

## 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.

| <u>Reference</u>  | <u>Section</u> |
|---|----------------|
| Patio and Zero Lot Line Housing Projects .....                            | 3.01           |
| Attached Multi-Plex Dwelling Projects .....                               | 3.02           |
| Manufactured Homes .....  | 3.03           |
| Manufactured Home Parks .....   | 3.04           |
| Accessory Apartments .....  | 3.05           |
| Home Occupations .....  | 3.06           |
| Auction Barns and Auction Houses .....                                    | 3.07           |
| Commercial Kennels, and Certain Agricultural Uses .....                   | 3.08           |
| Mining Operations .....   | 3.09           |
| Motor Speedway or Testing Tracks .....                                    | 3.10           |
| Outdoor Gun or Skeet Range .....  | 3.11           |
| Sexually Oriented Businesses .....  | 3.12           |
| Camps & Recreational Vehicle Parks .....                                  | 3.13           |
| Petroleum Products & Bulk Storage & Distribution<br>& Asphalt Plants..... | 3.14           |
| Off-Site Hazardous Chemical Storage .....                                 | 3.15           |
| Coin Operated Amusements, Cash Payouts.....                               | 3.16           |
| Waste Management Facilities.....  | 3.17           |
| Communication Towers & Antennas .....                                     | 3.18           |
| Junk and Salvage Yards .....  | 3.19           |
| Signs .....   | 3.20           |
| Accessory Buildings and Uses .....  | 3.21           |
| Temporary Uses .....  | 3.22           |
| Nuclear and Hazardous Waste Disposal .....                                | 3.23           |
| Certain Public Service Uses .....   | 3.24           |
| All Other Commercial and Industrial Uses.....                             | 3.25           |
| Tattoo Facilities.....  | 3.26           |
| Flea Markets, Swap Meets, and Open-Air Markets.....                       | 3.27           |
| Asphalt Batch Plants.....   | 3.28           |
| Scrap Metal Processor.....  | 3.29           |

### 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.(County Ordinance #497)*[This ordinance has been replaced by the Storm Water Management Ordinance of Spartanburg County (No. O-09-02). (See also County Code Chapter 30, Article IV.)]*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**

### **Section 3.03-1 Definitions**

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

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

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

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

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

### **Section 3.03-3 Location**

Manufactured Homes, Residential Designed, when meeting the requirements of this section and other applicable requirements of this Ordinance shall be permitted anywhere in the unincorporated areas of Spartanburg County, unless specifically prohibited by deed restrictions, prohibitions contained elsewhere in this Ordinance, or other applicable regulations.

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

manufactured or mobile home will front and take access on the internal street.

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

#### **Section 3.03-4 Exception**

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

#### **Section 3.03-5 Setup**

All manufactured housing shall:

- a. Be installed in accordance with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accordance with the requirements of Section 19-425-42 of the South Carolina Manufactured Housing Board Regulations.
- b. Be under-skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation and be tied down per the South Carolina Manufactured Housing Board Regulations.
- c. Have constructed at all egress doors steps and landings conforming to the latest adopted edition of the International Residential Code. These steps and landings must be anchored securely into the ground.
- d. The owner of a mobile home who obtains a replacement mobile home has 30 days from the date of electrical power

transfer or 90 days from the issue date of a moving permit, whichever is less, to remove the original mobile home from the property or meet the requirements contained in Table 3 of this Ordinance.

- e. Be provided with a sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
- f. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. Any existing home not in compliance with this Section upon the effective date of this Ordinance shall be served by a separate meter within one hundred eighty (180) days of the effective date, or be declared by a code enforcement officer to be in violation of this Ordinance, and processed accordingly as provided for in Section 1.20 Penalties for Violations. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of an approved permit issued by the appropriate County Official to establish said home.
- g. No Manufactured Home shall have the electrical service installed until porches, steps, tie downs and skirting requirements have been met.
- h. Permit Required for Individual Mobile Homes and Manufactured Homes

No mobile home or manufactured home shall be parked, located or permanently placed on an individual lot, parcel or Manufactured Home Park Space without a manufactured/mobile home permit being issued by the County's permitting authority in accordance with S.C. Code 1976, § 31-17-320. A permit is also required when ownership is transferred regardless of whether the mobile/ manufactured home is relocated. No permit shall be issued except in conformity with the provisions of this Section.
- i. A current Spartanburg County decal shall be displayed on the mobile/manufactured home so as to be clearly visible on the main door or from the street.



- j. The proper address shall be posted on the home so that it is visible from the street as required by the Spartanburg County Road Naming and Property Numbering Ordinance (No. 599) (See County Code, Chapter 62, Article 3).

### **Section 3.03-6 Habitability**

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

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

- a. **Sanitary Facilities** - Every manufactured and mobile home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.
- b. **Hot and Cold Water Supply** - Every manufactured and mobile home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.
- c. **Heating Facilities** - Every manufactured and mobile home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each mobile or manufactured home shall be provided with an alternative system, approved by the Building Official.

- d. **Cooking and Heating Equipment.** All cooking and heating equipment and facilities shall be installed in accordance with Federal Manufactured Home Construction and Safety Standards.
- e. **Smoke Detector.** Every mobile and manufactured home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm.

## **Section 3.04 Manufactured Home Parks**

### **Section 3.04-1 Purpose**

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

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

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

- a. Any manufactured or mobile home on a parcel(s) shall be counted toward the total number of Manufactured Home Park Spaces even if the home is unoccupied, used for storage, or not currently connected to electricity. This count also includes a manufactured/mobile home occupied by the property owner as a legal residence.
- b. Separating the ownership of manufactured/mobile homes or Manufactured Home Park Spaces into two or more legal entities for the purpose of avoiding being defined as a Mobile Home Park is not allowed unless the requirements for a subdivision and the dimensional requirements of Table 3 can be met. If the manufactured/mobile homes or Manufactured Home Park Spaces are adjacent or across the street from each other and their management is not clearly handled as separate entities, then they shall be considered part of a single Manufactured Home Park.

- c. All such “parks” in Spartanburg County, new or pre-existing this ordinance, will be subject to requirements for licensing and inspection found in Section 3.04-5 and shall register with Spartanburg County within one year of May 21, 2012.

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

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

1. General: A required development plat or park plan at a scale of not less than 1"=20 feet or not more than 1"=100 feet shall contain the following information:
  - Proposed name of Manufactured Home Park;
  - North arrow, graphic scale, and written scale;
  - Name of record owner(s), developer(s), and surveyor(s) or engineer;
  - A vicinity map, for the purpose of locating the proposed park; and
  - Correct Assessor's Office Parcel Identification Number(s).
2. Existing Site Data
  - a. Total tract boundaries of the park, and a statement of total acreage of the property;
  - b. All existing rights-of-way, easements, sewer lines, fire hydrants, utility transmission lines, storm drainage ditches, water courses, buildings, and all other significant man-made or natural features within the proposed park;
  - c. All existing streets on or abutting the park, including names, right-of-way widths, pavement widths and approximate grades; and
  - d. The 100-Year Flood Boundary from the most current Spartanburg County FEMA Flood Insurance Rate Maps (FIRM).

### 3. Proposed Site Data

- Street rights-of-way, pavement widths, grades, and street names;
- Preliminary plans for sanitary sewerage disposal systems, storm sewers, water, electricity and gas lines, showing connections to existing systems or proposals for developing new systems, storm sewer profiles, cross-sections and sizes;
- Other easements and rights-of-way, including location, dimensions, and purposes;
- Topographic maps with a contour interval of 5 feet;
- Contour changes to be made by grading, if any;
- Location, size, and number of proposed and existing Manufactured Home Park Space and all existing and proposed automobile parking spaces for each unit in accordance with Section 3.04 (12), as well as any planned common parking areas;
- Location, width, and plantings of bufferyard areas;
- Centerline profile for any newly constructed interior streets;
- Location of common open space, if required by Section 3.04-5 (14);
- Location of all solid waste containers and screening of containers, as required by Section 3.04-4 (15); and
- E-911 addresses as required by Ordinance No. 599. (See also County Code Chapter 62, Article 3.) and as approved by the County E911/Addressing staff.

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

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

1. Adherence to Existing Regulations and Guidelines

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

2. Water and Sewer

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

3. Lighting

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

4. Signage, Names

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

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

5. Streets-Interior

(a) All interior streets shall have a minimum fifty (50) foot right-of-way and be constructed on a prepared soil base that has had all tree stumps and other vegetation removed to a depth of two (2) feet below sub-grade and properly compacted. No permanent parking or structures shall be permitted in the right-of-way.

(b) The paved portion of the street shall be at least 16 feet wide for a park with fewer than 50 homes and 20 feet wide for a park with

more than 50 homes. The street must consist of at least 1.5 inches of compacted tar and gravel on a 4-inch compacted stone base or at least 1.5 inches of compacted asphalt surface on 2 inches of compacted asphalt base.

- (c) Entrances must either be aligned with opposing exterior streets or there shall be at least 125 feet between the entrance and the existing street measured centerline to centerline.
- (d) Projects in excess of one hundred (100) units shall have a second twelve (12) foot exit lane and an entrance lane of sixteen (16) feet. Transition from the entrance/exit lanes to the internal street system shall begin not less than sixty (60) feet from the street right-of-way line at the entrance.
- (e) A paved or piped ditch is required along any section of roadway that is in excess of a 5% grade.
- (f) All dead-end roadways shall terminate in a "cul-de-sac" with a minimum turning radius of thirty-five (35) feet, exclusive of parking. In lieu of a "cul-de-sac," other methods to achieve vehicular turnaround as set forth in Section 2.05-2 must be provided.
- (g) All road names are subject to approval by the Planning and Development Department in accordance with Spartanburg County Ordinance No. 599 - Road Naming and Property Numbering. (See County Code Chapter 62, Article 3.)
- (h) To the extent not in conflict with subsection (b) above, construction of all streets shall be in compliance with Spartanburg County Standard Specifications for Construction of Roads. The Spartanburg County Public Works Department, Engineering Division, shall review and approve all street plans.
- (i) A "Letter of Compliance", issued by a registered/licensed engineer, must be submitted, assuring that the construction of the roads and drainage system conforms to this Section.
- (j) In order to expand a Manufactured Home Park by more than 10 Manufactured Home Park Spaces, the main roadway inside the park (leading to the expanded Manufactured Home Park Spaces) must be paved to at least the width of the current driving surface or a minimum of 16 feet, whichever is greater, and a depth of 1½ inches. The number of new Manufactured Home Park Spaces

added after July 19, 2004, shall be cumulative. (Amended 07/19/2004)

6. Drainage

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

7. Installation

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

8. Numbering

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

9. Access

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

10. Density

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

11. Setbacks and Spacing

a. Spacing between manufactured homes, common buildings (laundry, etc), and accessory buildings shall meet the requirements of Table 3.

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

12. Parking

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

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

13. Bufferyards

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

14. Common Open Space

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

15. Household Waste Removal

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



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

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

17. Operational Requirements

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

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

1. Licensing and Fees

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

- f. A Manufactured Home Park license is not transferrable.
- g. Successors or assigns of a Manufactured Home Park may be responsible for payment of any delinquent or due fees, penalties or fines.

2. Annual Inspection; Violation

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

3. Suspension of License

- a. Failure to correct the violation(s) within the established time period will result in license suspension. When a license is suspended, all occupants of the park shall be notified of the suspension and be given notice to vacate the park within ninety (90) days.
- b. Any person who has received notice that his license will be suspended unless certain conditions or practices at the Manufactured Home Park are corrected, may request and shall be granted a hearing on the matter before County Council by filing a petition with the Planning and Development Department. The petition for such hearing must be filed within 10 calendar days following the day on which delivery of the notice of license suspension was delivered to such person. If no petition is filed within 10 calendar days following the delivery of the notice of

license suspension, the license shall be deemed to have been automatically revoked.

- c. A Manufactured Home Park, upon the owner's loss of license, based on violations of this Ordinance shall meet all Unified Land Management Ordinance requirements in order to reopen. Otherwise, the park must be closed and all manufactured/mobile homes disposed of by the park owner.
- d. The provisions of this section can be enforced through appropriate court or legal action. (Amended 5/21/2012)

### Section 3.05 Accessory Apartments

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

### Section 3.06 Home Occupation

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

1. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
2. The home occupation shall be conducted entirely within the residence, except where the residence is located on two or more acres, in which case, part or all of the occupation may be conducted in an accessory building, provided that a total of no more than 50 percent of the floor area of the residence be used in the conduct of the home and meet all setback requirements of Table 3 for Accessory Uses.(Amended 10/21/2002)
3. No exterior indication of the use shall be evident other than a sign of two (2) square feet or less in size.
4. No more than one (1) person not residing in the residence shall be employed.

5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
6. There is no alteration of the residential character of the building and/or premises.
7. Deleted (Amendment 07/19/2004)

### Section 3.07 Auction Barns and Auction Houses

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

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

8. There shall be a minimum distance of 20 feet between any and all proposed structures.
9. The maximum height of any proposed structures shall be 35 feet plus 1 per 1 additional side and rear yard setback.
10. Any such use is classified as High Intensity Commercial for establishment of required buffer yards.

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

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

### Section 3.09 Mining Operations

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:

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.

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:

Dirt tracks shall not be permitted.

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

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

### Section 3.11 Outdoor Gun or Skeet Range

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

The use shall be oriented away from inhabited areas.

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

### Section 3.12 Sexually Oriented Businesses

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

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

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

1. Exposed surfaces shall be covered or protected with vegetative growth capable of preventing soil erosion.
2. The site shall be developed in a manner that preserves natural features and landscape.
3. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
4. 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 Bulk Storage and Distribution Facility for Fuel Products and Liquid Asphalt Distribution Terminals (Amended 09/16/2013)

The intent of this section is to manage and regulate the bulk storage, blending, transfer, and distribution of Fuel Products and Liquid asphalt

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

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



wired that encloses the entire premises in order to prevent unauthorized access.

6. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
7. Fuel Products shall be stored in accordance with the following storage capacity and height limits. However, the spacing and setback requirements in #8 of this Section must also be met.

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

\*Fuel Product Pipeline in existence as of [date of adoption of this amendment].

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

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

**8. Spacing and Setbacks**

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

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

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

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

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

| <b>Bulk Storage and Distribution of Fuel Products<br/>Spacing/Setback Requirements for Expansion of Existing Facilities</b> |   |
|---|---|
| Property line   | 100 Feet; 50 Feet if adjacent to another Bulk Storage and Distribution Facility for Fuel Products |
| All Dwellings and Places of Extensive Group Assembly  | 500 Feet  |
| Drinking water well in current use  | 500 Feet  |

|  |                      |
|--|----------------------|
| Surface water bodies   | 100 Feet             |
| Right-of-ways/ Easements   | Outside ROW/Easement |
| <p>These Spacing/Setback Requirements apply to tank cars and tank vehicles, as well as stationary tanks. Please see definition of Bulk Storage and Distribution.<br/> Measurements shall be taken from the nearest storage tank, dike, or fuel transfer area to the residential or other listed structure.</p> |                      |

9. The following fire and safety requirements shall be reviewed and approved by the Spartanburg County Fire Marshal's Office prior to the issuance of a Development Permit.

a. All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NFPA 30" of the National Fire Protection Association.

b. Storage tanks must be protected by either an attached extinguishing system approved by the Fire Marshal or an American Petroleum Institute-approved floating roof.

c. Dikes

1) Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other properties, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than 110 percent of the capacity of the largest tank within the diked area.

2) Dikes or retaining walls shall be of earth, steel, concrete or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle of repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks.

3) Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be so designed

that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

- d. Onsite access to all storage tanks shall be provided by means of gravel or paved roadways.
- e. A fire hydrant with sustained water flow rate of at least 1500 gallons per minute must be available on the site and hydrant(s) situated in an area of low risk in case of a fire emergency.
- f. All Bulk Storage and Distribution Facilities for Fuel Products and Liquid Asphalt Distribution Terminals shall provide to the County in digital format upon obtaining all approvals and prior to the issuance of the County permit: (a) a spill plan; (b) contingency plans for moving product in leaking or damaged tanks to backup tanks, and (c) an emergency preparedness and response plan that will be filed with the appropriate emergency service officials and the County's Office of Emergency Management. Any revisions shall also be filed with the aforementioned offices.

#### 10. Approvals from Other Agencies

- a. Any Bulk Storage and Distribution Facility for Fuel Products or Liquid Asphalt Distribution Terminals proposing to locate within the jurisdiction of this Ordinance shall provide to the Ordinance Administrator a certificate from the State Fire Marshal's Office and/or the Compliance and Enforcement Division of the NPDES Permits Administration of DHEC, as applicable, and other state, federal or outside agency that regulates the facility indicating compliance with the rules and regulations administered by those agencies.
- b. When a land development application from a Bulk Storage and Distribution Facility for Fuel Products or a Liquid Asphalt Distribution Terminal requires a permit or approval from an outside agency and the applicant presents an application and site plan that is "approvable" under this ordinance, the Planning and Development Department will issue a letter to that agency, if required, stating that a land development permit will be issued upon receipt of their permit/approval as long as the proposed facility still meets the requirements of this Ordinance after obtaining their approval.

- c. The applicant must report any changes required by outside agencies upon their review that affect a change in the submitted site plan and submit a revised site plan.
- d. All required permits and approvals must be obtained from outside agencies, as applicable, prior to the County issuing a land development permit. Only until such certification is received shall the facility be permitted for occupancy by Spartanburg County.

#### 11. Maintenance

- a. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.
- b. All storage tanks shall be maintained in a leak-proof condition with an adequately painted, rust free exterior surface.

12. Nothing contained herein shall be intended to preempt or abrogate the requirements for a Bulk Storage and Distribution Facility for Fuel Products or a Liquid Asphalt Distribution Terminal to adhere to the requirements of state or federal agencies.

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

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

- 1. A site plan shall be prepared by an individual licensed to practice engineering or land surveying in the State of South Carolina, as applicable. The site plan must show the Facility's property boundaries; off-site and on-site utilities (such as, electric, gas, water, storm, and sanitary sewer systems), right-of-ways and easements; the names, addresses, and tax map numbers of abutting property owners; wells, benchmarks and permanent survey markers; on-site buildings and appurtenances, fences, gates, roads, parking areas, drainage culverts, and signs; the delineation of the total facility area including planned staged development of the facility's construction and operation; the location and identification of waste

handling areas; and site topography with five feet minimum contour intervals; and any other relevant information as necessary for proper operation. The site plan shall show adjacent property lines, existing water wells, and surface water bodies. The plan shall show all buildings, to include all dwellings and places of Extensive Group Assembly on adjacent properties. The plan shall be on a scale of not greater than 200 feet per inch unless otherwise approved by the Planning and Development Department.

2. All facilities shall have adequate access to a collector or arterial roadway. If the facility is not served directly by such a roadway, a road must be constructed or reconstructed in accordance with County roadway construction standards to link the proposed facility with a collector or arterial road.
3. Chemicals shall be stored on impermeable flooring so that soils and ground water sources will not be contaminated and the storage shall meet all applicable State and Federal regulations.
4. A Storm Water Management and Sediment Plan, regardless of size, shall be developed as defined in County Ordinance No. O-09-02 , as amended, showing all on-site and off-site drainage. (See also County Code, Chapter 30, Article IV.)
5. Access to any Off-Site Hazardous Chemical Storage facility shall be controlled through the use of an 8-foot chain link fence topped with barbed wire that encloses the entire premises in order to prevent unauthorized access.
6. Off-Site Hazardous Chemical Storage Facilities shall meet the following setbacks and spacing requirements, along with applicable requirements found in Table 3b.

| <b>Off-Site Hazardous Chemical Storage Spacing/Setback Requirements</b> |                      |
|---|----------------------|
| Property line   | 500 Feet             |
| All Dwellings and Places of Extensive Group Assembly                    | 1000 Feet            |
| Drinking water well in current use                                      | 500 Feet             |
| Surface water bodies  | 100 Feet             |
| Right-of-ways/ Easement   | Outside ROW/Easement |

7. In addition to determining whether the stored chemical(s) trigger the requirements of this Section, the Spartanburg County Fire Marshal's Office shall review and approve the following fire and safety requirements prior to the issuance of a Development Permit.
  - a. A fire hydrant with sustained water flow rate of at least 1500 gallons per minute must be available on the site and hydrant(s) situated in an area of low risk in case of a fire emergency.
  - b. The site shall include an on-site containment area for the Hazardous Chemical so that a leak or spill is contained entirely on the facility's property and thus prevented from entering the surface or subsurface drainage system, man-made or natural, within the County.
  - c. All facilities storing Hazardous Chemicals off-site shall provide to the County in digital format upon obtaining all approvals and prior to the issuance of the County permit: (a) a spill plan; (b) contingency plans for moving product in leaking or damaged tanks or containers to backupvessels, and (c) an emergency preparedness and response plan that will be filed with the appropriate emergency service officials and the County's Office of Emergency Management. Any revisions shall also be filed with the aforementioned offices.

8. Approvals from Other Agencies

- a. Any Off-Site Hazardous Chemical Storage Facility proposing to locate within the jurisdiction of this Ordinance shall provide to the Ordinance Administrator a certificate from the State Fire Marshal's Office, the Department of Health and Environmental Control, or other outside agency (Environmental Protection Agency (EPA) and others) that regulates the facility indicating compliance with the rules and regulations administered by those agencies.
- b. When a land development application from an Off-Site Hazardous Chemical Storage Facility requires state government, federal government or other outside agencies' permit or approval and the applicant presents an application and site plan that is "approvable" under this ordinance, the Planning and Development Department will issue a letter to that agency, if required, stating that a land development permit will be issued upon receipt of their permit/approval as long as the proposed facility still meets the requirements of this ordinance after obtaining their approval.

- c. The applicant must report any changes required by outside agencies upon their review that affect a change in the submitted site plan and submit a revised site plan.
  - d. All required permits and approvals must be obtained from outside agencies, as applicable, prior to the County issuing a land development permit. Only until such certification is received shall the facility be permitted for occupancy by Spartanburg County.
9. Nothing contained herein shall be intended to preempt or abrogate the requirements for an Off-Site Hazardous Chemical Storage Facility to adhere to the regulations of state or federal agencies.

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

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

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

### Section 3.17 Waste Management Facilities

Legislative Findings of Fact and Policy Intent: All of the provisions and procedures set forth in this ordinance are derived from and based upon County Council's findings of fact in reference to the unique and peculiar attributes of Spartanburg County including its population projections, density and distribution, its highways and feeder roads, terrain, soil, industrial and commercial propensities, water resources, climate and seasonal effects, present and future environmental projections, law enforcement capabilities, property values, public facilities, residential uses, parks and recreational facilities, churches and commercial uses, affects upon tax revenues, quality of life, and adverse secondary effects. Based upon all those findings, County Council has concluded as a matter of fact that the provisions are necessary and required to avoid or retard the deterioration of quality of life in Spartanburg County and the deterioration of commercial, business and industrial viability in Spartanburg County. All of those findings are the basis for the requirements and governing provisions of this ordinance which is also enacted pursuant to 4-9-25 of the



Home Rule Act as necessary for the preservation of health, order and good government in Spartanburg County.

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

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

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

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

Other Waste Management Facilities covered by this Section:

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

3-17.1 Definitions

For purposes of Section 3.17 the following definitions shall apply:

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

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

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

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

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

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

“Infectious Waste Management Facility” means a facility engaged in waste management where the waste is infectious waste. Hospitals, nursing and

personal care facilities, dentist offices, medical offices, laboratories, clinics, and medical treatment centers, and other similar patient care facilities are exempt from this definition if the waste generated is collected on a schedule or treated on site whereby the storage does not constitute a nuisance or risk to human health. Mortuaries and tattoo and body piercing facilities shall be similarly exempted.

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

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

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

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

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

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

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

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

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

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

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

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

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

"Storage" means the containment of waste, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such solid waste; provided, however, that storage in containers by persons of waste resulting from their own activities on their property, leased or rented property, if the waste in such containers is collected on a schedule whereby the storage does not constitute a nuisance or risk to human

health, shall not constitute storage. The term does not apply to containers provided by or under the authority of the County for the collection and temporary storage of residentially generated wastes prior to disposal.

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

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

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

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

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

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

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

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

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

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

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

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

shall be on a scale of not greater than 200 feet per inch unless otherwise approved by the Planning and Development Department.

- c. A full set of storm water plans shall be submitted to the Engineering Division of the Public Works Department.
  - d. If the owner of the site on which the waste management facility is to be placed is not the project applicant, written permission must be obtained from the owner to apply for the project's approval.  
(Amended 07/19/2004)
3. If a waste management facility land development application requires South Carolina Department of Health and Environmental Control (DHEC) permitting and is "approvable" under this ordinance, the Planning and Development Department will issue a letter to DHEC stating that a land development permit will be issued upon receipt of the DHEC permit so long as the proposed waste management facility still meets the requirements of this ordinance after obtaining approval from DHEC.
  4. All required permits and approvals must be obtained from the DHEC, as applicable, prior to the County issuing a land development permit.
  5. Waste management facility operators shall provide an estimate of daily, weekly, and monthly truck trips broken out by the size, type, and load capacities of vehicles. County staff will examine public road access to the site and make a determination based on the above data and the construction of the road, regardless of functional road classification, regarding the adequacy and safe use of the public road to support projected truck traffic resulting from projects on county roads. If the capacity of the road is found to be inadequate, the project will not be approved. Waste management facilities will not be allowed on minor streets in any case, except for structural fill projects of less than one acre where it is determined that the road is capable of handling anticipated loads.
  6. No Waste Management Facility shall be established within 1000 feet of the following Scenic Corridors: SC Highway 11 (Cherokee Foothills Scenic Highway), SC Highway 9, SC Highway 56, SC Highway 110 (Battleground Road), SC Highway 30 (J Verne Smith Parkway), Interstate 85 and Interstate 26. Waste Management Facilities with outdoor processes or storage shall be prohibited on any Federal Aid Primary Highway unless screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the highway. (SC Code of Laws, Title 57, Chapter 27 Junkyard Control, as amended)

7. The provisions of Article 2 for Heavy Industrial Uses shall apply to all Waste Management Facilities unless the requirements for certain types of Waste Management Facilities are specified otherwise herein. Table 6 specifies off-street parking for Waste Management Facilities.
8. Access to any Waste Management Facility shall be controlled through the use of fences, gates, berms, natural barriers, or other means to prevent illegal dumping and unauthorized access as demonstrated by the applicant with the concurrence of staff.
9. Dust, odors, fire hazards, litter and vectors shall be effectively controlled at all waste management facilities so they do not constitute nuisances or hazards.
10. Open burning at any waste management facility shall be prohibited.
11. Setback measurements shall be made from the nearest point of improvement (including any structure, parking, landfill footprint, etc.) on the subject property to the property line of the neighboring use (residence, residential subdivision, school, daycare, church, hospital, public park or airport). Setbacks from drinking water wells, surface water bodies, easements, right of ways, and wetlands shall be measured from the nearest point of improvement on the subject property to the feature itself.

### **3.17-2.2 Solid Waste Landfills**

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

#### **A. Class One Landfills**

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



| <b>CLASS ONE LANDFILLS<br/>Spacing/Setback Requirements</b>                          |                       |
|--|-----------------------|
| Property line  | 50 Feet               |
| Residence, residential subdivision, school, daycare, church, hospital or public park | 200 Feet              |
| Drinking water well  | 100 Feet              |
| Surface water bodies   | 100 Feet              |
| Utilities  | 50 Feet               |
| Right-of-ways  | 50 Feet               |
| Wetlands   | Compliance with USACE |

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

## **B. Class Two Landfills**

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

| <b>CLASS TWO LANDFILLS<br/>Setback/Spacing Requirements</b>                          |                        |
|--|------------------------|
| Property line  | 100 Feet               |
| Residence, residential subdivision, school, daycare, church, hospital or public park | 1000 Feet              |
| Drinking water well  | 100 Feet               |
| Surface water bodies   | 200 Feet               |
| Utilities  | 50 Feet                |
| Right-of-ways  | 50 Feet                |
| Airport *  | 10,000 Feet (Turbojet) |

|  |                         |
|--|-------------------------|
|  | 5,000 Feet ( Turboprop) |
| Wetlands   | Compliance with USACE   |
| * Requires landfill owner with a landfill within these distances to demonstrate that the landfill does not pose a bird hazard. |                         |

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

### C. Class Three Landfills

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

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

|  |                       |
|--|-----------------------|
| Wetlands   | Compliance with USACE |
| *500' up gradient, 750' side gradient, 1000' down gradient |                       |

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

#### **D. Short-Term Structural Fill**

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

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

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

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

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

| <b>STRUCTURAL FILL<br/>Setback/Spacing Requirements</b>                              |   |
|--|---|
| Property line  | 100 Feet  |
| Residence, residential subdivision, school, daycare, church, hospital or public park | 200 Feet  |
| Drinking water well  | 100 Feet  |
| Surface water bodies   | 200 Feet  |
| Utilities  | 50 Feet   |
| Right-of-ways  | outside of right-of-way without approval from right of way holder |
| Wetlands   | 50 Feet   |
| Between structural fills on same property  | 500 Feet  |

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

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

#### **A. Waste Incinerators**

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

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

## B. Recycling Facilities and Recovered Materials Processing Facilities

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

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

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

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

|          |                          |
|----------|--------------------------|
|          | from right of way holder |
| Wetlands | 50 Feet                  |

C. Waste Transfer Stations

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

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

D. Waste Processing Facilities

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

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

## E. Composting and Wood Chipping/Shredding Facilities

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

### 3.17-2.3 Infectious Waste Management Facilities

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

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

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

(Amended 12/13/2011)

## Section 3.18 Communication Towers

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

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

### Section 3.18-1 Standards

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

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

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

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



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

The applicant must provide expert testimony that demonstrates to the satisfaction of the Planning Department that any existing tower, building, or other structure within one-half ( $\frac{1}{2}$ ) 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 and/or will cause objectionable radio frequency interference with other existing or planned equipment on that tower, which cannot be made better at a reasonable cost.
- iii. Evidence that existing or approved towers do not have space to locate the planned equipment where it can function effectively and at the strength of signal required by the FCC.
- iv. Evidence that the addition of the planned equipment to existing or approved towers would result in non-ionizing electromagnetic radiation (NIER) levels in excess of those permitted by OST-65 and ANSI C95.1 or any revisions thereto, or any adopted local standard.
- v. Evidence that the fees and/or cost to be charged to the collocating company, or contractual provisions required by the owner, including the cost to adapt existing facilities to the

proposed use based on comparable terms, exceed the current fair market value to locate on a build to suit tower.

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

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

- a. A Communication Tower with a center point closer than one thousand (1,000') feet from the nearest property line of any platted residential subdivision, as defined herein, containing twenty-five (25) or more lots, shall observe a setback from the nearest property line in the subdivision(s) as set forth below. Also, a Communication Tower that has a total of fifty (50) Dwelling Units, as defined herein, located within a one thousand (1,000') foot radius from the center point of the Communication Tower shall observe a setback, as set forth below, from the nearest residential structure, but not to include residential structures on the subject property upon which the Communication Tower is to be constructed.
  - i. For a Communication Tower, which is less than two hundred (200') feet in height from the ground on which it rests, the setback shall be two (2) times the height of the Communication Tower from the nearest residential structure or the nearest applicable residential subdivision property line, whichever applies.
  - ii. For a Communication Towers, which is two hundred (200') feet or more in height from the ground on which it rests, the setback shall be three (3) times the height of the Communication Tower from the nearest residential structure or the nearest applicable residential subdivision property line, whichever applies.
- b. For the purpose of measuring the applicable setback, distance measurements on monopole and guyed Communication Towers will be made from the center point of the Communication Tower. Distance measurements on lattice Communication Towers will be made from the closest legs of the lattice Communication Tower to the point of reference.

All guy wires (if any) shall be located within the applicable setback, and no residential dwelling (except one located on the same parcel) shall be located within any applicable setback.

- c. The height of the Communication Tower shall be the distance from the ground on which the Communication Tower rests to the top of the tower structure.
- d. For purposes of Section 3.18-1.2(a) a platted residential subdivision is defined as being either that shown in an approved final or summary plat as defined in Section 1 of this ordinance, together with any additional adjacent phases to such plat shown on a subsequently approved final or summary plat, or a map showing a subdivision of land which was recorded in the Office of the Register of Deeds for Spartanburg County prior to November 2, 1977, together with any additional adjacent phases to such subdivision of property shown on a subsequently recorded map.
- e. For purposes of Section 3.18-1.2(a) and for purposes of determining the number of dwelling units within the one thousand (1,000) foot radius from the center point of the Communication Tower, a Dwelling Unit shall be defined as a single unit providing complete, independent living facilities designed, arranged, used or intended for use by one or more persons living together and maintaining a common household, and which shall include permanent provisions for living, sleeping, eating, cooking and sanitation, (but excluding lodging units located in hotels or motels), including and limited to the following types of residences:
  - i. Single Family Dwelling: A building designed, constructed and used for one dwelling unit.
  - ii. Two Family or Duplex Dwelling: A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall. However, for purposes of determining the number of dwelling units within the one thousand (1,000)-foot radius of the Communication Tower site, any two-family or duplex dwelling will only be considered as a single dwelling unit. Furthermore, a two-family or duplex dwellingshall 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 dwellings shall not include any such structure(s) utilized for the housing of transients.

iv. For purposes of Section 3.18-1.2(a), a dwelling unit shall not be defined as including the following types of residences:

1. Multiple Family dwelling: A building designed, constructed, or reconstructed and used for more than five (5) Dwelling units, with each Dwelling unit having a common wall with any other Dwelling unit.

2. Resident Group Care Homes: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. A Group Care Home may include nursing homes, extended care facilities, retirement homes, halfway houses, recovery homes, and homes for orphans, foster children, the elderly, battered children and women. It could also include a specialized treatment facility providing less than primary health care.

3. Mobile Home Parks: A lot or lots used, designed or intended to be used for the purpose of supplying parking spaces for three (3) or more occupied mobile/manufactured homes and which includes, buildings, structures, or enclosures used or intended to be used as a part of such mobile home park, but not including a Mobile Home Subdivision as defined by the Spartanburg County Unified Land Management Ordinance.

f. To encourage the location of Communication Towers in commercial and industrial areas, the required setback for Communication Towers located in areas of Medium/High Intensity Commercial, Industrial, and/or Institutional areas, including properties containing apartment buildings, shall be as follows:

i. If the proposed tower is within 1000 feet of the residential uses described in Section 3.18 1-2(a), then the tower must be set

back from that residential use as described in that section. As long as the proposed structure can meet said setback, it may take advantage of the 30-foot setback as described in this section.

- ii. Thirty (30') feet from the property line of the property on which the Communication Tower is located provided the setback requirement of the height of the Communication Tower minus 20 feet is on like use property. Otherwise, the setback shall be the height of the tower minus 20 feet from the property line of the property on which the Communication Tower is located.
- iii. For the purpose of measuring the applicable setback, distance measurements on monopole and guyed Communication Towers will be made from the center point of the Communication Tower. Distance measurements on lattice Communication Towers will be made from the legs of the lattice Communication Tower.
- iv. For purposes of Section 3.18-1.2(d), and for purposes of determining the applicability of the setbacks set forth in this Section 3.18-1.2 (2)(d), the Medium/High Intensity Commercial, Industrial, and/or Institutional use must exist over an area of five (5) or more acres within one (1) or more contiguous Medium/High Intensity Commercial, Industrial, and/or Institutional use properties regardless of common ownership. In addition to those uses considered to be Medium/High Intensity Commercial, Industrial, and/or Institutional as set forth in Article Six of the Spartanburg County Unified Land Management Ordinance, the use of any subject property shall be considered to be Medium/High Intensity Commercial, Industrial, and/or Institutional so long as any one of the following conditions exist:
  1. The property has a present and ongoing Medium/High Intensity Commercial, Industrial, and/or Institutional use;
  2. The property was last used for Medium/High Intensity Commercial, Industrial, and/or Institutional purposes, the use is not presently ongoing or active, but the use of the property has not been changed;
  3. The property is undeveloped but its location and proximity to other uses make it highly unlikely to be developed for residential purposes such as commercial

and/or industrial properties located along the boundaries of interstates.

- v. For purposes of Section 3.18-1.2(d), and for the purpose of determining the amount of property subject to Medium/High Intensity Commercial, Industrial, and/or Institutional use, subject to the conditions set forth herein, the land area of any easements or rights of way touching upon or located within any property may be included in the calculation, but any such land area included shall not exceed fifty (50%) percent or two and one-half (2.5) acres of the total five (5) acres. The Planning Department staff shall make the consideration of any land area of any easements or rights of way on a case by case basis. The Planning Department staff shall take into account all relevant information, including, but not limited to, the existence of a transitional commercial area, in considering any land area of any easements or rights of way.

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

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

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

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

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

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

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

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

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

#### Section 3.18-1.6

- a. With the exception of Communication Towers for aeronautical purposes, Communication Towers may not penetrate any imaginary surface, as described in Chapter 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77 as amended, associated with existing or proposed runways at any publicly owned airport. All Communication Towers located within the first 12,000 feet of the approach surface on an existing or proposed

runway, or within the horizontal surface associated with such runway(s) as described in FAR Part 77, shall be lighted. Strobe lights during the daylight and twilight hours and red lights shall illuminate such Communication Towers during nighttime hours.

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

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

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

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



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

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

### Section 3.19 Junk and Salvage Yards

#### Section 3.19-1 Findings

Spartanburg County finds that junkyards:

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

#### Section 3.19-2 Purpose

To preserve the physical integrity of established neighborhoods for the quiet enjoyment of family, safety of children, and the maintenance of residential property values; to protect the citizens and residents of Spartanburg County from possible injury at junkyards; to achieve responsible economic growth in areas of Spartanburg County that is compatible with growth and development in nearby areas; to protect the public from health nuisances and safety hazards by controlling vectors, concentration of volatile or poisonous materials, and sources of danger to children; and to preserve and enhance the natural scenic beauty of areas in the vicinity of the primary and secondary roads of Spartanburg County, it is declared to be in the public interest of Spartanburg County, and

necessary and proper for the general welfare, convenience, safety and health of the people of the County, to regulate the operation and maintenance of junkyards in areas adjacent to public roads and highways within Spartanburg County, including those regulated by the South Carolina Department of Highways and Public Transportation to the extent that this division is not in conflict with such regulations. Spartanburg County Council hereby finds and declares that junkyards which do not conform to the requirements of this ordinance are public nuisances.

### Section 3.19-3 Fencing and Screening

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

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

### Section 3.19-4 General Requirements

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

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

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

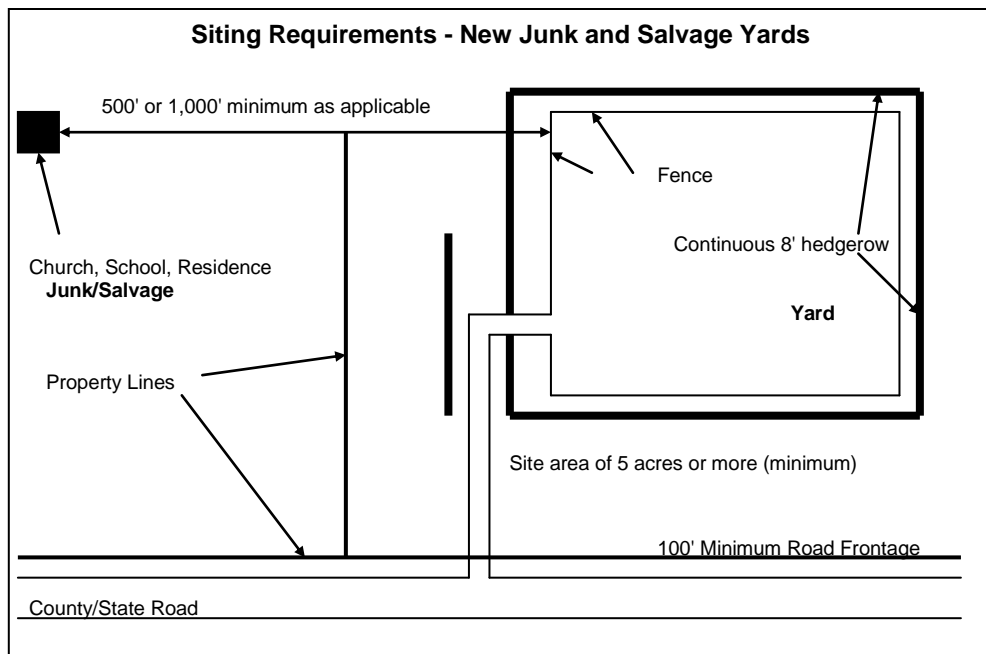
The following standards shall be applicable to junkyards that open, re-open, or begin operations or business after December 31, 1999:

1. New junkyards shall be situated on a continuous parcel of at least five acres excluding rights-of-way that are undivided by road 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. Each owner, operator, or maintainer of a junkyard shall utilize good husbandry techniques by pruning, mulching, and fertilizing, so that the vegetation can reach a height of eight (8) feet within five years of the date planted and will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.
7. A junkyard plan prepared by the owner or operator of any new junkyard shall be submitted prior to the junkyard permit being granted by Spartanburg County. The plan shall indicate setbacks, location of public rights-of-way, all proposed structures, all structures within 500 feet of a junkyard, driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junkyard, gross acreage, owner(s) name(s), address(es), preparer of plan name(s) and address(es). Submission of information shall establish pre-existing conditions. Plan may be drawn at a scale of one inch equals 400 feet or less.

8. When, for reasons of topography, it is determined by the ordinance administrator that the fencing and screening requirements of the new junkyard will not produce a result that sufficiently shields the junkyard from view and otherwise preserves the policy and intent of this division, the following alternatives are available:

- a. The junkyard may locate at the site if its fenced boundaries are no closer than 1,000 feet to any adjacent residence; or
- b. Topographic features shall be graded to adjacent roadway levels so that the provisions for fencing and screening can be effective; or
- c. The developer of a junkyard may seek another site that is more suitable to junkyard development.



9. In addition to the spacing requirements of paragraph five (5) and nine (9) herein, all junkyards established after December 31, 1999 shall be restricted to property located in areas characterized by light, medium or heavy "Industrial Uses" as defined by this Ordinance and shown on the Future Land Use Map in the approved "*Spartanburg County Comprehensive Plan*" (Amended 10/21/2002)

Section 3.19-6 Permit Required for Junkyards (Amended 06/16/2014)

1. All junkyards are required to obtain a 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. An annual fee for a junkyard permit shall be charged for each calendar year beginning January 1, 2000. There shall be a 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, leaser, or

record owner constituting an affirmation that the permit applicant is in fact a lessee or tenant of the landlord, leaser, or record owner of the parcel of land upon which the junkyard is located.

### Section 3.19-7 Exemptions (Amended 2/17/2014)

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

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

### Section 3.20 Signs

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

#### 1. Sign-able 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 sign-able 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 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) feet in total size and the top of the sign may not exceed three (3) 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(Amended 06/16/2014)

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

- a. Construction Permit –As per the Fee Schedule adopted by County Council.
- b. Annual Permit - Billboards - As per the Fee Schedule adopted by County Council.  
Other signs - As per the Fee Schedule adopted by County Council.
- c. The permit fee for a temporary agricultural sign shall be as per the Fee Schedule adopted by Resolution of county council.

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)

8. Temporary Rural Event Venue.



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

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

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

### Section 3.24 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 5/15/2006)

### **Section 3.27 Flea Markets, Swap Meets, and Open-Air Markets**

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

Farmer's markets shall be exempt from these requirements.

The following regulations apply:

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

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

4. The site shall conform to all building and mechanical codes. Any DHEC requirements must be met.

5. Customer parking and vehicular traffic shall be separated from vendor areas during operating hours. In no case shall vendors set up in the customer parking area. Customer parking and traffic shall not be allowed in vendor sales areas.

6. Parking shall be provided in accordance with the provisions of Article 2, Section 2.02-5.

7. In addition to any buffers required under Article 2, Section 2.02-2, Table 4, flea markets, swap meets, and other open-air markets shall provide landscape screening at the street. This buffer, which must begin at least 15 feet off the right of way and wrap around the sides of the market property so as to screen the operation from the view of the roadway, must include a combination of evergreen trees and shrubs that will create an opaque screen within two years. The minimum tree size at planting shall be six or more feet in height and two or more inches in trunk diameter at the height of 18 inches above the ground. There shall be no parking between the landscape screening and the road.

8. All sales items must be returned to storage and not left out overnight. Covering sale items with a tarp or other material is not an acceptable means of storage.

9. No RVs or campers shall be allowed on the property overnight.

10. Goods shall not be sold from enclosed trucks or trailers.

11. Owners of vacant or abandoned, non-residential properties shall not allow transient merchants or vendors to offer goods for sale on their property. Transient merchants or vendors shall not be permitted by Spartanburg County to sell from vacant or abandoned, non-residential properties notwithstanding the permission of the property owner.

12. Sale of merchandise is prohibited in road right-of-ways. In no case shall a merchant or vendor set up in a way that obscures the view of the traveling public.

13. There shall be no less than one (1) trash receptacle per 75 feet of aisle space.

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

### Section 3.28 Asphalt Batch Plants (Amended 9/16/2013)

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

1. A site plan shall be prepared by an individual licensed to practice engineering or land surveying in the State of South Carolina, as applicable. The site plan must show the Facility's property boundaries; off-site and on-site utilities (such as, electric, gas, water, storm, and sanitary sewer systems), right-of-ways and easements; the names, addresses, and tax map numbers of abutting property owners; wells, benchmarks and permanent survey markers; on-site buildings and appurtenances, tanks, dikes, fences, gates, roads, parking areas, drainage culverts, and signs; the delineation of the total facility area including planned staged development of the facility's construction and operation; and site topography with five feet minimum contour intervals; and any other relevant information as necessary for proper operation. The site plan shall show adjacent property lines, public parks, schools, religious institutions, hospitals, day care facilities, and nursing homes. The plan shall be on a scale of not greater than 200 feet per inch unless otherwise approved by the Planning and Development Department.
2. All facilities shall have adequate access to a collector or arterial roadway. If the facility is not served directly by such a roadway, a road must be constructed or reconstructed in accordance with County roadway construction standards to link the proposed facility with a collector or arterial road.
3. Entrance/exits shall provide a minimum 50-foot turning radius.
4. A storm water runoff and sedimentation plan as defined by the County's Storm Water Ordinance No. O-09-02, as amended, showing all on-site and off-site drainage. (See also County Code, Chapter 30, Article IV.).
5. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
6. Asphalt Batch Plants shall follow the Heavy Industry buffer requirements in Table 4 Bufferyards.

## 7. Approvals from Other Agencies

- a. Any AsphaltBatch Plant proposing to locate within the jurisdiction of this Ordinance shall provide to the Ordinance Administrator a certificate from the Department of Health and Environmental Control or other outside agency that regulates the facility indicating compliance with the rules and regulations administered by those agencies.
  - b. When a land development application from an Asphalt Batch Plant requires state government, federal government or other outside agencies' permit or approval and the applicant presents an application and site plan that is "approvable" under this ordinance, the Planning and Development Department will issue a letter to that agency, if required, stating that a land development permit will be issued upon receipt of their permit/approval as long as the proposed facility still meets the requirements of this ordinance after obtaining their approval.
  - c. The applicant must report any changes required by outside agencies upon their review that affect a change in the submitted site plan and submit a revised site plan.
  - d. All required permits and approvals must be obtained from outside agencies, as applicable, prior to the County issuing a land development permit. Only until such certification is received shall the facility be permitted for occupancy by Spartanburg County.
8. Meet any and all applicable requirements specified by Table 3.
9. Nothing contained herein shall be intended to preempt or abrogate the requirements for anAsphalt Batch Plant to adhere to the regulations of state or federal agencies.

### **Section 3.29 Scrap Metal Processor**

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

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

### **3.29-1 Application and Site Plan Submittal**

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

### **3.29-2 Standards**

1. All Scrap Metal Processors shall have adequate access to a collector or arterial roadway. If the facility is not served directly by such a roadway, a road must be constructed or reconstructed in accordance with County roadway construction standards to link the proposed facility with a collector or arterial road. Scrap Metal Processors shall not be allowed on Minor Streets. County staff will examine public road access to the site and make a determination based on the data provided by the applicant and the construction of the road, regardless of functional road classification, regarding the adequacy and safe use of the public road to support projected truck traffic resulting from projects on county roads. If the construction and/or capacity of the road is found to be inadequate pursuant to professional engineering standards, the project will not be approved.
2. Entrance/exits shall provide a minimum 50-foot turning radius.
3. The view toward any driveway entrances shall be screened or positioned as necessary in a manner such that materials stored in the open are not visible through the driveway entrance.
4. Scrap Metal Processors shall be situated on a parcel of at least five contiguous acres that are undivided by road right-of-ways or public dedication.
5. The Scrap Metal Processing property must have a minimum front lot line of 100 feet on a public right-of-way.
6. Parking shall be provided in accordance with Table 6.
7. All Scrap Metal Processor business shall be conducted entirely within the screened area of the property.
8. No scrap metal shall be stacked, stored or maintained at a height greater than 75 feet.
9. An on-site residence at the Scrap Metal Processing site which is used by the business owner or its agent is permitted.



10. Setbacks and Spacing

a. Setback and spacing requirements shall be as follows:

| <b>SCRAP METAL PROCESSOR<br/>Setback/Spacing Requirements</b>   |  |
|---|--|
| Property line   | 50 Feet  |
| 1-24 Residences   | 500 Feet (measured from Source of Noise to primary residential structure)  |
| 25+ Residences  | 1000 Feet (measured from Source of Noise to primary residential structure)   |
| Residential Subdivision with 25 or more platted lots  | 1000 Feet (measured from Source of Noise to nearest residential property line)   |
| School, daycare, church, nursing home, residential healthcare facility, public building, hospital or public recreation facility or park | 1000 Feet (measured from Source of Noise to nearest school, daycare, church, nursing home, residential healthcare facility, public building, hospital or public recreation facility or park property line) |
| Surface water bodies (Except storm water pond)  | 200 Feet   |
| Utility Right-of-ways   | Outside of right-of-way without approval from right-of-way holder  |

- b. Setback measurements shall be made from the source of noise on the subject property to the property line of the neighboring use or to the primary structure as set forth in the table above. Setbacks from surface water bodies and utility rights of way shall be measured from the nearest point of improvement on the subject property to the feature itself.
- c. For the purposes of this Section, source of noise shall include any non-office structure, metal storage area, grinder, crane, shredder, shearer, or other machinery or fixed equipment capable of producing noise in excess of 80 decibels as measured at the property line of the Scrap Metal Processor, but excluding parking areas.
- d. In addition to the Setback/Spacing Requirements Table above, no Scrap Metal Processor shall be established within 1000 feet of the following

Scenic Corridors: SC Highway 9, SC Highway 56, SC Highway 110 (Battleground Road), SC Highway 80 (J Verne Smith Parkway). Scrap Metal Processors shall be prohibited on or within 1000 feet of SC Highway 11 (Cherokee Foothills Scenic Highway). No person shall establish, operate, or maintain a Scrap Metal Processor, any portion of which is within one thousand (1,000) feet of the nearest edge of the right-of-way of Interstate 85 and Interstate 26, unless screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the aforementioned interstates, or otherwise obscured from sight. If the Ordinance Administrator determines that the above-mentioned screening requirements will not produce a result that shields the Scrap Metal Processor from view of the interstates set forth herein, a Scrap Metal Processor shall be compelled to engage in land grading or the erection of additional screening, but only to the minimum extent required to achieve the desired screening.

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

#### 11. Screening

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

- d. Each owner, operator, or maintainer of a Scrap Metal Processing site shall utilize good husbandry techniques by pruning, mulching, and fertilizing, so that the vegetation can reach a height of eight (8) feet within five years of the date planted and will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.

12. Health and Safety

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