

## ARTICLE 3 CONDITIONAL USE REGULATIONS

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

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### **Section 3.01 Patio and Zero Lot Line Housing**

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

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

### **Section 3.02 Attached Multi-Plex Dwelling Projects** (Amended 7/19/2004)

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

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

1. Density shall not exceed:
  - Eight (8) units per acre on minor streets, minor residential streets, and major residential streets.
  - Twelve (12) units per acre on collector streets.
  - No maximum on arterial streets.
2. Bufferyards shall be as required by Section 2.02-2 for the specific type of project.
3. Entrance and exit streets shall be not less than twenty-four (24) feet with twelve (12) foot lanes. Projects in excess of one hundred (100) units shall have a second twelve (12) foot exit lane and an entrance lane of sixteen (16) feet. Transition from the entrance/exit lanes to the internal street system shall begin not less than one hundred (100) feet from the street right-of-way line at the entrance. Internal streets shall be designed with a fifty (50') foot right-of-way and improved in accordance with the requirements of Section 2.05-2 Public Street Design and Improvements, Major Subdivisions, as appropriate, which requirements may be adjusted with approval of the Planning Commission. See appendix B.
4. All telephone and electric service utilities shall be underground in all Attached Multi-Plex Developments where feasible.
5. 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 Stormwater Management and Sediment Reduction Regulations. *The Spartanburg County Stormwater Management Design Manual* may be used as a guide in the preparation of a drainage and sediment control plan.
6. Final plat or site plan approval is contingent upon proper documentation being received on water, sewer, roads, bufferyards, and drainage from respective agencies. In order to begin construction, an executed Letter-of-Credit may be accepted in lieu of any or all of these approvals.
7. Setbacks and frontage requirements shall be governed by Table 3 Setbacks and Other Requirements.

8. The current International Building Code requirements shall be adhered to, paying particular attention to the firewall requirements.
9. Due to the differing design and ownership features associated with apartment developments, condominium developments, and townhouse developments the following requirements shall supplement the above requirements:

**a. Townhouse Developments**

1. Not more than eight (8) townhouse units may be joined together.
2. Projects consisting of twenty-five (25) or more units shall include at least 10 percent of the project site in Common Open Space, in accordance with the requirements of Section 2.02-4 Common Open Space.
3. Direct vehicular access of a townhouse shall be limited to minor streets. Where the project fronts a collector or major street, no more than two access points shall be allowed. No direct access for individual units shall be permitted on collector or major streets.

**b. Condominium Developments**

1. Projects consisting of twenty-five (25) or more units shall include at least 15 percent of the project site in Common Open Space, in accordance with the requirements of Section 2.02-4 Common Open Space.
2. The site for a condominium project must be at least one acre in size.
3. Any centralized garbage and refuse pickup and other utility areas shall be enclosed and screened from view by fencing, walls or shrubbery.

4. Direct vehicular access of a condominium shall be limited to minor streets. Where the project fronts a collector or major street, no more than two (2) access points shall be allowed. No direct access for individual units shall be permitted on collector or major streets.

**c. Apartment Developments**

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

## Section 3.03 Manufactured Homes

### 1. Definition

For purposes of this Ordinance there are four types of manufactured homes:

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

- a. Has a minimum width 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 (8) inches.

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

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*.

Modular Home - Any manufactured home other than a mobile or manufactured home, defined above, constructed off-site in accordance with the Modular Building's Construction Act (23-43-10 of the S.C. Code of Laws).

2. Use

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

3. Location

Residential Designed Manufactured Home and Modular Homes  
(Amended 5/15/2000)

Residential Designed and Modular Homes, 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.

Standard Designed Manufactured Homes, when meeting the requirements of this section and other applicable requirements of this Ordinance shall be permitted; (1) on existing lots of record; (2) as a second residence on a lot of record with a single-family detached dwelling, in accord with Section 2.02-6; (3) in a Manufactured Home Park, in accord with Section 3.05; and (4) in an approved subdivision, accessible by and fronting on a minor public street. . While direct access to and frontage on minor, collector or major streets is allowed, in those cases where a corner lot is created (through the planning/construction of a new street), the manufactured or mobile home will front and take access on the internal street.

Mobile Homes, as defined by this Ordinance, shall not be permitted or established within the jurisdiction of this Ordinance. Where in existence at the time of adoption of this Ordinance, such uses may be continued in accord with the provisions of Section 4.06, Nonconformities, provided such uses are maintained in habitable condition, as defined by and subject to the conditions of Section 3.04(5) and 3.04(6). Furthermore, it shall be unlawful for any person, firm, or legal entity to bring into Spartanburg County any manufactured housing or mobile home constructed prior to 1976, unless the manufactured unit can be certified to meet June 1976 HUD Standards for Construction.

4. Exception

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

5. Setup

All manufactured housing shall:

- a. Be installed in accord with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accord with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- b. Be underskirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.
- c. Have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps at the main entrance where the entrance door swings out over the top step, in accord with applicable Building Codes.
- d. The owner of a mobile home who obtains a replacement mobile home has 30 days from the date of electrical power transfer or 90 days from the issue date of a moving permit, whichever is less, to remove the original mobile home from the property or meet the requirements contained in Table 3 of this Ordinance.
- e. Be provided with a sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
- f. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. Any existing home not in compliance with this Section upon the effective date of this Ordinance shall be served by a separate meter within one hundred eighty (180)

days of the effective date, or be declared by the Building Official to be in violation of this Ordinance, and processed accordingly as provided for in Section 1.20. 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 Building Official to establish said home.

g. No manufactured home shall have the electrical service installed until porches, steps, and skirting requirements have been met.

h. Permit Required

No mobile home shall be placed on a lot until a valid permit has been obtained.

6. Habitability

No manufactured home or mobile home built prior to June 5, 1976 shall be permitted, used or occupied nor shall public utilities be extended to or activated in any such home unless and until the home has been inspected and found to be habitable by the Building Official or his designee.

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

a. **Sanitary Facilities** - Every manufactured and mobile home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.

b. **Hot and Cold Water Supply** - Every manufactured and mobile home shall have connected to the kitchen sink,

lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.

- c. **Heating Facilities** - Every manufactured and mobile home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each mobile or manufactured home shall be provided with an alternative system, approved by the Building Official.
  - d. **Cooking and Heating Equipment.** All cooking and heating equipment and facilities shall be installed in accordance with Federal Manufactured Home Construction and Safety Standards.
  - e. **Smoke Detector.** Every mobile and manufactured home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm.
7. Mobile Homes and Manufactured Housing in Spartanburg County shall meet the requirements of Section 3.03-5 (b) except for tie-downs, within two years of the effective date of this Ordinance.

### **Section 3.04 Manufactured Home Parks**

The establishment or expansion, and operation of a manufactured home park shall comply with the following design and development standards:

1. General: A required development plat or park plan at a scale of not less than 1"=20 feet or not more than 1"=100 feet shall contain the following information:
  - Proposed name of mobile 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;

- Assessor's Office Parcel Identification Number(s).

2. Existing Site Data

Total tract boundaries of the park, and a statement of total acreage of the property;

- a. 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.
- b. All existing streets on or abutting the park, including names, right-of-way widths, pavement widths and approximate grades;
- c. The 100 Year Flood Boundary from the Spartanburg County FEMA Floodway Boundary and Floodway Maps.

3. Proposed Site Data

- Street rights-of-way, pavement widths, grades, and street names;
- Preliminary plans for sanitary sewerage disposal systems, storm sewers, water, electricity and gas lines, showing connections to existing systems or proposals for developing new systems, storm sewer profiles, cross-sections and sizes;
- Other easements and rights-of-way, including location, dimensions, and purposes;
- Topographic maps with a contour interval of 5 feet if available;
- Contour changes to be made by grading, if any;
- Location, size, and number of proposed and existing mobile home sites and all existing and proposed automobile parking areas;
- Location, width, and plantings of bufferyard areas;
- Centerline profile for any newly constructed interior streets;

4. Water and Sewer

All proposed manufactured home parks shall be served by public water and sewer systems or other community systems, plans of which shall be approved by DHEC.

5. Lighting

All on-site street intersections shall be provided with a street light, and interior lights shall be provided at not less than 400-foot intervals.

6. Signage, Names

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

Park names shall not be phonetically similar to other parks or subdivisions.

7. Streets-Interior

(a) All interior streets shall have a minimum fifty (50) foot right-of-way and be constructed on a prepared soil base that has had all tree stumps and other vegetation removed to a depth of two (2) feet below subgrade and properly compacted. No permanent parking or structures shall be permitted in the right-of-way. The paved portion of the street shall be at least 16 feet wide and consist of 1.5 inches of compacted tar and gravel on a 4-inch compacted stone base or 1.5 inches of compacted asphalt surface on 2 inches of compacted asphalt base. Construction of all streets shall be in compliance with Spartanburg County Standard Specifications for Construction of Roads. Spartanburg County Public Works Department, Engineering Division, shall review and approve all street plans. A "Letter Of Compliance", issued by a registered surveyor or engineer, must be submitted, assuring that the construction of the roads and drainage system conforms to the Unified Land Management Ordinance.

(b) In order to expand a manufactured home park by more than 10 lots, the main roadway inside the park (leading to the expanded lots) must be paved to at least the width of the

current driving surface and a depth of 1½ inches. The number of new lots added after July 19, 2004, shall be cumulative. (Amended 07/19/2004)

8. 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, and the Spartanburg County Stormwater Management Design Manual may be used as a guide. Erosion and Sediment Control Practices for Developing Areas, by the South Carolina Land Resources Conservation Commission, also shall be used as a guide to the preparation of a drainage and sediment control plan.

9. Installation

All proposed homes including replacements shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.

10. Numbering

Permanent numbers shall be placed on each mobile or manufactured home and shall be located in accordance with the requirements of The Road Naming and Property Numbering Ordinance No. 599. (Amended 10/21/2002)

11. Access

No manufactured home space shall have direct access to a public street, but shall instead access an internal driveway system.

12. Density

The maximum density shall not exceed eight residential units (8) per acre.

13. Bufferyards

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

14. License; Fees

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 \$30, plus \$1 per approved space. The license fee will be an additional \$30, plus \$1 per approved space for each month a mobile home park remains open or in operation without license renewal.

Said license may be revoked by the Building Official for a violation of this Ordinance or other applicable regulations governing the operation of such uses based on inspection of the premises. If a violation is determined, notice shall be given in writing, by the Building Official, together with an established time period within which the violation must be corrected.

Failure to correct the violation within a reasonable period of time 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 sixty (60) days.

Any person whose license has been suspended, or who has received notice that his license will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before County Council, provided that when no petition for such hearing shall have been filed within 10 days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such period.

15. Deleted (Amended 05/15/2001)

16. Common Open Space

Projects consisting of twenty-five (25) or more units, whether a new park or an expansion of an existing park a total of 25 units or more, shall include at least 15 percent of the total project site in designated common open space, in accordance with the requirements of Section 2.02-4-Common Open Space.(Amended 7/19/2004)

### **Section 3.05 Accessory Apartments**

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

### **Section 3.06 Home Occupation**

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

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

### **Section 3.07 Auction Barns and Auction Houses**

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

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

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

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

### **Section 3.09 Mining Operations**

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

1. A mining permit must be obtained from the South Carolina Department of Health and Environmental Control (DHEC) prior to securing a County permit. The mining permit shall have been issued within six (6) months of the date of the request for the County permit.
2. Meet any and all applicable requirements specified by Table 3. (Amended 07/19/2004)

### **Section 3.10 Motor Speedways or Testing Tracks**

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

1. Dirt tracks shall not be permitted.
2. Bufferyards specified for heavy industrial uses shall be required around all sides of the facility.

3. A Storm Water Management and Sediment Reduction Plan, as defined in the County's Storm Water Ordinance # 497.

### **Section 3.11 Outdoor Gun or Skeet Range**

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

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

### **Section 3.12 Sexually Oriented Businesses**

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

### **Section 3.13 Camps and Recreational Vehicle Parks (SIC 703)**

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

1. Exposed surfaces shall be covered or protected with vegetative growth capable of preventing soil erosion.
2. The site shall be developed in a manner that preserves natural features and landscape.
3. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
4. Maximum impervious surface ratio shall not exceed 15 percent of the project site.
5. No site shall be located less than 150 feet from drinking water supply or 300 feet from a comfort station.
6. Maximum density shall not exceed 15 vehicles per acre, with minimum 10-foot separation.

7. Bufferyards shall be as specified by Section 2.02-2.
8. Areas designated for parking and loading or for circulation shall be physically separated from public streets. All one-way drives shall be 12' wide, and two-way drives shall be 20' wide, and shall be located at least 150 feet from any street intersection. All interior streets shall be private and not public, and shall be constructed with a 4" compacted stone travel-way approved by the County Engineer. Street grades shall not exceed 12 percent.
9. Each park site shall be serviced by public water and sewer or other systems approved by DHEC.
10. 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.

### **Section 3.14 Petroleum Products - Bulk Storage and Distribution and Asphalt Plants**

The intent of this section is to manage and regulate the wholesale, storage, waste collection, and distribution of petroleum products. It is not intended to include retail gasoline stations, convenience stores selling gasoline, or businesses who, due to operations requirements, store gasoline and diesel fuel for internal use. Due to considerations for the public health and safety and potential pollution to the environment, such uses shall be permitted in Spartanburg County only under the following conditions (Amended 07/19/2004):

1. All facilities shall have adequate access to a collector or arterial roadway. If the facility is not served directly by such a roadway, a road must be constructed or reconstructed in accord with County roadway construction standards to link the proposed facility with a collector or arterial road.
2. Entrance/exists shall provide a minimum 50-foot turning radius.
3. A storm water runoff and sedimentation plan as defined by the County's Storm Water Ordinance #497.

4. All bulk storage fuel tanks shall be placed underground at such location and depth which shall not present a hazard to adjoining or nearby uses and the general public.
5. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
6. The entire premises shall be enclosed within a fence or wall and completely shielded from off-site.
7. A permit must be obtained from the South Carolina Department of Health and Environmental Control (DHEC) prior to securing a County permit. The permit shall have been issued within six (6) months of the date of the request for the County permit. (Amended 07/19/2004)
8. Meet any and all applicable requirements specified by Table 3. (Amended 07/19/2004)

### **Section 3.15 Off-Site Hazardous Chemical Storage**

Off-site hazardous chemical storage refers to those locations that are not part of a manufacturing plant that uses the chemical(s) in a manufacturing process. Furthermore, off-site hazardous chemical storage does not refer to chemical distribution warehouses or facilities that have employees on-site and frequent turn over of product.

1. Off-Site Hazardous Chemical Storage shall follow the same bufferyard requirements as heavy industry in Table 4.
2. Chemicals shall be stored on impermeable flooring so that soils and ground water sources will not be contaminated and meet all applicable State and Federal regulations.
3. A Storm Water Management and Sediment Plan, regardless of size, shall be developed as defined in County Ordinance 497 showing all on-site and off-site drainage.
4. Proposed facilities shall have direct access off a collector or arterial street.

### **Section 3.16 Coin Operated Amusement Devices, Cash Payouts**

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

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

### **Section 3.17 Refuse Facilities and Sites**

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. Based upon the foregoing and upon such specific findings, all public and private landfills constructed within Spartanburg County must be consistent with the Spartanburg County Solid Waste Management Plan, as currently amended. Spartanburg County Council further also finds that the provisions of this ordinance are consistent with the State Solid Waste Management Plan, The State Act, other State laws and regulations promulgated by SCDHEC, and are to be construed in accordance with the intent of Council to be consistent. (Amended 07/19/2004)

The following shall be considered refuse sites and facilities with the requirements for each listed below (Amended 07/19/2004):

Sanitary Landfills  
Construction and Debris Landfills  
Incinerators  
Recycling Facilities  
Industrial Solid Waste Landfills  
Yard Trash and Land Clearing Debris Disposal,  
Composting and Mulching

1. All Refuse Facilities and Sites

- a. Disposal facility operators shall provide an estimate of daily, weekly, and monthly truck trips. Planning staff will examine public road access to the site and with the facility site to determine the adequacy of the access road.
- b. If the owner of the site on which the disposal facility is to be placed is not the applicant for the development permit, written permission of the owner to apply for the development permit must be obtained. (Amended 07/19/2004)
- c. A permit must be obtained from the South Carolina Department of Health and Environmental Control (DHEC) prior to securing a County permit. The permit shall have been issued within six (6) months of the date of the request for the County permit. (Amended 07/19/2004)
- d. These facilities are subject to the requirements set forth in Table 3 Setbacks and Other Requirements. (Amended 07/19/2004)

2. Sanitary Landfills

- a. A geotechnical engineering firm approved by the Spartanburg County Planning Department staff shall render a written opinion that, to the best professional judgement, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
- b. A drainage and sedimentation plan shall accompany the request, showing all off-site runoff.

- c. The facility shall be enclosed by an opaque fence or wall structure illustrated by Section 2.02-2, on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
- d. The height/gradient of fill materials must conform to a 3 to 1 slope ratio and may not exceed a height of 100 feet from the adjoining natural grade.
- e. A plan showing restoration of the site on completion of use as a landfill shall accompany the request.

3. Construction & Debris (C&D) Landfills

- a. No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water, or other causes.
- b. All materials and activities shall be screened in such a fashion as not to be visible from off-site. The provisions of this subsection may be waived by the County where such facility will be utilized for a period not to exceed 90 days.
- c. The height/gradient of fill materials must conform to a 3 to 1 slope ratio and may not exceed a height of 100 feet from the adjoining grade.
- d. The site shall be restored and revegetated on completion of use as a landfill.

4. Incinerators

Incinerators shall be processed as manufacturing uses, in accord with the provisions of Article 2.

5. Recycling Facilities

- a. Recycling facilities shall be processed in accord with the provisions of Article 2.
- b. All exterior 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.

- c. 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.
- d. 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.

6. Industrial Solid Waste Landfills

- a. The disposal facility operator shall provide an estimate of daily, weekly, and monthly truck trips. County staff will examine public road access to the site and with the assistance of the S.C. Department of Transportation and the Spartanburg County Road and Bridges Department make a determination, regardless of functional road classification, on the adequacy and safe use of the public road to support projected truck traffic resulting from the project.
- b. Upon termination of the disposal of solid waste at a site or within 30 days of DHEC notification 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 an industrial solid waste landfill.
- c. Access to the disposal facility shall be controlled through the use of fences, gates, berms, natural barriers, or other means to prevent promiscuous dumping and unauthorized access.
- d. The height/gradient of fill materials must conform to a 3 to 1 slope ratio and may not exceed a height of 100 feet from the adjoining natural grade.
- e. Disposal facilities shall be consistent with the Spartanburg County Solid Waste Management Plan.

- f. Expansions/additions of landfills must submit a revised site development plan showing the expanded or added waste disposal area. Expansions/additions are subject to all requirements of new facilities.

7. Yard Trash and Land Clearing Debris Disposal, Composting, and Mulching (Amended 07/19/2004)

The terms “yard trash and land clearing debris,” “compost,” and “mulch” used herein shall be as defined by SCDHEC in Regulation 61-107.4.

Neither the reclamation of land through the disposal of yard trash and land clearing debris nor the composting or mulching of yard trash and land clearing debris are addressed in the Spartanburg County Solid Waste Management Plan.

These activities are subject to the requirements listed in number 1 above.

Site plans of reclamation areas (defined as the reclaiming of land that has been severely eroded or otherwise damaged by placing inert organic materials consisting of yard trash and land clearing debris onto that property and eventually covering it over with soil and seeding it) with a footprint of less than two acres shall be reviewed by Planning Department staff. These small sites may be located on minor streets. Other Table 3 requirements must be met.

### **Section 3.18 Communication Towers**

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

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

### **Section 3.18-1 Standards**

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

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

- a. Each applicant for an antenna and or tower shall provide to the Planning Department an inventory of its existing towers that are either within Spartanburg County or within one-quarter mile of the border thereof, including;
  1. correct, up-to-date information on the Assessor's map and parcel reference,
  2. map showing exact location on the parcel,
  3. height,
  4. design,
  5. number of antenna that can be accommodated on the tower,
  6. year constructed,
  7. correct street address, and
  8. current co-locators.

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

- b. The applicant must provide expert testimony that demonstrates to the satisfaction of the Planning Department that any existing tower, building, or other structure within one-half ( $\frac{1}{2}$ ) mile of the proposed site is unavailable, at a reasonable cost or other business terms, to accommodate the equipment or purpose for which a new tower or an existing tower's increase in height is proposed. The need for structural or equipment modifications shall not alone be sufficient to demonstrate non-availability. Any one or more of the following shall be considered to demonstrate non-availability:
  - i. Evidence with reference to EIA-RS 222, in its current adopted revision, that the structural capacity of existing and approved

towers cannot accommodate the planned equipment and cannot be reinforced to accommodate the planned equipment at a reasonable cost. The applicant shall be required to calculate the capacity of existing or approved towers based on information on file with the County or requested from the tower owner if supplied.

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

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

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

- a. A Communication Tower with a center point closer than one thousand (1,000') feet from the nearest property line of any platted residential subdivision, as defined herein, containing twenty-five (25) or more lots, shall observe a setback from the nearest property line in the subdivision(s) as set forth below. Also, a Communication Tower that has a total of fifty (50) Dwelling Units, as defined herein, located within a one thousand (1,000') foot radius from the center

point of the Communication Tower shall observe a setback, as set forth below, from the nearest residential structure, but not to include residential structures on the subject property upon which the Communication Tower is to be constructed.

- i. For a Communication Tower, which is less than two hundred (200') feet in height from the ground on which it rests, the setback shall be two (2) times the height of the Communication Tower from the nearest residential structure or the nearest applicable residential subdivision property line, whichever applies.
  - ii. For a Communication Towers, which is two hundred (200') feet or more in height from the ground on which it rests, the setback shall be three (3) times the height of the Communication Tower from the nearest residential structure or the nearest applicable residential subdivision property line, whichever applies.
- b. For the purpose of measuring the applicable setback, distance measurements on monopole and guyed Communication Towers will be made from the center point of the Communication Tower. Distance measurements on lattice Communication Towers will be made from the closest legs of the lattice Communication Tower to the point of reference.
- All guy wires (if any) shall be located within the applicable setback, and no residential dwelling (except one located on the same parcel) shall be located within any applicable setback.
- c. The height of the Communication Tower shall be the distance from the ground on which the Communication Tower rests to the top of the tower structure.
  - d. For purposes of Section 3.18-1.2(a) a platted residential subdivision is defined as being either that shown in an approved final or summary plat as defined in Section 1 of this ordinance, together with any additional adjacent phases to such plat shown on a subsequently approved final or summary plat, or a map showing a subdivision of land which was recorded in the .Office of the Register of Deeds for Spartanburg County prior to November 2, 1977, together with any additional adjacent phases to such subdivision of property shown on a subsequently recorded map.

- e. For purposes of Section 3.18-1.2(a) and for purposes of determining the number of dwelling units within the one thousand (1,000) foot radius from the center point of the Communication Tower, a Dwelling Unit shall be defined as a single unit providing complete, independent living facilities designed, arranged, used or intended for use by one or more persons living together and maintaining a common household, and which shall include permanent provisions for living, sleeping, eating, cooking and sanitation, (but excluding lodging units located in hotels or motels), including and limited to the following types of residences:
- i. Single Family Dwelling: A building designed, constructed and used for one dwelling unit.
  - ii. Two Family or Duplex Dwelling: A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall. However, for purposes of determining the number of dwelling units within the one thousand (1,000)-foot radius of the Communication Tower site, any two family or duplex dwelling will only be considered as a single dwelling unit. Furthermore, a two family or duplex dwelling shall not include any such structure(s) utilized for the housing of transients.
  - iii. Limited Multiple Family Dwelling: A building designed, constructed, or reconstructed and used for more than two (2) Dwelling units but for no more than five (5) Dwelling units, with each Dwelling unit having a common wall with any other Dwelling unit. However, for purposes of determining the number of Dwelling units within the one thousand (1,000) foot radius of the Communication Tower site, any Limited Multiple Family Dwelling will only be considered as a single Dwelling unit. Furthermore, a Limited Multiple Family Dwelling shall not include any such structure(s) utilized for the housing of transients.
  - iv. For purposes of Section 3.18-1.2(a), a Dwelling unit shall not be defined as including the following types of residences:
    - 1. Multiple Family Dwelling: A building designed, constructed, or reconstructed and used for more than five (5) Dwelling units, with each Dwelling unit having a common wall with any other Dwelling unit.

2. Resident Group Care Homes: A facility or Dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. A Group Care Home may include nursing homes, extended care facilities, retirement homes, halfway houses, recovery homes, and homes for orphans, foster children, the elderly, battered children and women. It could also include a specialized treatment facility providing less than primary health care.
  3. Mobile Home Parks: A lot or lots used, designed or intended to be used for the purpose of supplying parking spaces for three (3) or more occupied mobile/manufactured homes and which includes, buildings, structures, or enclosures used or intended to be used as a part of such mobile home park, but not including a Mobile Home Subdivision as defined by the Spartanburg County Unified Land Management Ordinance.
- f. To encourage the location of Communication Towers in commercial and industrial areas, the required setback for Communication Towers located in areas of Medium/High Intensity Commercial, Industrial, and/or Institutional areas, including properties containing apartment buildings, shall be as follows:
- i. If the proposed tower is within 1000 feet of the residential uses described in Section 3.18 1-2(a), then the tower must be set back from that residential use as described in that section. As long as the proposed structure can meet said setback, it may take advantage of the 30-foot setback as described in this section.
  - ii. Thirty (30') feet from the property line of the property on which the Communication Tower is located provided the setback requirement of the height of the Communication Tower minus 20 feet is on like use property. Otherwise, the setback shall be the height of the tower minus 20 feet from the property line of the property on which the Communication Tower is located.
  - iii. For the purpose of measuring the applicable setback, distance measurements on monopole and guyed Communication Towers will be made from the center point of the

Communication Tower. Distance measurements on lattice Communication Towers will be made from the legs of the lattice Communication Tower.

- iv. For purposes of Section 3.18-1.2(d), and for purposes of determining the applicability of the setbacks set forth in this Section 3.18-1.2 (2)(d), the Medium/High Intensity Commercial, Industrial, and/or Institutional use must exist over an area of five (5) or more acres within one (1) or more contiguous Medium/High Intensity Commercial, Industrial, and/or Institutional use properties regardless of common ownership. In addition to those uses considered to be Medium/High Intensity Commercial, Industrial, and/or Institutional as set forth in Article Six of the Spartanburg County Unified Land Management Ordinance, the use of any subject property shall be considered to be Medium/High Intensity Commercial, Industrial, and/or Institutional so long as any one of the following conditions exist:
  - 1. The property has a present and ongoing Medium/High Intensity Commercial, Industrial, and/or Institutional use;
  - 2. The property was last used for Medium/High Intensity Commercial, Industrial, and/or Institutional purposes, the use is not presently ongoing or active, but the use of the property has not been changed;
  - 3. The property is undeveloped but its location and proximity to other uses make it highly unlikely to be developed for residential purposes such as commercial and/or industrial properties located along the boundaries of interstates.
  
- v. For purposes of Section 3.18-1.2(d), and for the purpose of determining the amount of property subject to Medium/High Intensity Commercial, Industrial, and/or Institutional use, subject to the conditions set forth herein, the land area of any easements or rights of way touching upon or located within any property may be included in the calculation, but any such land area included shall not exceed fifty (50%) percent or two and one-half (2.5) acres of the total five (5) acres. The Planning Department staff shall make the consideration of any land area of any easements or rights of way on a case by case basis. The Planning Department staff shall take into

account all relevant information, including, but not limited to, the existence of a transitional commercial area, in considering any land area of any easements or rights of way.

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

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

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

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

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

8. fence, and
9. adjacent land uses.

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

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

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

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

**Section 3.18-1.6**

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

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

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

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

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

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

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

## **Section 3.19 Junk and Salvage Yards**

### **Section 3.19-1 Findings**

Spartanburg County finds that junkyards:

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

### **Section 3.19-2 Purpose**

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

### **Section 3.19-3 Fencing and Screening**

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

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

### **Section 3.19-4 General Requirements**

1. Anchoring - All metal or wooden fence posts shall have at least one-fourth of their length below ground level and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber.
2. All junkyard business shall be conducted entirely within the screened area of the property.
3. No junk shall be stacked, stored or maintained at a height greater than the opaque screen around the junkyard.
4. Adequate off-street customer parking must be provided, and must be graveled or paved in an acceptable manner.
5. If a junkyard closes, it must comply with the provisions of Section 3.19-5 for new junkyards to re-open. Evidence of closing shall be established by inspection of the property, written notification or non-renewal of a junkyard permit.
6. Any person, company, business or corporation not covered by this division or exempted from this division shall comply with state statutory law regarding disposition of abandoned or derelict motor vehicles as provided by S.C. Code Ann. § 56-5-5610, 56-5-5810, et. seq. and 44-67-10 et. seq. (1976).

7. All junkyards shall be maintained to protect the public from health nuisances and safety hazards. The Spartanburg County Health Department may inspect each junkyard to determine that the junkyard does not create a nuisance or safety hazard. Should a nuisance or safety hazard be identified, the owner, operator or maintainer shall submit satisfactory evidence to the health department and planning department that the nuisance or safety hazard has been eliminated. Failure to comply with this provision shall result in revocation of permit as well as other penalties and remedies for violation of this division.

### **Section 3.19-5 Operation of New Junkyards**

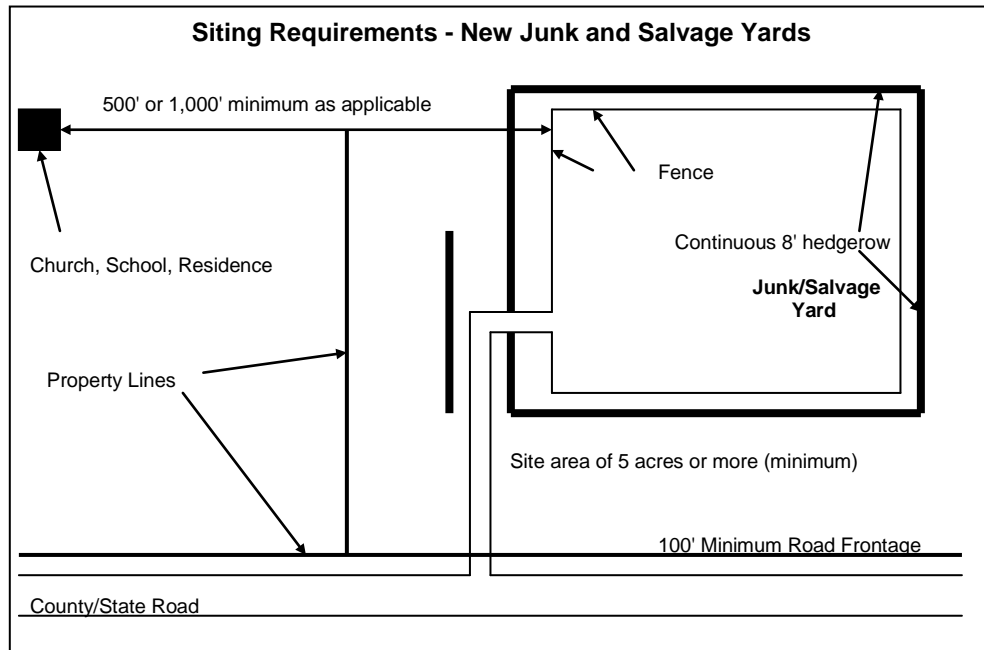
The following standards shall be applicable to junkyards that open, re-open, or begin operations or business after December 31, 1999:

1. New junkyards shall be situated on a continuous parcel of at least five acres excluding rights-of-way that are undivided by road right-of-ways or public dedication.
2. Have a minimum front lot line of 100 feet on a public right-of-way. Wrecker, towing and impoundment services as defined by Section 3.19-7(e) of this ordinance, shall have a minimum front lot line of sixty (60) feet on a public right-of-way. Reference minimum sixty (60) foot front lot line requirement for commercial property pursuant to the Development Standards Ordinance.
3. All driveway entrances shall be from side property lines. The centerline of the driveway shall not be closer than 30 feet from the side property line. An opaque gate shall be utilized. The view toward the gate from the adjacent property shall be screened by a continuous hedge row not less than 30 feet wider than the gate.
4. Have a minimum setback to the fence from front, side and rear property lines excluding road rights-of-way of at least 50 feet. Wrecker, towing and impoundment services as defined by Section 3.19-7(e) of this ordinance, shall have a minimum setback to the fence from front, side and rear property lines excluding road rights-of-way of at least 25 feet.
5. No junkyard shall be established closer than 1,000 feet to a church, school, daycare center, nursing home, health care facility, hospital, public building, public recreation facility, a concentration of ten or more contiguous residences, or closer than 500 feet from any single

residence. An on-site residence at the junkyard by the owner or its agent is permitted. No junkyard shall be established closer than 1,000 feet of the following scenic corridors: S.C. Highways 9, 11, 56, 110 (Battleground Road), and U.S. Highways 26 and 85.

6. The junkyard shall be entirely surrounded by an opaque fence at least eight feet in height or by either a woven or welded wire (11-gauge minimum) or chain link fence a minimum of 8 feet in height and with an opaque evergreen screen with a minimum height of not less than eight feet when mature. The evergreen vegetation shall be planted between the property line and the outbound side of the fence. The distance spacing of the evergreen vegetation from the fence and the property line should allow for maintenance of the mature vegetation from inside the property line. Evergreen vegetation that serves as screening shall be of an approved type that can reach a minimum height of eight feet when mature from the date planted and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken screen (without gaps or open spaces) will exist to a height of at least eight feet along the length of the fence surrounding the junkyard. The evergreen screen shall be maintained as a continuous, unbroken screen for the period the property is used as a junkyard. Acceptable species include, but are not limited to, Ligustrum, Euonymus, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Junipers, Holly and Yew.
7. Each owner, operator, or maintainer of a junkyard shall utilize good husbandry techniques by pruning, mulching, and fertilizing, so that the vegetation can reach a height of eight (8) feet within five years of the date planted and will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.
8. A junkyard plan prepared by the owner or operator of any new junkyard shall be submitted prior to the junkyard permit being granted by Spartanburg County. The plan shall indicate setbacks, location of public rights-of-way, all proposed structures, all structures within 500 feet of a junkyard, driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junkyard, gross acreage, owner(s)' name(s), address (es), preparer of plan name(s) and address(es). Submission of information shall establish pre-existing conditions. Plan may be drawn at a scale of one inch equals 400 feet or less.

9. When, for reasons of topography, it is determined by the ordinance administrator that the fencing and screening requirements of the new junkyard will not produce a result that sufficiently shields the



junkyard from view and otherwise preserves the policy and intent of this division, the following alternatives are available:

- a. The junkyard may locate at the site if it's fenced boundaries are no closer than 1,000 feet to any adjacent residence; or
  - b. Topographic features shall be graded to adjacent roadway levels so that the provisions for fencing and screening can be effective; or
  - c. The developer of a junkyard may seek another site that is more suitable to junkyard development.
10. In addition to the spacing requirements of paragraph five (5) and nine (9) herein, all junkyards established after December 31, 1999 shall be restricted to property located in areas characterized by light, medium or heavy "Industrial Uses" as defined by this Ordinance and shown on the Future Land Use Map in the approved "*Spartanburg County Comprehensive Plan*" (Amended 10/21/2002)

### **Section 3.19-6 Permit Required for Junkyards**

1. All junkyards are required to obtain a \$50.00 junkyard permit. Such permit shall be valid until January 1 of each calendar year. A permit shall be issued by the Building Codes Department upon completion of fencing and screening requirements. For junkyards established, opened, or re-opened after December 31, 1999, the permit shall only be issued upon approval of a junkyard plan by the Planning Department.
2. The County may accept a Letter-of-Credit from any junkyard owner who is unable to plant an evergreen screen around a junkyard due to seasonal weather conditions. The junkyard owner is to obtain a Letter-of-Credit.
3. The annual fee for a junkyard permit shall be \$50.00 for each calendar year beginning January 1, 2000. There shall be a \$50.00 per month late fee for each month a junkyard is open or in operation without a permit.
4. Any permit fee, annual fee, or filing fee under this division is subject to change by resolution of County Council.
5. No person shall establish, possess, open, re-open, own, enlarge, or operate a junkyard after the effective date of this division without complying with the provisions set forth herein.
6. Any addition, enlargement or expansion of a junkyard shall require a permit and shall be permitted in accordance with this division as a new junkyard.
7. Failure to pay a permit fee, annual fee or late fee shall constitute a misdemeanor and each day the fee remains unpaid shall constitute a separate offense.
8. Providing false, or incorrect information on any application form, registration form, permit form or permit renewal form under this division shall constitute a misdemeanor. Any permit not containing the current mailing address of the permit holder or the current mailing address of the record owner of the parcel of land upon which the junkyard is located, is void. Any application form submitted by a lessee or tenant for a permit under this division shall contain the

signature and current mailing address of the landlord, lessor, or record owner constituting an affirmation that the permit applicant is in fact a lessee or tenant of the landlord, lessor, or record owner of the parcel of land upon which the junkyard is located.

### **Section 3.19-7 Exemptions**

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

- a. Recycling centers are exempt from Section 3.19-5 and Section 3.19-6. A recycling center is a facility where recoverable resources such as paper, plastic, glass and metal cans are collected, flattened, crushed, shredded or bundled for shipment to others who will use those materials to manufacture new products. Recycling centers do not have outside storage except in closed containers. All other provisions of this section shall apply including the fencing and anchoring requirement of Sec. 3.19-3.
- b. Scrap metal processors are exempt from this division except for the fencing and screening requirements of section 3.19-3 to the extent that fencing and screening is only required where the scrap metal processor's property abuts or adjoins residential property, school property, church property, or recreational property or parks and along the front of public roadways. A scrap metal processor is any person, firm or corporation which is classified by the South Carolina Tax Commission as a manufacturer whose principal business sells processed scrap metal to steel mills and foundries for remelting purposes. Such firms or corporations are those operating from a fixed location and utilizing heavy machinery such as cranes, balers, and sheaf for processing and manufacturing iron, steel, or non-ferrous metallic scrap. (Amended 5/15/2000)
- c. Service stations are exempt from Section 3.19-5 and Section 3.19-6 of this division. All other provisions of this division shall apply. A service station is any establishment or place of business which provides retail sales of fuel, lubricants, air, water or other items for the operation or maintenance of motor vehicles or for making mechanical repairs, servicing or indoor washing of motor vehicles. (Amended 5/15/2000)
- d. Properly licensed sanitary landfills are exempt from the provisions of this division.

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

### **Section 3.20 Signs**

The provisions of this Section shall govern the location of certain signs, including billboards, within the jurisdiction of this Ordinance.

1. Signable Highways

Billboards or off-premise signs shall be permitted only on Interstates, U.S. numbered highways, State secondary roads, and S.C. numbered highways with the exception of S.C. Highway 11 (the Cherokee Foothills Scenic Highway), the J. Verne Smith Parkway, and a portion of S.C. 101 (between I-85 and the Greer City Limits) where no off-premises commercial advertising signs or billboards may be erected due to there being a special public interest in protecting and preserving the scenic character and natural beauty of those roads. (Amended 12/18/2000)

2. Spacing of Billboards

Along signable highways, a 1,000 foot same side of highway spacing shall be required. Sign locations shall observe the following requirements: (Amended 02/23/2009)

- a. Signs must be within 600 feet of a permanently maintained business.
- b. Permanently maintained businesses must be within 660 feet from the road right-of-way.

- c. Permission must be obtained from all dwelling owners whose dwellings are located within 600 feet of the proposed sign.
- d. Signs may not locate within 1,000 feet of a National Park, Monument, or Battleground.

3. Number of Billboards on I-85 Bypass

Notwithstanding any other provisions in this Ordinance to the contrary, the number of 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 (1) 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 (3) 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.

4. Expired or Revoked Sign Permits on I-85 Bypass

In the event any one of the above 19 sign permits on the I-85 Bypass expires or is revoked and a permit application for a new location has not been filed within one year of expiration or revocation of the permit, then in that event, the number of sign permits allowed on the I-85 Bypass shall be reduced by the number of expired or revoked permits. The relocation application herein shall be accompanied by proof of removal of the prior permitted sign and a copy of the lease or deed to the new property to be permitted.

5. Height Measurements

The height of a billboard shall be measured from the centerline of the highway or ground level whichever is higher to the top of the sign. For sign locations below the nearest road grade level, measurements should be from the nearest road grade level to the top of the sign. For sign locations above the nearest road grade level, the height of the sign cannot exceed the limits on Table 3, or 55 feet above the nearest road grade level of a non-interstate signable highway, and 80 feet above the nearest road grade of an Interstate highway, whichever is greater.

6. Maximum Sign (Billboard) Surface Area

A maximum of two (2) viewing sides per sign structure and two (2) sign faces per viewing side shall be permitted. Triangular (3 viewing sides) and box shaped (4 viewing sides) configurations shall not be permitted. The sum of the square footage for a viewing side shall not exceed 378 square feet. Extended copy advertising added to a sign face may not exceed 25 percent of the sign surface area on non-interstate highways and 33 percent on interstate highways. Extended copy may not use more than 75 percent of the height or width of the sign.

7. Interference With Traffic

Signs shall in no way obscure the view of traffic at intersections. No sign shall not be located within the right-of-way of any highway, county road, or public road or within ten (10) feet from edge of pavement or curb if right-of-way is not known, except those signs specifically exempted in paragraph 11a.

Any sign, except those exempted in paragraph 11a, in violation of this ordinance, shall be removed by the duly authorized law enforcement officers of the county, including, but not limited to the county Environmental Enforcement Officers, Code Enforcement Officers and Deputy Sheriffs. Signs picked up will be destroyed. (Amended 6/16/2007)

8. Trees in a Public Right-of-Way

Only brush, weeds, and scrub trees shall be cut for the erection of a sign. Trees in a public right-of-way shall not be cut for viewing or erection of a sign. Notwithstanding any provisions herein to the contrary, trimming or cutting of trees or vegetation may be allowed

under a vegetation agreement from the South Carolina Department of Transportation. Such agreement shall be filed with the Spartanburg County Planning Department prior to commencement of work. Furthermore, this provision shall not in any way be applicable to such activities on private property.

9. Temporary and Portable Signs

No temporary or portable signs shall be allowed for off-premise advertising.

10. Flashing Lights

No flashing lights shall be allowed on any sign or sign structure including moving message boards and rotating signs.

11. Temporary Banners and Small Signs

Temporary banners and small signs not exceeding 80 square feet shall be allowed for periods of up to 90 days for community events, non-profit organizations and political activities. Signs in this category shall be removed within ten (10) days following the event they advertise. Banners and signs defined in this Section do not require a permit.

Directional signs not exceeding 16 square feet shall be allowed and do not require a permit.

Temporary signs not to exceed 32 square feet and advertising agricultural produce shall be allowed for periods of up to six (6) months along state secondary roads, state numbered highways and county roads. Not more than one extension of thirty (30) days may be granted upon written request. Temporary signs shall be totally removed within ten (10) days from the expiration of the permit. After expiration of the permit, no sign shall be permitted on the property again for six (6) months.

All agricultural signs under this classification shall require a permit from Spartanburg County.

- 11a Except for political signs posted by/for candidates, temporary real estate signs, and religious directional signs, no sign shall be placed within the road right-of-way. These specific signs do not have to

comply with the other requirements governing temporary signs, except that they may not exceed three (3) square feet from the ground and may not create a traffic hazard in their placement. (Amended 6/16/2007)

12. Minimum Sign Surface Area Regulated

All off-premises signs, regardless of size, not covered under (11) above shall be regulated by this Ordinance.

13. Permit Required

All existing off-premise signs shall have a valid County permit. Signs shall permanently display a County permit number on the lower right hand corner of the sign structure and be readable from the viewable side of the sign. Permit numbers shall be at least five inches in height and of a contrasting color from the sign structure. There shall be one (1) 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.

14. Permit From S.C. Department of Transportation Required

When a sign permit from Spartanburg County is requested, a copy of the sign permit from the S.C. Department of Transportation (SCDOT) shall be presented at the time of the application if the sign is to be located on the SCDOT sign control system. This requirement shall be suspended if the application for a State permit is in litigation.

15. Wrongful Sign Placement

It shall be unlawful for any person to post, tack, or in any other way fasten any permanent or temporary sign, banner, bill, or notice on any telephone, electric, or utility pole within the unincorporated areas of the County

16. Fees

All signs shall be subject to the following fees and permits:

- a. Construction Permit - Fee to be based on the valuation of construction as established in the Building Code Ordinance;

b. Annual Permit -

Billboards	\$ 30.00
Other signs	\$ 30.00

c. The permit fee for a temporary agricultural sign shall be thirty dollars (\$30.00) per occasion.

17. Replacement and Maintenance of Signs

Permanent signs in existence on the effective date of this Ordinance, not meeting the requirements of this Section, may be replaced, repaired, modified, and/or strengthened; provided the existing sign area, height and location are unaltered. However, if a nonconforming grandfathered sign is removed by the SCDOT by widening one of its highways, the nonconforming sign may be moved to a new location not more than 100 feet laterally from its original location provided the sign structure is setback 20 feet from the newly established right-of-way and the sign owner provides an affidavit, under penalty of perjury, that no compensation has been paid for loss of use of ownership of the sign by SCDOT. If the compensation is limited to the cost of relocating the sign only, then the sign may be relocated in accordance with this section. Otherwise, the sign shall be removed immediately. This section shall apply retroactively to signs relocated as a result of widening I-85. For all other signs located on state highways, this section shall apply prospectively from the date of this amendment.

The surface, extensions, borders, and trim of a sign may be cleaned, painted, and replaced as necessary to keep it safe and fully legible.

The sign structure, or any of its members, may be replaced with only like or similar materials. Replacement may be made only on a pole for pole or member for member basis and the structure design may not be altered in any form. Lighting cannot be added to a non-illuminated sign.

18. Removal of Signs

Any nonconforming sign or sign structure covered by this Ordinance that becomes dilapidated, destroyed or damaged beyond 50% of its replacement value or removed as a result of the termination of its lease or determined to be an abandoned sign must be brought into

compliance with these regulations or removed within 30 days after receipt of written notification. If the sign owner fails to remove the sign within the specified time, the sign owner shall be deemed to be in violation of this Ordinance and the County Public Works Department may remove or cause to be removed the sign.

Any sign owner aggrieved by a decision to remove a sign pursuant to the provisions of this Section may appeal such decision in accordance with the Provision of Section 5.2, provided, however, that such appeal must be taken prior to the expiration of the specified time for removal of the sign. If the decision to remove the sign is upheld by the Board of Appeals, the sign owner shall remove the sign within 30 days after receipt of written notification of the Board of Appeals' decision.

### **Section 3.21 Accessory Buildings and Uses/Non-Residential**

(1) Accessory Uses to Observe Required Setbacks

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

(2) General Requirements

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

(3) Location

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

a. Off-Street Parking and Loading Space

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

b. Free-Standing Signs

Free-standing signs are permitted in all required yards; where located within the setback area or the sight easement area, signs shall adhere to the requirements of Section 2.05-2(6).

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

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

d. Swimming Pools, Tennis Courts, Recreational Uses

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

e. Ground Supported Communication and Reception Antennas

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

f. Fences and Walls

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

### **Section 3.22 Temporary Uses**

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

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

Uses with less than 500 attendees/day shall be located in an area where there are less than 10 residential dwellings with 500 feet radius of a circle located in the center of the proposed site. Uses with 1000 or more

attendees/day shall locate in a area where there are less than 10 residential dwellings with 1000 feet radius of a circle located in the center of the proposed site and shall take access from a collector or arterial roadway. Maximum length of stay shall be (15) days for fairs and carnivals and (3) days for festivals and concerts. Extensions of the temporary permit may be considered by staff for good cause.

Operations for such uses shall cease between 12:00 PM midnight and 6:00 AM. Off street parking shall be provided at the rate of 3 persons/car and all parking areas shall be roped off.

2. Religious Tent Meetings

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

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

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

4. Modular Real Estate Sales Office

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

5. Modular Contractor's Office

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

6. Temporary Shelter

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

7. Clean Up After Use

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

**Section 3.23 Nuclear Wastes and Hazardous Waste Disposal Sites**

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

**Section 3.24 Certain Public Service Uses**

**Section 3.24-1 Uses Identified**

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

Prisons  
Area-wide Sewerage Treatment Facilities  
Cemeteries

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

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

### **Section 3.25 All Other Commercial and Industrial Uses** (Amended 07/19/2004)

1. Road Access

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

2. Setbacks and Other Requirements

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

### **Section 3.26 Tattoo Facilities**

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

1. A permit must be obtained from the South Carolina Department of Health and Environmental Control (DHEC) prior to securing a County permit. The permit shall have been issued within six (6) months of the date of the request for the County permit.

2. Location of Tattoo Facilities

- a. The place of business cannot be located within one thousand feet of a church, school, or playground.
- b. There must be a 500-foot spacing between tattoo facilities.
- c. A tattoo facility cannot be located within 500 feet of a bar.
- d. These distances shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground.

3. A tattoo facility shall not be allowed as a home occupation.

4. No tattoo facility shall be operated in a non-permanent structure such as a tent, mobile home, trailer or temporary structure.

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