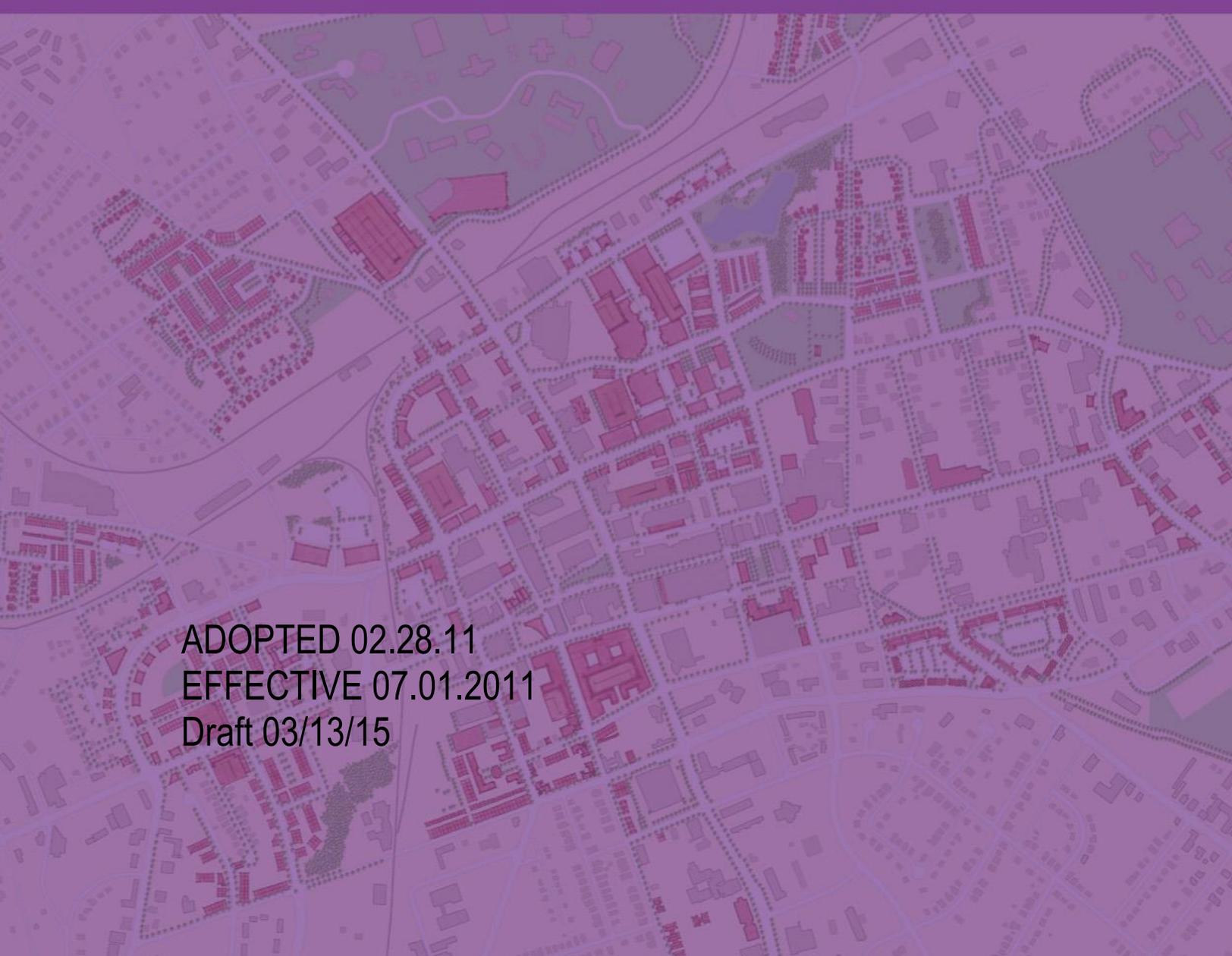


# DT

## Downtown Code

An aerial photograph of a city grid, overlaid with a semi-transparent purple filter. The map shows a dense network of streets and buildings, with some areas highlighted in a darker shade of purple. The text is positioned in the lower-left quadrant of the map.

ADOPTED 02.28.11  
EFFECTIVE 07.01.2011  
Draft 03/13/15

# DOWNTOWN CODE

## *Spartanburg, SC*

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# DOWNTOWN CODE

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## *Spartanburg, SC*

### To Be Inserted as Section 515 in the Zoning Ordinance

#### USER'S GUIDE

*The Spartanburg Downtown Code serves to condense and replace the existing medley of districts in the Zoning Ordinance and on the Zoning Map. To that end, the downtown area should be zoned in a manner that is both consistent with the Downtown Plan, but permits some flexibility in varying the ideas set forth in it.*

*Users of this document will notice that this Downtown Code has been ordered in a manner that addresses the standards for the most public realm, the street, to the most private realm, the building. As a design becomes more detailed and moves from the subdivision plan to the site plan to the building elevation, users are encouraged to progress through the document.*

*The guiding principle of this Downtown Code is that the use of the property, while important, is subordinate to the design of the building within which it is contained. This encourages visual compatibility while permitting mixed uses in close proximity to each another.*

#### **515.1 PURPOSE & INTENT**

The purpose of this code is to implement the vision and goals of the Downtown Master Plan. These regulations are designed to permit the development and redevelopment of the central business district and its immediate surroundings. The intent is to accommodate mixed-use, pedestrian-friendly buildings and public spaces in the downtown that over time will evolve into areas allowing people to live, work, shop, gather, worship, and other public events.

This code attaches the same or greater level of importance to the overall building design as is placed on the uses within the building in order to create a convenient and attractive community. Buildings added to Downtown should contribute to the long-term architectural vibrancy of the community for the purpose of encouraging economic development activities that enlarge the tax base and by providing desirable residences and places of shopping, employment and public assembly.

This code encourages the placement of buildings closer to each other as well as closer to the street where pedestrian activity is expected to occur. As the sidewalks remain the principal place of pedestrian movement and casual social interaction, designs and uses should be complementary of that function. The desired result is a reduction in traffic congestion and an overall improvement in the quality of life.

# DOWNTOWN CODE

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### 515.2 ADMINISTRATION

#### 2.1 GENERAL COMPLIANCE

##### 2.1.1 Approval Process

To encourage compliance with the standards of this Downtown Code as well as the vision and goals of the Downtown Master Plan for Spartanburg, all site plans and building design plans must be reviewed and approved by the Planning Director or their designee unless noted.

##### 2.1.2 Conflicting Requirements

Where these requirements conflict with each other or with any requirement of the Zoning Ordinance, the Land Development Regulations, or the International Building Code (latest edition), the more appropriate standard which are otherwise consistent with the intent of this code and the adopted Downtown Master Plan, as determined by the Planning Director, shall apply. Any modifications necessary shall be made with the approval of the Planning Director. Any appeals to these determinations must be to the Board of Zoning Appeals in accordance with Section 603.3.

##### 2.1.3 Compliance with Downtown Master Plan

Where streets or public open spaces are shown on the Downtown Master Plan on specific parcels, the proposed development for those parcels is responsible for the reservation and construction of such public facilities as part of the development process. Deviations must be reviewed in accordance with 2.3.2 below.

##### 2.1.4 Non-Conformities/Pre-Existing Conditions

- a. Except for the provisions noted below, all existing non-conformities shall be subject to Section 502 (Non-Conforming Use Regulations).
- b. Existing buildings and appurtenances that do not conform to the provisions of this Code may continue in use as they are until a Substantial Modification is requested, at which time the Planning Director or their designee shall determine the provisions of this code that shall apply to achieve the highest degree of conformity subject to practical limitations (e.g. site, building, parking arrangements preclude conformance either by incompatible physical characteristics or aesthetic outcomes that would yield an architecturally inappropriate solution).
- c. The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this Code.

##### 2.1.5 Consistency with other Provisions of the Zoning Ordinance

The requirements set forth in this Section shall be considered to be comprehensive in their scope and shall be established as the exclusive requirements of property under their jurisdiction within the Zoning Ordinance unless otherwise noted or referenced herein.

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### 2.2 APPLICABILITY

Compliance with this ordinance is required if an existing development is expanded or substantially modified in accordance with the following applicability matrix:

	3.3	4.2	5.2.2	6.0	7.2	8.0	9.0	
	District Standards	Required Shopfront	Solid Waste Storage Areas	Building Standards	Bicycle Parking	Streetscape & Site Landscaping	Signage Standards	All Standards Apply
<ul style="list-style-type: none"> <li>✓ - Compliance with all applicable standards required</li> <li>✓+ - Compliance required of the expanded building area only and the landscaping requirements of Section 8 to the extent practical</li> </ul>								
<b>2.2.1 Parking Area Expansion</b>								
Minor : 4-24 Spaces			✓+		✓			
Major: 25 or more Spaces			✓+		✓	✓	✓	
<b>2.2.2 Existing Development: Existing habitable buildings on a parcel</b>								
Renovation Due to Disaster (Fire, Flood, etc)			✓	✓			✓	
Reoccupation after Extended Vacancy (Greater than 180 days)			✓		✓		✓	
Exterior Renovation without Expansion			✓				✓	
Substantial Modification (Interior and/ or Exterior): >50% of appraised value								✓+
Minor Expansion: ≤25% of total floor area	✓+	✓+	✓	✓+	✓	✓+	✓	
Partial Expansion: 25% < >50% of total floor area								✓+
Major Expansion: >50% of total floor area								✓
<b>2.2.3 New Construction: Development of new building on a previously developed portion of the site such as a parking area, on a previously undeveloped site, or on a site that no longer contains any habitable structures.</b>								
New Construction on Undeveloped Site (Including Outparcels)								✓

### 2.3 DISCRETIONARY REVIEW & SPECIAL EXCEPTIONS

2.3.1 There shall be two levels of deviation from the requirements of this Code: Discretionary Review and Special Exceptions.

2.3.2 Discretionary Review, unlike a Variance issued in accordance with SC Code 6-29-800(A)(2), is a ruling that would permit a change necessitated by a site-specific condition, building-specific condition or an innovative manner in which to fulfill the overall design intent of this Code. The Design Review Board shall have the authority to approve, approve with conditions or disapprove a request for Discretionary

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Review. Before Discretionary relief may be granted, a public hearing is required for the portion of the project plan that is necessary to rule on the specific relief requested.

**2.3.3** The decision of the Design Review Board with respect to Discretionary Review must be final, subject only to appeal thereof to the courts of the State of South Carolina in accordance with applicable law.

**2.3.4** A request for a Special Exception of Variance shall be heard and considered by the Board of Zoning Appeals in accordance with Section 603.5.

### **2.4 DESIGN REVIEW**

**2.4.1** In addition to the requirements of 2.3 above, the Design Review Board has the following duties and responsibilities:

- a.** To make advisory opinions to the Planning Director (if requested) on all projects proposed for construction or alteration under the purview of this Code.
- b.** To make final determinations on the compliance of all new construction applications in D-T6, along those frontages designated as Required Shopfront (Section 4.2), and for all lots 2 acres or greater.
- c.** To grant exceptions to the maximum base heights subject to the guidelines in Section 3.7.
- d.** Design Review shall not be required for the following:
  - interior alterations and changes in use
  - exterior alterations in the first or second layer that are considered maintenance or minor in nature and are otherwise compliant with this Code
  - exterior alterations not visible from the right-of-way
  - accessory structures in the third layer
  - expansions or alterations to parking in the third layer
  - signs in accordance with this Code

#### **2.4.2 Composition of Design Review Board**

- a. Membership:** Five (5) Members appointed by the City Council
- b. Chair:** The Chair who shall be elected from the membership on an annual basis
- c. Terms:** Each member shall serve for three (3) year terms. Members may be reappointed.
- d. Qualifications:** Because of the technical nature of design review, it is necessary that the majority of members have expertise in building design and construction (e.g., architecture, urban design, landscape architecture, construction).



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### 3.1 INTERPRETATION OF USE MATRICES

**3.1.1** Any use not listed in the Use Matrix is prohibited unless the Planning Director determines that it falls within the same class as a listed use as set forth below. Should the Planning Director determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Planning Director's decision shall be recorded in writing. Should the Planning Director determine that a materially similar use does not exist, this Chapter may be amended to establish a specific listing for the use in question.

**3.1.2** The Planning Director may determine that a use is materially similar if:

- a. The proposed use shall not generate average daily trips exceeding other similar uses proposed in the zoning district by more than ten percent (10%), as determined by the Institute of Transportation Engineers, Trip Generation Manual (latest edition), which document is hereby incorporated by this reference. If the trip generation is not listed in the Trip Generation Manual, then the use shall be considered materially similar to the use that most closely approximates the proposed use. The Planning Director may also refer to similar local traffic studies.
- b. The Planning Director may also use one or more of the following criteria to determine material similarity:
  - The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
  - The relative amount of site area or floor space and equipment devoted to the activity;
  - Relative amounts of sales from each activity;
  - The customer type for each activity;
  - The relative number of employees in each activity;
  - Hours of operation;
  - Building and site arrangement;
  - Vehicles used with the activity;
  - The relative number of vehicle trips generated by the use; or
  - How the use advertises itself.

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### 3.1.4 Use Standards by Zone

BASE DISTRICT	D-T3	D-T4	D-T5	D-T6	Special Regulations
<b>Residential</b>					
Dwelling-Single Family	P	P	P	P	
Dwelling-Two Family	P	P	P	P	
Dwelling-Multi-Family	-	P	P	P	
Dwelling-Secondary	-	P	PS	-	See Section 3.2.3
Home Occupation	P	P	P	P	See Section 302.6
Housing Service for the Elderly	P	P	P	P	
Live-Work Units	-	PS	PS	PS	See Section 3.2.6
Manufactured Housing	-	-	-	-	
<b>Lodging</b>					
Bed and Breakfast Inns	-	SE	P	P	
Hotels/Motels/Inns	-	-	P	P	
Rooming or Boarding House	-	-	SE	SE	
<b>Office/Service</b>					
Animal Services	-	-	P	-	
ATM	-	-	P	PS	See Section 3.2.1
Banks, Credit Unions, Financial Services	-	-	P	P	
Business Support Services	-	-	P	P	
Child/Adult Day Care Home (Less than 6 persons)	SE	SE	P	P	
Child/Adult Day Care Center (6 or more persons)	SE	SE	P	P	
Community Service Organization	-	-	P	P	
Drive Thru Facility for Service Uses	-	-	PS	PS	See Section 3.2.2
Equipment Rental	-	-	-	-	
Funeral Homes	-	-	P	P	
Homes for Handicapped (serving 9 or fewer)	PS	PS	PS	PS	See Section 3.2.4
Laundry Services	-	-	PS	PS	See Section 3.2.5
Medical Services (e.g., Hospital, Clinic, Urgent Care Center)	-	-	P	P	
Outdoor Kennels	-	-	-	-	
Personal Services	-	-	P	P	
Post Office	-	-	P	P	
Professional Services	-	P	P	P	
Studio – Art, dance, martial arts, music	-	P	P	P	
Vehicle Services – Major Repair/Body Work	-	-	SE	-	
Vehicle Services – Minor Maintenance/Repair	-	-	PS	-	See Section 3.2.12
<b>Retail/Restaurants</b>					
Alcoholic Beverage Sales Store	-	-	P	P	
Auto Parts Store	-	-	P	-	
Bar/Tavern	-	-	P	P	
Drive-Thru Facility for Retail and Restaurants Uses	-	-	PS	PS	See Section 3.2.2
Gas Station	-	-	SE	-	
General Retail – 2,000 sf or less	-	-	P	P	
General Retail – 2,001 sf -15,000 sf	-	-	P	P	
General Retail – 15,001 sf – 50,000 sf	-	-	P	P	
General Retail – Greater than 50,000 sf	-	-	-	SE	
Mobile Retail/Food Establishments	-	-	PS	PS	See Section 3.2.8
Night Club	-	-	PS	PS	See Section 3.2.9
Outdoor Sales	-	-	P	P	
Restaurant	-	-	P	P	
Shopping Center – Neighborhood Center – 30,000 sf – 100,000 sf	-	-	P	P	
Shopping Center – Community Center – Greater than 100,000 sf	-	-	-	P	
Vehicle/Heavy Equipment Rental/Sales	-	-	SE	-	See Section 3.2.10

- P Permitted
- PS Permitted subject to Supplemental Use Standards
- SE Special Exception Required
- Use is prohibited

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BASE DISTRICT	D-T3	D-T4	D-T5	D-T6	Special Regulations
<b>Entertainment/Recreation</b>					
Amusements, Indoor	-	-	P	P	
Amusements, Outdoor	-	-	-	-	
Recreation Facilities, Indoor	SE	SE	P	P	
Recreation Facilities, Outdoor	P	P	P	P	
Sexually Oriented Business	-	-	-	-	See Section 511
Theater, Movie	-	-	P	P	
Theater, Live Performance	-	-	P	P	
<b>Manufacturing/Wholesale/Storage</b>					
Agriculture	-	-	-	-	
Laundry, dry cleaning plant	-	-	-	-	
Manufacturing, Light	-	-	PS	PS	See Section 3.2.7
Manufacturing, Neighborhood	-	-	P	P	
Manufacturing, Heavy	-	-	-	-	
Media Production	-	-	P	P	
Metal Products fabrication, machine or welding shop	-	-	-	-	
Mini-Warehouses	-	-	-	-	
Research and Development	-	-	P	P	
Storage – Outdoor storage yard as a primary use	-	-	-	-	
Storage – Warehouse, indoor storage	-	-	-	-	
Wholesaling and distribution	-	-	-	-	
<b>Civic/Institutional</b>					
Assembly/Meeting Facilities	SE	SE	P	P	
Campground	-	-	-	-	
Cemetery	P	P	P	P	
Colleges/Universities	-	P	P	P	
Cultural or Community Facility	SE	SE	P	P	
Government Office	P	P	P	P	
Hospital	-	-	P	P	
Public Safety Station	-	P	P	P	
Religious Institutions	P	P	P	P	
Schools	P	P	P	P	
Schools – Vocational/Technical	-	-	P	P	
<b>Infrastructure</b>					
Airport	-	-	-	-	
Parking Lot/Structure-Principal Use	-	PS	PS	PS	See Section 3.2.10
Transit Station - Passenger	-	-	P	P	
Wireless Telecommunication Facility - Stealth	P	P	P	P	
Wireless Telecommunication Facility - Tower	-	SE	SE	SE	
Utilities – Class 1	P	P	P	P	
Utilities – Class 2	P	P	P	P	
Utilities – Class 3	-	-	-	-	

- P** Permitted
- PS** Permitted subject to Supplemental Use Standards
- SE** Special Exception Required
- Use is prohibited

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### 3.2 ADDITIONAL REQUIREMENTS FOR CERTAIN USES

#### 3.2.1 Automated Teller Machine (ATM) (Applicable to D-T6 only)

- a. ATM facilities attached to building facades may face public streets.
- b. The Traffic Engineering Department must review and approve, approve with condition, or deny each proposed location to determine if on-street parking can be accommodated at the proposed site and if the ATM would likely have a major impact on pedestrian and traffic circulation in the immediate area;
- c. A lighting plan will be required with the intent to ensure that adequate lighting is provided;
- d. The ATM must be handicap accessible;
- e. A trash receptacle must be immediately accessible to the ATM; and
- f. At the time that the ATM is removed, the façade must be restored to an appearance consistent with the existing structure.

#### 3.2.2 Drive-thru Retail/Restaurant/Service Uses

- a. In the D-T5 or D-T6 district, a restaurant or business with drive-thru service may not be closer than 500 feet from another business with drive-thru service.
- b. An application for a business with a drive-thru service must submit a site plan showing, the following, but not limited to: the parking and circulation plan, curb cuts, the location of any audible equipment, landscaping, pole lights, signs and trash enclosures.
- c. Drive-thru service canopies must be pitched at an angle and use materials matching the roof of the primary building.
- d. Drive-thru facilities should be located at the rear of the primary building, but if that is not feasible, may be located at the side.
- e. Access to the drive-thru service should be from mid-block or the rear to avoid disrupting pedestrian traffic. If a driveway is necessary it must be no more than 10 feet wide and conform to SCDOT 2008 Access and Roadside Management Standards, or as amended.
- f. No drive thru window or its associated signage (other than directional) is permitted within the first or second layer (see Table 2d).

#### 3.2.3 Dwelling, Secondary: To meet housing needs, secondary dwelling units are permitted. The accessory dwelling unit must be subordinate to the primary living quarters.

- a. Any secondary dwelling unit must be located in the rear yard of any residential use lot subject to the requirements of this Section.
- b. Secondary dwelling units may be created as a second story to a detached garage with a two (2) story height maximum as long as the accessory structure does not exceed the height of the principal structure. Not more than one (1) secondary dwelling unit is permitted.
- c. The secondary dwelling unit may not be larger than twenty-five (25) percent of the gross floor area of the principal structure with a minimum habitable area of not less than 500 square feet.
- d. At least one (1) parking space must be provided per unit. Parking spaces must be located in the rear yard or side yard of the principal dwelling unit or may be located on-street in front of the principal dwelling unit.
- e. No exterior changes may be made to the existing foundation, unless the Planning Director or their designee finds that the changes are required by the circumstances of the particular building.
- f. Secondary dwelling units must be located, designed, constructed, landscaped and decorated in such manner to match the appearance of the principal building.

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### **3.2.4 Homes for Handicapped (serving 9 or Less residents)**

- a. No new handicapped home is permitted within a one-half mile radius of an existing handicapped home.
- b. The single family detached dwelling unit containing the handicapped home must be staffed on a 24 hour basis by a full-time caregiver.
- c. The minimum lot area must be equivalent to the minimum lot area for a single family detached dwelling for the district in which it is located.
- d. The dwelling unit must meet the minimum setback, yards, and height requirements for the district in which it is located.
- e. New handicapped homes must be separated from existing handicapped homes and childcare centers in a residence in a single family residential district by a distance of 400 feet measured in a straight line from the closest point of each lot property line, excluding childcare facilities operating as accessory use to a religious institution.
- f. Any building additions and/or ornamentations to the residential dwelling unit must be in general character with other homes facing the same street as the family childcare home.
- g. Outdoor play space and play equipment, if provided, must be located in the required or established rear yard, but outside of any required buffers.
- h. Outdoor play space must be screened from adjoining single-family uses and single-family residential zoning districts, per Section 505.64. If a fence is used, the finished side of the fence must face the abutting property.
- i. One (1) unlighted identification sign, not to exceed four (4) square feet, may be attached to the residence. Detached identification signs are not permitted.
- j. No additional parking is permitted beyond four (4) parking spaces.

### **3.2.5 Laundry Services**

- a. No such operation may exceed 5,000 square feet.

### **3.2.6 Live/Work:** Construction must meet requirements of the International Building Code, and the following:

- a. The maximum total size of Live-Work unit is 3000 square feet.
- b. The work area must occupy less than 50% of total unit.
- c. The same tenant must occupy the work area and living area.
- d. There must be a maximum of five non-resident worker/employees allowed in the Live-Work unit at one time.
- e. Each room of the work area must have access to two remotely located exits or have a direct exit to the outside, one of which is accessible.
- f. Eight (8) square feet of sign area is permitted. The sign must be located on the building wall no higher than the first floor. Signs shall not be internally illuminated.

### **3.2.7 Manufacturing, Light**

- a. Excluded along frontages designated as "Required Shopfront" in Sections 4.2.

### **3.2.8 Mobile Retail/Food Establishments**

- a. A mobile retail establishment may not remain at the same location for more than 180 consecutive days.
- b. The Planning Director shall approve the establishment is all of the following is provided by the operator:
  - the name and address of the mobile retail establishment owner;
  - proof of motor vehicle or trailer registration;

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- a description of the items that the mobile retail establishment sells;
  - proof of valid business license;
  - proof of all appropriate Health Department and State license(s), as applicable;
  - an itinerary of the locations where sales occur;
  - if at one location more than two hours, a written agreement from a business within 150 feet of the location to allow employees of the mobile retail establishment to use flushable restrooms or other facilities approved by the health authority during hours of operation;
  - a fee, as established by separate ordinance; and
  - any other information reasonably required by the Planning Director to enforce this section.
- c. Hours of Operation: A person may not operate a mobile retail establishment between the hours of 11:00 p.m. and 6:00 a.m.
- d. Lighting: Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.
- e. No Drive-Ins: A drive-in service is not permitted.
- f. Signs: A mobile retail establishment is limited to signs attached to the exterior of the mobile retail establishment. The signs:
- must be secured and mounted flat against the mobile retail establishment;
  - may not project more than six inches from the exterior of the mobile retail establishment; and
  - may not use a flashing light source..
- g. Debris and Litter: During business hours a mobile retail establishment shall provide a trash receptacle for use by customers. The mobile retail establishment shall also keep the area around the mobile retail establishment clear of litter and debris at all times.
- h. Electrical service may be provided only by:
- temporary service or other connection provided by an electric utility; or
  - an onboard generator.

#### **3.2.9 Nightclub**

- a. Must comply with Section 13-58, Amplified Music and Permits as prescribed in the Code of the City of Spartanburg, and as amended.

#### **3.2.10 Parking Lot/Structure – Principal Use**

- a. Private Parking Lots: Privately owned parking lots are permitted as accessory uses only (i.e., free standing parking lots not directly associated with buildings in the same block are not permitted).
- b. Parking Garage Design Standards
1. Liner Buildings Required: The ground-level of a parking structure should be wrapped by retail, office or some other active use along at least the primary façade. All levels of a structured parking facility must be designed and screened in such a way as to minimize visibility of parked cars.
  2. High-Quality Materials: Along pedestrian-oriented streets, parking structure facades should be treated with high quality materials and given vertical articulation and emphasis compatible to the principal structure. The façade should be designed to visually screen cars. In no instance will rails or cabling alone be sufficient to meet this screening requirement.
  3. Clear Entries: Pedestrian entries should be clearly visible. The vertical circulation should not be located in the center of the structure so that it is difficult or circuitous to locate.
  4. Vents and Utility Openings: In addition to the above requirements, in the event that any openings for ventilation, service, or emergency access are located at the first floor level in the

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building façade, then they shall be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances must be designed to minimize visibility of parked cars. The remainder of the street level frontage must be either commercial space or an architecturally articulated façade designed to minimize the visibility of parked cars.

#### 3.2.11 Vehicle Sales

- a. All renovations or substantial modifications to the existing showroom shall not have to meet the maximum setbacks requirements or minimum height restrictions. However, all physical lot expansions to any existing Vehicle Sales site shall require all such expansions on the new parcel only to come into full compliance.
- b. Areas for vehicle displays shall be limited to the 2<sup>nd</sup> and 3<sup>rd</sup> Layers only. Parking areas may not be expanded into any 1<sup>st</sup> layer zone.

#### 3.2.12 Vehicle Services – Minor Maintenance/Repair

##### *Repair and Maintenance – General*

- a. No vehicle may be parked or stored for the purpose of sale or rent or as a source of parts.
- b. All repairs and storage must be contained within an enclosed building. Temporary vehicle storage may be allowed in an outdoor storage area that shall be no larger than 25 percent of the total lot area. Such areas must be located to the rear of the principal structure and must be screened from offsite views by a solid, decorative fence or masonry wall at least eight feet in height. The height of materials and equipment stored must not exceed the height of the screening fence or wall.
- c. No vehicle that has been repaired and is awaiting removal, or that is awaiting repair, must be stored or parked for more than 7 consecutive days.

##### *Car wash or auto detailing*

- a. An automatic car wash shall be considered an accessory use to an automotive service station use when it is located on the same lot, and shall be governed by the use and property development regulations applicable to the service station use.
- b. The car wash facility must have a 100 percent water recycling system.
- c. Any outdoor speaker or public address system must not be audible off-site.

##### *Towing Service Auto Holding Area*

- a. The auto holding area for a towing service storage must be completely screened from off-site view by buildings and/or solid fencing with landscaping as required under Section 505: Tree Protection and Landscape Requirements on the outside of the fence.
- b. Wrecked or disabled vehicles must be approved by the Spartanburg Public Safety Department for storage of wrecked and disabled vehicles for a period not to exceed 20 days from the date the vehicle was towed to the area.

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### 3.3 DISTRICT STANDARDS

	D-T3	D-T4	D-T5	D-T6
<b>3.3.1 LOT CONFIGURATION</b>				
a. Lot Width at Front Setback	40 ft min	n/a	n/a	n/a
b. Lot Size	2500 sq ft	n/a	n/a	n/a
c. Maximum Lot Coverage	70%	70%	100%	100%
<b>3.3.2 PRIMARY BUILDING STANDARDS</b>				
a. Front Setback	12 ft min	6 ft min 18 ft max	0 ft min 12 ft max	0 ft min 6 ft max
b. Corner Lot Side Setback	6 ft min	6 ft min	0 ft min 12 ft max	0 ft min 6 ft max
c. Interior Side Setback	6 ft min	0 ft	0 ft min 24 ft max	0 ft min 24 ft max
d. Rear Setback	20 ft min	3 ft min	0 ft	0 ft
e. Rear Setback from Alley	3 ft min	3 ft min	0 ft	0 ft
f. Attached Garage Setback (from front façade)	5 ft min	Access not permitted from frontage	Access not permitted from frontage	Access not permitted from frontage
g. Frontage Buildout	n/a	n/a	60% except in Side Yard Parking Overlay	80% min at setback
<b>3.3.3 ACCESSORY BUILDING STANDARDS</b>				
a. Placement	Side or Rear Yard	Rear Yard Only	Rear Yard Only	Rear Yard Only
b. Corner Lot Side Setback	6 ft min	6 ft min	0 ft	0 ft
b. Interior Side Setback	6 ft min	0 ft or 3 ft min <sup>(1)</sup>	0 ft or 3 ft min <sup>(1)</sup>	0 ft
c. Rear Setback	5 ft min	5 ft min	15 ft min	0 ft
d. Rear Setback from Alley <sup>(2)</sup>	3 ft min	3 ft min	3 ft min	0 ft
<b>3.3.4 BUILDING HEIGHT</b>				
a. Primary Building Height	2 ½ stories max	4 stories max	2 stories min 6 stories max <sup>(3)</sup>	2 stories min 10 stories max <sup>(4)</sup>
b. Accessory Building Height	2 stories max	2 stories max	2 stories max	n/a
<b>3.3.5 BUILDING FRONTAGE</b>				
a. Common Lawn	Permitted	Permitted	Prohibited	Prohibited
b. Porch & Fence	Permitted	Permitted	Prohibited	Prohibited
c. Terrace or Lightcourt	Prohibited	Permitted	Prohibited	Prohibited
d. Forecourt	Prohibited	Permitted	Permitted	Permitted <sup>(5)</sup>
e. Stoop	Prohibited	Permitted	Permitted	Permitted <sup>(5)</sup>
f. Shopfront/Awning	Prohibited	Prohibited	Permitted	Permitted
g. Gallery	Prohibited	Prohibited	Permitted	Permitted
h. Arcade	Prohibited	Prohibited	Permitted	Permitted

(1) Subject to Building Code requirements

(2) Garage doors shall be 15 feet min from alley centerline

(3) May be increased to 10 stories with DRB approval

(4) May be increased to 16 stories with DRB approval

(5) Unless a shopfront/awning, gallery, or arcade frontage is required by the regulating plan

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**TABLE 1. PRIVATE FRONTAGES.** The Private Frontage is the area between the building and the lot lines.

	SECTION		PLAN	
	LOT PRIVATE FRONTAGE	R.O.W. PUBLIC FRONTAGE	LOT PRIVATE FRONTAGE	R.O.W. PUBLIC FRONTAGE
<p><b>a. Common Yard:</b> a frontage wherein the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape.</p>				
<p><b>b. Porch &amp; Fence:</b> a frontage wherein the facade is set back from the frontage line with an attached porch permitted to encroaching. A fence at the frontage line maintains the demarcation of the yard. The porches shall be no less than 8 feet deep.</p>				
<p><b>c. Terrace or Light Court:</b> a frontage wherein the facade is set back from the frontage line by an elevated terrace or a sunken light court. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes.</p>				
<p><b>d. Forecourt:</b> a frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.</p>				
<p><b>e. Stoop:</b> a frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.</p>				
<p><b>f. Shopfront and Awning:</b> a frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.</p>				
<p><b>g. Gallery:</b> a frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than 10 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.</p>				
<p><b>h. Arcade:</b> a frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line. This type is conventional for retail use. The arcade shall be no less than 12 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.</p>				

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TABLE 2. ILLUSTRATION OF TERMS

**LOT CONFIGURATION**

**FRONTAGE BUILDOUT**

- Frontage Buildout is the percentage of the lot width where the front elevation of the building is located between the minimum and maximum front setbacks established for the district.
- Driveways and pedestrian use areas (such as walkways, plazas and sidewalk cafes) within the minimum and maximum front setbacks shall be exempt from Frontage Buildout requirement. The width of such areas shall be subtracted from the total lot width for the purposes of calculating Frontage Buildout.

**BUILDING PLACEMENT**

**BUILDING FORM**

**BUILDING WIDTH AT FRONTAGE**

The building width at frontage is measured as the width of any portion of the front elevation located between the minimum and maximum front setbacks established for the district.

**PARKING LOCATION**

SIDE SETBACK - INTERIOR (Note - a 0-foot requirement allows for continuous parking areas across property boundaries)

REAR SETBACK (Note - a 0-foot requirement allows for continuous parking areas across property boundaries)

Note: A maximum of 20 ft or 20% (whichever is less) of the required frontage build-out may be accomplished using a streetscreen in accordance with Section 8.3.

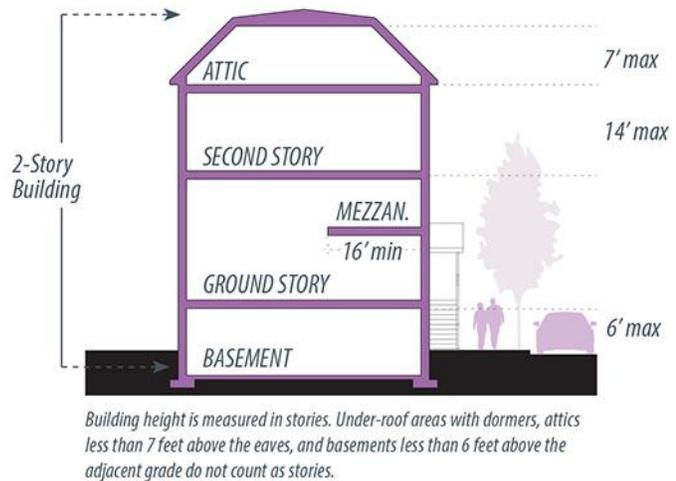
# DOWNTOWN CODE

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### 3.4 BUILDING HEIGHT

#### 3.4.1 Story:

A story is a habitable level within a building of no more than 14 feet in height from finished floor to finished ceiling. Unoccupied attics less than 7 feet in height and raised basements less than 6 feet in height (as measured from the average grade of the fronting sidewalk) are not considered stories for the purposes of determining building height. A mezzanine shall be considered a story if it is contiguous with at least 60% of the building's front façade, is designed to be occupiable, and maintains an average depth of at least 16 feet. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under-roof area with dormers does not count as a story.



**3.4.2 Items Not Included in Calculation:** The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas; provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport zones or flight patterns.

**3.5 DEVELOPMENT INCENTIVES AND HEIGHT BONUSES:** A bonus system has been established as a means to encourage certain site or building improvements that add to the aesthetic character or environmental sustainability of the downtown area. Compliance with certain additional standards provides the developer with additional buildable stories for individual buildings subject to review and approval by the Design Review Board. The Design Review Board shall use the incentives noted below as guidelines in their review but shall also have the discretion to ensure that the overall scale, massing, and frontage of the structure is compatible with other structures within adjacent blocks.

#### 3.5.1 Green Building Height Bonus Option

- Using the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED™) Green Building Rating System, the City has established an incentive program to encourage construction of more environmentally-friendly buildings consistent with the goals of the Downtown Plan. All new development or rehabilitation projects in the Downtown District are eligible for bonus height consideration.
- Additional Height:** In order to be considered by the DRB to fully qualify for the height bonus, the development must guarantee a LEED rating at the Silver level or above (Gold or Platinum). For site plan proposals in which the LEED-certified Platinum award levels are being sought the DRB may consider granting additional height. Additional incentives for projects pursuing the Platinum level may also be considered by the City. The guidelines for height bonuses subject to the discretion of the DRB are as follows:

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LEED Rating	D-T4	D-T5	D-T6
Silver	n/a	2 Stories	3 Stories
Gold	n/a	2 Stories	3 Stories
Platinum	n/a	2 Stories	No Height Maximum*

- c. Implementation: The Green Building Incentive Program will be implemented as follows:
1. At the time of site plan submission, the developer will be required to submit the latest version of the LEED scorecard along with the site plan application. The LEED Scorecard will be accompanied by an explanation of how and/or why each credit can or cannot be achieved. The LEED scorecard is a checklist of green building standards and allows the developer to voluntarily score the building against the LEED Green Building Rating System. The scorecard is the documentation supporting the developer's request for bonus height. The scorecard is used to select which credits the developer intends to pursue and the number of points "earned" determines the award level.
  2. The building registration and other required information will be filed with USGBC at the beginning of the project for LEED certification and rating by the developer.
  3. The proposed site plan (including the requested bonus height) will undergo the typical review process. The City and the developer will enter into a development agreement requiring that the green building components identified in the scorecard be constructed or installed in the building and that any third-party inspection fees will be paid for by the developer.
  4. Once the site plan is approved, permit drawings will be reviewed to ensure inclusion of the approved green building components, which were previously identified in the scorecard. The City will utilize third-party LEED-certified inspectors or architects hired by the developer during review of the permit drawings and construction of the building. Permits will not be issued unless approved LEED components are included in the plan drawings.
  5. At the time of permit application, the owner must post a performance bond in a form acceptable to the City of Spartanburg. The amount of the required performance bond must be calculated as follows:
    - a. Two percent (2%) of the total cost of construction for a 50,000 – 100,000 square foot building.
    - b. Three percent (3%) of the total cost of construction for a 100,001 – 200,000 square foot building.
    - c. Four percent (4%) of the total cost of construction for any building greater than 200,000 square feet.

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6. The application for LEED certification and rating will be submitted to USGBC when the building construction is complete or substantially complete, depending on the credits elected. If during construction of the building, the developer is unable to include all of the approved green building components previously identified in the scorecard, the developer will be required to replace components not provided with other green building components acceptable to USGBC and the LEED Rating System.
7. During plan review and construction, the LEED-certified inspector or architect will provide documentation and submit regular reports to the City ensuring compliance (or at least flag problems early on) with the LEED standards and scorecard and the approved site plan. If during construction, the developer is unable to include required green building components, or if the inspector/architect finds that the developer failed to include these components, then the City will pursue enforcement.
8. The Certificate of Occupancy will be issued when the building is LEED certified (at the agreed upon level or better) by USGBC and construction is consistent with the approved site plan. Certification by USGBC will be obtained when the building is complete and the developer has constructed or installed the approved green building components previously identified. The performance bond must be forfeited to the City in the event that the building does not meet the verification requirements for LEED. The City will draw down on the bond funds if LEED certification has not been achieved and accepted by the City within one year of the City issuance of the Certificate of Occupancy for the building.
9. Funds that become available to the City from the forfeiture of the performance bond must be placed in a capital fund designated by the city to be used only for certain public benefits within the Downtown area as follows: workforce/affordable housing, public parks/civic space, an/or street/streetscape improvements.

**3.5.2 Mixed-Use Building Height Bonus Option:** To encourage housing options in the downtown area, mixed-use buildings (those with ground floor uses that differ from the floors above) may exceed the permitted height with additional levels that provide housing subject to the review and approval of the DRB. The DRB shall have sole discretion to determine the extent of this bonus however no structure in the D-T4 shall be permitted to exceed 4 stories.

#### **515.4 GENERAL STANDARDS**

**4.1 CIVIC/LANDMARK BUILDINGS:** The Civic/Landmark building type includes prominent public buildings such as libraries and city halls; semi-public buildings such as museums and colleges; and private buildings such as hospitals and churches. This definition also includes buildings in prominent locations – specifically those at primary pedestrian-oriented street intersections and at the terminations of pedestrian-oriented-streets. Because of the unique characteristics of the Civic/Landmark Building, it shall be subject to Design Review in accordance with Section 2.4. As part of this review process, the applicant may request modifications from the applicable district standards. However, all such modifications shall otherwise conform to the general principles for Civic/Landmark buildings below:

- If indicated on the Downtown Master Plan, they must comply with the recommendations therein.

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- They should be sited to terminate a street vista whenever possible and must incorporate appropriate prominent features, designs, and entrances to celebrate a visual termination.
- They should incorporate detailing and materials that are authentic to the intended style.
- A pedestrian plaza, courtyard, or similar landscaped area may be substituted for a required building frontage and minimum setback line.
- Building entrances for civic buildings may be raised above the street elevation and accessed via a monumental stair.
- They should respect the character of the fronting streets through the provision of a pedestrian-friendly orientation including clear entrances from the street and permeable street walls with adequate windows (no blank walls).

**4.2 REQUIRED SHOPFRONT DESIGNATION:** If a site is designated on the Downtown Regulating Plan as located on a block face with “Required Shopfronts,” then all new development on that site must provide one of the following Private Frontages at sidewalk level along the entire length of the frontage in accordance with Table 1 – Shopfront & Awning, Gallery, or Arcade. While retail/restaurant uses are not required, the intent of this requirement is to provide a frontage type that would not preclude those uses at some point in the future through the depth of the first and second layer.

**4.3 SIDEYARD PARKING OVERLAY:** For D-T5 lots with frontage along certain streets without on-street parking as noted on the Downtown Regulating Plan, the following standards shall be as follows:

- a. Frontage Build-Out Exemption: There shall be no required frontage build-out
- b. Parking Location: Parking may be permitted in the side yard (2<sup>nd</sup> and 3<sup>rd</sup> Layer) however no parking may not be located at a corner.

**4.4 MAIN STREET HEIGHT OVERLAY:** For D-T6 lots with frontage along certain blocks of Main Street downtown as noted on the Downtown Regulating Plan, no portion of a structure within 60 feet of Main Street shall exceed 4 stories.

### 515.5 LOT/SITE STANDARDS

#### 5.1 GENERAL LOT STANDARDS

**5.1.1 Lot Frontage:** All lots must front a street, square or common open space. (Exception: Buildings which are interior to a site that has buildings that otherwise meet the frontage requirement). Facades must be built parallel to the principal frontage line or parallel to the tangent of a curved principal frontage line.

**5.1.2 Corner Lots:** Buildings located at street intersections must place the main building, or part of the building, at the corner.

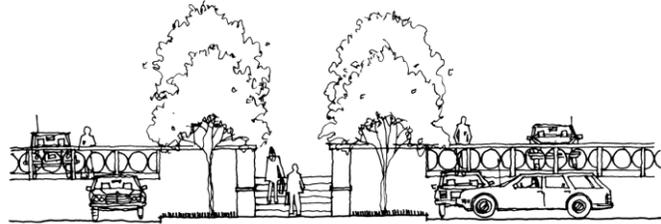
**5.1.3 Pedestrian Entries from Frontage Line:** Buildings must have their principal pedestrian entrances on a frontage line.

**5.1.4 Setbacks:** Front and side setbacks must be consistent with those of surrounding buildings. Buildings on infill lots should generally setback a distance equal to an average of buildings on either side of the proposed development on the same side of the street. Setbacks may be otherwise adjusted by Discretionary Review. A building may be set back to create an “outdoor room” where the building serves as a termination of a pedestrian street.

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**5.1.5 Adjacent Lots:** For similarly used properties, the grade of adjacent lots should match where the properties meet. If there is a significant grade difference, development should create an attractive transition using creative grading and landscaping or a decorative retaining wall, incorporating vehicular and pedestrian cross-access. Avoid using a blank or unscreened concrete retaining wall or rock covered slope.



*Transitions to adjacent lots should, at a minimum, provide for pedestrian access if existing grades are not favorable for full at-grade access. (Ref. 5.1.5)*

**5.1.6 Loading Docks:** Loading docks and service areas shall be permitted on frontages only by Discretionary Review.

## 5.2 UTILITIES AND TRASH CONTAINMENT

**5.2.1 Underground Utilities:** Underground utilities (and associate pedestals, cabinets, junction boxes and transformers) must be located in alleys, where possible. To reduce the visual impact of overhead wiring, utility services must be located underground.

**5.2.2 Solid Waste Storage Areas:** All trash containment devices, including compactors and dumpsters, must be located and designed so as not to be visible from the view of nearby streets and properties. Screening, where required, must meet the requirements of Section 505.63. If the device is not visible from a public right-of-way or park, then it need not be screened.

**5.2.3 Mechanical and Utility Equipment:** Mechanical and utility equipment must be screened from view from nearby streets and properties in the same manner as trash containment areas. Ground mounted equipment must be located in the rear or side yard and screened. Roof mounted equipment shall not be visible from nearby streets. Setbacks from the edge of the roof or a screen higher than the equipment may be used. Screens must be made of materials which are compatible with the exterior of the building. If the equipment is not visible off-site, then it need not be screened. The type of screening used must be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

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### 515.6 BUILDING STANDARDS

#### 6.1 GENERAL BUILDING DESIGN STANDARDS

**6.1.1 Architectural Style:** The building design standards of this Chapter intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, when a design exhibits a known architectural style (e.g., Colonial, Victorian, Classical Revival) the details must be consistent with that style unless the local architectural vernacular of the upstate South Carolina area provides an alternate precedent for a detail or element.

**6.1.2 Compatibility:** Adjacent buildings should relate in similarity of scale, bulk, height, architectural style, and/or configuration.

**6.1.3 Proportions:** Windows, doors, columns, eaves, parapets, and other building components must be proportional to the overall scale of the building. Wherever possible, windows must be vertically proportioned.

**6.1.4 Wall Materials:** When two or more materials are used on a façade, the heavier material (e.g., brick) should be placed below the lighter material (e.g., siding) to give the sense of support and grounding.

**6.1.5 Façade Treatment:** Architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details must be used on all facades facing public rights-of-way.

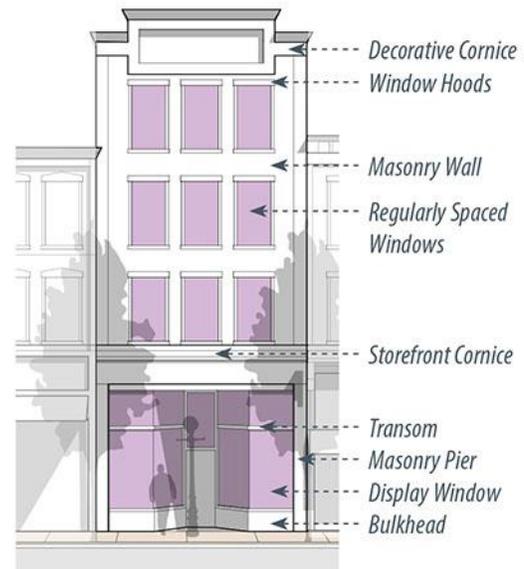
**6.1.6 Building Wall Offsets:** Building wall offsets, including projections, recesses, and changes in floor level must be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

**6.1.7 Building Entrances:** A functioning entrance, operable during normal business hours for ingress and egress, is required facing the primary street. Buildings located on street corners may have a corner entrance.

#### 6.2 SPECIFIC BUILDING DESIGN STANDARDS (ALL D-T4 AND RESIDENTIAL STRUCTURES/FRONTAGES IN D-T5 & D-T6)

##### 6.2.1 Roof and Eaves

- a. Buildings must have sloped roofs. Main roofs on residential buildings must have a pitch between 8:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall have a pitch less than 4:12. Flat Roofs will be permitted subject to design review by the Design Review Board. (D-T4)



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- b. Flat roofs are permitted. (D-T5 & D-T6)
- c. Flush eaves must be finished by profiled molding or gutters.
- d. All rooftop equipment must be screened from view.

**6.2.2 Façade Design:** At least 15% of the total wall area of each façade that face a public street must be transparent windows (excluding glass block) or doorways (egress only doorway excluded).

#### 6.2.3 Building Entrances

- a. Raised Entries: To provide privacy, all residential entrances within 15 feet of the sidewalk must be raised from the finished grade (at the building line) a minimum of 2 feet.
- b. Porches: Useable porches and stoops are recommended to form a predominate motif of the building design and be located on the front and/or side of the building to respond to the climatic conditions and the vernacular of the upstate. Useable front porches are at least 8 feet deep and 12 feet in width. (D-T4)
- c. Crawlspace: The crawlspace of buildings, if provided, must be enclosed.

#### 6.2.4 Garages

- a. Garages with front loading bays must be recessed from the front facade of the house by a minimum of five (5) feet; must be visually designed to form a secondary building volume; and must utilize individual doors for each bay. Garage doors must be a minimum of twenty (20) feet from the back of sidewalk.
- b. At no time shall the width of an attached garage doors exceed 50% of the total building façade for lots less than 70 feet in width. Lots greater than 70 feet in width shall be restricted to a maximum of 40%.

#### 6.2.5 Materials

- a. Building Walls: Residential building walls must be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance and durability.
- b. Roof Materials: Residential roofs must be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or synthetic materials similar and/or superior in appearance and durability.

**6.2.6 Construction Method:** Factory-built, modular housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 and otherwise comply with the standards of this Code are permitted.

### 6.3 SPECIFIC BUILDING DESIGN STANDARDS (MIXED-USE AND COMMERCIAL BUILDINGS IN D-T5 & D-T6)

#### 6.3.1 Roof and Eaves

- a. Flush eaves must be finished by profiled molding or gutters.
- b. All rooftop equipment must be screened from view.

**6.3.1 Canopies/Awnings:** A building canopy, awning, or similar weather protection may be provided and should project a minimum of 3-5 feet from the façade.

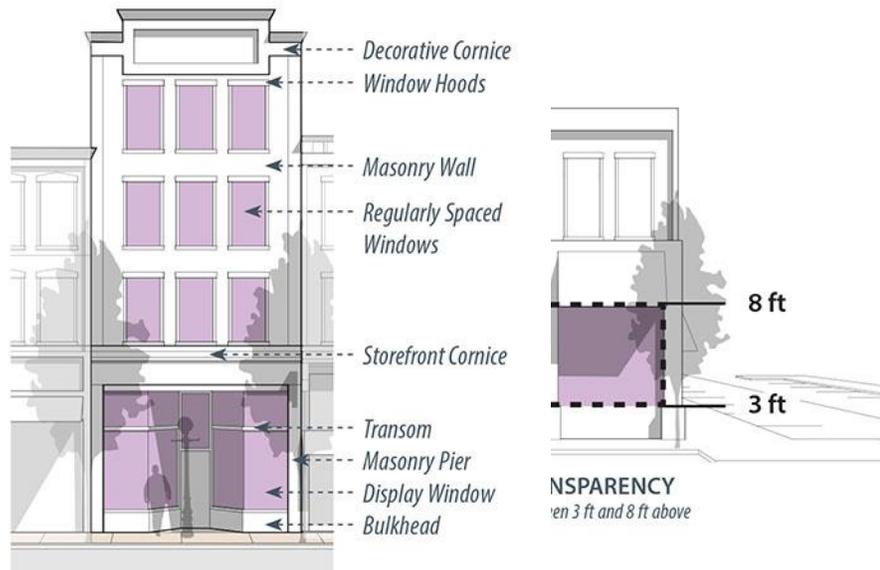
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**6.3.2 Encroachments:** Awnings may encroach over the public sidewalk without limit but must not extend beyond the back of the curb. Stoops may encroach 100% of the depth of a setback. Open porches and awnings may encroach up to 50% of the depth of the setback. Balconies and bay windows may encroach up to 25% of the depth of the setback.

### 6.3.3 Ground Level Detailing

- a. Minimize Blank Walls: Expanses of blank walls may not exceed 20 feet in length. (A "blank wall" is a facade that does not contain transparent windows or doors.)
- b. Ground-Level Glazing: Window glazing and doorways must be the predominant features in the street-level facade. Exterior burglar bars, fixed "riot shutters," or similar security devices must not be visible from the public right-of-way. All ground level windows must provide direct views to the building's interior extending a minimum of 6 feet behind the window.
- c. Transparency Zone: Glazing that is transparent under all lighting conditions must extend from a base of contrasting material (not exceeding four (4) feet in height above the adjacent grade) to at least the height of the door head. However, spandrel or colored glass may be used above the height of the door head. Glazing must extend from the corner of the front facade for a depth equal to:
  1. **Shopfront Frontage Transparency per Section 4.2:** At least seventy (70) percent of the length of building along all street side building facades.
  2. **All Other Mixed-Use/Commercial Façades:** At least fifty (50) percent of the length of building along all street side building facades.-



- d. Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, must be decorative. Unless otherwise required by the building code, such grates and doors must be located away from streets designated as Shopfront Frontages per Section 4.2.

**6.3.4 Materials:** Commercial building walls must be brick, pre-cast concrete, cut stone (residential applications such as field stone and ledge stone are prohibited), cementitious fiber board, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings must be clad in materials similar in appearance to the principal structure.

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### 515.7 PARKING STANDARDS

#### 7.1 PARKING AREA DESIGN STANDARDS

**7.1.1 General Design Standards:** The design of all parking areas, if provided, is subject to the requirements of Section 504.1 except as noted below.

**7.1.2 On-Street Parking:** On-street parking should be provided on all streets in the Downtown area except those designated as no parking zones by SC DOT or the City.

**7.1.3 Interconnected Parking Lots:** Adjacent parking lots must be interconnected, except in the case of existing steep topography between sites, and/or shall have vehicular connections from an alley, where provided.

#### 7.1.4 Parking Area Access

- a. Access to off-street parking areas (open lots, car ports, and garages) is not permitted from the principal frontage for any detached house on a lot less than 60 feet wide or on any multi-family building. Access must be provided using a rear lane or alley or from a secondary frontage. (D-T4)
- b. Parking must be accessed from a rear alley or a secondary frontage unless approved as a Discretionary Review. (D-T5 & D-T6)
- c. Pedestrian entrances to all parking lots and parking structures must be directly from a frontage line. Only underground parking structures may be entered by pedestrians directly from a Principal Building.
- d. The vehicular entrance of a parking lot or garage on a frontage must be no wider than 24 feet.

**7.2 BICYCLE PARKING:** Bicycle parking is required for each building based on the use of the building and the percentage of motor vehicle parking provided for each use, as indicated in the table below. The installation of new bicycle parking is not required for single family houses, townhouses, and apartments of less than 4 units per building or where the City has an adopted streetscape plan that includes coordinated bicycle parking or where public bicycle parking already exists within 50 feet of the front door. Where fewer than 2 spaces are required, at least two bicycle parking spaces or one rack must be provided.

Use Type	Required Bicycle Parking Spaces per 100 Auto Spaces
Multi-family Residential (4 or more units/building only) Office/Business Services Retail Trade (except Lodging) Institutional/Civic (Non-Assembly Uses)	5
Lodging Wholesale/Manufacturing/Industrial Institutional/Civic (Assembly Uses Only)	2
Institutional/Civic (Schools)	10

**7.2.1 Bicycle Parking Racks:** An “Inverted U” or other bicycle parking rack that supports the bicycle at two points on the bicycle frame is the minimum standard for fulfillment of the bicycle parking standards. A single inverted U rack will count as two bicycle parking spaces. Long term bicycle parking, which protects the entire bicycle and its components from theft, vandalism, and weather (such as bike lockers, locked rooms) may be provided for use by employees and students and may count toward fulfillment of the bicycle parking requirements.

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**7.2.2 Bicycle Rack Locations:** As most bicycle parking will be located in the public-right-of-way, the applicant should coordinate directly with the city on the appropriate placement. In general, bicycle racks should be located no closer than three feet from any wall to provide adequate space for access and maneuvering. Bicycle parking for customers and visitors shall be no more than 50 feet from building entrances or no further than the closest motor vehicle parking space, whichever is less. Rack placement should allow for visual monitoring by people within the building and/or people entering the building. Uses with several major, actively used entrances shall locate a portion of the required bicycle parking at each entrance.

### 515.8 STREETScape AND SITE LANDSCAPING

#### 8.1 REQUIRED STREETScape

The First Lot Layer must be planted with trees of species matching the planting on the public frontage as established by the City. Where no frontage detail has been established the following minimum elements shall apply. The City Engineer may grant a reduction in these dimensions subject to the overall context of the block (e.g. lack of opportunity for wider sidewalk on adjacent parcels).

	1. D-T4	2. D-T5 & D-T6
a. Streetscape Zone (measured from back of curb to outside edge of right-of-way)	11 ft minimum	12 ft minimum (16 ft to accommodate outdoor seating and on streets indicated on the adopted plan)
b. Sidewalk Width (min)	5 ft sidewalk	8 ft sidewalk 12 ft with outdoor seating
c. Planter Type	Tree wells or 6 ft continuous planting strip	Tree wells
d. Street Trees	Trees shall be a species with shade canopies that, at maturity, remain clear of building frontages.	

#### 8.2 PARKING AREA LANDSCAPING

**8.2.1 Required Plantings:** One (1) Shade Tree and eight (8) shrubs per 10 parking spaces. No parking space shall be further than 60 feet from the trunk of a canopy tree.

**8.2.2 Parking Area Screening:** All parking areas visible from the right-of-way should be screened from view. Parking areas in the side yard must have a 3 foot high screen along the street side. Shrubs, brick walls (using brick that matches the adjacent building), wrought iron fencing, or any combination thereof may be used. If landscaping is used, the minimum planting area width should not be less than 4 feet.

**8.3 STREETScreens:** Interruptions in the street wall discourage pedestrian activity. Streetscreens serve to minimize these interruptions by extending the street wall formed by storefronts and building facades. Street walls or landscaping treatments are semi-opaque screens a minimum of 6 feet in height above grade and constructed of a material matching the adjacent building facade. The streetscreen may be a hedge or fence. Streetscreens must have openings no larger than necessary to allow automobile and pedestrian access. In addition, all streetscreens over 4 feet high should be 30% permeable or articulated.

#### 8.4 FENCES

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	1. D-T4	2. D-T5 & D-T6
a. First Layer	4 ft maximum height (wrought iron or picket only)	6 ft maximum height (wrought iron only)
b. Second Layer	8 ft maximum height (wood board or chain link permitted – razor wire is not permitted)	8 ft maximum height (wood board or chain link permitted – razor wire is only permitted in the third layer for Vehicle/Heavy Equipment Rental/Sales for storing vehicles/heavy equipment under repair.)
c. Third Layer		

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### 515.9 SIGNAGE STANDARDS

#### 9.1 APPLICABILITY

Where applicable the provisions of this chapter shall take precedence over the signage regulations found in §503 Sign Regulations.

##### 9.1.1 **Exceptions:** The following changes are not subject to the standards of this Article:

- A. Change of copy on signs specifically designed for changeable copy.
- B. The changing of tenant name panels on single or multiple-tenant development signage.
- C. Cleaning, electrical repair, repainting and other maintenance of a sign
- C. The repair/repainting of a sign.

##### 9.1.2 **Limitation on Non-conforming Signs:** Signs erected after the passage of this Article shall conform to the standards set forth herein. All legal nonconforming signs in existence as of the effective date of this chapter may be continued and shall be maintained in good condition. Nothing in this ordinance shall prevent the normal maintenance of an existing non-conforming sign. However, a nonconforming sign shall not be:

- A. Changed to another type or shape of nonconforming sign; provided, however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.
- B. Structurally altered.
- C. Physically expanded, enlarged, or extended in any manner.
- D. Reestablished after discontinuance for sixty (60) days.
- E. Reestablished after the sign is removed, except for normal maintenance.
- F. Reestablished after damage or destruction where the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the sign in its entirety

#### 9.2 GENERAL PROVISIONS

##### 9.2.1 **Standards Applicable to All Permitted Signs:** Permitted signs shall be located outside of the street right-of-way, behind or above (as permitted) sidewalk areas and outside of the sight triangle in accordance with the standards of this Article.

##### 9.2.2 **Noncommercial Messages:** Any sign, display or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message.

##### 9.2.3 **Computation of Sign Face:**

- A. The area of a sign face shall be deemed to be the entire area within the smallest polygon that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign that can be reasonably calculated.
- B. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

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- C. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face unless they are constructed and/or finished with a material which draws attention to or makes the supporting structure an integral feature of the advertising display.

### 9.3 PERMITTED SIGNAGE

The following signage standards shall be applicable for D-T5 and D-T6 districts. Signage in predominately residential districts (D-T3 & D-T4) shall only be permitted use of certain signage types that identify the building (not the tenant or use), the home occupation (using a post and arm sign), or a civic use (using a monument sign).

	Permitted Sign Types	Specific Applicability	Maximum Area per Sign Face	Maximum Height	Other Requirements	Maximum Number per Tenant
Attached Signs	Wall (Primary Frontage)	Front Facades	10% of wall – up to 3 stories (aggregate of all signage)	n/a	Signs may project a max of 4 ft and shall have an 8 ft clearance above sidewalk/right-of-way	1 per tenant space (corner tenants may utilize secondary frontage for 1 additional sign)
	Wall (Secondary Footage)	All other facades	5% of wall (aggregate of all signage)	n/a		
	Theater Marquee	Theaters Only (live performance or motion picture) – No other Wall sign is permitted	Maximum Projection from façade is 4 ft-	16 ft	Canopy elements may extend to within 2 ft of the curb and shall have an 8 ft clearance above sidewalk/right-of-way	1
	Window/Door	Businesses and Live/Work Units	25% of window and/or door area	n/a	n/a	n/a
	Tenant Identification	Identifies tenants in a building	6 sq ft	n/a	1	1
	First Floor Projecting	Businesses (excluding Home Occupations) located in high pedestrian traffic areas	6 sq ft – Maximum Projection from façade is 4 ft	18"	8 ft clearance above sidewalk/right-of-way	1
Freestanding Signs	Awning	Businesses (excluding Home Occupations)	50% of Awning area. Copy Area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---	8 ft clearance above sidewalk/right-of-way	1
	Monument	Civic Buildings & Commercial Use Buildings with a setback greater than 30 ft.	32 sq ft per face	5 ft	1	1
	Post & Arm	Business & Home Occupation	4 sq ft	3.5 ft	1	1
	Sandwich Board	Businesses	8 sq ft	3 ft	Must be removed every day at close of business	1

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### 9.4 Attached Signs Specifications

#### 9.4.1 Attached Signage Types Defined:



**Wall Signs (Primary Frontage):** Flat signs, channel lettering, or three dimensional signs which are painted on, or attached (parallel or perpendicular) to the wall of a building.



**Theater Marquee Signs:** Three dimensional signs which project out from the facade and may extend above the roof line.

**Window/Door Signs:** Flat signs or lettering which are painted or attached to window of a building.

**Tenant Identification Signs:** Incidental signs that list the tenants and of a multi-tenant building that are accessed via a common entry, denote hours of operation, street address, etc.



**First Floor Projecting Signs:** Pedestrian scaled signs mounted to the building facade or underside of a balcony, awning, canopy or arcade which can be read from both sides.

**Awning Signs:** Signs integrated into traditional storefront awnings that project over a sidewalk from the building façade.

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#### **9.4.2 General Standards:**

- A. Sign Area: The maximum permitted aggregate area of Attached Signs is measured by computing the total façade area for the first three stories only. Only one face for signs with two symmetrical sides shall be counted towards the maximum.
- B. Attached Signs shall be located as follows:
  - 1. Single Story Buildings: Above the first floor window and below the cornice of single story building
  - 2. Multi-Story Buildings: Above the first floor window and below the window sill of second floor, on a sign frieze area of the building if original to the building, or between windows below the sill of a third story.
  - 3. Secondary building or tenant signage may be placed between the upper level window and the cornice but shall not exceed 50% of the total allocated signage
- C. Decorative Flags (except American and State of South Carolina Flags) shall be counted towards the maximum signage area permitted in the district. Only one (1) flag for every 25 feet of linear building frontage is permitted.
- D. Tenant Signage
  - 1. Each tenant that has a principal pedestrian entrance from the Frontage may be permitted One (1) Wall sign, the total area of which shall count toward the maximum allowable aggregated area for the entire facade.
  - 2. Each tenant shall also be permitted use of any combination of the following: Window/Door Signs, Projecting Signs, Awning Signs.
- E. Theater Marquee Signage: Only buildings which house theaters (live performance or motion picture) as a primary tenant may utilize a Theater Marquee sign. (Exception: Historic Signs)
  - 1. Marquee signs may include changeable copy to reflect current or upcoming shows and/or performances. Such signage may not extend above the bottom sill of the 2nd story window.

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### 9.5 Freestanding Signs

#### 9.5.1 Freestanding Signage Types Defined:

		
<b>Monument Signs:</b> Signs erected independent of a building with an integral support structure.	<b>Post &amp; Arm Signs:</b> Minor or secondary signs which are used to identify the address of a building, or to identify the profession, family, organization, business, etc., occupying the building.	<b>Sandwich Board Signs:</b> Pedestrian scaled non-permanent signs which are used to display menus, daily specials, sale announcements, etc.

#### 9.5.2 General Standards:

- A. All Monument/Post & Arm signs shall be located a minimum of 10 feet behind the street right-of-way.
- B. No Monument/Post & Arm sign shall be located in any required buffer yard or within 10 feet of a side property line or within any required sight triangle.
- C. Monument signs shall include a base (min. 1 foot in height) constructed of rock, brick, or other masonry material or permanent landscaping.
- D. Sandwich Board Signs (limited to one per tenant) are permitted regardless of the structure's setback but may not restrict the useable sidewalk width below ADA standards (5 feet minimum). All such signs are subject to a city's encroachment permit and shall be removed from the sidewalk area at the end of each business day for the tenant.

### 9.6 Illumination

- A. Signage may be externally lit except that channel letter or logo cabinet wall signs may be internally lit or backlit.
- B. All lighting shall be cast downward.
- C. Signage on the interior of shopfront glazing may be neon lit.
- D. Flashing signs and internally illuminated cabinet signs are prohibited.

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### 515.10 EXTERIOR MAINTENANCE STANDARDS

All buildings shall be subject to Article X of the Spartanburg City Code – Maintenance of Commercial Buildings. In addition to the provisions of Section 5-472, in the area within the jurisdiction of the Downtown Code all commercial premises must comply with the following:

- 10.1 EXTERIOR WALLS AND SURFACES:** All exterior surfaces including, but not limited to, doors, door and window frames, cornices, breezeways and trim must be secure and maintained in good condition and must be clean, neat, and attractive. All defective structural and decorative elements must be repaired or replaced, to match as closely as possible the original materials and construction. Exterior surfaces, other than decay-resistant materials, must be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint or stucco shall be eliminated and surfaces repainted. Exterior surfaces must be kept free of markings, carvings or graffiti. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights must be maintained weathertight and watertight and in sound condition and good repair to prevent infestation. Where 33% or more of the aggregate of any painted or stuccoed wall shall have peeling or flaking paint or stucco worn away, the entire wall must be scraped and repainted or recovered with stucco.
- 10.2 WINDOWS AND EXTERIOR DOORS:** All windows and doors must fit in their frames and be weather and water tight. All windows must be kept clean and unbroken. Window openings may not be filled or boarded up. Window panes may not be painted or replaced with plywood or other non-translucent materials, except on an emergency basis not to exceed fifteen (15) days.
- 10.3 HARDWARE:** Every exterior window and door must have proper hardware including locking devices reasonably adequate to prevent unauthorized entry.
- 10.4 AWNINGS OR MARQUEES:** Any awning or marquee and its structural parts must be maintained in good repair and safe condition, and without sign of excessive weathering, discoloration, or deterioration. Awnings that are torn, badly faded, or structurally compromised must be removed, repaired or replaced. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.
- 10.5 TEMPORARY COVERINGS:** No temporary covering of any part of a structure may remain more than fifteen (15) days after ongoing construction has been completed or sixty (60) days total, whichever is longer.

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### 515.11 DEFINITIONS

#### 11.1 GENERAL DEFINITIONS

This Section provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Article, then the Planning Department shall determine the correct definition of the term.

**Building Configuration:** the form of a building, based on its massing, private frontage, and height.

**Building Disposition:** the placement of a building on its lot.

**Building Type:** a structure category determined by function, disposition on the lot, and configuration, including frontage and height.

**Civic:** the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

**Civic Building:** a building designed specifically for a civic function.

**Civic Space:** an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationship between their intended use, their size, their landscaping and their enfronting buildings.

**Commercial:** the term collectively defining workplace, office and retail functions.

**Curb:** the edge of the vehicular pavement detailed as a raised curb or flush to a swale. The Curb usually incorporates the drainage system.

**Elevation:** an exterior wall of a building not along a Frontage Line. See: **Facade**

**Enfront:** the placement of an element along a frontage line such as a public street right-of-way or park.

**Entrance, Principal:** the main point of access of pedestrians into a building.

**Facade:** the exterior wall of a building that is set along a Frontage Line (see **Elevation**; **Frontage Line**).

**Frontage Line:** those lot lines that coincide with a public right-of-way. Facades along Frontage Lines define the public realm and are therefore more regulated than the elevations that coincide with other Lot Lines.

**Infill:** a project within existing urban fabric.

**Layer:** a range of depth of a lot within which certain elements are permitted.

**Liner Building:** a building specifically designed to mask a parking lot or a parking garage from a frontage.

**Lot Line:** the boundary that legally and geometrically demarcates a lot (see Frontage Line). Codes reference lot lines as the baseline for measuring setbacks.

**Lot Width:** the length of the principal Frontage Line of a lot.

**Parking Structure:** a building containing two or more stories of parking.

**Principal Building:** the main building on a lot, usually located toward the frontage.

**Private Frontage:** the privately held layer between the frontage line and the principal building facade. The structures and landscaping within the Private Frontage may be held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, porches and galleries.

**Public Frontage:** the area between the curb of the vehicular lanes and the Frontage Line. Elements of the Public Frontage include the type of curb, walk, planter, street tree and streetlight.

**Rear Alley (AL):** a vehicular driveway located to the rear of lots providing access to service areas and parking, and containing utility easements. Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.

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**Setback:** the area of a lot measured from the lot line to a building facade or elevation. This area must be maintained clear of permanent structures with the exception of: galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces and decks (that align with the first story level) which are permitted to encroach into the Setback.

**Street, Pedestrian-Oriented:** a built environment that emphasizes and is conducive to walking between destinations. A pedestrian-oriented environment may include sidewalks, buffers, street trees, benches, fountains, transit stops, pedestrian-oriented signs and lighting, public art, and buildings that are visually interesting with high levels of transparency and articulation.

**Streetscape:** the urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

**Streetscreen:** sometimes called Streetwall. A freestanding wall built along the frontage line, or coplanar with the facade, often for the purpose of masking a parking lot from the thoroughfare.

**Substantial Modification:** that modification to a building in which the total alterations to a building are valued at more than 50% of the appraised replacement cost of the entire building (as determined by an appraisal performed by an M.A.I. certified appraiser), if new.

## 11.2 USE DEFINITIONS

**Agriculture:** These establishments grow crops, raise animals, harvest timber, and harvest fish and other animals from a farm, ranch, or their natural habitats. They may be described as farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries. A farm, as an establishment, may be one or more tracts of land, which may be owned, leased, or rented by the farm operator. Farms may hire employees for a variety of tasks in the production process. Subcategories in this dimension differentiate establishments involved in production versus those that support agricultural production. For agricultural research establishments administering programs for regulating and conserving land, mineral, wildlife, and forest use, apply the relevant institutional or research and development categories.

**Airport:** Establishments that provide air transportation for passengers or cargo using aircraft, such as airplanes and helicopters. This subcategory includes scenic and sightseeing air transportation establishments, which may involve local departure and same-day return.

**Alcoholic Beverage Sales Store:** The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.

**Amusements, Indoor:** Establishments that provide commercial recreation activities completely within an enclosed structure such as pool halls, arcades, movie theaters, skating rinks, roller rinks, and bowling alleys.

**Amusements, Outdoor:** Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme

parks, carnivals, fairgrounds, and midways; paintball parks; and water rides.

**Animal Services:** Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming.

**Assembly/Meeting Facilities:** Meeting/conference facilities that include room(s) or space(s) used for assembly purposes by 50 or more persons including fraternal halls (VFW lodges, etc) and banquet facilities.

**Automated Teller Machines (ATM):** Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

**Auto Parts Sales:** Establishments selling new, used, or rebuilt automotive parts and accessories. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, and tires and tube shops.

**Banks, Credit Unions, Financial Services:** Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks

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and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

**Bar/Tavern:** A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

**Bed and Breakfast Inn:** Establishments primarily engaged in providing short-term lodging in facilities known as bed-and-breakfast inns. These establishments provide short-term lodging in private homes or small buildings converted for this purpose. Bed-and-breakfast inns are characterized by a highly personalized service and inclusion of a full breakfast in a room rate.

**Business Support Services:** These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site PC rental, and office product sales.

**Campground:** Establishments accommodating campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services such as cabins, washrooms, food services, recreational facilities and equipment, and organized recreational activities.

**Cemetery:** A parcel of land used for interment of the dead in the ground or in mausoleums.

**Child/Adult Day Care Home (Less than 6 persons):** Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for less than 6 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

**Child/Adult Day Care Center (6 or more persons):** An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; designed and approved to accommodate 6 or more children at a time; not an accessory to residential use.

**Colleges/Universities:** Comprise junior colleges, colleges, universities, and professional schools. These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels.

**Cultural or Community Facility:** Facilities designed to promote cultural advancement and serve the community such as live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; libraries; and community centers, such as the YMCA and YWCA.

**Drive-Thru Facility for Retail and Restaurant Uses:** A facility where food and other products may be purchased by motorists without leaving their vehicles. Examples include: fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc.

**Drive Thru Facility for Service Uses:** A facility where services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

**Dwelling – Single Family:** A building having only one dwelling unit.

**Dwelling – Two Family:** An attached or semi-attached building designed exclusively for occupancy by two families living independently of each other under one roof.

**Dwelling – Multi-Family:** An attached or semi-attached building designed exclusively for occupancy by three or more families living independently of each other under one roof.

**Dwelling – Secondary:** A dwelling unit either detached or non-detached, such as a garage apartment or cottage, designed for occupancy by one or two persons, not exceeding 750 square feet of gross floorspace and located on a lot with an existing single-family dwelling. Said units must not exceed one per lot.

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**Equipment Rental:** Establishments renting or leasing office machinery and equipment, such as computers, office furniture, copiers, or fax machines;

**Funeral Homes and Services:** Establishments for preparing the dead for burial or interment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

**Gas Station:** Establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included.

**General Retail:** A use category allowing premises to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing. Approved floor area ranges include: Less than 2,000 square feet; 2,001 – 15,000 square feet; 15,001-50,000 square feet; greater than 50,000 square feet.

**Government Office:** Includes offices and related meeting facilities for federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority.

**Home Occupation:** An occupation or profession conducted within a dwelling unit by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling. Home Occupations include day care centers where daytime care is provided to less than 6 children who are not the legal wards or foster children of the attendant adult within an owner-occupied residence.

**Homes for Handicapped (serving 9 or fewer):** A home serving nine or fewer mentally or physically handicapped persons, providing care on a 24-hour basis, and approve or licensed by a state agency or department or under contract with the agency or department for that purpose is exempt from local zoning ordinance requirements. Such a home is construed as a natural family as if related by blood or marriage. S. C. Code § 6-29-770(E).

**Hospital:** A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

**Hotels/Motels/Inns:** Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category.

**Housing Services for the Elderly:** Establishments that offer a wide range of housing services for those who cannot care for themselves, such as the elderly such as retirement housing, congregate living services, assisted living services, continuing care retirement centers, and skilled nursing services.

**Laboratory – Medical, Analytical, Research, & Development:** A facility for testing, analysis, and/or research. Examples of this include medical labs, soils and materials testing labs, and forensic labs.

**Laundry, Dry Cleaning Plant:** A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include customer pick-up but do not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment.

**Laundry Services:** Coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry cleaning stores that do not provide cleaning services to other collection stations or stores.

**Live-Work Unit:** An attached residential building type with small commercial enterprises on the ground floor and a residential unit above or behind with a common tenant in both spaces (no dual occupancy is permitted).

**Manufactured Housing:** A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Sec 5401 et seq.,

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which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

**Manufacturing, Light:** A non-residential use that does not require a NPDES permit for an industrial or stormwater discharge nor involve the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical.

**Manufacturing, Neighborhood:** The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building. This includes medical and testing laboratories but shall not include uses that require frequent deliveries by truck with more than one axle.

**Manufacturing, Heavy:** A non-residential use that requires a NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically the largest facilities in a community which have complex operations, some of which may be continuous (24 hours a day/ 7 days per week).

**Media Production:** Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types:

1. Back lots/outdoor facilities:
2. Indoor support facilities:
3. Soundstages: Warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

**Medical Services:** Facilities that provide ambulatory or outpatient health care such as hospitals; emergency medical clinics; outpatient family planning services; and blood and organ banks.

**Metal Products Fabrication, Machine or Welding Shop:** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these include:

1. Blacksmith and welding shops
2. Plating, stripping, and coating shops
3. Sheet metal shops
4. Machine shops and boiler shops

**Mini-Warehouses:** A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

**Mobile Food/Retail Establishments:** A retail establishment that sells food or non-food items and services to an end user consumer from a movable vehicle or trailer that routinely changes locations.

**Nightclub:** A bar, tavern, or similar establishment that provides live entertainment (music, comedy, etc.) that may serve alcoholic beverage for sale, where the performance area exceeds 75 square feet, or customer dancing occurs.

**Outside Sales:** The sale of goods and products outside of a permanent structure such as landscape materials, lawn and garden supplies, and produce. This definition includes farmer's markets and flea markets.

**Parking Lot/Structure – Principal use** A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

**Personal Services:** Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services (excluding Tattoo Parlors).

**Post Office:** Establishments conducting operations of the National Postal Service.

**Professional Services:** Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services;

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accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services; and, medical services such as physician's and dentist's offices.

**Public Safety Facility:** A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including incarceration facilities.

**Recreation Facilities, Indoor:** Uses or structures for active recreation including gymnasiums, natatoriums, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

**Recreation Facilities, Outdoor:** Parks and other open space used for active or passive recreation such as ball fields, playgrounds, greenway trails, and tennis courts, and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

**Religious Institution:** Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (rectory, parsonage), and accessory uses such as, soup kitchens, and bookstores.

**Research and Development (R&D):** A facility for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical, and biotechnology research and development.

**Restaurant:** A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars).

**Rooming or Boarding House:** Short or long-term accommodations that serve a specific groups or membership such as a dormitory, fraternity or sorority house, youth or adult hostel or similar tourist accommodations, or single room occupancy units that provide a number of related services including, but not limited to housekeeping, meals, and laundry services.

**School, Elementary & Secondary:** A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education.

**School, Vocational/Technical:** A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

**Sexual Oriented Business:** An adult arcade, adult bookstore, adult novelty store, adult cabaret, adult motel, or adult motion picture theater as defined Section 511.5 of the Zoning Ordinance.

**Shopping – Neighborhood Center (30,000 sf – 100,000 sf):** Sizes vary from 30,000 to 150,000 square feet on sites ranging from 3 to 15 acres, and have a 3-mile primary trade area radius. Typically serves immediate neighborhood with convenience shopping. Often anchored by a supermarket or drugstore.

**Shopping Center – Community Center (Greater than 100,000 sf):** Usually configured as a strip center though more recent forms are characterized by the ULI as Lifestyle Centers. Sizes vary from 100,000 to 350,000 square feet on sites ranging in size from 10 to 40 acres and have a 3- to 6-mile primary trade area radius. Serves a wider market than neighborhood and also offers wider range of goods, especially apparel goods. Anchors include supermarkets, super drug stores, and discount department stores. Some centers may also contain off-price retail stores selling toys, electronics, sporting goods, and home improvement and furnishings.

**Storage – Outdoor Storage Yard:** The open storage of various materials outside of a structure other than fencing, as a principal use.

**Storage – Warehouse, Indoor Storage:** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage

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facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

**Studio – Art, Dance, Martial Arts, Music, etc.:** Small facilities, typically accommodating one group of students at a time, in no more than one instructional space. These establishments may include: individual and group instruction and training in the arts; production rehearsal photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

**Theater, Movie:** A specialized theater for showing movies or motion pictures on a projection screen. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

**Theater, Live Performance:** Includes concert halls and other structures with fixed seats arranged on a sloped or stepped floor; may seat 300 to 3,000 people.

**Transit Station – Passenger:** Facilities for ground passenger transit systems using multiple modes of transport over regular routes and on regular schedules within the city or that operated over long distances between metropolitan areas.

**Utilities:** Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection and disposal of sewage or refuse; the transmission of communications; or of similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities, provided no transmitter or antenna tower exceed 180 ft in height. Utilities are divided into 3 classes:

- Class 1 Transmission lines (above and below ground) including electrical, natural, gas, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 sq. ft).
- Class 2 Elevated water storage tanks; package treatment plants, telephone switching facilities (over 200 sq. ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.
- Class 3 Generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills.

**Vehicle/Heavy Equipment Rental/Sales:**

Establishments which may have showrooms or open lots for selling or renting vehicles or heavy equipment. May include car dealers for compact automobiles and light trucks, bus, truck, mobile homes, bicycle, motorcycle, ATV, or boat and marine craft dealers.

**Vehicle Services – Major Repair/Body Work:** The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes Major Repair and Body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

**Vehicle Services – Minor Maintenance & Repair:** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes, attended and self-service; car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

**Wholesaling and Distribution:** Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

1. Agents, merchandise or commodity brokers, and commission merchants;
2. Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
3. Merchant wholesalers;
4. Stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

**Wireless Telecommunication Facility:** Equipment constructed in accordance with Section 332(c)(7) of the Communications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes antennas or antenna arrays, wireless telecommunication towers, support structures,

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transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together with all associated cabling, wiring, equipment enclosures, and other improvements.

**Stealth:** Equipment that is unobtrusive in its appearance such as the co-location on existing tower facilities; and the placement of equipment on flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

**Tower:** The construction of new free-standing facilities or facilities that extend more than 20 feet

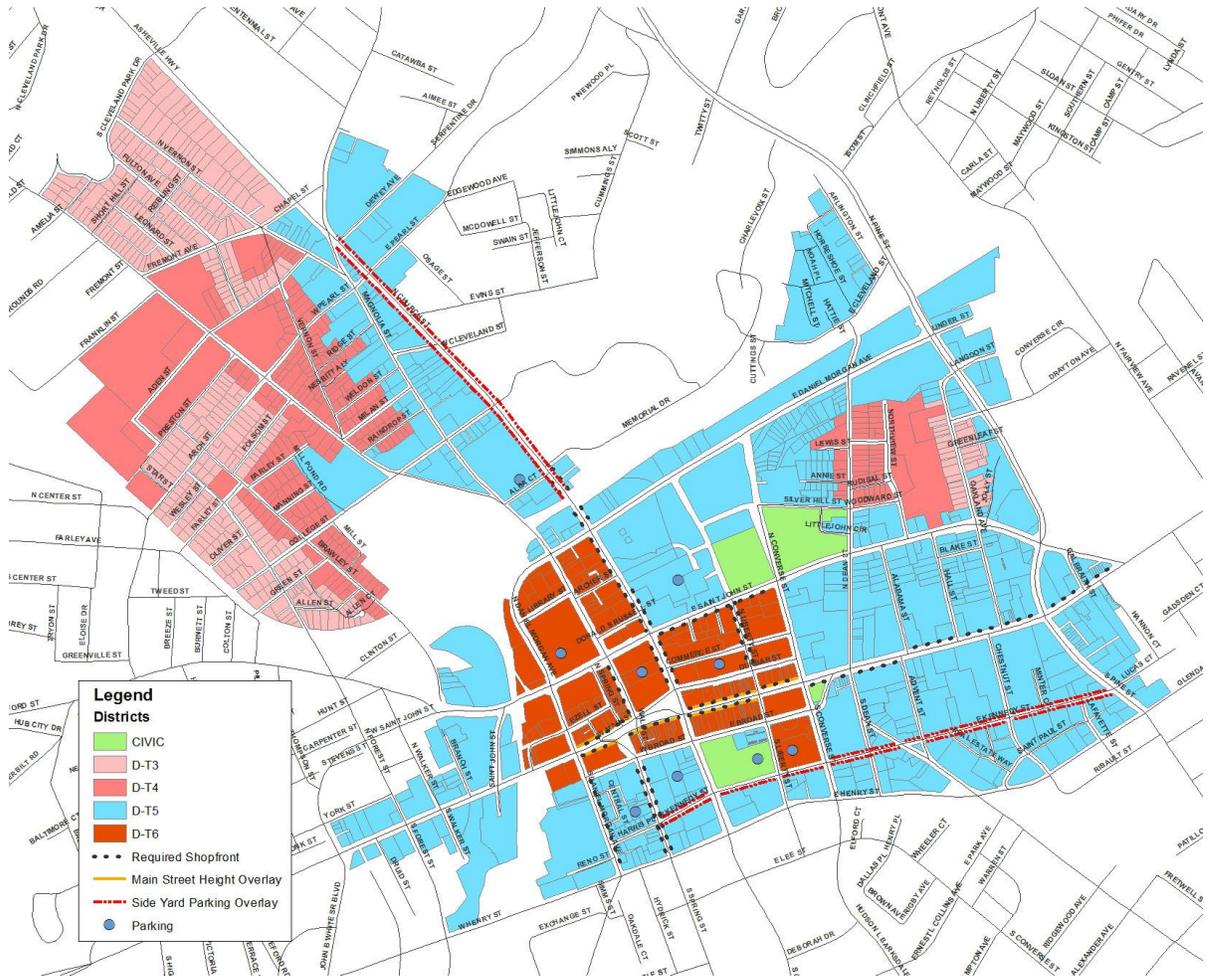
above the normal height of the building or structure on which they are placed. The following shall not be included in this definition:

- Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
- Residential antennas for receiving television or AM/FM radio broadcasts;
- Residential satellite dishes; or,
- Commercial or industrial satellite dishes that are less than 20 feet in height.

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### APPENDIX A: DOWNTOWN REGULATING PLAN (FOR ILLUSTRATIVE PURPOSES ONLY)



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### APPENDIX B

#### **B.0 HISTORIC PRESERVATION STANDARDS [Reserved for use upon the establishment of a Local Historic District]**

The Secretary of the Interior's Standards for Rehabilitation shall be adhered to in renovating historic buildings. The following guidelines are intended to ensure compliance with these Standards. Applications for Certificates of Appropriateness must be issued by the Board of Architectural Design and Historic Review in accordance with Section 510 of the Zoning Ordinance.

#### **B.1 STOREFRONTS**

**B.1.1** Original storefronts must be maintained, repaired, and preserved with as little alteration as possible. Extensively deteriorated or missing elements must be replaced with parts based on surviving details or other evidence.

**B.1.2** When completely missing, a new facade will be designed which is compatible with the size, scale, materials, and color of similar structures, old records or photographs, intact portions of the building, or other design appropriate to the period.

**B.1.3** Decorative detail must be retained and restored whenever possible.

**B.2 DOORS:** The original doors of a building must be retained, repaired, and refinished, as needed, if possible. Replacement doors must be compatible with the historic character and design of the building.

**B.3 EXTERIOR WALL CLADDING:** During renovations in existing buildings brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels, including decorative concrete masonry units. Fiber cement siding, such as the brand name "Hardiplank", may be used to replace wood clapboard siding.

#### **B.4 AWNINGS**

**B.4.1** Flat, metal awnings or other awnings that are inappropriately related to the character of the building shall not be permitted.

**B.4.2** The use of signage on upper facade awnings shall not be permitted.

#### **B.5 WINDOWS**

**B.5.1** Retain the original fenestration pattern (window opening proportions).

**B.5.2** If the original window openings have been altered, restore them to their original configuration and style, if known, or to something appropriate to the period.

**B.5.3** If the ceiling has been lowered pull the dropped ceiling back from the original window to allow light to enter.

**B.5.4** Do not block or fill window openings.

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**B.5.5** Do not use shutters on the first floor except where clear evidence indicates their presence historically. If shutters are to be used, they must be functional unless the windows are fixed.

**B.5.6** Do not replace windows with tinted glazing on major facades.

**B.5.7** When possible, save and restore the original windows and frames. Replace missing or rotting parts with similar material.

#### **B.6 SIGNAGE**

**B.6.1** Signage shall be placed on the sign board or on the space above the storefront lintels.

**B.6.2** Lettering style, materials, and colors must complement the building.

**B.6.3** Nationally distributed signs not compatible with the style and character of the building and with the sign board space shall not be allowed.

#### **B.7 EXTERIOR TREATMENT**

**B.7.1** If brick, stone, or decorative concrete masonry unit surfaces are unpainted they shall be left that way unless painting is approved. If they are painted repaint with an appropriate color.

**B.7.2** Avoid sandblasting and other abrasive cleaning methods, unless all alternatives have failed.

**B.7.3** Masonry repair shall use an approved mortar mix that matches the compressive strength, color, and texture of the original.

**B.7.4** Do not use waterproof coatings that do not breathe.