

ARTICLE 6
DEFINITIONS
(Amended 2/17/2014)

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

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

The word "shall" is always mandatory.

The word "may" is permissive.

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

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

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

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

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

The term "Board of Appeals" refers to the Spartanburg County Board of Appeals as reestablished by Article 6 of this Ordinance.

Other words and terms defined herein are as follows:

Abutting - Sharing a common border; physically touching.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commercial Use - Any use or establishment of which the primary activity is the offering of goods or services to the public for a fee or other compensation. Lawful home occupations shall not be considered commercial uses for purposes of this ordinance. Any use meeting the definition of industry as well as of commercial use shall be considered industry.

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

DBH - Diameter at breast height, or the diameter (in inches) of a tree measured at four and one-half (4 ½) feet above the existing grade. (Amended 6/18/2001)

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

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

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

DHEC - South Carolina Department of Health and Environmental Control.

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

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

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

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

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

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

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

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

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

Dwelling, Duplex - A building containing two dwelling units.

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

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

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

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

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

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

- a. Has a minimum width over 20 feet (multiple-section);
- b. Has a minimum of 900 square feet of enclosed living area;
- c. Has a nominal minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- d. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
- e. Has a roof overhang of not less than eight (8) inches.

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

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

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

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

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

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

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

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

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

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

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

Farmer's market. The seasonal offering of home grown agricultural products directly to the consumer in an open air market or pre-designated area where the

vendors are generally individuals who have raised the vegetables or produce or taken the same on consignment for retail sale. (Amended 02/21/2011)

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

Final Plat - A plat which incorporates all revisions or corrections deemed necessary by the Commission in the Preliminary Plat and which is used for recording purposes after all improvements pertaining to the Preliminary Plat have been installed and approved.

Flea market. Any activity:

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

The term flea market is interchangeable with and applicable to “swap meet,” “open air market”, “jockey lot” or other similar terms where events are held under a semi-enclosed building or shelter or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business. Such activities that take place in a fully enclosed and secured building shall be treated in this Ordinance as medium-high intensity commercial use.(Amended 4/15/2013)

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

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

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

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

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

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

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

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

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

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

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

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

Gross Floor Area (GFA) - The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space

in an accessory building or in the principal building which is designed for parking of motor vehicles.

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

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

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

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

Hazardous Chemical - Any gas, liquid or solid that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released. Materials and substances considered as Hazardous Chemicals shall be those contained within the listing published by the Environmental Protection Agency, as amended, under the provision of the Toxic Substances Control Act of 1976. A further listing of such materials is found in Regulation No. 61-79.1 of the Rules and Regulations of the State of South Carolina, appended to the 1976 Code of Laws, as amended.

Height - The vertical distance of a structure or vegetation.

High Intensity Commercial - Uses in this category may have some or all of the following characteristics:

- Drive-through windows or service lanes;
- Large scale and size; High traffic generation rates (300 or more vehicle trips/1000 square feet gross floor area);
- Live entertainment, amplified music or other activities that regularly generate noise that can be heard outside the building or off the premises;

- A type of business typically open for operation after 9 p.m. or before 6 a.m.;
- Outdoor storage of equipment, materials, and trash; and
- Servicing of vehicles and equipment.

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

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

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

Industry - The processing or handling of goods other than in a retail setting. Processing includes the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. Handling of goods includes storing and shipping goods and specifically includes storage elevators, truck storage yards, warehouses, wholesale storage and similar activities.

Industry, Light - An industrial use or building which, (1) does not utilize process water and which does not produce waste water, (2) contains all aspects of the industrial process within the building, (3) does not exceed a maximum height of two stories and a maximum floor area ratio of 50 percent, and (4) does not produce sound pressure (noise) level in excess of 45 decibels, measured at the nearest property line; (5) does not typically involve more than six trips per day of heavy trucks; and (6) does not involve regular or frequent maintenance or on-site operation of refrigerator or other heavy trucks;

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

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

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

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

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

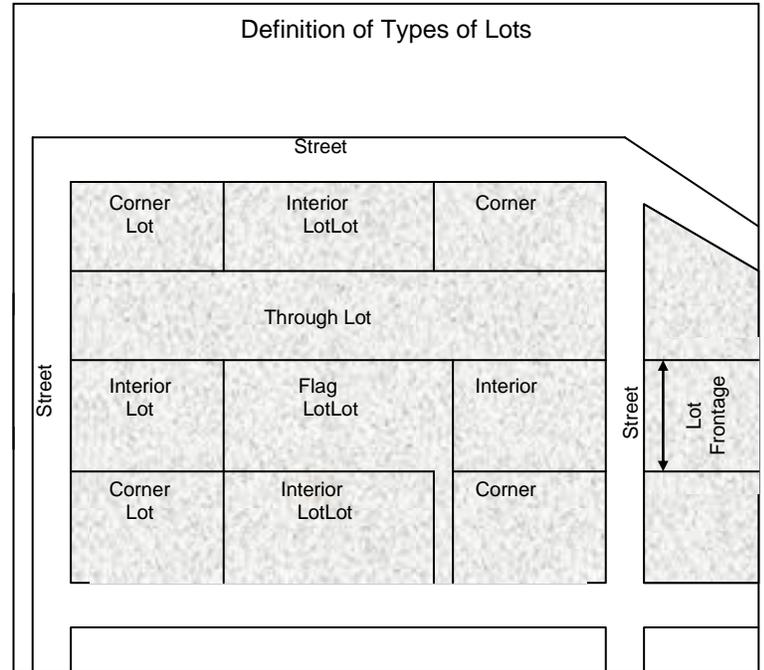
Letter-of-Credit - See definition of Performance Guarantee.

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

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

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

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



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

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

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

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

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

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

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

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

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

Manufactured Home- Residential Designed or a Manufactured Home, Standard Designed.

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

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

- a. Has a minimum width of 20 feet (multiple-section);
- b. Has a minimum of 900 square feet of enclosed living area;
- c. Has a minimum nominal 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- d. Is covered with an exterior material customarily used on site-built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
- e. Has a roof overhang of not less than eight (8) inches.

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

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

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

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

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

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

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

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

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

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

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

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

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

Perimeter - The outermost property line in a development.

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

Platted Subdivision - A subdivision shown on an approved final or summary plat, 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 Register of Deeds Office 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.

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

Preliminary Plat - A map showing a plan for a proposed subdivision of land. All proposed roads indicated on the plat must connect to a state highway or to an existing road as to which the County has acquired the legal right to maintain. These roads being ones that have been built in accordance with the Spartanburg County Subdivision Regulations and granted Final Plat Approval by the Planning Commission, or must have paved driving surface and have been in general and constant use by the public for at least 20 years, and be formally accepted by Spartanburg County as a County road.

Private Road Development - Land development which allows a maximum of 8 lots fronting on a road constructed to the Private Street Design and Improvements Section 2.05-3.

Private Road (built to County standards) - is a road built to Spartanburg County Construction Standards but not dedicated for maintenance to Spartanburg County.

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

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

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

Re-Subdivision - A combination or re-combination of previously recorded lots or tracts of contiguous land for the purpose of increasing or decreasing building sites.

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

Road - See definition of Street.

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

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

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

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

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

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

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

Sign- Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign, Abandoned - A sign structure not containing a sign for 90 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers, a sign for which the annual renewal fee has not been paid for 30 days after demand by the Central Permits Office, or a sign not having copy for six (6) consecutive months on at least one (1) viewing face.

Sign, Animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, Bench - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Building- Any sign attached to any part of a building.

Sign, Detached - A detached sign is any sign that is not attached to a building in any manner and is structurally free-standing.

Sign, Dilapidated - A dilapidated sign is any sign which is insecure or otherwise structurally unsound, has defective parts, or is in need of painting or maintenance.

Sign, Directional - A directional sign is an off-premise sign the content of which is limited exclusively to the identification of a use or occupancy located in Spartanburg County and which tells the location of or route to such use or occupancy and is not used for advertising purposes.

Sign, Flashing - A flashing sign is any lighted or electrical sign which emits light in sudden transitory bursts. On/off time and temperature signs are not considered flashing signs for the purpose of this Ordinance.

Sign, Freestanding - A sign which is permanently affixed to the ground and which is not a part of a building or other structure.

Sign, Illuminated - An illuminated sign is any sign which is directly lighted by an electrical source, internal or external.

Sign, Mobile - A sign, such as an A-frame, which is movable by a person without aid of a motor vehicle or other mechanical equipment.

Sign, Non-Commercial - Any sign which is not in the nature of commercial advertising, and which transmits a message which does not relate to a product, good, or service that is sold or rendered for profit.

Sign, Non-Conforming - Signs which were in existence prior to the adoption of this Ordinance and which do not conform to the provisions of this Ordinance are declared to be non-conforming signs.

Sign, Off-Premises - Any sign that advertises goods, products, services, or facilities, or that directs persons to a different location from where the sign is located.

Sign, On-Premises - Any sign that disseminates information that directly relates to the use of the property on which it is located and is not a separate and distinct use.

Sign, Political - A political sign is a temporary off-premise sign which refers only to a political candidate or the issues involved in an upcoming political election.

Sign, Portable - A sign which may be removed from one location to another, is not permanently affixed to the ground, and is differentiated from a "mobile sign" in that it may be equipped for transportation by motor vehicle or other mechanical means. Trailer signs are considered to be portable signs.

Sign Owner - Shall include the person receiving benefit from the sign and/or the property owner.

Sign Structure - Any metal (or treated wood) structures, poles, or beams used to support a free-standing sign.

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

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

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

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

Street, Arterial - A street/road that carries traffic from region to region. These streets/roads are intended to provide for high speed travel between or within communities or to and from collectors and expressways. The concept of service to abutting land should be subordinate to the provision of travel service and major traffic movement.

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

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

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

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

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

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

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

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

Subdivision - The division of a tract, parcel, or lot into two or more lots or building sites, or other divisions of land for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets and includes the re-subdivision of land. For administrative purposes, land subdivisions are classified in one of three categories: exempt, minor or major.

Exempt Subdivision - An exempt subdivision is one which when meeting the following conditions is exempt from the requirements of this Ordinance, except for notification of the Planning Department:

1. The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the County.
2. The division of land into parcels of five (5) acres or more where no new street is involved provided each parcel has at least 50 feet of frontage on a State, County, or Municipality maintained road or Private Road built in accordance with Section 2.05-3 and meets the standards of the County.

3. A subdivision shall not be considered to include the public acquisition of strips of land for the widening or opening of streets.
4. A division of land into two lots where one lot has an existing dwelling and at least 25 feet of frontage on a State, County, or Municipality maintained road or Private Road built in accordance with Section 2.05-3 and meets the standards of the County.

Minor Subdivision - A minor subdivision includes:

1. The subdivision of no more than eight (8) residential lots on a privately built and maintained road, in accord with the requirements of Section 2.05-3 and
2. The subdivision of lots on existing State, Municipality, or County maintained roads or those built in accordance with Section 2.05-2 and approved by the County, or have an approved all weather driving surface and have been in general and constant use by the public for at least 20 years.

Major Subdivision - A major subdivision is any subdivision other than an exempt or minor subdivision.

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

Summary Plat - A map showing a plan for the subdivision of land in which all lots are located on an existing state municipality highway or an existing road as to which the County has acquired the legal right to maintain. These roads being ones that have been built in accordance with the Spartanburg County

Subdivision Regulations or the Unified Land Management Ordinance and granted Final Plat Approval by the Planning Commission, or must have an improved, all weather driving surface and have been in general and constant use by the public for at least 20 years, and be formally accepted by Spartanburg County as a County road. The plat must be drawn in Final Plat form.

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

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

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

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

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

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

Use, Accessory - See Building, Accessory.

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

Use, Temporary - A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such

time. Such uses do not involve the construction or alteration of any permanent structure.

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

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

Vegetation - Any object of natural growth.

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

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

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

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

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

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

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