



NO. O-11-31

## AN ORDINANCE

TO AMEND THE SPARTANBURG COUNTY UNIFIED LAND MANAGEMENT ORDINANCE (O-99-15), AS AMENDED, SO AS TO PROVIDE FOR CONSISTENCY WITH SCDHEC TERMINOLOGY FOR WASTE MANAGEMENT FACILITIES, TO PROVIDE CONSISTENCY WITH THE COUNTY SOLID WASTE MANAGEMENT PLAN, AND TO EXPAND THE TYPES OF WASTE MANAGEMENT FACILITIES COVERED UNDER THE ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY SPARTANBURG COUNTY COUNCIL:

**SECTION 1.** The Spartanburg County Unified Land Management Ordinance, Number O-99-015, as amended, is hereby amended and adopted as follows:

### **Section 3.17 Waste Management Facilities**

Legislative Findings of Fact and Policy Intent: All of the provisions and procedures set forth in this ordinance are derived from and based upon County Council's findings of fact in reference to the unique and peculiar attributes of Spartanburg County including its population projections, density and distribution, its highways and feeder roads, terrain, soil, industrial and commercial propensities, water resources, climate and seasonal effects, present and future environmental projections, law enforcement capabilities, property values, public facilities, residential uses, parks and recreational facilities, churches and commercial uses, affects upon tax revenues, quality of life, and adverse secondary effects. Based upon all those findings, County Council has concluded as a matter of fact that the provisions are necessary and required to avoid or retard the deterioration of quality of life in Spartanburg County and the deterioration of commercial, business and industrial viability in Spartanburg County. All of those findings are the basis for the requirements and governing

provisions of this ordinance which is also enacted pursuant to 4-9-25 of the Home Rule Act as necessary for the preservation of health, order and good government in Spartanburg County.

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

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

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

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

Other Waste Management Facilities covered by this Section:

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

**3-17.1 Definitions**

For purposes of Section 3.17 the following definitions shall apply:

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

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

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

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

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

**“Infectious waste”** means any used material which is: generated in the health care community in the diagnosis, treatment, immunization, or care of human beings; generated in embalming, autopsy, or necropsy; generated in research pertaining to the production of biologicals which have been exposed to human pathogens; and generated in research using human pathogens. This includes discarded articles that may cause puncture or cuts, such as needles, syringes, lancets, or scalpel blades; microbiologicals, such as specimens, cultures, human pathogenic agents, culture dishes, etc.; blood and blood products; pathological waste, including human tissues and bodily fluids; contaminated animal waste; isolation waste; and other waste as set forth in SC Code R.61-105. Infectious Waste does not include those wastes defined by SC DHEC as hazardous waste; radioactive and nuclear wastes; infectious waste generated by a private household; and other such exemption as defined by SC DHEC regulations.

**“Infectious Waste Management Facility”** means a facility engaged in waste management where the waste is infectious waste. Hospitals, nursing and personal care facilities, dentist offices, medical offices, laboratories, clinics, and medical treatment centers, and other similar patient care facilities are exempt

from this definition if the waste generated is collected on a schedule or treated on site whereby the storage does not constitute a nuisance or risk to human health. Mortuaries and tattoo and body piercing facilities shall be similarly exempted.

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

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

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

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

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

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

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

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

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

“Residence” means a structure or part of a structure that has been used as a residence or for which a permit has been issued by the County containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, apartments, manufactured home parks, dormitories, or fraternity or sorority houses. Residences, for the purpose of

this section, shall also include commercial, overnight-stay services such as hotels, motels, or tourist cabins.

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

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

"Solid waste" means any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agriculture operations, and from community activities. This term does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations or refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.

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

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

"Transfer station" means a combination of structures, machinery, or devices at a place or facility where waste is taken from collection vehicles and placed in other

transportation units, with or without reduction of volume, for movement to another waste management facility.

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

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

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

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

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

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

### **3.17-2 Waste Management Facility Standards**

#### **3.17-2.1 General Requirements**

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

1. The Planning and Development Department shall not begin the review of an application for a permit until the applicant has submitted a complete

application to the Planning and Development Department, as determined by staff. If staff determines the application to be incomplete, the applicant will be notified in writing of the deficiencies within fourteen calendar days of receipt of the application.

2. All applicants must submit four (4) hard copy sets and one (1) PDF set of the following plans for the specific type of facility being proposed.
  - a. Vicinity plan that shows the area within one-half mile of the property boundaries of the facility in terms of: the existing and proposed land uses within that area at the time of permit application; and, residences, public and private water supply wells, known aquifers (Class Two and Class Three Landfills only), surface waters (with quality classifications), access roads, bridges, railroads, airports, historic sites, and other existing and proposed man-made or natural features relating to the facility. The plan shall be on a scale of not greater than 500 feet per inch unless otherwise approved by the Planning and Development Department.
  - b. Site plan that shows the facility's property boundaries, as certified by an individual licensed to practice land surveying in the State of South Carolina; off-site and on-site utilities (such as, electric, gas, water, storm, and sanitary sewer systems), rights-of-way and easements; the names, addresses, and tax map numbers of abutting property owners; wells, benchmarks and permanent survey markers; on-site buildings and appurtenances, fences, gates, roads, parking areas, drainage culverts, and signs; the delineation of the total facility area including planned staged development of the facility's construction and operation; the location and identification of waste handling areas; and site topography with five feet minimum contour intervals; and any other relevant information as necessary for proper operation. The site plan shall show property lines, existing wells, and surface water bodies. The plan shall show all buildings, to include residences and schools, on adjacent properties. The plan shall be on a scale of not greater than 200 feet per inch unless otherwise approved by the Planning and Development Department.
  - c. A full set of storm water plans shall be submitted to the Engineering Division of the Public Works Department.
  - d. If the owner of the site on which the waste management facility is to be placed is not the project applicant, written permission must be obtained from the owner to apply for the project's approval.  
(Amended 07/19/2004)

3. If a waste management facility land development application requires South Carolina Department of Health and Environmental Control (DHEC) permitting and is "approvable" under this ordinance, the Planning and Development Department will issue a letter to DHEC stating that a land development permit will be issued upon receipt of the DHEC permit so long as the proposed waste management facility still meets the requirements of this ordinance after obtaining approval from DHEC.
4. All required permits and approvals must be obtained from the DHEC, as applicable, prior to the County issuing a land development permit.
5. Waste management facility operators shall provide an estimate of daily, weekly, and monthly truck trips broken out by the size, type, and load capacities of vehicles. County staff will examine public road access to the site and make a determination based on the above data and the construction of the road, regardless of functional road classification, regarding the adequacy and safe use of the public road to support projected truck traffic resulting from projects on county roads. If the capacity of the road is found to be inadequate, the project will not be approved. Waste management facilities will not be allowed on minor streets in any case, except for structural fill projects of less than one acre where it is determined that the road is capable of handling anticipated loads.
6. No Waste Management Facility shall be established within 1000 feet of the following Scenic Corridors: SC Highway 11 (Cherokee Foothills Scenic Highway), SC Highway 9, SC Highway 56, SC Highway 110 (Battleground Road), SC Highway 30 (J Verne Smith Parkway), Interstate 85 and Interstate 26. Waste Management Facilities with outdoor processes or storage shall be prohibited on any Federal Aid Primary Highway unless screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the highway. (SC Code of Laws, Title 57, Chapter 27 Junkyard Control, as amended)
7. The provisions of Article 2 for Heavy Industrial Uses shall apply to all Waste Management Facilities unless the requirements for certain types of Waste Management Facilities are specified otherwise herein. Table 6 specifies off-street parking for Waste Management Facilities.
8. Access to any Waste Management Facility shall be controlled through the use of fences, gates, berms, natural barriers, or other means to prevent illegal dumping and unauthorized access as demonstrated by the applicant with the concurrence of staff.

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

**3.17-2.1 Solid Waste Landfills**

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

**A. Class One Landfills**

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

<b>CLASS ONE LANDFILLS Spacing/Setback Requirements</b>	
Property line	50 Feet
Residence, residential subdivision, school, daycare, church, hospital or public park	200 Feet
Drinking water well	100 Feet
Surface water bodies	100 Feet

Utilities	50 Feet
Right-of-ways	50 Feet
Wetlands	Compliance with USACE

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

## B. Class Two Landfills

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

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

3. Upon DHEC certification of proper closure, a plat showing the boundaries of the disposal area of the closed disposal facility with the type and location of

the solid wastes disposed of at the facility shall be submitted to the Spartanburg County Planning Department and recorded in the Spartanburg County Register of Deeds Office. The recorded plat shall state that the land contained herein has been used for a Class Two Landfill.

**C. Class Three Landfills**

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

<b>CLASS THREE LANDFILLS Setback/Spacing Requirements</b>	
Property line	200 Feet
Residence, residential subdivision, school, daycare, church, hospital or public park	1000 Feet
Drinking water well	500/750/1000 Feet*
Surface water bodies	200 Feet
Utilities	50 Feet
Right-of-ways	50 Feet
Airport	10,000 Feet (Turbojet) 5,000 Feet ( Turboprop) 6 Miles (New Landfill)
Wetlands	Compliance with USACE
*500' up gradient, 750' side gradient, 1000' down gradient	

4. Upon DHEC certification of proper closure, a plat showing the boundaries of the disposal area of the closed disposal facility with the type and location of the solid wastes disposed of at the facility shall be submitted to the Spartanburg County Planning Department and recorded in the Spartanburg

County Register of Deeds Office. The recorded plat shall state that the land contained herein has been used for a Class Three Landfill.

**D. Short-Term Structural Fill**

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

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

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

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

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

<b>STRUCTURAL FILL Setback/Spacing Requirements</b>	
Property line	100 Feet
Residence, residential subdivision, school, daycare, church, hospital or public park	200 Feet
Drinking water well	100 Feet
Surface water bodies	200 Feet
Utilities	50 Feet
Right-of-ways	outside of right-of-way without approval from right of way holder

Wetlands	50 Feet
Between structural fills on same property	500 Feet

### 3.17-2.2 Other Waste Management Facilities

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

#### 1. Waste Incinerators

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

<b>WASTE INCINERATORS Setback/Spacing Requirements</b>	
Property line	100 Feet
Residence, residential subdivision, school, daycare, church, hospital or public park	500 Feet
Drinking water well	100 Feet
Surface water bodies	200 Feet
Right-of-ways	outside of right-of-way without approval from right of way holder
Wetlands	50 Feet

#### 2. Recycling Facilities

- 1) Recycling Facilities shall also comply with the provisions of Article 2 and Section 3.19 to the extent that it does not conflict with this Section.
- 2) All outside storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or pelletized.
- 3) The site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.

4) If the facility is open to the public, space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials.

5) A Recycling Facility shall meet the following setbacks and spacing requirements.

<b>RECYCLING FACILITIES Setback/Spacing Requirements</b>	
Property line	100 Feet
Residence, residential subdivision, school, daycare, church, hospital or public park	500 Feet
Drinking water well	100 Feet
Surface water bodies	200 Feet
Right-of-ways	outside of right-of-way without approval from right of way holder
Wetlands	50 Feet

3. Waste Transfer Stations

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

<b>WASTE TRANSFER STATION Setback/Spacing Requirements</b>	
Property line	100 Feet
Residence, residential subdivision, school, daycare, church, hospital or public park	500 Feet
Drinking water well	100 Feet
Surface water bodies	200 Feet
Right-of-ways	outside of right-of-way without approval from right of way holder
Wetlands	50 Feet

4. Waste Processing Facilities

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

<b>WASTE PROCESSING FACILITIES Setback/Spacing Requirements</b>	
Property line	100 Feet
Residence, residential subdivision, school, daycare, church, hospital or public park	500 Feet
Drinking water well	100 Feet
Surface water bodies	200 Feet
Right-of-ways	outside of right-of-way without approval from right of way holder
Wetlands	50 Feet

#### 5. Composting and Wood Chipping/Shredding Facilities

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

### 3.17-2.3 Infectious Waste Management Facilities

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

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

<b>Infectious Waste Facilities Spacing/Setback Requirements</b>	
Property line	100 Feet
Residence, residential subdivision, school, daycare, church, hospital or public park	500 Feet
Drinking water well	100 Feet
Surface water bodies	200 Feet
Right-of-ways	outside of right-of-way without approval from right of way holder
Wetlands	Compliance with USACE

### **Section 3.23 Nuclear Waste and Hazardous Waste Management and Disposal Facilities**

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

Delete from ARTICLE 6 DEFINITIONS:

~~Construction and Demolition Debris Landfill – A facility that is used solely for the disposal of wastes resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. The wastes include, but are not limited to bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps.~~

~~Industrial Solid Waste – Solid waste that results from industrial processes including, but not limited to, factories and treatment plants.~~

~~Industrial Solid Waste Landfill – An area of land or an excavation that receives industrial solid wastes. Industrial Solid Waste Landfills are classified based on results obtained from a TGLP (toxicity characteristic leaching procedure) test.~~

~~Landfill – means a disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.~~

~~Sanitary Landfill — Is a land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards and meets the design and operation requirements of DHEC.~~

~~Solid Waste — Includes 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, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, 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.~~

~~Solid Waste Landfill — Means any sanitary landfill or landfill unit, publicly or privately owned, that receives household waste.~~

**Table 6  
Off-Street Parking Requirements (Continued)**

<b>Use</b>	<b>Required Off-Street Parking Space</b>
<b>Mobile Home Dealers</b>	1.0 per every 10 mobile homes on display <i>plus</i> 1.0 per 300 s.f. of office space with a minimum of 5 spaces
<b>Monasteries, Convents</b>	1.0 per every 6 residents <i>plus</i> 1.0 per each employee <i>plus</i> 1.0 per every 5 chapel seats (if possible)
<b>Motor Freight Transport</b>	1.0 per each employee on largest shift <i>plus</i> 1.0 per truck parked on site
<b>Motorcycle Dealers</b>	1.0 per 600 s.f. of GFA
<b>Multi-Family</b>	See Attached Multi-Plex Dwelling Projects
<b>Museums, Art Galleries</b>	1.0 per 350 s.f. of GFA
<b>Night-Club, Cocktail Lounge, Tavern, Disco, Bar</b>	1.0 per every 3 seating accommodations <i>plus</i> 1.0 per every 2 employees on largest shift or 1.0 per 100 s.f. of GFA, whichever requires the greatest number of spaces
<b>Nursing &amp; Personal Care Facilities</b>	1.0 per every 5 patient beds <i>plus</i> 1.0 per each employee on largest shift
<b>Office Administrative/Professional Services</b>	1.0 per 350 s.f. of GFA
<b>Offices &amp; Clinics of Physicians</b>	1.0 per 150 s.f. of GFA
<b>Paint, Glass &amp; Wallpaper</b>	1.0 per 350 s.f. of GFA
<b>Parcel Delivery Services</b>	1.0 per 250 s.f. of GFA
<b>Parks &amp; Playgrounds, Public/Non-Athletic</b>	1% of land area
<b>Patio Homes</b>	2.0 per dwelling unit
<b>Pawn Shops</b>	1.0 per 350 s.f. of GFA
<b>Photographic Studios, Portraits</b>	1.0 per 350 s.f. of GFA
<b>Physical Fitness Facilities</b>	1.0 per 300 s.f. of GFA
<b>Produce Stand</b>	1.0 per 350 s.f. of GFA
<b>Racetracks</b>	1.0 per every 4 seats provided
<b>Racquetball/Handball</b>	1.0 per 200 s.f. of GFA
<b>Refuse Systems, Sanitary Landfills, Dumps (See Waste Management Facility)</b>	
<b>Rehabilitation, Vocational Services</b>	1.0 per 350 s.f. of GFA
<b>Residential Care, Congregate Care, Assisted Living</b>	1.0 per 500 s.f. of GFA
<b>Restaurant/Food Service-with inside or outside seating</b>	1.0 per every 3 seats-including dining & drinking areas <i>plus</i> 2.0 for every 3 employees on largest shift
<b>Restaurant/Food Service- Drive-through only</b>	1.0 per 150 s.f. of GFA <i>plus</i> area for 8 stacking spaces for the first drive-in window & 6 stacking spaces for the additional drive-in window
<b>Rifle/Shooting Range-Outdoor</b>	1.0 per target area <i>plus</i> 1.0 per each employee

<b>Table 6 Off-Street Parking Requirements (Continued)</b>	
<b>Use</b>	<b>Required Off-Street Parking Space</b>
School, College, University	5.0 per classroom <i>plus</i> 10 administrative spaces
Schools, Elementary, Secondary	2.0 per classroom <i>plus</i> 5 administrative spaces
Schools, Fine Art, Music, Dance, Vocal	1.0 per 200 s.f. of GFA
Schools, High Schools	5.0 per classroom <i>plus</i> 10 administrative spaces
Schools, Vocational, Commercial, Trade	5.0 per classroom <i>plus</i> 10 administrative spaces
Shopping Centers	1.0 per 250 s.f. of GFA
Skating/Ice Rink	1.0 per 200 s.f. of GFA or individual review
Sporting Goods & Bicycle Shops	1.0 per 350 s.f. of GFA
Stables, Horseback Riding, Boarding, etc.	1.0 per 200 s.f. of GFA or individual review
Stadium, Arena, Athletic Field	By individual review
Swimming Pool – Public	2.0 per 100 s.f. of water surface area
Swimming Pool – Development Specific	1.0 per 100 s.f. of water surface area
Tax Return Preparation Services	1.0 per 350 s.f. of GFA
Taxation, Finance, Monetary-Public	1.0 per 350 s.f. of GFA
Tennis Club	2.0 per court <i>plus</i> 1.0 per 200 s.f. of clubhouse floor area in excess of 1,000 s.f.
Tennis Courts	2.0 per court
Terminal, Truck	1.0 per 250 s.f. of floor area devoted to office space <i>plus</i> 2.0 per company vehicle operated from premises
Theaters-Indoor	1.0 per every 4 seats provided
Theaters-Outdoor	1.0 per every 5 patrons at maximum capacity, or per individual review
Townhouse Development	2.0 per each unit
Transportation Services	1.0 per 500 s.f. of GFA
Transportation, Air	1.0 per 250 s.f. of GFA
Transportation, Bus	1.0 per 250 s.f. of GFA
Travel Agency	1.0 per 350 s.f. of GFA
Truck Stops	1.0 per 600 s.f. of GFA
Veterinary Services	1.0 per 250 s.f. of GFA
Video Tape Rental	1.0 per 250 s.f. of GFA
Warehousing	1.0 per 10,000 s.f. or minimum of 5 spaces
Warehouses-Mini	1.0 per on-site employee with a minimum of 3 spaces
Waste Management Facility (Sec. 3.17)	1.0 per each employee PLUS 1.0 per business vehicle PLUS 1.0 per 350 s.f. of office space
<b>*SPECIAL LAND USES*</b> (unique land uses)	The minimum number of parking spaces required for a use not specifically mentioned in this section shall be determined by Planning Department staff.

Proposed Use, Projects, Developments	Review & Approval Authority			Variances		Appeals		Circuit Court Appeal
	Administrative		Board	Board		Administrative		
	Building Department	Planning Department	Planning Commission	Board of Appeals	Planning Commission	Board of Appeals	Planning Commission	
<b>Subdivisions - Residential</b>								
Minor (Summary, Priv. Rd Dev. & Fam. Prop)		YES			YES		YES	YES
Major (includes Patio Home Development)			YES		YES			YES
Conservation			YES		YES			YES
<b>Land Developments</b>								
<b>Minor, to Include</b>								
Single-family dwelling	YES			YES		YES		YES
Manufactured home	YES			YES		YES		YES
Mining Operation		YES		YES		YES		YES
Outdoor Gun Range		YES		YES		YES		YES
Sexually Oriented Business		YES		YES		YES		YES
Open Storage		YES		YES		YES		YES
Communication Tower		YES		YES		YES		YES
Junk or Salvage Yard		YES		YES		YES		YES
Tattoo Parlors		YES		YES		YES		YES
Signs		YES		YES		YES		YES
Temporary Uses		YES		YES		YES		YES
All other Uses Not Classified as Major		YES		YES		YES		YES
<b>Major, to Include</b>								
Attached Multi-Plex Dwelling Projects: (Apartment, Condominium & Townhouse)			YES		YES			YES
Manufactured Home Park			YES		YES			YES
Industrial Park & Commercial Subdivision			YES		YES			YES
Shopping Center, Big-Box Retail			YES		YES			YES
Office Park			YES		YES			YES
Campground or RV Park			YES		YES			YES
Multiple Occupancy Building Project			YES		YES			YES
Motor Speedway or Racetrack			YES		YES			YES
Petroleum Products - Bulk			YES		YES			YES
Waste Management Facility			YES		YES			YES
Certain Public Uses			YES		YES			YES

**Table 3b – Commercial & All Other Uses - Setbacks and Other Requirements (Amended 08/28/2009)**

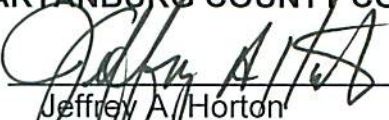
**\*\*In any case where this table does not match the text in the chapters, use the requirements in the text\*\***

Uses	Section Reference	Minimum Lot (Project Area-Square feet)	Minimum Lot Frontage (feet)	Minimum Setback (feet from)									Maximum Height (feet)			
				Front Lot Line See Footnote (Z) Collector Street			Residential Units			Rear Lot Line Line	Side Lot	One		25 or more (I)	Other Uses (A)	Spacing between buildings on same lot
				Arterial Street	Minor Street	Collector Street	One	25 or more (I)	Other Uses (A)							
Auction House/Barn	3.07	(87,120)	60(K)	50(L)/83(M)	40(L)/65(M)	X	20(Z)	15(Z)	500(W)	500(W)	NA(W)	20 +5 per story over first (DD)	(Y)			
Commercial Kennels/ Certain Agricultural Uses	3.08	(20,000)	60(K)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	25(Z)	500(W)	1000 (W)	1000 (W)	20(DD)	(Y)			
Mining Operations	3.09	NONE	60(K)	50(L)/83(M)	40(L)/65(M)	X	NONE	NONE	(B)	(B)	NA	20(DD)	NONE			
Motor Speedways and Testing Tracks	3.10	NONE	60(K)	100(L)/133 (M)	100(L)/125(M)	X	100(Z)	100(Z)	1000 (W)	2000 (W)	2000 (W)	20(DD)	NONE			
Outdoor Gun or Skeet Range	3.11	NONE	60(K)	50(L)/83(M)	40(L)/85(M)	(P)	50(Z)	25(Z)	1000 (W)	1000 (W)	1000 (W)	20(DD)	NONE			
Sexually Oriented Businesses	3.12	NONE	60(K)	50(L)/83(M)	40(L)/85(M)	X	20(Z)	15(Z)	200(W)	1000 (W)	(F)	NONE	NONE			
Camps & RV Parks	3.13	(217,800)	100(K)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	50(Z)	NA	NA	NA	10	(Y)			
Petroleum Products	3.14	NONE	60(K)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	50(Z)	1000 (W)	1000 (W)	1000 (W)	20	NONE			
Off-Site Hazardous Chemicals	3.15	(87,120)	60(K)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	50(Z)	500(W)	1000 (W)	NA	20 + 5 per story over first	(Y)			
Coin-Operated Amusement, Cash Payouts	3.16	NONE	60(K)	50(L)/83(M)	40(L)/65(M)	X	20(Z)	15(Z)	NA	500(W)	500(W)	NONE	(Y)			
Waste Management Facilities	3.17	NONE	60(K)	See Sec 3.17	See Sec. 3.17	X	See Sec. 3.17	See Sec. 3.17	See Sec. 3.17	See Sec 3.17	See Sec.3.17	20(DD)	(Y)			
Communication Towers/Antennas	3.18	NONE	(V)	(D)(E)	(D)(E)	(D)(E)	(D)(E)(Z)	(D)(E)(Z)	(D)	(E)	Section 3.18	NONE	NONE			
Junk/Salvage Yards	3.19	(217,800)	100(K)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	50(Z)	500(W)	1000 (W)	1000(W)	NONE	Sec. 3.19-4(3)			
Signs/Billboards	3.20	NONE	NONE	20(L)/83(M)	20(L)/45(M)	X	5(Z)	5(Z)	NA	NA	NA	NONE	(CC)			
Accessory Uses	3.21	NA	NA	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)	5(Z)	5(Z)	NA	NA	NA	NONE	(Y)			
Temporary Uses	3.22	-	-	-	-	-	-	-	-	-	-	-	Sec 3.22			
Nuclear & Hazardous Waste Management and Disposal Facilities	3.23	NOT PERMITTED	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX			
Certain Public Service Uses	3.24	See Sec. 3.24	-	-	-	-	-	-	-	-	-	-	Sec. 3.24			
All Other Commercial & Industrial Uses	3.25	NONE	60(K)	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)(BB)	20(Z)	15(Z)	NA	NA	NA	20(DD)	(Y)			
ALL OTHER USES		NONE	60(K)	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)	20(Z)	15(Z)	NA	NA	NA	20(DD)	(Y)			
(A) Other Uses include public parks, schools, religious institutions, hospitals, day care facilities, nursing homes.							(P) Upon a case-by-case review by Commission, a 25-foot or more easement may be substituted.									
(B) 1,000 feet for mining involving explosives. 300 feet for mining not involving explosives.							(Q) Without Community Sewer, as determined by SC DHEC.									
							(R) For Patio Homes designated deeded Common Areas may be substituted to fulfill the minimum requirements for setback, bufferyard and Open Space. A 10-ft. setback required between the unit and the Common Areas. In such cases, lot size may be reduced by up to 10%.									
(D) Height of tower minus 20 feet.							(S) 25 feet for approvable flag lots, see Section 2.05-4.									
(E) Setbacks from platted subdivisions with 25 lots or more or at least 50 dwelling units within 1,000 feet of a proposed tower shall be 2 times the height of the tower (if the tower is less than 200 ft.) or 3 times the height of the tower if tower is taller than 200 ft.							(T) Required frontage on residential private roads built in accordance with Section 2.05-3.									
							(U) For cul-de-sac lots, see Section 2.05-4.									
(F) 1,000 feet from another sexually oriented use and other uses listed in (A).							(V) Minimum of a 25-foot recorded access easement to a publicly maintained road.									

(G) No side yard required between townhouses; 7.5 feet required between building and property line.	(W) Setbacks shall be measured from the proposed structure to the nearest property line.
(H) If a zero lot line development, one side of lot shall provide a five-foot (5') side yard setback. If not a zero lot line development, each side shall have a three & ½ foot (3.5') side yard setback.	(Y) Each additional foot above 35' add 1' to each side and rear yard setback OR IF DESIGN STANDARDS ARE APPLICABLE, SEE SECTION 2.02-9(4F)
(I) 25 or more units in a platted subdivision.	X= Denied Access to Minor Street.
(J) 8,000 sq. ft. with community sewer.	XX= Not Permitted.
(K) Commercial/Industrial Developments must take access of a paved public or privately maintained road built to at least the County standards other than Section 2.05-3-Private Road Developments. Other Uses require frontage on all weather or paved public or privately maintained road built to at least the County Standards other than Section 2.05-3 - Private Road Developments.	(Z) All setbacks on roads are front setbacks as required by the road classification except as in footnote (N)
(L) Setbacks shall be measured from the right-of-way line where dedicated. Setbacks may be modified by Section 2.02-2, Bufferyards.	(AA) Family Property-minimum of a 20'-foot recorded access easement to a publicly maintained road.
(M) Where there is no right-of-way, measure from the centerline of the road	(BB) As allowed in Section 3.25
(N) 10-ft side yard setback for corner lots within Residential Subdivisions on Minor and Major Residential Streets shall be measured from right-of-way.	(CC) 35 on non-interstate road; 50 on interstate.
	(DD) Spacing between non-residential buildings may be reduced if the requirements of the International Building Code are met.

**SECTION 2. Effective Date.** This ordinance shall take effect upon third reading approval.

**SPARTANBURG COUNTY COUNCIL**

By:   
\_\_\_\_\_  
Jeffrey A. Horton  
Chairman

ATTESTED:

  
\_\_\_\_\_  
James H. Hipp  
Deputy County Administrator

First Reading:      October 31, 2011  
Second Reading:   November 15, 2011  
Public Hearing:     December 19, 2011  
Third Reading:     December 20, 2011