm engaged in a principal commercial activity on the same lot, but only if:

   1. All goods so produced are sold at retail by the same firm on the same lot;

   2. Such production does not utilize more than 49 percent of the total floor area occupied by such firm on the same lot;

   3. Such production does not in any case occupy more than 2000 square feet of such floor area; and

   4. Such production occurs only in an enclosed building.

e. Keeping white goods, etc. on any property in quantities of less than five total and screened from public view. Otherwise this activity must meet the requirements of a Salvage Yard.

f. Storage of goods sold by a firm engaged in a principal commercial activity on the same lot, provided such storage does not occupy more than 49 percent of the total floor area.

g. Temporary one-day sale of goods from a residential dwelling or other principal activity provided such sale does not occur more often than four times in any given year at the same location.

h. Installation of a Ham Radio tower provided it is located no closer than ten feet to an adjoining property line and does not exceed the height control slope for its location.

i. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of a principal activity.

j. Boat docks on waterfront parcels supportive of residential use. These may be common docks shared by no more than five dwelling units provided the boat slips number no more than five. For every dwelling unit on a non-waterfront parcel served by the common docks, there must be one dwelling unit located on a waterfront parcel served by the common docks.

k. Vehicles without a current license plate or vehicles under repair for longer than 30 days, are an allowed accessory activity to residential use only if fully screened from the road right-of-way and any surrounding properties.

   In the case of a single vehicle on a property meeting this description, a cloth automotive cover shall be used provided that it is designed and sold specifically for use as a car/truck cover and is in excellent condition. A tarpaulin shall not be used as screening. For up to four cars total screening must be provided as described in *Article 2, Section 2.3.40, Screening,* unless stored in an enclosed building.

l. The repetitive overnight parking of commercial-type vehicles shall be allowed as an accessory activity to a residential use only through compliance with the following restrictions or through a variance from the Board of Zoning Appeals. The parking of any vehicle shall not violate the vision clearance requirements of this Ordinance. There are also no grandfathering provisions for any existing violations of these restrictions. If a deed restriction is more restrictive, it shall apply.

   1. Allowed without any restrictions:

      Pickup – two-door
      Pickup – four doors with extended cab
      Pickup/truck – six wheels (dual rear wheels)

   2. Allowed if parked completely off the road right-of-way:

      Small van or mini-van used commercially (i.e., name on side, no windows)
      Tour van
      Large step van
      Privately-owned ambulance
      Recreational vehicle and accessories
      School bus

   3. Allowed if parked beyond any setback lines imposed by this Ordinance or the front of the residence on the property, whichever is greater:

      Tow truck or standard wrecker
      Car carrier (flat-bed tilt)
      Glass carrier
      Tour minibus
      Tractor trailer rig

Tractor trailer – cab only
Tractor trailer – trailer only
Large van/truck – "moving van"
Flatbed truck – single chassis
Flatbed truck – tractor/trailer
"Bucket" truck
Trailers with commercial materials
Dump truck
Backhoe

Such accessory activities shall not include any of the following:

The repetitive overnight parking of the following commercial-type vehicles as an accessory activity to residential use. Since these activities are prohibited, a variance is not allowed as a method of relief from these restrictions, nor are there any grandfathering provisions for any existing violations.

Full size tour bus
Any vehicle hauling hazardous materials (e.g., pesticides, flammable liquids/gases)
Tanker truck
Garbage truck
Motor grader, front-end loader, or other earthmoving equipment
(This list does not include yard and garden equipment not used commercially.)

2.1.22 General Requirements

Accessory activities shall be controlled in the same manner as its associated principal activity except listed below or as otherwise provided in this Ordinance.

a. Off-street parking is allowed in setback areas but not within a buffer area.

b. Fences and walls may be located within setback and buffer areas and along property lines.

c. All other residential accessory activities must be located at least five feet from any adjoining property lines and beyond any front yard setbacks.

2.1.30 Home Occupations

Any non-residential activity that meets the following home occupation criteria shall be considered as only a residence. Any activity that cannot meet the criteria for a home occupation will merely be reviewed for permitting as its own activity at that location.

2.1.31 Definition

Except as otherwise provided below, a home occupation is an accessory activity of a nonresidential nature which is performed within a dwelling unit, or within an accessory structure to a residence. It shall not occupy more than 25 percent of the total floor area of such dwelling unit and in no event occupy more than 750 square feet of floor area. A home occupation shall not include the manufacture, cleaning, or repair of transportation related equipment or animal impoundment activities (kennel) and shall be subject to the light and noise standards contained in this Ordinance as applicable. Home occupations shall not require zoning permits in addition to those of their residential principal activities.

2.1.32 Home Occupation Requirements

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. The home occupation shall be conducted entirely within the residence with no more than 25 percent of the floor area of the residence used in the conduct of the home occupation. Home schooling shall be considered an allowed activity provided it meets the requirements of the State of South Carolina.

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. There shall be no alteration of the residential character of the building and/or premises other than a sign of no more than two square feet.

The following shall not be permitted as part of a home occupation:

a. Exterior displays, display of goods or chattels visible from the outside, or exhibit on the premises by any method which would indicate from the exterior that the dwelling unit, or accessory structure, is being utilized in whole or in part as a home occupation;

b. Use, in connection with the home occupation, of any mechanical, chemical, or electrical device which would pose a potential hazard to the residential setting, and which may be considered to be an unusual piece of equipment in the residential environment;

c. Storage of materials, goods, chattels, etc., outside of a principal or accessory building or other structure;

d. External structural alterations not customary in residential buildings;

e. Traffic generation substantially in excess of that which would normally be expected in a residential setting;

f. Teaching of more than six pupils simultaneously; or

g. Employment at the residence housing the home occupation of more than one person other than a resident of the dwelling unit.

2.1.33 Home Occupation Day Care

Home Occupation Day Care is allowed if it qualifies as a "Registered Family Child Care Home" under South Carolina requirements. However, it is not subject to the 25 percent of the total floor area restriction, or the 750 square feet of floor area restriction imposed on other home occupations. Also, home occupation day care may be conducted outside on the premises using yard furnishings customary to the residential setting.

2.1.40 Permitted Uses by District

The principal activities described in *Section 2.1.10, Description of Principal Activities,* of this Ordinance are allowed to locate in the Districts established in *Section 1.1.40, Establishment of Districts,* only if they meet all of the other provisions of this Ordinance. They are subject to these provisions as outlined in the following:

a. The provisions of *Chapter 2, General Requirements,* and *Chapter 3, Compatibility Performance Standards,* of *Article 2, Application of Regulations,* may prohibit an activity from locating in a particular District.

b. The location of an activity may be prohibited upon the application of any of the Overlay District regulations found in Article 3, any of the Conditional Use regulations found in Article 4, or any of the Special Exception requirements found in Article 5 of this Ordinance.

Chapter 2. General Requirements

2.2.00 Road Classifications and Access

All roads on the Zoning Maps shall be designated as one of the following classifications as shown on the Right-of-Way Plan. The columnar chart which follows in *Section 2.2.02* identifies the type of road required to provide access to each activity.

Interstate (I): Such roads will include all roads that are part of the National Interstate Highway System and South Carolina Highway #85. This classification does not appear in the columnar chart in *Section 2.2.02* because principal activities are not allowed to access an Interstate roadway.

Arterial (A): A road of regional importance and a main road of the community which is expected to carry either heavy vehicular traffic volumes or high-speed traffic or both. Traffic intensive commercial, industrial and high-density residential activities should be encouraged to develop on Arterial roads. Interstates are not Arterials and will be specifically identified as Interstates where necessary in this Ordinance.

Collector (C): A road which is used or intended to be used for moving traffic from local roads to Arterials or funneling traffic to and from extensive activities. Collectors are generally shorter than Arterials but carry high volumes of traffic. Therefore, development that is not compatible with high traffic volumes should locate elsewhere or consider locating further off of the roadway itself.

Local (L): A road which provides access to residential and agricultural activities as well as some limited nonresidential land uses. It also connects residential only roads to the Arterials and Collectors. Land uses should be compatible with somewhat higher traffic volumes; however, the most intensive land uses which generate extremely high levels of traffic should be prohibited from direct access to a Local road. The following additional categories of Local roads are established to handle the special circumstances described:

Limited Local (LL): A road which has extreme limitations such as lack of right-of-way or a riding surface unable to withstand heavy vehicles or carry a lot of traffic.

Restrictive Local (RL): A privately maintained road which may have been named and mapped for addressing purposes only. It may also be created or exist as part of an approval of a Spartanburg County Family Property, a Conservation Subdivision, a Manufactured Home Park, or a Private Road Development through compliance with other County ordinances and regulations or through the Private Road Policy of the County Subdivision Regulations. If so, any restrictions placed on property accessed by such a road as a stipulation of that approval shall continue to apply even when those restrictions are more limiting than those of this Ordinance.

Residential Local Attached (RLA): A road which is intended to allow only residential units. These dwelling units may be attached to each other or detached from each other.

Residential Local Detached (RLD): A road which is intended to allow only residential units that are detached from each other to include those defined as a Residential Detached or Manufactured Homes principal activity.

2.2.01 New Roads Created

Whenever new roads are added within the zoning jurisdiction of Spartanburg County, these roads shall be classified according to the criteria specified within this section. The Zoning Administrator, upon the approval and confirmation of the classification by the Planning Commission, shall cause the same to be placed upon the Zoning Map.

2.2.02 Chart of Permitted Access by Road Classification

The following chart designates the road classifications necessary to access each of the principal activities. An activity which is restricted from access to a specific road classification may not locate where the activity is reachable only through the use of a road with such a restricted classification.

If a road right-of-way has been annexed by a municipality, the access necessary for a major activity will be determined by using the road classification in existence before the annexation.

A	C	L	LL	RL	RLA	RLD	ACTIVITIES
◆	◆	◆	◆	◆			Administrative Offices
◆							Advertising Signs
◆	◆	◆					Airports
◆	◆	◆	◆	◆			Animal Facility (Limited)
◆	◆	◆	◆				Animal Facility (Extensive)

A	C	L	LL	RL	RLA	RLD	ACTIVITIES
◆	◆	◆	◆	◆			Animal Operations
◆	◆						Asphalt Batch Plant
◆	◆	◆					Broadcast Studio, Radio, or Television Station
◆	◆	◆ #					Bus and Transit Terminals
◆	◆	◆		◆			Business Services
◆	◆						Bulk Storage and Distribution
◆	◆						Bulk Storage and Distribution (Existing)
◆	◆	◆					Call Center
◆	◆	◆	◆				Campgrounds and Recreational Vehicle Parks
◆	◆	◆	◆	◆			Cemeteries
◆	◆	◆	◆				Communication Towers (Monopole)
◆	◆	◆	◆				Communication Towers (Lattice)
◆	◆	◆	◆				Communication Towers (Guyed)
◆	◆	◆	◆				Communication Towers (Broadcast)
◆	◆	◆					Community Education (Pre-School)
◆	◆	◆					Community Education (Elementary School)
◆	◆	◆#					Community Education (Middle School)
◆	◆	◆#					Community Education (High School)
◆	◆	◆					Community Education (Vocational)
◆	◆	◆#					Community Education (University)
◆	◆	◆					Community Education (Arts/Skills Training)
◆	◆						Concentrated Animal Feeding Operation (CAFO)
◆	◆	◆	◆				Construction Services (Limited)
◆	◆	◆#					Construction Services (Extensive)
◆	◆	◆	◆	◆			Crops
◆	◆	◆		◆			Day Care
◆	◆						Detention Centers
◆	◆	◆	◆	◆			Essential Services (Limited)
◆	◆	◆					Essential Services (Extensive)
◆	◆	◆#					Flea Market
◆	◆	◆#					Food Services (Limited)
◆	◆	◆#					Food Services (Extensive)
◆	◆						Fuel Products Bulk Storage and Distribution
◆	◆	◆	◆				Funeral Services
◆	◆	◆	◆				General Retail (Limited)
◆	◆	◆	◆				General Retail (Intermediate)
◆	◆	◆ #					General Retail (Extensive)
◆	◆	◆	◆		◆ ##	◆ ##	Golf Courses
◆	◆	◆	◆		◆ *	◆ *	Group Assembly (Limited)
◆	◆	◆			◆ *	◆ *	Group Assembly (Intermediate)
◆	◆	◆ #					Group Assembly (Extensive)
◆	◆	◆	◆		◆		Group Housing (Limited)
◆	◆	◆			◆		Group Housing (Extensive)
◆	◆	◆	◆				Gun or Archery Range (Indoor)
◆	◆	◆	◆				Gun, Archery, or Skeet Range (Outdoor)
◆	◆						Hazardous Materials Storage and Distribution
◆	◆	◆					Heliports
◆	◆	◆ #					Hospitals
◆	◆	◆	◆				Kennels, Catteries, and Stables
◆	◆	◆					Class One Landfills
◆	◆	◆					Class Two Landfills
◆	◆						Class Three Landfills
◆	◆	◆	◆				Manufacturing (Light Assembly Limited)
◆	◆	◆#					Manufacturing (Light Assembly Extensive)
◆	◆	◆#					Manufacturing (Limited)
◆	◆	◆#					Manufacturing (Intermediate)

A	C	L	LL	RL	RLA	RLD	ACTIVITIES
◆	◆						Manufacturing (Extensive)
◆	◆	◆	◆	◆	◆	◆	Manufactured Homes
◆	◆	◆			◆		Manufactured Home Parks
◆	◆	◆#					Manufactured Home Sales
◆	◆	◆	◆				Medical Services
◆	◆	◆	◆				Mining (Limited)
◆	◆	◆#					Mining (Intermediate)
◆	◆						Mining (Extensive)
◆	◆	◆	◆		◆	◆	Mini-Parks
◆	◆	◆	◆				Mini-Warehouses
◆	◆	◆	◆		◆	◆	Natural Reserves
◆	◆	◆	◆				Non-Assembly Cultural
◆	◆	◆			◆		Nursing Homes (Limited)
◆	◆	◆#			◆		Nursing Homes (Extensive)
◆	◆	◆	◆	◆			Personal Services (Limited)
◆	◆	◆#					Personal Services (Extensive)
◆	◆	◆	◆	◆			Plant Nurseries
◆	◆	◆	◆				Power Generation (Limited)
◆	◆						Power Generation (Extensive)
◆	◆	◆	◆	◆			Professional Services
◆	◆	◆#					Race Tracks and Testing Tracks
◆	◆						Railroad Terminals and Yards
◆	◆	◆					Recycling Facilities (Indoor)
◆	◆	◆#					Recycling Facilities (Outdoor)
◆	◆	◆	◆				Repair and Maintenance Services (Limited)
◆	◆	◆#					Repair and Maintenance Services (Extensive)
◆	◆	◆	◆				Research Services
◆	◆	◆	◆	◆	◆	◆	Residential Detached
◆	◆	◆	◆		◆		Residential Attached
◆	◆	◆			◆		Retirement Centers/Assisted Living Facilities
◆	◆	◆					Salvage Yard (Indoor)
◆	◆	◆#					Salvage Yard (Outdoor)
◆	◆						Scrap Metal Processing
◆	◆	◆					Towing and Impoundment Lot
◆	◆	◆	◆	◆			Trade Enterprises (Limited)
◆	◆	◆					Trade Enterprises (Extensive)
◆	◆	◆					Transient Habitation
◆	◆	◆#					Transport Services
◆	◆	◆	◆	◆	◆	◆	Utilities (Limited)
◆	◆	◆	◆		◆	◆	Utilities (Intermediate)
◆	◆	◆					Utilities (Extensive)
◆	◆	◆					Vehicle Parking (Limited)
◆	◆	◆					Vehicle Parking (Extensive)
◆	◆	◆	◆	◆			Vehicle Repair (Limited)
◆	◆	◆#					Vehicle Repair (Extensive)
◆	◆	◆	◆	◆			Vehicle Sales (Limited)
◆	◆	◆#					Vehicle Sales (Extensive)
◆	◆	◆		◆			Vehicle Servicing (Limited)
◆	◆	◆					Vehicle Servicing (Extensive)
◆	◆	◆	◆				Veterinarian Services
◆	◆	◆					Warehousing and Distribution (Limited)
◆	◆						Warehousing and Distribution (Extensive)
◆	◆	◆					Waste Management Facilities (Limited)
◆	◆	◆#					Waste Management Facilities (Extensive)
◆	◆	◆					Zoos

***** Access by this classification is allowed only if the Group Assembly (Limited) activity is a membership facility owned, operated, and used by the property owners in the surrounding residential area for which the facility is being established.

Access by this classification is allowed only if the activity also has primary access to an Arterial or Collector road.

Access by this classification is allowed only if the Golf Course activity is a part of a planned development that includes residential development as a part of its design.

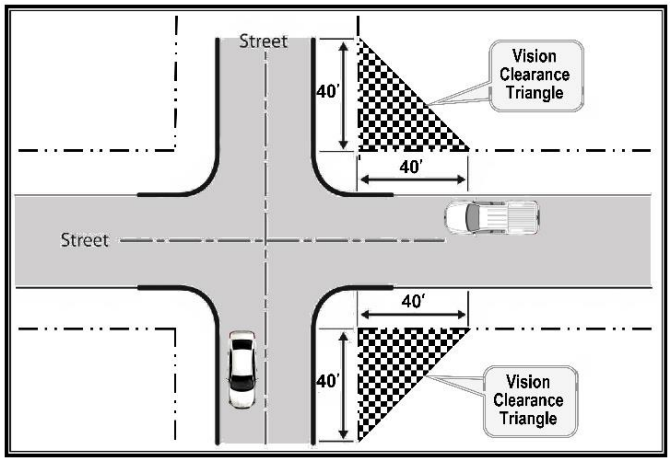
2.2.10 Access Management

2.2.11 Vision Clearance

For the safety of the traveling and pedestrian public, all intersections will maintain a vision clearance triangle. These triangles must be kept clear of all vegetation, walls, or structures between a height of 2½ feet and 10 feet to provide for safer movement of motorists and pedestrians. Depending on the location, intersections must meet one of the following criteria:

a. Intersections with stop signs must provide vision clearance by meeting intersection sight distances and sight triangles as described for driveways in *Section 2.2.15 (a), Sight Distance*.

b. Intersections that either presently contain automated traffic control signals, or have the potential to become thus signalized in the future, shall be designed with a vision clearance triangle as described here. This vision clearance triangle is applied in addition to any sight distance requirements. Vision clearance at these intersections shall be determined by the designation of a triangular area formed by the intersection of the road right-of-way lines and a distance of 40 feet along said lines, connected by a straight line at the points thus determined.



2.2.12 Corner Clearance

Driveways, curb cuts, or other access points shall be located to comply with the following minimum corner clearances based on the road classification on which it is located and measured from the beginning of the turning radius of the driveway, curb cut, or access point to the intersection of the road right-of-way lines. For roads with a right-of-way less than the assumed rights-of-way listed below, the assumed rights-of-way shall be used to determine the intersection point.

Road Classification	Minimum Corner Clearance	Assumed Right-of-Way
Arterial	50 feet	90 feet
Collector	50 feet	66 feet
Local	50 feet	50 feet

Residential Detached and Manufactured Homes activities locating on Local Roads are exempt from this corner clearance requirement.

2.2.13 Driveway Location

There shall be only one driveway per road frontage allowed for each development parcel of land (for activities other than Detached Residential or Manufactured Homes), unless additional driveways are required to meet the following criteria:

a. The driveway is to be aligned with the other opposing roads or driveways unless such an alignment violates other provisions of this Ordinance.

b. Driveway installation on a Spartanburg County-maintained roadway requires a favorable approval of an encroachment permit application by the Spartanburg County Public Works Department. The South Carolina Department of Transportation or any other jurisdiction that

has maintenance responsibility for the road being accessed will administer their own requirements and permits for these driveways.

c. For developments with expected high average daily traffic counts, the South Carolina Department of Transportation, the Spartanburg County Public Works Department, or other applicable jurisdiction may require a more detailed access plan to be developed and implemented. Such a plan required by Spartanburg County would need to address the possible installation of improvements such as deceleration/acceleration lanes, traffic control devices, turn lanes, additional driveways, etc. The developer of the property may choose to prepare a traffic impact study to demonstrate the viability of various access improvements. If such a study is done, it must meet the criteria of the Institute of Transportation Engineers and shall be conducted by a qualified engineer.

Multiple parcels developed at the same time shall be required to create a plan for use of a single driveway for access. Out-parcels for non-residential activities developed as part of a larger tract of land shall be required to use the driveway access(es) created for the larger parcel.

Access must be by defined driveways. Continuous access along the road frontage is not allowed.

Residential projects having more than 100 dwelling units shall have at least two separate access roads. The second access point must be at least 20 feet wide, could be unpaved, and accessible only by emergency vehicles.

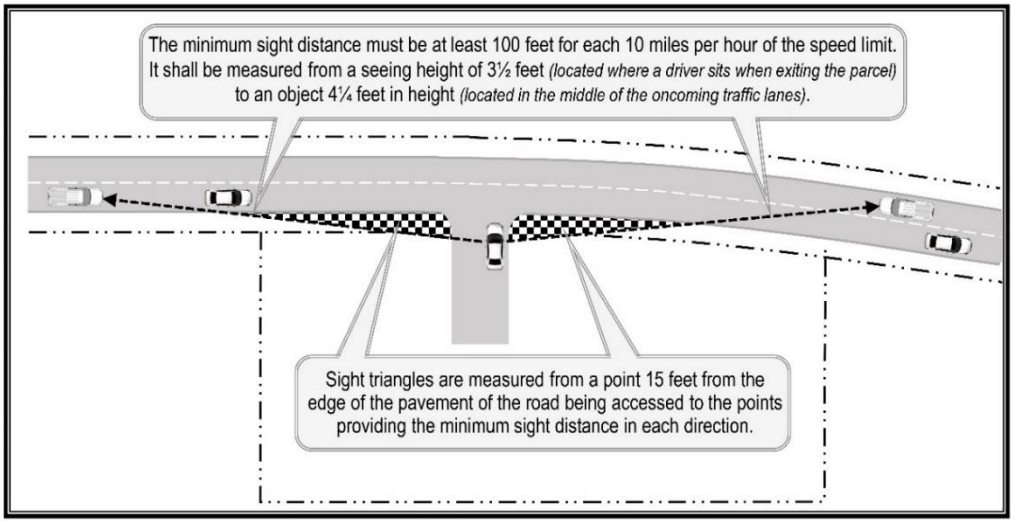
2.2.14 Parking Lot Connectivity

Where practical (i.e. where compatible uses, similar topography, and engineering options exist), adjoining activities are to be designed in a manner to allow them to be connected for vehicular traffic. At the time of the design and construction there may not be an adjoining activity or parking lot to connect to. In that situation the connection location will be preserved for future use and can be used in the interim for parking or other purposes.

2.2.15 Sight Distance

In an effort to provide the safest environment possible for the traveling public, driveways will be located at a point which provides optimum sight distance along the roadway. Depending on the location, driveways must meet one of the following criteria:

a. Driveways on Arterial, Collector, and Local roads not in a residential subdivision shall be located in a manner to allow at least 100 feet of sight distance for each 10 miles per hour of the speed limit. Sight distance shall be measured from a seeing height of 3½ feet to an object 4¼ feet in height. Sight triangles are then obtained by measuring from a point 15 feet from the edge of the pavement of the road being accessed to the points providing the minimum intersection sight distance in each direction. These triangles must be kept clear of all vegetation, walls, or structures between a height of 2½ and 10 feet to provide for safe movement of motorists and pedestrians.



b. Roads within residential subdivisions will be considered to have met road design standards for safe stopping sight distances, therefore providing safe driveway locations. This is measured from a seeing height of 3½ feet to an object 6 inches in height. However, where the road design

does not meet these standards the Zoning Administrator shall have the authority to require that driveways be located at a point that provides the optimum sight distance along the roadway.

2.2.16 Minimum Road Frontage for Access

New parcels that are being created shall comply with the minimum road frontage provisions of the Spartanburg County Subdivision Regulations. If there is a proposed use for the parcel, compliance with any applicable Compatibility Performance Standards in Chapter 3 of Article 2 or the Conditional Use Requirements in Article 4 may require a different road frontage.

There must be a location somewhere along the proposed road frontage that meets the other safety requirements of this *Section 2.2.10, Access Management*. A parcel of land that has more than one road frontage would only have to meet these requirements where the parcel actually receives its access or will receive its access in the future.

2.2.20 Parking

For the purpose of this Ordinance, accessory off-street parking is considered a support function of the principal activity on a parcel. The following are to be considered when determining the layout and design of accessory off-street parking, including the number of parking spaces:

a. An automotive parking space is determined to consist of a space no less than 9 feet by 18 feet for standard size vehicles and no less than 8 feet by 16 feet for compact cars if so marked. No more than 10% of the parking requirements of this Ordinance may be satisfied with compact car spaces.

b. All parking facilities shall meet the United States Department of Justice regulations concerning handicapped parking spaces under the Americans with Disabilities Act (ADA).

c. When determining parking area requirements for uses other than Detached Residential or Manufactured Homes principal activities accessed by a Residential Local Road, portions of the public right-of-way or road shall not be considered as useable for maneuvering incidental to parking.

d. Parking lots may be constructed with any all-weather driving surface provided the following has been approved:

   1. emergency access to any buildings or activities,
   2. the design of the access to the roadway, and
   3. the handling of any off-site drainage.

e. For parking provided in excess of the spaces required in the table found in *Section 2.2.21* below, pervious pavement systems should be used.

f. In an unpaved parking lot the spaces may be designated with wheel stops.

2.2.21 Minimum Parking Ratios

The required ratios of parking per activity shall be as indicated in the chart below. When an activity is composed of two or more separate uses, the parking ratios for each separate activity shall be calculated and applied in the aggregate to the entire tract. If, for any reason, the required minimum parking spaces cannot be accommodated on the same lot as the principal activity, then the Board of Zoning Appeals may entertain a variance request to permit off-site parking provided such site is no more than 500 feet removed from the lot on which the principal activity is conducted.

a. These are minimums and therefore may not be adequate for a particular proposed activity. It is also important to consider the possibility that the required number of spaces may be more than is needed for an activity. A desire to provide fewer than the required number of spaces would also have to be submitted to the Board of Zoning Appeals as a variance request which is accompanied by detailed information justifying the reason for fewer spaces.

b. If the required number of spaces is considered more than is needed by the applicant, the following option may also be used. The desired number of spaces shall be created in accordance with this Section while a portion of the site is left in a pervious natural condition to be turned into the additional parking spaces in accordance with the Spartanburg County Stormwater Ordinance if needed.

c. It is most important to remember that the requirement to provide enough off-street parking for all vehicles rests with the owner of the activity. If there is a failure to make available enough parking which in turn causes any parking to occur within public rights-of-way in the area, Spartanburg County can require the permitted activity to resolve that problem.

MINIMUM PARKING RATIOS

ACTIVITY	MINIMUM NUMBER of PARKING SPACES
Administrative Offices	1 per 350 square feet of gross floor area
Advertising Signs	not applicable
Airports	no minimum established
Animal Facility (Limited)	1 per 300 square feet of gross floor area
Animal Facility (Extensive)	1 per 200 square feet of gross floor area
Animal Operations	no minimum established
Asphalt Batch Plant	no minimum established
Broadcast Studio, Radio, or Television Station	1 per 500 square feet of gross floor area
Bus and Transit Terminals	1 per 250 square feet of waiting room area
Business Services	1 per 350 square feet of gross floor area
Bulk Storage and Distribution	no minimum established
Bulk Storage and Distribution (Existing)	no minimum established
Call Center	1 per 300 square feet of gross floor area
Campgrounds and Recreational Vehicle Parks	1½ per RV/campsite plus 1 per employee
Cemeteries	no minimum established
Communication Towers (Monopole)	not applicable
Communication Towers (Lattice)	not applicable
Communication Towers (Guyed)	not applicable
Communication Towers (Broadcast)	not applicable
Community Education	
Pre-School	2 per classroom
Elementary School	2 per classroom plus 5 administrative
Middle School	2 per classroom plus 5 administrative
High School	5 per classroom plus 10 administrative
Vocational	1 per student/instructor
University	5 per classroom plus 10 administrative
Arts/Skills Training	1 per 200 square feet of gross floor area
Concentrated Animal Feeding Operation (CAFO)	no minimum established
Construction Services (Limited)	no minimum established
Construction Services (Extensive)	no minimum established
Crops	not applicable
Day Care	1 per 300 square feet of gross floor area
Detention Centers	1 per employee plus 1 per 25 inmates
Essential Services (Limited)	1 per 300 square feet of gross floor area
Essential Services (Extensive)	1 per 600 square feet of gross floor area
Flea Market	1½ per stall
Food Services (Limited)	1 per 150 square feet of gross floor area
Food Services (Extensive)	1 per 3 seats plus 2 for every 3 employees
Fuel Products Bulk Storage and Distribution	no minimum established
Funeral Services	1 per 500 square feet of gross floor area, plus 1 per every 2 seats in main room
General Retail (Limited)	1 per 250 square feet of sales floor area
General Retail (Intermediate)	1 per 300 square feet of sales floor area
General Retail (Extensive)	1 per 350 square feet of sales floor area
Golf Courses	no minimum established
Group Assembly (Limited)	1 per 4 seats/participants
Group Assembly (Intermediate)	1 per 4 seats/participants
Group Assembly (Extensive)	1 per 4 seats/participants
Group Housing (Limited)	1 per 2 rooms
Group Housing (Extensive)	1 per 2 rooms
Gun or Archery Range (Indoor)	1 per target area plus 1 per employee
Gun, Archery, or Skeet Range (Outdoor)	1 per target area plus 1 per employee
Hazardous Materials Storage and Distribution	no minimum established
Heliport	no minimum established

ACTIVITY	MINIMUM NUMBER of PARKING SPACES
Hospitals	1 per 2 patient beds, plus 1 per each staff member/shift
Kennels, Catteries, and Stables	1 per 300 square feet of gross floor area
Landfills (Limited)	no minimum established
Landfills (Intermediate)	no minimum established
Landfills (Extensive)	no minimum established
Manufacturing (Light Assembly Limited)	1 per 500 square feet of gross floor area
Manufacturing (Light Assembly Extensive)	1 per 500 square feet of gross floor area
Manufacturing (Limited)	2 per every 3 employees
Manufacturing (Intermediate)	no minimum established
Manufacturing (Extensive)	no minimum established
Manufactured Homes	2 per dwelling unit
Manufactured Home Parks	2 per manufactured home space
Manufactured Home Sales	1 per every 10 MHs on display, plus 1 per 300 square feet/office space
Medical Services	1 per 150 square feet of gross floor area
Mining (Limited)	2 per every 3 employees
Mining (Intermediate)	2 per every 3 employees
Mining (Extensive)	2 per every 3 employees
Mini-Parks	no minimum established
Mini-Warehouses	1 per employee with minimum of 3 spaces
Natural Reserves	not applicable
Non-Assembly Cultural	1 per 500 square feet of gross floor area
Nursing Homes (Limited)	1 per 5 patient beds, plus 1 per each staff/shift
Nursing Homes (Extensive)	1 per 5 patient beds, plus 1 per each staff/shift
Personal Services (Limited)	1 per 200 square feet of gross floor area
Personal Services (Extensive)	1 per 300 square feet of gross floor area
Plant Nurseries	1 per 800 square feet of sales area
Power Generation (Limited)	no minimum established
Power Generation (Extensive)	no minimum established
Professional Services	1 per 300 square feet of gross floor area
Race Tracks and Testing Tracks	no minimum established
Radioactive Materials Handling	no minimum established
Railroad Terminals and Yards	no minimum established
Recycling Centers (Indoor)	no minimum established
Recycling Centers (Outdoor)	no minimum established
Repair and Maintenance Services (Limited)	1 per 200 square feet of gross floor area
Repair and Maintenance Services (Extensive)	1 per 500 square feet of gross floor area
Research Services	1 per 500 square feet of gross floor area
Residential Detached	2 per dwelling unit
Residential Attached	2 per dwelling unit
Retirement Centers/Assisted Living Facilities	1 per dwelling unit/patient room
Salvage Yard (Indoor)	1 per employee plus 1 per business vehicle
Salvage Yard (Outdoor)	1 per employee plus 1 per business vehicle
Scrap Metal Processing	1 per employee plus 1 per business vehicle
Towing and Impoundment Lot	no minimum established
Trade Enterprises (Limited)	1 per 1000 square feet of gross floor area
Trade Enterprises (Extensive)	1 per 1000 square feet of gross floor area
Transient Habitation	1 per room plus 1 per each employee
Transport Services	1 per 500 square feet of gross floor area
Utilities (Limited)	no minimum established
Utilities (Intermediate)	no minimum established
Utilities (Extensive)	no minimum established
Vehicle Parking (Limited)	not applicable
Vehicle Parking (Extensive)	not applicable
Vehicle Repair (Limited)	1 per service bay
Vehicle Repair (Extensive)	3 per service bay
Vehicle Sales (Limited)	1 per 4 vehicle display spaces

ACTIVITY	MINIMUM NUMBER of PARKING SPACES
Vehicle Sales (Extensive)	1 per 20 vehicle display spaces
Vehicle Servicing (Limited)	1 per stall
Vehicle Servicing (Extensive)	1 per 500 square feet of gross floor area
Veterinarian Services	1 per 250 square feet of gross floor area
Warehousing and Distribution (Limited)	1 per 500 square feet of gross floor area
Warehousing and Distribution (Extensive)	1 per company vehicle left on premises, plus 1 per each employee on largest shift
Waste Management Facilities (Limited)	no minimum established
Waste Management Facilities (Extensive)	no minimum established
Zoos	no minimum established

2.2.30 Residential Density

Density is to be measured as the total area of land within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement, proposed roads, or other grant of use. However, density calculations shall not include rights-of-way for existing roads.

The allowable density of residential development shall be in accord with the following methodology for the road classification providing access to the development. Minimum lot areas are then established via this table in conjunction with adherence to the compatibility standards of Article 2, Chapter 3. However, nothing contained herein shall be construed as permission to circumvent the specific lot area requirements of the SCDHEC regulations.

ROAD CLASSIFICATION		DENSITY (dwelling units per gross acre)
A	Arterial	Unlimited
C	Collector	12
L	Local	8
LL	Limited Local	2
RL	Restrictive Local	2
RLA	Residential Local Attached	8
RLD	Residential Local Detached	8

When a development is proposed on a parcel that has accessible frontage on a major road that allows the proposed density of a project, but also has accessible frontage on a more restrictive road which does not allow the proposed density of the project, the following option will be allowed. If the access to the more restrictive road provides a safer, more efficient access to an intersection with the less restrictive road, that more restrictive road shall be allowed to be used as the primary or secondary access for the development.

A lot in existence prior to the adoption of this Ordinance, which does not comply with the requirements of this section, shall be allowed to support one dwelling unit without regard to density or lot area, provided the activity complies with all other zoning requirements and any applicable health and safety standards.

Two Residential Detached dwellings, including Manufactured Homes, or any combination of two such dwellings, may be established on a single lot or parcel; provided the dimensional requirements of *Chapter 3, Compatibility Performance Standards* are met for both dwellings as if they were established on separate lots, and so arranged to ensure public street access in the event the property upon which the dwellings are located is subsequently subdivided for sale or transfer.

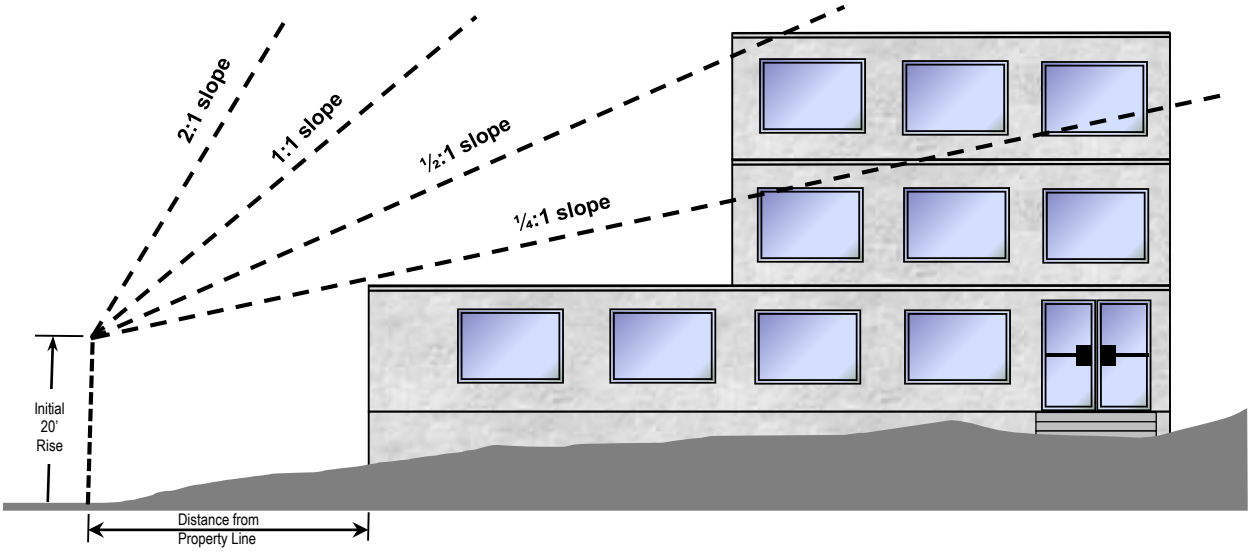
Chapter 3. Compatibility Performance Standards

2.3.00 Purpose

Performance standards are key components of this Ordinance which strive to achieve compatibility of neighboring activities. To accomplish this goal, each principal activity classification has a separate set of recommended maximum compatibility standards which address height, buffers, setbacks, screening, noise, light, and glare. These principal activity categories will find themselves located in projects containing varying degrees of intensity depending on the layout, size, shape, design, etc., of the specific activity itself, the accessory activities, and the associated buildings and structures. Determination of the ideal compatibility standards for each specific principal activity will be subject to a process outlined in this chapter. Likewise subdivisions and other new developments which may contain a variety of activities will be given internal flexibility with the application of these standards in order to achieve a maximum level of creativity in the formation of their project layout.

2.3.10 Height

Height regulations are based on the establishment of a height control slope. Initially, a 20-foot rise is permitted at the property line perpendicular to the property line. Then, based on the district concerned, and the activity involved, a height control slope is specified in terms of a ratio of vertical rise to horizontal distance. For example, a 2:1 ratio means that for every two feet of vertical rise, an additional 1 foot of horizontal distance is measured off into the interior of the property. The following diagram describes the nature of the height control slope:



The *International Residential Code for One- and Two-family Dwellings* allows no more than 3 stories above-grade in height; therefore, any Residential Detached activity that meets a 10-foot setback from adjoining property is exempt from the height requirements of this Section.

The following chart is published to assist in determining the maximum permissible structure height allowed with various height control slopes. Heights are listed in feet based upon an initial 20-foot rise at the property line.

Distance from the Property Line	Height Control Slope					
	¼:1	½:1	1:1	2:1	3:1	4:1
5	21.25	22.5	25	30	35	40
10	22.5	25	30	40	50	60
15	23.75	27.5	35	50	65	80
20	25	30	40	60	80	100
25	26.25	32.5	45	70	95	120
30	27.5	35	50	80	110	140
35	28.75	37.5	55	90	125	160
40	30	40	60	100	140	180
45	31.25	42.5	65	110	155	200
50	32.5	45	70	120	170	220
55	33.75	47.5	75	130	185	240
60	35	50	80	140	200	260

Distance from the Property Line	Height Control Slope					
	¼:1	½:1	1:1	2:1	3:1	4:1
65	36.25	52.5	85	150	215	280
70	37.5	55	90	160	230	300
75	38.75	57.5	95	170	245	320
80	40	60	100	180	260	340
85	41.25	62.5	105	190	275	360
90	42.5	65	110	200	290	380
95	43.75	67.5	115	210	305	400
100	45	70	120	220	320	420

The Chart of Compatibility Standards in *Section 2.3.65* lists the height requirements of this Ordinance by activity type and location.

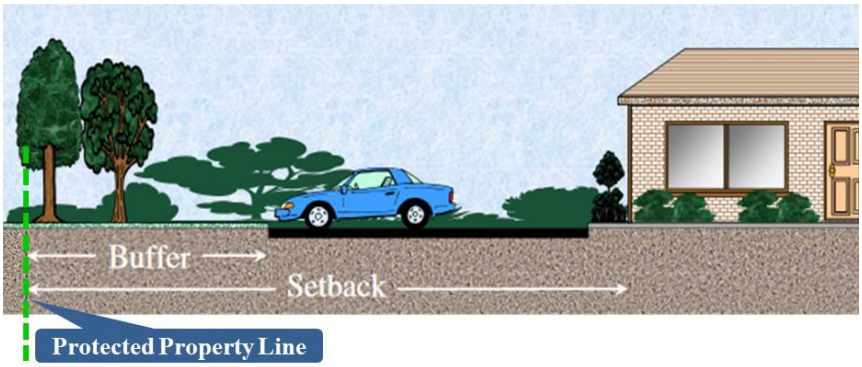
2.3.11 Special Requirements for Waterfront Property

In order to protect the unique scenic vistas of significant waterways in Spartanburg County, special requirements are to be applied to the development of properties in the vicinity of the Enoree, North Tyger, Middle Tyger, and South Tyger Rivers. Where there are multiple methods for computing the allowed height for a building in this chapter, the most restrictive shall apply. *The International Residential Code for One- and Two-family Dwellings* allows no more than 3 stories above-grade in height; therefore, any Residential Detached activity is exempt from the Special Requirements for Waterfront Property.

Enoree, North Tyger, Middle Tyger, and South Tyger Rivers: Because of the extremely varied terrain along the banks of these rivers, it is very difficult to determine the best elevation from which to measure the "initial 20-foot rise" referenced in *Section 2.3.10* above. For these rivers, the beginning elevation for calculating the height control slope for the waterfront property line shall be uniform along the river bank. That elevation shall be the same as the highest elevation on the property that falls within 300 feet of the waterfront property line. A height control slope of 1:1 shall apply to this waterfront property line.

2.3.20 Buffers

A buffer is an area in which no activity is permitted other than necessary utility functions such as transmission lines, underground conduits, underground stormwater management devices, unfenced dry detention ponds that have designed as part of the landscaping of the buffer area, etc. A single driveway access may encroach upon this buffer when that driveway location is the only possible point of access for the parcel. This area is described by a linear measurement from the property line inward and will vary depending on the nature of an activity and its location. The Chart of Compatibility Standards in *Section 2.3.65* lists the required buffers.



2.3.30 Setbacks

Setbacks delineate certain open spaces on lots. These spaces are linear distances measured from property lines inward. Buildings, other principal structures, or areas comprising the principal activity of the lot may not encroach this space. A setback may accept an accessory activity such as parking, unless superseded by a buffer. Accessory buildings to residential activities must maintain a minimum 5-foot setback from adjoining property lines. Mechanical equipment, or other necessary utilities attached to a principal structure, shall not be allowed in the setback area. The Chart of Compatibility Standards in *Section 2.3.65* lists two types of setbacks based on the type of activity and location. They are measured either from a road right-of-way or an adjoining property line.

Road right-of-way setbacks abutting existing roads shall be measured from the existing right-of-way if that right-of-way is equal to or greater than the Assumed Right-of-Way contained in the following chart. If the existing right-of-way is less than the Assumed Right-of-Way, then the setback measuring point shall be established by adding one-half of the difference in the two rights-of-way to the edge of the existing right-of-way.

Road Categories	Assumed Right-of-Way
Arterial	90 feet
Collector	66 feet
Local	50 feet

If there is no right-of-way associated with an existing road, the Assumed Right-of-Way from the above chart shall be used to create a setback measuring point with the centerline of the existing roadway considered the center of the Assumed Right-of-Way. The setback measuring point shall be established by measuring one-half the dimension of the Assumed Right-of-Way from the centerline of the existing roadway.

This Assumed Right-of-Way line shall also be used as the Protected Property Line when determining the measuring point for a Protected Property located across a road with no specific right-of-way.

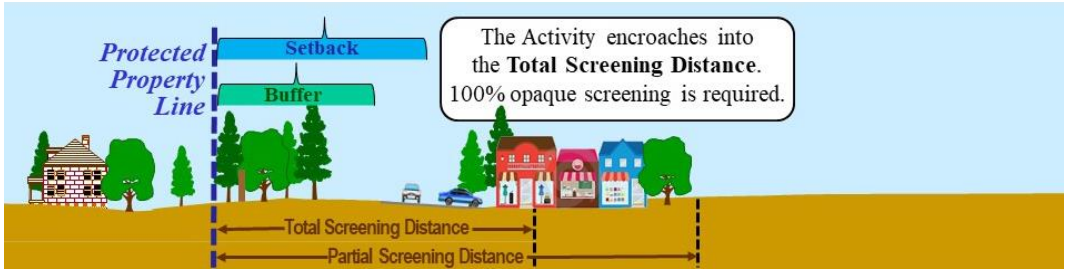
This procedure is used merely for the purpose of determining a setback measuring point and is not obtaining an additional right-of-way from property owners. When a Spartanburg County or South Carolina Department of Transportation road construction project has progressed to the purchasing of right-of-way, that right-of-way shall be considered the assumed right-of-way instead of the number listed above.

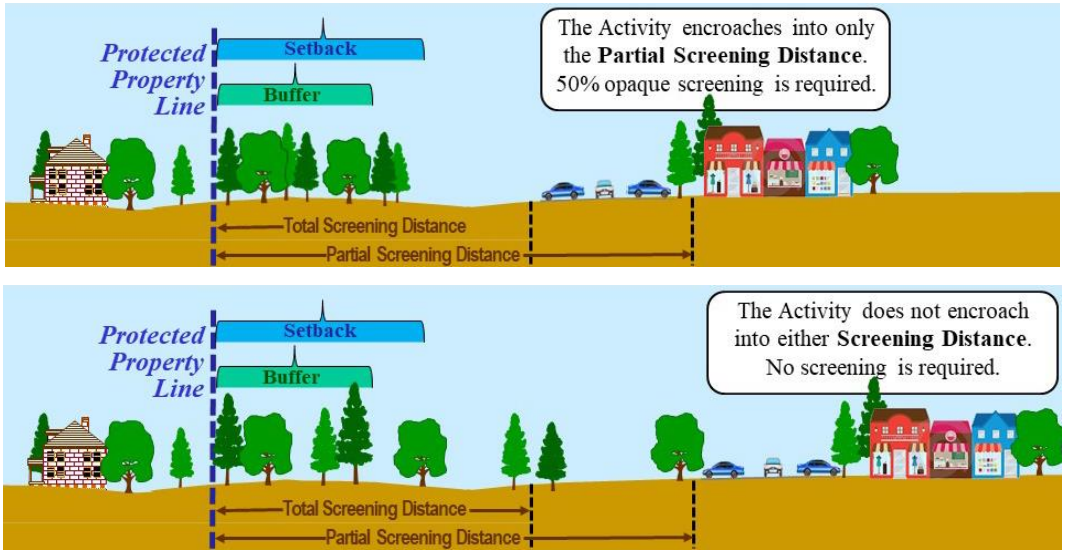
2.3.40 Screening

Screening consists of natural vegetation, landscaped vegetation (including planted berms), walls, or fences designed to lessen the visual interaction between adjacent activities or accessories thereto. Vegetation used for screening must be evergreen, drought-tolerant, insect and disease resistant, and appropriate for the area. Screening may be required with no buffer involved, or in combination with a buffer. The height of the screening shall be sufficient to block the view of the activity for which the screening is required from the protected property. The two types of screening listed in the Chart of Compatibility Standards in *Section 2.3.65* are total and partial, and are measured in linear feet. If the activity occurs within the designated distance of the protected property line, then that type screening is required. Total screening is defined as being visually opaque. Partial screening is defined as being approximately 50 percent visually opaque, and should include the protection of naturally vegetated areas.

All partial screening requirements should be met using vegetation unless there is a geographic reason that such screening is impossible to achieve. The use of fencing, walls, or berms may be considered for larger areas that require total screening, however, in those situations vegetation must be used for at least 50% of the screening requirement and placed on the side of the fence, wall, or berm that faces the protected property. In all cases, the materials, type, and plant materials used for screening must be approved by the Zoning Administrator. When fences and walls are utilized the finished side must face the protected property and any vegetation used must be placed on the outside of the fence or wall.

Required plantings for total screening must be a minimum of 6-feet in height at planting and installed in at least two staggered rows. Required plantings to supplement natural vegetation for partial screening must be a minimum of four to five feet in height at planting and may be installed in a single row. The spacing of the plantings will vary depending on the plant species/variety, planting conditions, required opacity, and size of plants at installation. All vegetation installed to meet applicable screening requirements should supply the necessary screening within three growing seasons following installation.





2.3.50 Architectural Standards

2.3.51 Minimum Nonresidential Standards

(applies County-wide in accordance with Section 1.1.40, Establishment of Districts)

The following shall be the minimum architectural standards for the portions of all nonresidential, nonagricultural buildings which are located less than 750 feet from the right-of-way of an Interstate, Arterial, or Collector Road. These standards shall also apply to any Local Road which has been designated as an Appearance Corridor:

a. A Façade Wall is any side of a building that faces a street or public space; any other wall is a Building Wall.

b. Only Façade Walls and the portions of Building Walls that are visible from these roads are required to meet the following standards. Building Walls, that are generally perpendicular to the roadway and are minimally visible due to the location of other adjacent buildings and/or structures, shall be exempt from these standards for any portion of that Building Wall that can be screened from view with evergreen vegetation to be opaque within two years. Because many of the undeveloped parcels along Interstates have a thick growth of existing vegetation and since many of the developments along Interstates face a frontage road and back up to the Interstate, retaining the existing vegetation along the Interstate frontage may provide much of the required year-round screening.

c. All exterior walls shall be constructed of brick, stone, wood, stucco, split face or other architecturally detailed block, Hardie board or similar cementitious planking material, slate, limestone, tile, pre-stressed or tilt-up concrete wall panels (which are painted and have some rustication, banding or other architectural feature), glass, glass curtain wall, and glass block features. Metal may be used on non-Façade Walls, provided that the Façade material is wrapped at least 25 feet down both sides and the remainder of the Building Walls screened from view by evergreen vegetation to be opaque within two years.

d. Buildings with a Façade Wall greater than 100 feet in length, measured horizontally, shall incorporate recesses or projections.

e. Façade Walls with large areas of uninterrupted brickwork, stone, stucco, etc. shall be broken up through the use of trellises, arcades, blind windows, coining, lighting features, etc.

f. Individual entrances on Façade Walls shall be delineated by awnings, columns, canopies or porticoes, arches, or similar architectural features.

g. Building styles without a pitched roof shall have a detailed parapet and/or cornice. Parapets shall include articulations or architectural features at least every 100 linear feet.

h. Pitched roofs shall be of a consistent style and pattern.

i. Windows on Façade Walls shall be outlined with some architectural detail.

j. The use of bright, neon, and/or fluorescent colors is prohibited, unless otherwise allowed in *Section 7.7.50, Specialty Signs*, of this Ordinance as a registered mark exhibited in a certificate of registration issued by United States Patent and Trademark Office.

k. Warehousing and distribution activities and manufacturing activities are exempt from these standards provided they are at least 12,000 square feet in size and meet the landscaping requirements of *Section 6.2.40, Building Design,* of this Ordinance.

A Design Manual is located in the Appendices to assist with the application of these standards.

2.3.52 Reduction of Compatibility Standards

The compatibility standards contained in this article are designed to improve the compatibility of adjoining activities, especially where a nonresidential activity is located adjacent to a residential activity or within a Restrictive Development District. For that reason, the more intense activities are required to meet larger compatibility standards. Architectural standards are offered as an alternative to compliance with the full extent of these restrictions.

Any activity meeting the following architectural standards will be allowed to reduce the buffer, setback, and screening compatibility standards of this article by 25 percent:

a. Structures shall have an appearance that is considered more of a residential than commercial style. They shall also have exterior elements that are created at a human scale.

b. All structures will include the use of exterior materials that are commonly used for house construction in the area, such as brick, stucco, etc.

c. Roofing design should generally be gabled rather than flat, mansard, etc., unless that is the residential roofing design in the area.

d. Windows should generally be something other than solid expanses of glass. Smaller panes and windows with mullions, or other designs more compatible with the residential setting, would be expected as a part of the design.

e. All accessory structures shall be designed with the same "residential pattern" as the primary structures. This would include accessory features such as porticos, sheds, canopies, equipment structures, other buildings, etc.

f. The use of bright, neon, and/or fluorescent colors is prohibited, unless otherwise allowed in *Section 7.7.50, Business Signs on Appearance Corridors,* of this Ordinance as a registered mark exhibited in a certificate of registration issued by United States Patent and Trademark Office.

g. All business signs will meet the standards found in *Section 7.7.50, Business Signs on Appearance Corridors,* which concerns signs on appearance corridors. Unless a more restrictive height limit is found in that section, business signs must be designed as "pedestal signs" that do not exceed a height of 12 feet. Marquee and canopy signs are not allowed and wall signs shall be the minimum size necessary to be readable from the adjoining roadway and drive.

h. A landscape plan must be proposed that exceeds the requirements of *Article 6, Landscape and Open Space,* by including shrubbery that enhances the site in the same way that it adds to the visual appeal of a residential setting.

2.3.53 Appeals

(applies County-wide in accordance with Section 1.1.40, Establishment of Districts)

In determining if a proposed development meets these architectural standards, the Zoning Administrator shall act as the initial evaluator and will be required to render a decision as to whether the proposed design meets the intent of this section of the Ordinance. Anyone disagreeing with that decision may file an appeal with the Board of Zoning Appeals which shall act as the final arbiter.

2.3.60 Application of Compatibility Standards

The columnar chart below lists the compatibility standards defined in this chapter as they apply to the list of Principal Activities. The procedure for determining the compatibility standards that will apply to a particular project or site shall be as outlined in the following sections.

2.3.61 Definitions

Protected Property: This is property which is protected from the impacts of land uses on surrounding properties by means of specified performance compatibility standards contained in this Ordinance.

Protected Property Line: This is a District boundary line or a property line or a portion thereof from which, across which, or at which performance compatibility standards contained in this Ordinance are measured. Some of the protected property lines for a particular project, especially if it is an intense activity, may include more than just those adjacent property lines. They could be located across adjacent property or road rights-of-way but close enough to be included in the distance, height, and screening standards as well as those for noise, light, and glare.

Protected Residential Use: residential lots approved for development or a residential use in existence or permitted for construction before the dates below:

Southwest Planning Area – January 1, 2020

An abandoned residential structure which is derelict or uninhabitable for a continuous period of 12 months or greater shall not be considered a protected use. An uninhabited residence shall not in and of itself constitute abandonment.

2.3.62 Options for Determining Compatibility Standards

A request for a zoning permit which utilizes the compatibility standards as published shall be approved with respect to the requirements of this Chapter. A request for a zoning permit which proposes to utilize compatibility standards less than the numbers listed must employ one of the following three procedures:

a. Property Owner Consent Agreement: If the owner of any protected property wishes to sanction the selection of a lesser specific restriction, such consent shall be noted on a form provided by Spartanburg County. This consent shall become valid only upon verification by the Zoning Administrator and attachment to the applicable zoning permit. Such a consent agreement shall not be allowed to apply to any Conditional Use activity in *Article 4*, any Special Exception in *Article 5*, or Dark Sky Friendly Lighting standards in *Section 2.3.94.* A consent agreement shall be allowed to remove a restriction that makes an activity a legal nonconformity as described in *Article 8* if it is not a Conditional Use or Special Exception.

b. Board of Zoning Appeals Variance Request: If the process outlined above does not produce the compatibility restrictions desired by the applicant requesting a zoning permit, the applicant may apply to the Board of Zoning Appeals for a decision following the variance procedures outlined in *Chapter 2 of Article 9, Administration*. Once the Board renders a decision, the applicant may not utilize the process outlined in the previous paragraph unless significant aspects of the permit request have been modified or the ownership of the protected property has changed.

c. Planned Developments and Mixed Uses: In the development of a subdivision or other new developments which may contain a variety of activities, the internal compatibility standards shall be determined by the design of the project. Internal shall be defined as those compatibility standards intended to determine the relationship between properties contained wholly within the boundaries of the project. Compatibility standards with respect to surrounding properties shall be determined as outlined in the previous paragraphs, as will any internal compatibility standards not specified in documents and on plats recorded with the Register of Deeds. Setbacks from internal rights-of-way for roads to be constructed as part of the project may also be reduced provided all off-street parking requirements, sight distances, and applicable Building Code restrictions are met.

2.3.63 General Rules

1. The restrictive (R) requirements in the Chart apply to Protected Property Lines within a Restrictive Development District or those which serve as the boundary between a Restrictive Development District and a Partial Restriction District, a municipality within Spartanburg County, or an adjacent county.
2. The general (G) requirements in the chart apply to Protected Property Lines within a General Development District or those which serve as a boundary between a General Development District and a Partial Restriction District, a municipality within Spartanburg County, or an adjacent county.
3. For property lines which serve as the boundary between a Restrictive Development District and a General Development District, the restrictive (R) requirements shall apply for the protection of property on the Restrictive Development District side of the boundary relative to land uses on the General Development District side of the boundary. Similarly, the general (G) requirements shall apply for the protection of property on the General Development District side of the boundary relative to land uses on the Restrictive Development District side of the boundary.
4. When an activity is located on a parcel which is separated from surrounding Protected Property by existing road or railroad rights-of-way, by utility rights-of-way, by water bodies, or by other parcels, then the compatibility standards applicable to that activity shall be measured across such separation from the Protected Property Lines.

2.3.64 Special Rules

However, the General Rules above for interpreting the chart shall be modified by the special rules below where items "1" through "5" are applicable.

1. Protected Residential Uses within a General Development District shall be afforded the restrictive (R) requirements in the chart relative to land uses on surrounding properties in the following manner:

   Those portions of the property lines of a Protected Residential Use which are within 125 feet of that use's principal activity [generally the building envelope(s)] shall be considered Protected Property Lines to the extent of 100 percent of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property.

   Those portions of the property lines of a Protected Residential Use which are within 250 feet of, but more than 125 feet from, that use's principal activity [generally the building envelope(s)] shall be considered Protected Property Lines to the extent of 50 percent of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property. This 50 percent level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

   Those portions of the property lines of a Protected Residential Use which are more than 250 feet from that use's principal activity [generally the building envelope(s)] shall be considered Protected Property Lines to the extent of 100 percent of the general (G) requirements in the chart relative to the applicable activity on the surrounding property.

2. Those portions of the property lines of a parcel within a Restrictive Development District which serve as the boundary between the Restrictive Development District and a General Development District, and which have no Protected Residential Use within 125 feet, shall be considered Protected Property Lines to the extent of 50 percent of the restrictive (R) requirements in the chart relative to the applicable activity in the General Development District. This 50 percent level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

3. Notwithstanding Special Rules 1 and 2 above, certain portions of the property lines of a parcel within either a Restrictive Development District or a General Development District, or both, upon which there is an existing nonresidential principal activity, shall be considered Protected Property Lines only to the extent of 100 percent of the general (G) requirements in the chart relative to the applicable activity on the surrounding property. The portions of the property line so protected shall be those within 250 feet of either the principal or accessory uses of this nonresidential activity and located within a Restrictive Development District.

4. When a Protected Property Line runs through or borders an impoundment of water or the primary channel of a river then the distances imposed for the buffer, setback from adjoining property, total screening, and partial screening, but not height, requirements (as first determined by applying the general rules and special rules above) shall be measured such that each linear foot of traverse over the water impoundment shall count as only ½ foot toward the total distance imposed. Since screening of activities on water surfaces is not feasible, the partial screening requirements will typically determine the distance separation over water impoundments.

5. All activities shall provide all of the applicable restrictive (R) screening requirements and provide buffer landscaping, as regulated in *Article 6, Landscape and Open Space*, relative to residential activities already in use or permitted on surrounding properties also located in a General Development District. In such cases the extent of this extra protection, if any, shall be determined in accordance with the measurement methods found in Special Rule #1.

2.3.65 Chart of Compatibility Standards

In all districts, all permitted activities shall comply with the additional Compatibility Performance Standards contained in *Sections 2.3.70, 2.3.80, and 2.3.90* in this Article. For activities particularly associated with anticipated higher degrees of noise and light, the zoning application and site plan submittal shall address the proposed method(s) of compliance with the standards for noise and light.

NOTE: *The following is a copy of* ***Section 2.1.22*** *from* ***Section 2.1.20, Accessory Activities****. It is repeated here as a reminder of how the Compatibility Standards are applied to Accessory Activities.*

Accessory activities shall be controlled in the same manner as its associated principal activity except listed below or as otherwise provided in this Ordinance.

a. Off-street parking is allowed in setback areas but not within a buffer area.

b. Fences and walls may be located within setback and buffer areas and along property lines.

c. All other residential accessory activities must be located at least five feet from any adjoining property lines and beyond any front yard setbacks.

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Administrative Offices	R	½	50	75	30	100	150
	G	3			30		
Advertising Signs	R	¼		100	20		
	G	3		10	20		
Additional standards are found in Chapter 8 of Article 7.							
Airports	R	½	400	200*/500	200		
	G	4			30		
* This setback applies to buildings. 1000-foot buffer is required from ends of runways in all Districts.							
Animal Facility (Limited)	R	¼	50	75	40	100	150
	G	2			30		
Animal Facility (Extensive)	R	¼	75	100/500*	50	150/600*	225/750*
	G	2			30		
* Applies to outdoor activities.							
Animal Operations	R	¼	100	150	50	150	250
	G	3			30		
Buffer, setbacks, and screening apply to buildings only.							
Asphalt Batch Plant	R	¼	300	1000	150	1500	2000
	G	1	100	200	70	600	900
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Broadcast Studio, Radio, or Television Station	R	¼	75	100	30	100	150
	G	2			30		
Bus and Transit Terminals	R	¼	100	150	50	150	250
	G	1			30		
Business Services	R	½	30	50	30	50	75
	G	3			30		
Bulk Storage and Distribution	R	¼	500	1000	150	1500	2500
	G	1	100	300	100	900	1800
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Bulk Storage and Distribution (Existing)	R	¼	500	1000	150	1500	2500
	G	1	100	300	100	900	1800
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Call Center	R	¼	75	100	50	125	200
	G	3			30		

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Campgrounds and Recreational Vehicle Parks	R	¼	60	150	75	100	150
	G	2			30		
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Cemeteries	R	½	10	10	30	20	40
	G	3			30		
Communication Towers (monopole)	R	1	30	50	75	70*	100*
	G	4			50		
* Screening requirements apply to the first 20-feet of the tower above the ground. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Communication Towers (Lattice)	R	1	30	60	100	90*	150*
	G	4			50		
* Screening requirements apply to the first 20-feet of the tower above the ground. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Communication Towers (Guyed)	R	1	30	50	100	90*	150*
	G	4			50		
* Screening requirements apply to the first 20-feet of the tower above the ground. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Communication Towers (Broadcast)	R	1	100	150	100	250	400
	G	4			50		
* Screening requirements apply to the first 20 feet of the tower above the ground. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Community Education (Pre-School)	R	¼	75	100	40	125	200
	G	2			30		
Community Education (Elementary School)	R	¼	100	150	70	175	250
	G	2			30		
Community Education (Middle School)	R	¼	150	200	80	200	275
	G	2			30		
Community Education (High School)	R	¼	150	200	80	200	275
	G	2			30		
Community Education (Vocational)	R	¼	75	100	40	125	200
	G	2			30		
Community Education (University)	R	¼	150	200	80	200	250
	G	2			30		
Community Education (Arts/Skills Training)	R	¼	75	100	40	125	200
	G	2			30		
Concentrated Animal Feeding Operation (CAFO)	R	¼	300	1000	150	1500	2000
	G	1	100	200	70	600	900
Construction Services (Limited)	R	¼	75	100	50	150	250
	G	3			30		
Construction Services (Extensive)	R	¼	100	150	50	150	250
	G	3			30		
Crops	R	½		50	30		
	G	3			30		
Setbacks apply to buildings only.							
Day Care	R	¼	75	100	40	125	200
	G	3					

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Detention Centers	R	¼	500	700	200	1000	1500
	G	1	50	100	50	500	750
Total road frontage screening is required in the Restrictive Development District.							
Essential Services (Limited)	R	¼	50	75	30	100	150
	G	2			30		
Total road frontage screening is required for a utility substation in any Restrictive Development District.							
Essential Services (Extensive)	R	¼	75	100	40	125	200
	G	2			30		
Flea Market	R	¼	100	150	50	175	250
	G	3			30		
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Food Services (Limited)	R	½	75	100	40	125	200
	G	2			30		
Food Services (Extensive)	R	¼	125	175	60	175	250
	G	2			30		
Fuel Products Bulk Storage and Distribution	R	¼	600	1000	100	1200	1800
	G	1	175	300	50	600	900
Funeral Services	R	½	50	75	30	100	150
	G	3			30		
General Retail (Limited)	R	¼	50	75	40	100	150
	G	2			30		
General Retail (Intermediate)	R	¼	75	125	50	150	225
	G	2			30		
General Retail (Extensive)	R	¼	100	175	60	200	300
	G	2			30		
Golf Courses	R	1	30	75*	30		
	G	3			30		
* Setback applies to buildings only.							
Group Assembly (Limited)	R	¼	50	75	40	100	150
	G	3			30		
Group Assembly (Intermediate)	R	¼	75	100	50	125	200
	G	3			30		
Group Assembly (Extensive)	R	¼	100	250	100	200	400
	G	3			30		
Group Housing (Limited)	R	½	50	75	~~20~~ 30	100	150
	G	3			30		
Group Housing (Extensive)	R	½	75	100	50	100	150
	G	3			30		
Gun or Archery Range (Indoor)	R	¼	100	175	60	200	300
	G	2			30		
Gun, Archery, or Skeet Range (Outdoor)	R	¼	500	1000	150	2000	3000
	G	1	100	200	70	600	900
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Hazardous Materials Storage And Distribution	R	*	*	*	*	*	*
	G	*	*	*	*	*	*
* A ruling in accordance with Chapter 1 of Article 5, Extremely Hazardous Materials Handling, will determine the Compatibility Standards for this activity.							

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Heliports	R	¼	100	150	50	150	250
	G	3			30		
Buffer, setbacks, and screening apply to buildings only.							
Hospitals	R	¼	100	150	50	150	250
	G	3			30		
Kennels, Catteries, and Stables	R	¼	~~50~~ 75	100/500*	50	150/600*	225/750*
	G	2			30		
* Applies to outdoor activities.							
Class One Landfills	R	¼	50	150	30	**	
	G	1	20	75	30	**	
Class Two Landfills	R	¼	100	200	50	**	
	G	1	30	100	30	**	
Class Three Landfills	R	¼	200	1000	100	**	
	G	1	70	100	50	**	
** Total screening, including total road frontage screening, is required in all Districts. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Manufacturing (Light Assembly Limited)	R	¼	50	75	30	100	150
	G	3			30		
Manufacturing (Light Assembly Extensive)	R	¼	60	85	40	125	185
	G	3			30		
Manufacturing (Limited)	R	¼	75	100	50	150	225
	G	3			30		
Manufacturing (Intermediate)	R	¼	125	250	150	200	300
	G	2			30		
Manufacturing (Extensive)	R	¼	250	500	200	500	750
	G	1	100	150	100		250
Manufactured Homes	R	1		10	30		
	G	3		10	30		
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Manufactured Home Parks	R	½	30	50	30	100	150
	G	3		20	30		
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Manufactured Home Sales	R	¼	100	150	50	150	250
	G	3			30		
Medical Services	R	½	50	75	30	100	150
	G	3			30		
Military Installations	R	¼	500	1000	200	600	1000
	G	1	250	500	100		
Mining (Limited)	R	¼	100	150	50	**	
	G	1	40	80	30	**	
Mining (Intermediate)	R	¼	200	225	80	**	
	G	1	70	125	40	**	
Mining (Extensive)	R	¼	500	1000	150	**	
	G	1	100	300	70	**	
** Total screening, including total road frontage screening, is required in all Districts. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Mini-Parks	R	½	30	30	30		60
	G	3			30		
Mini-Warehouses	R	¼	75	100	50	125	200
	G	3			30		
Natural Reserves	R	½			30		
	G	3			30		
Non-Assembly Cultural	R	½	20	30	30	30	50
	G	3			30		
Nursing Homes (Limited)	R	¼	40	60	30	80	125
	G	3			30		
Nursing Homes (Extensive)	R	¼	50	70	30	100	150
	G	3			30		
Personal Services (Limited)	R	½	50	75	40	100	150
	G	3			30		
Personal Services (Extensive)	R	¼	100	150	75	180	300
	G	2			30		
Plant Nurseries	R	½	30	30	30	50	100
	G	3			30		
Power Generation (Limited)	R	¼	250	500	200	500	750
	G	1	100	150	100	150	250
Power Generation (Extensive)	R	¼	250	500	200	750	1200
	G	1	100	150	100	250	350
Professional Services	R	½	50	75	30	100	150
	G	3			30		
Race Tracks and Testing Tracks	R	¼	150	1000	225	1500	2000
	G	1	50	70	125	100	400
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Railroad Terminals and Yards	R	¼	250	400	200	500	750
	G	3			30		
Recycling Facilities (Indoor)	R	¼	75	150	50	500	700
	G	2	30	75	30	150	300
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Recycling Facilities (Outdoor)	R	¼	250	1000	80	**	
	G	1	250	400	30	**	
** Total screening, including total road frontage screening, is required in all districts. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Repair and Maintenance Services (Limited)	R	¼	65	100	40	100	180
	G	3			30		
Repair and Maintenance Services (Extensive)	R	¼	85	125	50	125	200
	G	2			30		
Research Services	R	½	50	75	30	100	150
	G	3					
Residential Detached	R	1		10	30		
	G	3		10	30		
Residential Attached	R	½	30	50	30	100	150
	G	3		20	30		
Additional standards are found in *Chapter 16 – Apartments* in Article 4 – Activities requiring Conditional Use Approval.							

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Retirement Centers/Assisted Living Facilities	R	¼	75	100	50	100	150
	G	3		20	30		
Salvage Yard (Indoor)	R	¼	75	150	100	500	700
	G	1			30		
Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Salvage Yard (Outdoor)	R	¼	250	1000	200	**	
	G	1	250	400	50	**	
** Total screening, including total road frontage screening, is required in all districts. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Scrap Metal Processing	R	¼	250	1000	200	**	
	G	1	250	400	50	**	
** Total screening, including total road frontage screening, is required in all districts. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Towing and Impoundment Lot	R	¼	50	75	100	**	
	G	1			60	**	
** Total screening, including road frontage screening, of an impoundment yard is required in all Districts.							
Trade Enterprises (Limited)	R	¼	55	80	30	100	150
	G	3			30		
Trade Enterprises (Extensive)	R	¼	75	100	50	150	225
	G	2			30		
Transient Habitation	R	¼	75	100	50	150	225
	G	3			30		
Transport Services	R	¼	75	100	40	125	200
	G	2			30		
Utilities (Limited)	R	½	10	20	30	30	50
	G	3			30		
Utilities (Intermediate)	R	¼	20	40	30	60	100
	G	2			30		
Utilities (Extensive)	R	¼	100	150	50	150	250
	G	1			30	150	250
Vehicle Parking (Limited)	R	½	50	75	30	100	150
	G	3			30		
Vehicle Parking (Extensive)	R	½	50	75	30	100	150
	G	3			30		
Road R.O.W. setback applies to buildings only.							
Vehicle Repair (Limited)	R	¼	55	80	30	100	150
	G	2			30		
Storage areas for vehicles under repair or to be repaired for exterior damage must be totally screened in all Districts.							
Vehicle Repair (Extensive)	R	¼	75	100	50	150	225
	G	1			30		
Storage areas for vehicles under repair or to be repaired for exterior damage must be totally screened in all Districts.							
Vehicle Sales (Limited)	R	¼	55	80	30	100	150
	G	3			30		
Vehicle Sales (Extensive)	R	¼	75	100	50	150	225
	G	3			30		

ACTIVITIES		HEIGHT (#/1)	BUFFER	SETBACKS from		SCREENING	
				Adjoining Property	Road R. O. W.	Total	Partial
Vehicle Servicing (Limited)	R	½	75	100	40	125	200
	G	2			30		
Vehicle Servicing (Extensive)	R	¼	75	100	40	125	200
	G	2			30		
Veterinarian Services	R	½	50	75	30	100	150
	G	3			30		
Warehousing and Distribution (Limited)	R	¼	75	100	50	150	225
	G	3			30		
Warehousing and Distribution (Extensive)	R	¼	150	200	100	200	350
	G	2			30		
Waste Management Facilities (Limited)	R	¼	75	100	40	125 **	200
	G	2	25	40	30	60 **	120
** Any outdoor activities require total screening, including total road frontage screening, in all Districts. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Waste Management Facilities (Extensive)	R	¼	300	500	50	700 **	1000
	G	2	80	125	30	160 **	250
** Any outdoor activities require total screening, including total road frontage screening, in all Districts. Additional standards are found in Article 4 – Activities requiring Conditional Use Approval.							
Zoos	R	¼	100	150	50	150	250
	G	3			30		

2.3.70 Noise and Light

2.3.71 General Rules

All permitted activities, except the following, shall comply with these noise and light performance standards:

a. These performance standards are not applicable to the temporary construction, excavation, grading, and demolition activities which are necessary for the development of facilities.

b. They are also not applicable to agricultural activities that are essential to the production of agricultural products.

In case of conflict between the performance standards set forth herein and regulations adopted by any other governmental agencies, the more restrictive shall apply. The same shall apply to a conflict with other requirements of this Ordinance.

For the purpose of determining the applicability of the provisions of *Sections 2.3.80, Noise, and 2.3.90, Light and Glare,* only, an adjacent protected residential use is a protected residential use within 250 feet of the property line.

2.3.80 Noise

2.3.81 Definitions

Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference point pressure of 0.0002 microbars. It is abbreviated as "dB."

Frequency: the number of times that a sound pressure fluctuation completely repeats itself in one second of time. Frequency is designated in Hertz and is abbreviated as "Hz."

Impact Sound: a separate, distinct noise heard above normal, consistent noise or sound levels produced by an activity. Impact sounds may be produced by two or more objects (or parts of a machine) striking each other, or various other means.

Noise: a subjective description of an undesirable or unwanted sound.

Sound Level Meter: an instrument to measure the overall sound level. It shall comply with applicable specifications of the American National Standards Institute (ANSI) and the International Electrotechnical Commission (IEC).

2.3.82 Method of Measurement

For the purpose of measuring the intensity or frequency of sound, a sound level meter may be employed. Sound measurements shall utilize the peak intensity of sound, measured in decibels, with the "A" frequency weighting and the "slow" response characteristic of a sound level meter conforming in all respects to the ANSI standard S 1.4-1071, as revised, for Type 1 or Type 2 instruments and the IEC.

The microphone used to measure the intensity of a noise may be placed at any point on the protected property line and shall be at least five feet from any wall, fence, or structure and not less than three feet above the ground.

2.3.83 Maximum Permitted Sound Pressure Levels

In all districts, any operation or activity producing noise shall meet the standards of this section, unless expressly exempted.

The maximum permitted sound pressure levels in decibels across Protected Property Lines and district boundaries shall be in accordance with the following table. In accordance with the definitions found in *Section 2.3.61, Protected Property Lines*, may include more than just adjacent property lines. They could be located across adjacent property or road rights-of-way but close enough to be included in these standards for noise.

	Protected Residential Use or Restrictive Development District	**General Development District**
	75dB	85dB
Impact Sound	85dB	95dB

Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible noise levels indicated in the previous table for Adjacent Protected Residential Use or Adjacent Restrictive Development District boundaries shall be reduced by five decibels.

Noise attributable to audible warning devices required on vehicles by either the U.S. Occupational Safety and Health Administration (OSHA) or the United States Mining Safety and Health Administration (MSHA) are excluded from the above limitations between the hours of 7:00 a.m. and 7:00 p.m.

Noises attributable to transportation activities on public roads are excluded from the above limitations. Noises which are the result of activities accessory to residential living (including but not limited to animal noise, lawn mowers, chain saws, etc.) shall be exempt from the provisions of this Section.

Earthen berms or walls constructed in a similar manner to those along interstate highways are excellent means for containing noise on a parcel.

2.3.90 Light and Glare

2.3.91 Definitions

Foot Candle: a unit of illumination. Technically, the illumination at all points one foot distant from a uniform point source of one candlepower.

Glare: the disturbing quality of direct illumination which, although not necessarily providing a measurable amount of light from a given vantage point, causes intense and blinding light that reduces visibility and causes discomfort when viewed.

2.3.92 Limitation of Illumination

In all districts, any operation or activity producing light from a non-mobile source (cars, trucks, and other vehicles traveling on highways, etc., are exempt) shall not cause illumination in excess of ½-foot candle when measured in a Restrictive Development District or across the protected property line of a protected residential use.

2.3.93 Limitation of Glare

In all Districts, any activity producing glare from a non-mobile source (cars, trucks, and other vehicles and crafts are exempt from these provisions) shall be so constructed so that glare is not

directed into a Restrictive Development District, across the protected property line of an adjacent protected residential use, or into travel lanes of public roads. Pole mounted lighting fixtures must be located such that the direction of the light is inward away from the property lines and away from the travel lanes of adjacent roads. When needed, fixtures must be shielded to mitigate the effects of glare.

Lights underneath vehicle canopies shall also be installed in flush-mounted recessed fixtures so that glare is not directed into a Restrictive Development District, across the protected property line of an adjacent protected residential use, or into travel lanes of public roads.

2.3.94 Dark Sky Friendly Lighting

Outdoor lighting is required for a variety of needs, including safety and commerce, and therefore should be used wisely. Dark Sky Friendly Lighting seeks to eliminate lighting that shines upwards rather than in the direction needed. The benefits of such lighting are an increased number of stars visible at night, reduced effects of electric lighting on the natural environment, and a reduction in energy usage. To maximize these benefits lighting should:

a. Only be on when needed

b. Only light the area that needs it

c. Be no brighter than necessary

d. Minimize blue light emissions

e. Be fully shielded (pointing downward)

This Section implements the easiest of these five benefits to achieve which also provides the greatest benefit to the general public. In addition to the preceding limitations on illumination and glare, all outdoor lighting must be fully shielded and pointing downward. The following are the exceptions to this requirement:

1. Low-wattage landscaping lighting designed to highlight trees and other vegetation from ground level.
2. Lighting of flags, steeples, building facades, etc. However, attempts should be made to find creative ways to accomplish this with lighting directed in a downward direction.

ARTICLE 3 – OVERLAY DISTRICTS

NOTE: *The restrictions associated with Overlay Districts shall be in addition to the underlying zoning districts and their requirements which have been established under other Articles of this Ordinance. Where Overlay District restrictions conflict with those of the underlying zoning districts, the more restrictive controls shall apply.*

Chapter 1. Airport Districts

3.1.00 Purpose

The concentration of people and sound-sensitive activities on lands adjacent to airport or heliport operations and the maximum height of buildings, other structures, and trees in such areas shall be regulated by airport district overlay zones as set forth in this article. In order to protect people and property in the vicinity of airports and heliports from the danger of aircraft accidents and the impact of excessive noise levels, certain land use activities shall not be permitted in designated noise exposure overlay zones surrounding such facilities. Establishment of sound-sensitive activities on lands in less intense noise exposure overlay zones may be permitted if specified soundproofing standards are met. To preserve the safety and efficiency of air navigation, height control overlay zones may be designated around airfields to limit the obstruction of landing, takeoff, and maneuvering airspace by buildings, other structures, and trees. Such controls serve to protect the investment in airports or heliports by restricting adjacent land uses incompatible with the use, growth, or expansion of these facilities.

31.01 Application of Airport District Overlay Zones

The land use controls associated with airport district overlay zones shall be in addition to underlying zoning districts and their controls which have been established under other articles of this Ordinance. Where airport district overlay zone controls conflict with the controls of underlying zoning districts, the more restrictive controls shall apply.

31.02 Definitions

Airport Plan: the official Land Use/Noise Contour Plan associated with the development of an Airport and accepted by the Federal Aviation Administration (FAA).

Elevation: a numerical representation of a vertical distance in relation to mean sea level.

Height: a numerical representation of a vertical distance in relation to existing ground level or some other specified reference level.

Primary Surfaces: horizontal planar surfaces which, in plan view, are longitudinally centered on runways, extending 200 feet horizontally beyond the runway ends, and of constant width for a given runway.

Runway: a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure: an object, including a mobile object, constructed or installed by man, including but without limitation to buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Tree: any object of natural growth.

3.1.10 Designation of the Greenville-Spartanburg Airport Environs Area

3.1.11 Introduction

The Greenville-Spartanburg Airport Environs Area Zoning Ordinance was adopted by the Greenville-Spartanburg Airport Environs Commission to protect the safety and land of property owners within the boundaries of the Greenville-Spartanburg Airport Environs Area, and to protect and ensure the future growth and development of the Greenville-Spartanburg Airport, thus ensuring the ability to the Greenville-Spartanburg Airport to continue to serve the needs of the people and businesses within the Airport's service area.

3.1.12 Requirements

All new activities, and changes to existing activities, proposed in this District must be reviewed by the Greenville-Spartanburg Airport Environs Commission for determination of compliance with their Zoning Ordinance.

3.1.20 Designation of the Spartanburg Downtown Memorial Airport District

(The Section is reserved for the possible future inclusion of this Airport within the jurisdiction of this Ordinance.)

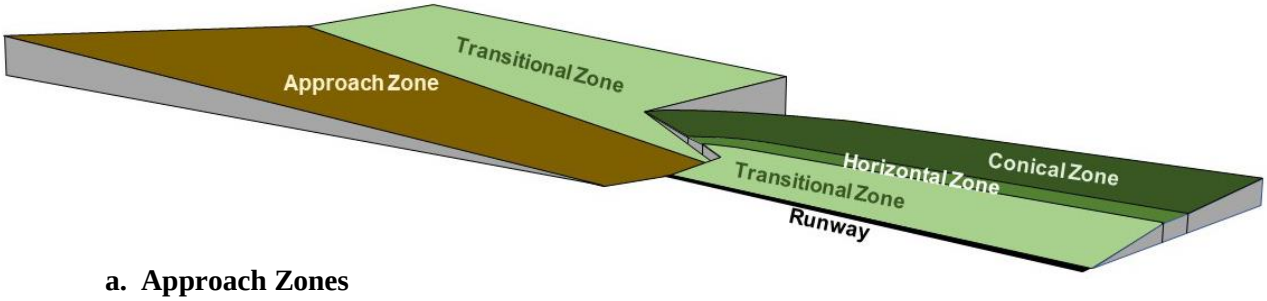
3.1.30 Designation of Other Airport Districts

3.1.31 Introduction

Other Airport Districts are hereby established pursuant to the purposes of this article, comprising all those lands within the overlay zones as delineated in this Chapter. In order to qualify for designation under this Chapter, an airport must have been required to receive approval from the Federal Aviation Administration (FAA).

3.1.32 Height Control Overlay Zones

Four types of height control overlay zones are established for these Airport Districts, based on the runway configuration.



a. Approach Zones

Approach Zones are delineated for each of the two Runway approaches. The beginning of each Approach Zone is 500 feet wide and is coincident with and at the same elevation as the respective Runway end. Both zones expand outward uniformly to an ultimate width of 2,000 feet which is at a distance of 5,000 feet measured horizontally from the end of the primary surface of the Runway. The centerline of each Approach Zone is the horizontal continuation of the centerline of the respective Runway end.

b. Transitional Zones

Transitional Zones are established adjacent to the sides of the Approach Zones. These Zones shall be 1,000 feet wide, measured horizontally and perpendicular to the sides of the Approach Zones. Transitional zones are also established adjacent to the sides of the Runway. These zones shall be measured horizontally and perpendicular to the sides of the Runway and shall continue until they intersect with the Horizontal Zone.

c. Horizontal Zone

The Horizontal Zone is established as all the area within 500 feet measured horizontally from any part of the Runway surface, exclusive of the Transitional and Approach Zones.

d. Conical Zone

The Conical Zone is established as all the area within 1,000 feet measured horizontally from any part of the Runway surface, exclusive of the Transitional, Horizontal, and Approach zones. The Conical Zone shall continue until its highest elevation intersects with the elevation of the Approach Zone Transitional Zone. That intersection point shall determine the point at which the Conical Zone, Horizontal Zone, and Runway Transitional Zone terminate.

e. Height Limits

The maximum height of buildings, other structures, and trees shall be restricted within each height control overlay zone. The following are the height limits for the Height Control Overlay Zones.

1. Approach Zones: starting at the end of and at the same elevation as the respective Runway ends, measure a slope one foot vertically upward for each 20 feet horizontally outward from the Runway end for the full extent of the Approach Zones.

2. Transitional Zones: starting at the side of and at the same elevation as the Runway surface, and also starting at any given point on the sides of the Approach Zones at the same elevation as the approach zone height limit for the given point, measure a slope one foot vertically upward for each seven feet horizontally outward from the Runway and Approach Zones, for the full extent of the Transitional Zones.
3. Horizontal Zone: the height limit for the horizontal zone is 50 feet above the highest point of the Runway(s).
4. Conical Zone: starting at any given point on the periphery of the Horizontal Zone and at the same elevation as the Horizontal Zone height limit, measure a slope one foot vertically upward for each 20 feet horizontally outward from the airport to the full extent of the Conical Zone.

3.1.33 Buffering Restrictions

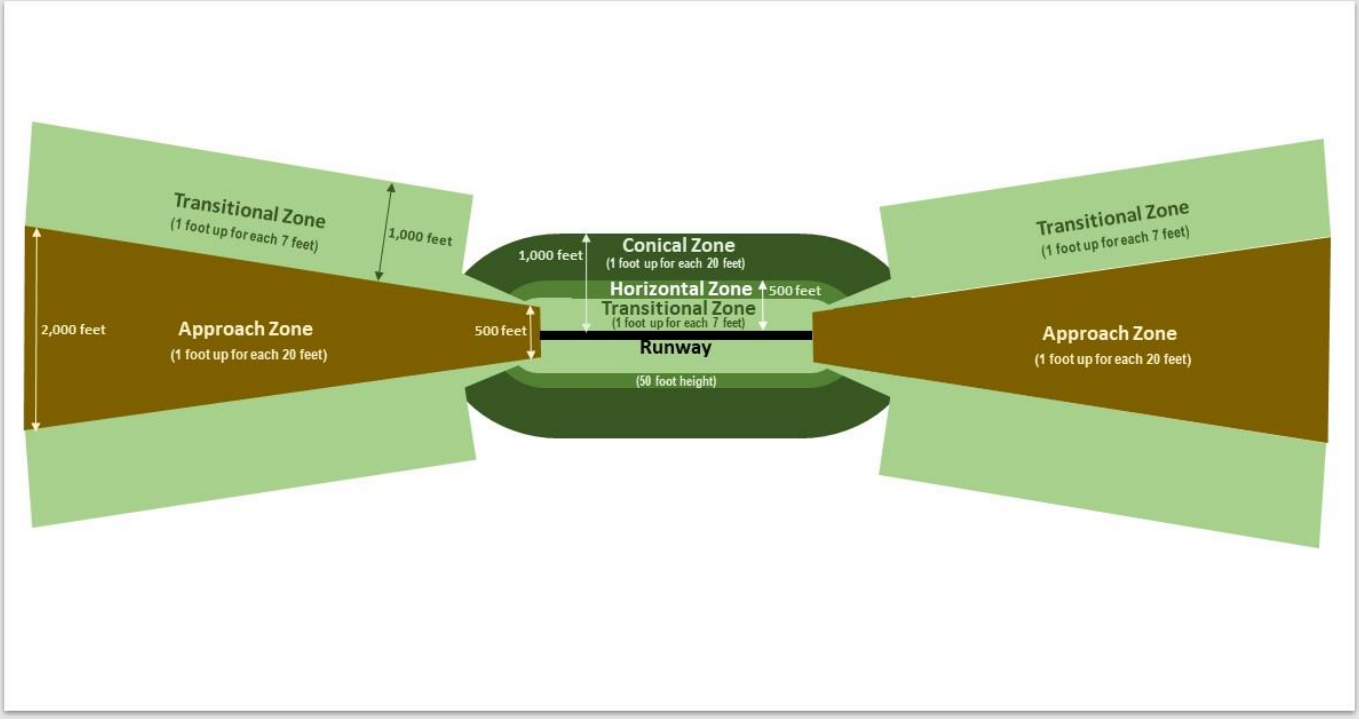
Airport Districts must meet all of the restrictions and standards as required by this Ordinance for the appropriate principal activity classification. One of the requirements is a buffer measuring at least 1,000 feet at the end of each runway in this district. This buffer shall be greater if topographic features do not enable structures or vegetation on adjacent properties up to a height of 50 feet when the Height Limits described in *Section 3.1.32 (e)* above are applied.

3.1.34 Other Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of any land or water body within these Airport Districts in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft using the airport.

The owner of any existing nonconforming structure or tree shall permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary for safety. Such markers shall be installed, operated, and maintained at the expense of the owners of the airport.

Measuring Diagram for Height Control Overlay Zones



Chapter 2. Rural and Agricultural Overlay Districts

3.2.00 Purpose

Land designated as rural and agricultural reflects land with sensitive and unique topographic and geological characteristics, scarce prime agricultural land or landscapes with a historic rural community character. These areas provide living and working options differentiated from the more suburban and urban parts of the county. The value of rural and conservation land is recognized by the County in the Comprehensive Plan, which aims to protect and preserve the rural character and sensitive environmental resources on these lands. In these areas the impact of land subdivision, land development, and intensification of activities can have significant ramifications to the region's resources and health and well-being.

3.2.10 Designation of Rural and Agricultural Overlay Districts

A Rural and Agricultural Overlay District shall be designated in the following manner:

a. The boundaries of the District shall follow only property lines.

b. For property to be included in the District the property owner(s) must agree to the restrictions contained in this Chapter.

c. Property owners desiring to be included in such a District shall file a map amendment with Spartanburg County following the procedures contained in *Chapter 3, Amendments*, of *Article 9, Administration*.

3.2.20 Application of Rural and Agricultural Overlay Districts

The land use controls associated with a Rural and Agricultural Overlay District shall be in addition to the underlying zoning districts and their controls which have been established under other Articles of this Ordinance. Where such an overlay district conflicts with the controls of underlying zoning districts, the more restrictive controls shall apply.

3.2.30 Subdivision Design Standards

The following standards must be followed for the development of a subdivision in this District:

a. The minimum tract size of a subdivision shall be eight acres. This area shall consist of contiguous parcels, not divided by an existing public or private road or a recreational or navigable body of water.

b. The minimum lot size shall be 6,000 square feet.

c. At least 50% of the land area to be subdivided shall meet the open requirements found in *Chapter 4, Open Space*, of *Article 6, Landscaping and Open Space*.

d. The required open space shall include at least a 50-foot wide strip of land along the existing road frontage adjoining the subdivision.

e. A subdivision developed on a parcel adjacent to a Rural and Agricultural Overlay District shall handle any required open space in the following manner:

   1. The subdivision shall first satisfy any open space requirements found in *Article 6, Landscaping and Open Space*.

   2. Any portion of the required open space that remains unused shall then be applied uniformly along the property lines shared with the Rural and Agricultural Overlay District.

3.2.40 Large Lot Subdivision Standards

Large Lot Subdivisions are not required to meet the standards in *Section 3.2.30, Subdivision Design Standards*, if the minimum lot size is four acres. However, they must comply with all other regulations of Spartanburg County.

ARTICLE 4 – ACTIVITIES requiring CONDITIONAL USE APPROVAL

NOTE: *Conditional Uses are those activities that have unique requirements not covered by normal performance zoning requirements. The restrictions found in this Article shall be in addition to the standards established under other Articles of this Ordinance. Where Conditional Use restrictions conflict with those found in other Articles of this Ordinance, the more restrictive provisions shall apply.*

Chapter 1. Manufactured Homes

4.1.00 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.

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:

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

b. Has a minimum of 900 square feet of enclosed living area;

c. 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 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*.

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*.

4.1.10 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.

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 6 months within a 12-month period for the purposes of living on site while building a residence.

4.1.20 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:

a. on existing lots of record as of May 21, 2012;

b. as a second residence on a lot of record with a single-family detached dwelling in accordance with all County ordinances;

c. in a Manufactured Home Park, in accordance with all County ordinances; or

d. in an approved subdivision, accessible by and fronting on a Local Road. While direct access to and frontage on Collector or Arterial Roads 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 Article 8, Nonconformity, provided such uses are maintained in habitable condition as defined by and subject to the conditions of *Sections 4.1.40, 4.1.50, and 4.1.60* below. 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.

4.1.30 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 Chapter's Habitability requirements prior to electrical service being released.

4.1.40 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 South Carolina Code of Regulations Section 79-42 Manufactured Home Installation Requirements.

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.

e. Be provided with a sanitary sewer system approved by SCDHEC. 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 9.4.10, 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. Meet requirements for porches, steps, tie downs, and skirting before receiving electrical service.

h. Manufactured Homes must be located at least 20 feet from any residential activity including other Manufactured Homes.

4.1.50 Permit Required

a. No individual 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 Chapter.

b. A current Spartanburg County decal shall be displayed on the Manufactured/Mobile Home so as to be clearly visible on the main door or from the street.

c. 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.

4.1.60 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 Manufactured or Mobile 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 Manufactured and Mobile Home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations. When activated, the detector shall provide an audible alarm.

Chapter 2. Manufactured Home Parks

4.2.00 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.

4.2.10 Definitions

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 other Articles of this Ordinance.

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

4.2.20 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 above.

a. All Manufactured Home Parks must contain a minimum of two acres.

b. 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 or not currently connected to electricity. This count also includes a Manufactured/Mobile Home occupied by the property owner as a legal residence.

c. 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 this Ordinance 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.

d. All such "parks" in Spartanburg County, new or pre-existing this Ordinance, will be subject to requirements for licensing and inspection found in this Section and if not licensed shall register with Spartanburg County within one year.

4.2.30 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:

a. 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 the 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).

b. Existing Site Data

1. Total tract boundaries of the park, and a statement of total acreage of the property;
2. 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;
3. All existing streets on or abutting the park, including names, right-of-way widths, pavement widths and approximate grades; and

4. The 100-Year Flood Boundary from the most current Spartanburg County FEMA Flood Insurance Rate Maps (FIRM).

c. 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 at least five feet;
- Contour changes to be made by grading, if any;
- Location, size, and number of proposed and existing Manufactured Home Park Spaces and all existing and proposed automobile parking spaces for each unit in accordance with this Section, as well as any planned common parking areas;
- Buffering shall be as required by this Ordinance.
- Centerline profile for any newly constructed interior streets;
- Location of common open space, according to the requirements of *Article 6, Landscape and Open Space*;
- Location of all solid waste containers and screening of containers, as required by this Section; and
- E-911 addresses as required by the Spartanburg County Road Naming and Property Numbering Ordinance.

4.2.40 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:

a. 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 SCDHEC Regulations and the Property Addressing and Road Naming Ordinance.

b. 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 SCDHEC.

c. Lighting: A Manufactured Home Park containing five or more homes must be lighted at night with electric overhead lamps no more than 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.

d. Household Waste Removal: In Manufactured Home Parks containing five 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 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.

e. Signage, Names: All Manufactured Home Parks containing five or more units must provide a sign of at least six 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.

f. Streets-Interior:

1. All interior streets shall be privately maintained and have a minimum 50-foot right-of-way. They shall be constructed on a prepared soil base that has had all tree stumps and other vegetation removed to a depth of two feet below sub-grade and properly compacted. No permanent parking or structures shall be permitted in the right-of-way.

2. The street shall be at least 20 feet wide consisting of a paved portion that is at least 16 feet wide. The remaining portion may be of any all-weather drivable surface. The street must consist of at least 1½ inches of compacted tar and gravel on a four-inch compacted stone base or at least 1½ inches of compacted asphalt surface on two inches of compacted asphalt base.

3. 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.

4. Projects in excess of one hundred units shall have a second 12-foot exit lane and an entrance lane of 16 feet. Transition from the entrance/exit lanes to the internal street system shall begin not less than 60 feet from the street right-of-way line at the entrance.

5. A paved or piped ditch is required along any section of roadway that is in excess of a 5% grade.

6. All dead-end roadways shall terminate in a "cul-de-sac" with a minimum turning radius of 35 feet, exclusive of parking. In lieu of a "cul-de-sac," other methods to achieve vehicular turnaround as set forth in the Spartanburg County Standard Specifications for Construction of Roads must be provided.

7. All road names are subject to approval by the Planning and Development Department in accordance with Spartanburg County Road Naming and Property Numbering Ordinance.

8. To the extent not in conflict with subsection 2 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.

9. 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.

10. In order to expand a Manufactured Home Park by more than ten 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.

g. 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 Spartanburg County Storm Water Management Ordinance and the Stormwater Management Design Manual.

h. Installation: All proposed homes, including replacements, shall be installed in accordance with the installation requirements of South Carolina Code of Regulations Section 79-42 Manufactured Home Installation Requirements. Manufactured Homes must be located at least 20 feet from other Manufactured Homes.

i. 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.

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

k. Density: The maximum density shall not exceed eight manufactured homes or mobile homes per acre with public water and public sewer or as approved by South Carolina DHEC.

l. Recreational Vehicle or Travel Trailer: 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.

m. 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.

4.2.50 Licensing, Inspection, and Annual Fees for Manufactured Home Parks

a. Licensing and Fees

1. 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.

2. 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.

3. An 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.

4. Late fees will continue to accrue for an owner who is in compliance and does not pay the annual license fee.
5. 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.
6. A Manufactured Home Park license is not transferrable.
7. Successors or assigns of a Manufactured Home Park shall be responsible for payment of any delinquent or due fees, penalties or fines.

b. Annual Inspection; Violation

1. All Manufactured Home Parks registered in Spartanburg County shall undergo an annual inspection to ensure compliance with this Ordinance.
2. 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.
3. A park owner whose park, upon annual inspection, has been found to be in violation shall not be allowed to obtain Mobile/Manufactured Home moving permits for said park until violations are resolved.
4. 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.

c. Suspension of License

1. 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 90 days.
2. 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 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.
3. A Manufactured Home Park, 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 park must be closed and all Manufactured/Mobile Homes disposed of by the park owner.

Chapter 3. Campgrounds and Recreational Vehicle Parks

4.3.00 Definition

Campgrounds and Recreational Vehicle Parks are establishments engaged in providing overnight or short-term sites for recreational vehicles, trailers, campers, or tents.

4.3.10 Design Standards

Campgrounds and Recreational Vehicle Parks shall comply with the following site and design standards:

a. Exposed surfaces shall be covered or protected with vegetative growth capable of preventing soil erosion.

b. The site shall be developed in a manner that preserves natural features and landscape.

c. Each park shall be serviced by public water and sewer or other systems approved by SCDHEC.

d. 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.

4.3.20 Dimensional Requirements

The following dimensional requirements shall serve as parameters beyond which development shall not exceed:

a. Campgrounds and Recreational Vehicle Parks shall be situated on a parcel of at least five contiguous acres that are undivided by road rights-of-way or public dedication. The requirement for five contiguous acres is a part of the description for this activity and cannot be considered for a variance from the Board of Zoning Appeals.

b. Maximum density shall not exceed 15 vehicles or campsites per acre with minimum 10-foot separation.

c. Buffering shall be as required by this Ordinance.

d. Areas designated for parking and loading or for circulation shall be physically separated from public streets. All drives shall be 20 feet wide, and shall be located at least 100 feet from any street intersection. They shall be private and not public, and shall be constructed with travel-way grades not exceeding 12 percent and capable of supporting the weight of fire fighting vehicles.

Chapter 4. Communication Towers

4.4.00 Intent

The intent of this Chapter 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 Chapter to reduce the impact of a Communication Tower by providing setbacks from residential property, encouraging Communication Tower locations in non-residential areas, and encouraging co-location of Communication Towers and innovative locations (i.e., church steeples, other nonresidential buildings, outdoor advertising signs, water tanks, electric transmission towers, etc.) when technically feasible.

This Chapter 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.

4.4.10 Definitions

Monopole Towers are single tube towers. They typically stand between 100 and 200 feet tall with antennas on the interior or exterior of the tower. Lower monopole towers used to provide backhaul service to carriers are included in this activity.

Lattice Towers are sometimes referred to as "self-support" because they are free-standing lattice. They typically stand between 200 and 400 feet tall with a base of three or four sides.

Guyed Towers are generally straight rods supported by wires that attach to the ground as support. They are the cheapest to construct, especially at heights of 300 feet and beyond.

Concealed Towers are generally deployed to satisfy a desire to hide communication antennas. They usually provide less capacity than other towers because they are most often not as tall. The only permit required would be for the structure in which it is concealed, if it is a new structure.

Broadcast Towers provide mounting space for FM radio, AM radio, and Television (TV) antennas. Their antennas can be massive depending upon the type of service they provide and the coverage they are purposed to deploy. Most broadcast towers are guyed towers with wires attached to grounded anchors. Broadcast towers can take up a great deal of ground space which is why they are often found in rural areas or on hills where natural elevation provides the best means of transmitting signals.

Distributed Antenna Systems (DAS) accommodate multiple carriers using a single smaller and lower powered antenna and a single central base station, with all antenna sites connected via optical fiber cables, creating a local or regional network. If a DAS is proposed to be located on property outside of public rights-of-way, it shall be permitted as a Monopole Tower.

Small Cell Technologies employ smaller, lower-powered antennas serving a single carrier, and the sites are not connected via fiber. If a Small Cell Technology is proposed to be located on property outside of public rights-of-way, it shall be permitted as a Business Services activity

If a DAS or Small Cell Technology is proposed to be located in a public right-of-way, it shall be required to meet the installation and location requirements of Spartanburg County with respect to encroachment permits.

4.4.20 Pre-application Conference

A pre-application conference with the Staff from the Planning and Development Department is required prior to applying for a zoning permit. Each applicant for an antenna and or tower shall provide to the Planning and Development Department an inventory of its existing towers that are either within Spartanburg County or within ¼-mile of the border thereof, including the following:

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 and Development Department may share such information with other applicants applying for administrative approvals or permits under this Ordinance or other organizations seeking to locate antennas within Spartanburg County, provided however that the Planning and Development 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 and Development Department that any existing tower, building, or other structure within one-half 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:

a. 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.

b. Evidence that the planned equipment may 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.

c. 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 Federal Communications Commission (FCC).

d. 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.

4.4.30 Standards

The following standards, as well as others in this Ordinance, shall apply for the permitting of Communication Towers:

4.4.31 Vegetation

In addition to requirements in this Ordinance for screening and landscaping, all vegetation on the site that does not interfere with the operation and maintenance of a Communication Tower is to be preserved.

4.4.32 Illumination

Towers shall be illuminated only to the extent required by applicable federal or state statute or regulation.

4.4.33 Color

Towers shall have either a galvanized finish or be painted a dull blue or gray finish, except as otherwise required by applicable federal or state statute or regulation.

4.4.34 Fall Zone

A tower must be designed such that, in the event of structural failure, it would not fall within a public right-of-way or onto adjoining property. A Fall Zone letter from a registered professional structural engineer certifying to this will be required unless the setback exceeds the height of the tower.

4.4.35 Towers Near Airports

With the exception of towers for aeronautical purposes, Communication Towers may not penetrate any height limits described in the Airport Chapter of Article 3.

4.4.36 Wind

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

4.4.40 Site Development Plan

A site development plan drawn to scale shall be submitted showing, at a minimum, the following information:

1. the height and precise location of the tower on the parcel 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 compatibility standards from *Article 2, Application of Regulations*,
4. transmission buildings and other accessory uses,
5. access,
6. landscaped areas,
7. fence, and
8. adjacent land uses.

4.4.50 Controlled Access

All proposed Communication Towers shall provide for controlled access to the Communication Tower facility with an 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.

4.4.60 Additional Antennas

All Communication Towers shall be constructed to accommodate at least two 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.

4.4.70 Advertising, Signs, and Towers

No advertising of any type may be attached to a Communication Tower. However, a Communication antenna may be placed upon an advertising sign. The placement of an antenna upon an advertising sign shall not change the principal nature or classification of the advertising sign.

4.4.80 Abandoned Use

Communication towers shall be removed at the expense of the owner/operator within 120 days of the date such tower ceases to be used for its intended purpose.

Chapter 5. Asphalt Batch Plants

4.5.00 Intent and Conditions

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:

a. 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, 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 5 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.

b. All facilities shall have adequate access to a Collector or Arterial Road. 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.

c. Entrance/exists shall provide a minimum 50-foot turning radius.

d. A storm water runoff and sedimentation plan as defined by the County's Storm Water Ordinance showing all on-site and off-site drainage.

e. 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.

f. Asphalt Batch Plants shall provide buffering as required by this Ordinance.

4.5.10 Approvals from Other Agencies

a. Any Asphalt Batch Plant proposing to locate within the jurisdiction of this Ordinance shall provide to the Zoning 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.

e. 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.

Chapter 6. Bulk Fuel and Liquid Asphalt Storage and Distribution

4.6.00 Intent

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.

4.6.10 Standards

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.

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; 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, 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.

b. All facilities shall have adequate access to a Collector or Arterial Road. 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.

c. Entrance/exists shall provide a minimum 50-foot turning radius.

d. A storm water runoff and sedimentation plan as defined by the County's Storm Water Ordinance.

e. 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.

f. 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.

g. Fuel Products shall be stored in accordance with the following storage capacity and height limits. However, the spacing and setback requirements in this Chapter 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 this Chapter 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

4.6.20 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.

Bulk Storage and Distribution of Fuel Products or **Liquid Asphalt Distribution Terminal Spacing/Setback Requirements**	
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.

Bulk Storage and Distribution of Fuel Products or **Liquid Asphalt Distribution Terminal Spacing/Setback Requirements for Expansion of Existing Facilities**	
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.	

4.6.30 Fire and Safety Requirements

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 zoning 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 3 feet or more in height shall

have a flat section at the top not less than 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 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 zoning 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.

4.6.40 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 Zoning 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 zoning 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 zoning permit. Only until such certification is received shall the facility be permitted for occupancy by Spartanburg County.

4.6.50 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.

4.6.60 State and Federal Requirements

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.

Chapter 7. Flea Markets, Swap Meets, and Open-Air Markets

4.7.00 Applications

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. Farmers' markets shall be exempt from these requirements.

4.7.10 Regulations

The following regulations apply:

1. The use shall have a minimum of at least two acres with principal access along a Collector or Arterial Road. An encroachment permit must be obtained from the appropriate agency. The requirement for at least two acres is a part of the description for this activity and cannot be considered for a variance from the Board of Zoning Appeals.
2. The site shall conform to all building and mechanical codes. Any SCDHEC requirements must be met.
3. 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.
4. 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.
5. No RVs or campers shall be allowed on the property overnight.
6. Goods shall not be sold from enclosed trucks or trailers.
7. 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.
8. Sale of merchandise is prohibited in road rights-of-way. In no case shall a merchant or vendor set up in a way that obscures the view of the traveling public.
9. There shall be no less than one trash receptacle per 75 feet of aisle space.
10. This Chapter does not apply to roadside agricultural stands as described in the South Carolina Right to Farm Statutes (S.C. Code Ann. §§ 46-45-10 to 46-45-80).

Chapter 8. Temporary Uses

4.8.00 Requirements

All temporary uses shall submit a sketch plan for review, and upon approval shall be issued a temporary permit. 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 the temporary use. Additionally, temporary uses must be located at least 15 feet away from any fire hydrant, driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit, or emergency call box.

The uses listed in this Chapter 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:

a. Fairs, Carnivals, Festivals, and Outdoor Concerts

Uses with less than 500 attendees per day shall be located in an area where there are less than ten residential dwellings with a 500-foot radius the center of the proposed site. Uses with 501-999 attendees per day shall be located in an area where there are less than ten residential dwellings within a 750-foot radius of the center of the proposed site. Uses with a 1000 or more attendees per day shall locate in an area where there are less than ten residential dwellings with 1000-foot radius of a circle located in the center of the proposed site and shall be required to access a Collector or Arterial road. Maximum length of stay shall be 15 days for fairs and carnivals and three days for festivals and concerts. Extensions of the temporary permit may be considered by staff for good cause.

Operations for such uses shall cease at a time which is necessary to comply with the noise requirements of this Ordinance, unless consent agreements have been obtained or a variance has been granted according to the provisions found in this Ordinance.

Off-street parking shall be provided for all attendees at the rate of three persons per car and all parking areas shall be roped off.

b. 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 or structure shall not be closer than 400 feet to any residential dwelling. Uses with more than 1,000 attendees per day shall access a Collector or Arterial road. Off-street parking shall be provided for all attendees at the rate of three persons per car and all parking areas shall be roped off.

c. Seasonal Uses such as Snow Cone Stands, Produce Stands, and Similar Uses

Uses in this category may be issued a temporary permit for a period of up to 120 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 six months for any temporary use.

d. Intermittent Uses such as Firework 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 45 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 three months for any temporary use.

e. 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 two 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.

f. 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 two 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.

g. Temporary Shelter

When fire or natural disaster has rendered a single family or duplex residence unfit for human habitation, the temporary use of a manufactured 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 six months, (c) the manufactured 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.

h. Mobile Food Services

Mobile Food Service vendors are required to obtain an annual zoning permit prior to operation on private property and must have a DHEC approval in order to request such a permit. They may operate on private property daily, but must not remain overnight unless they are part of a multi-day event. Multi-day events must be no longer than three days.

Mobile Food Services may sell food from multiple locations, to include developed industrial or commercial properties with the permission of the business owners or in public parks with the permission of the Parks and Recreation Department.

Applicants must submit a sketch plan detailing where the Mobile Food Service will be located on the property. They must have written consent from property owner(s) to do business at their location and can only operate during the property's normal business hours. They may also conduct sales while parked on public property in the event of a temporary street closing for a County-sponsored or neighborhood event such as a street festival or fair. Otherwise they may not use a public road right-of-way to serve customers.

Mobile Food Services must not block a property's entrances or exits, travel or fire lanes, or required parking spaces. They must be located at least 500 feet from the front door of any restaurant and outdoor dining area and at least 100 feet from any other permitted mobile food vending cart location. These minimum distance requirements are all measured in a straight line from the closest point of the proposed service location to the closest point from the buffered object, or in the case of a restaurant, measured from the closest point of the restaurant's main entrance.

Mobile Food Services may not be the primary or principal use at a lot. Under these regulations they are considered a temporary use. If a zoning permit is issued and a restaurant subsequently opens within 500 feet (measured from the restaurant's main entrance) of the approved Mobile Food Service location, the Service may continue to operate until the permit expires.

i. Rural Event Venue

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

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.

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.

4.8.10 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.

Chapter 9. Outdoor Gun, Archery, or Skeet Ranges

4.9.00 Intent and Standards

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

a. Ranges shall be designed to prevent injury to patrons and prevent property damage outside the range from misdirected or accidental firing and ricochets. They should also be designed to direct ricochets away from the firing line.

b. To protect against unauthorized access, surface danger zones should be controlled while firearms are being discharged. Natural barriers around the site, e.g. rivers, hills, or large drainage channels may be used to prevent encroachment and ensure privacy. If other methods to control access to danger zones are not effective, then the zones shall be fenced.

c. This activity must also clearly demonstrate that it will not exceed the noise requirements of this Ordinance. The best site is one with a natural backstop for projectiles which could provide some natural sound abatement in addition to its safety feature.

Chapter 10. Salvage Yards

4.10.00 Findings

Spartanburg County finds that Salvage Yards (often referred to as junk yards):

a. Pose a hazard to the health, safety, and general welfare of the citizens of Spartanburg County;
b. Depreciate the value of surrounding property;
c. Pose environmental and fire hazards;
d. Are a breeding ground for mosquitoes or other insects, snakes, rats and other pests;
e. Pose a threat of injury to children and other individuals who may be attracted to the premises; and
f. Are a visual blight and patently offensive to the aesthetic quality of the environment of Spartanburg County.

4.10.10 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 Salvage Yards; 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 Salvage Yards 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 Salvage Yards which do not conform to the requirements of this Ordinance are public nuisances.

4.10.20 Standards

Each Salvage Yard shall adhere to the compatibility standards outlined in Chapter 3 of Article 2, except where more restrictive regulations exist in this Chapter or elsewhere in this Ordinance.

a. A Salvage Yard plan prepared by the owner or operator of any new Salvage Yard shall be submitted prior to the Salvage Yard permit being granted by Spartanburg County. The plan shall indicate buffers, setbacks, screening, types of screening, location of public rights-of-way, all proposed structures, driveways, entrances, fencing, types of fencing, dimensions of Salvage Yard, gross acreage, owner(s)' name(s), address(es), preparer of plan name(s) and address(es). Submission of information shall establish pre-existing conditions. The Plan may be drawn at a scale of one inch equals 400 feet or less.

b. No scrap materials shall be stacked, stored, or maintained at a height greater than what the opaque screening around the Salvage Yard can hide from view.

c. In addition to the setback requirements in Article 2 of this Ordinance, no Salvage Yard shall be established within 1000 feet of the following Scenic Corridors: South Carolina Highway #9, South Carolina Highway #56, South Carolina Highway #110 (Battleground Road), South Carolina Highway #80 (J. Verne Smith Parkway). Salvage Yards shall be prohibited on or within 1,000 feet of South Carolina Highway #11 (Cherokee Foothills Scenic Highway). No person shall establish, operate, or maintain a Salvage Yard activity, any portion of which is within 1000 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 Zoning Administrator determines that the above-mentioned screening requirements will not produce a result that shields the Salvage Yard activity from view of the interstates set forth herein, the Salvage Yard activity shall be compelled to engage in land grading or the erection of additional screening to the minimum extent required to achieve the desired screening.

d. If a Salvage Yard closes, it must comply with the provisions of this Ordinance for new Salvage Yards to re-open. Evidence of closing shall be established by inspection of the property, written notification or non-renewal of a Salvage Yard Permit.

e. Any person, company, business or corporation not covered by this Section or exempted from this Section shall comply with state statutory law regarding disposition of abandoned or derelict motor vehicles as provided by S.C. Code Ann. § 56-5-5620 and 56-5-5810, et. seq. (1976).

f. All Salvage Yards shall be maintained to protect the public from health nuisances and safety hazards. The Spartanburg County Health Department may inspect each Salvage Yards to determine that it 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 and Development Department that the nuisance or safety hazard has been eliminated. Failure to comply with this provision shall result in revocation of the permit as well as other penalties and remedies for violation of this Ordinance.

g. New Salvage Yards 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. The requirement for a continuous parcel of at least five acres is a part of the description for this activity and cannot be considered for a variance from the Board of Zoning Appeals.

h. 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.

4.10.30 Licensing, Inspection, and Annual Fees for Salvage Yards

a. Licensing and Fees

1. A license shall be required to open and/or operate a Salvage Yard 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.

2. 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.

3. 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.

4. Late fees will continue to accrue for an owner who is in compliance and does not pay the annual license fee.

5. Failure to comply with the requirements of this Ordinance may result in the revocation of license to operate a Salvage Yard. After the annual fee is 60 days delinquent, the owner shall be considered in violation of this Ordinance for the lapsed license.

6. A Salvage Yard license is not transferrable.

7. Successors or assigns of a Salvage Yard shall be responsible for payment of any delinquent or due fees, penalties or fines.

b. Annual Inspection; Violation

1. All Salvage Yards registered in Spartanburg County shall undergo an annual inspection to ensure compliance with this Ordinance.

2. 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.

3. A Salvage Yard 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.

c. Suspension of License

1. Failure to correct the violation(s) within the established time period will result in license suspension.

2. Any person who has received notice that his license will be suspended unless certain conditions or practices at the Salvage Yard 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.

3. A Salvage Yard, 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.

a. Providing false or incorrect information on any application form, registration form, permit form or license renewal form 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 Salvage Yard is located, is void. Any application form submitted by a lessee or tenant for a license 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 Salvage Yard is located.

Chapter 11. Scrap Metal Processing

4.11.00 Intent and Definition

The intent of this Chapter is to provide standards for Scrap Metal Processing sites so as to distinguish them from the recycling requirements found in Waste Management Facilities, and Salvage Yards. Indoor Scrap Metal Processing which shall be considered as Manufacturing shall not be subject to these requirements if they are located in an enclosed building and not in a tent or tent-like structure.

4.11.10 Application and Site Plan Submittal

a. 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.

b. All applicants must submit 4 hard copy sets and one PDF set of the following plans for the specific type of facility being proposed.

   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, 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.

   2. After conditional approval by the Planning and Development Department of this site plan, a full set of plans as defined by Spartanburg County's Storm Water Management Ordinance 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.

   3. 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.

c. All required permits and approvals must be obtained from other entities, as applicable, prior to the County issuing a zoning permit.

4.11.20 Standards

a. All Scrap Metal Processing activities shall have adequate access to a Collector or Arterial Road. 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. Regardless of the functional road classification, County staff will examine the public road access to the site and make a determination based on the data provided by the applicant and the construction of the road regarding the adequacy of the public road to support projected truck traffic. If the construction and/or capacity of the road is found to be inadequate the project will not be approved.

b. Entrance/exits shall provide a minimum 50-foot turning radius.

c. 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.

d. Scrap Metal Processors shall be situated on a parcel of at least five contiguous acres that are undivided by road rights-of-way or public dedication. The requirement for at least five contiguous acres is a part of the description for this activity and cannot be considered for a variance from the Board of Zoning Appeals.

e. The Scrap Metal Processing property must have a minimum front lot line of 100 feet on a public right-of-way.

f. No scrap metal shall be stacked, stored or maintained at a height greater than 75 feet or higher than necessary to meet the screening requirements of this Ordinance.

4.11.30 Setbacks

In addition to the setback requirements in Article 2 of this Ordinance, no Scrap Metal Processing shall be established within 1000 feet of the following Scenic Corridors: South Carolina Highway #9, South Carolina Highway #56, South Carolina Highway #110 (Battleground Road), South Carolina Highway #80 (J. Verne Smith Parkway). Scrap Metal Processing shall be prohibited on or within 1,000 feet of South Carolina Highway #11 (Cherokee Foothills Scenic Highway). No person shall establish, operate, or maintain a Scrap Metal Processing activity, any portion of which is within 1000 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 Zoning Administrator determines that the above-mentioned screening requirements will not produce a result that shields the Scrap Metal Processing activity from view of the interstates set forth herein, the Scrap Metal Processing activity shall be compelled to engage in land grading or the erection of additional screening to the minimum extent required to achieve the desired screening.

There shall be a setback of 200 feet from any surface water bodies that are not a storm water pond.

4.11.40 Health and Safety

Dust, odors, fire hazards, litter and vectors shall be effectively controlled at all Scrap Metal Processing activities so they do not constitute nuisances or hazards.

Open burning on any Scrap Metal Processing site shall be prohibited.

Chapter 12. Waste Management Facilities

4.12.00 Legislative Findings of Fact and Policy Intent

All of the provisions and procedures set forth in this Chapter 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 Chapter 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 Chapter 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 Chapter include, but are not limited to, the following:

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

New DHEC Classifications	Old Classifications
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 Chapter:

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

4.12.10 Definitions

For purposes of this Chapter 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. SCDHEC 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 Chapter.

"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 Chapter, 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 SCDHEC as hazardous waste; radioactive and nuclear wastes; infectious waste generated by a private household; and other such exemption as defined by SCDHEC 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 Chapter, 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 SCDHEC permit-by-rule) be disposed of in an area of one acre or less for a period not to exceed 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.

"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 United States Environmental Protection Agency (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.

When a term is not defined in this Ordinance but is defined in the South Carolina Code of Laws or Regulations, that definition shall apply. Other terms shall carry their customary and ordinary meaning.

4.12.20 Waste Management Facility General Requirements

All Waste Management Facilities shall be subject to the following:

a. 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.

b. All applicants must submit four hard copy sets and one PDF set of the following plans for the specific type of facility being proposed.

   1. Vicinity plan that shows the area within ½ 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.

2. 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.
3. A full set of storm water plans shall be submitted to the Engineering Division of the Public Works Department.
4. 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.

c. If a waste management facility land development application requires South Carolina Department of Health and Environmental Control (SCDHEC) permitting and is "approvable" under this ordinance, the Planning and Development Department will issue a letter to SCDHEC stating that a land development permit will be issued upon receipt of the SCDHEC permit so long as the proposed waste management facility still meets the requirements of this ordinance after obtaining approval from SCDHEC.

d. All required permits and approvals must be obtained from the SCDHEC, as applicable, prior to the County issuing a land development permit.

e. 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.

f. 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)

g. 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.

h. Dust, odors, fire hazards, litter and vectors shall be effectively controlled at all waste management facilities so they do not constitute nuisances or hazards.

i. Open burning at any waste management facility shall be prohibited.

j. Setback measurements shall be made from the nearest point of improvement (including any structure, parking, landfill footprint, etc.) on the subject property. 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.

4.12.30 Solid Waste Landfills

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

4.12.31 Compatibility standards

Each Landfill Operation shall adhere to the compatibility standards covering height regulations, buffers, setbacks, screening, light, and noise as outlined in Chapter 3 of Article 2, except where more restrictive regulations exist in this Chapter or elsewhere in this Ordinance. It should be noted

that one of those standards that requires extra attention during the design of a Landfill Operation are the limits placed on noise. Earthen berms are one of the few methods that will contain the noise on-site at a level that meets the standards contained on this Ordinance.

Noise Containment Plan: To achieve the maximum protection from site-generated noise (i.e., mechanical and engine noise from mechanized equipment and vehicles, etc.), a Noise Containment Plan shall be prepared and submitted for approval. It is recommended that the Plan utilize earthen berms designed and integrated into the existing terrain so that there is a wall of dirt, natural or man-made, separating the source of the noise and all surrounding protected property lines. In all Districts berms must be located beyond the required buffer. They may only encroach into the setback area if doing so achieves a greater degree of noise containment due to the natural shape of the terrain. Such encroachments will be the minimum needed and inward toe of the berm must touch the setback line. Noise at any protected property line is limited to the restrictions as regulated by this Ordinance.

Where an existing residence is located less than 500 feet from the property line of a Landfill activity the following compatibility standards of buffer, setbacks, and screening shall be doubled. Where an existing residence is located between 500 and 1000 feet from the property line of a Landfill activity, those same compatibility standards shall be 1½ times the published requisites.

a. Buffer

In the event that an encroachment appears to be within the buffer area, and/or the buffer area is likely to be encroached unintentionally, the designated buffer area may be required to be clearly delineated by a material approved by the Zoning Administrator.

b. Setbacks

While accessory activities such as driveways and parking can occur within the designated setback, landfill operations may not encroach on any part of the setback area.

c. Screening

1. Class One Landfills may install vegetative or man-made screening materials. However, man-made screening materials must be removed within 60 days of the closure of the site.
2. Class Two and Three Landfills must use natural or landscaped vegetation for screening. The screening requirements do not exclude the use of fencing for safety reasons. Existing natural vegetation shall be left undisturbed in the buffer areas located in all Districts. In the portion of the setback areas beyond the required buffer areas, existing natural vegetation shall also be left undisturbed with the single exception of grading in this area that is necessary to implement the best Noise Containment Plan as required above. However, this exception is allowed only if the vegetative screening requirements of this section can be met.
3. Additional vegetation must be added and existing vegetation altered as necessary to meet the screening requirements and shall be planted in a random manner to replicate natural forest conditions. The vegetation used must include sufficient quantities that are evergreen, drought-tolerant, and disease resistant to ensure that the screening requirements of the Ordinance are met during all seasons of the year.
4. Total road frontage screening is required in all Districts, and the entrance shall be designed such that none of the landfill activity shall be visible from the road.

4.12.32 Access

The chart contained in *Section 2.2.02, Chart of Permitted Access by Road Classification,* designates the road classification necessary to access Landfill Operations.

4.12.33 Driveways

Driveway access to a paved road must consist of a paved apron at least 100 feet in length. Driveway access to an unpaved road must be stabilized in a manner to reduce excessive fugitive dust. Those driveways may also be required to have deceleration and/or acceleration lanes as a part of an encroachment permit from either Spartanburg County or the South Carolina Department of Transportation.

4.12.34 Class One Landfills

a. A Class One Landfill shall accept only trees, stumps and wood chips which have not come into contact with petroleum products or hazardous contaminants.

b. 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.

c. All materials and activities shall be screened in such a fashion as not to be visible from off-site.

d. A Class One landfill shall meet the following setbacks and spacing requirements, along with the standards found in Article 2.

CLASS ONE LANDFILLS **Spacing/Setback Requirements**	
Drinking water well	100 feet
Surface water bodies	100 feet
Utilities	50 feet
Wetlands	Compliance with USACE

e. Upon SCDHEC 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.

4.12.35 Class Two Landfills

a. 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.

b. A Class Two Landfill shall meet the following setbacks and spacing requirements, along with the standards found in Article 2.

CLASS TWO LANDFILLS **Spacing/Setback Requirements**	
Drinking water well	100 feet
Surface water bodies	200 feet
Utilities	50 feet
Wetlands	Compliance with USACE
Airport *	10,000 (Turbojet) 5,000 (Turboprop)
* Requires landfill owner with a landfill within these distances to demonstrate that the landfill does not pose a bird hazard.	

c. Upon SCDHEC 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.

4.12.36 Class Three Landfills

a. The facility shall be enclosed by an 8-foot chain link fence with evergreen screen with a minimum height not less than 8 feet at maturity or a wall structure on all sides visible from streets.

b. 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.

c. A Class Three Landfill shall meet the following setbacks and spacing requirements, along with the standards found in Article 2.

CLASS THREE LANDFILLS Spacing/Setback Requirements	
Drinking water well	500 feet—up gradient 750 feet—side gradient 1,000 feet—down gradient
Surface water bodies	200 feet
Utilities	50 feet
Wetlands	Compliance with USACE
Airport *	10,000 (Turbojet) 5,000 (Turboprop) 6 miles (New Landfill)
* Requires landfill owner with a landfill within these distances to demonstrate that the landfill does not pose a bird hazard.	

d. Upon SCDHEC 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.

4.12.37 Recycling Facilities

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

a. 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.

b. 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.

c. 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.

A Recycling Facility (Indoor) is a facility whose operation is totally contained within a building and that does not deal with hazardous chemicals, produce noxious or foul odors, or produce noise in excess of the requirements of this Ordinance.

Recycling Facilities shall meet the following setbacks and spacing requirements, along with the standards found in Article 2.

RECYCLING FACILITIES Setback and Spacing Requirements	
Drinking water well	100 Feet
Surface water bodies	200 Feet
Rights-of-way	outside of right-of-way without approval from the right-of-way holder
Wetlands	50 feet

4.12.40 Other Waste Management Facilities

4.12.41 Definition

Other Waste Management Facilities shall include Waste Incinerators, Waste Transfer Stations, Waste Processing Facilities, Composting and Wood Chipping/Shredding Facilities, Short-Term Structural Fills, and Infectious Waste Management Facilities.

4.12.42 Setback and Spacing Requirements

All Other Waste Management Facilities except Composting and Wood Chipping/Shredding Facilities shall meet the following minimum setback and spacing requirements, along with the standards found in Article 2.

OTHER WASTE MANAGEMENT FACILITIES Setback and Spacing Requirements	
Drinking water well	100 Feet
Surface water bodies	200 Feet
Rights-of-way	outside of right-of-way without approval from the right-of-way holder
Wetlands	50 feet

4.12.43 Composting and Wood Chipping/Shredding Facilities

Composting and Wood Chipping/Shredding Facilities shall follow the same standards in Article 2 as Class One Landfills.

4.12.44 Short Term Structural Fills

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 and Development 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 Short-Term Structural Fill shall meet the following setbacks and spacing requirements.

SHORT-TERM STRUCTURAL FILLS Spacing/Setback Requirements	
Residential use, education activity, daycare, group assembly (limited), or hospital	100 feet
Property line in a Restrictive Development District	200 feet
Drinking water well	100 feet
Surface water bodies	200 feet
Utilities	50 feet
Wetlands	50 feet
Rights-of-way	Outside of the right-of-way without approval from the right-of-way holder
Between Structural Fills on the same property	500 feet

4.12.45 Infectious Waste Management Facilities

Infectious Waste Management Facilities shall be subject to the following requirements in addition to the general requirements of this Ordinance:

a. In addition to the application requirements described for all waste facilities, infectious waste facilities shall provide to the County upon obtaining SCDHEC approval:

   1. a spill plan;

   2. contingency plans for alternate treatment, storage and/or disposal sites, and

   3. an emergency preparedness and response plan that will be filed with the appropriate emergency service officials and the County's Office of Emergency Management.

b. 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.

c. The facility must be connected to the public sanitary sewer system.

d. Infectious Waste Facilities shall comply with the setback requirements of USACE for facilities adjacent to wetlands.

Chapter 13. Mining Operations

4.13.00 General Provisions

4.13.01 Purpose

The purpose of this article is to address the unique needs of Mining Operations in order that these activities function in a manner that is compatible with the surrounding area.

4.13.02 Jurisdiction

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be developed as a Mining Operation.

4.13.03 Definitions

Minerals are solids, liquids, or gases found in natural deposits on or in the earth, including, but not limited to, soil, sand, clay, gravel, stone, rock, coal, phosphate, metallic ore, petroleum, or natural gas.

Mining Area is the area of land from which overburden or minerals have been removed, or upon which overburden has been deposited, including the location of on-site mineral processing, stockpiles, settling ponds, mining vehicle operation, and active reclamation areas. The mining area does not include land which has been reclaimed, the access road, or earthen berms which are part of County approved noise containment.

Mining includes the extraction, dredging, or removal of minerals for sale, processing, or consumption even if the mining activity is not required to obtain a mining permit from the South Carolina Department of Health and Environmental Control (SCDHEC). It does not include grading, backfilling, plowing, or excavating areas for agriculture or on-site construction, unless the extraction or removal of materials exceeds 25,000 cubic yards or the activity continues for longer than 6 months.

Mining (Limited) includes all mining operations where the mining area does not exceed 5 acres. This activity category does not permit on-site mineral processing, including, but not limited to, milling, crushing, or refining. This activity category does not include chemical leaching of minerals, hard rock quarrying, or blasting.

Mining (Intermediate) includes all mining operations where the mining area does not exceed 25 acres. This activity category permits on-site mineral processing, chemical leaching of minerals, hard rock quarrying, or blasting, provided that the blasting or chemical leaching of minerals meets the compatibility standards of the Mining (Extensive) category.

Mining (Extensive) includes all other mining activities not included within the definition of Mining (Limited) or Mining (Intermediate). This activity category permits on-site mineral processing, chemical leaching, and blasting.

4.13.04 Application of Regulations

Upon the effective date of these regulations, Mining Operations can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming Mining Operations are subject to the provisions found in *Article 8, Nonconformity*.

4.13.05 Zoning Permit

It shall be the sole responsibility of a Mining Operation owner to establish and operate a Mining Operation in accordance with the regulations as set forth in this article. The zoning permit shall be issued on the basis of compliance with all applicable state and local regulations.

4.13.10 Mining Regulations

4.13.11 Adherence to Other Regulations

The Mining Operation regulations contained herein are in addition to any applicable regulations from the South Carolina Department of Health and Environmental Control (SCDHEC) and any other state and federal agencies. If a Mining Operation is regulated by SCDHEC it shall be issued a zoning permit after meeting all zoning requirements and after receiving a mining permit from that

agency. There may be Mining Operations that are governed only by this Ordinance and other regulations of Spartanburg County.

4.13.12 Compatibility standards

Each Mining Operation shall adhere to the Compatibility standards covering height regulations, buffers, setbacks, and screening as outlined in Chapter 3 of Article 2, except where more restrictive regulations exist in this Chapter or elsewhere in this Ordinance. Where an existing residence is located less than 500 feet from the property line of a mining activity the required compatibility standards shall be doubled. Where an existing residence is located between 500 and 1000 feet from the property line of a mining activity, the required compatibility standards shall be 1½ times the published requisites.

a. Buffer

Buffering requirements are defined in *Section 2.3.20, Buffers*.

b. Setbacks

While accessory activities such as driveways and parking and reclamation thereof can occur within the designated setback as defined in *Section 2.3.30, Setbacks*, mining operations may not encroach on any part of the setback area.

c. Screening

1. In all Districts all of the mining activity shall be screened from any neighboring property in accordance with the Chart of Maximum Compatibility standards of *Section 2.3.65*. This shall include, but is not limited to, buildings, structures, stockpiles, overburden storage areas, berms used for noise containment, etc.
2. All Mining Operations must use natural or landscaped vegetation for screening. The screening requirements do not exclude the use of fencing for safety reasons. Existing natural vegetation shall be left undisturbed in the buffer areas located in all Districts. In the portion of the setback areas beyond the required buffer areas, existing natural vegetation shall also be left undisturbed with the single exception of grading in this area that is necessary to implement the best Noise Containment Plan as required in *Section 4.13.16*. However, this exception is allowed only if the vegetative screening requirements of this section can be met.
3. Additional vegetation must be added and existing vegetation altered as necessary to meet the screening requirements and shall be planted in a random manner to replicate natural forest conditions. The vegetation used must include sufficient quantities that are evergreen, drought-tolerant, and disease resistant to ensure that the screening requirements of the Ordinance are met during all seasons of the year.
4. Total road frontage screening is required in all Districts, and the entrance shall be designed such that none of the mining activity shall be visible from the road.

4.13.13 Access Plan

Any new mining operation, or expansion of an existing mining operation creating a new access, shall submit a proposed Access Plan and must receive approval of a Plan from the Zoning Administrator. This Plan shall show the anticipated routing of all truck traffic in compliance with this chapter as well as *Section 2.2.02, Chart of Permitted Access by Road Classification*. Mining (Intermediate) and Mining (Extensive) activities are only allowed access by roads that are paved.

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. 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 Zoning Administrator. This entity may be the South Carolina Department of Transportation, the Spartanburg County Department of Public Works, or a municipality.

4.13.14 Driveways

Driveway access to a paved road must consist of a paved apron at least 100 feet in length. Driveway access to an unpaved road must be stabilized in a manner to reduce excessive fugitive dust. Driveways may also be required to have deceleration and/or acceleration lanes as a part of an

encroachment permit from either Spartanburg County or the South Carolina Department of Transportation.

4.13.15 Hours of Operation

The following hours of mining operation restrictions shall apply:

Mining (Limited)	7:00 a.m. to 7:00 p.m., Monday through Friday
Mining (Intermediate)	7:00 a.m. to 7:00 p.m., Monday through Saturday
Mining (Extensive)	No restriction for hours of operation in a GD District 7:00 a.m. to 7:00 p.m., Monday through Saturday in an RD District

4.13.16 Performance Standards

In addition to the requirements contained in this Chapter, each Mining Operation shall adhere to any applicable Compatibility Performance Standards outlined in *Sections 2.3.70, 2.3.80, and 2.3.90*. It should be noted that one of those standards that requires extra attention during the design of a Mining Operation are the limits placed on noise. Earthen berms are one of the few methods that will contain the noise on-site at a level that meets the standards contained on this Ordinance.

Noise Containment Plan: To achieve the maximum protection from site-generated noise (i.e., mechanical and engine noise from mechanized equipment and vehicles, rock crushing, conveyors, etc.), a Noise Containment Plan shall be prepared and submitted for approval. That Plan must utilize earthen berms designed and integrated into the existing terrain so that there is a wall of dirt, natural or man-made, separating the source of the noise and all surrounding protecting property lines. In all Districts the berms must be located beyond the required buffer. They may only encroach into the setback area if doing so achieves a greater degree of noise containment due to the natural shape of the terrain. Such encroachments will be the minimum needed and inward toe of the berm must touch the setback line. Noise at any protected property line is limited to the following restrictions as regulated by the provisions of *Section 23.83, Maximum Permitted Sound Pressure Levels*.

	Protected Residential Use or Restrictive Development District	**General Development District**
	75dB	85dB
Impact Sound	85dB	95dB

South Carolina Mining Act: The South Carolina Department of Health and Environmental Control (SCDHEC) regulates and monitors all activities governed by the South Carolina Mining Act. Mining Operations shall adhere to these and all other State requirements which address issues such as sediment and erosion control related to mining activities, dewatering/groundwater-related impacts, fugitive dust, surface blasting, etc.

Chapter 14. Sexually Oriented Businesses

4.14.00 General Provisions

4.14.01 Purpose

Whereas County Council is aware of studies done by other cities and counties throughout the United States which document the secondary effects that result from sexually oriented businesses, particularly when those businesses are concentrated together, it is the purpose of this Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the County. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this Ordinance to deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Ordinance to condone or legitimize the distribution of obscene material nor to legalize any form of prohibited or illegal activities.

4.14.02 Description of Sexually Oriented Businesses

Sexually oriented businesses include, but are not limited to: adult arcade, adult bookstore/video store, adult cabaret/nightclub, adult campground/recreational area, adult escort service, adult model studio, adult motel, adult motion picture theater, adult peep show, adult sexual encounter center, adult theater, as defined herein; and any other establishment which contains activities characterized by the performance, depiction, or description of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas." Each sexually oriented business is considered a separate business regardless of ownership and must meet separation requirements.

Adult Arcade. Any establishment to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Bookstore/Video Store. An establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration books, magazines, sexual paraphernalia or instruments, films, motion pictures, video cassettes or video reproductions, slides or other visual representations (whether for viewing off premises or on premises by use of motion picture machines or other image producing devices), periodicals or other printed or pictorial materials which are intended to provide sexual stimulation or sexual gratification to such customers, and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Cabaret/Night Club. An establishment which, as one of its business purposes, offers to customers live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing, or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Campground/Recreational Area. A membership facility which, as one of its business purposes, provides outdoor recreational opportunities to nude or semi-nude participants. This definition does not include Clothing Optional Campground/Recreational Areas which: 1) comply with all state and/or federal requirements that prohibit public indecency; 2) do not provide sexual stimulation or sexual gratification to customers; and 3) do not include "specified sexual activities." Clothing Optional Campground/Recreational Areas must meet all applicable compatibility standards for the principal activity(ies); however, in all cases, total screening must be provided from the road right-of-way and adjoining properties.

Adult Escort/Entertainment Service. A person or business association who furnishes, offers to furnish, or advertises to furnish as one of its business purposes for a fee, tip, or other consideration, private live entertainment which is distinguished by or characterized by an emphasis on depicting,

describing, or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Model Studio. Any place where a person who appears in a "state of nudity" or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.

Modeling studios will not be considered sexually oriented businesses if the person appearing in a state of nudity did so in a modeling class operated:

a. By a proprietary school, licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation; or

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Adult Motel. A hotel, motel, or similar commercial establishment which:

a. Offers accommodations to the public for any form of consideration: provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

b. Offers a sleeping room for rent for a period of time that is less than ten hours; or

c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

Adult Motion Picture Theater. A commercial establishment where, as one of its business purposes, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, for any form of consideration, which are characterized by the depiction or description of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

Adult Peep Shows. A theater which presents materials in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

Adult Sexual Encounter Center. A business or commercial enterprise that, as one of its business purposes, offers for any form of consideration:

a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity; or

c. Sadistic/masochistic flagellation or torture (real or simulated) of one person by another and/or the fettering, binding, or physically restraining of one person by another.

Adult Theater. An establishment, containing a room with tiers or rows of seats facing a screen, projection area, or stage, which, as one of its business purposes, is the exhibition to customers of motion pictures or live entertainment which are intended to provide sexual stimulation or sexual gratification to such customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas."

4.14.03 Definitions

Nudity or State of Nudity. The appearance of a bare human buttocks, male genitals, female genitals, or female breast(s) or the use of opaque material that gives the appearance of less than completely or opaquely covered human buttocks, male genitals, female genitals, or female breast(s).

Semi-Nudity or State of Semi-Nudity. A state of dress in which clothing, or opaque material that gives the appearance of less than completely or opaquely covered human buttocks, male genitals, female genitals, or female breast(s), covers no more than the genitals, pubic region, areola of the female breast, and those portions of the body covered by supporting straps and devices.

Specified Anatomical Areas.

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast areola; or

b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities.

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

c. Masturbation, actual or simulated; or

d. Human genitals in a state of sexual stimulation or arousal; or

e. The fondling, erotic touching or other such contact with an animal by a human being; or

f. Excretory functions as part of or in connection with any of the activities set forth in (a) through (e) above.

4.14.10 Sexually Oriented Businesses Regulations

4.14.11 Location

Sexually oriented businesses shall be located only in accordance with the following:

a. Only in the General Development (GD) District and portions of the Partial Restriction (PR) District which are regulated as a General Development District, provided the business also meets the location requirements for the principal activity to which it is assigned.

b. At least 1000 feet from any residential use, church, day care center, public or private elementary or secondary education school, public park, public library, cemetery, or motion picture establishment which shows G-rated or PG-rated movies to the general public on a regular basis, regardless of jurisdiction.

c. At least 2000 feet from any other sexually oriented business, regardless of jurisdiction. Each sexually oriented business is considered a separate business regardless of ownership.

d. Measurements of distance separation shall be in a straight line from the closest points of the buildings or outdoor areas in which the sexually oriented business activity takes place to either:

1. the closest point of the building in which the residential use, public library, motion picture establishment or other sexually oriented business is located, or

2. the closest point of the property line of a church, day care center, public or private elementary or secondary education school, public park, or cemetery.

4.14.12 Signage and Exterior Decoration/Design

a. It shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign other than as provided herein and in *Article 7, Signs*.

b. Signs and exterior decoration/design shall contain no photographs, silhouettes, drawings, titles, graphic or pictorial representations in any manner of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified anatomical areas," or "specified sexual activities."

c. Each sexually oriented business must display at least one sign, easily discernable prior to entering the establishment, which identifies it as such by using the word "Adult" (for example, "Adult Bookstore," "Adult Cabaret," "Adult Entertainment," etc.).

4.14.13 Permits

a. Sexually Oriented Business Zoning Permits shall be required in addition to Zoning Permits issued for their principal activities.

b. Property owners where sexually oriented businesses are located may not sanction the selection of a lesser buffering restriction as outlined in *Section 2.3.60* if that restriction is applicable to another sexually oriented business.

c. Representatives of the Sheriff's Department, Department of Planning and Development, Department of Environmental Enforcement, Public Safety agencies, or other County departments or agencies shall be allowed to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

d. An application for a Sexually Oriented Business Zoning Permit must be accompanied by a site plan drawn to a designated scale or drawn with marked dimensions. The site plan need not be professionally prepared but must be drawn to an accuracy of plus or minus six inches. The site plan must include information and exhibits as deemed necessary by the Zoning Administrator in order to determine that the proposed use complies with this Ordinance.

e. The fact that a person possesses other types of State or County permits and/or licenses does not exempt that person from the requirement of obtaining a Sexually Oriented Business Zoning Permit.

Chapter 15. Race Tracks and Testing Tracks

4.15.00 Intent and Standards

These activities are generally incompatible with residential development and with many nonresidential uses. To enhance compatibility, the following development standards shall apply:

a. All activities must comply with the noise standards contained in *Section 2.3.80, Noise*, and must fully address those requirements before finalizing a plan for construction.

b. Any activity proposing to use a dirt track must include a plan whereby no dust shall leave the property on which the track is located.

Chapter 16. Apartments

4.16.00 Purpose

The purpose of this section is to address the unique needs of Apartment Developments, in order that they may be considered a safe and healthy residential option to the residents of Spartanburg County.

4.16.10 Definitions

Apartment Development – residential project comprised of Residential Attached Principal Activities.

Residential Attached – a Principal Activity containing three or more dwelling units in a single structure.

4.16.20 Standards

a. All Apartment Developments must contain a minimum of two acres.

b. An Apartment Development containing five or more residences must be lighted at night with electric overhead lamps no more than 400 feet apart along interior streets and within amenity and common areas. Lighting shall be arranged 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.

c. In Apartment Developments containing five or more residences, 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 residences. 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.

ARTICLE 5 – ACTIVITIES requiring SPECIAL EXCEPTION APPROVAL

NOTE: *The activities contained in this Article must undergo a review by the Board of Zoning Appeals as outlined. This requirement is in addition to any applicable standards found elsewhere in this Performance Zoning Ordinance.*

Chapter 1. Extremely Hazardous Materials

5.1.00 Purpose and Jurisdiction

The purpose of this article is to address the unique issues that are associated with the handling of extremely hazardous materials, in order that these activities operate in a manner that is protective of the natural environment and the lives therein and is compatible with the surrounding area.

The regulations set forth herein shall apply to any property located within the jurisdiction of this Ordinance that is now or is proposed to be the location for any activities involving the handling of extremely hazardous materials.

5.1.10 Definitions

Hazardous Materials are any extremely hazardous substances identified in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 40 CFR Part 355 – Appendix A, as amended, which is considered a part of this Ordinance as though copied herein, present in an amount(s) above the Threshold Planning Quantity. The Zoning Administrator shall have the authority to identify explosive substances or materials as extremely hazardous substances/materials based on the particular chemistry, quantity, or irresponsible handling of the substances or materials.

Hazardous Materials Handling includes any activity involving the storage, processing, manufacture, repackaging, or distribution of hazardous materials as defined above.

5.1.20 Scope of Regulations

5.1.21 New Activities

Upon the effective date if these regulations, hazardous materials handling activities can be commenced, developed, or expanded only in accordance with the applicable restrictions contained herein.

In consideration for the public health and safety, as well as potential harm to the environment, nuclear waste and hazardous materials disposal facilities are prohibited from locating new facilities or expanding existing facilities in Spartanburg County.

5.1.22 Existing Activities

Any hazardous materials handling activity lawfully permitted or in existence prior to the effective date of these regulations is not required to meet all of the provisions listed in Sections 5.1.50 through 5.1.80, but are subject to the provisions of Section 5.1.40 and the nonconformity provisions found in *Article 8*.

5.1.30 Zoning Permit

It shall be the responsibility of a hazardous materials handler to establish and operate the activity in accordance with the regulations set forth in this Ordinance. The zoning permit shall be issued on the basis of compliance with these regulations and any other applicable County regulations.

5.1.40 Enforcement

If there is a veritable threat to the health and/or safety of the environment and/or the lives therein, such as repeated releases or discharges of hazardous materials or violation of Federal, State, or County regulations, the Zoning Administrator may seek injunctive relief in Circuit Court to require the operation to cease immediately. Such action shall only be taken after consultation with the County Administrator, County Attorney, and Council Chairman, or in his absence, Vice-Chairman.

5.1.50 Adherence to Other Regulations

All activities defined as hazardous materials handling must also be declared to be one of the other principal activities listed in *Article 2, Chapter 1, Schedule of Permitted Uses*. That declaration will establish the minimum restrictions and standards that must be met for compliance with this Ordinance.

5.1.60 Special Exception Review

5.1.61 A request for a permit for hazardous materials handling activities will require special exception approval from the Board of Zoning Appeals. The basis for such approval is a demonstration by the hazardous material handler that the owner/operator can operate in a responsive and responsible manner that is protective of the natural environment and the lives therein. Special exception approval may be given upon a finding by the Board that the hazardous material handler can meet the following criteria:

a. As demonstration of responsible hazardous material handling, a hazardous material inventory and management plan will be in place for the duration of the hazardous material use, to include the handling, storage and/or manufacture of the substance(s);

b. The surrounding properties can be reasonably protected from the flammable, explosive, toxic, corrosive or other potentially damaging characteristic(s) of the hazardous material(s) through appropriate compatibility standards;

c. For the protection of the surrounding environment and the lives therein, a safety and emergency response plan will be operational during the life of the activity;

d. As evidence of responsible business practice, the hazardous material handler has reasonable liability insurance coverage, based on the typical insurance coverage of a hazardous material handler with similar risk; and

e. Demonstration that the individuals who will be responsible for the operational decision making at the local site, to include plant design and daily operations, can be reasonably expected to design or operate the hazardous materials handling activity with a low risk of endangerment to the surrounding environment or the lives therein.

5.1.62 For the Board to rule on a hazardous materials handling special exception request based on these criteria, the following information must be submitted for consideration with the application:

a. A copy of the Hazardous Materials Inventory Statement and a Hazardous Materials Management Plan as defined in either Appendix C, Standard Fire Prevention Code, as amended, and/or Tier II, Hazardous Chemical Inventory Form as required by the South Carolina State Emergency Response Commission (SERC);

b. Detailed site plan of the hazardous materials handling activity showing all of the property on which it is to be located and the relationship with all surrounding property. This plan must show the compatibility standards being proposed to ensure that the activity is totally compatible with the surrounding area;

c. Detailed safety and emergency response plan including those elements required by the Title III: Emergency Planning and Community Right-to-Know Act of the Superfund Amendments and Reauthorization Act of 1986 (SARA);

d. Evidence of liability insurance coverage that would reasonably be expected of the hazardous material handling activity, based on the typical insurance coverage of a hazardous materials handler with similar risk;

e. Names of any owners, investors, employees, or subcontractors who will be responsible for operational decision-making for a Spartanburg County hazardous material activity site, to include plant design and daily operations, who have been convicted of a criminal violation regarding the handling of hazardous materials or have demonstrated a pattern of negligence in the handling of hazardous materials;

f. For the purpose of providing independent additional and/or clarification of information to the Board regarding the desired hazardous material handling activity, the applicant may submit names of recognized independent experts or any additional information the applicant deems necessary to support his application; and

g. The County shall have the option of having its own independent expert review the materials submitted by the applicant and offer an opinion as to the adequacy of the materials to the Board of Zoning Appeals.

5.1.70 Compatibility Standards

Hazardous materials handling activities must first meet all of the restrictions and standards as required by this Ordinance for the appropriate principal activity classification. Any special exception approval by the Board of Zoning Appeals for the handling of hazardous materials must include a plan for the minimum additional compatibility standards if necessary for the responsible operation of that particular activity.

5.1.80 Operational Requirements

5.1.81 All hazardous materials handling activities are required to comply with all of the applicable sections of the Standard Fire Prevention Code.

5.1.82 All hazardous materials handling activities are required to comply with all of the applicable sections of Title III: Emergency Planning and Community Right-to-Know Act of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

5.1.83 Hazardous materials handling activities are not allowed to operate without annual proof of liability insurance coverage.

ARTICLE 6 – LANDSCAPE and OPEN SPACE

Chapter 1. General Provisions

6.1.00 Purpose

The purpose of this article is to protect and enhance the character, appearance, and image of Spartanburg County through attractive and creative landscape design and open space; to enhance land-use compatibility through proper use of vegetation and open space as transition areas and screening; and to preserve scenic corridors while balancing the needs and demands of a quickly developing community.

6.1.01 General Intent

Improving the aesthetics of thoroughfares and other public spaces contributes to the general welfare, prosperity, and pride of a community, while assisting in the promotion of harmonious activities.

The following landscape options are established in order to assist in the preservation and enhancement of existing vistas; provide shade; improve appearance; break up large expanses of impervious surfaces; improve ground water discharge; promote air purification and oxygen regeneration; and to promote adequate light, air, and open space for the citizens of Spartanburg County and its visitors.

It is the intent of this Article to encourage creativity and good practice in design, as well as flexibility in the application of design standards, by placing emphasis on the use of a variety of elements and diverse plantings to achieve the desired results.

6.1.10 Scope of Regulations

Except as otherwise stated in Chapters 3 and 4 of this Article, the regulations set forth herein shall apply to all Residential Attached dwelling unit developments and all nonresidential developments with the exception of the following development conditions and activities:

a. Any public road construction or utility construction project, except as described in Chapter 2 for Service Areas/Utilities.

b. Any land used for Crops and Animal Operations. However, processing areas and buildings, transport and warehousing, and retail or wholesale activities related to Crops and Animal Operations are not exempt from the terms of this Ordinance. *Section 6.1.80, Clearcutting,* further defines the exemptions allowed for timber harvesting.

c. Advertising signs

6.1.20 Definitions

Activity – The performance of a function or operation which constitutes the use of the land; specific activities referred to in this Article shall be considered as defined in this Performance Zoning Ordinance.

Berm – A hill or slope (man-made or natural) which represents a change in elevation and serves as a screening tool.

Bio-retention Pond – A structure that utilizes soils and woody and herbaceous plants to remove pollutants from stormwater runoff.

Caliper – The diameter of nursery stock, taken at six inches above ground for up to and including 4-inch caliper size and 12 inches above ground for larger sizes.

Critical Root Zone – A protection zone measured as one foot in radius around a tree for every one inch in diameter (D.B.H.) of the tree.

Diameter Breast Height (D.B.H.) – The accepted measurements of established trees in the ground is their diameter at breast height, measured at 4½ feet above grade. To obtain the D.B.H., measure the circumference of the tree in inches and divide by 3.14 (pi).

Groomed Condition – A manicured, adorned, prepared, or otherwise formally landscaped setting; not in a natural state.

Landscape Administrator – The County official assigned to administer, interpret, and enforce this Landscape and Open Space Article. This responsibility could also be assigned to the Zoning Administrator.

Road Frontage – Area of land adjacent to a road right-of-way.

Tree – Any hard-wooded perennial plant, whether coniferous or deciduous, of a species which normally reaches a height of eight feet or more at maturity.

Tree, Canopy – Any single- or multi-stem tree of a species which normally reaches a height of 30 feet or more at maturity.

Tree, Understory – Any single- or multi-stem tree of a species which normally reaches a height of between 8 and 30 feet at maturity.

Trophy Tree – A tree of significance due to its size, relative to its species. See Appendix.

Underbrush – Naturally occurring vegetation and vines that are not necessarily shrubs or trees.

Vision Clearance Triangle – As described in *Section 2.2.11, Vision Clearance,* of this Ordinance.

6.1.30 Pre-Development Activity

a. The appropriate Land Disturbance Permit(s) must be obtained from the Engineering Division of the Spartanburg County Department of Public Works if it is required prior to the removal of any stumps, root systems, or stabilizing vegetation.

b. Landscape and Open Space Plans are required as part of the review process. The Plans must demonstrate how the developer will meet the requirements of this Article as well as show various existing conditions that relate to these Plans.

6.1.40 Planting and Maintenance

a. To the extent needed, a Landscape and Open Space Plan should address the location of excavation for activities such as utilities to avoid root damage to trees being preserved or planted.

b. There shall be no construction, paving, grading, trenching, digging, excavation, operation of equipment or vehicles, cement rinsing, chemical usage or storage of materials within the critical root zone of any tree being preserved.

c. All newly planted trees and shrubs shall be mulched evenly around each individual plant and extend to the dripline, but no less than a 4-foot radius from the trunk of the tree or shrub. The mulch should be two to three inches in depth. Group plantings, including shrubbery, should also be mulched. Natural areas with groupings of trees that are preserved to meet provisions of this Ordinance do not require mulch; however, individual trees that are protected will require mulch. The mulched areas shall also be maintained.

d. New trees and preserved trees must be properly maintained. Any trees required by this Ordinance that die must be replaced within 60 days, however that time can be extended by the Landscape Administrator based on the climatic and planting conditions of the season, or other unusual conditions.

6.1.50 Species Selection

a. The Landscape Administrator shall approve the number, type, size, and location of all trees required by the Ordinance. This shall be accomplished in a manner that promotes creativity and variety in design, height, texture, and color and that discourages single rows of identical plantings, with the exception of street trees along major road corridors which may have to be planted or retained in a single row. When applicable, required landscaping shall replicate the surrounding natural conditions.

b. Tree specimens proposed for planting shall be hardy for the particular soil and climate conditions they will encounter and located in such a manner as to encourage mature growth.

c. The minimum required caliper of trees to be planted shall be 12 feet tall and 2-inch caliper for canopy trees and six feet tall for understory trees, with no minimum caliper for understory.

d. The thinning of understory trees and other vegetation within a development may be approved or required by the Landscape Administrator to encourage the healthy maturation of preferred trees.

e. Except as otherwise provided for within this Ordinance, all trees identified as trophy trees shall be considered as possible candidates for preservation. This requirement involves identifying trophy trees that can easily be included in future development plans as value-added amenities. It is not the intent of this Article to require the preservation of every trophy tree on a piece of property or to imprudently leave isolated trophy trees that are not good candidates for long-term survival. The Appendix of this Ordinance contains the criteria for trophy trees, including a list of those trees that are not considered worthy of protection regardless of size.

f. To encourage diversity and flexibility of design, no more than 40 percent of any one species can be used for new tree plantings in the overall development plan.

g. The selection of trees to be planted to meet the specific requirements this Article should be limited to native species, in order to help assure hardy and mature growth. In order to limit the potential for maintenance problems and poor growth, hybrids, non-native species, and aggressive or invasive species should be avoided, as well as species outside their normal range.

6.1.60 Location

a. The provisions of this Article are not intended to create a conflict with signs or entrances to any residential or nonresidential development. All signs and entranceways should be designed and located in such a manner as to be enhanced by the landscaping requirements and existing vegetation. All locations of signs and driveways must meet the requirements of this Performance Zoning Ordinance.

b. Trees, planted or raised islands, berms, shrubs and service areas shall be placed outside the vision clearance triangle at any intersection with a road right-of-way, with the full mature size of the plant being taken into account. In addition, these features shall be located in such a manner as to not create a vision hazard for those citizens navigating internal travel lanes, driveways, and parking lots. Regular maintenance of these features to ensure a clear line of sight is required.

c. The presence of underground or overhead utilities shall be taken into consideration when determining the type and placement of required trees.

6.1.61 Exceptions to Location Requirements

a. In the event that a trophy tree is located on a lot within the proposed building footprint and no reasonable redesign of the building to preserve the tree can be identified, the Landscape Administrator has the authority to allow the trophy tree to be removed.

b. Within the development process, any tree that is hazardous to public health, safety, or welfare shall be removed, to include trees identified as trophy trees.

6.1.70 Planting Islands

All planting islands must be designed with a minimum 160 square feet of pervious area for each tree. Each tree trunk in a planting island must be at least four feet from any impervious area, to include curbing.

6.1.80 Clearcutting

Silviculture is the science of managing the establishment, growth, composition, and quality of forest vegetation for the full range of forest resource objectives, which often include wildlife, water, recreation, aesthetics, etc. Stands of trees and forests are sometimes managed purely for timber where clearcutting is often practiced to regenerate certain species that require sunlit conditions. Even in a silvicultural planned clearcut, virtually all trees may be removed to achieve the environment desired, including certain light and soil conditions.

Any forestry activity on forestland, that meets the requirements defined under Section 48-23-205 of the South Carolina Code of Laws, does not require a review by the Landscape Administrator. However, any clearcutting associated with development must comply with the requirements of the Spartanburg County Storm Water Management Ordinance and Stormwater Management Design Manual.

6.1.90 Certificate of Occupancy and Performance Surety

The improvements shown on any approved Landscape and Open Space Plans shall be installed or planted before a final certificate of occupancy is issued. Based on climatic and planting conditions of the season or other unusual conditions, the installation of portions of the landscape material may need to be delayed. To accommodate such a situation where the planting cannot be completed prior to the opening of the development, Spartanburg County may accept an Irrevocable Letter-of-Credit and Agreement, with surety and conditions satisfactory to it, guaranteeing the installation of the required improvements within a specific period of time expressed in the Agreement.

The nature of the surety and procedures shall be as determined by the County to ensure that, in the event of default by the permittee, funds will be available to install the required improvements at no expense to Spartanburg County. Acceptable surety includes letter-of-credit, cash, certified check, or other instruments readily convertible to cash.

6.2.10 Land Use Compatibility

6.2.11 Purpose

To meet the demands of the consumer in both the residential and nonresidential marketplace, there are often land uses located adjacent to or in the proximity of one another that are not necessarily compatible. The following requirements are set forth both to address privacy and aesthetic considerations, as well as minimize the effects of differing or incompatible land uses through the use of vegetated transition areas, screening, and noise control. Design considerations will include the visibility between such uses, existing topography, and existing natural elements. The design review process will encourage creative site design, building design, and building arrangement.

6.2.12 Application

This section shall apply where there is a buffer requirement in Article 2 of this Ordinance.

6.2.13 Pre-Development Activity

There shall be no clear-cutting or other removal of vegetation within any buffer required by this Ordinance without the submission of a clearing plan for approval by the Landscape Administrator.

6.2.14 Handling of the Buffer Area in a Grading Plan

Grading plans submitted for developments involving a buffer area or screening should consider saving any existing vegetation that can help meet the requirements of this Ordinance. To assist in making this determination, all grading plans must include the location of any buffer areas or screening required by Article 2.

6.2.15 Preservation Within Buffers

a. Except as otherwise provided for in this Ordinance, there shall be no removal of canopy and understory trees within any buffer without the submission of a clearing plan for approval by the Landscape Administrator.

b. Where there are not sufficient existing trees, or where topography requires encroachment into the buffer during the development process, trees shall be planted or re-planted within the buffer at a minimum average of at least one canopy tree per 40 feet along the linear distance of the buffer area roughly parallel to the protected property line.

c. Where overhead utilities exist or are planned, or where space restricts the use of canopy trees, understory trees may be substituted at a replacement density of 2 understory trees for each canopy tree.

6.2.20 Parking Lots

6.2.21 Purpose

Parking lots are a natural product of most land use activities. The intent of this section is not to fully screen or hide them from view, but to enhance their appearance, break up vast flat visual expanses, provide shade, promote air circulation, and reduce stormwater runoff.

6.2.22 Design Requirements

A parking lot design shall be included in the landscaping plan submitted to the Landscape Administrator as part of the review process.

6.2.23 Islands

Parking lots that are designed with planted or raised islands shall design the location of the islands to not interfere with the opening of car doors in adjacent spaces.

6.2.24 Trees

a. All parking lots with greater than twenty surface parking spaces must include the use of large canopy trees throughout the parking area. Each space must not be greater than 75 feet from the

trunk of a tree. Trees shall be provided at a minimum average density of one tree per every 15 spaces.

b. Where overhead utilities exist or are planned, understory trees may be substituted instead of large canopy trees, at a replacement density of two understory trees for each canopy tree.

c. The requirements of this section shall apply only to the perimeter of a parking lot greater than 10,000 square feet that is used as a display/storage area for nonresidential development (i.e., automotive, boat, and craft dealerships; truck terminals; etc.). The permit applicant may choose to not follow the requirements of this Section on the interior portion of such display/storage areas.

6.2.30 Service Areas and Utilities

6.2.31 Purpose

This Section is intended to safeguard the public from the dangers of attractive nuisances, improve community appearance, and minimize noise associated with the operation of service areas and maintenance of utilities while recognizing the necessity of service areas for public health, welfare, and personal conveniences.

6.2.32 Application

a. The requirements of this Section shall apply to all service areas, equipment, and structures related to garbage collection, utilities, and communication, as well as all detention and retention ponds, or other similar stormwater holding areas.

b. This Section shall not be construed to deny access by vehicles and equipment to service areas or for maintenance of detention and retention ponds.

6.2.33 Service Areas and Utilities

a. Service areas and equipment/structures related to garbage collection, utilities, and communication must be screened from view from public rights-of-way and adjoining property through the use of landscaping, berming and/or fencing, or a combination thereof.

b. All garbage collection sites and containers shall be shielded on all sides by screening that is 100 percent opaque and at least one foot higher than the item. One side may remain open to accommodate receptacle pick-up, provided the open side is positioned to have the least visible impact on surrounding properties and roads. Nothing in this provision implies or allows non-compliance with the maximum permitted noise levels as found in this Ordinance.

c. Non-power utility fixtures, substations, and exposed metal cabinets greater than five feet in height shall be screened from view from any private or public street and from adjoining developed property to the extent practicable after consideration of proper equipment operation, code compliance, security, access, and maintenance.

6.2.34 Detention/Retention Ponds

a. Detention and retention ponds, or other holding areas that are part of a storm/surface water system, should be enhanced as an amenity of the development.

b. Unless designed as an integral part of a landscape plan or features as an amenity (i.e., water features in a wet bottom basin or recreation space in a dry bottom basin), all detention ponds, retention ponds, or other similar holding areas shall be screened from view from any existing or future private or public street and from adjoining property.

c. Bio-retention ponds will be considered to have met the additional landscape requirements noted in this Section.

d. The development of any storm/surface water system shall be in accordance with the provisions of the Spartanburg County Storm Water Management Ordinance, to include the requirement of fencing for safety purposes.

6.2.35 Screening

The use of vegetation for screening is strongly encouraged; however, if fencing or a wall is used for screening of service areas, utilities, or ponds, at least 50 percent of the structure shall be softened

with shrubbery or other vegetation. The vegetation must be placed on the outside of the screening structure. Access and room for maintenance must be incorporated into the design and placement of the structure and subsequent vegetation.

6.2.40 Building Design

6.2.41 Purpose

Landscape features are typically used to visually improve large expanses of concrete or other building materials, mask blandness and blank walls, and compensate for a lack of architectural elements. This Section recognizes that good building design and placement can also accomplish this, thus turning landscape features into merely a frame or enhancement of the building.

6.2.42 Application

a. Nonresidential, except for agricultural, and Residential Attached activities shall have all facades visible from the road and less than 500 feet from the right-of-way designed or landscaped in accordance with this Section.

b. Where it is determined by the Landscape Administrator that a building is designed to have all visible facades architecturally enhanced (coining, window treatments, lighting features, etc.), landscaping will not be a requirement. However, this does not exempt this activity from the requirements of *Section 6.2.20, Parking Lots*, or *Section 2.3.40, Screening*.

6.2.43 Design Elements

a. Developments whose buildings include great expanses of unadorned, blank walls shall include additional vegetation to enhance those walls, but the vegetation does not have to screen these walls. Landscape elements can be of varying heights, textures, and number with at least one tree-size element every 30 feet.

b. Acceptable architectural elements in lieu of landscaping shall relate to surrounding building materials and scale.

c. Trees should not be located so close to any buildings that their root systems and branches represent a hazard to the structure.

6.2.50 Road Corridors

6.2.51 Purpose

It is recognized that a number of thoroughfares in Spartanburg County have lost their natural canopies and scenic qualities due to development and road widening projects. It is important then, to the greatest extent practical, that trees in public spaces along the main byways through the community be preserved or reestablished.

6.2.52 Identification of Road Corridors

Any road identified as an Arterial, Collector, or Local Road by this Ordinance shall be considered a road corridor. When the Road, and/or its right-of-way, is located within the boundaries of a municipality, the provisions of this Section shall still apply if the parcel is located in the unincorporated portion of Spartanburg County. Where any road corridor or portion thereof is also identified as an Appearance Corridor, the requirements of *Chapter 3, Appearance Corridor Protection*, shall prevail.

6.2.53 Pre-Development Activity

Recognizing that in some instances lot-clearing and replanting may be the most cost-effective method of development, and that some existing trees are not suitable or desirable as street-frontage trees, developers are encouraged to identify those trees along road corridors that may be preserved during the clearing and development process. The Landscape Administrator may approve preservation of trees in lieu of or in combination with specific re-planting efforts.

6.2.54 Trees

a. Street frontage trees shall average at least one canopy tree per 40 feet of frontage, or portion thereof. Existing trees may be used to meet this requirement.

b. Street frontage trees shall be set back at least 10 feet, but not greater than 20 feet, from the assumed road right-of-way as established *Section 2.3.30, Setbacks,* of this Ordinance.

c. Where overhead utilities exist or are planned, or where space restricts the use of canopy trees, understory trees may be substituted at a replacement density of 2 understory trees for each canopy tree.

d. It is very important that signs and driveways associated with developments along road corridors be very visible. Their locations as part of the development shall take into account the required addition of trees and be placed in a manner so as not to be obstructed by the required street frontage trees.

Chapter 3. Appearance Corridor Protection

6.3.00 Purpose

Certain roads in the County, or portions thereof, may be identified because of their unique character, to include the existence of long-standing natural tree canopies. These scenic roads have an important role in environmental quality, sense of community and history, and economic development. Development along these corridors shall be designed with the principal purpose of either accommodating and preserving existing tree canopies or creating an enhanced tree canopy. Other roads may also be identified to implement a higher standard of appearance criteria in the built portion of the environment. The intent of this Ordinance is not to prohibit extensive development along these corridors, but to either retain or create a unique character in the process of development.

6.3.10 Identification of Appearance Corridors

a. The identification of Appearance Corridors must be approved by the Spartanburg County Council after recommendations from the County Planning Commission. Appearance Corridors may be removed or added by the same process with a list of these Corridors maintained in the Appendix of this Ordinance.

b. Those roads designated as Appearance Corridors will carry the extension S1, S2, or S3 after their road classification as created by this Ordinance (e.g., A/S1, C/S1, or L/S1).

c. When an Appearance Corridor, and/or its right-of-way, is located within the boundaries of a municipality, the provisions of this Chapter shall still apply if the parcel is located in the unincorporated portion of Spartanburg County.

6.3.20 Scope of Regulations

This Chapter shall apply to activities as outlined in *Section 6.1.10, Scope of Regulations*. Additionally, the following residential activities shall also be required to follow these requirements for Appearance Corridor Protection:

a. Residential subdivisions that have lots developed with frontage on an Appearance Corridor. The requirements of this Chapter shall not apply if the portion of a residential lot that fronts the road is the front yard of the residence.

b. Manufactured Home Parks.

6.3.30 Pre-Development Activity

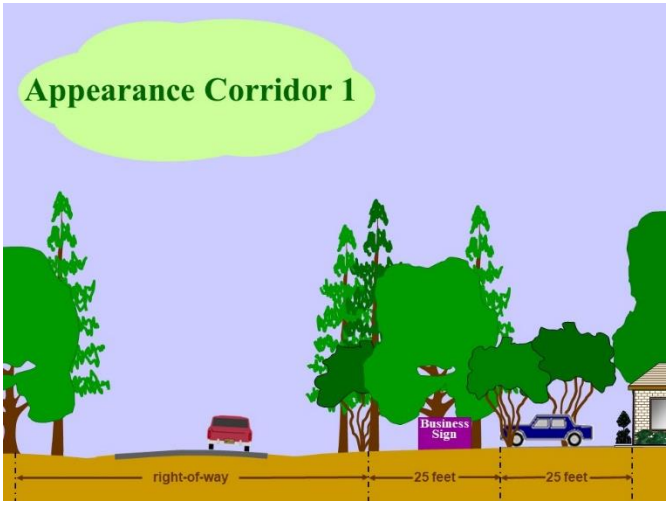
There shall be no clear-cutting, timbering, or other removal of canopy trees or understory trees within 50 feet of any existing right-of-way along an Appearance Corridor 1 or 2 without the submission of a clearing plan for approval by the Landscape Administrator.

6.3.40 Preservation and Application Requirements

Appearance Corridor 1

a. Where a road has been designated as an Appearance Corridor 1, the Architectural Design Standards located in *Section 2.3.51, Minimum Nonresidential Standards*, and the additional requirements located in *Section 7.7.50, Business Signs on Appearance Corridors*, shall apply.

b. Except as otherwise provided for in this Article, there shall be no removal of canopy and understory trees within the first 25 feet along an Appearance Corridor 1. The only development allowed within the first 25 feet behind the road right-of-way shall be a sign and an entrance driveway regardless of any specific buffering requirements of this Performance Zoning Ordinance.



c. Within the area 26 to 50 feet deep along an Appearance Corridor 1 parking is allowed. Existing canopy trees with a D.B.H. of 8 inches or greater and any understory trees with a D.B.H. of 4 inches or greater, shall be preserved where possible in the design of a parking lot in that area.

d. Groomed conditions, and natural conditions may be utilized within the area 26 to 50 feet deep along a Appearance Corridor 1 to augment any preserved trees.

e. Where the imposition of a 50-foot zone represents greater than 20 percent of the area of a parcel, as platted prior to the enactment date of this Ordinance, the combined natural and landscaped zone may be reduced from 50 feet to 20 percent of the parcel area. This reduced area shall be proportionately shared between the natural conditions and other uses as described above.

f. Where there is a significant break or gap in an existing tree canopy along an identified Appearance Corridor 1, the following procedures shall apply:

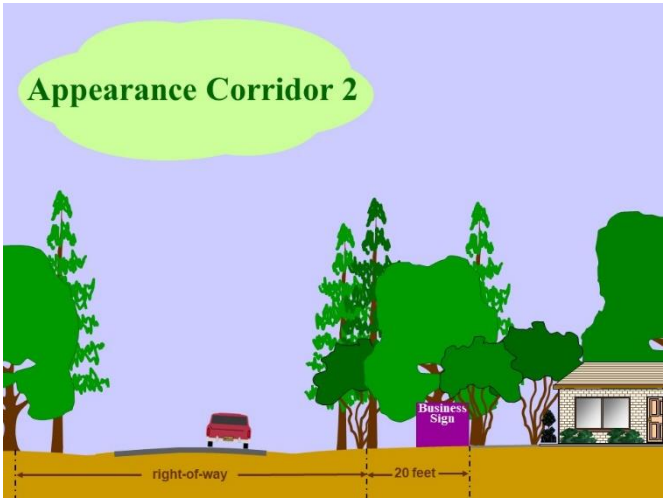
1. There are no requirements if the only development in the first 50 feet is an access driveway and/or sign and all other development is over 500 feet from the right-of-way.

2. If there is development in the first 500 feet, the first 25 feet shall be preserved in as natural a condition as possible with an opportunity for the area to re-vegetate naturally in a manner similar to other portions of the Corridor. Where there are no substantial trees in this area or gaps in the existing vegetation, street frontage trees (as described in *Chapter 2, Road Corridors*) shall be planted to supplement and enhance the existing natural vegetation.

Appearance Corridor 2

a. Where a road has been designated as an Appearance Corridor 2, the Architectural Design Standards located in *Section 2.3.51, Minimum Nonresidential Standards*, and the additional requirements located in *Section 7.7.50, Business Signs on Appearance Corridors*, shall apply.

b. Except as otherwise provided for in this Article, there shall be no removal of canopy and understory trees within the first 20 feet along an Appearance Corridor 2. The only development allowed within the first 20 feet behind the road right-of-way shall be a sign and an entrance driveway regardless of any specific buffering requirements of this Performance Zoning Ordinance.



c. Where the imposition of a 20-foot zone represents greater than 20 percent of the area of a parcel, as platted prior to the enactment date of this Ordinance, the appearance zone may be reduced from 20 feet to 20 percent of the parcel area.

d. Where there is a significant break or gap in an existing tree canopy along an identified Appearance Corridor 2, the following procedures shall apply:

1. There are no requirements if the only development in the first 20 feet is an access driveway and/or sign and all other development is over 500 feet from the right-of-way.

2. If there is development in the first 500 feet, the first 20 feet shall be preserved in as natural a condition as possible with an opportunity for the area to re-vegetate naturally in a manner similar to other portions of the Corridor. Where there are no substantial trees in this area or gaps in the existing vegetation, street frontage trees (as described in *Chapter 2, Road Corridors*) shall be planted to supplement and enhance the existing natural vegetation.

Appearance Corridor 3

Where a road has been designated as an Appearance Corridor 3, the Architectural Design Standards located in *Section 2.3.51, Minimum Nonresidential Standards*, and the additional requirements located in *Section 7.7.50, Business Signs on Appearance Corridors*, shall apply. However, the additional requirements of this *Chapter 3, Appearance Corridor Protection*, and *Chapter 4, Open Space*, shall not apply. Instead only the basic landscaping requirements of *Chapter 1, General Provisions*, and *Chapter 2, Landscaping*, of this *Article 6, Landscaping and Open Space*, shall apply.

6.3.50 Signs and Entranceways

Proper preservation of Appearance Corridors is compatible with the economic feasibility and visibility of development. The placement of signs and entranceways along an Appearance Corridor shall be designed in such a manner as to minimize the impact on preserved trees but shall comply with all placement requirements of this Performance Zoning Ordinance.

6.3.60 Additional Zoning Requirements

Where there is an Appearance Corridor designation, additional restrictions are contained in this Performance Zoning Ordinance in *Article 7, Signs;* in *Chapter 4, Open Space of this Article;* and in *Section 2.3.50, Architectural Standards*.

Chapter 4. Open Space

6.4.00 Purpose

Improving the quality of all development activities, whether residential or nonresidential, contributes to the general welfare, prosperity, and pride of the County. If the preservation of open space is involved, there is the opportunity to mitigate potential environmental problems and promote a healthier and more livable community.

The following open space requirements are established in order to preserve and enhance existing vistas; improve appearance; offset the environmental impact of large expanses of impervious surfaces; improve ground water recharge; and promote adequate light, air, and open space for the residents of and visitors to Spartanburg County.

It is the intent of this Chapter to encourage creativity in layout design by being as flexible as possible in the application of these open space standards.

6.4.10 Application of Open Space Requirements

The purpose of this Chapter is to provide guidelines for the establishment of suitable and useable open space within all proposed residential development. However, these requirements do not apply to Multi-Dwelling Unit Development with less than 25 dwelling units, Manufactured Home Parks with less than 15 dwelling units, and Residential Subdivisions with lot sizes of 25,000 square feet or greater or which have less than ten lots. These requirements also apply to Campgrounds and Recreational Vehicle Parks with more than 15 sites.

6.4.20 Quantity and Definition of Open Space

At least 10 percent of the total gross land area of the subdivision or development shall be designated as open space. The following shall be counted toward this minimum open space requirement provided they are actually set aside on property separate from the subdivision parcels:

a. Natural features (riparian areas, wetlands, natural ponds, streams, wildlife corridors, etc.), natural hazard areas (floodplains, floodways, etc.), and land area occupied by Low Impact Development (LID) stormwater devices;

b. Land designated as open space as a result of the Appearance Corridor Chapter of this Article;

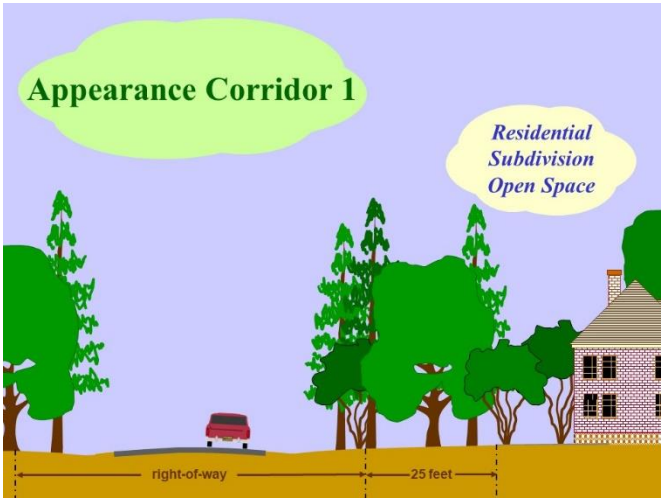
c. Land occupied by landscaped buffers or landscaped common areas; and,

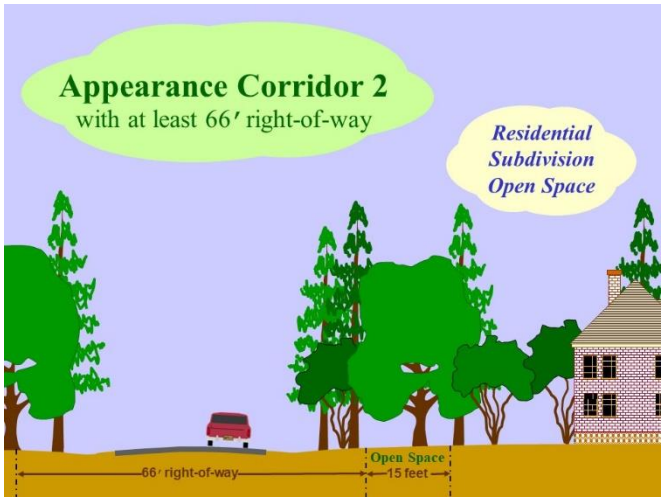
d. Land occupied by active and passive recreational uses such as playgrounds, jogging trails, and ball fields. However, this category of open space can only encompass up to 50 percent of the required open space.

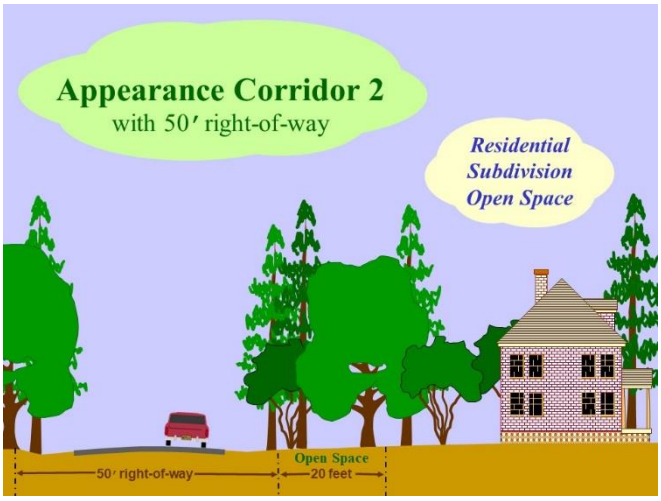
6.4.30 Location

Where relevant and appropriate, open space shall be located so as to be readily accessible with at least 50% of the open space useable by the residents. If possible, a portion of the open space should provide a focal point for the subdivision, preferably at the entrance.

On Appearance Corridor 1s, at least the first 25 feet from the road right-of-way shall be designated as open space. On Appearance Corridor 2s with at least 66 feet of right-of-way, at least the first 15 feet from that right-of-way shall be designated as open space. On Appearance Corridor 2s with only 50 feet of right-of-way, at least the first 20 feet from that right-of-way shall be designated as open space. These distances shall be measured from the assumed road right-of-way as established *Section 2.3.30, Setbacks,* of this Ordinance if that width is greater than the existing right-of-way.







6.4.40 Configuration

The open space shall use contiguous and compact design elements where possible. These spaces, where applicable, should be interconnected with trail systems, buffer areas, appearance corridors, natural features, or portions of the stormwater management system.

Where open areas, trails, parks, or other public spaces are planned or exist adjacent to or within the subdivision, the open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the existing area.

To the maximum extent practicable, the open space should be located and organized to include, protect, and/or enhance as many of the following open areas and features as possible:

a. Natural features (riparian areas, wetlands, natural ponds, streams, wildlife corridors, steep slopes, etc.), natural hazard areas (floodplains, floodways, etc.), stormwater features (drainage channels, ditches, ponds, etc.), and land area occupied by Low Impact Development (LID) stormwater management devices;

b. Areas containing groupings of mature and younger trees with the potential to develop into a forest ecosystem.

c. Landscaped buffers or visual transitions between different types or intensities of uses; and,

d. Habitat and corridors for wildlife species.

Where the open space is adjacent to an Appearance Corridor it may be cleared of existing understory and canopy trees only if there is an extensive landscaping and/or berming plan for that area.

6.4.50 Access

Open space shall either front on the road right-of-way within the subdivision or development or shall have a minimum 20-foot-wide strip of land between lots or along property lines that provides access to the open space. This access area must be useable by pedestrians and shall be counted toward this minimum open space requirement.

Motorized vehicles such as motorcycles or all-terrain vehicles shall not be allowed access to the designated open space.

6.4.60 Abandonment of Golf Courses

The purpose of this section is to provide guidelines for the establishment of suitable and useable open space within the layout of golf courses, to be utilized only in the event the golf course is abandoned as an activity. These requirements shall only apply where residential lots along fairways were developed in conjunction with the golf course.

6.4.61 Quantity of Open Space

A buffer strip of open space at least 100 feet wide shall be established in each of the required locations.

6.4.62 Location

The open space shall be required to be established where residential uses are a part of the development that contains the golf course and where those uses adjoin the fairways that are part of the golf course portion of the development. The designated buffer strip shall extend along the entire length of the residential property line that adjoins the fairways. This shall include all residential lots regardless of whether the lot contains a house.

Where there is a larger tract of land containing a house adjoining the fairways of the golf course the following shall apply. The residential activity (generally the building envelope) that is more than 300 feet from this property line does not qualify for this open space amenity, and a residential activity that is within 300 feet of, but more than 150 feet from, the golf course qualifies for an open space buffer of 50 feet.

6.4.63 Access

This open space shall either front on a road right-of-way or shall have a minimum 20-foot dedicated right-of-way which extends to a road.

Motorized vehicles other than golf carts, such as motorcycles or all-terrain vehicles, shall not be allowed access to this designated open space.

6.4.64 Use of Open Space

This open space is being required as a buffer area and shall be used for no activities more intense than passive recreation. If there is golf course property not included in this open space requirement which is accessible only through the buffer area, then a single access point will be allowed provided that access follows the shortest route possible and comes no closer than 50 feet to any existing residential property lines.

6.4.70 Ownership of Open Space

Ownership of required open space may be handled in many ways. It may be allowed to be dedicated to Spartanburg County if it is a vital part of a publicly dedicated storm drainage and water quality protection system or a desired public park or recreation facility. It may also be made part of lands owned and managed by a property owners association, provided it is chartered with the Secretary of State for South Carolina. The use of conservation easements is encouraged and may also allow additional ownership options.

ARTICLE 7 – SIGNS

Chapter 1. Purpose

7.1.00 Scope of Regulations

This Article shall apply to all the unincorporated portions of Spartanburg County.

To implement the provisions of this Article in the Partial Restriction District (PR), property within 400 feet of an Arterial Road shall be regulated as if it was in a General Development (GD) District, and all other property shall be regulated as if it was in a Restrictive Development (RD) District.

7.1.10 Intent and Purpose

The purpose of this chapter is intended to accomplish the following objectives:

a. To encourage a high standard for signs to enhance the aesthetic appearance and attractiveness of the community, and to further create an environment that contributes to the ability of the community to attract economic development and growth.

b. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.

c. To minimize distractions and obstructions-of-views that contributes to traffic hazards and endanger the public.

d. To allow for adequate and effective signs for communicating identifications and promoting businesses.

e. In the interest of public safety, the visibility of street name signs, street address information, and address numbers for use by emergency responders (fire, police, and medical) is of preeminent importance and should be considered during the placement of signs covered under this Chapter.

Chapter 2. Definitions

7.2.00 Definitions

Advertising Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided at a location other than on the premises where this sign is located or to which it is affixed. Such signs are sometimes called off-premise signs, and include, but are not limited to, those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

Audible Sign. Signs which emit any sound capable of being detected on a public road or adjoining property.

Awning Signs. See Marquee Signs definition.

Banners. Signs intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, governmental, or corporate organizations.

Business Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided on the premises where the sign is located or to which it is affixed. Such signs shall also include such representations painted on or otherwise affixed to any exterior portion of a business. Business signs are sometimes called on-premise signs.

Canopy Signs. Signs that are erected on a separate, freestanding roof-like covering.

Changeable Copy Signs. Signs on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.

Commercial Center. A commercial complex consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one ownership or management, and generally sharing parking areas and vehicular entrances and exits.

Contractor's Signs. Signs displaying the names of the builders, contractors, architects, engineers, craftsmen, artisans, and similar information erected upon the premises of any work, construction, major repairs, or improvements.

Directory Signs. Any signs listing only the names, uses, or locations of more than one business, activity, firm, professional office, or tenant within a building, group of buildings, or commercial center.

Display Area. That area of a sign including the entire area within a regular geometric shape (square, rectangle, triangle, circle, or semicircle) or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information, or meaning. The display area shall also include any painted portion, whether on a sign or building edifice, that serves as a part or all of a logo or other advertisement for any business product or activity. Frames or structural members not bearing informational or representational matter shall not be included in calculating the display area. For double-faced signs that are relatively parallel (forming an angle of 45 degrees or less) and supported by the same structure, the display area of the sign equals the total display area of the largest face. The display area of other multiple-faced signs equals the total display area of all faces.

Driveway Signs. Signs indicating the direction of travel for driveway ingress and/or egress.

Electronic Message Board. An electrical or electronic sign using digital technology or a pattern of lights to form various words or graphics which is capable of changing copy continuously.

Flag. A piece of durable fabric of distinctive design that is used as a symbol or decorative feature. Pennants do not qualify under this definition.

Flashing Signs. Signs that use blinking, intermittent, or flashing light source.

Freestanding Signs. Signs that are permanently secured in the ground and which are not attached to, supported by, or erected on a building or other structure having a principal function other than the support of such signs.

Illuminated Signs. Signs either internally or externally lighted by an artificial source.

Incidental Signs. Signs used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Marquee Signs. Any signs erected, stenciled, engraved on, attached to, or suspended from a marquee. A marquee is defined as any hood, awning (with or without stanchions), or roof-like structure of permanent construction, which is supported from a wall of a building and projects beyond the building wall, and is generally designed and constructed to provide protection against weather.

Moving Signs. Any sign that has movement caused by means other than the movement of air over the face of the sign or into the body of the sign. See Windblown Signs.

Off-Premise Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, or manufactured, existing, or provided at a location other than on the premises where the sign is located or to which it is affixed. Such signs include, but are not limited to, signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

On-Premise Signs. Any signs, pictorial or otherwise, regardless of size or shape, which direct attention to a business, commodity, attraction, profession, service, or entertainment conducted, sold, offered, manufactured, existing, or provided on the premises where the sign is located or to which it is affixed. Such sign shall also include such representations painted on or otherwise affixed to any exterior portion of a business. See Business Signs.

Pennants. Any lightweight plastic, fabric, or other material, regardless of shape, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move with the wind.

Political Campaign Signs. Signs announcing candidates seeking public office or relating to any election or public referendum.

Portable or Moveable Signs. Any signs, which rest upon, but are not attached to the ground, a structure, a frame, building, or other surface. Such signs include, but are not limited to, the following: trailer signs, signs mounted to and/or displayed from a parked vehicle (see *Section 7.1.50 (k)* for allowable vehicle signs), sandwich board signs, sidewalk or curb signs, and inflatable signs.

Projecting Signs. Any signs which are erected on a building wall or structure and extend beyond the wall of the building more than 12 inches.

Public Information Signs. Signs that display information pertinent to the safety, legal responsibilities, or the well-being of the general public to include, but not limited to, warning, no trespassing, restrooms, public telephones, walkways, entrance and exit drives, and traffic directions.

Public Service Signs. Signs that display information relative to a public service activity including assisting the public in finding the location of such an activity. Such activities shall only include those which do not exist for the purpose of acquiring an income for the personal gain of the owner(s) or operator(s). They shall be limited to those activities that exist solely for the purpose of providing a desired service, pastime, endeavor, leisure interest, etc., for members of the general public. Public service activities shall include but are not limited to the following: churches, public education, recreation, cultural, entertainment, community clubs, and veterans clubs.

Real Estate Signs. Signs offering real estate for sale, rent, or lease.

Residential/Commercial/Industrial Subdivision and Residential Development Signs. Permanent signs displaying the name of the subdivision, group housing development, apartment/condominium complex, or manufactured home park.

Seasonal Signs. On-Premise Signs advertising seasonal or holiday products or services.

Sign. Any device which informs or attracts attention.

Short-Term Personal Information Signs. Signs such as garage sale, lost and found pets, and wedding and reception directions.

Sponsorship Signs. Signs employed by a school or by a civic, fraternal, religious, charitable or similar organization, which identifies the sponsor (by name, address and/or logo, crest, insignia, trademark or emblem only) of recreational or sports facilities provided on the premises where such signs are displayed. "Sponsorship Fence Signs" shall mean sponsorship signs affixed to permanent fencing. "Facility" shall mean the entire premises of an elementary or secondary school or a recreation or sports facility.

Street Frontage. That property line of a parcel that abuts a public or private road. In those cases where no property lines abut a road, 25 percent of the parcel's perimeter shall be a substituted measurement for street frontage for the purpose of calculating the maximum display area and number of freestanding signs allowed, as though that parcel had only one street frontage.

Temporary Directional Signs. Directional signs intended for use with seasonal activities and civic or community special events not associated with permanent business activities.

Temporary Signs. Signs which are not permanently installed in the ground or affixed to any structure or building, and which are erected or displayed for a period of time as allowed in this Ordinance.

Vehicular Signs. Signs on vehicles or trailers, which are in a street legal operating condition.

Wall Signs. Signs attached to the exterior wall of a building or structure, which do not extend beyond the building wall more than 12 inches.

Window Signs. Signs intended for viewing from the exterior of a window or door.

7.2.10 Quick Reference Chart

All allowed or exempt signs, including flags, must meet the requirements as outlined in this Ordinance.

Sign Type	Ordinance Section Reference	Temporary	Permanent	Exempt	Not Allowed	Required Setback From Right-of-Way	Required Setback From Adjoining Property	Display Area, Height and/or Spacing Restrictions
		$ = Permit Required						
Advertising Signs	Chapter 8		✓$			10 ft.	10 ft.	✓
Audible Signs	7.5.10				✓			
Banners Within Public R/W	7.6.00	✓						
Business Signs	Chapter 7		✓$			10 ft.	10 ft.	✓
Canopy Signs	7.7.20		✓$			10 ft.	10 ft.	✓
Changeable Copy Signs	7.7.10		✓$			10 ft.	10 ft.	✓
Commercial Center Signs	7.7.10		✓$			10 ft.	10 ft.	✓
Contractor's Signs	7.6.10	✓						✓
Directory Signs	7.7.10		✓$			10 ft.	10 ft.	✓
Driveway Signs	7.7.20		✓				10 ft.	✓
Electronic Message Board	7.7.10	**	**					
Flag	7.4.00			✓				
Flashing Signs	7.7.20				✓			
Illuminated Signs	7.3.20 (d) 7.3.40 7.7.40	** ** **	** ** **					
Incidental Signs	7.4.00 (h)			✓				
Marquee Signs	7.7.10 7.7.20		✓$ ✓$			10 ft. 10 ft.	10 ft. 10 ft.	✓ ✓
Moving Signs	7.5.30				✓			
Pennants	7.6.20	✓$				10 ft.		✓
Political Campaign Signs	7.6.30	✓						
Portable or Movable Signs	7.6.40	✓$						✓
Projecting Signs	7.7.20		✓$			10 ft.	10 ft.	✓
Public Information Signs	7.7.20			✓				
Public Service Signs	7.7.20		✓$			10 ft.*	10 ft.	✓
Real Estate Signs On-Premise Off-Premise On-Premise Sub/Dev Signs Off-Premise Sub/Dev Signs	 7.6.50 7.6.50 7.6.50 7.6.50	 ✓ ✓ ✓ ✓$						 ✓ ✓ ✓ ✓
Residential/Commercial/Industrial Subdivision and Residential Development Signs	7.7.20		✓$			10 ft.	10 ft.	✓
Seasonal Signs	7.6.60	✓						✓
Short-Term Personal Information Signs	7.6.70	✓						✓
Sponsorship Signs	7.6.80	✓						

Sign Type	Ordinance Section Reference	Temporary	Permanent	Exempt	Not Allowed	Required Setback From Right-of-Way	Required Setback From Adjoining Property	Display Area, Height and/or Spacing Restrictions
		$ = Permit Required						
Temporary Directional Signs	7.6.90	✓						✓
Vehicular Signs	7.6.100	✓						
Wall Signs	7.7.20		✓$					✓
Window Signs	7.4.00 (g)			✓				

** Not considered a type of sign, but as an optional form of construction or method of display.

Chapter 3. General Provisions

7.3.00 Construction Standards

All signs shall comply with the appropriate provisions of the County's Building Code, and shall maintain clearances from all overhead electrical conductors in accordance with the National Electric Code, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor. Temporary signs shall be erected or placed to remain in the intended location and not to become a safety hazard or litter problem.

7.3.10 Unsafe or Hazardous Signs

No signs shall be erected or allowed to remain erected that, in the opinion of the County Building Official, is structurally unsafe and constitutes a danger to the public safety. If any sign should become insecure, in danger of falling, or otherwise unsafe, the owner thereof or the person maintaining the sign shall immediately secure or remove the sign.

7.3.20 Maintenance

To ensure that signs are maintained in a safe and aesthetic manner, the following maintenance requirements shall apply to all signs:

a. No signs shall be allowed to have more than 20 percent of its display area, reverse side, or structure missing or covered with disfigured, chipped, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.

b. No sign shall be allowed to remain with a bent or broken display area, broken supports, loose appendages or struts, or stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.

c. No sign shall be allowed to have weeds, trees, vines, or other wild vegetation growing upon it for a period of more than 30 successive days.

d. No indirect or internally illuminated sign shall be allowed to have only partial illumination for a period of more than 30 successive days.

The owner of the property or the person responsible for any sign that fails to comply with the requirements above will be given 30 days to make the corrections. If the improvements are not made, the sign must be removed within 30 days of written notification.

7.3.30 Public Right-of-Way

No portion of any sign shall overhang or encroach upon any public right-of-way. If there is no existing right-of-way this requirement shall be met by using the Assumed Right-of-Way as described in *Section 2.3.30, Setbacks*. This Assumed Right-of-Way will also be the measuring point for any setback requirements if its width is greater than the width of the existing right-of-way.

7.3.40 Illuminated Signs

All illuminated signs must meet the performance standards related to light and glare as described in *Section 2.3.90 of Article 2*.

Chapter 4. Exempt Signs

7.4.00 Exempt Signs

The following are not subject to these sign regulations; however, they cannot be located within public rights-of-way (see *Section 7.3.30, Public Right-of-Way*):

a. Signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, or names of occupants on premises not having commercial connotations.

b. The flag or insignia of the United States or any other governmental or corporate entity, except when displayed in connection with commercial promotion.

c. Legal notices or identification, public information signs, and directional signs erected as required by governmental bodies.

d. Integral decorations or architectural features of buildings or grounds, except letters, trademarks, moving parts, or moving lights.

e. Signs not exceeding four square feet in area directing and guiding traffic on private property.

f. Wall identification signs and commemorative plaques not more than four square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event.

g. Signs which are not designed to be visible beyond the boundaries of the parcel on which they are located or from any public thoroughfare or right-of-way

h. Incidental signs or trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.

Chapter 5. Prohibited Signs

7.5.00 Signs Imitating Traffic or Emergency Signals

No sign shall be allowed which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shape, or order of lights customarily used in traffic signals, on emergency vehicles, or on law enforcement vehicles, except as part of a permitted private or public traffic control sign.

7.5.10 Audible Signs

No sign shall be allowed which emits any sound capable of being detected on a public road or adjoining property.

7.5.20 Flashing Signs

No sign shall be allowed which utilizes flashing, blinking, or strobe-type lights, or any type of pulsating or moving light. Electronic message boards may only be used in accordance with the provisions of this chapter.

7.5.30 Moving Signs

No sign shall be allowed which moves or presents the illusion of movement in any manner, when such movement is provided by means other than the movement of air.

7.5.40 Signs Attached to or Painted on Selected Features

No sign shall be allowed which is attached to a street sign; attached to or painted on tree trunks, rocks, or other natural objects; or attached to a utility pole except as permitted in *Section 7.6.00, Banners Within Public Rights-of-Way*.

Chapter 6. Temporary Signs

In keeping with Chapter 1, Purpose of this Article, temporary signs that are in compliance with the requirements of *Section 2.2.10, Access Management*; *Chapter 2, General Provisions of this Article*; *Section 9.5.00, Conflict with Other Laws*; and all other applicable requirements of this Ordinance shall be allowed.

7.6.00 Banners Within Public Rights-of-Way

Banners spanning over public rights-of-way are allowed, subject to approval by the appropriate South Carolina Department of Transportation (SCDOT) agency or appropriate local governmental (County or Municipal) agency responsible for maintenance of the right-of-way. Banners attached to existing utility poles shall require the approval of such utility agency.

7.6.10 Contractors' Signs

Contractors' Signs displaying the names of the builders, contractors, architects, engineers, craftsmen, artisans, and similar information may be erected upon the premises of any work, construction, major repairs, or improvements. The display area of such signs shall not exceed 32 square feet in Restrictive Development Districts and 50 square feet in General Development Districts. Such signs shall be removed within seven days of the completion of the work.

7.6.20 Pennants

Pennants are any lightweight plastic, fabric, or other material, regardless of shape, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move with the wind. Pennants shall be limited to two strands for every 100 feet of road frontage or portion thereof. A strand is defined as being between two attachment points. Pennants and/or attachment points shall be set back a minimum of ten feet from the road rights-of-way. Pennants are allowed only in conjunction with the permitting of Portable or Movable Signs.

7.6.30 Political Campaign Signs

Signs announcing candidates seeking public office or relating to any election or public referendum shall be allowed. Such signs shall be placed only on private property 60 days prior to the election or referendum, and removed within seven days after the election or referendum. These signs do not have to be set back from road rights-of-way.

7.6.40 Portable or Movable Signs

Portable or Movable Signs shall be permitted up to two separate times per year for a period not to exceed 30 consecutive days per occurrence. Portable signs must be located at least 20 feet from any adjoining business signs or small advertising signs. Pennants are allowed only in conjunction with a permit under this Section and in accordance with *Section 7.6.20* above.

Individual business centers and commercial centers may have one portable sign per 200 feet of street frontage or portion thereof. Tenants are limited to one portable sign per occurrence. A parcel with frontage on different streets shall have the frontages regulated independently as to number of signs allowed. Multiple signs allowed on the same frontage of the same parcel must be located at least 200 feet apart. Private restrictive covenants and/or lease agreements for business centers and commercial centers may include more restrictive policies for these types of signs.

7.6.50 Real Estate Signs

Real Estate Signs are temporary signs offering real estate for sale, rent, or lease. These signs do not have to be set back from road rights-of-way, but still must comply with the criteria found in *Section 2.2.10, Access Management,* of this Ordinance.

On-Premise – The Real Estate sign display area shall not exceed six square feet for residences or individual parcels restricted for residential detached and manufactured homes principal activities only and 32 square feet for all other residential principal activities or parcels.

For most nonresidential activities and parcels the sign display area shall not exceed 96 square feet. However, for nonresidential buildings that exceed 100,000 square feet the display area shall not exceed 144 square feet. For buildings of this size the real estate sign may be a banner on the side of the building instead of a separate sign. This banner may be any size up to 15 percent of the area of the wall of the first story of the building or business to which it is attached.

For better visibility from two directions Real Estate Signs may be two-sided signs or "V" shaped signs as long as the sign area visible from one direction does not exceed any of the limits above.

There may be only one sign per 200 feet of street frontage or portion thereof and such signs shall be removed within 14 days of the conveyance or lease of the property.

Off-Premise – Real estate signs not exceeding 4 square feet in area and 2½ feet in height are allowed off-premises, provided they are located on private property with the property owner's permission. These signs do not have to be set back from road rights-of-way. Such signs shall be removed within seven days of the conveyance or lease of the property.

On-Premise Subdivision/Development Signs shall be allowed in addition to the permanent Subdivision/Development Signs provided they do not exceed 32 square feet, one per entrance, and are removed after 100 percent of the original lots, units, etc., have been sold or leased.

Off-Premise Subdivision/Development Signs shall be allowed provided they are located on private property with the property owner's permission and meet the following requirements:

a. They must be located no further from the subdivision or development than the first intersection with an Arterial Road. If there are multiple directions to arrive at the project, there may be multiple signs with the maximum distance allowed determined independently in each direction.

b. These signs shall not contain more than 32 square feet in display area. The decorative structure on which the sign is displayed may not exceed 48 square feet.

c. The maximum height of the sign and/or decorative structure shall be eight feet.

d. These off-premise signs must be removed after 90 percent of the lots, units, etc., have been sold or leased.

Multiple subdivisions/developments desiring to place off-premise directional signs on the same property are encouraged to share a single sign structure. They must meet the same size and location requirements of this Section, however, the maximum height of the sign structure may be eight feet. Materials used should be of similar quality as the permanent on-site signs; i.e., painted plywood would not be acceptable. A second sign in the same location that is not sharing a sign structure may not obstruct the view of the first sign.

7.6.60 Seasonal Signs

Seasonal Signs are on-premise signs advertising seasonal or holiday products or services. These signs must be located on private property with the property owner's permission. There may be multiple signs provided the total size of all of the signs does not exceed 32 square feet per 500 feet of street frontage or portion thereof and such signs must be removed within seven days after the end of the season. These signs do not have to be set back from road rights-of-way.

7.6.70 Short-Term Personal Information Signs

Short-term Personal Information Signs, such as garage sale, lost and found pets, and wedding and reception directions, are allowed provided they are located on private property with the property owner's permission. These signs shall not exceed 6 square feet in size, are limited to no more than 7 consecutive days, and must be removed within 24 hours after the completion of the event. These signs do not have to be set back from road rights-of-way.

7.6.80 Sponsorship Signs

Sponsorship Signs are signs employed by a school or by a civic, fraternal, religious, charitable or similar organization, which identifies the sponsor (by name, address and/or logo, crest, insignia, trademark or emblem only) of recreational or sports facilities provided on the premises where such signs are displayed. "Sponsorship Fence Signs" shall mean sponsorship signs affixed to permanent fencing. "Facility" shall mean the entire premises of an elementary or secondary school or a recreation or a sports facility. These signs are intended to be used for a specific event or sporting season. They must meet all safety standards and local event/location restrictions imposed by the event committee, site owner, etc. Such signs intended to remain beyond the event or sporting season limitation shall be regulated as permanent signs under the appropriate definitions found in this Ordinance.

7.6.90 Temporary Directional Signs

Temporary Directional Signs are intended for use with seasonal activities for civic, church, or community special events not associated with permanent business activities. These signs shall not exceed 12 square feet per sign and must be located on private property with the property owner's permission. There may be

only one sign per 500 feet of street frontage or portion thereof and such signs do not have to be set back from the road rights-of-way. These signs must be removed within 7 days after the end of the season or after the individual event for which it was intended. Such signs do not constitute a land use unto themselves and are not considered Off-Premise Advertising Signs.

7.6.100 Vehicular Signs

Vehicular Signs are signs on vehicles or trailers, which are in street legal operating condition. Signage, no matter how attached or painted, on a currently, properly licensed vehicle (motorized or not – including trailers) used in the everyday conduct of the business or activity that it is advertising, is allowed. Vehicles with such signage may be parked in normal designated parking places, but not on grassy areas, sidewalks, or other locations not normally available to customers or patrons of the business. Disabled or unlicensed vehicles, on which signage has been placed, shall not be allowed to serve as signs. Signs resting upon, mounted to and/or displayed from a parked vehicle, used other than as described above, shall be considered as Portable or Movable Signs.

Chapter 7. Business Signs

7.7.00 Location

In General Development Districts these signs must comply with the same compatibility standards as the principal activity for which they advertise, except that they may be erected within the required setback unless other more restrictive provisions of this Ordinance apply. In Restrictive Development Districts these signs must comply with the same compatibility standards as the principal activity for which they advertise. However, in all districts, any portion of a business sign must maintain at least a ten-foot setback from all property lines and the existing road right-of-way, unless otherwise specifically stated in this Ordinance. If the distance from the edge of the road to the right-of-way is greater than 20 feet, the 10-foot setback from the road right-of-way shall not apply. No sign shall be allowed to violate any of the requirements of *Section 2.2.10, Access Management*.

7.7.10 Definitions

Changeable Copy Signs. Signs on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.

Commercial Center. A commercial complex consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one ownership or management, and generally sharing parking areas and vehicular entrances and exits.

Directory Sign. Any sign listing only the names, uses, or locations of more than one business, activity, firm, professional office, or tenant within a building, group of buildings, or commercial center.

Educational Campus. An educational campus devoted to all or a portion of a K-12 education. It may also be the location of a campus for higher education or vocational training that generally involves an academic curriculum resulting in the awarding of a degree. It will commonly consist of multiple buildings and/or structures such as athletic facilities sharing parking areas and vehicular entrances and exits. Educational programs such as distance learning centers, satellite campuses, or continuing education and advanced degree schools housed in locations such as commercial centers, business parks, or stand-alone office buildings shall not be considered an educational campus.

Electronic Message Board. An electrical or electronic sign using digital technology or a pattern of lights to form various words or graphics which is capable of changing copy continuously. Images displayed using digital technology must be static messages and the content shall not include animated, flashing, scrolling, or full-motion video elements. Static images may not be continuously changing in such a manner that the changes are prominently visible to the traveling public. Electronic Message Boards may change static messages once every 15 seconds provided the message does not change through flashing, scrolling, or any type of animation. All digital business signs shall have a method for controlling the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists. These signs shall not exceed a maximum illumination of 7500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign face. This illumination can be regulated either by an automatic dimmer and photo cell sensor or through the use of computerized controls that accurately replicates these maximum illumination requirements.

7.7.20 Specialty Signs

Canopy Signs are any signs which are erected on a separate, freestanding roof-like covering. Only business logos or names are allowed as canopy signs, with a maximum of one logo or name on each canopy face. A logo is the symbol or trademark of a company. No portion of a canopy sign shall be permitted above the top of the roof of the covering to which it is attached, or permitted to be lower than eight feet above ground level. An owner of a business with a canopy connected to a building has the option of using either canopy or marquee signage, but not both.

Driveway Signs indicating the direction of travel are required on all one-way driveways. These signs must be above-ground signs, with a maximum height of 2½ feet, and located at the edge of the existing road right-of-way.

Marquee Signs are any signs erected, stenciled, engraved on, attached to, or suspended from a marquee. A marquee is defined as any hood, awning, or roof-like structure of permanent construction, which is supported from a wall of a building and projects beyond the building wall, and is generally designed and constructed to provide protection against the weather. Such a sign shall not exceed 15 percent of the area of the wall of the first story of the building or business to which it is attached. A maximum of 12 feet in height can be used for this 15 percent measurement. No portion of a marquee sign shall be permitted above the top of the roof of the building to which it is attached, or permitted to be lower than 8 feet above ground

level. The marquee sign information may be dispersed anywhere on the marquee as long as the total display area of all information does not exceed the 15 percent requirement.

Public Information Signs are sign containing no message, copy, announcement, or decoration other than instructions or directions to the public except for subordinate identity. Such signs include, but are not limited to, identifying the following: restrooms, public telephones, walkways, entrance and exit drives, freight entrances, and traffic directions. Information signs shall be allowed on business lots provided that no such sign shall exceed 6 square feet in display area. Information signs shall not count toward the maximum number of signs allowable or the maximum display area of signs allowed.

Public Service Signs are signs that display information relative to a public service activity including assisting the public in finding the location of such an activity. Such activities shall only include those which do not exist for the purpose of acquiring an income for the personal gain of the owner(s) or operator(s). They shall be limited to those activities that exist solely for the purpose of providing a desired service, pastime, endeavor, leisure interest, etc., for members of the general public. Public service activities shall include but are not limited to the following: churches, public education, recreation, cultural, entertainment, community clubs, and veterans clubs.

On-premise Public Service Signs shall comply with all of the requirements for Business Signs as found in this Chapter of the Performance Zoning Ordinance.

Off-premise Public Service Signs shall be allowed provided they are located on private property with the property owners' permission and meet the following requirements:

1. They must be located no further from the public service activity than the first intersection with an Arterial Road. If there are multiple directions to arrive at the activity there may be multiple signs with the maximum distance allowed determined independently in each direction.
2. These signs shall not contain more than 24 square feet in display area. The decorative structure on which the sign is displayed may not exceed 32 square feet.
3. The maximum height of the sign and/or decorative structure shall be five feet.

Multiple public service activities desiring to place off-premise direction signs on the same property are encouraged to share a single sign structure. They must meet the same size and location requirements of this section, however, the maximum height of the sign structure may be 8 feet. Materials used should be of similar quality as the permanent on-site signs, i.e., painted plywood would not be acceptable. A second sign in the same location that is not sharing a sign structure may not obstruct the view of the first sign.

Projecting Signs are any signs which are erected on a building wall or structure and extend beyond the building wall more than 12 inches. Such a sign shall not exceed 15 percent of the area of the wall of the first story of the building or business to which it is attached. A maximum of 12 feet in height can be used for this 15 percent measurement. No portion of a projecting sign shall be permitted above the top of the roof of the building to which it is attached, or permitted to be lower than eight feet above ground level.

Residential/Commercial/Industrial Subdivision and Residential Development Signs are permanent signs displaying no information other than the name of the subdivision, group housing development, apartment/condominium complex, or manufactured home park. Such signs may be either single signs or gateway signs (paired signs on each side of an entrance). The display area of these signs shall not exceed 100 square feet with this display size allowed on each sign of a gateway sign. However, the display area restrictions are not intended to apply to the entire decorative structure on which the sign is displayed. Within the same project, a single sign or pair of gateway signs must be at least 300 feet from another single sign or pair of gateway signs.

Such signs shall also be exempt from the area and height limitations in *Section 7.7.40* and the 10-foot setback restriction of *Section 7.7.00*, but still must comply with the engineering criteria found in the Spartanburg County Standard Specifications for Construction of Roads and the driveway restrictions found in Section 22.10 Access Management of this Ordinance. A sign cannot be located in a road right-of-way median ~~if~~ unless the design of such a sign is approved by the Spartanburg County Department of Public Works.

Wall Signs are signs attached to the exterior wall of a building or structure which do not extend beyond the building wall more than 12 inches. Such a sign shall not exceed 15 percent of the area of the wall of the first story of the building or business to which it is attached. A maximum of 12 feet in height can be used for this 15 percent measurement. No portion of a wall sign shall be permitted to project above the wall of the building to which it is attached except in the case of signs mounted to the roof in which case no portion shall project above the top of the roof. The wall sign information may be dispersed anywhere on the wall as long as the total display area of all information does not exceed the 15 percent requirement. A "mural"

is a painting applied to a wall containing no advertisement for any business product or activity. A mural, as defined, will not be considered a wall sign.

7.7.30 Maximum Display Area, Height, and Number of Signs

Individual businesses, commercial centers, and educational campuses may have one freestanding business sign per 500 feet of street frontage or portion thereof. Wall Signs installed in accordance with *Section 7.7.20 Specialty Signs* are the only type Business Signs that may be located on the Interstate frontage of a parcel. These signs shall comply with the following height and display area requirements:

Location	Maximum Static Display	Maximum Changeable Copy or Electronic Message Board	Maximum Height
Restrictive Development District	75 square feet	40 square feet	8 feet
General Development District	100 square feet	60 square feet	20 feet
Commercial Centers in RD District	150 square feet	40 square feet	15 feet
Commercial Centers in GD District	300 square feet	80 square feet	30 feet
Educational Campus in RD District	150 square feet	60 square feet	20 feet
Educational Campus in GD District	300 square feet	100 square feet	30 feet

The maximum height allowed for business signs along roadways shall be measured from the elevation of the roadway, unless the elevation of the sign location is higher than the roadway. In those instances, the maximum height allowed shall be as listed in the chart above. This interpretation of allowed heights shall also be used in *Section 7.7.50, Business Signs on Appearance Corridors*.

Both the maximum static display area and the maximum changeable copy/electronic message board area may be utilized as part of each allowed individual or commercial center sign. However, the maximum display area per sign shall not be increased with any exchange or substitution of the allowable area for changeable copy or electronic message.

A parcel with frontage on different streets shall have the frontages regulated independently as to number of signs allowed.

A parcel with street access only by an easement over another parcel may consider that easement frontage as an allowed location for a business sign provided it is allowed by the easement agreement. A similar parcel that includes ownership of the strip of property which provides access may also consider that frontage as an allowed location for a business sign. In both situations, the signs must meet all of the requirements of this section including location restrictions.

Multiple signs allowed on the same frontage of the same parcel must be located at least 500 feet apart.

The maximum display area allowed for commercial centers and educational campuses includes any directory signs. In addition, each business within a commercial center or building on an educational campus may erect one wall, projecting, or marquee sign; and, each individual business not within a commercial center may erect one wall, projecting, or marquee sign per street frontage.

7.7.40 High Rise Buildings

Buildings which exceed 4 stories in height shall be permitted to erect one wall sign per wall at the top story of the building. Such signs shall only identify the name of the building or the major tenant. The display area of such signs shall not exceed 2 percent of the area of the wall to which it is attached. Such signs shall be permitted in addition to the requirements of this Article.

7.7.50 Business Signs on Appearance Corridors

The following additional restrictions shall apply on Appearance Corridors as defined in the *Article 6, Landscape and Open Space*.

Location	Maximum Static Display Area per Sign	Maximum Changeable Copy Area	Maximum Height
Business Sign in Appearance Corridor 1	60 square feet	30 square feet	6 feet
Business Sign in Appearance Corridor 2	60 square feet	30 square feet	6 feet
Business Sign in Appearance Corridor 3	100 square feet	60 square feet	10 feet
Commercial Center in Appearance Corridor 1	100 square feet	30 square feet	10 feet
Commercial Center in Appearance Corridor 2	150 square feet	40 square feet	15 feet
Commercial Center in Appearance Corridor 3	200 square feet	60 square feet	20 feet
Educational Campus in Appearance Corridor 1	60 square feet	30 square feet	6 feet
Educational Campus in Appearance Corridor 2	120 square feet	40 square feet	10 feet
Educational Campus in Appearance Corridor 3	200 square feet	60 square feet	20 feet

Illuminated signs, including changeable copy area, for individual businesses and commercial centers located in Appearance Corridors 1 and 2, shall meet one of the following conditions:

Internally illuminated signs must be constructed so that only letters, numbers, and/or logos are illuminated; shall not have light reflecting backgrounds or letters; and shall have a matte finish.

Externally illuminated signs shall have a steady stationary light source that is shielded and directed solely at the sign, shall have white light sources, and shall not have light reflecting backgrounds or letters.

Signs located on Appearance Corridors shall not use any fluorescent colors. Additionally, signs located on Appearance Corridors 1 and 2, shall use only earth tone colors intended to be more harmonious and compatible with the surrounding natural environment. The only exception to this restriction shall be the display of a registered mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office.

If digital technology is used, it must replicate the appearance standards outlined above and the illumination standards found under the Electronic Message Boards in *Section 7.7.10*. Images displayed must be static messages and the content shall not include animated, flashing, scrolling, or full-motion video elements. Static images may not be continuously changing in such a manner that the changes are visible to the traveling public. However, it is permissible to change images daily or hourly as necessary to communicate new information. Electronic message boards on a Appearance Corridor 3 may change static messages once every 15 seconds.

Chapter 8. Advertising Signs

7.8.00 Maximum Restrictions Chart

This chart is a summary of many of the following restrictions concerning advertising signs:

Locations where Advertising Signs are Allowed	Maximum Display Area per Sign	Minimum Spacing	Maximum Height	Minimum Height for Display Surface
Advertising Sign on interstate highways	672 square feet	1000 feet from sign on the same side	80 feet	None
Advertising Sign on Arterial Roads	378 square feet	1000 feet from sign on the same side	55 feet	25 feet

7.8.10 Location

Advertising signs are identified as principal activities in this Article and are therefore subject to all other provisions of this Ordinance. They shall be permitted only in the zoning districts where they are allowed, and only where they meet the road access requirements of this Ordinance. Regardless of the road access restrictions, advertising signs are allowed to locate on interstate highways, expressways, and frontage roads (except when classified RLA or RLD) where their right-of-way is contiguous to an interstate highway or expressway; these signs, however, must be located within 400 feet of the right-of-way of the interstate or frontage road, if applicable.

No advertising sign shall be allowed on an Appearance Corridor1, as defined in Article 6, or within ~~1000~~ 300 feet of the banks of the North, Middle and South Tyger Rivers; the Tyger River; the Enoree River; Lawsons Fork Creek; the North and South Pacolet Rivers; the Pacolet River, or any National Park, Monument, or Battleground. Advertising signs will also not be allowed on South Carolina Highway 11 (the Cherokee Foothills Scenic Highway), the J. Verne Smith Parkway, and a portion of South Carolina 101 (between I-85 and the Greer City Limits) because of a special public interest in protecting and preserving the scenic character and natural beauty of these roads.

All portions of advertising signs must maintain at least a ten-foot setback from existing road rights-of-way. Such signs shall also comply with all provisions of *Section 2.2.10, Access Management*.

To minimize the opportunity for visual distraction during vehicular merge operations, advertising signs will be restricted within the vicinity of interstate interchanges and rest areas. No advertising sign located along an interstate may be erected within 500 feet of an interchange or rest area. The interchange or rest area is considered to begin or end at the point where the pavement widens for an entrance or exit ramp/lane. When the entrance or exit ramp/lane is not on the same side of the road as the proposed advertising sign, the point of measurement shall be determined by identifying the location of the relative pavement widening and applying it to an identical point on the side of the road where the advertising sign is proposed to be located.

7.8.20 Maximum Display Area

The maximum display area for any advertising sign located along an interstate shall be 672 square feet plus a 10 percent allowance for copy extensions. A copy extension is the part of the copy which extends beyond the edge or border of the sign, sometimes called a “cut-out” or “drop-out.”

The maximum display area of advertising signs on Arterial Roads shall be 378 square feet plus a 10 percent allowance for copy extensions.

A maximum of two viewing sides per sign structure shall be permitted.

7.8.30 Minimum Spacing

No advertising sign shall be permitted to locate within 1000 feet of another legally permitted Advertising Sign on the same side of the roadway. Measurements shall be made between the center of the sign support structures of each Advertising Sign.

7.8.40 Maximum Height

Advertising signs along interstates shall be permitted to a height of 80 feet above the elevation of the highest travel lane at the location of the sign. The maximum height of advertising signs along other roadways shall not exceed 55 feet above the elevation of the roadway. *(Additional height requirements may be found in Chapter 3, Compatibility Performance Standards, contained in Article 2, Application of Regulations.)*

7.8.50 Minimum Height

There shall be no minimum height of the display surface for advertising signs located along interstates. The minimum height of the display surface of advertising signs on Arterial Roads shall be 25 feet above the elevation of the roadway.

7.8.60 Digital Technology

Advertising signs using digital technology which allows static images to be changed instantly must follow the following restrictions:

a. Images displayed must be static messages and the content shall not include animated, flashing, scrolling, or full-motion video elements.

b. The static images may be changed in succession at a rate no faster than once every 6 seconds.

c. All digital advertising signs shall have an automatic dimmer and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists. These signs shall not exceed a maximum illumination of 7500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign face.

7.8.70 South Carolina Code of Laws

The sign regulations contained in this Ordinance are supplemented by the requirements of the State of South Carolina Department of Transportation which regulates off-premise advertising signs on interstate and federal aid road systems. A permit from the State of South Carolina may contain some restrictions which are in addition to the requirements of this Ordinance. Issuance of a Spartanburg County Zoning Permit does not imply approval of, or constitute a privilege to violate, any other applicable state or local ordinances, codes, laws, or private restrictive covenants.

7.8.80 Permit Required

All existing advertising signs shall have a valid Spartanburg County permit. The County permit number shall be permanently displayed on the sign structure in a location that is easily readable. Permit numbers shall be at least five inches in height and of a contrasting color from the sign structure. There shall be one permit required per advertising structure, but the permit shall contain thereon the number of advertising faces. An annual permit is required for all existing signs and for new signs.

7.8.90 Number of Advertising Signs on I-85 Bypass

Notwithstanding any other provisions in this Ordinance to the contrary, the number of adverting sign permits between exit 69 on the southern end and exit 77 on the northern end of the I-85 Bypass shall be as follows:

a. The 19 permits currently issued by Spartanburg County shall be allowed on the above section of the I-85 Bypass;

b. One sign permit will be granted in accordance with an order of the Circuit Court concluding pending litigation between Abbott Sign Company, Inc. and Daisy Outdoor Advertising Co.;

c. Three additional sign permits will be allowed for the sign applications that were pending prior to the enactment of the Billboard moratorium dated June 13, 1994, provided each permit site complies with the spacing and dimension requirements of this Ordinance; and

d. No additional sign permits will be allowed between exit 69 on the southern end and exit 77 on the northern end of the I-85 Bypass.

ARTICLE 8 – NONCONFORMITY

Chapter 1. General

8.1.00 Purpose

The purpose of this Article is to control, improve, or terminate uses of land which do not conform to one or more provisions of this Ordinance. If a land use activity was legally established with all required local, state, and federal land use permits and approvals, yet does not currently conform to one or more provisions of this Ordinance, it may qualify as a legal nonconformity.

8.1.10 Right to Continue a Nonconformity

Subject to the requirements of *Section 8.1.20*, a legal nonconformity may be continued if the degree of nonconformity is not increased as described in this Article. Expansions, extensions, substitutions, or other changes in nonconforming activities or facilities may be allowed, but only as expressly provided herein or by other public laws.

8.1.20 Required Conformance of Legal Nonconformities

Except for nonconforming signs, which are covered in Chapter 3 of this Article, any legal nonconformity may be continued as is without increasing the degree of nonconformity.

8.1.30 Required Notice

Notice must be given by the Zoning Administrator at least 6 months prior to the enforcement of any of the provisions of this Article, except for *Sections 8.3.12, Advertising Signs, and 8.3.13, Business Signs,* in which a 30-day notice shall be required.

Chapter 2. Legal Nonconformity

8.2.00 General

Except for nonconforming signs, which are covered in Chapter 3 of this Article, this chapter shall further govern the treatment of legal nonconformities. Unless otherwise determined by the Zoning Administrator, any changes in a legal nonconformity shall require issuance of a new zoning permit. The new zoning permit shall not extend the period until required compliance.

8.2.10 Disallowed Uses

A disallowed use is an activity that would not be permitted to locate at a specific location under the provisions of this Ordinance.

8.2.20 Abandonment of a Legal Nonconformity

Whenever a legal nonconformity which is a disallowed use discontinues active operation for a continuous period of 12 months, it shall not be allowed to resume. Whenever a legal nonconformity which is an allowed use discontinues active operation for any period of time, it can be reestablished.

8.2.30 Damage to or Destruction of Structures

Any structure which is, or contains, a legal nonconformity and which is damaged or destroyed may be reconstructed and used as before. However, if reconstruction is not substantially begun within 12 months of the damage, the structure will be considered abandoned and subject to the provisions of *Section 8.1.10*. If the nonconformity is a disallowed use, the overall outside dimensions of the structure shall not increase, and the reconstruction shall not exceed the degree of nonconformity existing before the damage. If the nonconformity is an allowed use, the overall outside dimensions of the structure may increase, as long as the reconstruction does not exceed the degree of nonconformity existing before the damage.

8.2.40 Repairs and Alterations of Structures

Any structure which is, or contains, a legal nonconformity may be repaired. However, if the nonconformity is a disallowed use, no structural alterations shall be made.

8.2.50 Expansion of a Legal Nonconformity

A legal nonconformity which is an allowed use may be expanded if the degree of nonconformity is not increased.

A legal nonconformity which is a disallowed use may be expanded, provided the expansion is contained within an existing structure and the degree of nonconformity is not increased. Expansion of a disallowed use is only permitted if a variance is granted by the Board of Zoning Appeals. However, an expansion required to meet federal, state, or local health, safety, or access regulations and the like, may be allowed provided the expansion complies with any applicable compatibility standards. Such an expansion must be limited to meeting the required regulation only and may not further expand the actual disallowed use.

8.2.60 Change of Use of a Legal Nonconformity

A legal nonconformity, whether abandoned or not, may change use to a different activity, if the new activity is an allowed use and the degree of nonconformity is not increased. The period until required compliance shall be measured from the effective date of the Ordinance which initiated the original nonconformity.

8.2.70 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 a nonconformity, with respect to the required setback from the road right-of-way. When a parcel is located on more than one right-of-way, each of its frontages shall be treated separately under this Section.

Chapter 3. Nonconforming Signs

8.3.00 General Provisions

8.3.01 Time of Compliance

There are several requirements for correction of nonconforming provisions of signs contained in this Chapter. The length of time for those corrections to be completed is measured from the date of adoption of these restrictions which is January 1, 2020.

8.3.02 Nonconforming Activities

Business Signs associated with a nonconforming activity may be continued during the lawful life of the activity but shall be made to comply with all other applicable sign provisions after 10 years.

8.3.03 Reconstruction

A nonconforming sign shall not be removed and rebuilt as a nonconforming sign, except when the South Carolina Department of Transportation or Spartanburg County Public Works requires the sign to be relocated for improvements within a road right-of-way. However, such relocation shall not increase the degree of nonconformity, as determined by the Zoning Administrator.

8.3.04 Extension or Enlargement

A nonconforming sign may be extended or enlarged as long as the degree of nonconformity is not increased.

8.3.05 Reconstruction after Damage

A nonconforming sign shall not be rebuilt, altered, or repaired except in conformity with these regulations after sustaining damage exceeding 50 percent of the replacement cost of the sign at the time of the damage.

8.3.06 Ordinary Maintenance

Nothing in this chapter shall be deemed to prevent the ordinary maintenance and repair of a nonconforming sign or replacement of a broken part of a nonconforming sign.

8.3.07 Change of Copy

Nothing in this chapter shall be deemed to prevent the ordinary change of copy on an advertising sign or a business changeable copy sign.

8.3.10 Amortization

The Board of Zoning Appeals may extend any deadlines contained in this Chapter if it is determined that the regulation would be a financial hardship for the owner of the sign. This hardship must have occurred through contractual obligations in effect before the adoption of these restrictions.

8.3.11 Location

Signs which are not an allowed activity because of district designation or road classification shall be removed within ten years after the effective date of these regulations.

8.3.12 Advertising Signs

All advertising signs which are nonconforming shall be allowed to remain as installed in their existing location as long as they comply with the provisions contained in *Chapter 3, General Provisions, of Article 7, Signs.*

Signs using digital technology as regulated in *Section 7.8.60* within 90 days shall bring into compliance those items such as animation, flashing, scrolling, full-motion video, etc. that can be corrected through reprograming of the equipment.

8.3.13 Business Signs

All business signs which are nonconforming shall be allowed to remain as installed in their existing location for 10 years as long as they comply with the provisions contained in *Chapter 3, General Provisions, of Article 7, Signs*. After ten years any nonconformities must be corrected.

Electronic message boards as regulated in *Section 7.7.10, Definitions,* shall be brought into compliance with those digital regulations within 90 days.

8.3.14 Temporary Signs

All nonconforming temporary signs shall be removed or made conforming within one year after the effective date of these regulations.

8.3.15 Special Requirements

Any sign violating the provisions of *Chapters 3, 4, and 5 of Article 7, Signs,* shall be removed or made conforming within 90 days after the effective date of these regulations.

8.3.16 Windblown Signs

All nonconforming windblown signs shall be removed within nine months after the effective date of these regulations.

8.3.20 Change in Business Signs

Whenever any nonconforming sign, or part thereof, is replaced, converted, or altered more than just the replacement of the sign face, the entire sign shall be brought into compliance with these regulations.

8.3.30 Substantial Repairs, Remodeling, or Expansion

Whenever a business is repaired, altered, remodeled, or expanded to an extent exceeding 50 percent of the current replacement cost of the building within any period of 12 months, all signs, other than freestanding signs, shall be brought into compliance with these regulations.

Chapter 4. Nonconforming Manufactured Home Parks

8.4.00 General

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

8.4.10 Measurement of Period until Required Compliance

The period until required compliance for each nonconforming Manufactured Home Park shall be measured from the effective date of the initial enactment of this Ordinance.

8.4.20 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 Household Waste Removal requirements found in *Section 4.2.40, Establishment or Expansion and Operation of Manufactured Home Parks*.

8.4.30 General Provisions

8.4.31 Abandonment

Whenever all manufactured 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 restrictions applicable to a new park.

8.4.32 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 8.2.30, Damage to or Destruction of Structures*.

8.4.33 Repairs and Alterations

Nothing in this chapter 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 *Section 8.2.30, Damage to or Destruction of Structures*.

8.4.34 Change in Use

If a nonconforming Manufactured Home Park is replaced by an allowed use, and the owner wishes to re-establish the Manufactured Home Park before the 12-month abandonment period for the park elapsed, the re-established park must comply with all restrictions applicable to a new park.

8.4.40 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 a nonconformity, with respect to the required setback from the road right-of-way. When a parcel is located on more than one right-of-way, each of its frontages shall be treated separately under this section.

Chapter 5. Nonconforming Landscaping and Open Space

8.5.00 Purpose

The purpose of this Chapter is to control, improve, or terminate activities which do not conform to one or more provisions of Article 6 of this Ordinance. If an activity was legally established with all required local, state, and federal land use permits and approvals, yet does not currently conform to one or more provisions of Article 6, it may qualify as a legal nonconformity.

8.5.10 Right to Continue a Nonconformity

A legal nonconformity may be continued without compliance with Article 6 if the degree of nonconformity is not increased. This means that modifications, enlargements, expansions, extensions, substitutions, or other changes in the nonconforming activities or facilities must comply with the provisions of Article 6 as follows:

a. Any building enlargements, expansion of parking facilities, and other expansions of use must meet the applicable sections of *Article 6, Landscape and Open Space,* for the expansion or enlargement only.

b. Any substituted use that must meet a greater buffer or screening requirement under this Performance Zoning Ordinance than the legal nonconformity will be required to meet the requirements of *Section 6.2.10, Land Use Compatibility.*

8.5.20 Required Conformance of Legal Nonconformities

All properly permitted activities which are nonconforming as of the date of the implementation of this Ordinance shall be allowed to remain as developed.

Chapter 6. Nonconformity for Sexually Oriented Businesses

8.6.00 Purpose

This Chapter shall regulate Sexually Oriented Businesses which are legal nonconformities.

8.6.10 Provisions

a. Any sexually oriented business lawfully operating on the effective date of this Ordinance that is in violation of any of the requirements of *Chapter 14, Sexually Oriented Businesses, of Article 4* shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 2000 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.

b. 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 Zoning Permit, of a residential use, church, day care center, public or private elementary or secondary school, public park, public library, cemetery, or motion picture establishment within 1000 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.

ARTICLE 9 – ADMINISTRATION

Chapter 1. General Provisions

9.1.00 Zoning Administrator

The administration and enforcement of this Ordinance shall be the responsibility of the Spartanburg County Planning Director or his designee using the title of Zoning Administrator.

9.1.01 Duties of the Zoning Administrator

It shall be the duty of the Zoning Administrator to:

a. Administer and enforce all applicable provisions of this Ordinance.

b. Administer and enforce the actions of the Board of Zoning Appeals.

c. Attend all meetings of the Board of Zoning Appeals.

d. Maintain current and permanent records relative to the adoption, amendment, administration, and enforcement of this Ordinance.

e. Provide information to the public on all matters relating to this Ordinance.

f. Engage other County employees to serve as Zoning Assistants to help fulfill the duties of the Zoning Administrator.

9.1.02 Right of Entry upon Land

The Zoning Administrator or persons engaged by the Zoning Administrator to perform tests or any other duties will need to occasionally enter upon land within the jurisdiction of this Ordinance to make examinations and surveys. They will also need to place or remove public notices as required by these regulations. However, there shall be no right of entry into any building or onto any property without the consent of the owner.

9.1.03 Measurement

If it is determined that following the issuance of a zoning permit a structure has been placed within the buffer and/or setback in error and all reasonable remedies (except variance) have been exhausted, the Zoning Administrator has the discretion to allow an encroachment up to 6 inches or 5 percent, whichever is greater. This remedy, when applicable, will only be applied to the required linear measurement for buffers and/or setbacks.

9.1.10 Zoning Permits

No building, structure, or tract of land within the zoned area of the County shall be used, constructed, or developed until the issuance of a valid zoning permit. The Zoning Administrator may require that an application for a zoning permit include information and exhibits as he deems necessary to determine that the proposed development of the property complies with this Ordinance. He shall have a reasonable time to consult with other governmental agencies and request additional information and data to evaluate the application.

A zoning permit shall be effective for two years from the date of the approval. Five one-year extensions of the zoning permit will be granted provided the obligations of the permit continue to be met and provided there have been no amendments to these regulations that prohibit approval.

9.1.20 Zoning Compliance

No building, structure, or activity for which a zoning permit has been issued shall be used or occupied until the Zoning Administrator has indicated that compliance has been made with all applicable provisions of this Ordinance.

9.1.30 Fees

A fee established by County Council shall be assessed for every permit application reviewed for compliance with the provisions of this Ordinance. This fee shall be paid to Spartanburg County before or upon the issuance of any permit within the Zoned area of the County, except when deemed unnecessary by the Zoning Administrator for purposes of enforcement of this Ordinance.

Chapter 2. The Board of Zoning Appeals

9.2.00 Creation of the Board

The Board of Zoning Appeals is hereby created for Spartanburg County and shall be referred to in this Ordinance as the Board. It shall consist of nine members who shall have been residents of Spartanburg County for not less than three years immediately prior to appointment and who shall continue to be residents of that area as long as they serve. The Board shall be appointed by Spartanburg County Council. No person holding any other elected public office or position in Spartanburg County or a municipality within the County shall be eligible to serve on the Board concurrently.

Of the nine members, six shall be appointed from County Council Districts, one 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.

9.2.01 Terms of Office of Board Members

The members of the Board shall serve for overlapping four-year terms, or until their respective successors are appointed. Spartanburg County Council shall maintain a schedule of staggered appointments with the terms of at least two members expiring each year.

9.2.02 Compensation

Compensation will be provided to members of the Board of Zoning Appeals at an amount of compensation determined by Spartanburg County Council. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the County. Spartanburg County will also provide, wherever appropriate, training and workshop training for Board of Zoning Appeals members.

9.2.03 Removals and Vacancies

A member of the Board may be removed from the Board by the County Council for continued absence or other just causes. 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 member being so removed shall be provided, upon his request, a public hearing on the removal decision before the County Council. Vacancies on the Board shall be filled (for the unexpired term of those members whose positions have become vacant) in the same manner as the appointment of a new member.

9.2.04 Election of Officers

The Board shall elect from its members its own chairman and vice-chairman, who shall serve for one year. The Board shall also appoint a secretary, who may be an employee of Spartanburg County.

9.2.10 Powers of the Board

The Board is hereby vested with the following powers:

a. To hear and decide appeals where it is alleged in writing that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in carrying out the administration of this Ordinance.

b. To hear and act upon applications for a variance from the terms of this Ordinance when strict application of the provisions of this Ordinance would result in an unnecessary hardship. A variance request may be submitted concerning any of the numerical standards in this Ordinance and may be due to the particular circumstances of a proposed activity and its relationship to existing or potential neighboring land uses. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district or to access a road classification, or to change the zoning district and road classification boundaries shown on the official zoning map.

c. To hear and decide special exceptions as required by this Ordinance. Such activities must not only conform to the appropriate district designations and road classifications but they must also have the benefit of public comment through the hearing process. Therefore, an activity requiring a special exception can be permitted only after approval by the Board of Zoning Appeals.

d. To hear and decide all matters referred to it by provisions of this Ordinance.

e. The Board of Zoning Appeals shall also have the powers and duties as assigned to it in the Unified Land Management Ordinance.

9.2.20 Meetings of the Board

The Board shall meet at least once each month when there are appeals or applications for variances or special exceptions. Special meetings may be held at the call of the chairman provided that at least a 24-hour notice of such a meeting is given to every member.

9.2.30 Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall include at least the following requirements:

a. The presence of five members shall constitute a quorum and motions on a variance shall pass or fail by a majority vote of those members present and voting. Motions which receive an equal number of votes for and against shall be deemed to fail. Motions on an Appeal or Special Exception shall pass or fail by a two-thirds vote of those members present and voting. Only members in attendance at a meeting shall be eligible to vote upon motions before the Board. Proxy votes shall not be used.

b. No action shall be taken by the Board on any case until after a public hearing, which shall include the posting of the property involved, as applicable, and the publication of a legal notice in a newspaper of general circulation in Spartanburg County. Written notice of the public hearing shall be sent by mail to the appellant and all property owners adjacent to and across the road from the location of a proposed variance or special exception. No appeal shall be considered and heard before the Board less than 15 days after filing such appeal. If, after action by the Board upon an appeal, pertinent new information is uncovered that could not have reasonably been made available to the Board during the relevant public hearing, the Board shall establish a date for the rehearing of the matter in accordance with the appropriate procedures herein.

c. If a public hearing is delayed, the party responsible for the delay shall pay for re-advertising, renotification, and any additional fees incurred because of the delay.

d. All hearings shall be open to the public.

e. The Board may call upon any other agency of Spartanburg County for information in the performance of its duties and it shall be the duty of such other agency to render such information to the Board as may be reasonably required.

f. The County Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board.

g. An appeal must be filed within 30 days from the date of refusal by the Zoning Administrator to issue a zoning permit or certify compliance with this Ordinance.

h. Any member of the Board who shall have a direct or indirect interest in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, or proceedings of the Board in connection with that case.

9.2.40 Application for Variances, Special Exceptions, or Appeals

A written application for a variance, special exception, or appeal shall be filed with the Zoning Administrator in carrying out the administration of this Ordinance. This application shall be filed by the property owner or his designated agent or the aggrieved party. Copies of the application shall be transmitted to the members of the Board. A fee established by County Council shall accompany every application.

9.2.50 Public Hearing

A public hearing shall be held by the Board on all appeals and proposed variances and special exceptions. Notices of such shall be handled as follows:

a. The Zoning Administrator shall give notice in a newspaper of general circulation in Spartanburg County at least 15 days prior to the public hearing.

b. Prior to the public hearing, the Zoning Administrator shall cause at least one sign to be posted on the property in question (if the application is a proposed variance or special exception). This sign shall contain the nature of the requested variance and the time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property.

c. Prior to the public hearing before the Board, the property owners adjacent to and across the road from the location of a proposed variance or special exception shall be notified by certified mail from the Zoning Administrator of the proposed variance or special exception and the time, date, and place of the public hearing.

9.2.60 Standards for Variances

The Board may grant a variance if it makes 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 district will not be harmed by the granting of the variance.

The Board shall also consider the following when hearing a variance request in these sections of the Ordinance:

Section 2.2.10 Driveway and Road Restrictions – Many of the regulations found in this section are based upon laws of physics and engineering standards that help achieve sight lines, sight distances, etc., that provide for safer movement of motorists and pedestrians. Such restrictions shall not be altered without the support of a qualified engineering study.

Article 7 – Signs – This Article contains many standards that implement comprehensive aesthetic and safety initiatives of Spartanburg County. Most of these regulations are articulated in a manner that provides an equal opportunity for all to advertise their activity and may help businesses avoid becoming a nonconformity upon annexation into a municipality. The Board should not approve a variance that destroys this equitable balance of opportunity, that damages the County's aesthetic and safety initiatives, or that creates a nonconformity problem for a business in future years.

Article 2 – Application of Regulations – Most of the standards found in this article are intended to help create compatibility between two specific pieces of property and two specific property owners. The Board should consider the opinions of those property owners very important and also consider the possibility that some alterations or additions to the proposed activity might represent an improvement to the published standards in this Article.

9.2.70 Extent of Relief Granted

The Board may grant less relief, but not more relief, than formally requested by the applicant.

9.2.80 Resubmittal of Variances

A variance request which has been wholly or partially denied cannot be resubmitted within 12 months from the date of the previous corresponding application. Resubmittal means application for relief from the same kinds of zoning restrictions for the same activity on the same property.

9.2.90 Appeal of a Decision of the Board

The Board of Zoning Appeals shall notify the applicant of their decision by certified mail. Any person with a substantial interest in a decision of the Board, or any County officer, agency, or department may appeal any decision of the Board to the Circuit Court in and for the County. Such appeal shall be filed within 30 days after the decision of the Board is mailed. A zoning permit subject to appeal of the Board's decision may be issued and the applicant may proceed at risk subject to the issuance of a stop work order if an appeal is filed.

9.2.100 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after such notice of appeal shall have been filed, that by reason of the facts stated in the certification, such stay would cause imminent peril to life or property. In such a case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

Chapter 3. Amendments

9.3.00 Purpose

The Spartanburg County Council may, from time to time, amend the text of this Ordinance or the Zoning Maps which are part of this Ordinance in the manner set forth below, where it is alleged that there was an error in the Performance Zoning Ordinance, where conditions have changed so as to warrant a change in zoning, or where in the opinion of the Spartanburg County Council such change shall serve to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Spartanburg County.

9.3.10 Procedures

Map or text amendments may be proposed by the Spartanburg County Council or the Spartanburg County Planning Commission. Property owners may request map amendments, but only for a change in the District or Overlay District classification of their property or for a change in the classification of the Road that directly accesses their property. If another person or entity is representing the property owner(s) in the amendment request, a letter of agency must be submitted with the application.

9.3.11 Application for Amendment

An application for an amendment shall be filed with the Zoning Administrator, who shall transmit copies thereof to the Planning Commission and to County Council. A fee established by County Council shall accompany every application for an amendment.

9.3.12 Review by the Planning Commission

The Spartanburg County Planning Commission shall review and make recommendations to the County Council on proposed amendments to this Ordinance. The Commission shall make such recommendation within 30 days after the public hearing on a proposed amendment. Upon the expiration of the 30-day time limit, if the Planning Commission has not made a recommendation, the County Council may proceed to act as it deems proper.

9.3.13 Public Hearing

A public hearing shall be held by the County Council before enacting or amending any zoning regulations or maps. Notices of such shall be handled as follows:

a. The Zoning Administrator shall give notice in a newspaper of general circulation in Spartanburg County at least 15 days prior to the public hearing. If the proposed amendment is to the Zoning Maps, the notice shall specify the location, current zoning, and proposed zoning of the property involved.

b. At least 15 days prior to the public hearing, the Zoning Administrator shall cause at least one sign to be posted on the property in question (if the application is a proposed map amendment). This sign shall contain the nature if the requested change and time, date, and place of the public hearing, and shall be located so that it is visible from each public thoroughfare that abuts the property. If the application is for the change in classification of a road then signs shall be placed at the location(s) of the extent of the requested change.

c. Prior to the public hearing before County Council, the property owners adjacent to and across the road from the location of a proposed map amendment shall be notified by the Zoning Administrator of the proposed amendment and the time, date, and place of the public hearing.

9.3.20 Extent of Amendment Granted

In making a decision on a map amendment application, the County Council may grant any of the Zoning Districts or Road Classifications that fall between the existing and requested District or Road Classification in the following chart:

Districts	Road Classifications
RD - Restrictive Development	RLD - Residential Local Detached
GD - General Development	RLA - Residential Local Attached
PR - Partial Restriction	RL - Restrictive Local
	LL - Limited Local
	L - Local
	C - Collector
	A - Arterial
	I - Interstate

9.3.30 Enactment

Upon enactment of an amendment by County Council, the Zoning Administrator shall immediately cause said amendment to be placed upon the Zoning Maps or inserted into the text of the Ordinance.

9.3.40 Resubmittal of Amendments

A map amendment request, which has been denied for the same property or substantially the same property, shall not be resubmitted within 12 months in the same form as previously submitted. The 12 months shall be measured from the date of the application. This shall not prohibit resubmittal if new facts are uncovered.

Chapter 4. Enforcement

9.4.00 Violations

Wherever the Zoning Administrator or his authorized representative finds a violation of this Ordinance, he shall direct compliance as he deems necessary, to include the issuance of verbal and/or written compliance orders. Additional enforcement actions may include the following:

a. The revocation of any Zoning Permits issued;

b. The withholding of any related permits, plats, inspections, or other permissions, approvals, or privileges authorized by any County ordinances; or

c. Redress through legal action as described in the following section.

9.4.10 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, or corporation who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than the maximum allowable penalty jurisdiction of the Magistrate's Court. Each day such violation continues shall be considered a separate offense. The owner, occupant, or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Notice of violation shall be sufficient if directed to the owner or occupant or the agent of the owner or occupant and left at his known place of residence or place of business.

The Zoning Administrator or other appropriate County official may also seek injunctive relief or any other appropriate action in courts of competent jurisdiction to enforce the provisions of this Ordinance.

9.4.20 Liability

Any Board member, the Zoning Administrator, or other employee charged with the enforcement of this Ordinance, acting for Spartanburg County in the discharge of his duties, shall not thereby render himself liable personally. He is hereby relieved from all personal liability and shall be held harmless by Spartanburg County of any damage that may accrue to persons or property as a result of any act required or permitted in the proper discharge of his duties. Any suit brought against a Board member, the Zoning Administrator, or employee charged with the enforcement of this Ordinance because of such act performed by him in the enforcement of any provision of this Ordinance shall be defended by legal representatives furnished by Spartanburg County until the final termination of such proceedings.

Chapter 5. Legal Status

9.5.00 Conflict with Other Laws

Whenever the provisions of the Ordinance impose regulations that are in conflict with those of other County ordinances, other governmental agencies, or privately executed restrictions, the more restrictive regulations shall apply. The same shall be true if there is a conflict between provisions within the body of this Ordinance.

9.5.10 Repeal of Prior Regulations

All ordinances regulating zoning adopted prior to these regulations are hereby repealed.

9.5.20 Separability

Should any article, section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole of any other article, section, clause, or provision of this Ordinance.

APPENDICES

Landscape and Open Space Article

The selection of trees to be planted to meet the specific requirements Article 6 of this Ordinance should be limited to native species, in order to help assure hardy and mature growth. In order to limit the potential for maintenance problems and poor growth, hybrids, non-native species, and aggressive or invasive species should be avoided, as well as species outside their normal range.

Trophy Trees and Tree Exclusions

This Ordinance describes the category of trophy trees as those trees that are significant by their size and type and as such should be preserved wherever possible. Guidelines detailed within Article 6 address the circumstances in which preservation of trophy trees is not feasible. There are also trees that should not be used to meet the standards of Article 6. The specifications for determining these exclusions and trophy trees are as outlined in these two charts.

Trophy Tree Specifications	
Canopy Trees	>24" D.B.H.
Understory Trees	>12" D.B.H.

Tree Exclusions	
Canopy Trees	Sweetgum Yellow Popular Bradford Pear Pine
Understory Trees	

The specifications for trophy trees and tree exclusions may be revised by staff upon direction by Spartanburg County Council as part of a regularly scheduled meeting.

Additional Tree Resources

The following is a list of resources for information on proper planting and maintenance:

South Carolina Forestry Commission
P.O. Box 21707
Columbia, SC 29221-1707

Clemson Extension Service
Spartanburg County Office
142 South Dean Street
Spartanburg, SC 29302

South Carolina Forestry Association
P.O. Box 21303
Columbia, SC 29221-1303

http://www.americanforests.org
http://www.arborday.org
http://www.treesaregood.org

Appearance Corridors

The following are the roadways which are designated as Appearance Corridors in accordance with Article 6, Chapter 3. Appearance Corridors may be removed from or added to this list in accordance with the amendment procedures found in Article 9. All cited intersections, as well as measured locations, refer to the mapped centerlines of the named roads.

Appearance Corridors S1

Arterials: SC Highway 11 (Cherokee Foothills National Scenic Byway) – from Greenville County line to the municipal limits of Chesnee, excluding the Town Limits of Campobello)

Collectors: *road name - from* _____ *to* _____

Locals: Country Club Rd (S-47) – from Club Dr to Clifton Glendale Rd (S-30)

Appearance Corridors S2

Arterials: SC Highway 9 (Highway 9) – from Farm Lake Road to State Line

SC Highway 80 (J Verne Smith Parkway) - from E Wade Hampton Blvd (US 29) to County Line, excluding Greer City Limit

SC Highway 101 (Highway 101 S/Highway 101) – from Reidville Rd to Woodruff City Limit

SC Highway 290 (Moore Duncan Hwy) – from SC Highway 417 to US Highway 221

SC Highway 296 (Reidville Road) – from North Tyger River to County Line, excluding Reidville and Greer municipal limits

US Highway 221 (S. Church Street Ext./Highway 221) – from Southport Rd to Moore Duncan Hwy (SC 290)

Collectors: *road name - from* _____ *to* _____

Locals: *road name - from* _____ *to* _____

Appearance Corridors S3

Arterials: SC Highway 9 (N Church St/Boiling Springs Rd/Highway 9) – from Spartanburg City Limit to Farm Lake Road

SC Highway 56 (Asheville Hwy) – from Spartanburg City Limit to N Pine St (I-585/US 176)

SC Highway 101 (Highway 101 S) – from J Verne Smith Parkway (SC 80) to Reidville Rd, excluding Greer City Limit

SC Highway 290 (E Main St/Moore Duncan Hwy) – from I-85 to SC Highway 417

SC Highway 296 (Reidville Road) – from Spartanburg City Limit to North Tyger River

US Highway 29 (Warren H Abernathy Hwy) – from Spartanburg City Limit to I-85

US Highway 221 (Whitney Road/Chesnee Hwy) – from Spartanburg City Limits to Flatwood Dr, Chesnee

US Highway 221 (S Church Street Ext) – from Spartanburg City Limits to Southport Rd

Collectors: Country Club Rd (S-47) – from Spartanburg City Limit to Club Dr

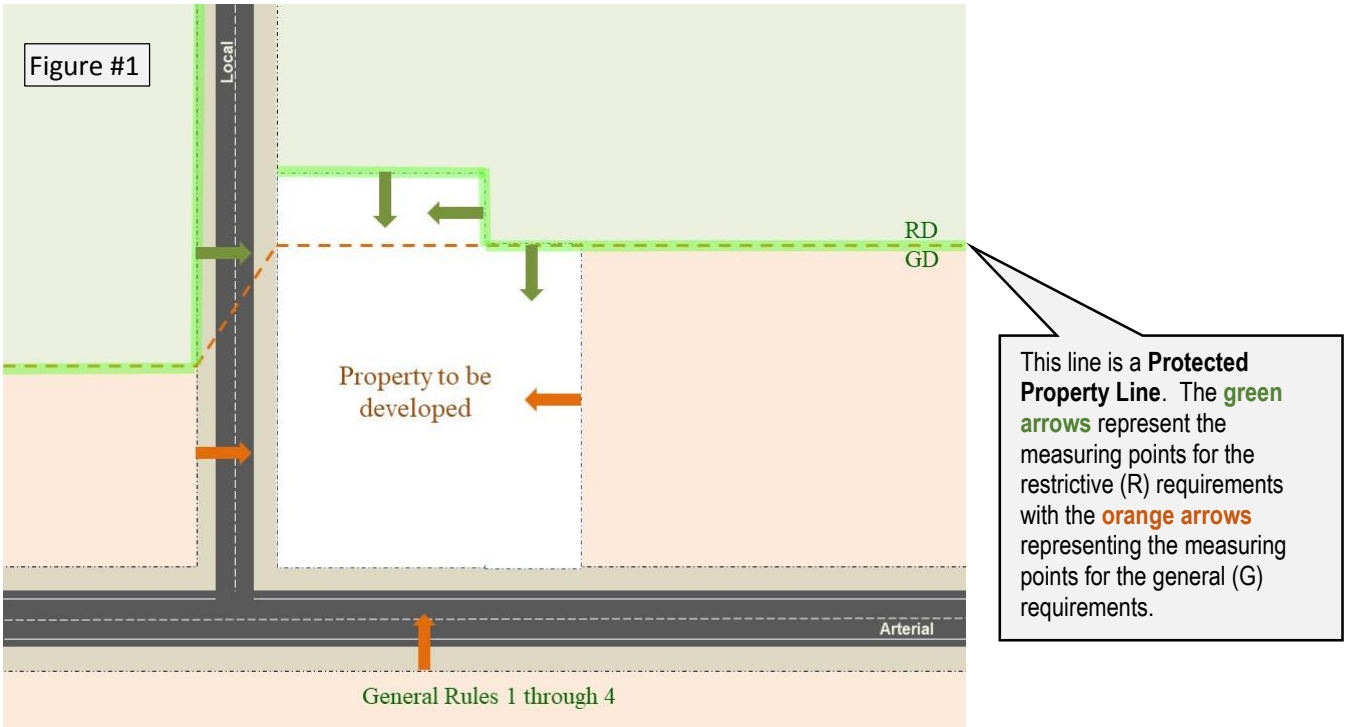
Locals: *road name - from* _____ *to* _____

General Rules and Special Rules

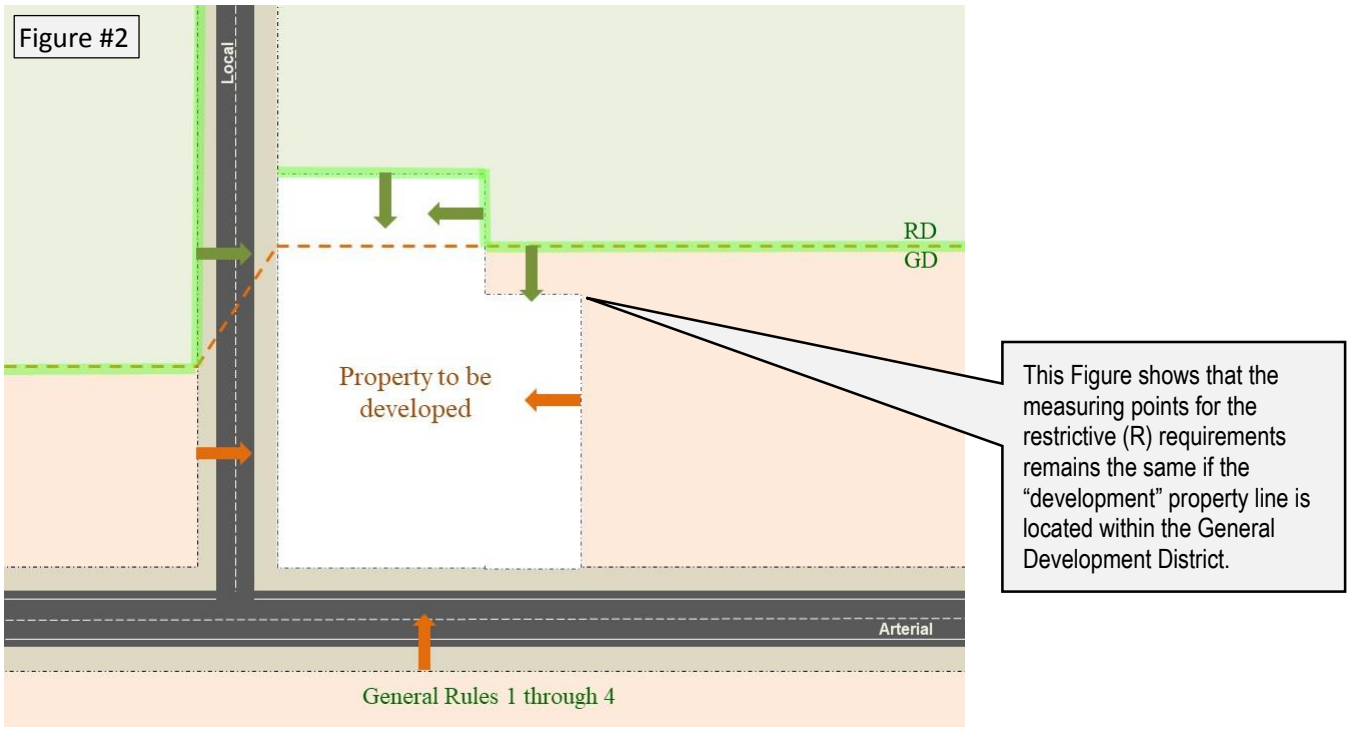
The following graphics are provided to assist in the interpretation of the General and Special Rules located in Section 23.60 for purpose of applying the Compatibility Performance Standards found in Article 2, Chapter 3.

General Rules

1. The restrictive (R) requirements in the Chart apply to Protected Property Lines within a Restrictive Development District or those which serve as the boundary between a Restrictive Development District and a Partial Restriction District, a municipality within Spartanburg County, or an adjacent county.
2. The general (G) requirements in the chart apply to Protected Property Lines within a General Development District or those which serve as a boundary between a General Development District and a Partial Restriction District, a municipality within Spartanburg County, or an adjacent county.
3. For property lines which serve as the boundary between a Restrictive Development District and a General Development District, the restrictive (R) requirements shall apply for the protection of property on the Restrictive Development District side of the boundary relative to land uses on the General Development District side of the boundary. Similarly, the general (G) requirements shall apply for the protection of property on the General Development District side of the boundary relative to land uses on the Restrictive Development District side of the boundary.
4. When an activity is located on a parcel which is separated from surrounding Protected Property by existing road or railroad rights-of-way, by utility rights-of-way, by water bodies, or by other parcels, then the compatibility standards applicable to that activity shall be measured across such separation from the Protected Property Lines.



General Rules 1 through 4



Special Rules However, the General Rules above for interpreting the chart shall be modified by the special rules below where items "1" through "5" are applicable.

1. Protected Residential Uses within a General Development District shall be afforded the restrictive (R) requirements in the chart relative to land uses on surrounding properties in the following manner:

   Those portions of the property lines of a Protected Residential Use which are within 125 feet of that use's principal activity [generally the building envelope(s)] shall be considered Protected Property Lines to the extent of 100 percent of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property.

   Those portions of the property lines of a Protected Residential Use which are within 250 feet of, but more than 125 feet from, that use's principal activity [generally the building envelope(s)] shall be considered Protected Property Lines to the extent of 50 percent of the restrictive (R) requirements in the chart relative to the applicable activity on the surrounding property. This 50 percent level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

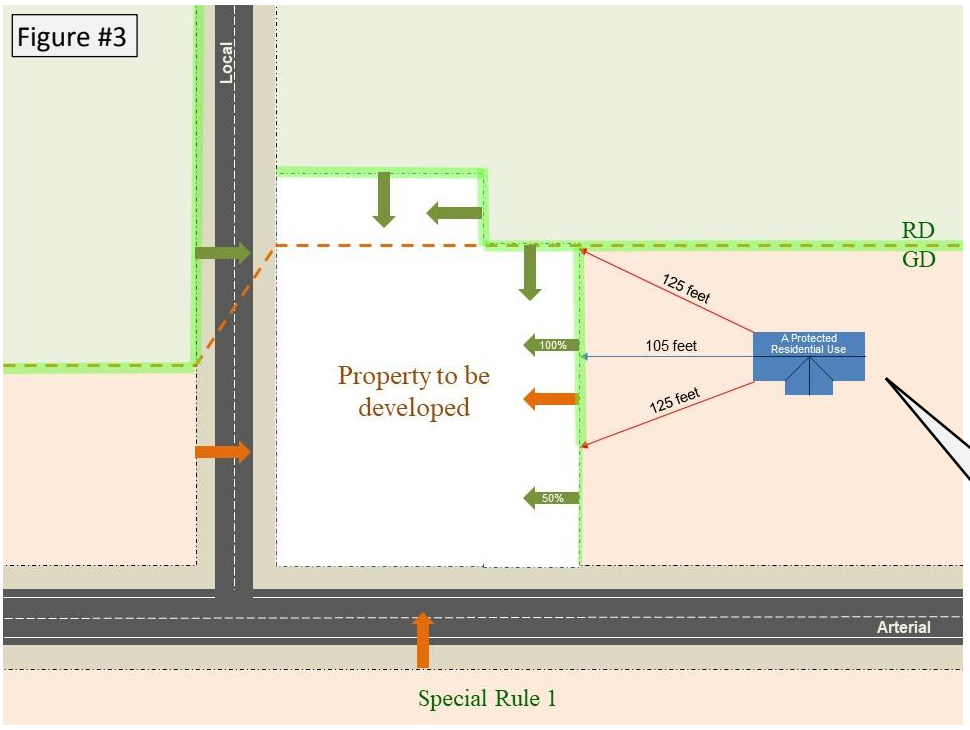
   Those portions of the property lines of a Protected Residential Use which are more than 250 feet from that use's principal activity [generally the building envelope(s)] shall be considered Protected Property Lines to the extent of 100 percent of the general (G) requirements in the chart relative to the applicable activity on the surrounding property.

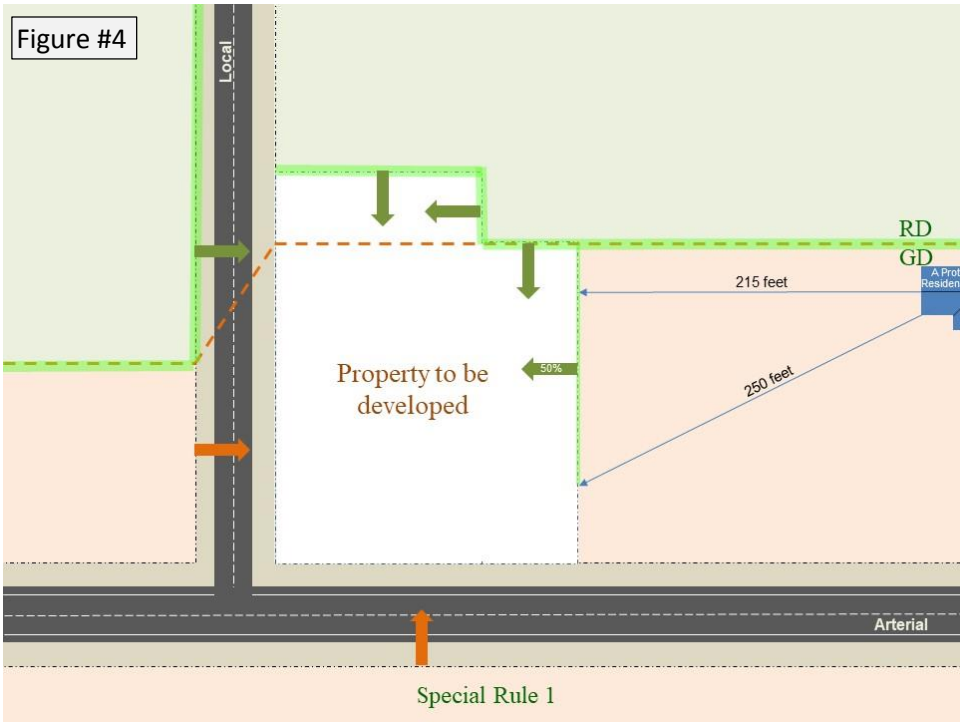
2. Those portions of the property lines of a parcel within a Restrictive Development District which serve as the boundary between the Restrictive Development District and a General Development District, and which have no Protected Residential Use within 125 feet, shall be considered Protected Property Lines to the extent of 50 percent of the restrictive (R) requirements in the chart relative to the applicable activity in the General Development District. This 50 percent level of protection shall be determined by halving the distances imposed for the height, buffer, setback from adjoining property, total screening, and partial screening requirements.

3. Notwithstanding Special Rules 1 and 2 above, certain portions of the property lines of a parcel within either a Restrictive Development District or a General Development District, or both, upon which there is an existing nonresidential principal activity, shall be considered Protected Property Lines only to the extent of 100 percent of the general (G) requirements in the chart relative to the applicable activity on the surrounding property. The portions of the property line so protected shall be those within 250 feet of either the principal or accessory uses of this nonresidential activity and located within a Restrictive Development District.

4. When a Protected Property Line runs through or borders an impoundment of water or the primary channel of a river then the distances imposed for the buffer, setback from adjoining property, total screening, and partial screening, but not height, requirements (as first determined by applying the general rules and special rules above) shall be measured such that each linear foot of traverse over the water impoundment shall count as only ½ foot toward the total distance imposed. Since screening of activities on water surfaces is not feasible, the partial screening requirements will typically determine the distance separation over water impoundments.

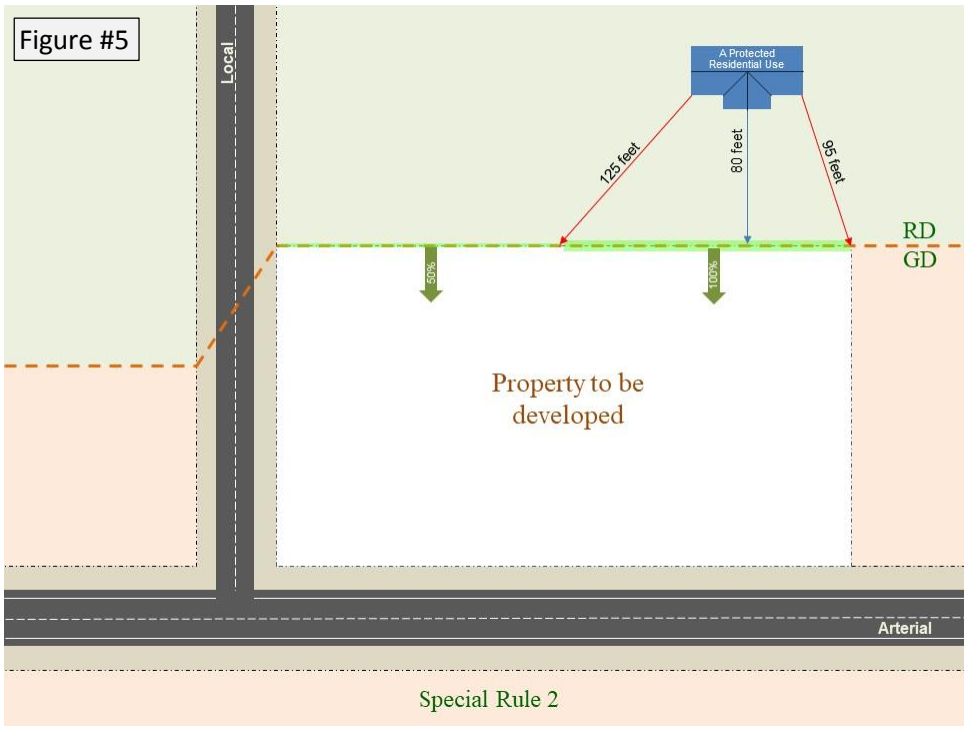
5. All activities shall provide all of the applicable restrictive (R) screening requirements and provide buffer landscaping, as regulated in Article 6 relative to residential activities already in use or permitted on surrounding properties also located in a General Development District. In such cases the extent of this extra protection, if any, shall be determined in accordance with the measurement methods found in Special Rule #1.





Figures #3 and #4 show the implementation of Special Rule 1 which varies the percent of protection afforded a Protected Residential Use based upon its distance from the "development" property line.

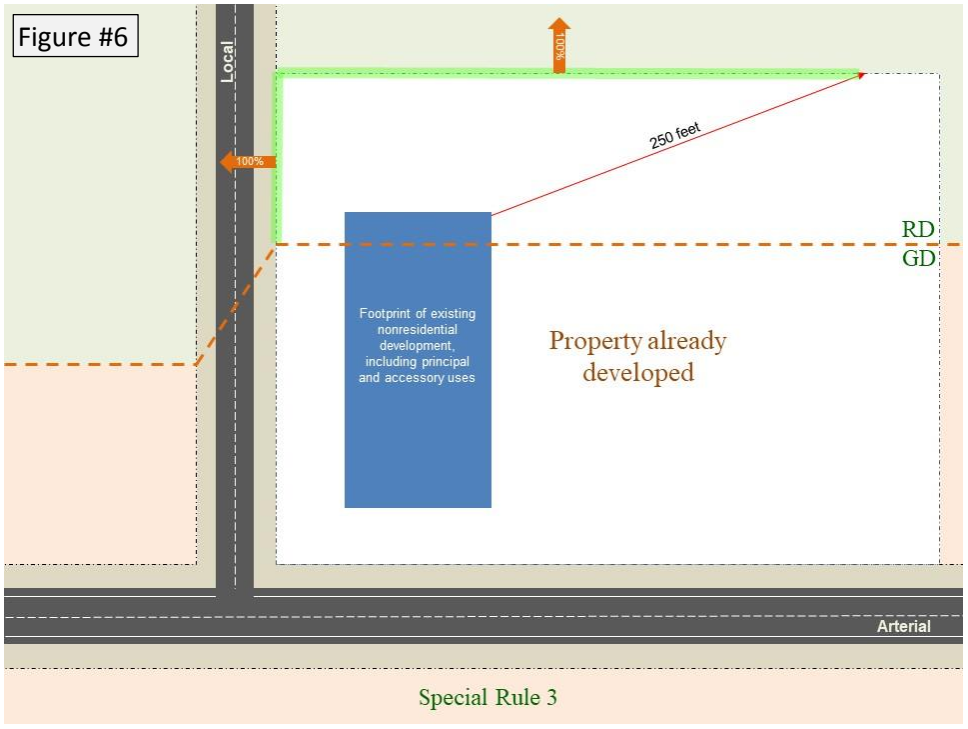
Figure #5



Special Rule 2

Figure #5 shows the implementation of Special Rule 2 which occurs when the property line is the boundary between a Restrictive Development District (RD) and a General Development District.

Figure #6



Special Rule 3

Figure #6 shows the implementation of Special Rule 3.

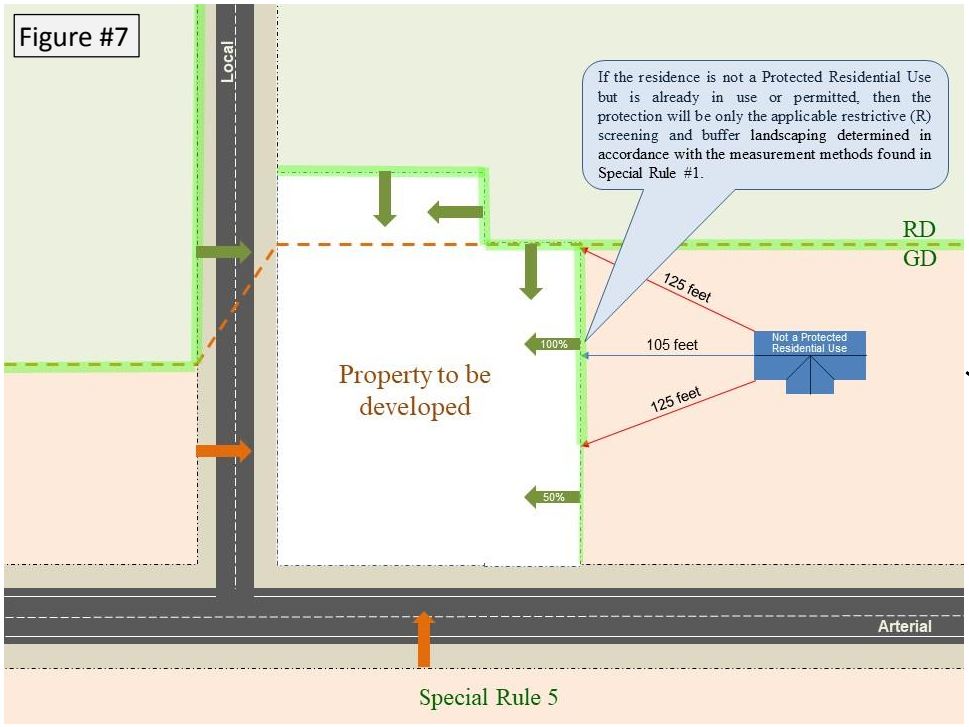


Figure #7 shows the implementation of Special Rule 5.

Design Manual

The following graphics are provided to assist in the interpretation of the Minimum Architectural Standards found in Section 23.51 and repeated below for easy reference. These graphics may be amended at any regular meeting of the Spartanburg County Planning Commission.

The following shall be the minimum architectural standards for the portions of all nonresidential, nonagricultural buildings which are located less than 750 feet from the right-of-way of an Interstate, Arterial, or Collector Road:

a. A Façade Wall is any side of a building that faces a street or public space; any other wall is a Building Wall.

b. Only Façade Walls and the portions of Building Walls that are visible from these roads are required to meet the following standards. Building Walls, that are generally perpendicular to the roadway and are minimally visible due to the location of other adjacent buildings and/or structures, shall be exempt from these standards for any portion of that Building Wall that can be screened from view with evergreen vegetation to be opaque within two years. Because many of the undeveloped parcels along Interstates have a thick growth of existing vegetation and since many of the developments along Interstates face a frontage road and back up to the Interstate, retaining the existing vegetation along the Interstate frontage may provide much of the required year-round screening.

c. All exterior walls shall be constructed of brick, stone, wood, stucco, split face or other architecturally detailed block, Hardie board or similar cementitious planking material, slate, limestone, tile, pre-stressed or tilt-up concrete wall panels (which are painted and have some rustication, banding or other architectural feature), glass, glass curtain wall, and glass block features. Metal may be used on non-Façade Walls, provided that the Façade material is wrapped at least 25 feet down both sides and the remainder of the Building Walls screened from view by evergreen vegetation to be opaque within two years.

d. Buildings with a Façade Wall greater than 100 feet in length, measured horizontally, shall incorporate recesses or projections.

e. Façade Walls with large areas of uninterrupted brickwork, stone, stucco, etc. shall be broken up through the use of trellises, arcades, blind windows, coining, lighting features, etc.

f. Individual entrances on Façade Walls shall be delineated by awnings, columns, canopies or porticoes, arches, or similar architectural features.

g. Building styles without a pitched roof shall have a detailed parapet and/or cornice. Parapets shall include articulations or architectural features at least every 100 linear feet.

h. Pitched roofs shall be of a consistent style and pattern.

i. Windows on Façade Walls shall be outlined with some architectural detail.

j. The use of bright, neon, and/or fluorescent colors is prohibited, unless otherwise allowed in Section 77.50 of this Ordinance as a registered mark exhibited in a certificate of registration issued by United States Patent and Trademark Office.

k. Warehousing and distribution activities and manufacturing activities are exempt from these standards provided they are at least 12,000 square feet in size and meet the landscaping requirements of Section 62.40 of this Ordinance.

This building does not meet Standard j.

Example of a building meeting Standard h.

This building does not completely meet Standards c – g and i.

This building does meet those Standards.

Examples of nonresidential buildings without a pitched roof meeting Standard g.

Example of a building that does not meet Standards d and f. If it qualifies for Standard k, it may be able to comply by meeting the landscaping requirements of Section 62.40.