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Are Located Inside the Back Cover**

**ZONING ORDINANCE  
CITY OF SPARTANBURG, SOUTH CAROLINA  
1999**



**SECTION I  
ADOPTION AND INTERPRETATION**

**§ 101. ZONING ORDINANCE PUBLISHED SEPARATELY.**

The zoning ordinance shall be published in a separate volume, and the original shall be filed with the city clerk.

**§ 102. AUTHORITY.**

This zoning ordinance is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §6-29-310, et. seq. (1994 Supp.).

**§ 103. TITLE.**

This ordinance may be cited as “City of Spartanburg Zoning Ordinance, 1999.”

**§ 104. JURISDICTION.**

The provisions of this ordinance shall apply to all land and improvements within the corporate limits of the City of Spartanburg, South Carolina.

**§ 105. PURPOSE.**

The purpose of the zoning ordinance is to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code § 6-29-710.

**§ 106. INTERPRETATION.**

- (a) Words used in this ordinance shall have their customary and ordinary meanings as defined in a standard dictionary, except for specific words and phrases defined in this ordinance.
- (b) The present tense includes the past and future tenses. Singular words shall include the plural, and plural words shall include the singular.
- (c) The word “person” includes an individual, a firm, association, partnership, trust, company, corporation or any other legal entity.
- (d) The word “shall” is mandatory; the word “may” is permissive.
- (e) The provisions of this ordinance are minimum requirements and where conflicts with other laws occur, the more strict shall apply.
- (f) The provisions of this ordinance are separable, and invalidity of a portion of this ordinance shall not affect the validity and enforceability of remaining provisions.

**§ 107. SCOPE.**

No buildings, structure, or land shall hereafter be used, occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless the conformity with all the regulations of this Ordinance for the District in which it is located, except as otherwise provided herein.

**§ 108. DEFINITIONS.**

The following definitions shall apply to all parts of this Ordinance.

**ALLEY:** A public or private thoroughfare which affords only a secondary means of access to abutting property.

**ANIMAL KENNEL:** A fully enclosed building with soundproofed exterior walls in accordance with the Building Code for the temporary lodging and boarding of domestic house pets. Outdoor kennels and cages are permitted. Medical treatment, clipping, and grooming are permitted, as is retail sale of pet products and accessories. (See Veterinary Clinic and Veterinary Hospital)(\*)

**AUTOMATIC CAR WASH:** A structure containing full service conveyor type washing facilities, including the automatic application of cleaner, rinse water, and wind blown water removal, where the customer gets out of the automobile as the automobile is mechanically driven through the wash conveyor system. Automatic car washes are only open during daylight hours. (\*\*)

**AVERAGE HEIGHT OF A BUILDING:** From original text.

**AWNING SIGN.** A sign attached to a structure made of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building. (\*\*\*)

**BANNER.** A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to plastics or fabric or any kind, excluding flags and emblems of political, professional, religious, education, or corporation organizations. (\*\*\*)

**BAR, NIGHTCLUB OR COCKTAIL LOUNGE:** An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. An establishment is not a bar, nightclub or cocktail lounge if the establishment: (1) has a restaurant license from the State of South Carolina; (2) maintains a full service restaurant preparing and serving an array of foods on its premises at all times when it is open to the public for business; and (3) provides facilities for seating not less than forty (40) persons simultaneously at tables for the service of meals. (\*\*\*\*)

**BASEMENT:** That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling, provided, however, that the distance from grade to ceiling shall be at least four (4) feet six (6) inches.

**BUILDING:** Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for 50% of its perimeter. The term “building” shall be constructed as if followed by the words “or part thereof.”

\* (Further Amended by Council 9/14/98)

\*\*\* (Amended by Council 4/28/03)

\*\* (Amended by Council 7/10/00)

\*\*\*\* (Further Amended by Council 11/24/08)

**BUILDING ACCESSORY**: A subordinate building, the use of which is incidental to that of the principal building on the same lot.

**BUILDING, PRINCIPAL**: A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

**BUILDING COVERAGE**: The proportion of the lot area, expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings. Structures which are below the lot grade, including shelters for nuclear fallout, shall not be included in building coverage.

**CANOPY SIGN**. A sign attached to or supported by a permanent roof/like structure or marquee of rigid materials supported by and extending from the façade of a building; any structure that shields water from any heated area of the building shall not be considered a canopy. (\*\*\*)

**CONDOMINIUM**: Shall mean a unit and/or the regime submitted to ownership pursuant to the Horizontal Property Regime Act of the State of South Carolina as such Act exists or may hereinafter be amended. Condominium shall also mean a multi-family association having a least five (5) residential units with ownership similar to condominium form of ownership with individual ownership of the underlying real estate and air rights sometimes referred to as “townhouses.” (\*\*)

**CONSTRUCTION ON SUBSTANDARD LOTS**: This Ordinance shall not be construed as prohibiting the erection of a single family dwelling unit in districts in which residential uses are permitted on any lot which was a lot of record on the 6<sup>th</sup> day of August, 1973, and which lot does not meet the dimensional requirements of this Ordinance, provided that: (a) all front and rear yard requirements and setback lines of the applicable district are met; (b) such lot does not abut upon one or more vacant lots in the same ownership, in which case it shall be combined with such lot(s) so that it will meet, or more nearly meet, the dimensional requirements of this Ordinance, then such land may be resubdivided into two or more standard lots; and, (c) in LOD Districts, where a lot has an area or width of less than the required area or width and was a lot of record on the 6<sup>th</sup> day of August, 1973, said lot may be occupied by any permitted use; provided, all other requirements of the district are met. (\*)

**CONSTRUCTION SIGN**. A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project. (\*\*\*)

**COURT**: An open unoccupied space, other than a yard, on the same lot with a building and bounded on one or more sides by such building or buildings.

**DANCE HALL**: **An establishment in which more than 10 percent of the total floor area is designed or used as a dance floor. An establishment is not a dance hall if the establishment: (1) has a restaurant license from the State of South Carolina; and (2) maintains a full service restaurant preparing and serving an array of foods on its premises at all times when it is open to the public for business. (\*\*\*\*)**

**DECIBEL**: A unit of measure of intensity of sound (the sound pressure level).

**DENSITY**: The number of dwelling units located on an acre of land, which land are excludes all but the land devoted to living facilities, the accessory uses thereon, and the required open space thereon.

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\* (Amended by Council 8/7/78)

\*\* (Further Amended by Council 3/18/91)

\*\*\* (Further Amended by Council 4/28/03)

\*\*\*\* (Further Amended by Council 11/24/08)

**DEPARTMENT STORE**: A store in which a variety of merchandise is arranged in or offered for sale from several departments or sections inclusive of the sale of automobile parts and accessories and minor repair of automobiles inside the building. No painting, body work, major overhaul, dismantling for recovery of parts and no sale or storage of automobiles shall be associated with a department store.

**DIRECTIONAL OR INSTRUCTIONAL SIGN**. A sign designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance”, “Exit”, “Parking”, “One-Way” or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may not be included on the sign. (\*\*)

**DWELLING**: A building containing one or more dwelling units, but in the case of a building having two or more portions divided by one or more party walls forming complete separation, each such portion shall be considered to be a separate dwelling.

**DWELLING, CONDOMINIUM**: A building or group of buildings which dwelling units, offices or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional basis, commonly known as a horizontal property regime. (\*)

**DWELLING, PATIO HOME**: A one family dwelling on a separate lot containing minimal yards. (\*)

**DWELLING, SINGLE FAMILY**: A dwelling having only one dwelling unit from the ground to roof and having independent outside access.

**DWELLING, TWO FAMILY**: An attached or semi-detached building designed exclusively for occupancy by two families living independently of each other under one roof.

**DWELLING, MULTI-FAMILY**: A building or portion thereof designed for occupancy by three or more families living independently of each other under one roof.

**DWELLING UNIT**: Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

**EASEMENT**: A right of the owner of one parcel of land by reason of such ownership to use the land of another for a special purpose not inconsistent with the general property of the owner—a liberty, a privilege.

**EASEMENT, UTILITY**: A right of the owner of one parcel of land by reason of such ownership to use the land of another for a utility not inconsistent with general property of the owner—a liberty, a privilege. No part of a structure shall be constructed with the boundaries of any utility easement.

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\* (Amended by Council 11/25/02)

\*\* (Further Amended by Council 4/28/03)

**EFFICIENCY UNIT:** A dwelling unit having only one bed/living room. In addition, a bathroom, water closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, closets or any dining alcove as required in any arrangement not exceeding 600 square feet of floor space overall. (\*\*)

In the case of an existing residential structure under conversion, an existing bedroom and separate living room, plus a bathroom, water closet compartment, kitchen, laundry, pantry, communicating corridor, foyer, closets or any dining alcove as required in any arrangement not exceeding 1,000 square feet of floor space overall shall be permitted. (\*\*)

**ELDERLY HOUSING UNIT:** A dwelling unit specifically designed for the needs of an elderly person or persons, and conforming to be requirements of State and/or Federal programs providing for housing for the elderly.

**ELDERLY/RETIREMENT HOUSING:** A residential complex containing two family or multi-family dwellings designed for and principally occupied by at least one person who is at least 62 years old at the time of initial occupancy. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.\*\*\*\*

**FAMILY:** One or more persons related by blood, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof, or a group of not more than five persons who need not be so related, and in addition domestic servants or gratuitous guests thereof, who are living together in a single dwelling unit and maintaining a common household. A roomer, boarder or lodger shall not be considered a member of a family.

**FEE SIMPLE:** A fee without limitation to any class or heirs or restrictions on transfer of ownership.

**FLAG.** A piece of durable fabric of distinctive design that is used as a symbol or decorative feature. (\*\*\*)

**FLOODPLAIN:** The flood areas designated as all land inundated by the “100 Year Flood” as designated in the Flood Insurance Study, City of Spartanburg, South Carolina, prepared by the Corps of Engineers, U.S. Army, for the Federal Insurance Administration, Department of Housing and Urban Development, dated June 1, 1978. (\*)

**FRONT BUILDING LINE:** A line established by yard requirements measured from right-of-way or setback line, whichever is greater.

**FRONT LOT LINE:** The line along the street right-of-way. The street right-of-way and the front lot line are the same. (See Illustration, Yard Location A.) In cases where no recorded right-of-way exists or where right-of-way is less than fifty (50) feet, the front line will be a line parallel to the center of the road and not less than twenty-five (25) feet therefrom. Diagram in Appendix.

**GARAGE, PRIVATE:** A building or space used as an accessory to or a part of a main building permitted in any residence district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way connected.

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\* (Amended by Council 10/2/78)

\*\*\* (Further Amended by Council 4/28/03)

\*\* (Further Amended by Council 4/6/81)

\*\*\*\* (Further Amended by Council 8/20/07)

**GARDEN APARTMENT BUILDING:** A building, formed by two or more attached and/or semi-detached dwellings and having a total of three or more dwelling units which has no main central hallway and rises no more than three (3) stories.

**GASOLINE SERVICE OR FILLING STATION:** Any area of land, including structures there on, that is used for the retail sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles but no including painting, body work, major repair, or dismantling for recovery of parts and “dead storage.”

**GROSS FLOOR AREA (GFA):** The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls (and from the center lines of party walls if the portions of the building separated by such party walls are to be treated separately), including: (a) basement space where more than one-half the basement height is above the finished lot grade averaged along the exterior walls of the building; (b) elevators and stairwells at each floor; (c) enclosed porches, interior balconies and mezzanines and penthouses; and excluding (a) floor space permanently devoted to mechanical equipment used in the operation and maintenance of the building, and (b) floor space permanently devoted to a parking space or parking spaces. (\*\*\*\*)

**GROSS LEASABLE AREA (GLA):** The total floor for which tenants pay rent and that is designed for tenant’s occupancy and exclusive use. (\*\*\*\*)

**HIGH RISE APARTMENT:** A multiple family dwelling with not less that four (4) stories above ground level of the principal entrance of the structure.

**HOLDING AREA, AUTOMOBILE:** An area used by a wrecker service approved by the Spartanburg Police Department for the storage of wrecked and disabled vehicles for a period not to exceed twenty (20) days from the date the vehicle was towed to the area by the wrecker service. (\*\*)

**HOME OCCUPATION:** A home occupation is any business or commercial activity undertaken within a residential structure that is incidental and secondary to the primary use of the structure as a dwelling unit. See Section 302.6. (\*\*\*)(\*\*\*\*\*)

**HORTICULTURE:** The science and art of growing fruits, vegetables, flowers, and ornamental plants.

**LOT:** A parcel of land occupied or intended to be occupied by one or more principal building(s) together with its/their accessory buildings and open space. (\*)

**LOT, CORNER:** A lot with frontage on two or more streets at their intersection.

**LOT, DEPTH:** This mean horizontal distance between the front and rear lot lines.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT THROUGH:** A lot that abuts upon a street at each end.

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\* (Further Amended by Council 3/23/81)

\*\* (Amended by Council 9/10/84)

\*\*\* (Further amended by Council 8/10/92)

\*\*\*\* (Further Amended by Council 9/14/98)

\*\*\*\*\* (Further Amended by Council 6/23/03)

**LOT, WIDTH:** The horizontal distance between side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required width per zoning district. Therefore the front lot width and rear lot width on non-cul-de-sac streets shall be identical as set forth for the particular zoning ordinance (with the exception of pipe stem or flag lots as defined in the City of Spartanburg Land Development Regulations).

(\*\*\*) (\*\*\*\*\*)

**LOT OF RECORD:** A lot which is part of a subdivision, a plat of which had been recorded in the Office of the RMC (Register of Mesne Conveyance) of Spartanburg County as of the 6<sup>th</sup> day of August, 1973, or a lot described by metes and bounds, the description of which had been recorded in the Office of the RMC of Spartanburg County as of the 6<sup>th</sup> Day of August, 1973. (\*)

**MEZZANINE:** An intermediate story between two (2) main stories of building. (See Illustration B in Appendix.)

**MOBILE HOME:** (For purposes of this Ordinance, the term mobile home shall be synonymous with house trailer, trailer coach and trailer home.) Any vehicle used, or so constructed as to permit its use, as a conveyance upon the public streets or highways which shall include self-propelled and non-self-propelled vehicles, and so designed, constructed, reconstructed or added to by means of an enclosed addition or room, in such manner as will permit the occupancy thereof as a dwelling unit, and having no foundation other than wheels, jacks or skirtings. (See Section V, 508.) (\*\*)

**MOBILE HOME PARKS:** Any premises where mobile homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosure used or intended for use as part of such mobile home park.

**MONUMENT SIGN.** A monolithic sign indicating an historical event or achievement in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension. (\*\*\*\*)

**NONCONFORMING BUILDING OR STRUCTURE:** A building or structure lawfully constructed prior to the passage of this Ordinance or an amendment thereto, which was manifestly designed and/or constructed to accommodate a nonconforming use. (See Section V, 502, for Nonconforming Use Regulations.)

**NONCONFORMING USE:** A lawful use of land, building, or structure existing at the time of the passage of this Ordinance, or an amendment thereto, which does not conform to the use regulations for the district in which it is located. (See Section V, 502, for Nonconforming Use Regulations.)

**PARKING SPACE:** The standing storage space for one automobile plus the necessary driveway access space. The standing storage space shall not be less than nine (9) feet by eighteen (18) feet unless the parking is done by employee attendants. (See Section V, 504, for additional parking standards.)

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\* (Amended by Council 10/7/74)

\*\* (Further Amended by Council 3/13/95)

\*\*\* (Further Amended by Council 11/9/98)

\*\*\*\* (Amended by Council 6/23/03)

\*\*\*\*\* (Further Amended by Council 1/23/06)

**PLANNED DEVELOPMENT SIGN.** Signs indicating the name of an apartment, industrial, or mixed-use development. No advertising material, except the name of the development shall be indicated on the sign. (\*)

**PROJECTION SIGN.** A sign which projects more than twenty-four (24) inches including the total width of the sign and mounting bracket(s) and is affixed to the exterior wall or other exterior surface of a building or canopy or awning. Signs extending beyond the highest elevation of an exterior wall, canopy or awning are considered projecting signs. (\*)

**RIGHT-OF-WAY:** The right of passage through the estate of another.

**ROOF SIGN.** A sign mounted on the main roof portion of a building or on the top most edge of a parapet of a building and which is wholly or partially supported by such building. (\*)

**SETBACK:** See Section 34-60 et. Seq. of the City Code and Subdivision Ordinance in paragraph 2.11.

**SHOPPING CENTER:** A shopping center is a group of commercial establishments planned and developed as a single entity having at least 60,000 square feet of gross floor area with off-street parking provided on site.

**SIGNS:** Any structure, part thereof, or device or inscription attached thereto or painted or representation thereon, which is located upon any land, on any building, or on the outside or inside of a window, and which displays or includes any numeral, letter, word, model banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of an announcement, advertisement, direction warning, or designation of any person, firm, group organization, place commodity, product, service, business, profession, enterprise, or industry.

But this definition shall not include the flag, emblem, insignia, poster, or other display of any nation or political subdivision including traffic or similar regulatory devices, or legal notices, warnings at railroad crossing, signs or tablets which are primarily memorials, or emblems of religious institutions that are attached to buildings. (See Section V, 503, for Sign Regulations.)

**SIGN, ADVERTISING:** A sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally, if at all.

**SIGN, AREA OF:** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all such sign is placed. Where a sign has two or more faces, the area of all such faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of the larger of the two faces.

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\* (Further Amended by Council 4/28/03)

**SIGN, BUSINESS:** A sign which directs attention to a business, commodity, service industry or other activity which is sold, offered, or conducted on the premises upon which such sign is located, or to which it is affixed.

**SIGN, CHANGEABLE COPY:** A sign which is characterized by changeable copy regardless of the method of attachment and which identifies services or products provided on the lot. A changeable copy sign by either by permanent or portable sign. (\*)

**SIGN, DIRECTLY ILLUMINATED:** A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs.

**SIGN, ELECTRICALLY ANIMATED:** A sign or display manifesting either kinetic or illusionary motion occasioned by electrical means. Electrically animated signs include the following types: (\*\*)

**SIGN, COMPUTER CONTROLLED VARIABLE MESSAGE ELECTRONIC:** Signs whose informational content can be changed or altered by means of computer driven electronic impulses.

**SIGN, FIXED MESSAGE ELECTRONIC:** Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, stock market quotations, predictable traffic conditions, or other events subject to prior programming.

**SIGN, FLASHING:** Electrically illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.

**SIGN, ILLUSIONARY MOVEMENT:** Electrically illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristics of chasing, running, blinking, oscillating, twinkling, expanding, or contracting light patterns.

**SIGN, GROUND:** A free-standing sign resting upon the ground or attached to it by means of two or more poles or standards.

**SIGN, INDIRECTLY ILLUMINATED:** A sign illuminated with a light so shielded that no direct rays are visible elsewhere than on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

**SIGN, NON-ILLUMINATED:** A sign which is no illuminated, either directly or indirectly.

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\* (Amended by Council 7/10/78)

\*\* (Further Amended by Council 5/8/95)

**SIGN, POLE:** A business sign that is affixed to the ground in a perpendicular fashion with one or more support beams. (\*)

**SIGN, PORTABLE:** A free standing sign not permanently affixed, anchored, or secured to either the ground or a structure on the premise. Portable signs include A-frame signs and changeable copy signs that are not permanent. (\*\*)

**SIGN, PRINCIPAL:** The chief or main pole sign to identify the business on a piece of property. (\*\*)

**SIGN, SHOPPING CENTER:** A ground sign which gives direction and identification to a group of contiguous stores under single management identifying the name of the shopping center and all tenants therein. (\*\*\*)

**SIGN, WALL:** A business sign placed or painted flat against a building and attached to the exterior front, rear or side of a building. A wall sign has characters, letters, figures, logos, or designs which may be illuminated by a source of energy directly or through any transparent or translucent material in order to make the message readable. (\*)

**SOUND LEVEL:** The “sound level” of an operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

**SOUND LEVEL METER:** An instrument, standardized by the American Standards Association, used for measurement of the intensity of sound, calibrated in decibels.

**SOUP KITCHEN:** A facility operated by a nonprofit organization, including but not limited to a religious institution that provides meals on-site to needy individuals and families free of charge. \*\*\*\*\*

**STORY:** That portion of building included between the surface of any and the surface of the floor next above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it.

**STREET:** A public thoroughfare which affords the principal means of access abutting property.

**STREET LINE:** The line separating private property from a street or alley existing or dedicated in public ownership.

**STRIP CENTER:** A group of commercial establishments planned and developed as a single entity having 59,999 square feet or less of gross floor area with off street parking provided on site. (\*\*\*\*\*)

**STRUCTURE:** Anything constructed or erected, including a building, which has permanent location on the ground, or anything attached to something having a permanent location on the ground.

**SUBSTANDARD LOTS:** Those lots having dimensions or areas less than the minimum required for building a structure. See construction on substandard lots.

\* (Amended by Council 7/10/78)

\*\* (Further Amended by Council 4/4/88)

\*\*\* (Further Amended by Council 7/5/88)

\*\*\*\* (Further Amended by Council 9/13/93)

\*\*\*\*\* (Further Amended by Council 6/27/94)

\*\*\*\*\* (Further Amended by Council 7/26/10)

**SUPER STORE:** A single commercial establishment having 100,000 square feet of gross floor area with off-street parking provided on site. (\*\*\*\*)

**USE:** Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

**USE, ACCESSORY:** A use located on the same lot with a principal use, and clearly incidental or subordinate to and customary in connection with the principal use.

**USE, PRINCIPAL:** The main use on a lot.

**VETERINARY CLINIC:** (A fully enclosed building) used for the medical treatment of domestic house pets and allowing for their overnight treatment and/or observation until the veterinary doctor releases the same. Outdoor kennels and cages are not permitted. The overnight lodging of pets, if not medically necessary, is prohibited, as are clipping (except when medically necessary), grooming and retail sale of pet products and accessories (See Animal Kennel above).

**VETERINARY HOSPITAL:** The same as Veterinary Clinic above, except that both indoor and outdoor lodging of animals, as well as exterior kennels are permitted.

**VIDEO CASINO:** A business establishment that has two or more single places or premises within the same structure that are utilized for occupants to play video poker as its principal use. A single place or premise is defined as a place or premise that has five video poker machines in it totally separated by party walls.” (\*\*\*)

**YARD:** An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

**YARD, FRONT:** A front yard is a required yard extending along the full width of a lot measured from the street setback line inward towards the interior of the lot. (\*)

**YARD, JUNK:** A place where worn out and discarded materials which have outlived their usefulness in their original form, and are commonly gathered up and sold to be converted into another product, either of the same or of a different kind.

**YARD, REAR:** A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

**YARD, SIDE:** A yard between a principal building and a side lot line extending from the front yard to the rear yard.

**YARD, STORAGE:** A business or area where automobiles and other motor vehicles are impounded for law enforcement purposes and insurance settlement purposes wherein the sale of parts or dismantling of parts is prohibited. (\*\*)

**ZONING ADMINISTRATOR:** The Director of Inspection or his Agent.

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\* (Further Amended by Council 9/13/93)

\*\*\* (Further Amended by Council 9/13/99)

\*\* (Further Amended by Council 6/27/94)

**ZONING LOT**: Is a single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a “zoning lot or lots” may or may not coincide with a lot of record.

**SECTION II**  
**ZONING DISTRICTS AND OFFICIAL ZONING MAP**

**§ 201. ZONING DISTRICTS** (\*)

The following districts hereby created and designated by the accompanying symbols:

<b>R-15</b>	<b>Single Family Residential District</b>
<b>R-12</b>	<b>General Residential District</b>
<b>R-8 SFD</b>	<b>Single Family District</b>
<b>R-8</b>	<b>General Residential District</b>
<b>R-6</b>	<b>General Residential District</b>
<b>R-6 Live Work</b>	<b>Live/Work District (***)</b>
<b>GID</b>	<b>General Institutional District (**)</b>
<b>LOD</b>	<b>Limited Office District (**)</b>
<b>LC</b>	<b>Limited Commercial District</b>
<b>B-1</b>	<b>Neighborhood Shopping Center</b>
<b>DT-4, DT-5, DT-6</b>	<b>Downtown Urban Districts</b>
<b>B-3</b>	<b>General Business District</b>
<b>B-4</b>	<b>Heavy Commercial District</b>
<b>I-1</b>	<b>Light Industrial District</b>
<b>I-2</b>	<b>Heavy Industrial District</b>

The boundaries of these districts are hereby established as shown on the official Zoning Map of Spartanburg, South Carolina.

**DISTRICTS**

**CHARACTERISTICS**

**R-15**  
**(Single Family Residential)**

These districts exist for the protection of areas, most of them large in size, that have been and are being developed predominantly for low-density single family dwellings and low-density planned unit developments. Accordingly, the use of land and buildings within such areas is limited to single family detached dwellings, mixed dwellings permitted in PDDs and to such nonresidential uses as generally support and harmonize with these low-density residential districts. Within these areas, home occupations and the maintenance of professional offices within homes are not characteristic and are prohibited except as permitted in planned development districts.

**R-12**  
**(General Residential District)**

These districts exist for the protection of areas, most of them large in size, that have been and are being developed predominantly for low-density single family dwellings but in which two family and multi-family

\* (Amended by Council 12/12/94)

\*\*\* (Further Amended by Council 1/24/05)

\*\* (Further Amended by Council 10/8/01)

dwelling are occasionally found. Accordingly, the use of land and buildings within such areas is limited to single family detached dwellings, low-density two family and multi-family dwellings, and to such nonresidential uses as generally support and harmonize with a low-density residential area.

**R-8 SFD  
(Single Family Residential)**

These districts exist for the protection of areas that have been developed primarily for medium density single family dwellings. Accordingly, the use of land and buildings within these areas is limited in general to single family dwellings at a density of approximately seven units per acre and such nonresidential uses which generally support and are compatible with a medium-density residential area. (\*)

**R-8  
(General Residential)**

These districts exist for the protection of areas that have been and are being developed predominantly for medium-density single family dwellings but in which two family and multi-family dwellings occur. Accordingly, the use of land and buildings within these areas is limited in general to dwellings at a density of around seven dwelling units per acre and to such nonresidential uses as generally support and harmonize with a medium-density residential area.

**R-6  
(General Residential District)**

These districts exist for the protection of areas that generally contain older residential structures, some of which were originally large single family dwellings which have been or may be converted to rooming houses or multi-family dwellings, and others which have been built on relatively small lots. Accordingly, the use of land and buildings within these areas is limited in general to dwellings at a density of around ten dwelling units per acre, and to such nonresidential uses as generally support and harmonize with a medium-high residential density.

**R-6 Live/Work**

These districts provide for employment opportunities in conjunction with a dwelling which are more extensive than home occupations under Section 302.6, and which create a mixed use neighborhood predominately residential in character. Live/work neighborhoods are also designed to provide a transition between more intensive office and commercial areas and low density residential neighborhoods. (\*\*)

\* (Amended by Council 2/10/92)

\*\* (Amended by Council 1/24/05)

**GID (\*)**  
**(General Institutional District)**

These districts are established solely for institutions. It is intended that this district will develop in a manner that will insure compatibility with residential neighborhoods.

**LOD (\*)**  
**(Limited Office District)**

These districts are established to provide for office uses, including offices which have contact with the general public, but which do not conduct sales of merchandise on the premises. It is intended that this district will develop that will insure compatibility with residential districts.

**LC (\*)**  
**(Limited Commercial)**

These districts are established to provide for the Limited Commercial District transitional areas from residential to office and limited commercial retail services which do not generate large volumes of traffic, noise or other harmful effects and which are compatible with nearby residential uses. Moreover, these districts provide for development along major thoroughfares, especially between more intensely developed and higher traffic generating areas and residential areas, in order to permit a reasonable use of land along such thoroughfares without the inherent ill effects of commercial strip development. These districts also encourage conservation and preservation of structurally sound residences in these neighborhoods. No exterior storage is permitted in this Zone.

**B-1**  
**(Neighborhood Shopping)**

These districts are intended primarily to serve the needs of the surrounding residential neighborhood, providing goods, and services that are day-to-day needs, generally classed by merchants as “convenience good and services”. Businesses which might tend to be a nuisance to the immediately surrounding residential developments are excluded, even though the goods or services offered might be in the convenience category or classification.

**DT-4, DT-5, DT-6**  
**(Downtown)**

These districts are the central shopping areas of the City. Here are concentrated activities which have primarily a city-wide and regional function: large stores offering comparison shopper’s goods, specialty stores, business services, banks and other financial institutions, offices, theaters, hotels, and government building. The use of land is intensive and this intensity of use is one of the main determinants of the vitality of the Downtown Urban Districts. It is the purpose of these regulations to encourage such intensity of use and to exclude activities which have a negative effect upon the proper functions of the downtown area.

\* (Further Amended by Council 12/12/94)

\*\* (Further Amended by Council 10/8/01)

**B-3**  
**(General Business)**

These districts serve several functions. They provide central concentrations of goods and services for more than one neighborhood. They provide comparison shopper's goods, convenience goods and services, specialty goods, amusements and numerous services for less than a city-wide market. They also provide locations for small businessmen with a city-wide market who cannot operate in the downtown areas. The predominant purpose of all these functions is retail trade.

**B-4**  
**(Heavy Commercial)**

These districts furnish goods and services which are mainly used in support of retail trade for the City and the region. The principal activities located here are wholesaling, warehousing, transportation, heavy business services, distribution, and some incidental processing. Such functions are generally located in such a position that they can support the Downtown Districts and at the same time concentrate their heavy traffic requirements near the main arteries for movement of goods and services.

**I-1**  
**(Light Industrial)**

These districts are intended for industrial uses, which are not offensive to nearby commercial or residential uses, and for business uses which generally support and are integrated with these industrial uses. Further development of residences is prohibited from these districts to prevent residences from being established under strongly adverse conditions and to conserve the supply of industrial land.

**I-2**  
**(Heavy Industrial)**

These districts are for heavy industrial activities which may be offensive, or incompatible, if located near commercial or residential uses and for limited business uses which support, or are compatible with, these heavy industrial activities. Further development of residences is prohibited from these districts to prevent residences from being established under strongly adverse conditions and to conserve the supply of industrial land.

**§ 202. INTERPRETATION OF THE ZONING MAP.**

The Zoning Administrator shall interpret the Zoning Map according to the following guide:

- A. Where such district boundaries are indicated as approximately following center lines of streets and alleys, lot lines, stream center lines, property lines or corporate limit lines, such lines shall be considered to be such boundaries.
- B. In unsubdivided property or where a district boundary divides a lot, or where the dimension is not shown on the official Zoning Map, the Zoning Administrator shall determine the location of the zoning line by use of the appropriate scale.

**§ 203. DISTRICT BOUNDARIES ESTABLISHED.**

The boundaries of each district are indicated upon the Zoning Map of the City of Spartanburg, South Carolina, dated August 6<sup>th</sup>, 1973, which is hereto attached and made a part of this Ordinance. Said map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if all were fully described herein.

The boundaries of each district are more particularly shown on Supplementary Zoning Map Sheets, the cover sheet of which is dated August 6<sup>th</sup>, 1973, and copies of which are on file in the Office of Community Enhancement, which are hereby made a part of this Ordinance. Said Supplementary Zoning Map Sheets and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if all were fully described herein.

**§ 204. FLOOD HAZARD MAPS.**

Flood Insurance Rate Maps (FIRM) designating flood hazard areas within the City of Spartanburg, South Carolina having an effective date as prepared by the Federal Emergency Management Agency, copies of which are on file in the Office of Community Enhancement, are hereby adopted by reference as a part of this Ordinance.

**§ 205. INTERPRETATION OF DISTRICT BOUNDARIES.**

When uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:

- A. In any case where a discrepancy in the location of any district boundary shall exist between the Zoning Map and County Block Maps, the County Block Maps shall govern.
- B. Where such district boundaries are indicated as approximately following center lines of street and Alleys, lot lines, stream center lines, property lines or corporate limit lines, such lines shall be considered to be such boundaries.
- C. In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing on the County Block Maps.
- D. Where physical or cultural features existing on the ground are at variance with those shown on the County Block Maps, or in other circumstances not covered by the preceding rules, the City Planning Commission shall interpret the district boundaries.

**§ 206. CHANGES TO DISTRICT BOUNDARIES.**

Changes made in district boundaries or other matter portrayed on the Official Zoning Map shall be entered on the Official Zoning Map promptly after the amendment has been approved by City Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change has been made on said map. It shall be unlawful to make a change on the Official Zoning Map except in conformity with the procedures set forth by this Ordinance.

**§ 207. LOT DIVIDED BY DISTRICT BOUNDARIES.**

No structure or accessory use may be placed, structurally altered, or have a change in use where the structure or use or would be included within two or more zoning districts unless such structure or use conforms to the requirements of all applicable district regulations.

**§ 208. ZONING OF ANNEXED PROPERTY.**

On property to be annexed into the corporate limits by petition, as prescribed in the South Carolina Code of Laws, Title 5, Chapter 3, the zoning may be determined at the time of annexation subject to the following procedures:

- A. Generally. All property annexed to the City pursuant to the laws of the state shall become a part and parcel of the city upon the passage of an ordinance of annexation by the City Council, and shall be subject to all the rights, privileges and duties of all other property in the City.
- B. Liability for City taxes. All property annexed in the City will be liable for City taxes from the day of annexation, which taxes shall be prorated on a calendar year basis.
- C. Zoning classification. All property annexed to the City shall be zoned at the highest residential classification according to the then existing zoning ordinance; provided, however, City Council may designate such other zoning classification of the property to be annexed as follows:
  - (1) If the property to be annexed is vacant and the property owner requests zoning less restrictive than the existing zoning for all adjacent property, the request for zoning shall be referred to the Planning Commission and recommendation made thereon;
  - (2) In all other cases, City Council may designate the zoning of the property being annexed in the annexation ordinance after considering the existing use of the property, if any, and the zoning of adjacent property.

**SECTION III (\*)**  
**DISTRICT USE REGULATIONS**

**§ 301 DISTRICT USE CLASSIFICATION.**

District Use Regulations in Section III, and General and Supplementary Regulations in Section V. are applicable to all of the following classes of uses:

- (a) Permitted Uses. Permitted uses listed in the district use tables in this Article are permitted outright.
- (b) Conditional Uses. Conditional uses in the district use tables are approved by the Planning Commission without further review upon compliance with conditions specified in the tables.
- (c) Special Exceptions. Special exceptions may be permitted pursuant to Section VI after a public hearing, review and approval by the Board of Zoning Appeals upon compliance with specific standards in the district regulations and imposition of adequate conditions to deal with the factors of traffic impact; vehicle and pedestrian safety; potential impact of noise, lights, fumes, or character of the environs, to include possible need for screening from view; and orientation and spacing of improvements of building.

**§ 302 USE REGULATIONS FOR RESIDENTIAL DISTRICTS.**

**302.1 R-15 Single Family Residential District.**

In this district, a building or land by be used only for the following purposes:

- A. Uses Permitted by Right.
  - 1. Single family dwellings.
  - 2. Public parks and playgrounds.
  - 3. Parking spaces for permitted uses.
  - 4. Customary accessory buildings and structures, including private garages provided that such structures must comply with Subsection 501.4 of this Ordinance.
  - 5. Non-commercial farming, truck gardening, nurseries and non-commercial Greenhouses.
  - 6. A temporary building or use in connection with residential or other construction; provided, such building or use shall be removed immediately after such construction is concluded or after such construction has been discontinued for any reason for a period of six (6) months.
  - 7. Signs are permitted according to the regulations contained in Section V, § 503 of this Ordinance.
  - 8. Planned Development District in accordance with Section 507. (Not permitted by right.)
  - 9. Home occupations as defined by Section I, 108 of this Ordinance. (\*\*)

\* (Amended by Council 9/14/98)

\*\* (Amended by Council 6/23/03)

B. Uses Permitted by Special Exception:

The following uses may be permitted by special exception under Section VI, § 603.5 of this Ordinance.

1. Churches, synagogues, and other places of worship including parish houses, rectories, and other facilities normally incidental to places of worship but excluding funeral homes.
2. Public schools and private and parochial schools having a curricula approximately the same as ordinarily given in public school.
3. Temporary uses and structures such as booths for charitable purposes and parking for special events will be limited to two (2) weeks occupancy.
4. Recreation facilities, country clubs, community centers, and clubs drawing substantial numbers of users from the immediate neighborhood in which they are located; excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions.
5. Public and private colleges and universities including dormitories connected with such institutions but excluding trade and/or business schools and colleges, and schools and colleges operated as commercial enterprises.
6. Cemeteries, Mausoleums, Columbariums, and Memorial Gardens.
7. Reservoirs, dams, public utility substations and pumping stations, police stations, fire stations, transmission lines and towers, and water tanks with no industrial activity or outside storage.
8. Seasonal produce stand covering not more than two hundred (200) square feet of lot area, with sales confined to agricultural produce raised on the premises. Such produce stands must be located at least fifty (50) feet from any lot line.
9. Communication towers and antennas as defined by Section V, § 506 of the Zoning Ordinance and including freestanding, building-mounted, and stealth tower/antennas.
10. Meeting rooms, reception and event facilities, or similar uses subject to:  
(\*)
  - a. The above uses shall be located on a lot that is contiguous to an arterial street as designated on the SPATS (Spartanburg Area Transportation Study) Arterial Street Network Map;
  - b. The existing residential structure shall be preserved as well as its appearance as a single family residence and the residential character of the lot wherein the structure is located, including landscaping, street access and parking;
  - c. Any expansion of an existing residential structure or any new structures shall have the appearance of a residential structure, and shall comply with the bulk and placement requirements of the “R-15” District.
  - d. Signage shall be limited to a single non-illuminated sign not exceeding four (4) square feet.

**302.2 R-12 General Residential District.**

In this district a building or land may be used only for the following purposes:

A. Uses Permitted by Right.

1. Any use permitted by right in the R-15 Single Family Residential District.
2. Two family and multi-family dwellings.
3. Home occupations as defined by Section I, § 108 of this Ordinance.

\* (Amended by Council 5/23/05)

B. Uses Permitted by Special Exception.

The following uses may be permitted by special exception under Section VI, §603.5 of this Ordinance.

1. Any use permitted by special exception in the R-15 Single Family Residential District.

**302.3 R-8 Single Family District (SFD).(\*)**

In this district a building or land may be used only for the following purposes.

A. Uses Permitted by Right.

1. Any use permitted by right in the R-15 Single Family District.
2. Preschool nurseries and day care centers meeting all applicable City and State standards.
3. Incidental keeping of non-transient boarders or lodgers, by a resident family; provided, not more than 25% of the total floor area, excluding the basements, in any dwelling unit shall be devoted to such purpose.
4. Home occupations as defined in Section I, § 108 of this Ordinance.

B. Uses Permitted by Special Exception.

The following uses may be permitted by special exception under Section VI, § 603.5 of the Ordinance.

1. Any use permitted by special exception in the R-12 General Residential District.
2. Fraternities and Sororities.
3. Bed and Breakfast Inns meeting all applicable health standards and located principally within a structure having historical and architectural significance. The exterior façade of the buildings shall not be altered but may be rehabilitated provided the architecture is not changed. A building is deemed to have architectural and historical significance if the building and the district in which it is located are both listed on the National Register of Historic Places published by the Department of the Interior of the United States Government. Listing on the National Register of Historic Places shall be the exclusive means of defining “historical and architectural significance.”

**Bed and Breakfast Inns under this Section shall;**

- a) Be operated by the property owner, who shall reside on the property.
- b) Have adequate parking, which shall include off-street parking or not less than one (1) parking space for every two (2) guest rooms.
- c) Serve a breakfast meal only.
- d) No signage shall be permitted on the exterior of the building, other than the street name, number, name of the owner, name of the inn. The sign shall be a non-illuminated sign not exceeding one (1) square foot in area.

**302.4 R-8 General Residential Districts.**

A. Uses Permitted by Right.

1. Any use permitted by right in the R-8 Single Family District.
2. Two family and multi-family dwellings.

B. Uses Permitted by Special Exception.

The following uses may be permitted by special exception under Section VI, § 603.5 of this Ordinance.

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\* (Further Amended by Council 2/10/92)

1. Any use permitted by special exception in the R-8 Single Family District.

**302.5 R-6 General Residential District. (\*\*\*)**

In this district a building or land may be used only for the following purposes:

A. Uses Permitted by Right:

Any use permitted by right in the R-8 General Residential District.

B. Uses Permitted by Special Exception.

All uses permitted by special exception in the R-8 General Residential District may be permitted in the R-6 General Residential District in accordance with the provisions of Section VI, § 603.5 of this Ordinance.

**302.55 R-6 Live/Work District. (\*)**

1. Intent: The intent of this District is to provide for employment opportunities in conjunction with a dwelling which are more extensive than home occupations under Section 302.6, and which create a mixed use neighborhood predominately residential in character. Live/work neighborhoods are also designed to provide a transition between more intensive office and commercial areas and low density residential neighborhoods.
2. Definition: Live/Work is a place designed to be used by the occupant as both a dwelling place and a place of work.
3. Application: This District applies to the following:
  - a. All properties currently zoned LOD Limited Office District (\*\*)(\*\*\*) **and DT-4, DT-5, or DT-6 Downtown Urban District**, where in addition to other uses permitted in LOD **and DT-4, DT-5, and DT-6**, live/work uses as defined by this Section are permitted as conditional uses subject to a finding by the Planning Commission that they meet the criteria in 302.55.3.b. below;
  - b. Properties within the City may be rezoned to the R-6 Live/Work District subject to a finding by the Planning Commission and City Council that such uses meet the following criteria:
    - I. Are of an appropriate scale for the transitional nature of the property;
    - II. Are compatible with the character of the area;
    - III. Do not generate excessive evening activity;
    - IV. Do not generate excessive traffic, noise or odor;
    - V. Do not negatively impact adjoining or abutting residential properties.

\* (Amended by Council 1/24/05)

\*\*\* (Further Amended by Council (9/24/12)

\*\* (Further Amended by Council 7/27/09)

4. Uses Permitted by Right:
  - A. Single-family, single family patio homes, duplexes and townhouses are permitted in the Live/Work District.
  - B. All uses permitted as home occupations in Section 302.63 Home Occupation Permitted Uses are permitted in the Live/Work District. Living or working spaces shall not be rented or sold separately.
  
5. Residential Character:

The design of the live/work units shall reflect a residential character as defined by the following criteria:

  - a.) Individual live/work units shall contain no more than 3,000 square feet of gross floor area;
  - b.) No more than 49% of the total gross floor area of the unit may be used for uses other than residential;
  - c.) The minimum lot area, height, site coverage, setback, side and rear yard requirements in R-6 shall apply to live/work units.
  
6. Landscaping:

Landscaping for all live/work units shall meet the requirements of Section 505.64.B.11, Buffer Landscaping and Other Landscaping for Patio Homes and Condominiums.
  
7. Parking:

A total of three (3) off street parking spaces shall be required for each live/work unit. One of these spaces may be a “valet” space; in other words, its access to a driveway or public street may be obstructed by the second space as long as it meets the size requirements for a parking space under Section 504, Parking and Loading.
  
8. Signs:

All signs for sites governed by this Section shall meet the provisions of Section 503, Sign Regulations, except that:

A total of eight (8) square feet of sign area may be attributed to each live/work unit. The signs shall be located on the building wall no higher than the first floor. Signs shall not be internally illuminated.

**302.6 Home Occupations. (\*)**

**302.61 Intent.** It is the intent of this ordinance to permit the use of their residences by citizens for employment under certain conditions, but also to ensure that surrounding residential areas are protected from adverse impacts of these commercial activities.

\* (Amended by Council 6/23/03)

**302.62 Conditions.** Home occupations are permitted in all zoning districts within the City of Spartanburg subject to the following conditions (conditions for home occupations within the R-15 Single Family District are defined below in Section 302.65):

- (a) a home occupation shall not significantly increase the traffic, noise, electrical interference, glare, dust, smoke, or odor which is normally found in its vicinity when such use is not in operation;
- (b) home occupations shall be conducted entirely within the principal building and shall be clearly incidental and secondary to the permitted principal use of the building;
- (c) the floor area used for the home occupation shall not exceed 20% of the total floor area of a dwelling unit except where lodging is provided for resident guests, and no one home occupation shall be operated in more than one dwelling unit;
- (d) no exterior evidence of the presence of a home occupation shall be permitted except as hereinafter provided; nor shall the presence of such incidental use change the exterior character of such dwelling unit;
- (e) there shall be no sales rooms or display window; nor shall any materials or supplies be stored in the open;
- (f) a name plate not exceeding one square foot in area may be used in connection with any use permitted by Section V, 503, below;
- (g) only members of the immediate family residing in the same dwelling unit may be employed in the operation of a home occupation, and one additional nonresident employee;
- (h) an off-street parking area shall be provided in compliance with Section V, 504;
- (i) no more than three (3) clients, patients, pupils or customers may be on the premise at any one time with the exception of family home day care as noted below.

**302.63 Permitted Uses.** The following are examples of home occupation uses permitted within the City of Spartanburg which meet the intent of this Section subject to compliance with the conditions of 302.62, above:

- (a) the office or studio of an accountant, architect, artist, attorney, author, ceramist, clergyman, engineer, interior designer, landscape architect, musician, photographer, dentist, physician or other licensed medical practitioner, teacher and practitioners in similar fields of service;
- (b) dressmaking, tailoring, millinery, home cooking, baking or preserving, and telephone or mail services;
- (c) beauty parlors, beauty salons or barber shops;
- (d) lodging, or boarding lodging, of not more than three resident guests;
- (e) telecommuting or "work at home" activities where employees of a business, located at another location, perform work for the business in their own residence, typically using a computer, provided all physical contact between the business and the employee occurs at the place of business and not the residence, other than the initial installation of any equipment or other work facilities; and
- (f) family home day care and babysitting services, not to exceed five (5) children.

**302.64 Prohibited Uses:**

The following uses are prohibited as home occupation uses within the City of Spartanburg:

- (a) Kennels, stables, veterinarian clinics/hospitals; medical and dental clinics, hospitals;
- (b) Restaurants, clubs, drinking establishments;
- (c) Motor vehicle/small engine repair;
- (d) Undertaking and funeral parlors;
- (e) Retail sales of goods not made on the premises;
- (f) Sexually oriented businesses.

**302.65 Home Occupations permitted within the R-15 Single Family District:**

Home occupation uses that meet all of the following criteria only are permitted in the R-15 Single Family District. The home occupation use must meet the criteria contained in Section 302.62 Conditions, above, except that:

- (a) The occupant of the residence and immediate family members residing in the same dwelling unit only may be engaged in the home occupation. No additional employees are permitted;
- (b) No exterior evidence of the use is permitted, including the prohibition of all signs, including name plate signs;
- (c) No clients, patients, pupils or customers may visit the premises.

Examples of home occupations permitted within the R-15 Single Family District which meet the above criteria are: telecommuting or “work at home” uses or other home office uses where client or customer contact on site is not necessary for the conduct of the business. Examples of home occupation uses which would not meet the above criteria and therefore would be prohibited in the R-15 District are: offices of dentists, physicians or other medical practitioners, beauty salons, beauty parlors, barber shops, lodging or boarding lodging and family home day care. Other uses that do not meet the above criteria are prohibited, as well as the uses described in Section 302.64 Prohibited Uses.

**302.66 Administration:**

Nothing in this section shall give the Zoning Administrator authority to grant a zoning permit for a home occupation which creates or causes to be created noises, noxious odors, or conditions injurious to the health, safety, morals, or welfare of the community. The Zoning Administrator, in the issuance of a zoning permit for such incidental use, shall determine that all prescribed conditions are met. Such permit shall be revoked upon a finding that any home occupation established under this Ordinance fails at any time to meet the requirements prescribed herein.

**302.67 License and Permits:**

Home occupations, subject to compliance with this Section, are permitted within the City of Spartanburg subject to the issuance of a business license. Prior to issuance of a business license for a home occupation use, the applicant must complete, sign and submit the Home Occupation Affidavit to the Zoning Administrator. The Home Occupation Affidavit affirms that the home occupation use meets the conditions above and is available from the Office of Community Enhancement. The Home Occupation Affidavit will be kept on file and may be used as a basis for periodic inspection of the use. Approval of the Home Occupation Affidavit by the Zoning Administrator shall constitute the granting of a zoning

permit for the home occupation use, subject to the conditions on the Affidavit.

**§ 303 USE REGULATIONS FOR BUSINESS, OFFICE, INSTITUTIONAL, AND INDUSTRIAL DISTRICTS.**

The following table describes the uses permitted in each Commercial, Office, Institutional/Public and Quasi-Public, Residential, and Industrial categories.

In any case where a use is not specifically referred to by the following table, its status under this Section shall be determined by the Zoning Administrator, by reference to the most clearly analogous use or uses has been so determined by the Zoning Administrator, such determination shall thereafter have general application to all uses of the same type.

Accessory uses customarily incidental to uses in the table are permitted in connection with such uses. Such accessory uses may include residences of caretakers and other such persons who must live in the area for the convenience of business and industry, and their dependents. A single family dwelling may be permitted as an accessory use to a principal commercial use provided the single family dwelling is located within the same building as the principal commercial use. The R-6 Live/Work District shall apply to all properties zoned LOD Limited Office District subject to meeting the requirements of Section 302.55 R-6 Live/Work District above. (\*)(\*\*)

**303.1 Interpretation of Table of Permitted Uses.**

<b>P:</b>	Permitted as Right
<b>SE:</b>	Permitted only by special exception under <u>Section VI, § 603.5</u> of this Ordinance
<b>CU:</b>	Conditional Use
<b>Blank Space:</b>	Not Permitted

**303.2 Conditional Use Determination in a Limited Commercial District: (\*\*\*)**

**A. Conditional Use Determination in a Limited Commercial District**

In order to meet the intent of the Limited Commercial District, land uses specifically identified in the table of permitted uses shall be permitted on a conditional basis, subject to a finding by the City Planning Commission that such uses:

- a) Are of an appropriate scale for the transitional nature of the property;
- b) Are compatible with the character of the area;
- c) Do not generate excessive evening activity;
- d) Do not generate excessive traffic, noise, or odor;
- e) Do not negatively impact adjoining or abutting residential properties; and
- f) Do not require exterior gas pumps or exterior storage of parts, supplies or inventory.

\* (Amended by Council 9/13/99)

\*\*\* (Amended by Council 7/25/05)

\*\* (Further Amended by Council 1/24/05)

B. Conditional Use Determination in a Limited Office District

In order to provide for limited commercial uses which are complementary to office uses in the Limited Office (LOD) District, the following LC conditional land uses (as shown in Table 303.5.A Commercial Uses):

- 26. Bookstore;
- 32. Cellular telephone sales;
- 37. Copy, blueprint, fax, engraving, and/or mail box center (commercial);
- 40. Delicatessen, coffee shop, and food specialty store;
- 48. Gift shop/jewelry store;
- 71. Office equipment and supply;

shall also be permitted as conditional uses within the LOD District, subject to a finding by the Planning Commission that such uses:

- a) Meet all of the criteria in 303.2.A. above for conditional uses;
- b) Within each site, are limited to a maximum of 50% of the total gross floor area of the 1<sup>st</sup> 6,000 square feet, plus 25% of each square foot of floor area above 6,000 square feet, up to a maximum square footage of 9,000 square feet of LC (Limited Commercial) conditional uses;
- c) Provide for buffers to adjacent less intense uses based on the buffer requirements of the LC conditional use;
- d) Meet all other setback and site requirements of the LOD District.

A mixed use site as described above may also be granted a reduction of up to 25% of the parking requirement for the LC conditional use, subject to a finding by the Planning Commission that the LC uses serve existing LOD tenants on the site and thus reduce the overall need for parking.

**303.3 Final Determination:** The Planning Commission shall make a final determination of approval as to a conditional use.

**303.4 Temporary Nature of the Use:** A conditional use shall be subject to review by the Planning Commission if the use ceases to be in conformity with the requirements of the Zone or in the event of change of ownership or change in the nature of the use.

**303.5 Conditional Use Determination in a B-3, General Business District: (\*)**

- 1. Allowing Residential, Single-Family, Patio Home, Condominium, and Two-Family Dwelling in a B-3, General Business District by Conditional Use if the following conditions are met:
  - a) The traffic count on the primary road that the proposed residential fronts cannot exceed 4,000 vehicles per day;
  - b) The applicant must provide a traffic analysis report, and if the traffic count is less than 1250 vehicles per day no additional review is required. If the count is greater than 1250 but less than 4000 then the applicant must seek Planning Commission approval. If the traffic vehicle count exceeds 4000 then residential, Single-Family, Patio Home, Condominium, and Two-Family Dwelling is not allowed; and
  - c) The minimum lot frontage is 50 ft with a 15 ft front setback, 20 ft rear setback, and 5 ft side yard setbacks.

\*Amended by Council 6/22/09

**303.6 TABLE OF PERMITTED USES (\*\*\*\*)(\*\*\*\*\*)**

<b>A. COMMERCIAL USES</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
1. Airport							SE	SE
2. Amusement Center, (inside) excluding video poker and video casinos				P		P	P	P
3. Amusement Park, Amusement Arcade, Kiddy Land, and Go-Carts (See also Fair, Carnival, Rodeo)					P	P	P	P
4. Animal Breeding and Sales, with no animals to be located within 500 feet of any residentially zoned property or fifty (50) feet from any property line							P	P
5. Animal Kennel - a fully enclosed building with soundproofed exterior walls in accordance with the Building Code for the temporary lodging and boarding of domestic house pets. Outdoor kennels and cages are permitted. Medical treatment, clipping, and grooming are permitted, as is retail sale of pet products and accessories (see Veterinary Clinic and Veterinary Hospital in Table B, 40 and 41 below)					P	P	P	P
6. Antique Store			P	P	P	P	P	P
7. Automatic Teller Machine (freestanding)		P	P	P	P	P	P	P
8. Auction House						P	P	P
9. Auto, Boat, and Farm Equipment Sales					P	P	P	P
10. Auto, Body Shop						P	P	P
11. Auto, Car Wash (Automatic) – No automatic car wash shall abut residentially zoned land and shall be at least 100 feet from any residential zone measured from property line to property line (See Section 108 for full definition)(**)(***)				P	P	P	P	P
12. Auto, Car Wash (Other than Automatic Car Wash as defined above) (*)(***)					P	P	P	P
13. Auto, Gas Station – Full or Self-Service				P	P	P	P	P
14. Auto, Oil Change Center				P	P	P	P	P
15. Auto, Parts Store				P	P	P	P	P
16. Auto, Racing								SE

\* (Further Amended by Council 4/8/86)

\*\* (Amended by Council 7/10/00)

\*\*\* (Further Amended by Council 6/11/01)

\*\*\*\* (Further Amended by Council 10/8/01)

\*\*\*\*\* (Further Amended by Council 6/22/09)

**Section 301 to 303: District Use Regulations**

<b>A. COMMERCIAL USES (CONTINUED)</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
17. Auto, Rental – rental of cars, trucks, and trailers with inventory is limited as follows: (1) no more than ten car can be parked on the property at one time; (2) no more than five trucks can be parked on the property at one time. No truck shall have more than two axles nor have a gross vehicle weight exceeding 32,000 lb.; (3) only trailers utilized for transporting a single car can be located on the property and no more than five trailers at one time				P				
18. Auto, Rental					P	P	P	P
19. Auto Repair (Heavy) – including but not limited to auto body/painting, and engine transmission/overhauls, and/or overnight storage of vehicles (**)					P	P	P	P
20. Auto Repair (Light) – including the purchase, service or replacement of such items such as: brakes, mufflers, tires, tune-ups, oil changes, air-conditioning systems, and/or small auto parts. The servicing of a vehicle is usually completed in one business day and has no outdoor storage (**)				P	P	P	P	P
21. Bank, Credit Union, Savings & Loan Association, Credit Bureau, Credit Counseling, Stock Broker, Finance Company, and other Financial Services (includes drive-in's)		P	P	P	P	P	P	P
22. Bar or Tavern (See also Dance Hall or Dance Club)				P	P	P	P	P
23. Beauty or Barber Shop		P	P	P	P	P	P	P
24. Boat and Farm Equipment Repair and Storage						P	P	P
25. Bingo Parlor				P	P	P	P	P
26. Bookstore (see Section 303.2) (***)		CU	CU	P	P	P	P	P
27. Bus Passenger Station (intercity)					P	P	P	P
28. Bus Shelters	P	P	P	P	P	P	P	P
29. Bus Terminal and Transfer Facility					P	P	P	P
30. Carpet Store				P	P	P	P	P
31. Caterer				P	P	P	P	P
32. Cellular Telephone Sales (see * below)* (also see Section 303.2) (***)		CU	CU	P	P	P	P	P
33. Clothing, sale or rental			CU	P	P	P	P	P
34. Clothing Storage Establishment			CU	P	P	P	P	P

\* (Amended by City Council 2/8/99)

\*\*\* (Amended by Council 7/25/05)

\*\* (Amended by City Council 12/11/00)

*Section 301 to 303: District Use Regulations*

<b>A. COMMERCIAL USES (CONTINUED)</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
35. Convenience Store				P	P	P	P	P
36. Convenience Store With Gas Pump(s)				P	P	P	P	P
37. Copy, Blueprint, Fax, Engraving, and/or Mail Box Center (commercial) (see Section 303.2) (***)		CU	CU	P	P	P	P	P
38. Courier/Messenger Service		P		P	P	P	P	P
39. Dance Hall or Dance Club				P	P	P	P	P
40. Delicatessen, Coffee Shop, and Food Specialty Store (**)(see Section 303.2)(***)		CU	CU	P	P	P	P	P
41. Dry Cleaner				P	P	P	P	P
42. Drug Store			CU	P	P	P	P	P
43. Exterminator and Outdoor Building Cleaners						P	P	P
44. Fair, Carnival, Rodeo, etc.						P	P	P
45. Farmers Market						P	P	P
46. Flea Market and Open Air Retail Sales					P	P	P	P
47. Furniture and Piano Store (**)			CU	P	P	P	P	P
48. Gift Shop/Jewelry Store (*) (see Section 303.2) (***)		CU	CU	P	P	P	P	P
49. Greenhouse, Nursery, or Farm and Garden Supply				P	P	P	P	P
50. Grocery Store or Retail Bakery				P	P	P	P	P
51. Hardware Store			CU	P	P	P	P	P
52. Health Club (commercial)				P	P	P	P	P
53. Heliport					P	P	P	P
54. Hotel/Motel				P	P	P	P	P
55. Indoor Racquet Courts (See also Tennis Club)				P	P	P	P	P
56. Insurance Company or Agency		P	P	P	P	P	P	P
57. Janitorial Service (indoor storage only)				P	P	P	P	P
58. Laboratory, medical or dental		P		P	P	P	P	P
59. Laundry Pick Up Station		P		P	P	P	P	P
60. Laundromat				P	P	P	P	P
61. Liquor Store				P	P	P	P	P
62. Locksmith				P	P	P	P	P
63. Machinery Sales				P	P	P	P	P
64. Manufactured and Modular Homes, and RVs, sale or rental						P	P	P
65. Miniature Golf and Batting Cages				P	P	P	P	P
66. Mini-warehouses – Self Storage Facility				SE	P	P	P	P
67. Monument Sales, with incidental processing to order but excluding the shaping of stones and similar processes					P	P	P	P
68. Motorcycle Service and Sales				P	P	P	P	P
69. Movie Theater, indoor				P	P	P	P	P
70. Movie Theater, outdoor					P	P	P	P
71. Office Equipment and Supply (see Section 303.2) (***)		CU	CU	P	P	P	P	P

\* (Amended by City Council 2/14/00)

\*\*\* (Amended by City Council 7/25/05)

\*\* (Amended by City Council 5/24/04)

*Section 301 to 303: District Use Regulations*

<b>A. COMMERCIAL USES (CONTINUED)</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
72. Parcel and Express Delivery Service (Also see Post Office)					P	P	P	P
73. Paint Store				P	P	P	P	P
74. Parking Garage (commercial)								
75. Pawn Shop				P	P	P	P	P
76. Personal Services – including but not limited to the following: tailor, dressmaker, travel agency, photographer, and diet centers		P	P	P	P	P	P	P
77. Pet Shop				P	P	P	P	P
78. Photography Studio		P	P	P	P	P	P	P
79. Plumbing and Heating Supply (see Industrial Section)								
80. Pool Hall and Bowling Alley				P	P	P	P	P
81. Railroad Passenger Station						P	P	P
82. Rental of Equipment				P	P	P	P	P
83. Repair Shop (inside, small items) - excluding auto, boat, farm equipment or other large items			CU	P	P	P	P	P
84. Repair Shop (outside, small items) - excluding auto, boat, farm equipment or other large items						P	P	P
85. Repair Shop (inside, large items) - excluding auto, boat, farm equipment or other large items					P	P	P	P
86. Repair Shop (outside, large items) - excluding auto, boat, farm equipment or other large items						P	P	P
87. Restaurant - meeting all applicable health standards and located principally within a structure having historical or architectural significance. The exterior facade of the building shall not be altered but may be rehabilitated provided the architecture is not changed. A building is deemed to be of historical significance if it is eligible to be placed on the National Register of Historic Places and is of architectural significance if its design is an example of Romanesque, Gothic, Medieval, Renaissance, Victorian, American Colonial, Greek Revival, French (country and formal), English (half timber and cottage) or Spanish.		SE						
88. Restaurant				P	P	P	P	P
89. Retail Store				P	P	P	P	P
90. Sexually Oriented Business (See Section 511 for requirements)							P	P
91. Shoe Repair				P	P	P	P	P
92. Skating Rink (commercial)				P	P	P	P	P
93. Tanning Salon		P	P	P	P	P	P	P
94. Taxi dispatching station and terminals					P	P	P	P
95. Tennis Club (See also Indoor Racquet Courts)				P	P	P	P	P

*Section 301 to 303: District Use Regulations*

<b>A. COMMERCIAL USES (CONTINUED)</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
96. Truck or Rail Freight Yard or Terminal						P	P	P
97. Shopping Center/Mall (60,000 sq. ft. or above)				P	P	P	P	P
98. Strip Shopping Center (60,000 sq. ft. or below)				P	P	P	P	P
99. Video Casinos (See Section 512 for requirements and • below)							P	P
100. Video Store				P	P	P	P	P

<b>B. OFFICE, INSTITUTIONAL/PUBLIC AND QUASI-PUBLIC USES</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
1. Assisted Living Facility	P	P		P	P	P		
2. Auditorium, Convention Center, Coliseum, and/or Stadium (indoor or outdoor)	P	P			P	P	P	P
3. Cemeteries, Pet Cemeteries, Mausoleums, Memorial Gardens and Columbariums, provided, however that columbariums and memorial gardens may be permitted only in Zone D-T4, D-T5, or D-T6 if ancillary to a cemetery established prior to the adoption of the Zoning Ordinance on August 6, 1973	P			P	P	P	P	P
4. Children’s Home or Shelter	P							
5. Church, Synagogue, or Mosque, and other places of worship	P		P	P	P	P	P	P
6. Club or Lodge	P			P	P	P	P	
7. College or University	P			P	P	P		
8. Communication Towers and Antennas as defined in the Zoning Ordinance and to include freestanding, building-mounted, and stealth towers/antennas	SE	SE	SE	SE	P	P	P	P
9. Community Center	P	P	P	P	P	P	P	
10. Convention Center				P	P	P	P	P
11. Day Care Center/Kindergarten (child or adult)	P	P	P	P	P	P	P	
12. Dental Office		P	P	P	P	P	P	P
13. Doctor Office		P	P	P	P	P	P	P
14. Drug and Alcohol Treatment Center	P			P	P	P	P	P
15. Emergency Medical Service Station	P	P		P	P	P	P	P
16. Fire or Police Station				P	P	P	P	P
17. Funeral Home, Mortuary, or Crematorium		P		P	P	P	P	P
18. Golf Course and/or Driving Range		P		P	P	P	P	P
19. Government buildings, <b>except</b> garages, repair, or storage yards, industrial type operations or operations requiring heavy and frequent movement of trucks. The use shall permit occasional shows such as coin, antique, card, and similar activities as incidental uses	P	P	P	P	P	P	P	P

\* (Amended by Council 9/13/99)

*Section 301 to 303: District Use Regulations*

<b>B. OFFICE, INSTITUTIONAL/PUBLIC AND QUASI-PUBLIC USES</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
20. Government buildings, <b>including</b> garages, repair, or storage yards, industrial type operations or operations requiring heavy and frequent movement of trucks. The use shall permit occasional shows such as coin, antique, card, and similar activities as incidental uses				P	P	P	P	P
21. Gymnasium, institutional (also see Health Club)	P	P		P	P	P	P	P
22. Hospital	P			P	P	P	P	P
23. Interior design and decorative art galleries if located within a structure having historical or architectural significance. The exterior facade of the building shall not be altered but may be rehabilitated provided the architecture is not changed. A building is deemed to be of historical significance if it is eligible to be placed on the National Register of Historic Places and is of architectural significance if its design is an example of Romanesque, Gothic, Medieval, Renaissance, Victorian, American Colonial, Greek Revival, French (country and formal), English (half timber and cottage) or Spanish.		SE	P	P	P	P	P	P
24. Jail								
25. Library	P	P	P	P	P	P	P	P
26. Massage Therapy, Therapeutic Steam Bath, or Day Spa		P		P	P	P	P	P
27. Museum	P	P	P	P	P	P	P	P
28. Nursing Home or Convalescent Center	P	P		P	P	P		
29. Office: professional, business, administrative, executive, and other offices having no storage of stock in trade (other than samples) or heavy equipment, and no sales of commodities on the premises		P	P	P	P	P	P	P
30. Park, Athletic Field, Botanical Garden, Playground, public or private	P	P	P	P	P	P	P	P
31. Public Utility Transmission and Distribution Lines, Transmission Stations, Substations, Electric Transmission Towers, Water Tanks, Water Towers, and Telephone Exchange, but <i>not</i> Service or Storage Yards, <i>not</i> Cellular or Personal Communication Services Communication Towers	P	P		P	P	P	P	P

*Section 301 to 303: District Use Regulations*

<b>B. OFFICE, INSTITUTIONAL/PUBLIC AND QUASI-PUBLIC USES</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
32. Radio and Television Stations with on-site transmitting/receiving towers or antennas. No towers or antennas shall be permitted in Zone D-T4, D-T5, or D-T6 if the tower or antenna constitutes the principal use of the property		P			P	P	P	P
33. Radio and Television Stations and Studios excluding transmitting/receiving towers or antennas		P		P	P	P	P	P
34. Research and Development Facility		P		P	P	P	P	P
35. School, Beauty, Music, Art, or Dance		P		P	P	P	P	P
36. School, Elementary, Junior High, or High School	P			P	P	P	P	P
37. School, Trade, Vocational, or Business	P			P	P	P	P	P
38. Soup Kitchens*						SE		
39. Theater, indoor or outdoor, and/or Artistic Programs and Events (excluding motion picture theaters)	P	P	P	P	P	P	P	
40. Utility Company Offices		P	P	P	P	P	P	P
41. Veterinary Clinic - (a fully enclosed building) used for the medical treatment of domestic house pets and allowing for their overnight treatment and/or observation until the veterinary doctor releases the same. <u>Outdoor kennels and cages are not permitted.</u> The overnight lodging of pets, if not medically necessary, is prohibited, as are clipping (except where medically necessary), grooming, and retail sale of pet products and accessories (See Animal Kennels under Section 303.5. Commercial Uses)		P		P	P	P	P	P
42. Veterinary Hospital – the same as number 40, Veterinary Clinic above, except that both indoor and outdoor lodging of animals, as well as exterior kennels are permitted.					P	P	P	P

\*(Amended by City Council 7/26/10)

**Section 301 to 303: District Use Regulations**

<b>C. RESIDENTIAL USES</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
1. Residential, Single-Family, and Patio Home (*)(**)(***)(*****)(*****)	P	P(°)	P		CU			
2. Condominium (**)(****)(*****)	P	P(°)	P		CU			
3. Residential, Two Family Dwelling (*****) (*****)	P	P	P		CU			
4. Residential, Multifamily				P	P	P		
5. Bed and Breakfast - meeting all applicable health standards and located principally within a structure having historical or architectural significance. The exterior of the facade of the building shall not be altered but may be rehabilitated provided the architecture is deemed to have architectural and historical significance or if it is listed on the National Register of Historic Places or if its design is an example of Romanesque, Gothic, Medieval, Renaissance, Victorian, American Colonial, Greek Revival, French (country and formal), English (half timber and cottage) or Spanish (*)		SE	P					
6. Boarding or Rooming House					P	P		
7. Convent and Monastery	P							
8. Fraternity or Sorority (off campus)	P			P	P	P	P	P
9. Group Home	P		P	P	P	P	P	P
10. Mobile Home Park					P	P		
11. Live/Work Uses (***)(*****)		CU						

° – Patio homes and condominiums are permitted as a conditional use, with a minimum lot area of four thousand (4,000) square feet. See Sections 403.1.N and 303.2.

\* (Amended by Council 5/14/01)

\*\* (Further Amended by Council 11/25/02)

\*\*\* (Further Amended by Council 1/24/05)

\*\*\*\* (Further Amended by Council 1/22/07)

\*\*\*\*\* (Further Amended by Council 6/22/09)

\*\*\*\*\* (Further Amended by Council 7/27/09)

*Section 301 to 303: District Use Regulations*

<b>D. INDUSTRIAL USES</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
1. Auto Holding Area - an area used by a wrecker service approved by the Spartanburg Public Safety Department for the storage of wrecked and disabled vehicles for a period not to exceed twenty (20) days from the date the vehicle was towed to the area by the wrecker service.				P	P	P	P	P
2. Auto Storage Yard - provided such storage yard is totally enclosed with sight proof screening such as a fence with slats and/or preferably natural vegetation. Gates and doors shall be of sight proof construction as well. Maximum storage period shall be 90 days after which time the vehicles shall be removed from the premises. Under unusual circumstances, the Zoning Administrator and/or Chief of Police may extend the holding period.								P
3. Bottling Works and Wholesale Beverage Distributor						P	P	P
4. Building, electrical, plumbing, and mechanical supplies and materials, glass sales and installation <u>without outside storage</u> of lumber, bricks, cement blocks, or other materials					P	P	P	P
5. Building, electrical, plumbing, and mechanical supplies and materials, glass sales and installation <u>with outside storage</u> of lumber, bricks, cement blocks, or other materials						P	P	P
6. Candy Products and Manufacture						P	P	P
7. Clothing Manufacture (finished product-assembling garment)						P	P	P
8. Cold Storage Facility						P	P	P
9. Commercial Laundry Plant, or dyeing or diaper service						P	P	P
10. Dairy Products processing, bottling, and distribution, cream manufacture, all wholesale basis						P	P	P
11. Electric Equipment Assembly							P	P
12. Food Processing, in wholesale quantity except for meat, fish, poultry, vinegar and yeast						P	P	P
13. Furniture Manufacturing							P	P
14. Handicrafts, manufacture and sale at retail or wholesale of those handicrafts which are manufactured predominantly by hand and involve the application of artistic skill					P	P	P	P

*Section 301 to 303: District Use Regulations*

<b>D. INDUSTRIAL USES (CONTINUED)</b>	<b>GID</b>	<b>LOD</b>	<b>LC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
15. Gunsmith					P	P	P	P
16. Ice Manufacture						P	P	P
17. Industrial Research					P	P	P	P
18. Leathergoods Manufacture							P	P
19. Junkyard								SE
20. Light mechanical or industrial operations not offensive, obnoxious, or detrimental to neighboring uses by reason of dust, smoke, noise, odor, vibration, or effluents.							P	P
21. Light Sheet Metal Products such as ventilating ducts and eaves							P	P
22. Lumberyard						P	P	P
23. Machine Shop							P	P
24. Meat Processing and Packing, <u>excluding slaughter</u>								P
25. Newspaper or Magazine, publishing or distribution					P	P	P	P
26. Optical and Scientific Instrument Manufacture					P	P	P	P
27. Outside Storage, heavy materials and equipment							P	P
28. Pharmaceutical Manufacture						P	P	P
29. Pottery and Porcelain Manufacture							P	P
30. Public Utility Storage Yard				P	P	P	P	P
31. Recycling Center						P	P	P
32. Roofing and Tinsmith Shop				P	P	P	P	P
33. Sign Manufacture							P	P
34. Solid and Hazardous Waste Transfer Facility							P	P
35. Tobacco Manufacture and Storage							P	P
36. Textile Manufacture							P	P
37. Tire Recapping and Retreading							P	P
38. Warehouse, or Moving and Storage Establishments						P	P	P
39. Welding Shops						P	P	P
40. Wholesaling or Distribution, including the handling of stock and incidental retail					P	P	P	P
41. Wholesale Bakery							P	P

**303.7 TABLE OF PERMITTED USES, EXCLUSIVE TO ZONE I-2 (\*)**

<b>Heavy Industrial District</b>	<b>I-2</b>
1. Heavy Mechanical or Industrial Operation that is not offensive, obnoxious, or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor, or effluents; <u>OR</u> a use not specifically listed as a special exception or prohibited use.	P
2. Asphalt manufacturing or refining or preparation except when incidental to construction	SE
3. Coal tar or mineral dye manufacture or tar distillation (except as by-products of public utility gas or power manufacture; and the products or by-products of any plant which furnishes gas, gas material or power to a public utility or for public distribution	SE
4. Fuels and Chemicals – outdoor storage of fuels, chemicals (whether in tanks or other containers) except as incidental or accessory to other permitted uses.	SE
5. Junk yards providing all conditions set below are met: (i) no material shall be placed in any junk yard in such a manner that it is capable of being transferred out of the junk yard by wind, water, or other causes; (ii) any land or structure which has not been used as a junk yard, or whose use as a junk yard has been abandoned for a period of at least three months shall not be used as a junk yard except by special exception under Section VI of this ordinance; (iii) all paper, rags, cloth and other fibers, and activities involving the same, and other than loading or unloading, shall be within fully enclosed buildings; and (iv) in order to lessen the adverse effects of adjoining property, reduce wind blown trash, prevent hazards to children, and create a more healthful environment, suitable screening such as a screen planting or fencing will be required as a condition set in approving a junk yard as a special exception.	SE

**303.8 TABLE OF PROHIBITED USES (\*)**

<b>The Following Are Prohibited Uses Within The Corporate Limits Of The City Of Spartanburg, SC</b>
1. Acid Manufacturer
2. Celluloid or pyroxylin manufacture or explosive or inflammable cellulose or pyroxylin products manufacturer
3. Cement, lime gypsum, or plaster of Paris manufacture
4. Creosote manufacture or treatment
5. Distillation of bones
6. Emery cloth, sand paper, carborundum or pumice manufacturer
7. Explosives, manufacturer or storage
8. Fertilizer manufacturer from organic materials or its compounding for sale
9. Garbage, offal, or dead animal reduction or dumping
10. Gas manufacturer
11. Glue manufacture
12. Manufacture of poison gases, bleaching powder, or chlorine except as incidental to other permitted uses
13. Nitrating processes
14. Petroleum refining
15. Pulp manufacturer or any other operation, which releases obnoxious odors.
16. Rendering
17. Stock yards or slaughter of animals
18. Wood distillation

\*(Amended by Council 6/22/09)

**SECTION IV:  
DISTRICT AREA AND DIMENSIONAL REQUIREMENTS**

**§ 401 AREA AND DIMENSIONAL REQUIREMENTS.**

The following table of area and dimensional requirements, and other regulations contained in this Section are adopted as the basic area and dimensional requirements. Read across the chart opposite the specific zone district in question. The area and dimensional requirements for that zone district will appear in the appropriate column. If a letter appears in the column, the requirement is listed under the corresponding letter in Subsection 403 of this Ordinance.

*Section IV: District Area and Dimensional Requirements*

**§ 401 - (A) Table of Area and Dimensional Requirements By District**

These Standards Apply Only to One Residential Structure on a Zoning Lot (\*8)

**MINIMUM YARD REQUIREMENTS**

Zoning District	Max. Bldg. Height (Feet)	Min. Lot Area (Square Ft.)	Min. Lot Per Dwelling Unit (Square Ft.)	Min. Lot Width At Lot Line For Lots Not On The Radius Of A Cul-De-Sac (Ft.) (*9)	Min. Lot Width At Front Bldg. Line On The Radius Of A Cul-De-Sac (Ft.) (*9)	Max. Bldg. Coverage (As a %)	FRONT	REAR	INTERIOR SIDE (*1)	STREET SIDE (*2)	Max. Gross Floor Area
<b>R-15</b>	35/A	15,000	15,000	90	80	25 (*16)	40/B	40	15/M (*11)	15/C	
<b>R-12</b>	D	12,000	10,000	80	80	35 (*16)	35/B	30	10	15/C	
<b>R-8 SFD</b> (*10)	D	8,000		60	50	40 (*16)	30/B	30	8	15/C	
<b>R-8</b>	D	8,000	6,000	60	50	40 (*16)	30/B	30	8	15/C	
<b>R-6</b> (*14)	D	4,000	2,000/F	50	50	50	15/B	20	5	15/C	
<b>GID/LOD</b> (*13)	E	4,000/N (*5)(*14)	2,000 (*5)	50 40	50 40	50/G 50/G (*6)	25/H 15	15/L 15/L (*5)	10/L 5 (*5)	15/C 15/C (*4)	
<b>LC</b> (*12)	35/A	21,780 Or ½ Acre				•	35	30	10	10/C	
<b>B-1</b>	35/A		1,800		50		25	10	5/I	15/J	K
<b>B-3</b>			800		50		15			10/J	K
<b>B-4</b>			800		50		25			10/J	K
<b>I-1</b>							25	15	15	25	K
<b>I-2</b>							25	15	15	25	K
<b>D-T4 D-T5 D-T6</b>	<b>For Area and Dimensional Requirements in Downtown Urban Districts, see §§515.3.3 – 3.6</b>										

**LEGEND:** Letters A thru N are defined in Subsection 403.1      **BLANK SPACE:** No requirement.      **Note: “Spacing Of Structures”** - See Subsection 501.13 (B)(6)

- No individual structure shall have a floor area greater than 12,000 square feet.

\*1 - **INTERIOR SIDE:** A side yard not abutting a street right-of-way.

\*2 - **SIDE STREET:** A side yard that abuts a street right-of-way.

\*3 (Amended by Council 9/8/75)

\*4 (Further Amended by Council 11/21/77)

\*5 (Further Amended by Council 10/2/78)

\*6 (Further Amended by Council 3/12/79)

\*7 (Further Amended by Council 5/5/80)

\*8 Further Amended by Council 3/23/81

\*9 (Further Amended by Council 9/5/89)

\*10 (Further Amended by Council 2/10/92)

\*11 (Further Amended by Council 5/11/98)

\*12 (Further Amended by Council 12/12/94)

\*13 (Further Amended by Council 10/8/01)

\*14 (Further Amended by Council 11/25/02)

\*15 (Further Amended by Council 1/27/03)

\*16 (Further Amended by Council 11/22/04)

*Section IV: District Area and Dimensional Requirements*

**§ 401 - (B) Table of Area Dimensional Requirements By District**

**These Standards Apply to One or More Commercial Buildings on a Zoning Lot (\*8)**

Zoning District	Max. Bldg. Height (Feet)	Min. Lot Area (Square Ft.)	Min. Lot Per Dwelling Unit (Square Ft.)	Min. Lot Width at Lot Line for Lots <u>Not</u> on the Radius of a Cul-De-Sac (Ft.)(*9)(*15)	Min. Lot Width at Front Bldg. Line on the Radius of a Cul-De-Sac (Ft.) (*9)	Max. Bldg. Coverage (As a %)	FRONT	REAR	INTERIOR SIDE (*1)	STREET SIDE (*2)	Max. Gross Floor Area
<b>GID/LOD</b> (*13)(*14)	E	6,000 (*5)	4,000 (*5)	100	50	50/G (*6)	25/H	15/L (*5)	10/L (*5)	15/C (*4)	
<b>LC</b> (*12)	35/A	21,780 Or ½ Acre		100	50	•	35	30	10	10/C	
<b>B-1</b>	35/A		1,800	100	50		25	10	5/I	15/J	K
<b>B-3</b>			800	100	50		15			10/J	K
<b>B-4</b>			800	100	50		25			10/J	K
<b>I-1</b>				100	50		25	15	15	25	K
<b>I-2</b>				100	50		25	15	15	25	K
<b>D-T4</b> <b>D-T5</b> <b>D-T6</b>	<b>For Area and Dimensional Requirements in Downtown Urban Districts, see §§515.3.3 – 3.6</b>										

**LEGEND:** Letters A thru M are defined in Subsection 403.1

**BLANK SPACE:** No requirement.

**Note: “Spacing Of Structures” -** See Subsection 501.13 (B)(6)

• **No individual structure shall have a floor area greater than 12,000 square feet.**

\*1 - **INTERIOR SIDE:** A side yard not abutting a street right-of-way.

\*2 - **SIDE STREET:** A side yard that abuts a street right-of-way.

**§ 402 - Standards For Group Housing Projects**

**Two or More Residential Structures on a Zoning Lot (\*\*\*)**

**Site Plan Review Required (See Section 501.13)**

DISTRICT	MINIMUM PROJECT AREA	MIN. LOT AREA PER DWELLING UNIT (SQ. FT)	MINIMUM LOT WIDTH (IN FEET)	USABLE OPEN SPACE REQ. PER DWELLING UNIT (SQ. FEET) •	MINIMUM FRONT YARD DEPTH (IN FEET)	MINIMUM REAR YARD DEPTH (IN FEET)	MINIMUM SIDE YARD DEPTH (IN FEET)	MAXIMUM AREA COVERED BY ALL BUILDINGS (IN %)
<b>GROUP HOUSING PROJECTS</b>	4 ACRES OR MORE	R-12 -- 7,000	100 ft.	1,700	35 ft.	30 ft.	10 ft.	40 % OF TOTAL LOT AREA
<b>GROUP HOUSING PROJECTS, R-6, R-8, B-1 (*)</b>	2 ACRES	R-8 – 5,000 R-6 – 2,500 B-1 – 1,500 (*)	100 ft.	R-8 – 1000 R-6 – 750 B-1 – 450 (*)	35 ft.	30 ft.	10 ft.	50% OF TOTAL LOT AREA
<b>GROUP HOUSING PROJECTS, D-T4, D-T5, D-T6, B-3, B-4</b>	NONE	D-T4, D-T5, D-T6 – None B-3 – 750 B-4 – 750 (**)		D-T4, D-T5, D-T6 – 50 B-3 – 75 B-4 – 100	0 ft. 15 ft. 15 ft.	0 ft. 10 ft. 10 ft.	0 ft. 10 ft. 10 ft.	

• **USABLE OPEN SPACE:** is that required portion of a group housing project at ground level unoccupied by a principal or accessory buildings available to all occupants of the project. This space of minimum prescribed dimensions shall be unobstructed to the sky and shall not be devoted to roads, service driveways, parking areas, and/or loading berths, but shall be usable for greenway, recreation and other leisure activities normally carried on outdoors.

Note: **“Spacing Of Structures”** - See Subsection 501.13 (B)(6)

For Use Standards in Downtown Urban Districts D-T4, D-T5, and D-T6, see §515.3.1.4

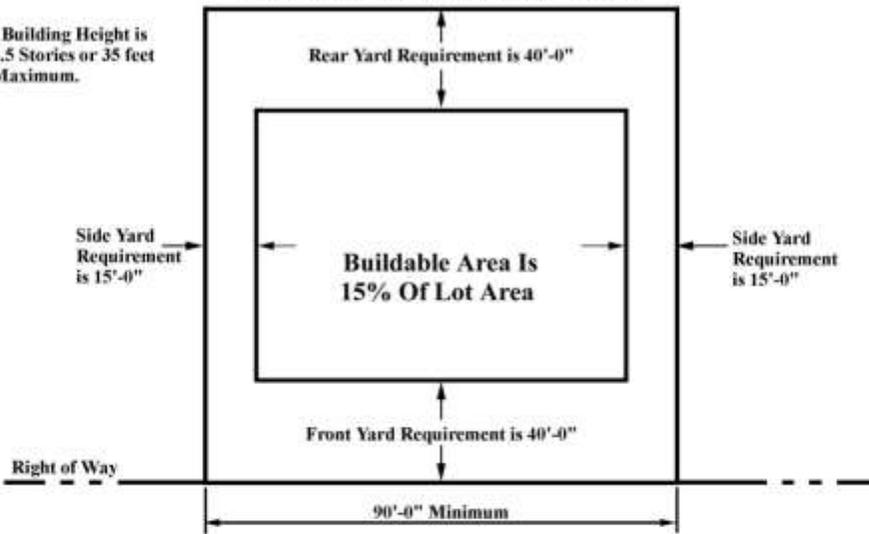
\* (Amended by Council 11/21/77) \*\* (Further Amended by Council 5/5/80)

\*\*\* (Further Amended by Council 3/23/81)

### **R-15 SINGLE FAMILY**

Lot Area Is 15,000 SQ. FT. Minimum

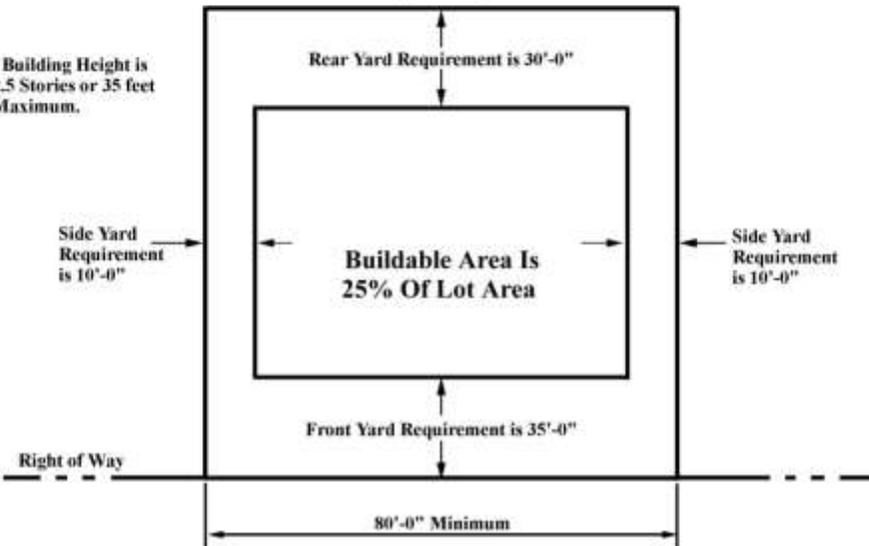
NOTE: Building Height is 2.5 Stories or 35 feet Maximum.



### **R-12 SINGLE FAMILY**

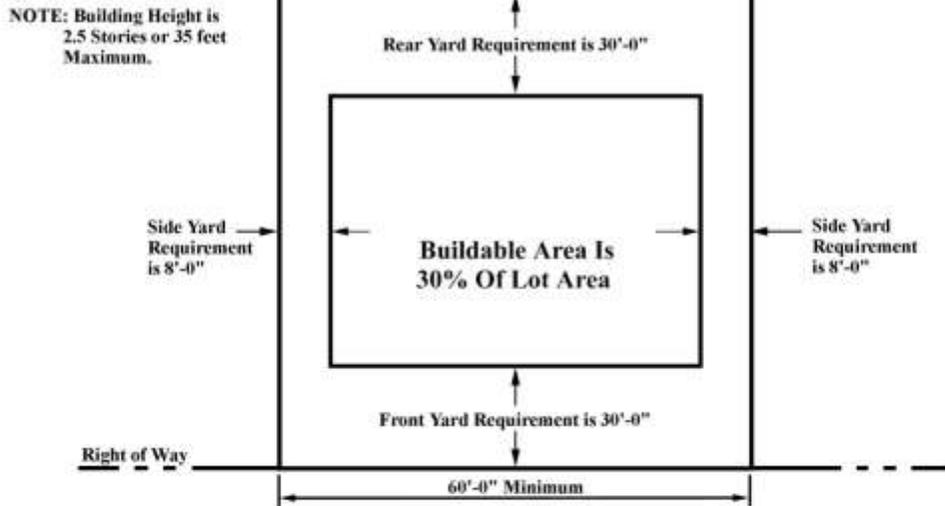
Lot Area Is 12,000 SQ. FT. Minimum

NOTE: Building Height is 2.5 Stories or 35 feet Maximum.



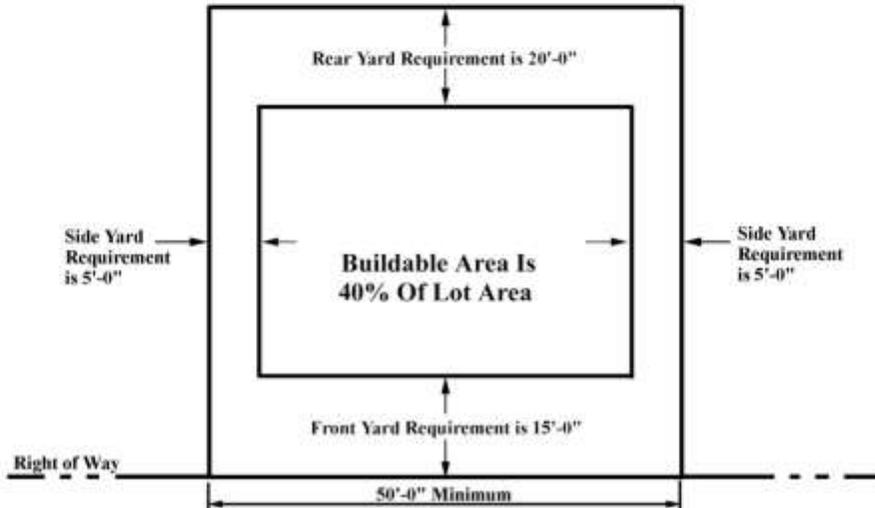
## **R-8 SINGLE FAMILY**

Lot Area Is 8,000 SQ.FT. Minimum



## **R-6 SINGLE FAMILY**

Lot Area Is 4,000 SQ.FT. Minimum

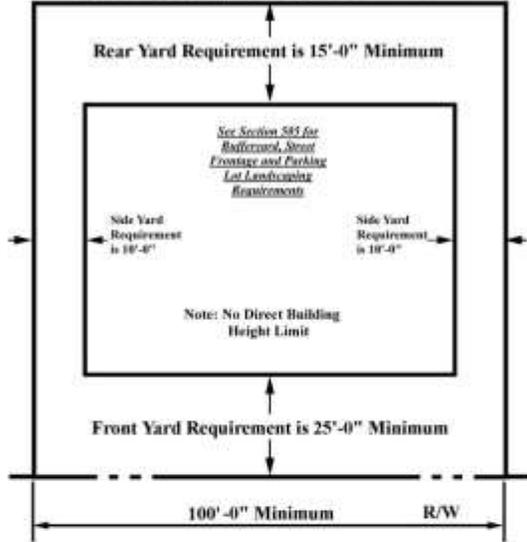


\* (Amended by Council 11/25/02)

## GID (General Institutional District) & LOD (Limited Office District)

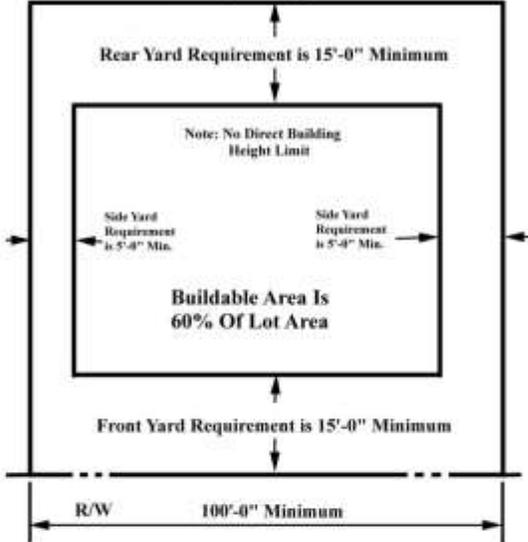
### Office & Institutional Uses

Lot Area is 6,000 SQ.FT. Minimum



### Residential Uses

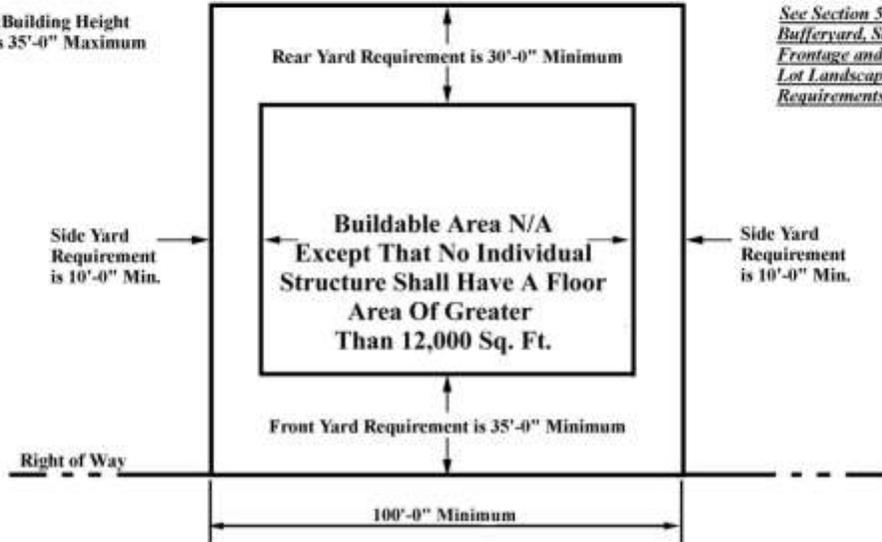
Lot Area is 4,000 SQ.FT. Minimum



## LC (Limited Commercial)

Lot Area is 21,780 SQ.FT. Minimum (.5 Acre)

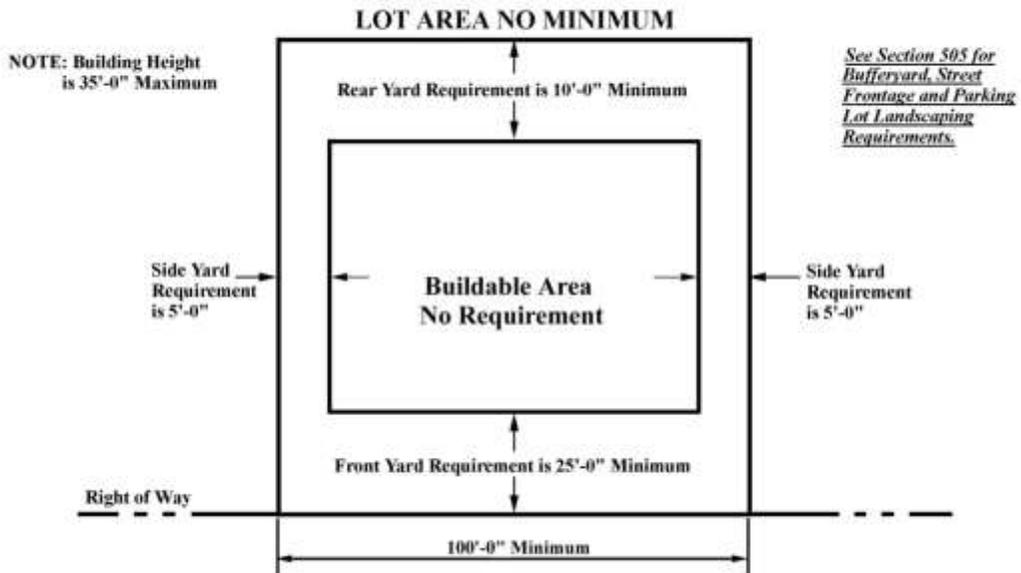
NOTE: Building Height is 35'-0" Maximum



\* (Amended by Council 11/25/02)

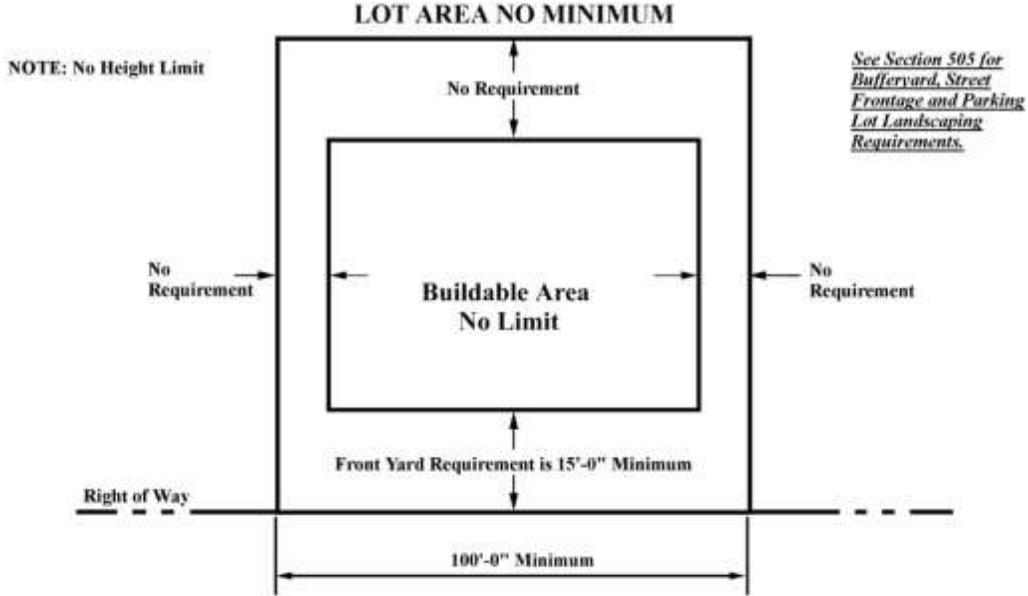
\*\* (Further Amended by Council 1/27/03)

### **B-1 (Neighborhood Shopping)**

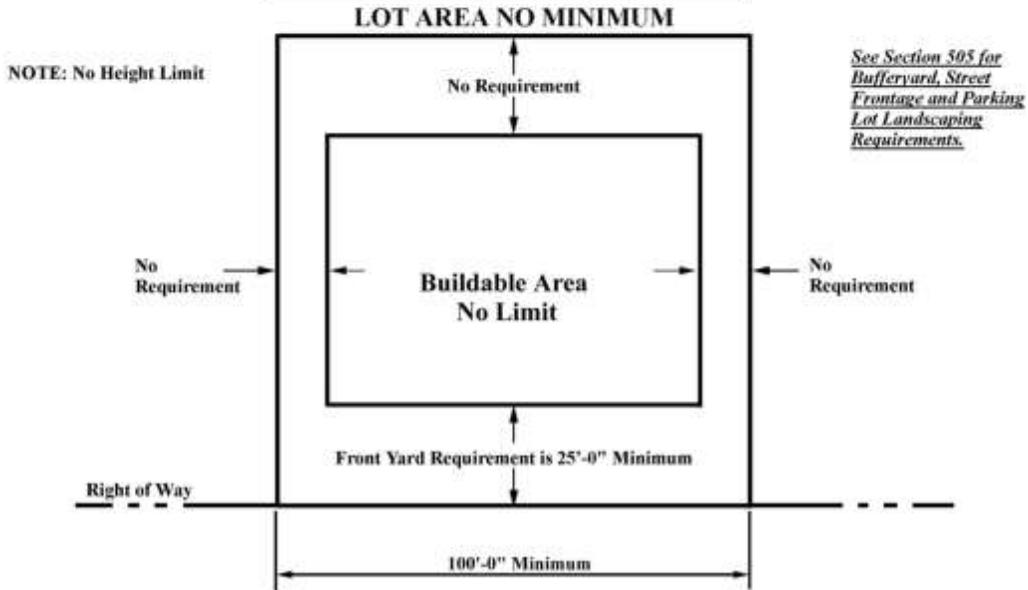


\* (Amended by Council 1/27/03)

### **B-3 (General Business)**



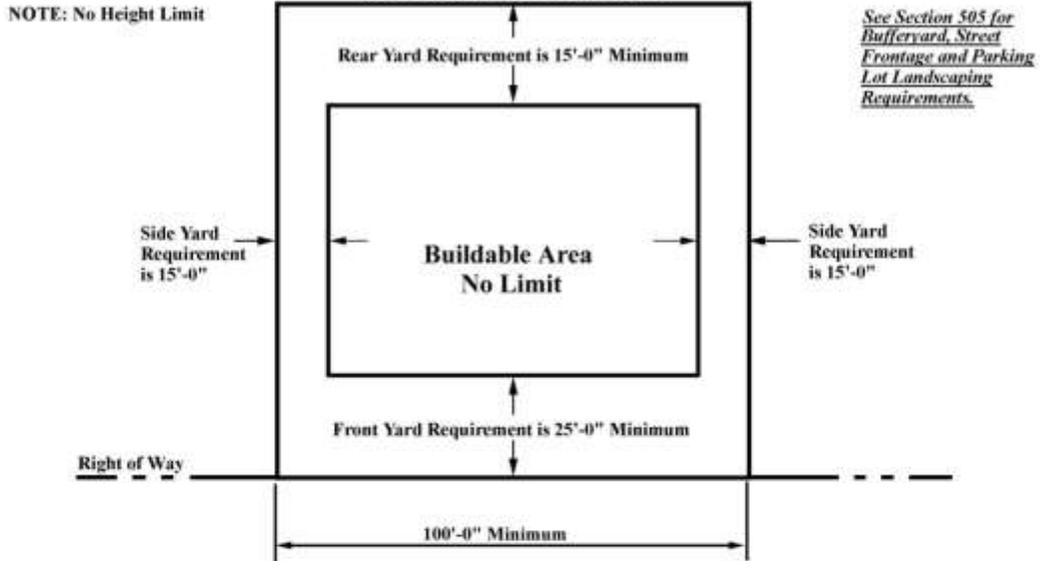
### **B-4 (Heavy Commercial)**



\* (Amended by Council 1/27/03)

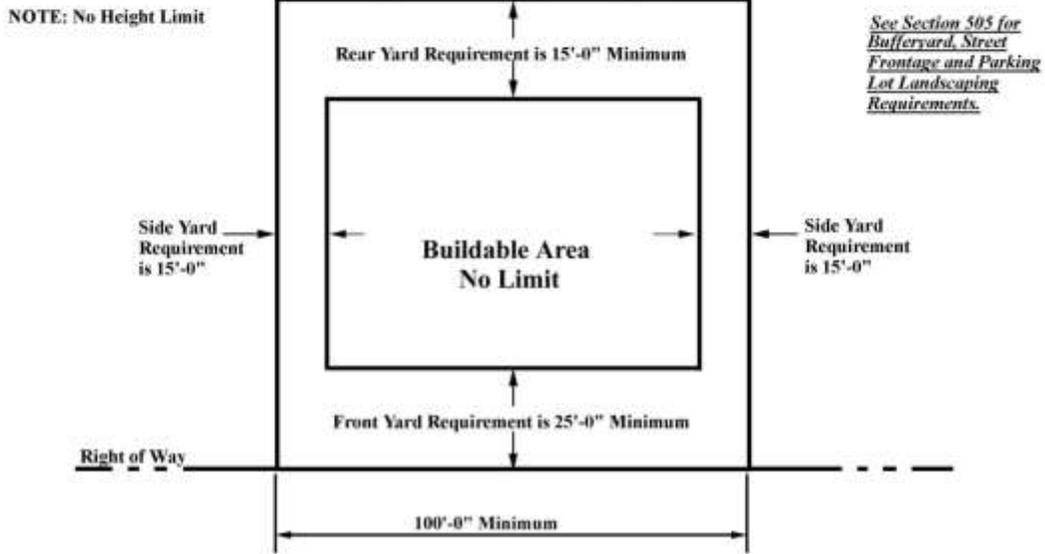
### **I-1 (Light Industrial)**

LOT AREA NO MINIMUM



### **I-2 (Heavy Industrial)**

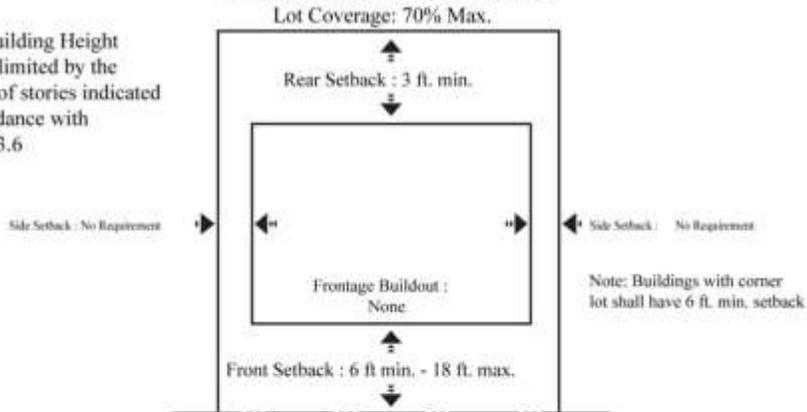
LOT AREA NO MINIMUM



\*(Amended by Council 1/27/03)

**D-T4 (Downtown Urban Code)**

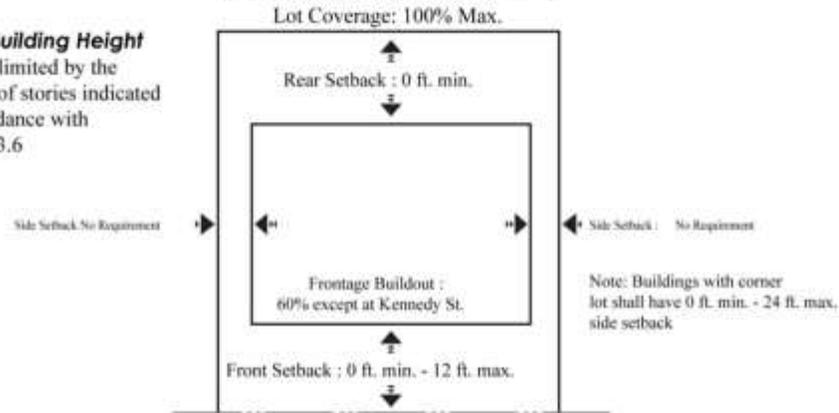
Note: Building Height shall be limited by the number of stories indicated in accordance with Section 3.6



See Section 3.3 of Downtown Code for Bufferyard, Outbuilding Standards, Private Frontages, and Parking Provisions

**D-T5 (Downtown Urban Code)**

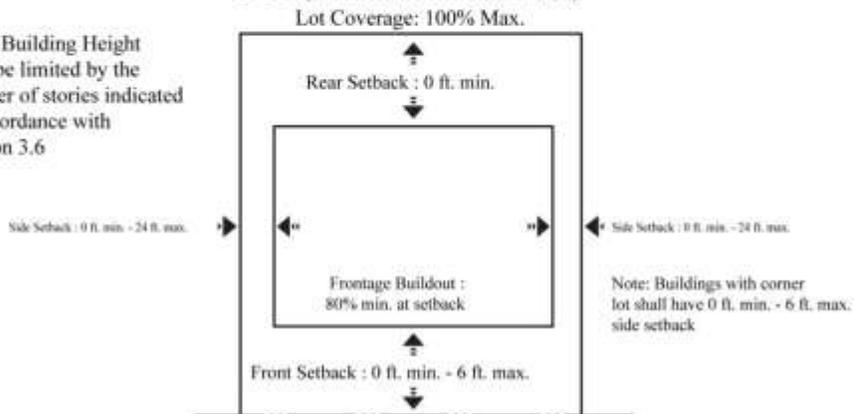
Note: Building Height shall be limited by the number of stories indicated in accordance with Section 3.6



See Section 3.3 of Downtown Code for Bufferyard, Outbuilding Standards, Private Frontages, and Parking Provisions

**D-T6 (Downtown Urban Code)**

Note: Building Height shall be limited by the number of stories indicated in accordance with Section 3.6



See Section 3.3 of Downtown Code for Bufferyard, Outbuilding Standards, Private Frontages, and Parking Provisions

\* (Amended by Council 2/28/11)

**§ 403. EXCEPTIONS AND MODIFICATIONS.**

**403.1 Exceptions and Modifications Supplementing The Table of Area and Dimensional Requirements.**

The following exceptions and supplementary requirements apply to the corresponding letter contained in the preceding Table under Subsection 401.

A. Maximum building height for residential buildings in the R-15 Single Family Residential District is thirty-five (35) feet, but may exceed 35 feet in height at a rate of one (1) foot of additional height above thirty-five (35) feet for every additional one (1) foot beyond the required setback measured from the closest property line provided that no residential building shall exceed fifty (50) feet in height. (\*\*\*) For permitted nonresidential buildings, there is no direct limit on height, provided that a required front, side or rear yard faced by a building wall must be increased by one foot for every one foot that such building wall exceeds an average height of ten (10) feet.

B. Where necessary, front yard requirements will be increased to provide the following minimum distances between street center lines and front building lines: (\*) (\*\*) (\*\*\*)

<b>Residential District</b>	<b>Minimum Distance Between Street Center Line and Front Building Line</b>
R-15	65 feet
R-12	60 feet
R-8 SFD	55 feet
R-8	55 feet
R-6	40 feet

C. In case of a corner lot where the rear lot line abuts on the side line of an adjoining lot, the side yard width along the side street shall not be less than the required front yard depth of the zoning district in which the adjoining lot is located. In the case of a corner lot where the rear lot line abuts on the rear line of the lot adjoining to the rear, the side yard width along the side street shall be not less than fifteen (15) feet. (See Illustration A in the Appendix.)

D. In the R-8 SFD Single Family District, buildings shall not exceed a height of thirty-five feet. In the R-12 and R-8 General Residential Districts, single family and two family residential buildings shall not exceed a height of thirty-five (35) feet. For multi-family and permitted non-residential buildings, there is no direct height limit provided that no point on a building wall shall be so located that it is closer to a front, side, or rear lot line that one foot for each foot that such point is above the average finished lot grade along such front, side or rear building wall (\*). (See Illustrations pp. 43-44).

E. In the R-6 (General Residential District), the GID (General Institutional District) and the LOD (Limited Office District), there is no direct height limit. (\*\*)(\*\*\*) (See Illustration pp. 44-45).

\* (Amended by Council 3/10/92)

\*\*\* (Further Amended by Council 11/25/02)

\*\* (Further Amended by Council 10/8/01)

\*\*\*\* (Further Amended By Council 3/31/08)

**Section IV: District Area and Dimensional Requirements**

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- F. The minimum lot area shall be six thousand (6,000) square feet. Minimum lot area for each dwelling unit will be four thousand (4,000) square feet except that two thousand five hundred (2,500) square feet will be the minimum requirement for each efficiency apartment unit and two thousand (2,000) square feet will be the minimum requirement for each elderly housing unit.
  
- G. Within the LC (Limited Commercial District), the GID (General Institutional District) and the LOD (Limited Office District), no residential structure shall cover more than 50% of the area of the lot on which it is located. The minimum required lot area per dwelling unit shall be 2,000 square feet except that: (\*)(\*\*)(\*\*\*)(\*\*\*\*)
  

  - (1.) In any case of a residential structure existing on the effective date of this Ordinance, there may be located therein by conversion no more than an average of one dwelling unit per 1,000 square feet of gross floor area in the building on said effect date; and
  
  - (2.) In the case of residential structures, density will be controlled by the following limitations on gross floor area:

No principal building or buildings shall have a gross floor area greater than 60% of the lot area; except that this floor area may be increased by 5 % of the lot area (up to a maximum of 110% of the lot area) for each 1% of lot area by which the building coverage of the principal building or buildings is reduced below 25% building coverage. The maximum floor area allowable at each percent of building coverage under this formula is as follows: (\*\*\*\*\*)

<b>Building Coverage (in percent)</b>	<b>Gross Floor Area as a Percent of Lot Area</b>
25% or more	60%
24	55
23	60
22	65
21	70
19	75
18	85
17	90
16	95
15	100
14	105
13% or less	110

\* (Amended by Council 11/21/77)

\*\*\*\* (Further Amended by Council 10/8/01)

\*\* (Further Amended by Council 3/12/79)

\*\*\*\*\* (Amended by Council 11/25/02)

\*\*\* (Further Amended by Council 12/12/94)

**Section IV: District Area and Dimensional Requirements**

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- H. There shall be a minimum front yard having a depth of not less than fifteen (15) feet measured from the setback line to the front building line. Through lots shall have the required front yards on both streets. In no case shall the front building line be nearer than forty (40) feet from the center line of the street on which the lot fronts. (\*\*\*\*)
- I. For the B-1 District there shall be a minimum interior side yard of five (5) feet. However, if the building height exceeds thirty-five (35) feet, the interior side yard shall be equal to one-fifth (1/5) of the building height.
- J. For B-1 Business District, nonresidential structures on a corner lot must set back a minimum of forty (40) feet from any side street right-of-way line if parking is to be permitted between the principal building and the side street. For multiple family dwellings and high-rise, apartments in Zones B-1, D-T4, D-T5, D-T6, B-3, and B-4, the minimum street side yards shall be as follows (\*):

<b>B-1</b>	<b>15 feet</b>
<b>D-T4, D-T5, D-T6</b>	<b>10 feet</b>
<b>B-3</b>	<b>10 feet</b>
<b>B-4</b>	<b>10 feet</b>

Plus one (1) foot for each two (2) feet by which the building exceeds thirty-five (35) feet.

- K. Maximum gross floor area for buildings in business and industrial districts will not exceed the percentage of lot area shown in the following table for the appropriate district.

<b>Zone Districts</b>	<b>Maximum Floor Area as a Percent of Lot Area</b>
B-1	100%
D-T4, D-T5, D-T6	No Limit
B-3	200%
B-4	200%
I-1	100%
I-2	100%

- L. Single-family and two-family dwellings shall maintain a rear yard of 15 feet and an interior side yard of 5 feet. (\*\*)(\*\*\*\*)
- M. Interior side yards in Zone R-15 may be reduced to a minimum of 10 feet provided a minimum of 30 feet is maintained on the interior side yards between two adjoining single family homes. (\*\*\*)
- N. Patio homes and condominiums are permitted with a minimum lot area of four thousand (4,000) square feet as a conditional use in the LOD (Limited Office District) subject to a finding by the Planning Commission that such uses: (\*\*\*\*)

\* (Amended by Council 9/8/75)

\*\*\* (Further Amended by Council 5/11/98)

\*\* (Further Amended by Council 10/2/78)

\*\*\*\* (Amended by Council 11/25/02)

- a) Are of an appropriate scale for the transitional nature of the property;
- b) Are compatible with the character of the area;
- c) Do not generate excessive evening activity;
- d) Do not generate excessive traffic, noise, or odor;
- e) Do not negatively impact adjoining or abutting residential properties.

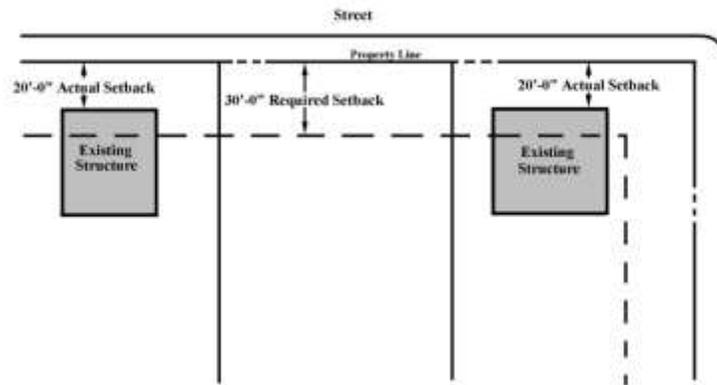
**403.2 General Exceptions (The following do not relate to Table of Area and Dimension Requirements.)**

A. Front Yards Reduced. The front yard requirement of this ordinance may be reduced when the average front yard setbacks of adjacent lots are less than the minimum required by this ordinance, as long as the following criteria are met:

- (1) The average front yards on both sides of the subject lot are already developed, and are either wholly or partially within one hundred (100) feet of each side of the subject lot;
- (2) The subject lot is within the same block of these adjacent lots;
- (3) The subject lot is within the same zoning district as these adjacent lots;
- (4) The subject lot is fronting on the same street as these adjacent lots; and
- (5) The front yard is not less than the minimum required for a front yard setback.

In such instances, the front yard on such a lot may be less than the required front yard but not less than the average of the existing front yard on the developed lots; provided that the front yard on such lot is not less than one-half (1/2) the required front yard. For the purpose of computing such an average, an adjacent vacant lot shall be considered as having the minimum required front yard specified for the zoning district (see drawing on the next page).

Example refers to Section 403.2 above.



In this example the required front yard (in order to match the adjacent existing setbacks) could be reduced to 20'-0".

- B. Yards and Building Setback Lines. Where any required yard abuts a street upon which an official setback line has been established by the City of Spartanburg, such building setback line shall be considered the property line for the purpose of measuring the depth of required yards.
- C. Fences in Yards. Fences in residentially zoned areas may be erected, placed, or maintained in the rear, corner side, and side yards to a maximum height of six (6) feet above ground level. The height of a fence in a required front yard shall not exceed four (4) feet. The height of any fence located within a yard abutting a street line shall be measured from the sidewalk; and, if there is no sidewalk, from the top of the curb, and, if there is no sidewalk or curb, from the centerline of the street. No height restrictions apply to commercially or industrially zoned areas. These regulations shall not apply to chain link fences or to other wire fences of a similar type erected on public or private recreational parks or areas, school grounds, church or synagogue grounds, and around swimming pools. (Refer to Swimming Pool Ordinance No. S 284.) (\*)
- D. Projection Into Yards. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for:
- (1) Terraces, steps and uncovered porches which are not in any part more than four (4) feet above the ground floor level and not within two and one-half (2 ½) feet of any party lot line.
  - (2) The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum court more than six (6) inches nor into a minimum side yard more than twenty-four (24) inches.

\*(Amended by Council 2/12/90)

*Section IV: District Area and Dimensional Requirements*

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- (3.) Open or enclosed fire escapes, fireproof outside stairways and balconies projection into a minimum yard or court not more than three and one-half (3 ½) feet and the ordinary projections of chimneys and flues.
- E. Height Limitations. Penthouses or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, or similar structures may be erected above the height limits herein specified, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential use. A parapet wall or cornice may extend not more than five (5) feet above the height limit. (Airport height regulations – See Section 509.)

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**SECTION V  
GENERAL AND SUPPLEMENTARY REGULATIONS**

**§ 501. GENERAL REGULATIONS**

**501.1 Uses Not Permitted Are Prohibited**

Permitted uses, conditional uses and special exceptions are listed for each zoning district. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed are prohibited.

**501.2 One Main Building on Lot. (\*)**

Every building hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) principal residential building and its accessory buildings on a lot except as provided in Section IV of this Ordinance. Two or more commercial buildings may be placed on a lot provided the buildings meet the yard requirements of the zoning district applicable as provided for in Section IV of this Ordinance, p. 36. In addition, Section V, 501.13. B.6, pp. 56-57 entitled “Spacing of Structures” shall apply to both commercial and residential buildings.

A “Commercial Building”, for the purposes of this paragraph, shall mean a structure located in a district other than a residentially zoned district and used or intended to be used for a nonresidential use.

**501.3 Required Yards Not to be Used by Another Building.**

The minimum yards or other open spaces required by this Ordinance for each and every building hereafter erected, moved or structurally altered shall not be encroached upon or considered to meet the yard or open space requirements of any other building except as provided in Subsection 501.4 of this Ordinance.

**501.4 Accessory Buildings in Residential Districts.**

Any permitted accessory use in a residential district including a private garage, may be permitted in any rear yard, provided that such use does not occupy more than thirty percent (30%) of the required rear yard. Such accessory building shall not be located less than sixty (60) feet from the front lot line.

In case of a corner lot where the rear lot line abuts on the side line of an adjoining lot, no accessory building shall be less than twenty-five (25) feet from the side street line, except when built as a part of the main building, and shall be not less than ten (10) feet from the rear lot line. In case of a corner lot where the rear line of a lot abuts on the rear line of the lot adjoining on the rear, no accessory building shall be less than fifteen (15) feet from the side street line and not less than five (5) feet from any other lot line, except that where a rear or side lot line abuts an alley, the accessory buildings may be located not closer than two (2) feet from such rear or side lot line.

\* (Amended by Council 3/23/81)

In case of all other lots other than corner lots, accessory buildings shall be located not less than five (5) feet from any side or rear lot line, except where a rear or side lot line abuts an alley, the accessory building may be located no closer than two (2) feet from such rear or side lot line.

**501.5 Reduction of Lot and Yard Areas.**

No yard or lot existing at the time passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**501.6 Moving Structures.**

No structure shall be moved to or placed on any lot until a permit for such removal and placement is obtained from the Zoning Administrator, who shall ascertain that such placement is in conformance with the specifications of this Ordinance or other City code.

**501.7 Temporary Uses.**

If applicable requirements of the Health Department are met, customary temporary uses shall be permitted, including but not necessarily limited to temporary structures and storage areas on construction sites or sites of a grading operation, and temporary structures of public agencies used in the conduct of governmental operations.

**501.8 Visibility at Intersections.**(\*)(\*\*)(\*\*\*)(\*\*\*\*)

On a corner lot in an residential district, GID, LOD, LC, B-1, D-T4, D-T5, D-T6, B-3, B-4, I-1 and I-2, an Intersection Sight Distance (ISD) shall be maintained by a triangular area formed by the right-of-way lines of the intersecting streets and clear line of sight from a vehicle located 15 feet behind the curb line of the approached street. The dimensions of the three legs of the sight triangle are dependent upon the width of the roadway and speed limit. The intersection sight distance and sight triangle dimensions shall be determined by procedures detailed in the latest edition of the **South Carolina Department of Highways and Public Transportation Highway Design Manual**. Not planting, fence or other structure, or man-made earth mound, or change in earth grade, shall be placed or maintained if it obstructs vision between a height of two (2) feet and ten (10) feet above the grade of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

The **South Carolina Department of Highways and Public Transportation Highway Design Manual** is available for reference in the City Public Works Department office. This section shall not apply to any intersection which is controlled by a traffic signal exhibiting green, yellow, and red signals.

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\* (Amended by Council 2/6/84)

\*\*\* (Further Amended by Council 8/11/97)

\*\* (Further Amended by Council 12/12/94)

\*\*\*\* (Further Amended by Council 10/8/01)

**501.9 Street Access. (\*)**

No building shall be erected on a lot which does not abut an improved public street accepted by the City of Spartanburg except as provided in Section V, 507 of this Ordinance.

**501.10 Performance Standards.**

Any use established after the effective date of this Ordinance shall be operated so as to comply with the following standards. No use already established on the date of this Ordinance shall be altered or modified so as to conflict with, or further conflict with these performance standards.

- A. Noise. No use shall be conducted which produces sound pressure levels which exceeds the decibel limits in the octave bands designated in the following table:\*\*

	General, City-Wide	Downtown Urban Districts
Day-time Definition	7:00 a.m.-10:00 p.m.	
Day-time Noise Limit	60 dB(A)	80 dB(A)
Night-time Noise Limit	55 dB(A)	75 dB(A)

- B. Sounds of Short Duration, as from forge hammers, punch presses, and metal shears, which cannot be measured with the impact noise filter as manufactured by the General Radio Company, or its equivalent, in order to determine the peak value of the impact. For sound so measured the sound pressure level set forth in the table under paragraph A above, may be increased by six decibels.
- C. Air Pollution, Odor, and Toxic Fumes. All uses shall comply with the provisions of Article VI of the City Code, Section 16-54, et seq.
- D. Exemption. The following noise shall be exempt from the prohibitions of Section (A), above even when they cause a disturbance: Noise resulting from school or university marching bands, or marching band practices or marching band competition provided they are prohibited after 8:30 P.M. until 8:30 A.M.\*\*

**501.11 Division of Zoning Lots.**

No zoning lot shall hereafter be divided into two or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from such division or sale shall conform with all applicable bulk regulations of the zoning district in which the property is located.

\*(Amended by Council 7/10/78)

\*\* (Further Amended by Council 8/23/10)

**501.12 Standards for Stormwater Management and Sediment Reduction.(\*)(\*\*)(\*\*\*)**

On March 15, 1993 the Mayor and City Council adopted the Standards for Stormwater Management and Sediment Reduction as identified by Document No. 1416, Land Resources Conservation Commission, Chapter 72. This document is located in the rear jacket of this Ordinance.

All hearings and complaints as to the Stormwater Management and Sediment ordinance shall be before the Planning Commission of the City of Spartanburg.

Any appeals shall be in accordance with the Ordinance and directed to the City Council.

The standards for Stormwater Management and Sediment Reduction shall apply in the City of Spartanburg to land disturbing activities involving two (2) acres or less.

**501.13 Site Plan Review**

**501.13 A. Submission for Site Plan Review. (\*\*\*\*)(\*\*\*\*\*)(\*\*\*\*\*)(\*\*\*\*\*)**

All institutional, commercial, and industrial site plans, projects of two acres or more, group housing development site plans and mobile home park site plans shall be submitted to the Planning Department of the City of Spartanburg who shall administratively review and dispose of the same. All site plans submitted shall be accompanied by a check for plan review which is based on the fee schedule set by City Council from time to time, payable to the City of Spartanburg, none of which shall be refundable. This fee does not include the amount due for the Stormwater Application.

1. **Location Map.** At a scale of at least 1" = 500' a map indicating the location of the site shall be submitted in three copies.

A. **Said map shall show:**

(1) The intersection of at least two public streets and the names of all public ways opened or unopened will be clearly indicated. (\*\*\*\*\*)

B. **Title block shall contain the following information:**

(1.) Site plan name.  
(2.) Name and address of owner.

2. **Survey of Map Site.** One map of the site to be developed indicating bearing and distances showing the boundaries of the site, prepared by a registered engineer or surveyor licensed to practice in South Carolina.

\* (Amended by Council 5/1/89)

\*\* (Further Amended by Council 3/15/93)

\*\*\* (Further Amended by Council 9/13/93)

\*\*\*\* (Further Amended by Council 3/4/96)

\*\*\*\*\* (Further Amended by Council 10/12/98)

\*\*\*\*\* (Further Amended by Council 12/11/78)

\*\*\*\*\* (Further Amended by Council 8/9/99)

\*\*\*\*\* (Further Amended by Council 9/25/06)

3. **Existing Features Map.** One map of the site plus twenty-five (25) feet from the boundaries of the site at a scale of at least 1" = 40'.

A. Said map shall show:

- (1) Setbacks.
- (2) Rights-of-way and easements, utilities on, over and under the site including storm drains and catch basins.
- (3) All existing structures including walls, fences, and other man-made features affecting the site.
- (4) Topography at two (2) foot contours.
- (5) Streams, floodplains, ponds, lakes, trees, and other natural features.
- (6) Driveways, drives, walkways, and curb cuts.
- (7) Any other information requested by the Planning and Zoning Division.

B. Title block shall contain the following information:

- (1) Site plan name.
- (2) Name and address of owner.
- (3) Name, address of architect, engineer or surveyor.
- (4) Date survey was made and location.
- (5) Scale and date.

4. **Development Plan.** Eight (8) copies of a map of the site at a scale at least 1" = 40' (at the same scale as the existing features map).

A. Said map shall show:

- (1) Proposed finished grade at two (2) foot contours.
- (2) Natural features to be left undisturbed.
- (3) Proposed drainage. (See Section 501.12, p. 54 for standards.)(\* )
- (4) Proposed location of utilities.
- (5) Proposed location public streets and private drives.
- (6) Parking and loading areas including rights- of-way, pavement curb cut widths, location of structures, fences, wall signs, plantings, exterior lighting, and solid waste disposal facilities.
- (7) Other information deemed necessary by the Planning and Zoning Division of the Office of Community Enhancement.

B. Title block shall contain the following information:

- (1) Site plan name.
- (2) Name and address of owner.
- (3) Name and address architect, land planner, engineer, designer, or surveyor.
- (4) Scale and date.

\*(Amended by Council 12/13/76)

501.13 B. **Standards for Site Plan Review.**

- (1.) **Total Area to be Included.** Site plans shall include a plan for the development of the total land in common ownership.
- (2.) **Reserve Strips** of land shall not be permitted.
- (3.) **Access to Public Streets.**
  - A. The City of Spartanburg Traffic Engineer shall determine those streets within the site that should be made public for the orderly development of the area and these shall be designed and constructed to City standards and dedicated as such on a recorded plat. (\*\*)
  - B. Wherever possible, access to parking and loading areas on a site plan will be provided on a major or collector street, as designated by the City of Spartanburg Thoroughfare Plan.
  - C. Access drives to parking lots shall have a minimum width of twelve (12) feet if one-way and twenty-four (24) feet if two-way.
  - D. Curb cut widths shall not exceed the following: (\*)

2 lanes	24 feet
3 lanes	36 feet
4 lanes	40 feet
4 lanes with median	48 feet
  - E. **Spacing and Location of Driveway** – Spacing and location of all driveways providing access onto public roads and streets shall meet current South Carolina Department of Transportation (SCDOT) standards (see tables below and see Appendix D, “Driveway Entrance Standards,” for a graphic representation. (\*\*\*)

\* (Further Amended by Council 5/9/98)

\*\*\* (Amended by Council 1/27/03)

\*\* (Further Amended by Council 10/12/98)

**Maximum Number of Driveways Per Frontage (\*\*\*\*)**

Length of Frontage		Maximum Number of Driveways
Ft.	M	
200 or less	60 or less	1 - ■
200+ to 600	60+ to 180	2
600+ to 1,000	180+ to 300	3
1,000+ to 1,500	300+ to 450	4
More than 1,500	More than 450	4 plus 1 each additional full increment of 500 feet (150 m) of frontage

■ - On frontages of 200 ft. (60 m) or less, a pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists.

**Spacing of Driveways (\*\*\*\*)**

Operating Speed		Recommended Minimum Spacing from Center to Center	
Mph	km/h	Ft.	M
30 or less	50 or less	100	30
35	60	150	45
40	60	200	60
45	70	250	75
50	80	300	90
55 and above	90 and above	350	105

- (4) **Off-Street Parking.** The provisions of Section V, 504 for off-street parking and loading shall be followed.
- (5) **Setback and Yards.** Setback and appropriate yards shall be at least those specified for the applicable district.
- (6) **Spacing of Structures.** (\*)
  - A. The minimum distance between residential buildings shall be thirty feet (30' – 0'') unless the distance may be decreased by the International Code in relation to the construction of the exterior walls (see Table 602 and related Sections). (\*\*)
  - B. No detached commercial structure shall be closer than twenty (20) feet to another building on the same lot. This distance may be decreased by the provisions of the Standard Building Code in relation to the construction of exterior walls (See Table 6-00 and related Sections in Standard Building Code). (\*\*\*)

\* (Amended by Council 5/5/80)

\*\* (Further Amended by Council 6/8/81)

\*\*\* (Further Amended by Council 1/12/98)

\*\*\*\* (Further Amended by Council 1/27/03)

**501.14 Flood Damage Prevention. (\*)**

- A. Findings of Fact. The flood hazard areas of the City of Spartanburg are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

- B. Statement of Purpose and Objectives. It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs.

\* (Amended by Council 4/14/95)

- C. Lands to Which this Ordinance Applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Spartanburg, as identified by the Federal Emergency Management Agency in its flood Insurance Study, dated May 16, 1986, with accompanying maps and other supporting data, and any revision thereto, which are hereby adopted by reference and declared to be part of this ordinance.
- D. Establishment of Development Permit. A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.
- E. Compliance. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- F. Interpretation. In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State Law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- G. Partial Invalidity and Severability. If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.
- H. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration: larger floods can and will occur on rare occasions. Flood height may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Spartanburg or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- I. Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Spartanburg from taking such other lawful action as is necessary to prevent or remedy any violation.

1. **DEFINITIONS**

- A. **GENERAL** - Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**ACCESSORY STRUCTURE** – structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

**ADDITION (to an existing building)** - an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction does not equal 50% of the present market value of the structure. Where a fire wall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

**AGRICULTURAL STRUCTURE** – a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this ordinance.

**APPEAL** - a request for a review of the local administrator’s interpretation of any provision of this ordinance.

**AREA OF SHALLOW FLOODING** – a designated AO or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD** – the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

**BASE FLOOD** – the flood having a one percent chance of being equaled or exceeded in any given year.

**BASEMENT** – means any enclosed area of a building which is below grade on all sides.

**BUILDING** – any structure built for support, shelter, or enclosure for any occupancy or storage.

**DEVELOPMENT** – any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**ELEVATED BUILDING** – a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundations perimeter walls, piling, columns, piers, or shear walls parallel to the flow of water.

**EXISTING CONSTRUCTION** – means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date.

**EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION** – a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 1, 1978.

**EXPANSION TO AN EXISTING MOBILE HOME PARK OR SUBDIVISION** – the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs.)

**FLOOD** – a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** – an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**FLOOD INSURANCE RATE MAP (FIRM)** – an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** – the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**FLOOD-RESISTANT MATERIAL** – any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which is water soluble or is not resistant to

alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable are not acceptable. Materials which absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2-93, Flood-Resistant Materials for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program, document number FIA-TB-2, dated 4/93, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, reference therein, are acceptable flood-resistant materials.

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

**FUNCTIONALLY DEPENDENT FACILITY** – a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**HIGHEST ADJACENT GRADE** – the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**HISTORIC STRUCTURE** – any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI) ) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories MAY NOT be “Historic” as cited above, but have been included on the inventories because it was believed that the structures or districts have potential for meeting the “Historic” structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

**LOWEST FLOOR** – the lowest floor of the lowest enclosed area. Any finished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building’s lowest floor provided that such an enclosure is not

built so as to render the structure in violation of other provisions of this ordinance.

**MOBILE HOME** – a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “mobile home” does not include a “recreational vehicle”.

**MOBILE HOME PARK OR SUBDIVISION** – a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.

**MEAN SEA LEVEL** – the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purpose of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**NATIONAL GEODETIC VERTICAL DATUM (NGVD)** – as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

**NORTH AMERICAN VERTICAL DATUM (NAVD)** – datum point established at Pointe-au-Pere on the St. Lawrence River, Quebec Province, Canada, based on the mass or density of the earth. The datum listed as the reference datum on Flood Insurance Rate Maps should be used for Elevation Certificate and floodproofing certificate completion.

**NEW CONSTRUCTION** – structure for which the start of construction commenced after (the effective date of the first floodplain management code, ordinance, or standard based upon the specific technical base flood elevation data which establishes the area special flood hazard) or (specific date). The term also includes any subsequent improvements to such structure.

**NEW MOBILE HOME PARK OR SUBDIVISION** – a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after May 1, 1978.

**RECREATIONAL VEHICLE** – a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designated primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**START OF CONSTRUCTION** – (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a mobile home) on a site, such as the

pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** – a walled and roofed building, a mobile home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

**SUBSTANTIAL DAMAGE** – damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Please refer to the definition of “substantial improvement”.

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

**SUBSTANTIAL IMPROVED EXISTING MOBILE HOME PARK OR SUBDIVISION** – where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equal or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

**VARIANCE** – the grant of relief from a term or terms of this ordinance.

2. Administration

- A. Designation of Local Administrator. The Building Official is hereby appointed to Administer and implement the provisions of this ordinance.
- B. Development Permit and Certification Requirements. Application for a development permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The development permit may

include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

1. A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either Section 501.2.C.10 or Section 501.3.C and 501.3.D. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
2. The plot plan required by Section 501.2.B.1 must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either Section 501.2.C.10 or Section 501.3.C and 501.3.D.
3. Where base flood elevation data is provided as set forth in Section 501.9.C or Section 501.2.C.10 the application for a development permit within the flood hazard area shall show:
  - a) The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
  - b) If the structure will be floodproofed in accordance with Section 501.3.B.2, the elevation (in relation to mean sea level) to which the structure will be floodproofed.
4. If no base flood elevation data is provided as set forth in Section 501.9.C or Section 501.2.C.10, the application for a development permit must show construction of the lowest floor at least three (3) feet above the highest adjacent grade.
5. Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and, a map showing the location of the proposed watercourse alteration or relocation.
6. When a structure is floodproofed, the applicant shall provided certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in Section 501.3.B.2.
7. A floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is

applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean seal level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Any work done prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

- C. Duties and Responsibilities of the Local Administrator. – Duties of the local administrator shall include, but not be limited to:
1. Review all development permits to assure that the requirements of this ordinance have been satisfied.
  2. Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the development permit.
  3. Notify adjacent communities and the South Carolina Department of Natural Resources, Land Resources and Conservation Districts Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  4. In addition to the notification required in Section 501.2.C.3, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
  5. Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article IV are met.
  6. Obtain actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with Section 501.2.B.7.
  7. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Section 501.2.B.7.

8. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 501.3.B.2.
  9. When interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
  10. When base flood elevation data or floodway data has not been provided in accordance with Section 501.9.C, obtain, review, and reasonably utilize best available from a Federal, State, or other source, including data developed pursuant to Section 501.93.D.3, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a Federal, State, or other source. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
  11. When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the local administrator in the permit file.
  12. Make on-site inspections of projects in accordance with Section 501.2.D.
  13. Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 501.2.D.
  14. Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
  15. Annexations. Notify the Land Resources and Conservation Districts Division, within six (6) months, of any annexation that include special flood hazard areas. The community must incorporate applicable maps from surrounding jurisdictions into this ordinance within 90 days of annexation.
- D. Administrative Procedures
1. Inspections of Work in Progress: As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
  2. Stop-Work Orders: Whenever a building or part thereof is being constructed,

reconstructed, altered, or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

Violation of a stop-work order constitutes a misdemeanor.

3. Revocation of Permits: The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departures, from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.
  
4. Periodic Inspection: The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
  
5. Violations to be Corrected: When the local administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.
  
6. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
  - a) the building or property is in violation of the Flood Damage Prevention Ordinance;
  
  - b) a hearing will be held before the local administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  
  - c) following the hearing, the local administrator may issue such order to alter, vacate, or demolish the Building; or to remove fill as appears appropriate.
  
7. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

8. Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
9. Failure to Comply with Order: In the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

3. Provisions for Flood Hazard Reduction

- A. General Standards. Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. In all areas of special flood hazard the following provisions are required:
  1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
  2. All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage;
  3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
  4. Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. This requirement does not preclude outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building;
  5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
  7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,

8. Any alteration, repair, reconstruction, or improvement to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
  9. Non-Conforming Buildings or Uses. Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
  10. American with Disabilities Act (ADA). A building must meet the specific standards for floodplain construction outlined in Section 501.3.B, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.
- B. Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 501.9.C or Section 501.2.C.10, the following provisions are required:
1. Residential Construction. New construction or substantial improvement of any residential structure (including mobile homes) shall have the lowest floor elevated no lower than 2 feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Section 501.3.B.5.
  2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than 2 feet above the level of the base flood elevation. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 501.2.B.7. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Section 501.4.D of this ordinance. Agricultural structures not meeting the criteria of Section 501.4.D must meet the non-residential construction standards and all other applicable provisions of this ordinance.

3. Mobile Homes.
  - a) Mobile homes that are placed or substantially improved on sites outside a mobile home park or subdivision, in a new mobile home park or subdivision, in an expansion to an existing mobile home park or subdivision, or in an existing mobile home park or subdivision on which a mobile home has incurred “substantial damage” as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the mobile home is elevated no lower than 2 feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - b) Mobile homes that are to be placed or substantially improved on sites in an existing mobile home park or subdivision that are not subject to the provisions of Section 501.2.B.3.a of this ordinance must be elevated so that the lowest floor of the mobile home is elevated no lower than 2 feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
  - c) Mobile homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, mobile homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations, effective date May 25, 1990, as amended. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
  - d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged mobile home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local administrator and the local Emergency Preparedness coordinator.
4. Recreational Vehicles. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites shall either be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the requirements of Section 501.2.B and Sections 501.3.A and 501.3.B.3.
5. Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding shall be

designed to preclude finished living space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

- a.) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - 1.) Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - 2.) The bottom of all openings shall be no higher than one foot above grade;
    - 3.) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and,
    - 4.) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
  - b.) Hazardous Velocities. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.
  - c.) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
  - d.) The interior portion of such enclosed are shall not be partitioned or finished into separate rooms, except to enclose storage areas.
6. Temporary Development. All applicants must submit to the local administrator, prior to the issuance of the development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:
- a) A specified time period for which the temporary use will be permitted;
  - b) The name, address and phone number of the individual

- responsible for the removal of temporary structures or development;
- c) The time frame prior to the event at which any structures will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
  - d) A copy of the contract or other suitable instrument with a trucking company to insure the availability, of removal equipment when needed;
  - e) Designation, accompanied by documentation, of a location outside the floodplain to which any temporary structure will be moved;
  - f) A determination of permanent structures which would be adversely affected by increased flooding upstream or downstream, and a method for covering this liability, such as a performance bond; and,
  - g) A plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.
7. Accessory Structure. An accessory structure or garage, the cost of which is greater than \$3000, must comply with the elevated structure requirements of Section 501.3.B.2 and 501.3.B.5. When accessory structure of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:
- a) Accessory structures shall not be used for human habitation (including work, sleeping, living cooking or restroom areas);
  - b) Accessory structures shall be designed to have low flood damage potential;
  - c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  - d) Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;
  - e) Service facilities such as electrical and heating equipment shall be installed in accordance with Section 501.3.A.4; and
  - f) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Section 501.3.B.5
8. Floodways. Located within areas of special flood hazard established in Section 501.9.C, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential.

The following provisions shall apply within such areas:

- a) No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local administrator.
  - b) If Section 501.3.B.8.a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
  - c) Stream crossing for any purpose (i.e., timber harvesting operations), if temporary, shall be permitted in accordance with Section 501.3.B.6. Otherwise, the development shall comply with all applicable flood hazard reduction provisions of Article IV.
  - d) Mobile homes shall be permitted as provided for in Section V, § 508 of this ordinance provided the anchoring and the elevation standards of Section 501.3.B.3 are met.
  - e) Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-rise certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevation.
9. Fill. Fill is discouraged because storage capacity is removed from floodplains. Elevating buildings by other methods must be considered. An applicant shall demonstrate that fill is the only alternative to raising the building to at least 2 feet above the base flood elevation, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:
- a) Fill may not be placed in the floodway unless it is in accordance with Section 501.3.B.8.a;
  - b) Fill may not be placed in tidal or non-tidal wetlands without the required State and Federal permits;
  - c) Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability

by a registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain;

- d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer;
- e) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required when velocities may result in erosion; and,
- f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

C. Standards for Streams without Established Base Flood Elevation And/Or Floodways. Located within the areas of special flood hazard established in Section 501.9.C., are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- 1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrences of the base flood discharge.
- 2. If Section 501.3.C.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or floodproofed in accordance with elevations established in accordance with Section 501.2.C.10. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used. When base flood elevation data is not available from a Federal, State, or other source, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

D. Standards for Subdivision Proposals.

- 1. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. An access road at or above the base flood elevation shall be provided to allow emergency access during flood conditions;
- 2. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

3. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of five lots or five acres.
- E. Standards for Areas of Shallow Flooding (AO Zones). Located within the areas of special flood hazard established in Section 501.9.C., are areas designated as shallow flooding. The following provisions shall apply within such areas:
1. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.
  2. All new construction and substantial improvements of non-residential structures shall:
    - a) Have the lowest floor elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,
    - b) Be completely floodproofed together with attendant utility and sanitary facilities to or above the level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
4. Variance Procedures.
- A. Establishment of Appeal Board. The Board of Zoning Appeals as established by the City of Spartanburg shall hear and decide requests for variances.
  - B. Right to Appeal. Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court.
  - C. Historic Structures. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - D. Agricultural Structures. Variances may be issued to wet floodproof an agricultural structure in accordance with Technical Bulletin 7-93, Wet-floodproofing Requirements for Structures Located in special Flood Hazards Areas in accordance with the National flood Insurance Program, document number FIA-TB-7, dated 12/93, and available from the Federal Emergency Management Agency. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Section 501.4.H.4, this Section, and the

following standards:

1. Use of the structure must be limited to agricultural purposes as listed below:
  - a) Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;
  - b) Steel grain bins and steel frame corn cribs;
  - c) General purpose barns for the temporary feeding of livestock which are open on at least one side;
  - d) For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures which were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Section 501.3.B.2 of this ordinance; and,
  - e) Detached garages and storage sheds solely used for parking and limited storage in connection with agricultural uses only, which are no greater than 400 square feet in area.
2. The agricultural structure must be built or rebuilt, in the case of an existing building which is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation;
3. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls;
4. The agricultural structure must meet the venting requirement of Section 501.3.B.5.a of this ordinance;
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation so that they are contained within a watertight, floodproofed enclosure which is capable of resisting damage during flood conditions. The structure must comply with Section 501.3.A.4 of this ordinance.
6. The agricultural structure must comply with the floodway encroachment provisions of Section 501.3.B.8 of this ordinance; and,
7. Major equipment, machinery, or other contents must be protected, Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents,

permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain in accordance with the temporary development provisions of Section 501.3.B.6.

- E. Considerations. In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;
1. The danger that materials may be swept onto other lands to the injury of others;
  2. The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The importance of the service provided by the proposed facility to the community;
  5. The necessity to the facility of a waterfront location, where applicable;
  6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  7. The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed uses to the comprehensive plan and floodplain management program for that area;
  8. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  9. The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and,
  10. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.
- F. Findings. Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land Resources and Conservation District Division, State Coordinator's Office, must be taken into account and included in the permit file.

- G. Floodways. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- H. Conditions. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of the ordinance. The following conditions shall apply to all variances:
1. Variances may not be issued when the variance will make the structure in violation of other Federal, State or local laws, regulations, or ordinances.
  2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  3. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
  5. The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
  6. Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Section 501.2.D.5 of this ordinance.

5. Legal Status Provisions

- A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance. This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted May 1, 1978, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Spartanburg enacted on May 1, 1978, as amended, which are not reenacted herein are repealed.
  
- B. Effect upon Outstanding Building Permits. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

**Section 501.15 -- Riparian Buffer Overlay District (\*)**

**1. Intent and Purpose.**

The City Council of Spartanburg, South Carolina finds that the protection of the streams and water bodies of the City of Spartanburg is vital to the health, safety and economic welfare of its citizens. Streams with natural vegetation maintained along their banks in the form of a Riparian Buffer reduce the negative effects of erosion and sedimentation on properties within the City and further downstream. Riparian buffers also trap and remove harmful contaminants before they enter streams, thus protecting the water quality of streams within the City of Spartanburg. Riparian buffers add to the aesthetic enjoyment of streams within the City, to the overall appearance of the City and to the property values of properties within the City. It is the intent of this ordinance to ensure that streams within the City are protected by Riparian Buffers.

**Note: A Riparian Buffer is the simplest and most cost effective way of reducing the negative effects of storm water runoff on the streams and water bodies within the City of Spartanburg, and consequently, the negative effect on properties along these streams. A Riparian Buffer functions by leaving existing vegetation along existing streams: the existing trees, shrubs and groundcover reduce the harmful effect of erosion and trap and remove pollutants before they enter streams. Riparian Buffers protect the water quality of streams within the City, add to the appearance of the City and help maintain property values for properties along the streams and water bodies. Riparian buffers protect a valuable resource and also reserve open space that can allow for the development of future greenways, trails and recreational space for the citizens of the City.**

**This Section does the following: it provides for the protection of existing plant buffers along the streams and water bodies within the City of Spartanburg; it provides a standard (the Revegetation Standard) for replanting along streams in order to achieve effective plant buffers where through human action, the existing buffer is removed and a violation results; and it provides for the preservation or creation of open space that may form the basis for the creation of trails or other recreational uses of benefit to the citizens of the City.**

**2. Definitions**

**Note: The following definitions apply specifically to the administration of this Section. These definitions define important concepts used in this Section, such as the Revegetation Standard, which is the amount and type of vegetation approximating the natural buffer found along streams in this area.**

**Streams** means the following identified streams within the corporate limits of the City of Spartanburg: Lawson's Fork Creek; Fairforest Creek; named tributaries to the above two streams including Beaverdam Creek; Chinquepin Creek; Holston Creek; Halfway Branch; Collins Branch; Williams Branch and Greenville Branch as well as all tributaries identified on the United States Geological Survey (USGS) quadrant maps of the most recent edition. These maps shall be used to determine the location and extent of the streams covered by this ordinance.

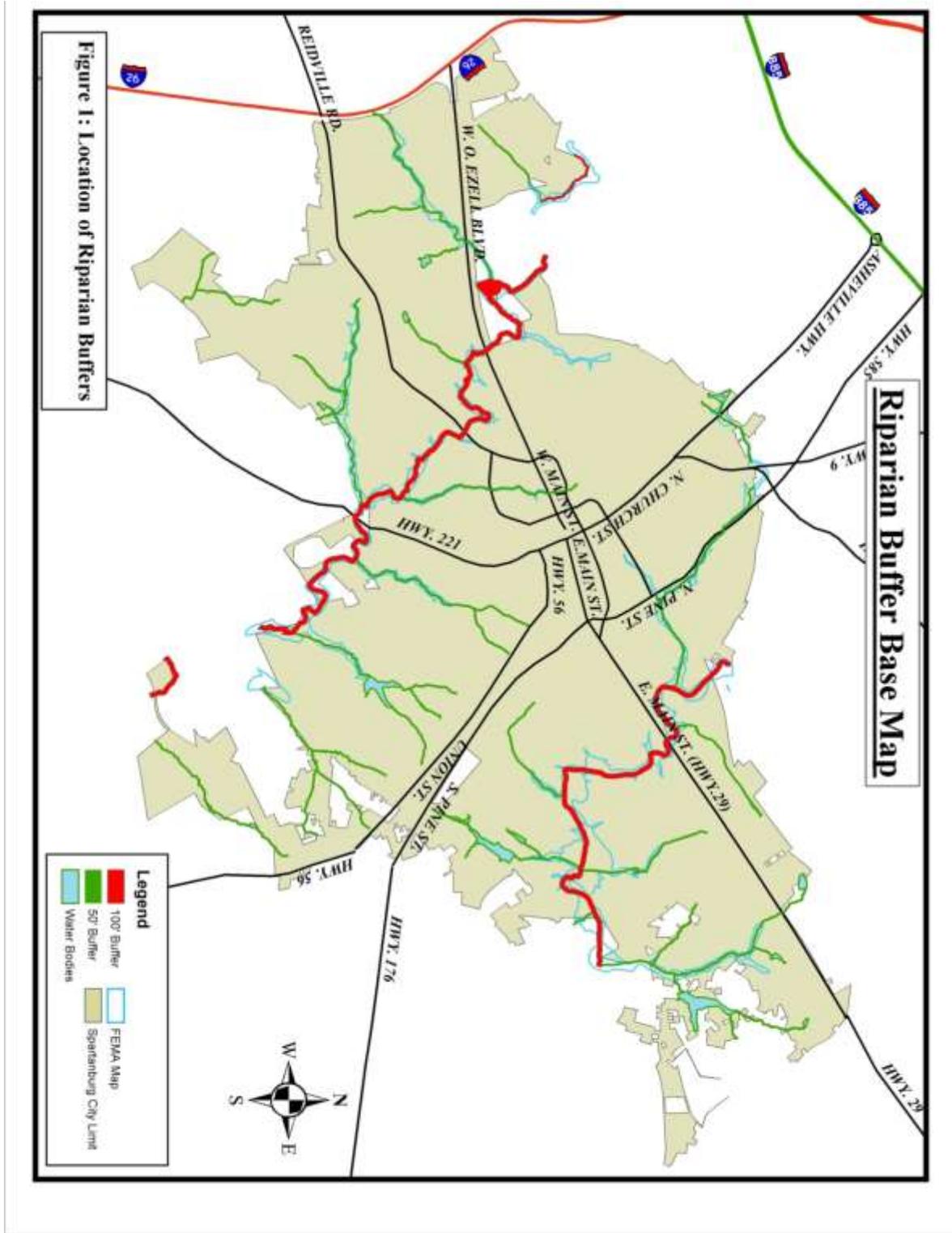
\* (Amended by Council 2/9/04)

**Water body** means any body of water associated with the streams within the City as defined above, including lakes and ponds but not including storm water retention or detention facilities.

**Riparian Buffer** is an overlay zone that encompasses all land in the City of Spartanburg (locations are illustrated in Figure 1):

A) within 100 feet on either side of the centerline of Lawson's Fork Creek and Fairforest Creek, measured as a line extending perpendicularly from the centerline of the stream (see Figure 2); and

B) within 50 feet on either side of the centerline of all tributaries to Lawson's Fork Creek and Fairforest Creek, which shall include all streams as defined above and within 50 feet of the mean water level of all water bodies associated with these streams, measured as a line extending perpendicularly from the centerline of the stream and the mean water level of the water body, respectively (see Figure 2).



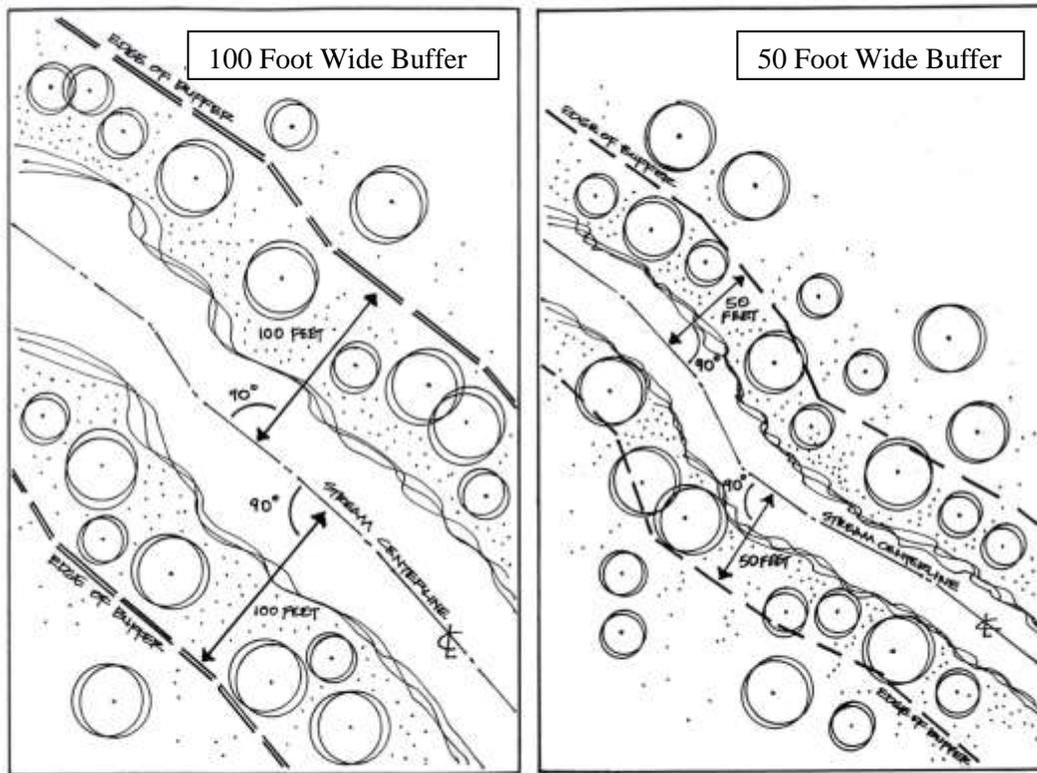


Figure 2: Graphic Illustration of Riparian Buffers

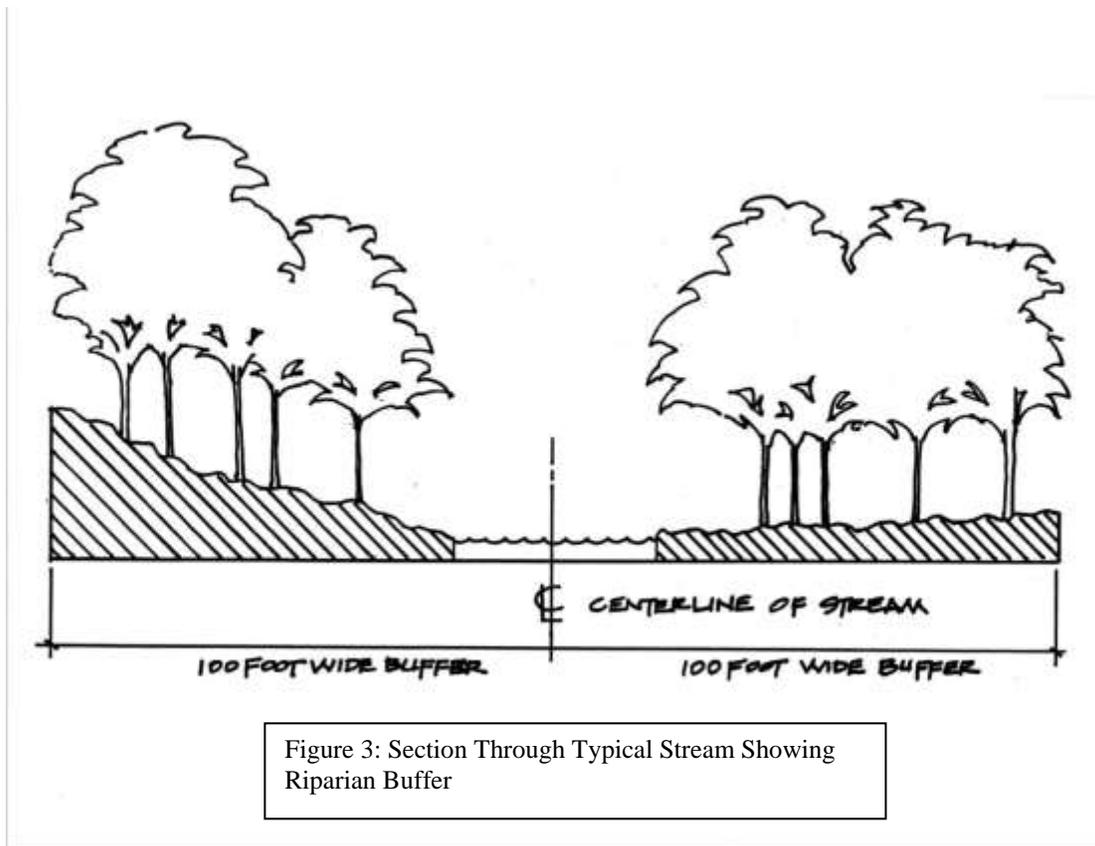


Figure 3: Section Through Typical Stream Showing Riparian Buffer

**Land disturbing activity** means any grading, scraping, excavating or filling of land, clearing of vegetation and any construction, rebuilding, or significant alteration of a structure.

**Protected area** means any land and vegetation that lies within the riparian buffer, as defined herein.

**Impervious surface** means any paved, hardened or structural surface which does not allow for complete on-site infiltration of precipitation. Such surfaces include but are not limited to buildings, driveways, streets, parking lots, swimming pools, dams, tennis courts and any other structures that meet the above definitions.

**Revegetation Standard** means the amount of vegetative cover (trees, shrubs and groundcover) approximating the natural vegetative state of area along streams in the Upstate area of South Carolina. When violations of this Section involve land disturbing activities within the Buffer area then the disturbed area shall be restored to the Revegetation Standard in addition to fines as contained in Section 501.15.6 Violations. The Revegetation Standard shall also be used to establish replanting for commercial logging and reforestation under Section 501.15.4 Exceptions below. The Revegetation Standard shall include: a mixture of deciduous canopy, evergreen trees, shrubs and ground cover based on the formulas in the following Figures 4a and 4b and Table 1.

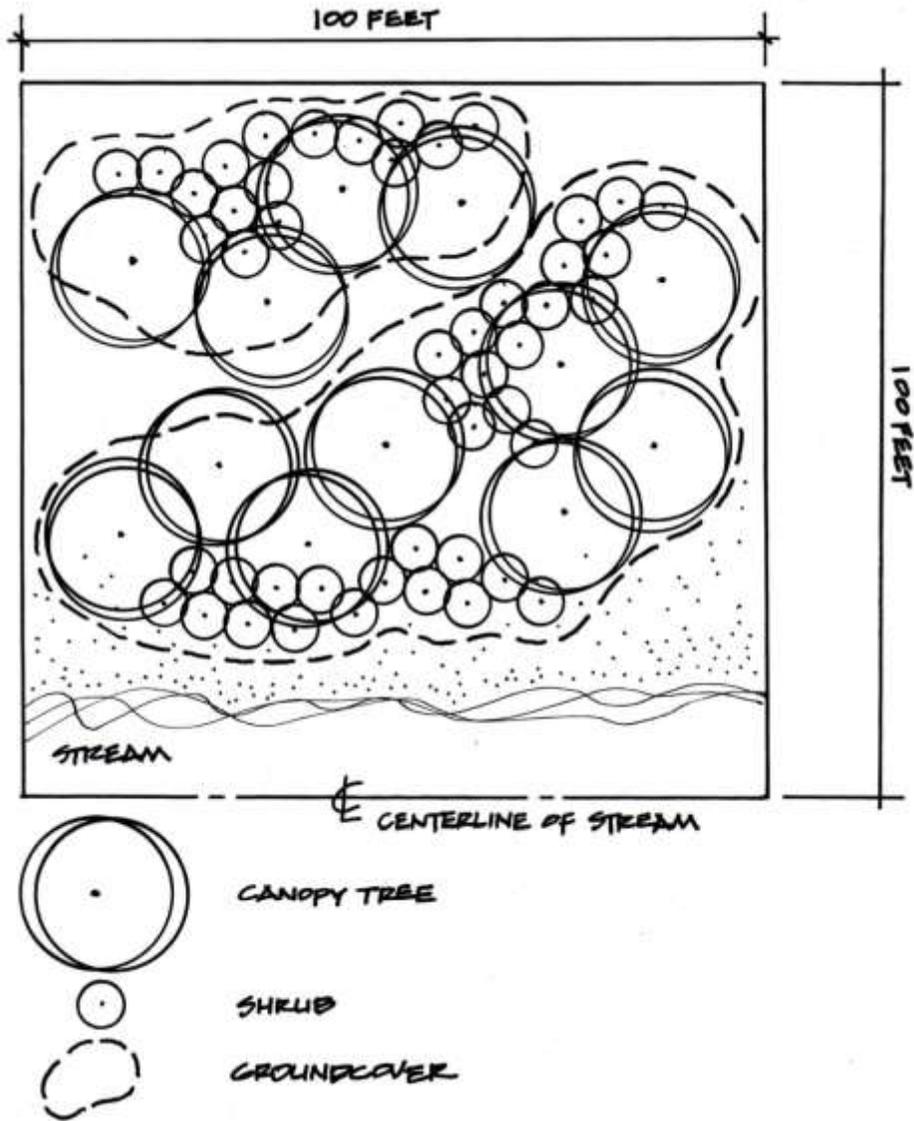


Figure 4a: Revegetation Standard for 100 foot wide Riparian Buffer

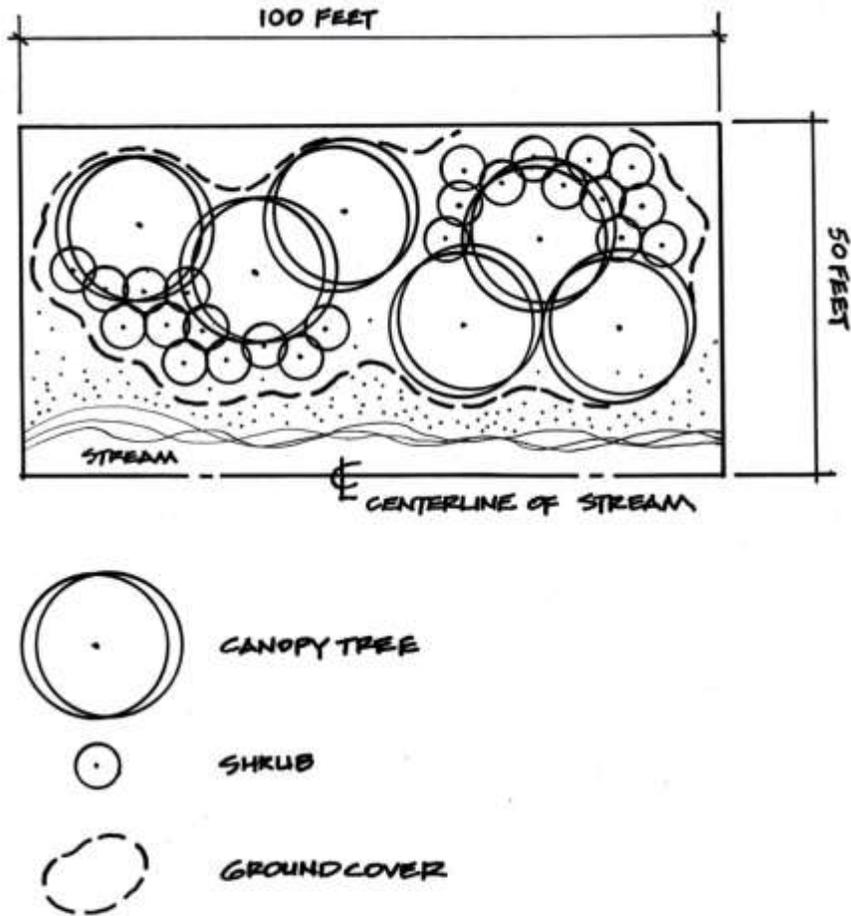


Figure 4b: Revegetation Standard for 50 foot wide Riparian Buffer

**Table 1**

**Revegetation Standard for Riparian Buffer Ordinance**

**100 foot wide buffer**

- 24 caliper inches of canopy/evergreen trees per 100 linear feet of 100 foot wide buffer: this equals 24 – 1 inch caliper or 12 – 2 inch caliper trees;
- 48 shrubs per 100 linear feet of 100 foot wide buffer;
- Groundcover shall cover all ground area not associated with the planting of trees and shrubs. Groundcover may be sod or grass seed, pots or plugs of suitable native grass or other groundcover;
- All planting areas shall be mulched.

**50 foot wide buffer**

- 12 caliper inches of canopy/evergreen trees per 100 linear feet of 50 foot wide buffer: this equals 12 – 1 inch caliper or 6 – 2 inch caliper trees;
- 24 shrubs per 100 linear feet of 100 foot wide buffer;
- Groundcover as above;
- All planting areas shall be mulched.

**Diversity:**

- A minimum of three (3) species of trees for buffer area; typically each three species should be present in each 100 linear foot segment of buffer;
- A minimum of three (3) species of shrubs for buffer area; typically each three species should be present in each 100 linear foot segment of buffer;
- The majority of plants (50% +) must be native species;
- Invasive or trouble prone trees or shrubs (thornless honey locust, Bradford pear, mimosa, silver maple, red tipped photinia) will not count toward required trees or shrubs.

**Size:**

- Canopy trees: minimum 1 inch caliper; 8 feet in height;
- Shrubs: minimum 12 inch height and spread or 1 gallon;
- Groundcover: sod, seed, pots or plugs.

**Layout:**

- Layout shall be flexible and respond to the characteristics of each individual site, but shall: generally resemble a random and natural placement of plants rather than an ornamental landscape approach with plants placed in an orderly fashion; trees and shrubs shall generally be spaced to provide coverage over the entire area of the buffer rather than being grouped in one portion.

Where the width of the Buffer is some number other than either 100 feet or 50 feet (for instance, as a result of approval of a Minor or Major Variance), then the Revegetation Standard shall be reduced proportionally by the same percentage represented by the reduction in width of the Buffer below 100 feet. In other words, if the Buffer is 75 feet wide, then this represents 75% of the 100 foot Buffer width. Accordingly, the Revegetation Standard for a 75 foot wide buffer would be 75% of 24 caliper inches of trees for every 100 linear feet of Buffer (the Revegetation Standard shall be expressed in whole numbers rounded up from fractions). Trees shall be a minimum of 1 inch caliper, 8 feet in height for deciduous canopy trees, and 5 feet in height for evergreen trees when planted. When existing trees are counted toward the Revegetation Standard, deciduous trees shall

be a minimum of 1” caliper and 8 feet in height, and evergreen trees shall be a minimum of 5 feet in height.

3. **District Use and Application:** The Riparian Buffer is an overlay zoning district that encompasses all land within the City of Spartanburg as defined above. The Riparian Buffer must be maintained in a naturally vegetated state. Any property or portion of property that lies within the Riparian Buffer is subject to the restrictions of the Riparian Buffer as well as any and all zoning restrictions that apply to the property.

**Note: The Riparian Buffer District is an overlay zoning district, which means that its requirements overlay (add to) the existing requirements of the Zoning Ordinance for any piece of property to which it applies. The map in Figure 1 above shows the properties affected by the Riparian Buffer District. All other requirements of the Zoning Ordinance are in effect for these properties, in addition to the requirements of the Riparian Buffer District.**

**The following land uses are prohibited within the protected area:**

- (a) any land-disturbing activity;
- (b) septic tanks and septic tank drain fields;
- (c) buildings, accessory structures, and all types of impervious surfaces;
- (d) hazardous or sanitary waste landfills;
- (e) receiving areas for toxic or hazardous wastes or other contaminants;
- (f) storm water retention and detention facilities, except those built as constructed wetlands that meet the approval of the Engineering Department of the City of Spartanburg.

**4. Exceptions**

**Note: In order to protect existing property rights, existing uses are “grandfathered in” and are not required to meet the requirements of this Section, unless the land use is proposed to be changed or expanded in some significant way.**

**Existing commercial logging or agricultural harvesting rights are also protected, provided that a series of criteria are met that clearly establishes the historic use of the property for these activities. Also, necessary public uses, such as streets, utility lines, public access trails, public recreational facilities, and stream bank restoration projects are also permitted based on appropriate criteria. Existing single family homes are permitted, regardless of the presence of the Riparian Buffer. New single family homes are permitted within the Riparian Buffer as well, if there is reasonable justification provided by the property owner that a home could not otherwise be built on the property except with the granting of either a Minor or a Major Variance.**

**The following land uses within the Riparian Buffer area are exempted from the provisions of this Section:**

- (a) Existing land uses, except as follows:
  - (1) When the existing land use, or any building or structure involved in that use, is enlarged, increased, or extended to occupy a greater area of land; or
  - (2) When the existing land use, or any building or structure involved in that land use, is moved to any other portion of the protected area.If (1) and/or (2) above are met, then all provisions of this Section shall be in effect for the subject property.

- (b) Commercial logging or other agricultural harvesting which meet the following criteria:
  - (I) the property is assessed as agricultural for tax purposes at the time of the enactment of this ordinance;
  - (II) the logging or agricultural harvesting practices comply with the best management practices of the South Carolina Forestry Commission;
  - (III) All disturbed property within the Riparian Buffer is replanted according to the best management practices in (II) above, and such that the vegetative cover at the time of replanting meets or exceeds the tree planting requirements contained in the Revegetation Standard, above.
- (c) Crossings by transportation facilities (for example: streets or roads) and public utility lines, subject to the width of the buffer being increased by the width of the easement or right of way where the alignment is less than 60 degrees from the alignment of the stream (see Figure 5, below);

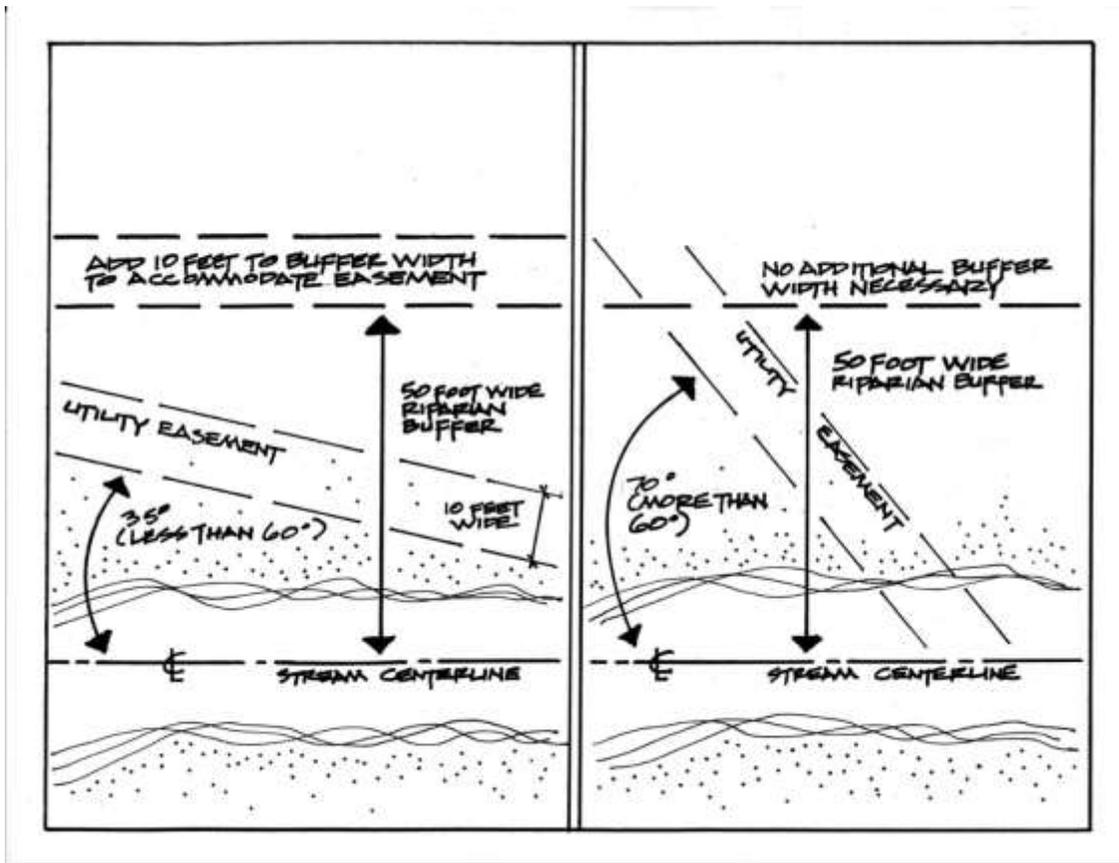


Figure 5: Graphic Illustration for Requirements for Alignment of Streets and Roads and Public Utilities

- (d) Public open space except for structures or impervious surfaces (with the exception of those noted below);
- (e) Public use recreational trails or pathways no wider than eight (8) feet, and which are surfaced with porous or pervious materials; public use recreational trails or pathways surfaced with impervious materials where the width of the buffer is increased by the width

- of the trail or pathway;
- (f) Temporary stream, stream bank, and vegetation restoration projects, the goal of which is to restore the stream or protected area to an ecologically healthy state.
  - (g) Structures that, by their nature, cannot be located anywhere except within the Riparian Buffer.
  - (h) Construction of a new single family residence, providing that:
    - (1) Based on the size, shape or topography of the property, as of the effective date of this ordinance, it is not reasonably possible to construct a single family dwelling without encroaching upon the Riparian Buffer;
    - (2) The dwelling conforms to all other zoning requirements; and
    - (3) All applicable requirements of the City of Spartanburg Standards for Stormwater Management and Sediment Reduction are met;
    - (4) Approval of either a Minor or Major Variance is granted.
  - (i) Existing single family homes or other structures (or those portions of structures) which do not comply with the above exemptions, but which are within the Riparian Buffer area at the time of the enactment of this Section may in perpetuity be restored to the height, bulk and placement existing at the time of enactment. Any proposed expansions shall be subject to the provisions of this Section. Likewise, any uses (roads, streets, parking lots, etc.) which do not comply with the above exemptions, but which are within the Riparian Buffer area at the time of the enactment of this Section may in perpetuity be restored to the extent existing at the time of enactment.

## 5. Variances

**Note: In order to permit flexibility for property owners to utilize their properties for the uses permitted under the Zoning Ordinance while meeting the intent of the Riparian Buffer District, two types of variances are permitted. A Minor Variance may be approved administratively, and permits some flexibility in the width of the buffer so long as the amount of area covered by the buffer remains the same. A Major Variance requires approval by the Board of Zoning Appeals and deals with those situations where there is a legitimate hardship for the property owner based on unique characteristics of the individual site.**

This Section provides for two types of variances: Minor Variances, which are a reduction in buffer width of up to 25% over a portion of the property in exchange for an increase in buffer width elsewhere on the same property; and Major Variances, which are a reduction in buffer width that is not balanced by a corresponding increase in width.

- (a) Minor Variances are a reduction in buffer width over a portion of the property in exchange for an increase in buffer width elsewhere on the same property such that the average buffer width remains the required width. No Minor Variance can decrease width by less than 25% of the required width at any point. Minor Variances may be approved administratively by filing an application with the Office of Community Enhancement, Planning and Zoning Division if reductions in the width of the Riparian Buffer on a property are balanced by corresponding increases in the Riparian Buffer elsewhere on the same property, such that the total area included in the Riparian Buffer for that property is the same as if it were the full width across its entire length.

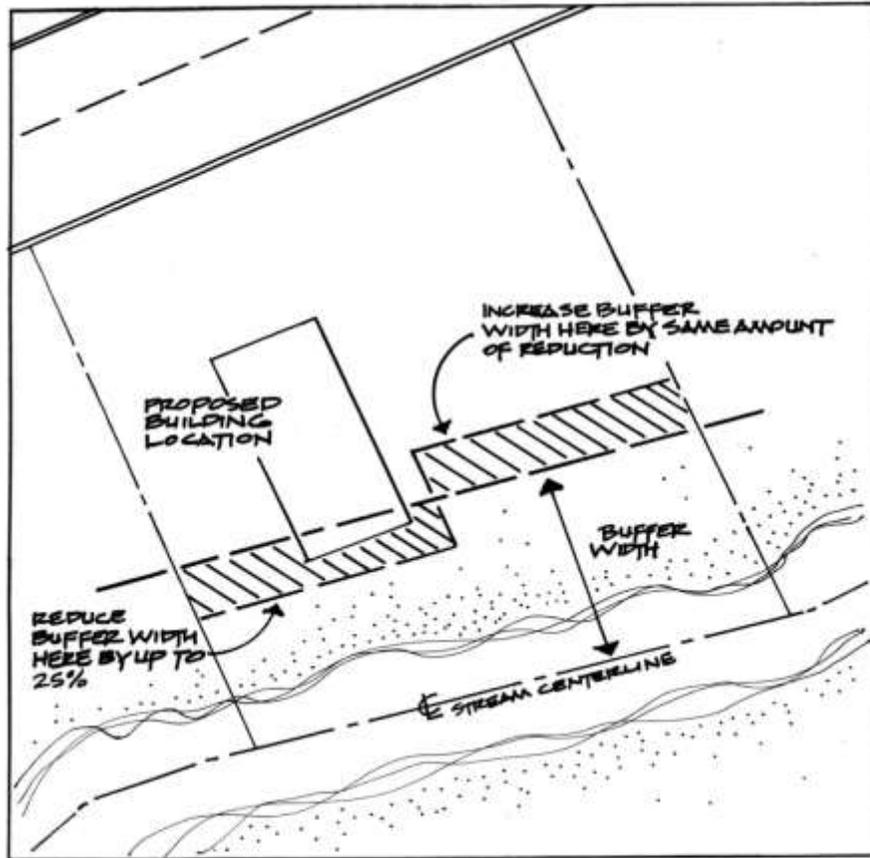


Figure 6: Example of Minor Variance

- (b) Major Variances are reductions in the width of the Riparian Buffer that are not balanced by a corresponding increase in buffer width elsewhere on the same property, or a reduction in buffer width of more than 25% of the required width. A property owner may request a major variance by filing an application with the Office of Community Enhancement, Planning and Zoning Division to be heard by the Board of Zoning Appeals (BZA), subject to the filing and scheduling procedures for variances.
- (1) Each applicant for a major variance must provide as part of the application for the variance the following:
- (A) Existing features map that meets the requirements of Section 501.13 Site Plan Review of the Zoning Ordinance;
  - (B) Justification for seeking the variance, including the needs and purpose of the proposed project;
  - (C) A proposed mitigation plan that offsets the effects of the proposed

encroachment during site preparation, construction and post-construction phases.

- (2) In granting a major variance, the BZA will use the following criteria:
  - (A) The requirements of the Riparian Buffer represent an extreme hardship for the property owner such that little or no reasonable economic use of the land is available without reducing the width of the Riparian Buffer;
  - (B) The size, shape, or topography of the property, as of the effective date of the ordinance, is such that it is not possible to construct a single family dwelling without encroaching upon the Riparian Buffer.
- (3) A Major Variance may be granted subject to a finding by the Board of Zoning Appeals that:
  - (A) The width of the Riparian Buffer is reduced only by the minimum extent necessary to provide relief; and
  - (B) All land-disturbing activities must comply with the requirements of the City of Spartanburg Standards for Stormwater Management and Sediment Reduction and all applicable best management practices. Such activities shall not impair water quality, as defined by the federal Clean Water Act and the requirements of the South Carolina Department of Health and Environmental Control (DHEC); and
  - (C) As a further condition of granting the variance, the City of Spartanburg Board of Zoning Appeals may require the property owner to conduct water monitoring downstream from the site of land-disturbing activities to ensure that water quality is not impaired.

## **6. Violations**

Violations of this Section shall result in fines as required under the Misdemeanor provision of the Zoning Ordinance (Section 607, Violations). Each day that the violation continues shall constitute a separate offense and a separate fine shall be levied. In addition to the above fines, all violations resulting in land disturbing activities on any area within the Riparian Buffer shall have that area replanted according to the standards in Revegetation Standard, above.

## **7. Appeals**

Appeals of the Zoning Administrator's determination on the enforcement of any of the provisions of this Section shall be to the Board of Zoning Appeals.

## **8. Repeal Clause**

Those parts of the Zoning Ordinance in conflict with this Section are repealed, save and except such ordinances or resolutions or parts thereof which provide stricter standards than those

provided herein.

**9. Severability**

Should any Section, subsection, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Section in whole or any part thereof other than the part so declared to be invalid.

**10. Amendment**

This Section may be amended from time to time by resolution of the City Council of Spartanburg, South Carolina. Such amendments shall be effective as specified in the adopting resolution.

**11. Effective Date**

This Section shall be effective upon its adoption.

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**§ 502. NONCONFORMING USE REGULATIONS**

**502.1 Nonconforming Use – Continuances.**

- 502.11 Change of Use. A nonconforming use shall not be changed to any but a conforming use. When a nonconforming use has been changed to a conforming use, the premises shall not thereafter be used for any nonconforming use.
- 502.12 Use Extensions. A nonconforming use shall not be extended or enlarged; provided, however, a nonconforming use of any building may be extended to any portion or portions of said building which were, at the time such use became nonconforming, manifestly arranged or designed for such use.
- 502.13 Structural Extensions and Alterations. A nonconforming building or structure shall not be extended or altered unless such extension or alteration shall comply with all the requirements of this Ordinance for the district in which it is located, except that alterations may be required by law, etc., or ordinance or ordered by an authorized officer to secure the safety of the building.
- 502.14 Discontinued Nonconforming Uses. When any nonconforming use is discontinued for a period exceeding one hundred twenty (120) days, any future use of the premises shall conform to the provisions of this Ordinance. The Zoning Administrator shall check all nonconforming uses at least three (3) times for occupancy. When seeking relief under this Section, it shall be the responsibility of the person seeking relief of this Section to establish when the premises was initially vacated and the established use at such time in accordance with this Section. (\*\*)(\*\*\*)

However, multifamily structures in the R-8 SFD shall be exempt from the provisions of this subsection if they were **originally** constructed as a duplex or multifamily structure. This exemption shall not apply to structures that were originally constructed as single-family homes and were subsequently converted into multifamily structures.

502.15 Destruction.

- A. A nonconforming building or structure which is damaged by fire, flood, wind, or other act of God or man, to an extent exceeding fifty percent (50%) of its then reproductive value, exclusive of foundations shall not be reconstructed except in conformance with the provisions of this Ordinance. However, single family dwellings shall be exempt from the provision of this subsection. (\*)

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\* (Amended by Council 4/3/78)

\*\*\* (Further Amended by Council 3/6/00)

\*\* (Further Amended by Council 12/14/98)

*Section 502: Nonconforming Use Regulations*

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Horizontal Property Regimes as provided for in South Carolina Code of laws, Section 27-30-10, et seq., with a Master Deed recorded on or before November 1, 1993, or a townhouse or zero lot line development with a plat recorded in the R.M.C. Office for Spartanburg County prior to November 1, 1993, shall be exempt from the provision of this Section. (\*\*)

- B. A building or structure which does not conform to the yard, height, bulk or off-street parking or loading requirements of this Ordinance, and which is damaged by fire, flood, wind, or other act of God or man, to an extent exceeding fifty percent (50%) of its then reproductive value, shall not be constructed except in conformance with the provisions of this Ordinance.

**502.2 Nonconforming Use – Discontinuances.**

502.21 Nonconforming Use of Land. The nonconforming use of land for storage yards, auto wrecking and junk yards, and similar such uses, shall be discontinued within five (5) years after such use becomes nonconforming under the terms of this Ordinance.

502.22 Nonconforming Video Casinos and Poker Machines. (\*)

Nonconforming video casinos and poker machines shall be discontinued within 5 years after such uses become nonconforming under the terms of this Ordinance.

**502.3 Administration.**

502.31 The Zoning Administrator shall maintain an accurate and up-to-date record of all nonconformances, including the date of their discontinuance.

**502.4 Repairs and Alterations.**

502.41 Building or Structure Designed or Intended for a Nonconforming Use. Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure, and the use thereof, conform to the regulations of the district in which it is located. For the purpose of this Section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure.

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\* (Amended by Council 9/13/99)

\*\* (Further Amended by Council 2/14/94)

502.5 **Nonconforming Lots of Record.** (See Definitions, Section I, §108, Construction on Substandard Lot)

- (1) Where the owner of a nonconforming lot of record does not own and cannot reasonably acquire sufficient land to enable him to conform to the requirements of this Ordinance relating to lot area, lot width, or both, such lot of record may be used by such owner as a building site provided that the other requirements of this Ordinance are met, except that:
- (2) Where two (2) abutting lots of record are held under one (1) ownership, and where one or both of these lots are nonconforming, they shall be considered as a single lot of record for the purpose of meeting the requirement of the zone district in which such lots are located, and
- (3) In any district in which single family dwellings are permitted, where a lot has an area or width or side yard less than required by this Ordinance and was a lot of record at the time of the adoption of this Ordinance, said lot may be occupied by a single family dwelling, and accessory buildings and structures; provided that the minimum front and rear yard requirements for the district in which it is located are met. The side yard requirements of this Ordinance shall be met to the extent possible but in no event shall the side yard be less than the following for lots of record: (\*)

<b>District</b>	<b>Side Yard Minimum</b>
<b>Zone R-15</b>	<b>10 feet</b>
<b>Zone R-12</b>	<b>8 feet</b>
<b>Zone R-8 SFD (**)</b>	<b>6 feet</b>
<b>Zone R-8</b>	<b>6 feet</b>
<b>Zone R-6</b>	<b>6 feet</b>

\* (Amended by Council 10/7/74)

\*\* (Further Amended by Council 2/10/92)

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**§ 503. SIGN REGULATIONS.** (\*) (\*\*\*) (\*\*\*) (\*\*\*) (\*\*\*)

**503.1 Purpose.**

The purpose of these regulations is to provide minimum control of signs to promote the health, safety and welfare by:

- Lessening hazards to pedestrians and vehicular traffic;
- Preserving property values;
- Preventing unsightly and detrimental development which has a blighting influence upon residential, business, and industrial uses;
- Preventing signs from reaching excessive size or numbers such that they obscure one another to the detriment of all concerned; and
- Securing certain fundamentals of design for the city.

**503.2 General Sign Provisions.**

503.21 Illumination. Where illumination is permitted it may be direct or indirect. No sign shall display intermittent, flashing or rotating lights, except for time, temperature, stock market quotations, or electronic signs described in Section 503.45. When it is used, sign illumination shall be so shielded as not to cast direct light onto public ways and residential districts. Intensity of light cast on any residential district shall not exceed 0.5 foot candles.

503.22 Public Safety. Words, phrases, symbols, characters or signals used in a manner that might be misconstrued as a public safety warning or traffic sign or signal will not be permitted. The placement and configuration of signs shall not be located or designed so as to be misconstrued as a public safety warning or traffic signal.

503.23 Signs Permitted in Any District. The following signs are permitted in any district and are excluded from the computation of the total sign area requirements of this Section.

**Table A - - Signs Permitted in Any District**

<b>Sign Type</b>	<b>Requirements</b>
A. Public Signs or Notices	Posted by or at the discretion of a governmental agency.
B. Property Promotion and Contractor’s Notices (**)(***)(***) (***) (***) (***)	A sign on each single lot not exceeding four (4) square feet in residential areas (R-15, R-12, R-8, R-8SF, R-6); thirty-two (32) square feet in non-residential areas (GID, LOD, LC, B-1, D-T4, D-T5, D-T6, B-3, B-4, I-1, I-2).
C. Church Bulletin Boards	On the same zoning lot as a place of worship, a Church Bulletin Board not exceeding twelve (12) square feet may be erected.
D. Historical Markers	Erected by a bona fide historical association or a governmental agency

\* (Amended by Council 4/4/88)

\*\*\*\* (Further Amended by Council 3/4/96)

\*\* (Amended by Council 2/10/92)

\*\*\*\*\* (Further Amended by Council 10/8/01)

\*\*\* (Further Amended by Council 12/12/94)

**Section 503. Sign Regulations**

E. Church Directional Signs	Erected by a church or synagogue located within the city limits, no such sign shall exceed three (3) square feet in area. It must contain only pertinent directional information. No individual churches or synagogues may erect more than three (3) such signs within the city limits. Such signs shall be kept in good repair and appearance at all times by the owner.
F. Hospital Directional Signs	Erected by a public or private hospital, providing directions with no advertising. Maximum size shall be limited to eighteen (18) square feet and erected with seven (7) feet minimum clearance from the ground.
G. Temporary non-illuminated signs of persons connected with work on buildings under actual construction or alteration.	Located at least ten (10) feet inside any lot line; not to exceed twenty (20) square feet in area.
H. Civic Club Signs	Civic Club signs shall be permitted to locate on incoming lanes on Interstate, U.S. numbered highways, S.C. numbered highways and State secondary roads. All such signs shall be located in one central location where said signs are clustered in one frame. The frame for the civic club signs shall not exceed one hundred (100) square feet.
I. Advertising Signs on Bus Shelters (*)	Advertising signs on bus shelters authorized by the City shall be permitted

503.24 Regulations for Signs. Signs other than those listed in subsection 503 above are permitted only in accordance with the following provisions for the appropriate districts.

503.25 Maintenance of Signs. Signs shall be maintained in good repair at all times. Any sign not meeting the following provisions shall be repaired, maintained, or removed within thirty (30) days after receipt of notification by Zoning Administrator. (\*\*)

503.26 Yard Setback. Freestanding signs may be located in required bufferyards and yard setbacks, provided the minimum setbacks shall not be less than 10 feet from the street right-of-way and not less than 5 feet from the front property line(s). Measurements are to be taken horizontally from the portion of the sign (base or face), which is nearest to the street right away and/or property line. No signs shall be permitted in any street setback unless the owner agrees in writing to remove the sign if the setback is required. It shall be understood that if said setback is ever needed, the value to the sign thereon shall not be included in the computation of the value of the land being taken for right-of-way purposes. (\*\*)

503.27 Sign Removal. All conforming signs shall be removed from the premises within 90 days (3 months) after an establishment goes out of business. Sign removal shall mean to remove the sign area as defined herein. Provided, however, that in the event the business goes out of business, all nonconforming signs shall be removed immediately. Removal of nonconforming signs includes not only the area of the sign as defined

\* (Further Amended by Council 6/26/95)

\*\* (Further Amended by Council 4/28/03)

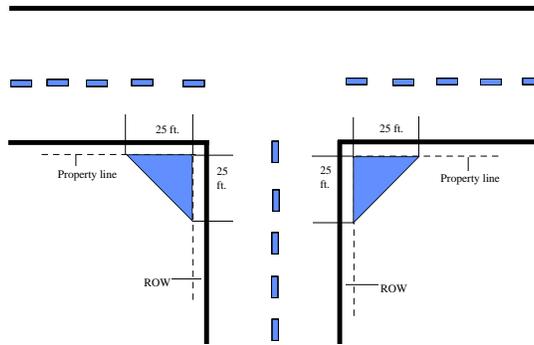
**Section 503. Sign Regulations**

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herein but also the frame structure, stand and all of the components. The responsibility for sign removal will be joint and several with the person occupying the property and the property owner. (\*)(\*\*\*)

503.28 **Visibility at Intersection.** On a corner lot in any residential district, GID, LOD, LC, B-1, D-T4, D-T5, D-T6, B-3, B-4, I-1, I-2 an Intersection Sight Distance (ISD) shall be maintained by a triangular area formed by the right-of-way lines of the intersecting streets and clear line of sight from a vehicle located 15 feet behind the curb line of the approached street. The dimensions of the three legs of the sight triangle are dependent upon the width of the roadway and speed limit. The intersection sight distance and sight triangle dimensions shall be determined by procedures detailed in the latest edition of the South Carolina Department of Highways and Public Transportation Highway Design Manual. No planting, fence or other structure, or man-made earth mound, or change in earth grade, shall be placed or maintained if it obstructs vision between a height of two (2) feet and ten (10) feet above the grade of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. (\*\*)(\*\*\*)(\*\*\*\*)

**VISIBILITY AT INTERSECTIONS**



The South Carolina Department of Highways and Public Transportation Highway Design Manual is available for reference in the City Public Works Department office. This section shall not apply to any intersection which is controlled by a traffic signal exhibiting green, yellow, and red signals.

503.29 **Sign Measurements.**

(A) **Sign Height:** Shall be measured from the natural grade, curb, or street centerline, whichever is higher, to the uppermost point of the sign face or structure.

\* (Amended by Council 6/27/94)

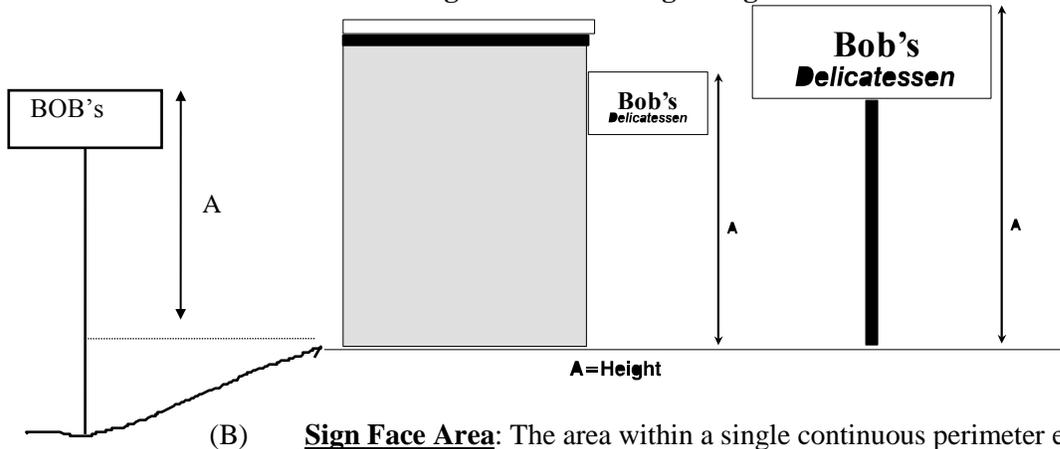
\*\* (Further Amended by Council 12/12/94)

\*\*\* (Further Amended by Council 8/11/97)

\*\*\*\* (Further Amended by Council 11/13/00)

\*\*\*\*\* (Further Amended by Council 10/8/01)

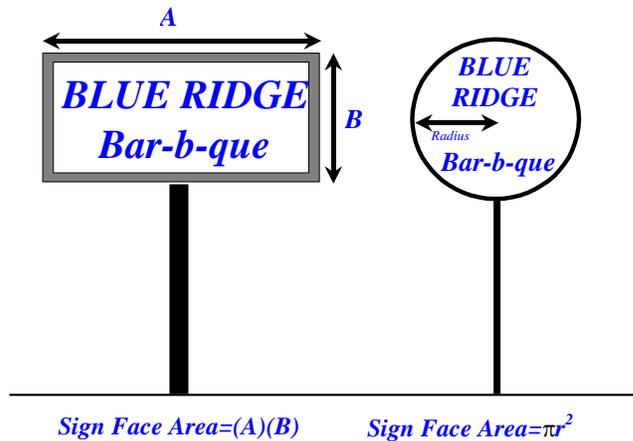
Figure 503 – 1 - - Sign Height



**Sign Face Area:** The area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the supports or uprights on which such sign is placed is defined as sign area. Signs shall be measured as described for each sign type below:

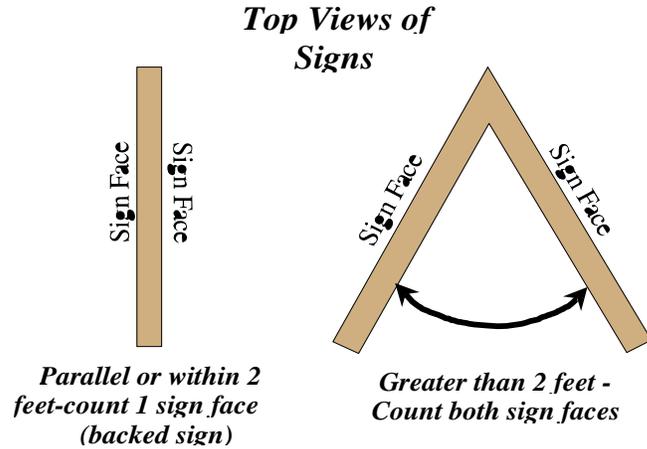
1. **Sign cabinets:** The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see figure 503-2).

Figure 503-2—Sign Area



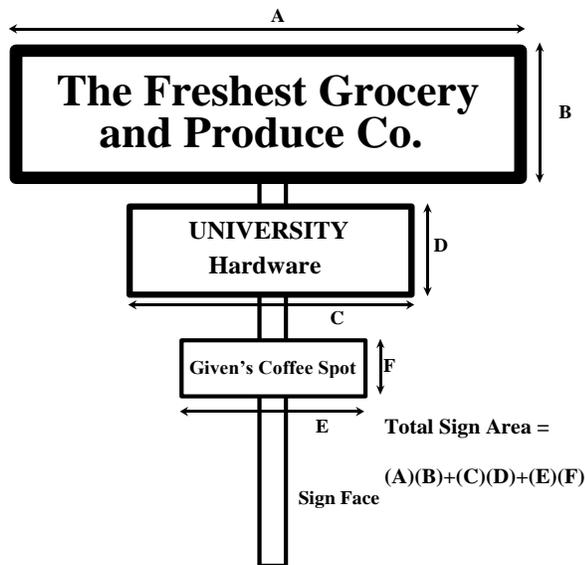
2. **Backed (two-sided) signs:** Where a sign has two or more faces, the area of all such faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the sign area shall be taken as the area of the larger of the two faces.

Figure 503-3



3. **Multiple cabinets:** For freestanding and projecting signs that contain multiple cabinets on one structure, and are oriented in the same viewing direction, the modules together are counted as one sign face.

Figure 503-4—Multiple Sign Cabinets



4. **Round signs:** The maximum surface area visible at one time of a round, three dimensional, or three or more sided sign is counted to determine sign area.
5. **Signs on a Base Material:** When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used in calculating sign area.
6. **Individual Element Signs:** When signs are constructed of individual elements attached to a building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements. Sign elements will be measured as one unit when the distance between the elements

is less than two times the dimension of each element (see Figure 503-5, 503-6).

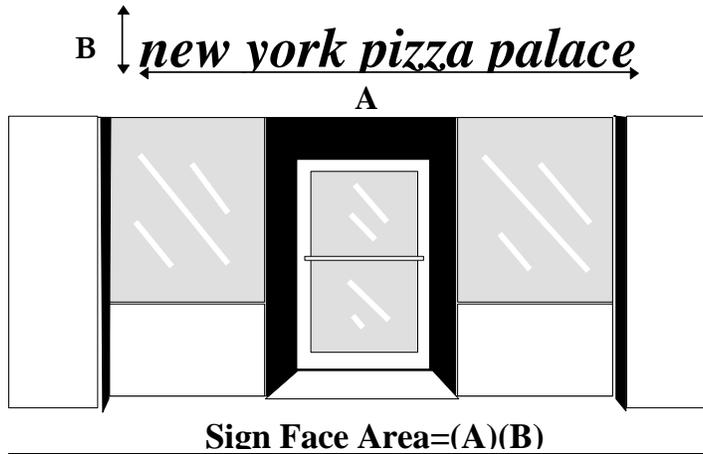
**Figures 503-5/6 - - Individual Sign Elements**



Sign Area=(a)(b)+(c)(d)

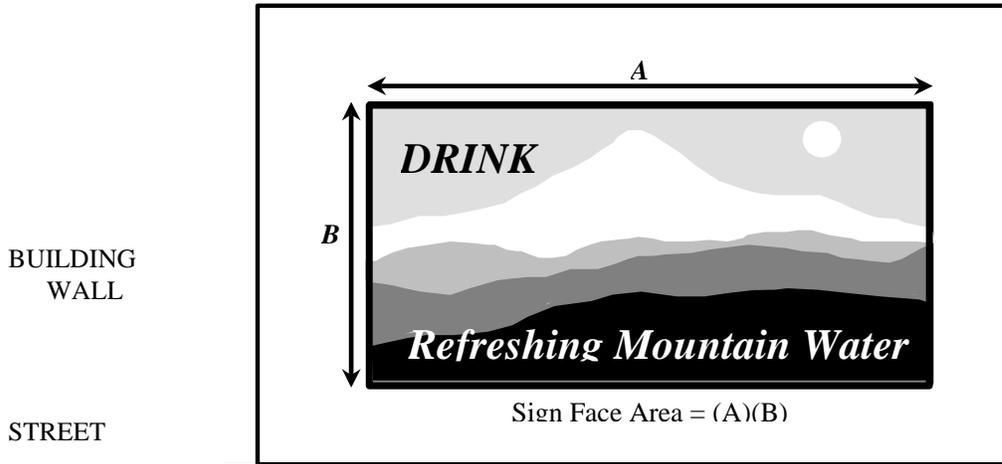


Sign Area= (A)(B)



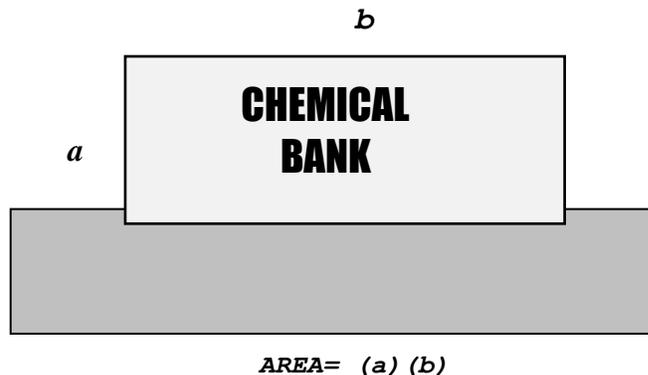
7. **Painted Wall Signs:** Painted wall signs are measured by drawing an imaginary rectangle around the edge of each of the sign elements. Sign elements will be measured as one unit when the distance between the elements is less than two times the length of each element. If a painted wall sign is located closer than two times the length of the painted wall sign and any other painted wall decoration, then the area of both is included in the sign area. Visible wall area includes windows and doors (see Figure 503-7).

Figure 503-7 - - Painted Wall Signs



8. **Awnings and Marquees:** When signs are incorporated into awnings, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign face. When the ends of awning or marquees are parallel and contain sign faces, only one side is counted in addition to the sign face area on the front.
9. **Monument Signs:** The sign face area of monument signs shall be determined by the outer measurements of the sign beginning at base level.

Figure 503-8-- Monument Signs



(C) **Prohibited Signs:** (\*)

1. Signs imitating traffic or emergency signals. No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers or vehicles or which displays intermittent lights resembling the color, size, shape, or order of lights customarily used in traffic signs or an emergency vehicle or law enforcement vehicles, except as part of a permitted private or public traffic control sign.

\* (Further Amended by Council 4/28/03)

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2. Signs or devices employing confusing, distracting or intense illumination when visible from the public right-of-way. No sign shall be permitted which utilizes intense flashing (strobe type) lights, spotlights, floodlights, flashing or blinking lights, or any type of pulsating or moving light which may impair the vision, cause glare, or otherwise interfere with any driver's operation of a motor vehicle.
3. Sign lighting, which is incompatible with residential character. No sign shall be illuminated in such a way that it causes intense illumination onto any residential premises located in any residential district in a manner which by intensity, duration, location or other characteristic is incompatible with the residential character of the district in which such illumination is cast.
4. Roof Sign – Roof mounted signs.
5. Vehicular signs – Signs placed or painted on a motor vehicle or trailer and parked in such a manner with the primary purpose of providing a sign not otherwise allowed by this Ordinance.
6. Abandoned Signs.
7. Signs in road right-of-way, yard signs except when unique circumstances or conditions exist to warrant the placement of a sign within the road right-of-way. Such signs must be approved by the Zoning Administrator and be authorized by the State Highway Development and shall not be located in the sign triangle or in an area that would cause a traffic hazard. The property owner shall assume responsibility for the cost of relocating all signs in the road right-of-way if utility and road maintenance is necessary.
8. Swinging signs.
9. No sign shall project into the public right-of-way.
10. Signs which contain statements, words, pictures or other depictions of an obscene, indecent or immoral character or nature and which offend public morals or decency. (\*\*)
11. Electronic variable message signs and electrical fixed message signs, excepting electrical fixed message signs displaying gasoline prices. (\*\*\*)(\*\*\*\*)

**503.3 Signs Permitted in Residential Districts.** All signs in the R-15, R-12, R-8 SFD, R-8, and R-6 residential districts shall comply with the following requirements: (\*)

**503.31 Specific Signs Permitted:**

**Table B - - Signs Permitted in Residential Districts**

Sign Type	Requirement
A. Non-Illuminated signs for Home Occupation and Professional Offices, in residential districts, where permitted by the district regulations.	<ul style="list-style-type: none"> <li>• Indicates only names of persons and their occupation or professions not exceeding one (1) square foot in area</li> </ul>
B. Indirectly illuminated and non-illuminated signs indicating names of residents and house numbers.	<ul style="list-style-type: none"> <li>• Sign not to exceed one (1) square foot in area.</li> </ul>
C. Identification signs for large residential developments (twenty five (25) or more dwelling units), while under development.	<ul style="list-style-type: none"> <li>• A maximum of thirty-two (32) square feet.</li> <li>• Regardless of size, only one sign per development entrance shall be permitted.</li> <li>• Such signs may be indirectly illuminated.</li> </ul>

\* (Further Amended by Council 2/10/92)

\*\*\* (Further Amended by Council 5/24/04)

\*\* (Further Amended by Council 1/12/04)

\*\*\*\*(Further Amended by Council 11/26/07)

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<p>D. Identification signs for apartments, condominiums, and single family neighborhood associations.</p>	<ul style="list-style-type: none"> <li>• A maximum of thirty-six (36) square feet.</li> <li>• Regardless of size, only two signs per development entrances shall be permitted.</li> <li>• Such signs may be indirectly illuminated.</li> </ul>
<p>E. Temporary non-illuminated signs advertising for sale or for rent the lot or building on which they are placed or some part thereof.</p>	<ul style="list-style-type: none"> <li>• Located not closer than twenty (20) feet to any street right-of-way line unless attached to a building not to exceed four (4) square feet in area.</li> <li>• Individual real estate firms or other selling agent shall not erect more than one such sign on any single lot.</li> </ul>
<p>F. Non-illuminated signs solely for the control of traffic and parking.</p>	<ul style="list-style-type: none"> <li>• Not to exceed four (4) square feet in area.</li> </ul>
<p>G. Non-illuminated signs advertising for sale agricultural produce grown on the premises, where such sale is permitted.</p>	<ul style="list-style-type: none"> <li>• Located at least twenty-five (25) feet inside any lot line at least fifty (50) feet from any intersection, not to exceed twenty (20) square feet.</li> </ul>
<p>H. Illuminated and non-illuminated signs for churches, schools or other public or semi-public institutions and civic bodies. (**)(**)</p>	<ul style="list-style-type: none"> <li>• Located at least ten (10) feet inside any lot line not to exceed fifty (50) square feet in area.</li> <li>• The aggregate copy area of all signs for senior high schools shall not exceed 400 square feet with any such individual sign not to exceed 215 square feet.</li> </ul>

**503.4 Signs Permitted in Office, Institutional, Business, and Industrial Districts.**

503.41 Such signs as are permitted for residential districts, subject to the provisions of Section 503.3 of this Ordinance.

503.42 Signs, whether public or private, solely for the control of traffic and parking.

503.43 Business signs incidental to any permitted use in a business or industrial district, subject to the requirements of this Subsection and to Subsection 503.45 below.

A. Total Area of Business Signs Permitted for Each Establishment. Subject to other provisions of this section, the total area of all business signs for an individual office, business or industrial establishment shall not exceed the square footage shown below for each linear foot of front building wall or front lot line, whichever is greater. On-site directional signs shall not be included in the

\* (Further Amended by Council 8/10/92)

\*\* (Further Amended by Council 4/28/03)

**Section 503. Sign Regulations**

computation of allowable square footage provided such sign bears no commercial message or logos, does not exceed two square feet in area and does not exceed two feet in height. Painted signs shall be included in the computation of allowable square footage listed in Table C.

(\*)(\*\*)(\*\*\*)(\*\*\*\*)(\*\*\*\*\*)(\*\*\*\*\*)(\*\*\*\*\*)(\*\*\*\*\*)

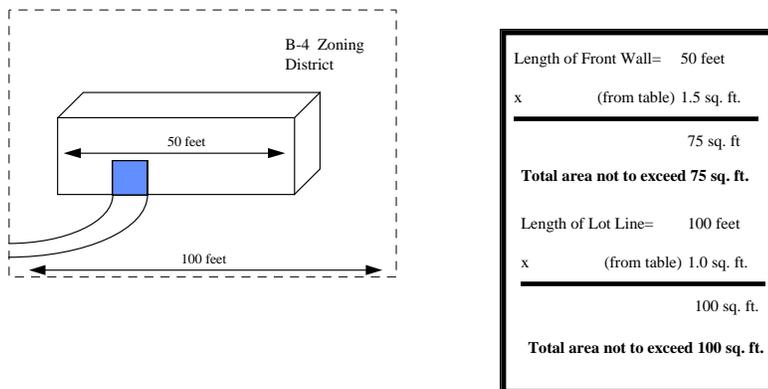
**Table C - - Total Area of Business Signs**

<b>Zone District</b>	<b>Front Building Wall</b>	<b>Front Lot Line</b>
GID/LOD	1.5 sq. ft.	.or 0.5 sq. ft.
LC	1.5 sq. ft.	.or 0.5 sq. ft.
B-1	1.5 sq. ft.	.or 1.0 sq. ft.
D-T4, D-T5, D-T6	1.5 sq. ft.	.or 1.0 sq. ft.
B-3	1.5 sq. ft.	.or 1.0 sq. ft.
B-4	1.5 sq. ft.	.or 1.0 sq. ft.
I-1	1.0 sq. ft.	.or 1.5 sq. ft.
I-2	1.0 sq. ft.	.or 1.5 sq. ft.

- 1) **Example:** To illustrate the above table, consider the following example.

The building is a storage warehouse in a B-4 Zoning District. The permitted sign area can be calculated in two ways - -1) Linear feet of the front building wall (50 feet) multiplied by a factor of 1.5. Therefore, the maximum area of a permitted sign is 75 square feet; 2) linear feet of the front lot line (100 feet) multiplied by a factor of 1.0. The corresponding maximum sign area is 100 square feet. The maximum sign area may be the greater of the two options. (see illustration on next page)

Figure 503-10



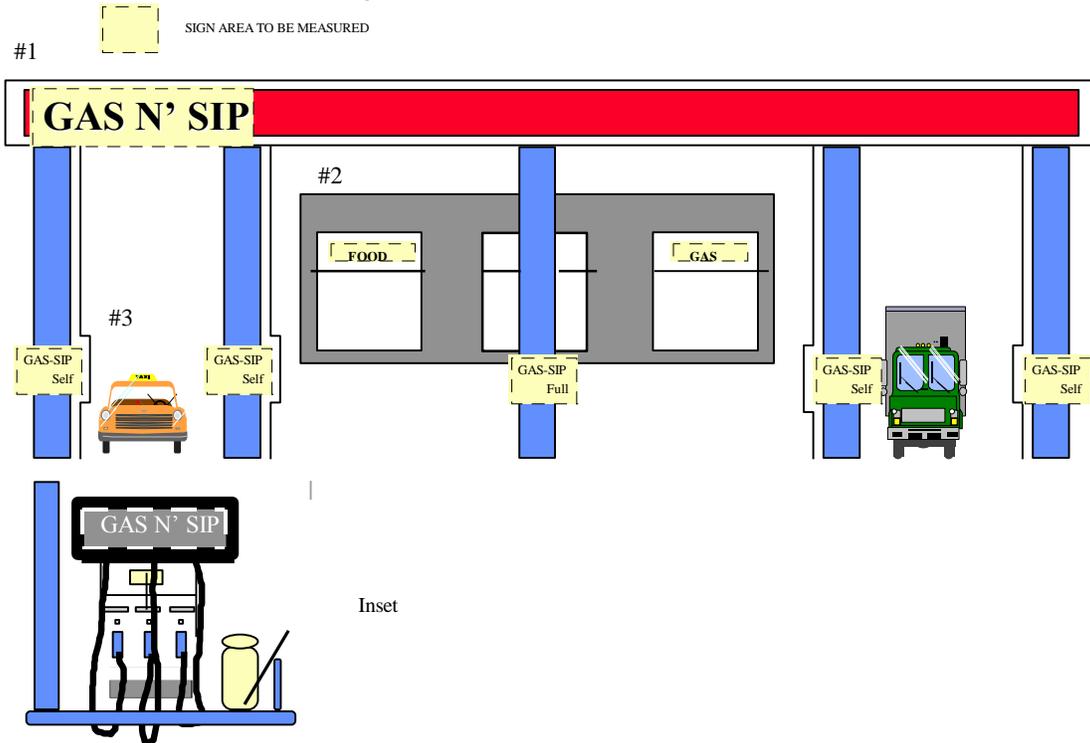
\* (Amended by Council 7/9/90)  
 \*\* (Further Amended by Council 9/13/93)  
 \*\*\* (Further Amended by Council 6/27/94)  
 \*\*\*\* (Further Amended by Council 12/12/94)

\*\*\*\*\* (Further Amended by Council 2/24/97)  
 \*\*\*\*\* (Further Amended by Council 10/8/01)  
 \*\*\*\*\* (Further Amended by Council 1/12/04)

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- 2) **Example:** Figuring the total sign area for individual businesses like the gas/convenience store in the example below is accomplished by adding the sign area for each individual sign. The maximum allowable sign area is figured according to the options noted in Table C.

•Gas/Convenient store signage shall be considered in the following manner: Sign # 1, being part of the canopy structure, shall be measured by drawing an imaginary rectangle around the sign elements. Signs #2, shall be measured like general wall signs, with elements and colored panel included. Signs #3, located on gas pumps, shall be measured individually using normal sign area formula of base x height.( see Inset)



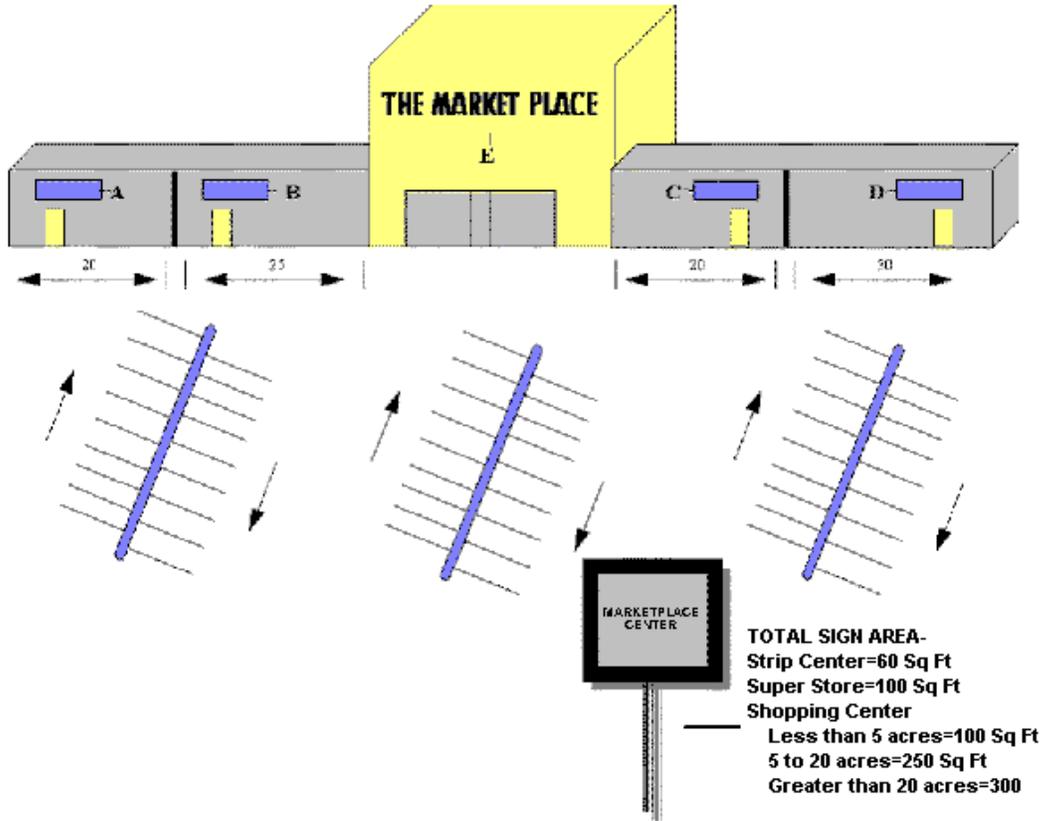
Signs for individual businesses in Zones GID, LOD, LC, B-1, D-T4, D-T5, D-T6, B-3, B-4, I-1 and I-2 shall in no event exceed in the aggregate 200 square feet in area. However, where the lineal footage of a lot exceeds 500 lineal feet, the maximum square footage of signage may be increased to 250 square feet. Super Store, shopping center, strip center and anchor store signs shall be exempt from the aggregate above. Individual business square footage allowable in shopping centers and strip centers shall be calculated only using the front building wall of the business, in accordance with Table C. The maximum allowable square footage per business in a shopping center or strip center shall not exceed 200 square feet.

A freestanding strip center sign shall not exceed sixty (60) square feet and is permitted in addition to the individual business signs for strip centers.

A shopping center is permitted one (1) freestanding sign of no greater than two hundred fifty (250) square feet in area if the center is located on a site of five (5) to twenty (20) acres and up to three hundred (300) square feet in area if the center is located on a site of over twenty (20) acres, and is permitted in addition to individual business signs in shopping centers. Freestanding signs for super stores and for shopping centers on sites under five (5) acres are limited to up to one hundred (100) square feet in area.

Signs for anchor stores in malls shall not exceed two hundred (200) square feet per building wall.

Figure 503-11 Sign Area in Shopping Centers



Note the following example to illustrate the above graphic:

Table D - Maximum Sign Area Per Shopping Center/  
Strip Center Store

	Wall Length (ft.)	Factor (from Table C)	Total Sign Area (sq. ft.)
Store A	20	1.5	30
Store B	25	1.5	39
Store C	20	1.5	30
Store D	30	1.5	45
Store E	100	1.5	150

A super store is defined as a commercial establishment, planned and developed as a single entity, having at least 100,000 square feet of gross floor area with off-street parking provided on site.

A mall anchor store is defined as a commercial establishment having at least 80,000 square feet of gross floor area planned and developed with other attached commercial establishments. This is an enclosed, pedestrian-oriented, interior retail environment that is characterized by a majority of attached interior stores having no exterior entrance for public use.

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Signs for super stores shall be based upon Table E below:

**Table E: Maximum Sign Area for a Super Store**

<b>Square Footage of Super Store</b>	<b>Sign Square Footage Permitted</b>
100,000 sq. ft. to 124,999 sq. ft.	500 sq. ft.
125,000 sq. ft. to 145,999 sq. ft.	600 sq. ft.
150,000 sq. ft. plus	700 sq. ft.

Freestanding Signs for Super Stores:

An additional freestanding sign of up to more hundred (100) square feet in area is permitted for super stores.

- B. If any establishment has walls fronting on two or more streets, the sign area for each such street shall be computed separately. The square footage allowed for each street shall not be combined to come up with an aggregate square footage that could apply to any one street. The size of such signs cannot exceed the amount of signage permitted in Table C above.
- C. Where two or more business entities occupy a building, two or more signs may be used provided that the total aggregate square footage does not exceed the maximum area permitted for the whole building, except as provided for shopping centers, strip centers and superstores.
- D. Signs painted on or affixed to the inside and/or outside of windows and/or walls of buildings shall not exceed 25% of the total window area. All such window signs shall be included in the total permitted sign area allowable. (\*\*\*)
- E. Regardless of the provisions of this Subsection 503.43, all business signs shall be subject the coverage limit in paragraph 503.45 below.
- F. Signs permitted in the GID (General Institutional District), LOD (Limited Office District), and LC (Limited Commercial District) may be either non-illuminated, indirectly illuminated or directly illuminated. (\*)(\*\*)

\* (Amended by Council 12/12/94)

\*\*\* (Further Amended by Council 4/28/03)

\*\* (Further Amended by Council 10/8/01)

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- G. A ground-based freestanding business sign shall be no greater than thirty-five (35) feet in height above either the nearest curb or street centerline, or ground level at which point the sign is erected, whichever is higher.
- H. Permanently affixed business pole signs shall be permitted to be constructed in any required yard, in accordance with subsection 503.26.
- I. Wall signs placed flat against a wall and essentially parallel to it shall have no height limitations.
- J. All changeable copy signs in Zones GID, LOD, LC, B-1, D-T4, D-T5, and D-T6 shall be permanently affixed to the superstructure of the principal sign on a zoning lot. Said sign shall be placed a minimum of ten (10) feet above ground level (\*\*)(\*\*\*).
- K. No signs shall be permitted to project into any public right-of-way. However, small-projecting signs may be permitted in Zone D-T4, D-T5, and D-T6 provided they are no more than four (4) feet from the face of a building. Such projecting sign shall be mounted at least nine (9) feet high and can not be internally lit, backlit or use any neon (\*)(\*\*).
- L. Bonus Signage Permitted in the Interstate 26 Corridor Overlay Zoning District (\*\*\*).
  - 1.) An overlay Zoning District is hereby established for all lands currently inside the City of Spartanburg corporate limits which are situated between the eastern edge of the Interstate Highway 26 right-of-way and the western edge of the Blackstock Road right-of-way. This Overlay Zoning District shall apply to lands currently inside the City as of the effective date of this ordinance and shall automatically expand to apply to future lands within this specific corridor when future annexations are approved by City Council.
  - 2.) The Overlay Zoning District shall apply only to properties which are zoned B-1 and B-3.
  - 3.) Bonus signage shall only apply to portions of B-1 and B-3 zoned lots which meet the definition of “Rear Yard” as defined in Section I, §108, “Definitions”, of the Zoning Ordinance.
  - 4.) Bonus signage will only apply to pole signs which are proposed for the rear yards of B-1 and B-3 zoned lands.
  - 5.) Bonus pole signs may extend to a maximum height of 45 feet to be measured from the base of the pole.

\* (Amended by Council 11/13/95)

\*\* (Further Amended by Council 12/12/95)

\*\*\* (Amended by Council 3/12/96)

\*\*\*\* (Further Amended by Council 10/8/01)

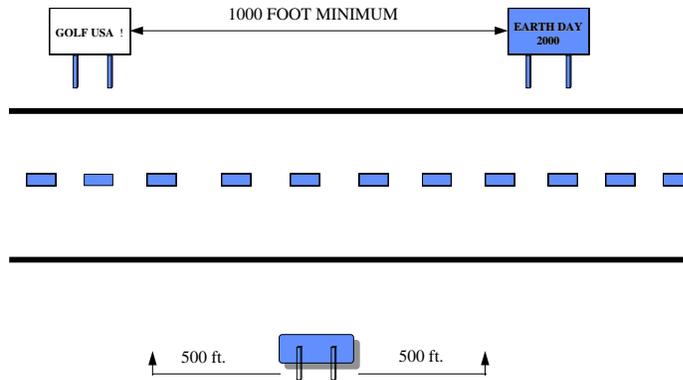
- 6.) Each bonus pole sign may have two (2) faces, each of which may contain up to 100 square feet. One additional sign of up to 100 square feet may be placed on a pole. However, the additional square footage of this sign must be reduced from the overall square footage for signage allowed for the entire lot.
- 7.) One bonus pole per sign per zoning lot will be permitted. However, if a B-1 or B-3 zoned property meets the definition of “shopping center” as defined in Section I, § 108, “Definitions”, of the Zoning Ordinance, one (1) bonus pole sign for each business with at least 20,000 square feet of interior floor space within the shopping center shall be permitted. A maximum of four bonus pole signs shall be permitted for lots containing shopping centers.
- 8.) Each bonus pole sign shall only advertise the on-site business.
- 9.) Illumination of bonus pole signs shall be by internal illumination only. No electronically animated signage and no external illumination of bonus pole signs shall be permitted.
- 10.) All bonus pole signs must be spaced at least 150 feet apart on a lot. Bonus pole signs must also be spaced at least 150 feet from bonus pole signs which have been permitted on adjacent lots.

503.44 **Advertising Signs.** Are permitted in Zones B-3, B-4, I-1, and I-2. The City of Spartanburg shall prepare an inventory of all existing advertising signs within the city limits identifying the owner, zone and location of all such advertising signs. Any sign appearing on the inventory that is lost, removed, or destroyed may be replaced provided that the total number of signs contained within that inventory is not exceeded and further provided that the advertising signs shall comply with the standards set forth below provided however, the City may allow advertising signs that do not conform with Subsection 503.45, if currently existing advertising signs are deleted permanently from the inventory as negotiated by the City, or other set criteria proposed by the Planning Commission, and approved by Council from time to time.\*

- A. All signs along the same side of the street shall be spaced at intervals of not less than 1000 feet. The beginning point of measurement for signs on the opposite side of the street shall be at a point perpendicular across the street 500 feet in either direction parallel with the street. No two (2) advertising signs shall be erected perpendicular with each other and only two (2) such signs may be located at a street intersection. Advertising signs shall not be located in any required yard or setback area.

\*(Amended by Council 6/27/11)

Figure 503.12 - - Advertising Sign Intervals



- B. Gross area of an advertising sign shall not exceed three-hundred (300) square feet per advertising face.
- C. Gross area of painted panel signs shall not exceed three-hundred seventy eight (378) square feet plus extended advertising copy not to exceed ninety-five (95) square feet per advertising face.
- D. The height of an advertising or painted panel sign shall not exceed thirty-five (35) feet. The height of the uppermost point of any advertising or painted panel (including frame) shall not exceed the following:
  - 1) If such sign is placed flat against a wall or is within five (5) feet of a wall and essentially parallel to it, the height shall be no greater than thirty-five (35) feet above the nearest curb or street centerline, or the finished lot grade along the wall on which the sign is erected, whichever is the higher.
  - 2) If such sign is a ground sign and does not come within paragraph (1) above, the height shall be no greater than thirty-five (35) feet above either the nearest curb or street centerline, or ground level at which point the sign is erected, whichever is higher.
- E. No single face advertising sign shall be erected unless it is erected on a single pole if the substructure is visible to moving traffic.
- F. Appropriate low maintenance landscaping areas shall be planted and maintained at the base of all single-face advertising signs. Such planting areas shall be approved by the Office of Community Enhancement of the City of Spartanburg.
- G. Advertising signs are permitted in zones D-T4, D-T5, and D-T6. Said signs shall be subject to the following limitations:
  - 1) The sign shall contain no more than twenty (20) square feet.

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- 2) The sign shall be located no more than three-hundred (300) feet from the business advertised.
  - 3) The inscription on the sign shall only direct attention to the specific business related to it. It shall not advertise anything else whatsoever.
- H. No advertising sign shall violate the corner visibility restrictions of Section 503.13 (J).
- I. No advertising sign shall have more than two (2) advertising faces and only one (1) such face shall be visible from each direction of traffic.

503.45 Additional Requirements for all Signs in Business and Industrial Districts.

- A. Electronic variable message signs and electrical fixed message signs are prohibited, excepting electrical fixed message signs displaying gasoline prices. Additionally, public agencies may use such signs for traffic control, emergency management, and speed trailers, etc.  
(\*)(\*\*\*\*\*)(\*\*\*\*\*)
- B. If such sign or signs are placed flat against a wall or are within five (5) feet of a wall and essentially parallel to it, the total area of all such signs shall not exceed one-third (1/3) the area of the wall (including window and door area and cornices).
- C. Within the GID, LOD, LC, B-1, D-T4, D-T5, D-T6, B-3, B-4, I-1 and I-2 Districts, no freestanding ground sign or pole sign shall be located within ten (10) feet of any lot line. The point of measurement shall be from the lot line to the outmost edge of the sign and not to the pole or foundation. (\*\*)(\*\*\*)(\*\*\*\*)
- D. Business signs to advertise or generally identify a planned business or industrial development such as a shopping center, office park, or industrial park will be permitted on the premises. Such signs may have one or two faces for each lot line adjacent to a street; provided, no such sign shall exceed a surface area, per face, 0.5 square foot for each one (1) lineal foot of said lot line, provided that not more than one (1) sign may be placed along any one (1) street. All such signs shall be removed when the business or industrial concern is operational.

\* (Amended by Council 5/8/95)

\*\* (Amended by Council 12/12/94)

\*\*\* (Further Amended by Council 10/8/01)

\*\*\*\* (Further Amended by Council 4/28/03)

\*\*\*\*\* (Further Amended by Council 5/24/04)

\*\*\*\*\* (Further Amended by Council 11/26/07)

**503.5 Portable Signs.**

- 503.51 Portable signs shall be permitted in Zones B-3, B-4, I-1 and I-2, and must receive a permit prior to being displayed or erected. They may not be permanently attached to the ground, building or other structure. All portable signs must be located on the premises for which they are advertising. Portable signs shall be permitted, provided the following standards are met. (\*)
- A. Said sign shall not have flashing lights.
  - B. Said sign shall not have lights the color of red, amber or green.
  - C. If a business establishment sign or signs have already been constructed to the maximum area allowable under Section 503.43, item A, of this Ordinance, no mobile portable sign shall be permitted on the zoning lot.
  - D. Sidewalk and sandwich signs may be placed in the public right-of-way only in zones D-T4, D-T5, and D-T6 and where an encroachment permit has been issued. (\*)
  - E. All such signs shall be setback a distance of eight (8) feet from the edge of the sidewalk or edge of the street right-of-way, whichever is less.
  - F. All such signs shall be protected with ground fault devices within six (6) months after the effective date of this Ordinance.
  - G. Within six (6) months after adoption of this Ordinance, all such signs shall show the name and address of the owner.
  - H. In such event a portable sign shall be installed, erected, or constructed in violation of this section, the Zoning Administrator shall notify by registered mail or written notice served personally, the owner or lessee thereof to alter such sign so as to comply with this section and to secure the necessary permit thereof or to remove the sign. If such order is not complied with within ten (10) days thereof the Zoning Administrator shall remove such sign at the expense of the owner or lessee thereof.
  - I. All signs shall be designed to resist 28 PSF wind pressure. Signs placed on property and not properly anchored will be subject to immediate citation. Anchoring of portable signs shall be provided by one of the following methods: (\*\*)

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\* (Further Amended by Council 4/28/03)

\*\* (Further Amended by Council 1/12/04)

**Section 503. Sign Regulations**

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- 1) A minimum of two ¼” diameter steel galvanized cables attached to ½” diameter expansion type anchors imbedded in concrete or asphalt type paving.
- 2) A minimum of two ¼” diameter steel galvanized cables attached to a deformed bar type anchor driven to a depth of 16 inches minimum.
- 3) ¼” diameter steel galvanized cable attached to a minimum 48 lb. weight extending to ground level on each corner thereof.

J. Portable signs shall be permitted only once in any six-(6) month period of each year and for not more than thirty (30) consecutive days, after which time, the sign must be removed from the property. Removing of letters does not constitute compliance. (\*\*)

**503.6 Political Signs. (\*)**

Political signs shall mean any sign advocating or supporting a political candidate or political view defined as any matter upon which an election, general or special, is held.

Political signs shall be permitted on private property for a period not to exceed sixty (60) days before the applicable election and seven (7) days after the election. Political signs shall not exceed a total of sixteen (16) square feet (eight (8) square feet per side of a two-sided sign or two (2) feet by four (4) feet). Political signs shall not be placed on public property or on public right-of ways, except when a portion of the right-of-way is maintained by a private property owner, provided that the private property owner consents to the placement of a political sign. Any sign that the city determines to be a visual obstruction shall be removed. In addition, the placement of political signs must comply with Section 501.8, Visibility at Intersections, of the City of Spartanburg Zoning Ordinance.

**503.7 Banners. (\*\*)**

A. **Banners For Non-Profit Organizations.** Banners promoting special events and events of public interest sponsored by non-profit organizations or government sponsored agencies shall be permitted at approved designated street right-of-ways or/on buildings authorized for display by the City of Spartanburg or Spartanburg County. The Zoning Administrator or his designee shall approve permits for all such banners. No fee shall be incurred by the sponsoring entity provided: (\*\*\*)

1. There are no more than two (2) banners placed at no more than two (2) approved designated locations by any one organization for a maximum total of four (4) banners; these locations are:

\* (Amended by Council 8/9/99)

\*\*\* (Further Amended by Council 1/12/04)

\*\* (Amended by Council 4/28/03)

- (a) W.O. Ezell Boulevard & W. Blackstock Road
  - (b) John B. White, Sr. Blvd. & E. Blackstock Road
  - (c) North Church & Chapel Streets
  - (d) North Church & E. Saint John Streets
  - (e) South Church & League Streets
  - (f) North Pine Street & Garner Road
  - (g) Cedar Springs & Southport Roads
  - (h) South Pine Street & Country Club Road
  - (i) North Pine & E. Saint John Streets
  - (j) East Main Street & Fernwood-Glendale Road
  - (k) East Main Street & Webber Road
2. Banners at the above designated locations shall be permitted two weeks prior to the special event and must be removed within forty-eight (48) hours after the event has ended;
  3. The maximum size of any banner placed at a designated location shall not exceed twenty-four (24) square feet; and
  4. In addition to the designated locations above, the maximum size of any banner placed on/or at a building shall not exceed 1.5 square feet of sign face per linear foot of front building wall, to a maximum of two hundred (200) square feet for a period not to exceed sixty (60) days.

B. **Banners for Office and Commercial Locations.** On-premise banners are permitted at office and commercial locations. Such banners shall not count against permanent signage when meeting the following standards. Any banner(s) not meeting the following standards shall be counted against the particular locations allowable permanent signage. Examples of such office and commercial banners would include, but not limited to, grand opening and sales banners. Such banners shall be permitted, provided: (\*)

1. All banners shall require a permit, which shall be valid for a period of ninety (90) days;
2. No more than three permits in any one (1) year period shall be issued;
3. There are no more than two (2) banners placed at an applicable business location;
4. The maximum size of any banner(s) shall not exceed 1.5 square feet of sign face per linear feet of front building wall, to a maximum of two hundred (200) square feet.

\* (Further Amended by Council 1/12/04)

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**§ 504. REGULATIONS FOR OFF-STREET PARKING AND LOADING**

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**504.1 Off-Street Parking and Loading. (\*) (\*\*)**

Permanent off-street parking and loading space in the amount specified by this Section shall be provided, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one type of use or occupancy to another. Such parking space may be provided in a parking garage or parking lot or in driveways serving single and two family residences. The provisions of this Section shall not apply to the D-T4, D-T5, and D-T6 Downtown Urban Districts. Parking and loading facilities provided in accordance with the terms of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. No portion of the area of any street right-of-way or street setback shall be considered as fulfilling or partially fulfilling the off-street parking requirements of this Section.

504.11 Parking Lots to be Improved. Parking lots intended to provided for the off-street parking space required by this Ordinance shall be improved and maintained with any of the following paving standards:

1. Concrete Interlocking Paver Systems – sand base
2. Concrete Design blocks on sand base
3. Brick pavers – flexible/rigid base
4. Granite Setts on 6” sand base
5. Cut stone on flexible/rigid base
6. Treated wood block in cement bed
7. Exposed aggregate in concrete base
8. 4” Stabilized aggregate base plus 1” hot laid asphaltic concrete binder
9. Bituminous surfacing - - double treatment
10. Bituminous pavement (4 ½”) Plant mix hot-laid—single course
11. Concrete (4”) 2,500 lb. or 3,000 lb. mix

(See specifications of the above; see Illustration Appendix, Illustrations J & K.)

It shall be unnecessary to pave parking lots under the following circumstances:

- a. Residential structures containing no more than 4 units.
- b. In Industrial Zones crushed rock may be substituted.
- c. In instances where a residential unit is converted to an office or commercial use which requires less than five (5) spaces, the paving of said spaces may be delayed until the new use requires five (5) parking spaces or more. Until that time crushed rock may be utilized in the required off-street parking area.

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\* (Amended by Council 8/7/78)

\*\* (Further Amended by Council 3/4/85)

504.12 Joint Use of Parking Lots. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another for use during the same hours. The Board of Zoning Appeals may grant a special exception, under provisions of Section VI, 603 of this Ordinance, reducing the number of parking spaces for a combined parking facility where the separate uses using such facility can prove that their parking demands do not occur during the same hours.

504.13 Certification of Minimum Parking Requirements. Each application for a building permit or certificate of occupancy shall include information as to the location and dimensions of off-street parking space or loading space, if required, and the means of ingress and egress between such space and a street or alley. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Section are met.

The certificate of occupancy for the use of any building, structure or land where off-street parking space is required shall be withheld by the Zoning Administrator until the provisions of this Section are fully met. If at any time such compliance ceases, any certificate of occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

504.14 Free Flow of Traffic and Pedestrian Protection. Ingress and egress for parking facilities shall be so arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets. If a reservoir of vehicle standing area is necessary to prevent such blocking of traffic, an adequate reservoir shall be provided which shall not be considered a parking or loading area. No ingress or egress driveway, except for single and two family houses, or condominium regimes, shall be so arranged that vehicles can enter or leave the area only by backing on or across any sidewalk or to or from any street. Adequate sight distances shall be maintained for vehicles and pedestrians. (\*)

504.15 Marking. Each parking and loading space shall be clearly marked.

\*(Amended by Council 3/18/91)

**Section 504: Off-Street Parking and Loading**

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Parking Spaces for Physically Handicapped. When off-street parking is required for any building or use, with the exception of single-family dwellings and rental apartment complexes of less than twenty (20) units, parking for the physically handicapped may be include when calculating the overall parking requirements for a building or use. Parking for physically handicapped persons shall be provided as follows:

<b>Total Spaces Required By Zoning Regulations</b>	<b>Spaces Reserved for Handicapped Persons</b>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total required
Over 1000	20, plus one (1) space for each 100 over 1000

504.17 Remote Parking Space. All dwelling units, motels, tourist courts, tourist homes and trailer parks, shall have the required parking spaces provided on the lot on which such dwelling type unit is located. For all other uses, if off-street parking spaces required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located they may be administratively approved by the Zoning Administrator if the following criteria are met: (\*\*)

- a. Such spaces must be zoned properly;
- b. Such spaces must be provided within four hundred (400) feet walking distance of the main entrance to such principal use;
- c. Such spaces shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease for a minimum period of five (5) years. Continuation of the subject use, upon termination of the remote parking lease, is conditional upon provision of remote parking meeting the requirements of this Section.

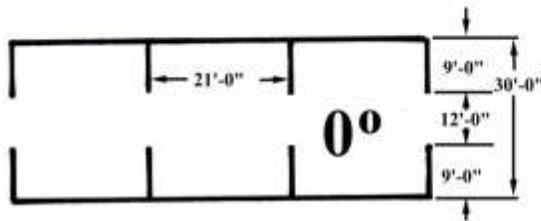
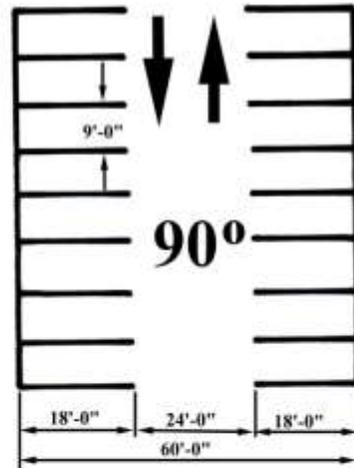
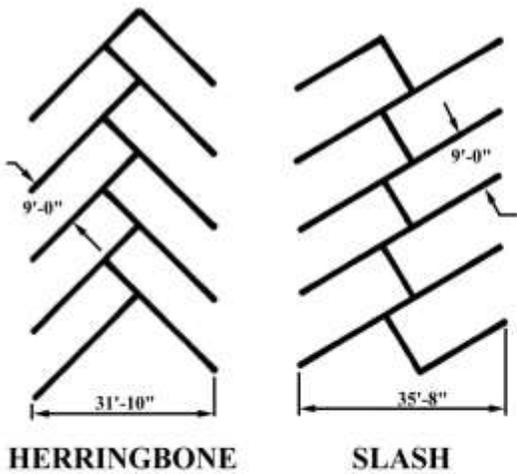
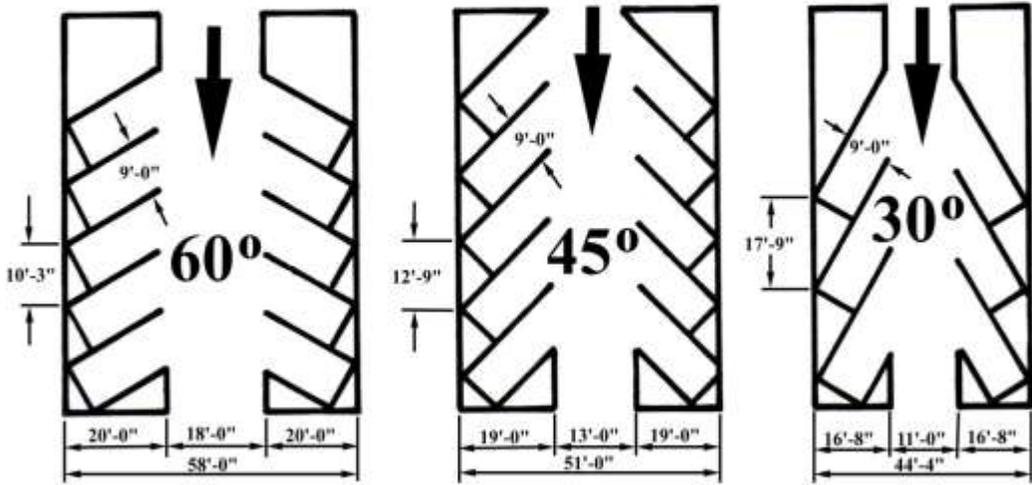
If spaces proposed to meet the requirements of the Zoning Ordinance do not meet administrative criteria b. or c. above, the owner may appeal to the Board of Zoning Appeals for approval.

504.18 Dimensional Requirements For purposes of this Ordinance, an off-street parking space shall be no less than nine (9) feet wide and eighteen (18) feet long with adequate ingress and egress provided for each off-street parking space. (\*)

\* (Amended by Council 5/1/95)

\*\* (Amended by Council 1/10/05)

# PARKING STANDARDS



Note: Turning radii  
15'-0" min.

← Traffic Flow

\* (Amended by Council 5/1/95)

\*\* (Further Amended by Council 9/14/98)

**Section 504: Off-Street Parking and Loading**

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504.16 Scope of Regulations. The off-street parking and loading provisions of this ordinance shall apply as follows:

- a. For all buildings and structures erected and all areas of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this ordinance and provided that construction is begun within 12 months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.

504.17 Parking Standards. (\*\*)(\*\*\*)

**PARKING STANDARDS**

<b>Angle of Parking</b>	<b>Width of Stall</b>	<b>Depth of Stall</b>	<b>Minimum Driveway Width</b>	<b>Length Of Curb Per Car</b>
0°	9'		12'	21'
30°	9'	16' - 8"	11'	17' - 9"
45°	9'	19' - 0"	13'	12' - 9"
60°	9'	20' - 0'	18'	10' - 3"
90°	9'	18'	24'	9'

(See Illustration – p. 130)

**504.2 Design and Maintenance. (\*)**

- 1) Plan: The design of parking lots or areas shall be subject to the approval of the Inspections Division or in case of site plan review by the Planning and Zoning Division, in accordance with standards approved by the Planning Commission and City Council.
- 2) Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance or a traffic hazard.

504.18 Specific Requirements. All off-street parking spaces hereinafter required by this ordinance, except those required for one – and two-family dwellings, shall be designed in accordance with the off-street Parking

\* (Amended by Council 3/4/85)

\*\*\* (Further Amended by Council 9/14/98)

\*\* (Further Amended by Council 5/1/95)

**Section 504: Off-Street Parking and Loading**

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Standards, Section V, 504.14, p. 128 and the illustration on p. 130. Off-street parking space shall be provided in accordance with the Minimum Off-Street Parking Index as hereinafter set forth. Parking spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal use requirement. The following list of parking classes and uses is intended to be illustrative rather than exhaustive. In any cases where a parking standard for a use is not specifically referred to by the following parking classes, its status under this Section shall be determined by the Zoning Administrator by reference to the most clearly analogous use or uses that are specifically referred to by the parking classes. When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more, shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. (\*)

\* (Further Amended by Council 9/14/98)

**MINIMUM OFF-STREET PARKING INDEX**

**A. Commercial**

1. **Amusement Center** – Three spaces per each 1000 sq. ft. of gross floor area, plus one additional space for each two licensed game machines.
2. **Amusement Park** – Three spaces per each 1000 sq. ft. of gross floor area within enclosed buildings, plus one space for every three persons that the outdoor facilities are designated to accommodate when used to the maximum capacity.
3. **Automatic Teller Machine** – Two spaces per machine.
4. **Auction House** – One space per two seats or two per 100 sq. ft. of gross leasable area, whichever is greater.
5. **Auto Body Shop (See also Oil Change Shop and Auto Maintenance Center)** – One space per each service bay and mechanic.
6. **Auto, Car Wash – Full-Serve** – One parking space per employee of the largest shift. Stacking for five vehicles for automatic car wash lane, plus two drying spaces for each washing stall.
7. **Auto, Car Wash – Self-Serve** – Two stacking spaces per each washing stall, plus two drying spaces for each washing stall.
8. **Auto, Gas Station, Full-Serve** – One space per each gas pump, plus two spaces for each grease rack or similar facility, plus one space for each 1.5 employees.
9. **Auto, Gas Station Self-Serve** – One space per each employee. One space for each fuel nozzle. In addition, one parking space shall be provided for each 50 sq. ft. of usable floor area in the cashier's and office areas.
10. **Auto Maintenance Center** – One space per 250 sq. ft. Stacking for two vehicles for each bay.
11. **Auto Oil Change Shop (See Auto Maintenance Center)**
12. **Auto Parts Store** – One space per each 400 sq. ft. of gross leasable area, plus one space for each employee on the maximum work shift.
13. **Auto Rental** – One space per 400 sq. ft. of gross floor area.
14. **Auto Repair (See also Gas Station)** – One space per each service bay and mechanic.
15. **Auto Sales** – Four spaces per 1,000 sq. ft. of gross floor area.
16. **Auto Storage Areas** – One space per 5000 sq. ft. of lot area, plus a minimum of 2 spaces outside any perimeter fence or secure area.
17. **Bank, Credit Union, Savings & Loan Association, (See also Bank, Savings & Loan Assoc., Credit Unions, Drive-Ins)** – One space per each 400 sq. ft. of gross floor area up to 20,000 sq. ft., plus one additional space for each 500 sq. ft. of gross floor area in excess of 20,000 sq. ft.
18. **Bank, Credit Union, Savings & Loan Association, Drive-Ins.** – One space per each employee. In addition, stacking spaces at each service window or station shall be provided at the rate of three for each service window or station. Each waiting space shall measure not less than 18 feet in length.
19. **Bar, Dance Hall, Nightclub, or Cocktail Lounge** – Greater of: 1 per 100 sf; or 1 per 3 persons of occupant load. (\*)

\*(Amended by Council 11/24/08)

*Section 504: Off-Street Parking and Loading*

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20. **Barber Shop** (See also **Beauty Parlor**) – 1.5 spaces per chair and one per each two employees.
21. **Bed and Breakfast** – One space per guest room.
22. **Beauty Parlor** (See also **Barber Shop**) – Two spaces per operator station and one per each two employees.
23. **Bicycle Repair** – Three spaces per 1,000 sq. ft. of gross floor area.
24. **Bingo Parlor** – One space per three seats (based on design capacity) or one per 1,000 sq. ft. gross floor area, whichever is greater.
25. **Bookstore** - 4.5 spaces for every 1,000 sq. ft. of gross floor area.
26. **Boarding House** (See also **Dormitory**) – One space per two beds.
27. **Bowling Alley** – Two spaces for each alley.
28. **Convenience Store** – 3 spaces per every 1,000 sq. ft. of gross floor area.
29. **Convenience Store with Gas Pumps** – 3 spaces per every 1,000 square feet of gross floor area and one space per gasoline pump.
30. **Drive-In Facility** (See also **Restaurant, Fast-Food and Bank, Drive-In**) – One space per each motor vehicle served, plus one space per each two employees during period of greatest employment.
31. **Dry Cleaning** – One space per 300 sq. ft. of gross floor area.
32. **Drug Store** – Five spaces per 1,000 sq. ft. of gross floor area.
33. **Exterminator** – One space per each employee.
34. **Furniture Store** – One space per 1,000 sq. ft. of gross floor area.
35. **Grocery Store** – Three spaces per each 1,000 sq. ft. of gross floor area.
36. **Gunsmith** – Three spaces per 1,000 sq. ft. of gross floor area.
37. **Hardware Store** – One space per 400 sq. ft. of gross leasable area.
38. **Health Club** (See also **Gymnasium**) – One space per each 200 sq. ft. of gross leasable area.
39. **Hotel/Motel** (See also **Bed and Breakfast**) – .75 space per unit.
40. **Indoor Racquet Courts** (See also **Tennis Club**) – Three spaces per every court.
41. **Laundromat** – One space for each 200 sq. ft. of gross floor area used by the general public.
42. **Kennel** – One space per employee, plus one space per 1,000 sq. ft. of gross floor area.
43. **Liquor Store** – One space per every 400 sq. ft. of gross floor area.
44. **Locksmith** – Three spaces per 1,000 sq. ft. of gross floor area.
45. **Message Therapy, Therapeutic Steam Bath, or Day Spa** – Four space per each 1,000 sq. ft. of gross floor area.
46. **Miniature Golf Course** – One space per hole, plus one space per employee on the largest work shift.
47. **Miniwarehouse** (See **Self-Service Storage Facility**)
48. **Motorcycle Service and Sales** - One space per each 400 sq. ft. of gross leasable area, plus one space for each employee on the maximum work shift.
49. **Movie Theater, Indoor** – One space per each 2 ½ seats.

50. **Nursery or Greenhouse** – One space per 1,000 sq. ft. of total sales area.
51. **Outdoor Theater** – One space per each four seats.
52. **Parcel or Express Delivery Service** (See also **Post Office**) – One space per each three employees, plus one space per each vehicle maintained.
53. **Pawn Shop** – One space per 300 sq. ft. of gross floor area.
54. **Pet Shop** – One space per each 300 sq. ft. of gross leasable area.
55. **Photography Studio** – One space for each 400 sq. ft. of gross leasable area.
56. **Plumbing and Heating Supply** – One space per 900 sq. ft. of gross floor area.
57. **Pool or Billiard Hall** – Two spaces per table.
58. **Printing and Publishing** – One space per 1,000 sq. ft. gross floor area, or one space per employee, whichever is greater.
59. **Recycling Center** – One space per employee.
60. **Rental of Equipment** – Three spaces per 1,000 sq. ft. of gross floor area.
61. **Repair Shop** – One space per each 600 sq. ft. of gross floor area.
62. **Restaurant, Sit Down** – Eight spaces per each 1,000 sq. ft. of gross floor area.
63. **Restaurant, Fast-Food** – One parking space per each 80 sq. ft. of gross floor area.
64. **Restaurant (Walk-up or Drive Through with walk-up window and/or outdoor seating)** – One space per 80 sq. ft. of gross floor area including outdoor areas or one space per 2 seats whichever is greater. A stacking area for nine vehicles for the first drive through and six for any additional drive through lanes.
65. **Restaurant (Drive Through with no walk-up or outdoor seating)** – Same stacking as required for Restaurant Walk-up above.
66. **Retail Store**
- 3 spaces per 1,000 sq. ft. of Gross Leasable Area for centers having a Gross Leasable Area of 0 to 399,999 sq. ft.
  - 4 spaces per 1,000 sq. ft. of Gross Leasable Area for centers having from 400,000 to 599,999 sq. ft.
  - 5 spaces per 1,000 sq. ft. of Gross Leasable Area for centers with a Gross Leasable Area exceeding 600,000 sq. ft.
67. **Self-Service Storage Facility** – One space per 2,000 sq. ft. gross floor area.
68. **Shopping Center**
- 60,000 to 399,999 sq. ft. – 4 spaces/1,000 sq. ft. of Gross Leasable Area
  - 400,000 to 599,999 sq. ft. – 4.5 spaces/1,000 sq. ft. of Gross Leasable Area
  - 600,000 sq. ft. and up – 5 spaces/1,000 sq. ft. of Gross Leasable Area
- Note: To be computed on Gross Floor Area if not a mall.
69. **Skating Rink** – One space per each 250 sq. ft. of gross floor area.
70. **Tennis Club** (See also **Indoor Racquet Courts**) – Two spaces per court, plus one for each 200 sq. ft. of clubhouse floor area in excess of 1,000 sq. ft.
71. **Travel Agency** – Four spaces per 1,000 sq. ft. of gross floor area.
72. **Truck Terminal** – One space per 1,000 sq. ft. of gross floor area, or one space per employee, whichever is greater.

73. **Video Stores** – Six spaces per each 1,000 sq. ft. of gross floor area.

**B. Office And Institutional**

1. **Airport** (See also **Transit Terminal**) – One space per four air vehicles.

2. **Art Gallery** (See also **Museum**) – 1.2 spaces per 1,000 sq. ft. of gross floor area.

3. **Assisted Living Facility** – One space per 1,000 sq. ft. gross floor area.

4. **Athletic Field** – Ten spaces per field.

5. **Auditorium** – One space per each six seats or nine linear feet of fixed benches, or one space for each 45 sq. ft. of floor area without fixed seats.

6. **Botanical Garden** – Two spaces per acre.

7. **Crematorium** – 0.25 space per seat of chapel capacity, plus 0.33 space per employee.

8. **Cemetery** (See also **Pet Cemetery**) – One space per full-time employee.

9. **Church, Synagogue, or Mosque** – One space per each eight seats.

10. **Club or Lodge** (See also **Fraternity or Sorority**) – One space per each four persons of the rated capacity.

11. **College or University** – One space per every three employees and members of the staff and one for every three full-time students.

12. **Convention Center (freestanding)** – One space per every four seats; or ten spaces per 1,000 sq. ft. of gross floor area.

13. **Community Center** – Four spaces per 1,000 sq. ft. of gross floor area.

14. **Day Care Center** - One space per staff member plus one space per five students.

15. **Dentist** (See **Office, Dental**)

16. **Diet Clinic** – Four spaces per each Doctor plus one space for each two seats of food service.

17. **Doctor** (See **Medical**)

18. **Dormitory** (See also **Boarding House**) – One space per each five beds.

19. **Driving Range** – One space per two employees, plus one space for every three persons that the outdoor facility is designed to accommodate when used to the maximum capacity.

20. **Drug and Alcohol Treatment Center** – One space per two beds and one space per staff member.

21. **Emergency Medical Service** – Adequate space to accommodate all motor vehicles operated in connection with such use and one additional space for each employee.

22. **Employment Agency** – Five spaces per 1,000 sq. ft. of gross floor area.

23. **Fire or Police Station** – One space per each two employees.

24. **Fraternity or Sorority** (off campus) – 3.3 spaces per 1,000 sq. ft. of gross floor area.

25. **Funeral Home or Mortuary** – One space per four seats, plus one space per two employees, plus one reserved space for each hearse, ambulance, or company vehicle.

26. **Golf Course** – One space per two employees, plus three per golf hole.

27. **Government Building** – Four spaces per each 1,000 sq. ft. of gross floor area.

28. **Group Home** – One space per each employee in the largest work shift, plus one per each five clients for fraction thereof; if clients may not own vehicles, one space per 600 sq. ft. of gross floor area.
29. **Gymnasium** (See also **Health Club**) – One space per every 100 sq. ft. of gross floor area.
30. **Jail** – One space per employee, plus one space per 25 inmates.
31. **Library** – One space per each 1,000 sq. ft. of gross floor area.
32. **Mausoleums, Columbariums, and Memorial Gardens** – Parking area equal to ground floor area.
33. **Medical, Freestanding Office Building** – One space per each 200 gross sq. ft.
34. **Medical, Hospital** – One space per each 400 gross sq. ft.
35. **Medical, Office Building in a Medical Campus Setting** – One space per each 250 gross sq. ft.
36. **Museum** (See also **Art Gallery**) – One space per each four seats in rooms for public assembly or for each 150 sq. ft. of gross floor area for use by the public, whichever is greater, plus one space for each two employees on shift of greatest employment.
37. **Nursing Home or Convalescent Center** – One space per 1,000 sq. ft. gross floor area.
38. **Office** – One space per 750 sq. ft. of gross floor space.
39. **Office, Dental** – Two spaces per each examination or treatment room, plus one space per each dentist and other employees.
40. **Other Institutional Uses** – One space per 300 sq. ft. of gross floor area.
41. **Pet Cemetery** – One per employee.
42. **Police Station** (See **Fire Station**)
43. **Post Office** – One space per employee on shift of maximum employment and one space per 800 sq. ft. of gross floor area.
44. **Radio or Television Station** – One space per 1,000 sq. ft. of gross floor area.
45. **Research & Development Facility** – One space per 800 sq. ft. of gross floor area.
46. **School, Beauty** – Three spaces, plus one space per each operator station.
47. **School, Dance** – One space per 250 sq. ft. of gross floor area.
48. **School, Elementary** – One space per each vehicle owned or operated by the school, plus one space per each faculty member and administrative office person.
49. **School, Junior High** – One space for each vehicle owned or operated by the school, plus one space for each faculty member, plus one space for each five seats in the auditorium or gymnasium.
50. **School, High School** – One space per teacher and staff member on the largest shift, plus one space per five students.
51. **School, Trade, Vocational, or Business** – One space per four students.
52. **Stadium** – One space per 75 sq. ft. of assembly area or one per five fixed seats, whichever is greater.
53. **Telecommunications Facility** – Four spaces per 1,000 sq. ft. of gross floor area.
54. **Television Station** (See **Radio Station**)
55. **Transit Terminals** – One space per each 600 sq. ft. of gross floor area.
56. **Utility** – One space per each 400 sq. ft.

of gross floor area devoted to office use; one space for each 800 sq. ft. of gross floor area per other use.

- 57. **Veterinary Practice** – Four spaces per every doctor, plus one space per every additional employee.
- 58. **Zoo** – One space per 2,000 sq. ft. of land area.

**C. Residential**

- 1. **Residential, Single-Family** – Two spaces per each dwelling unit.
- 2. **Residential, Single-Family, Townhouse** – Two spaces per dwelling unit.
- 3. **Residential, Two Family Dwelling** – Two spaces per unit.
- 4. **Residential, Multifamily** – Two spaces per dwelling unit.
- 5. **Residential, Two Family and Multi-Family Dwelling (Elderly/Retirement)**- One space per dwelling unit.\*

**D. Industrial**

- 1. **Contractor’s Yard** – One space per each employee.
- 2. **Hazardous Waste Transfer Facility** – One space per employee on the largest shift.

- 3. **Junkyard** – Two spaces per every three employees on the maximum shift, plus one space per every vehicle customarily used in operation of the use or stored on the premises.
- 4. **Lumberyard** – One space per each 500 sq. ft. of gross floor area.
- 5. **Machinery Sales** – One space per each employee and one space per 1,000 sq. ft. of gross floor area.
- 6. **Warehouse** – One space per each two employees or one space per each 1,000 sq. ft. gross floor area, whichever is greater.

**E. Bicycle Parking** (optional with staff approval)\*

For developments that do not meet parking requirements pursuant to Section 504, “Off Street Parking and Loading” of the City of Spartanburg Zoning Ordinance, rather than requiring the developer to seek a variance, Staff may optionally approve the following:

- Reduce parking by 10% : 2 Bicycle Pkg. Spaces or Bike Racks
- Reduce parking by 15% : 3 Bicycle Pkg. Spaces or Bike Racks
- Reduce parking by 20% : 5 Bicycle Pkg. Spaces or Bike Racks

For developments that do meet parking requirements Staff may recommend reductions based on the same criteria recommended above.

\*(Amended by Council 8/20/07)

**504.3 Off-Street Loading.**

One or more loading berths or other space shall be provided for standing, loading or unloading operations either inside a building and on the same or adjoining premises with every building or structure erected after the enactment of this Ordinance; all to be in accordance with the requirements of the following table. A loading berth shall have minimum plan dimensions of 12' x 55' and 14' of overhead clearance. A loading space need not be necessarily a full berth, but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served thereby, but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk or alley.

**504.4 Commercial District Off-Street Loading Minimum Requirements.**

504.41 Establishments containing less than 7,000 square feet of gross floor area shall be provided with adequate facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.

504.42 For the uses listed hereunder, one (1) load berth shall be provided for buildings containing 7,000 to 40,000 square feet of gross floor area. For buildings containing 40,000 to 100,000 square feet of gross floor area, two (2) loading berths shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 100,000 square feet of gross floor area shall be not less than twelve (12) feet in width by fifty-five (55) feet length.

- a) Cartage and express facilities.
- b) Mail order houses.
- c) Printing and publishing.
- d) Restricted production and repair.
- e) Warehousing, storage, and wholesale establishments.

504.43 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 or 100,000 square feet of gross floor area; for each additional 100,000 square feet of gross floor area up to 500,000 square feet, one (1) additional loading berth shall be provided, plus one (1) additional loading berth for each additional 500,000 square feet of gross floor area or fraction thereof in excess of 500,000 square feet.

- a) Banks and financial institutions.
- b) Medical dental clinics.
- c) Offices, business, professional, and governmental.
- d) Recreational buildings and community centers, noncommercial.

504.44 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 150,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of gross floor area shall be not less than twelve (12) feet in width by fifty-five (55) feet in length.

**Section 504: Off-Street Parking and Loading**

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- a) Clubs and lodges (not-for-profit) – containing retail shops, convention halls, auditorium, exhibition halls, or business or professional offices (other than accessory).
- b) Convention halls.
- c) Exhibition halls.
- d) Radio and Television stations and studios.
- e) Recording studios.
- f) Hotels and motels – containing retail shops, convention hall, auditoriums, exhibition halls, or business or professional offices.
- g) Stadiums, auditoriums, and arenas.

504.45 For the uses listed hereunder, one (1) loading berth shall be provided by buildings containing 10,000 to 150,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.

- a) Clubs and lodges (not-for-profit) – containing no retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory).
- b) Hotels and motels – containing no retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices.
- c) Meeting halls.
- d) Schools – music, dance, business, and trade.
- e) Theater, indoor.

504.46 Amusement Establishments – bowling alleys, swimming pools, and skating rinks: For buildings containing 10,000 to 100,000 square feet of gross floor area, one (1) loading berth shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof.

504.47 Undertaking Establishments and Funeral Homes: For buildings containing 7,000 to 100,000 square feet of gross floor area, one (1) loading berth shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof.

504.48 For all uses, loading facilities shall be provided in accordance with the following schedule:

<b>Gross Floor Area of Establishments in Thousands of Square Feet</b>	<b>Required Number and Size of Berths</b>
7 to 60	1 - - (12' x 55')
61 to 100	2 - - (12' x 55' each)

For each additional 200,000 square feet in gross floor area or fraction thereof, over 100,000 square feet of gross floor area, one (1) additional loading berth shall be provided, such additional berth to be at least twelve (12) feet in width by fifty-five (55) feet in length.

**504.3 Industrial District Off-Street Minimum Requirements.**

504.51 Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products: For buildings containing 7,000 or 40,000 square feet of gross floor area, one (1) loading berth shall be provided. For buildings containing 40,000 to 100,000 square feet of gross floor area, two (2) loading berths shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 10,000 square feet of gross floor area shall be not less than twelve (12) feet in width by fifty-five (55) feet in length.

504.52 For uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area. For each additional 100,000 square feet of gross floor area up to 500,000 square feet, one (1) additional loading berth shall be provided, plus one (1) additional loading berth for each additional 500,000 square feet of gross floor area or fraction thereof in excess of 500,000 square feet.

504.53 For the used listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of gross floor area shall be not less than twelve (12) feet in width by fifty-five (55) feet in length.

- a) Airports and commercial heliports.
- b) Air and railroad, freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
- c) Radio and television stations and studios.
- d) Sewage treatment plants - municipal.
- e) Stadium, auditorium, and arenas.

504.54 For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing 10,000 to 200,000 square feet of gross floor area, plus one (1) additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.

- a) Trade schools.

For the uses listed hereunder, there shall be no requirements for off-street loading.

- a) Parking lots.
- b) Weighing Stations.

504.55 Motor freight terminals: For buildings containing 5,000 to 40,000 square feet of gross floor area, one (1) loading berth shall be provided. For buildings containing 40,000 to 100,000 square feet of gross floor area, two (2) loading berths shall be provided, plus one (1) additional loading berth for each additional 100,000 square feet of gross floor area of fraction thereof. Each such loading berth for buildings in excess of 10,000 square feet of gross floor area shall be not less than twelve (12) feet in width by

fifty-five (55) feet in length.

504.56 For all other uses, loading facilities shall be provided in accordance with following schedule:

<b>Gross Floor Area of Establishments in Thousands of Square Feet</b>	<b>Required Number and Size of Berths</b>
7 to 40	1 - - (12' x 55')
41 to 100	2 - - (12' x 55' each)

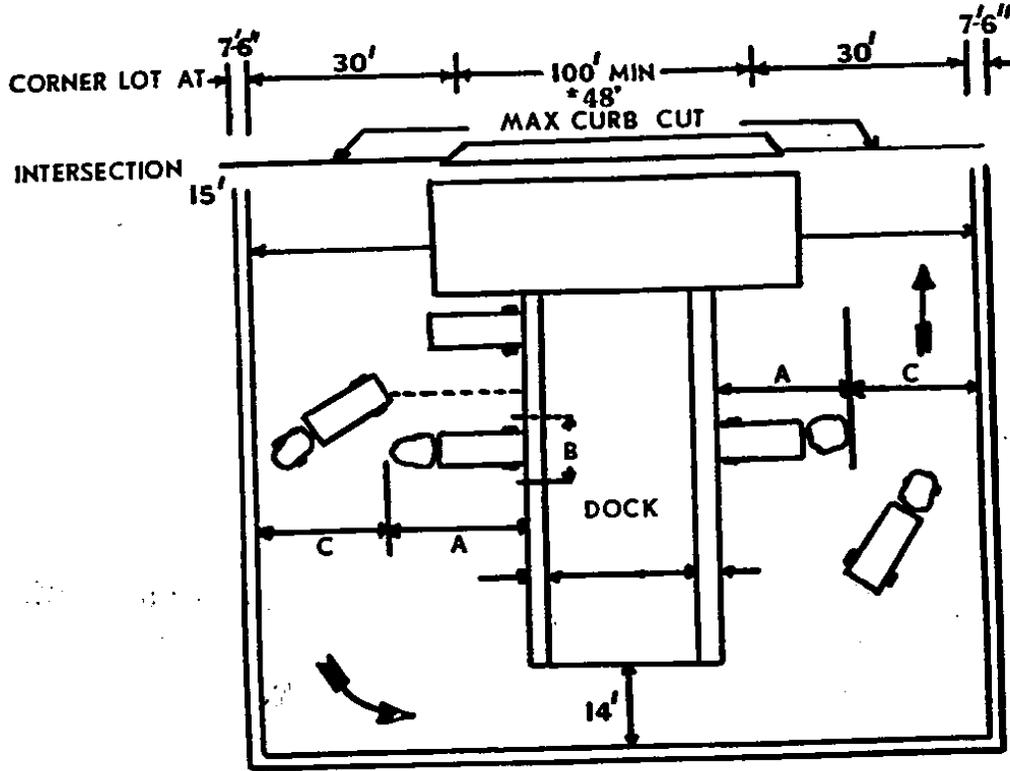
**504.6 Solid Waste Collection Areas.**

All houses, stores and establishments shall have adequate solid waste collection areas with adequate access and egress, independent of parking and loading facilities. Screens may be required at the discretion of the Planning and Zoning Division. This must meet the approval of the Zoning Administrator and Health Department Standards.

Dumpster pads and access drives shall meet requirements of City solid waste collection vehicles.

In Group Housing Projects and Planned Unit Developments four (4) cubic yard dumpsters shall serve no more than twelve (12) dwellings units and five (5) cubic yard dumpsters shall serve no more than sixteen (16) dwelling units. (See Exhibit, p.144 and the screening requirements for the dumpster area on p. 178.)

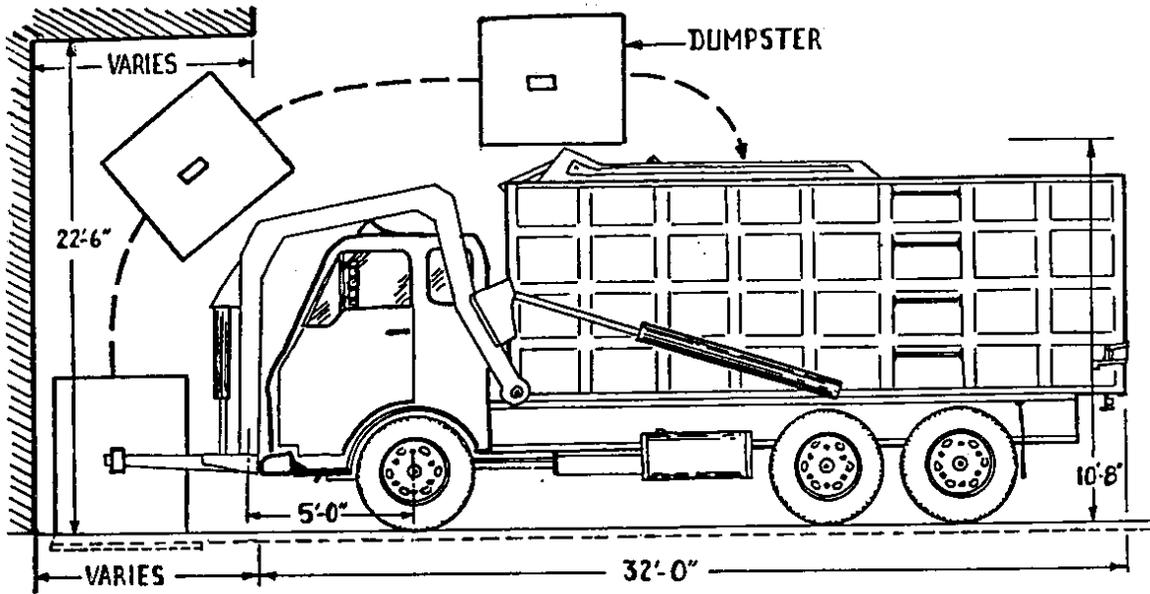
# LOADING DOCK STANDARDS



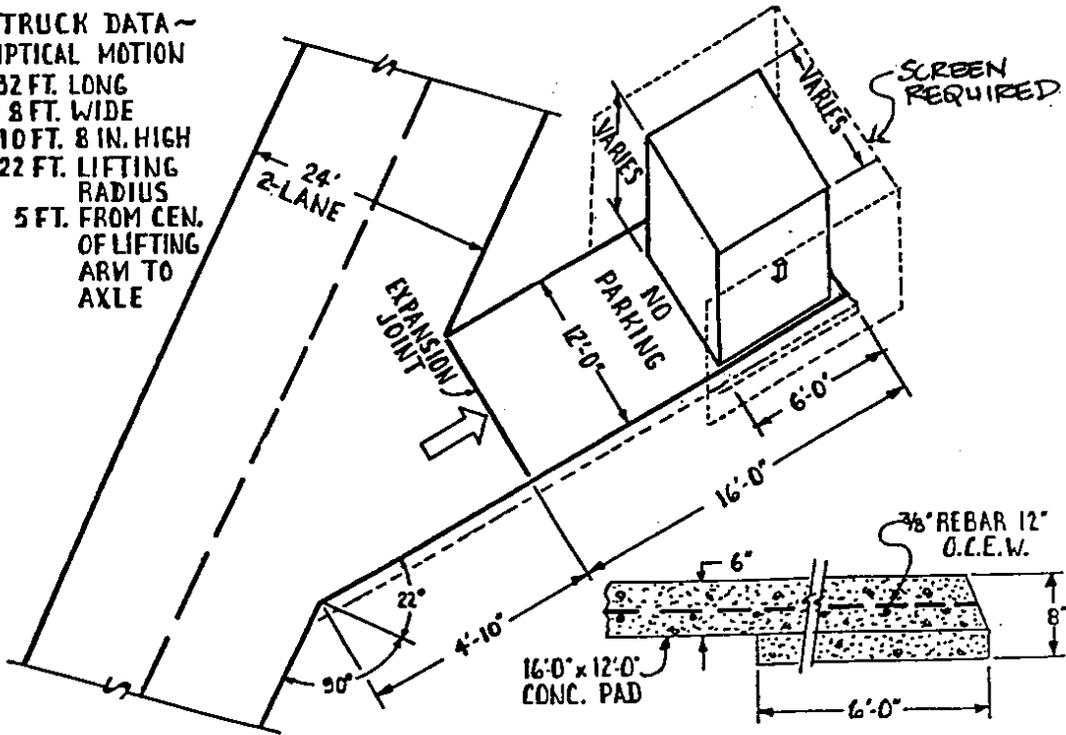
A	B	C
LENGTH OF TRACTOR TRAILER	WIDTH OF POSITION	*APRON SPACE*
55'	12'	67'

\* (Amended by Council - 5/9/88)

# REQUIREMENTS FOR SOLID WASTE REMOVAL



~TRUCK DATA~  
 ELLIPTICAL MOTION  
 32 FT. LONG  
 8 FT. WIDE  
 10 FT. 8 IN. HIGH  
 22 FT. LIFTING RADIUS  
 5 FT. FROM CEN. OF LIFTING ARM TO AXLE



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**§ 505. TREE PROTECTION AND LANDSCAPING REQUIREMENTS (\*)**

**505.1 Purpose and Intent.**

The purpose and intent of this section is to encourage the preservation and protection of trees within the City of Spartanburg, and to prevent their unnecessary destruction. It is not intended to be punitive nor to cause hardship upon those individuals and concerns exercising reasonable care and diligence to protect these trees. This section is designed to safeguard public health, safety and welfare, as well as to prevent air and water pollution, erosion, sedimentation, noise, glare and excessive heat and to protect and enhance the value of investments, the visual beauty and the environment in the City of Spartanburg. It is the further intent of this section to encourage creativity and good practice in design, and flexibility in the application of the design standards, by placing emphases on the use of a variety of elements and diverse planting groups to achieve the desired results. These include large canopy/shade trees, small/understory trees, shrubbery, earth berms, walls, fences, paving materials, and provision for alternative methods of compliance.

**505.11 Tree Preservation.**

This section shall be construed as to encourage the preservation of existing trees and discourage the unnecessary removal of trees while allowing for reasonable and economical development of land.

**505.2 Definitions.**

**AGGREGATE EXPANSION.** - Any area expansions of a site, building or building group.

**AUTHORITY HORTICULTURAL/LANDSCAPE.** - Any individual licensed, registered, or degreed as capable of providing expert professional service in these areas of landscape architecture, landscape design or horticulture. (\*\*)

**BERM.** - Any hill or slope which represents a change of elevation of at least two feet at a slope of between twenty-five percent and which is covered with an appropriate stabilizing vegetation.

**BUILDING SITE.** - That portion of a lot or site on which a principal building could be erected as permitted by the Zoning Ordinance. This will include an area not greater than twenty feet outside of the exterior walls of the structure.

**BUFFER YARD.** – Area of land, improved by landscaping, fences or walls, or both, designed to mitigate the extent of high-intensity land uses on neighboring lower-intensity uses.

**CALIPER.** – The diameter of nursery stock, taken at six inches above ground for up to and including four inch caliper size and twelve inches above ground for larger sizes.

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\* (Amended by Council 7/11/94)

\*\* (Further Amended by Council 10/12/98)

**DIAMETER AT BREAST HEIGHT – D.B.H.** – The accepted measurement of established trees in the ground is their diameter at D.B.H., measured at 4.5 feet above grade. To obtain D.B.H., measure the circumference of the tree in inches with a tape measure, and then divide that number by 3.14 (pi). This will give the actual diameter in inches.

**CIRCUMFERENCE.** – For existing trees, the trunk circumferences are measured at four and one half feet above grade.

**DISPLAY AREA OR LOT.** – Any unenclosed area used for the display of merchandise.

**GROUND COVER.** – Any plant material which serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond twelve inches in height.

**HIGH INTENSITY COMMERCIAL.** – Uses in this category may have some or all of the following characteristics:

- (1.) Large scale and size
- (2.) High traffic generation rates (300 or more vehicle trips/1000 square feet gross floor area)
- (3.) Emit significant noise and light
- (4.) Extended hour of operation
- (5.) Outdoor storage of equipment, materials, and trash
- (6.) Generate excessive litter
- (7.) Servicing of vehicles and equipment

Many of these uses have significant nuisance effects because of the types of merchandise sold, most of which require or involve outdoor storage. They are commonly highway oriented facilities. The servicing of vehicles and equipment often involves noise, unsightly trash, oil, grease, and dirt, as well as exterior storage. The food and entertainment uses are ones with late hours of operation, which often generate excessive litter, traffic, noise, and other neighborhood concerns such as fast food restaurants and convenience stores.

**INDUSTRIAL USES, HEAVY.** – Uses which have severe potential for negative impact on any uses which would locate relatively close to them. This group differs from light industrial uses in that it includes uses that require unenclosed structures that are large, tall, and unsightly, such as concrete batching plants. These uses also have severe potential for generation of odor and may involve large amounts of exterior storage; because of their scale, they are likely to have a regional impact. These uses include landing strips and heliports, asphalt or concrete mixing plants, bulk material or machinery storage (unenclosed), fuel generation plants, grain elevators, meat packing plants or slaughter houses, resource recovery disposal facilities; also, any industrial use, including those uses listed below as light industry, having two-hundred-thousand (200,000) or more square feet of floor area or more than five-hundred (500) employees on any shift, and all other heavy industrial uses.

**INDUSTRIAL USES, LIGHT.** – Uses which are generally not objectionable because of noise, heavy truck traffic, or fumes, or generate nuisances which may be ameliorated adequately by performance standards. These uses include boatworks, building material sales or storage yard, bulk materials or machinery storage, carpet and rug cleaning plants, contractors' offices and equipment storage yards, dry cleaning and laundry plants, dyeing plants, extermination shops, food processing and packing plants, fuel oil, ice, coal, and wood sales, furniture cleaning plants, furniture refinishing shops, lumberyards, manufacturing, including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products in plants with less than two-hundred-thousand (200,000) square feet of floor area, or fewer than five-hundred (500) employees on every shift, mini-warehouses or storage facilities, mirror supply and refinishing plants, publishing plants, scientific laboratories, trade shops, truck terminal, veterinary offices and kennels, warehouses, wholesale business and storage, and all other similarly light industrial uses.

**INSTITUTIONAL USES.** – Uses which are supportive of the residential community. They provide indoor space for recreation, hobbies, meetings, education, and worship, as well as cultural facilities, group quarters for religious groups and the infirm or elderly, and boarding houses. While some uses may be operated for private profit, they duplicate services that are generally provided by public or non-profit groups. These uses include rooming houses, day or youth camps, cemeteries, churches, community or recreational centers, public or private schools, schools or homes for physically or mentally handicapped, indoor skating rinks, indoor swimming pools, tennis, racquetball, handball courts, and all other institutional, indoor recreational, and special residential uses.

**LANDSCAPED AREA.** – An area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

**LARGE SHRUB.** – A shrub that has a minimum height of six feet at maturity.  
(\* )

**LOW INTENSITY COMMERCIAL.** – Various service type businesses where service is basically on an individual-to-individual basis as opposed to services which are performed on objects or personal property. Uses in this category have low traffic generation rates (less than 20 vehicle trips/1,000 square feet gross floor area). Typical uses include barber and beauty shops, florist shops, and antique shops.

**MEDIUM INTENSITY COMMERCIAL.** – Typical uses in this category include commercial and entertainment uses such as auto accessory stores, blueprint and photostat stores, bowling alleys, private indoor clubs, commercial and trade schools (e.g., dance studios, school for martial arts), funeral homes, mortuaries, garden supply and/or greenhouses (provided all sales on premises are retail), grocery stores and supermarkets (excluding convenience stores), hospitals, hotels/motels, ice cream stores, laundries and/or dry cleaners, light mechanical repair stores (e.g., watch, camera, bicycle, TV), stores selling liquor, beer, or soft drinks (in sealed containers, not for consumption on premises), lodges for fraternal orders, package stores, banks,

\* (Amended by Council 10/12/98)

restaurants (standard sit-down, not fast food), retail sales stores and service businesses (e.g., catering, duplicating, photography, shoe repair, tailoring, travel agency, upholstery), commercial shopping centers less than 50,000 square feet, theaters and auditoriums.

**OFFICE, INSTITUTIONAL, SPECIAL RESIDENTIAL.** – Office uses include governmental, business, and professional offices. Institutional uses include churches, community or recreational centers, libraries or museums, public and private schools, schools or homes for physically or mentally handicapped, and colleges. Special residential uses include rooming houses, day or youth camps, convents or monasteries, day care centers, group dwellings, halfway houses, and nursing homes.

**MULCH.** – A layer of organic material placed on the soil around plants or trees to retain moisture and prevent weeds.

**PARKING LOT.** – Any parcel of land larger than three thousand square feet in area which is used for parking loading, or access to parking or loading areas. The term should be construed broadly to including areas where expanses of impervious surfaces disrupt the natural environment, but does not include buildings or public roads.

- A. For purposes of Section V, 505.62 – Parking Lots, the term “parking lot” includes:
- (a) the paved portion of the parking lot; and
  - (b) the paved pedestrian walkways within or immediately adjacent to the paved area of the lot.

**PLANT UNIT MULTIPLIER.** – A factor used to multiply, and thus change, the required number of plant materials per 100 feet, as the width of the required bufferyard decreases.

**PROTECTIVE TREE BARRIERS.** – Barricades made of wood, wire, or chain link fencing.

**ROAD/STREET FRONTAGE.** – Any strip of land adjacent to a public road right-of-way.

**SCREEN FENCE OR WALL.** – Any structure which stands at least six feet high at its lowest point and is one hundred percent (100%) opaque and is designed and constructed as a permanent improvement for the purpose of blocking view.

**SERVICE AREA.** – That portion of building site that is devoted to dumpster pads, exposed heating and air conditioning cabinets, and off-street loading areas. It also includes areas reserved for exposed non power fixtures, power utility substations, telephone relay stations, cellular telephone relay stations and the like.

**SHRUB.** – Any hard-wooded perennial plant of a species which normally reaches a height between twelve inches and less than eight feet, and which is between eighty and one hundred percent opaque, at maturity.

**SMALL SHRUB.** – A shrub that has a minimum height of two to four feet at maturity. (\*)

**THOROUGHFARE.** – Any major arterial road; one of the principal routes into and through the community.

**TREE.** – Any hard-wooded perennial plant, whether evergreen or deciduous, or a species which normally reaches a height of eight feet or more at maturity.

**TREE, CANOPY, LARGE.** – Any single-stem tree of a species which normally reaches a height of thirty feet or more and a crown spread of twenty feet or more at maturity.

**TREE, UNDERSTORY/NON-CANOPY, SMALL.** – Any single or multi-stem tree of a species which normally reaches a height of between eight and thirty feet or more at maturity.

### **505.3 Application and Exemption**

This section shall apply to all real property (including all commercial, institutional, industrial, business and multi-family developments within the City of Spartanburg) with the following exceptions:

- A. It shall not apply to any parcel of land used for a single family dwelling or duplex.
- B. It shall not apply to the approaches (“clear zones”) to the Spartanburg Downtown Memorial Airport, nor the rights-of-way of utility companies.
- C. The Downtown Historic Façade Grant Area (see map found at the end of this section) may be treated in a special manner. An owner of property in this area is permitted to develop his property from property line to property line if he wishes. If a property owner in this area does not wish to develop his entire lot with a structure and desires to provide off-street parking, the Office of Community Enhancement attempt to negotiate a mutually acceptable landscape plan with the owner. Where new off street parking is constructed within the Downtown Historic Façade Grant Area, at a minimum landscaping shall be provided that meets the requirements of Section 505.62, Parking Lot Landscaping Requirements for this new parking. (\*)

This section shall further apply to the following:

- A. When the contract amount of any site and/or building improvements filed with the Building Official for which a building permit is required is 50% or more of the current appraised value of a property as ascertained from the County assessors records, then all portions of an existing property shall be retrofitted to meet the requirements of this Section. Costs for deferred maintenance or repair shall not be included in the cost of improvements used to establish applicability of this Section. However, costs necessary to meet current code requirements shall be

\* (Amended by Council 4/8/02)

included, as well as proposed improvements to the property. The property owner or developer may alternately submit an appraisal by an independent appraiser to determine the change in value of the proposed improvements. The City may review this appraisal utilizing the services of a second appraiser. In this case, if the two appraisals do not agree, the two appraisers will select a third appraiser to establish values. (\*\*)(\*\*\*)

- B. All existing property shall be retrofitted to meet the requirements of this section if the existing gross floor area is either demolished or expanded by 50% or more as part of the redevelopment of the site; (\*\*\*)
- C. Parking lots of more than four (4) spaces shall meet the requirements of this ordinance, including the provision of tree islands, required buffers and frontage landscaping associated with the parking area. **When parking lots are expanded by more than four (4) spaces the new spaces shall comply with the requirements of this ordinance.** All existing parking on a site that meets the requirements of A. and/or B. above shall be retrofitted to meet the requirements of this Section, including the provision of tree islands, required buffers and frontage landscaping; (\*\*\*)
- D. In order to provide flexibility for the redevelopment of existing vacant sites, the requirements of this Section for bufferyards and frontage landscaping may be reduced by up to 25% if the site is reoccupied by the same or less intense use as the last recorded use (the County tax assessor's office shall be used as the source for previous use). The 25% reduction shall be allowed in the width of required bufferyard or landscape frontage area and the number of trees and shrubs required with all fractions rounded up to the nearest whole number. Where this reduction would result in less than one canopy tree per 100 linear feet, the reduction in trees shall be taken out of required ornamental trees. The number of tree islands nor the number of trees required for parking lot areas may not be reduced. Required fences or walls may not be eliminated or reduced in height. An alternate landscape plan as under 505.44 Alternative Compliance, which meets the intent of this ordinance, may be considered where physical constraints related to the existing placement of buildings or major site features make it impossible to meet the specific requirements of this Section. Where sites are 5 acres or greater in size, the requirements of Section 513, Large Tract Development Overlay District shall apply. (\*\*\*)

**505.4 Administration and Enforcement (\*)**

The Inspection Division and the Office of Community Enhancement are the responsible agencies for administering and enforcing this section. The Inspections Division shall be responsible for the overall enforcement of this section. Appeals from the Building Official/Zoning Enforcement officer shall be to the Board of Zoning Appeals. All development subject to the site plan review section of the Zoning Ordinance (Section 501.13) shall submit the required landscaping plans to the Office of Community Enhancement for review with appeal rights to the Board of Zoning Appeals.

\* (Further Amended by Council 10/12/98)  
\*\* (Further Amended by Council 10/12/98)

\*\*\* (Further Amended by Council 4/8/02)

**505.41 Trees Removed in Violation (\*)(\*\*)(\*\*\*)**

In the event the Inspections Division determines that trees have been removed in violation of this section or from an approved landscaping plan, the owner shall be subject to fines under the misdemeanor provision of the Zoning Ordinance and the City shall require the owner of the property to replace the removed trees with trees of a variety approved by the Inspections Division. The replaced trees shall have a minimum caliper of two inches and shall have a cumulative caliper at least equal to that of the trees removed. If the Inspections Division determines that adequate room is not available on the site for the replacement trees, they may be planted on property owned by the City of Spartanburg. The Tree Board shall approve all such plantings on property owned by the City of Spartanburg.

**505.42 Landscaping Plan Content (\*)**

In addition to the information required in Section 501.13 of this Ordinance and plans required by the Inspections Division for building permit purposes, all landscaping plans shall show the following on scaled drawings of a scale no less than 1 inch equals 30 feet showing the true size, shape and location of all existing and proposed landscaping features as follows:

1. A tree survey locating all existing twelve inch D.B.H. or greater trees and specimen shrubbery on the site. Those native pines commonly called southern hard pines or yellow pines (*pinus echinata* "shortleaf pine", *pinus palustris* "longleaf pine", *pinus taeda* "loblolly pine", *pinus virginiana* "virginia pine" less than 24 inch D.B.H. shall not be required to be shown on the tree survey. (\*\*\*)
2. All proposed landscaping and watering systems required by this section with all plant species labeled and scaled to show location and spread at time of installation.
3. A table of planting materials stating botanical and common species, quantity, height and spread at time of planting for all plants.

All landscaping plans shall be prepared by a horticultural/landscape authority and shall bear the name and address of the same.

**505.43 Tree Credits (\*\*)**

If tree credits are claimed as provided for in Section 505.55, the landscaping plan shall identify the following:

1. All retained and required trees for which credits are being claimed, specifying their species, D.B.H. and locations. If the tree credits do not satisfy the tree requirements of this section, new trees shall be planted to make up the balance required by this section.

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\* (Further Amended by Council 6/12/94

\*\*\* (Further Amended by Council 4/8/02)

\*\* (Further Amended by Council 10/12/98)

**505.44 Alternative Compliance**

Any developer who wishes to approach the requirements of this section in a different manner from that which is prescribed herein, shall have the freedom to present an alternative solution to the Office of Community Enhancement. The alternative shall contain the following information:

1. Explain in detail why the alternative solution is offered, the requirements of this section for solving that problem, the proposed alternative, and a written statement and graphic presentation prepared by a registered landscape architect, architect, engineer, or horticultural/landscape authority explaining how the alternative meets the intent and spirit of this section.
2. Include a statement which will be binding upon the developer, that if the alternative is approved by the Planning Division of the Office of Community Enhancement that the developer will install the alternative as described, or meet the literal terms of this section within one year.  
(\*\*)

**505.45 Certificate of Occupancy and Performance Bond**

The improvements shown on any approved landscape plan shall be installed or planted before a final certificate of occupancy is issued. A performance bond may be submitted if the planting cannot be completed prior to the opening of the development guaranteeing the installation of the required improvements.

**505.5 Tree Protection and Retention.**

This section is designed to prevent the clear-cutting of building sites, a practice which destroys the balance of nature, leads to sedimentation and erosion problems, contributes to air and water pollution and unnecessarily robs Spartanburg of a community asset, its trees.

**505.51 Trees 24 Inches D.B.H. or Greater on New Construction Sites (\*)(\*\*)**

A healthy tree of 24 inches D.B.H. or greater is a valuable historic and irreplaceable natural resource which, by virtue of its age and size has become a fixture in the landscape for generations. As such, no healthy tree 24 inches D.B.H. or greater shall be damaged, or removed unless specific relief is granted by the City of Spartanburg through its Building Official or designee.

**505.52 Trees 12 Inches D.B.H. or Greater on Existing Sites (\*)(\*\*)(\*\*\*)**

A healthy tree of 12 inches D.B.H. or greater is a future valuable tree that has become a fixture in the landscape. As such, no healthy tree 12 inches D.B.H.

\* (Amended by Council 12/12/94)

\*\*\* (Further Amended by Council 4/8/02)

\*\* (Further Amended by Council 10/12/98)

or greater shall be damaged or removed unless specific relief is granted by the City of Spartanburg through its Building Official or designee. Removal of native pines commonly called southern hard pines or yellow pines (*pinus echinata* "shortleaf pine", *pinus palustris* "longleaf pine", *pinus taeda* "loblolly pine", *pinus virginiana* "virginia pine") less than 24 inch D.B.H. does not require approval by the City of Spartanburg except under Section 505.55 Controlled Clearing Prior to Development.

**505.53 Tree Replacement for Trees Approved to Be Removed (\*)**

For all existing trees governed by Section 505.51 and 505.52 above which are approved to be removed by the City of Spartanburg, the following replacements shall be required as a minimum:

1. For each existing healthy tree of 36 inches D.B.H. or greater approved to be removed, a minimum of 3 replacement trees of a minimum caliper of 2 inches shall be shown on the landscape plan approved by the City and planted on the site. If the Inspections Division determines that adequate room is not available on the site for the replacement trees, they may be planted on property owned by the City of Spartanburg.
2. For each existing healthy tree of 24 inches D.B.H. or greater approved to be removed, a minimum of 2 replacement trees of a minimum caliper of 2 inches shall be shown on the landscape plan approved by the City and planted on the site. If the Inspections Division determines that adequate room is not available on the site for the replacement trees, they may be planted on property owned by the City of Spartanburg.
3. For each existing healthy tree of 12 inches D.B.H. or greater approved to be removed, a minimum of 1 replacement tree of a minimum caliper of 2 inches shall be shown on the landscape plan approved by the City and planted on the site. If the Inspections Division determines that adequate room is not available on the site for the replacement trees, they may be planted on property owned by the City of Spartanburg.
4. There shall be no required replacement for the removal of diseased and/or dead trees that the City of Spartanburg determines constitute a public safety hazard.

**505.54 Criteria for Removal of Trees Governed by This Ordinance (\*)**

The following criteria shall be used by the City of Spartanburg in determining whether an existing tree covered by the Tree Protection provisions of this ordinance may be removed:

\* (Further Amended by Council 4/8/02)

1. The tree constitutes a public safety hazard;
2. The tree is dead or so damaged or diseased that it may be considered to be dying;
3. The location of the tree prohibits the ability to reasonably develop or redevelop the property, either through the conflict of the tree's location with the location of the primary use or through the conflict of the tree's location with the provision of parking and/or access required by the zoning ordinance.

Prior to receiving approval from the City, the owner shall submit to the City of Spartanburg Building Official written documentation by a landscape authority stating the reason(s) for requesting removal of the tree.

**505.55 Controlled Clearing Prior to Development (Only When A New Specific Use Has Not Been Identified (\*)**

Prior to development, no more than 20% of the trees over twelve (12) inches in D.B.H. may be removed on any building site in any three year period.

**505.56 Controlled Clearing, During and After Development (\*)(\*\*)(\*\*\*)**

During development on a building site, a minimum of 20% of trees under twelve inches D.B.H. and minimum of 15% of trees twelve inches D.B.H. or greater shall be preserved in the street frontage area, parking areas and buffer areas required by this section or a minimum of 20 trees per acre shall be retained, whichever is greater. If a building site cannot be reasonably developed because of this requirement, the developer may submit an alternative plan as provided for in Section 505.44 or the developer may comply by meeting the replanting requirements of Sections 505.61, 505.62, 505.63, and 505.64 of this section. After development on a building site, NO TREES or SHRUBS that were required by this Section 505 may be removed without permission from the City of Spartanburg through its Building Official or designee. Trees or shrubs that die may be removed when authorized by the Building Official. Trees which have died and which received a tree credit as provided in Section 505.55 in the approved landscape plan shall be replaced by an equivalent of replacement trees.

**505.57 Protective Measurement for Retained Trees During Development (\*\*)**

After the landscaping plan required by Section 505.42 has been approved, the developer shall mark retained/protected trees with surveyor's flagging and shall instruct work crews to protect such trees during development. Trees to be retained shall be flagged **blue** and trees to be removed shall be flagged **red**. The Building Official shall require the grading contractor or the general contractor to flag said trees.

\* (Further Amended by Council 12/12/95)  
\*\* (Further Amended by Council 10/12/98)

\*\*\* (Amended by Council 4/8/02)

A minimum protection zone having a diameter of one foot per inch of tree diameter shielded by a flagged red. The Building Official shall require the grading contractor or suitable protective tree barrier and/or a protective zone extending a minimum of five feet measured from the tree trunk at any point, whichever is greater, shall be established and maintained around all trees retained. There shall be no construction, digging, trenching, paving, grading, operation of equipment or vehicles, fuel tanks, chemical or cement rinsing, vehicle parking, and site office within this protected zone. All tree pruning required for construction or equipment operation shall meet all National Arborist Association standards. All tree roots outside the protective barricade to be removed during development shall be severed clean and a two inch layer of mulch shall be applied over the surface of the exposed roots during development. Construction of impervious surfaces shall not be permitted within five feet of the base of twelve to twenty four inch D.B.H. trees or within twelve feet of the base of twenty four or greater inch D.B.H. trees, unless special construction methods, including but not limited to tree feeders and porous paving materials are used and certified as acceptable by a horticultural/landscape authority. (\*\*)(\*\*\*)

**505.58 Tree Credit (\*)**

Tree credits may be claimed for any healthy tree which would not otherwise have been preserved under the requirements of Section 505.5. Specific tree credits for retention of existing healthy trees are as follows and **may** be applied as credits to the landscaping requirements of Section 505.61, 505.62, and 505.63:

- A. For each tree retained having a D.B.H. equal to or greater than four inches but less than six inches, a credit of one required tree shall be allowed.
- B. For each tree retained having a D.B.H. equal to or greater than six inches but less than twelve inches, a credit of two required trees shall be allowed. (\*\*\*)
- C. For each tree retained having a D.B.H. equal to or greater than twelve inches but less than twenty four inches, a credit of three required trees shall be allowed. (\*\*\*)
- D. For each tree retained having a D.B.H. equal to or greater than twenty four inches, a credit of four trees shall be allowed. (\*\*\*)
- E. Credits claimed under this section are automatically lost if the credited tree dies or is replaced. All required trees not planted due to credits shall be planted as shown on the approved landscape plan if the credited trees die. Credited trees that die because of an act of God or that die five years after being retained shall be exempt from replanting.

\* (Further Amended by Council 12/12/94)  
\*\* (Amended by Council 10/12/98)

\*\*\* (Further Amended by Council 4/8/02)

Tree credits so earned can be credited only in the area affected where the retained trees exist. For example, tree credits in the bufferyards can only be credited as trees retained in the bufferyard and trees retained in the road/street frontage area can only be credited as trees retained in the road/street frontage area and so on:

**505.6 Areas Required to be Landscaped.**

The following areas of a building site are required to be landscaped:

- A. Road/Street Frontages
- B. Parking Lots
- C. Service Areas
- D. Buffer Yards (if required)

**505.61 Road/Street Frontage Landscaping Requirements. (See Examples pp. 176-177)**

- A. Depth & Length. – The area to be landscaped along road/street frontages shall have an average depth of at least ten feet and a minimum depth of five feet and shall extend the full length of such frontage except for driveways or points of ingress or egress to and from the building site and in the visibility triangles of Section 501.8 of this Ordinance. Please Note: This landscape area shall be measured from behind the street right of way line. (\*)
- B. Planting Standards for Road/Street Frontages. (\*)
  - 1. Street front landscaping screening shrubs shall extend along the entire length of street frontage where surface parking and/or internal drives are provided except for driveways and vision triangles. Street front landscaping screening shrubs shall be at least 33% opaque and not less than two feet or greater than four feet in height. Quantities of shrubs sufficient to cover the entire length shall be planted regardless of the number of frontage shrubs required in 2. below. Alternately the property owner may elect to construct a masonry wall or earth berm not less than two feet in height or greater than four feet in height. Where the finished grade of the internal drives and/or parking immediately behind the frontage landscape area is at a grade at least 2.5 feet lower than the finished grade of the street immediately in front of the frontage landscape area, then no screening element shall be required. Those portions of vehicle dealerships (including automobile, truck, tractor, recreational vehicle and boat dealerships) which are used for permanent display shall be exempted from this screening requirement but not from the requirements for frontage landscaping under 2.a. and b. below.

\* (Further Amended by Council 4/8/02)

However, vehicle dealerships are encouraged to submit an alternate landscape plan that groups or clusters the required landscaping along the frontage in order to allow views of the displayed vehicles.)

2. In addition to the requirements of 1. above, planting groups shall extend the full length of the street frontage except for driveways and required plant groupings for street frontages shall meet the following: (\*\*)(\*\*\*)
  - a.) Lots with street frontage of 100 feet or less shall have 3 ornamental or small trees and 4 large evergreen shrubs (or 8 small evergreen shrubs) per 100 linear feet or percentage thereof. (\*\*)(\*\*\*)
  - b.) Lots with street frontage of 101 feet or more of street frontage shall require 1 large canopy tree and 2 ornamental or small trees and 4 large evergreen shrubs (or 8 small evergreen shrubs) per 100 feet or percentage thereof. (\*\*) (\*\*\*)

Please Note: If overhead powerlines are present in the street frontage area, large canopy trees are not required, but are to be replaced with small trees. (\*\*)

All large canopy trees shall be at least twelve feet tall with a minimum caliper of two inches at the time of planting. All small understory non-canopy or multi-stemmed trees shall be at least eight feet tall with a minimum total caliper of 1 ½ inches at the time of planting. It is understood that the tree groupings may be planted anywhere within the 100 linear foot area. (\*) (\*\*)

3. In addition, where overlap occurs between the street frontage and parking lot landscape areas, duplicative planting shall not be required as long as the street frontage and parking lot standards are satisfied. (\*\*)

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\* (Amended by Council 6/12/95)

\*\*\* (Further Amended by Council 4/8/02)

\*\* (Further Amended by Council 10/12/98)

**505.62 Parking Lot Landscaping Requirements. (\*\*\*)**

- A. **Applicability.** Parking lot landscaping requirements shall apply to all surface parking lots containing more than four (4) parking spaces. In addition, these parking lot landscaping requirements shall apply to outdoor areas that store, see or rent motor vehicles, mobile homes, boats, recreational vehicles and the like that have storage areas of 3,000 square feet or more. (\*\*\*)
- B. **Parking Lot Landscaping Requirements.**

All surface parking lots shall be landscaped in accordance with the following:

1. A minimum of 15 square feet of landscaped area for each off-street parking space is required.
2. Parking lots shall have one (1) tree island for every twelve (12) single row or twenty-four (24) double row parking spaces with each island having one (1) large canopy tree, such trees shall be determined to be suitable for planting in paved areas by a qualified Horticultural/Landscape Authority. Each row shall terminate with a tree island. In addition, where overlap occurs between the street frontage and parking lot landscape areas, duplicative planting shall not be required as long as the street frontage and parking lot standards are satisfied. Planted areas in parking lots shall be defined by curbing. The minimum size for a tree planting island in a parking lot is 8' – 0" x 15' – 0", face to face of curb for single row parking and 8' – 0" x 30' – 0", face to face of curb for double row parking. No more than twelve (12) single row or twenty-four (24) double row parking spaces shall be allowed in a continuous row without being interrupted by a tree island. (\*\*)(\*\*\*)
3. Parking lots shall also meet the road/street frontage requirements of Section 505.61 and the buffer requirements of Section 505.64.
4. Large canopy trees planted in parking lots shall be a minimum of twelve feet tall having a minimum caliper of two inches. (\*)
5. All required planting areas shall be mechanically irrigated. This shall include all tree islands and all areas of required frontage landscaping between the parking lot and public streets. Required planting areas associated with parking lots containing less than thirty (30) parking spaces are not required to be irrigated. However, an exterior water source (such as a hose bib) shall be located within 100 feet of all required planting areas. (\*\*\*)

\* (Amended by Council 6/12/95)

\*\*\* (Further Amended by Council 4/8/02)

\*\* (Further Amended by Council 10/12/98)

**505.63 Service Area Screening Requirements (See Example Page 178) (\*)**

- A. Applicability. – This section shall apply to all service areas to include but is not necessarily limited to dumpster pads, exposed non-power fixtures, power utility substations, exposed metal heating and air-conditioning cabinets over five feet high if they are on the ground and off-street loading docks. (\*)
- B. Service Area Screening Requirements. (\*)
1. General Requirements. – All service areas shall be shielded from view from public roads and adjoining property. Such screening shall be 75% opaque. All service areas shall be provided with a visual screen consisting of fences, walls, berms or plant materials or a combination thereof. The screening shall be at least one foot higher than the item to be screened but not less than six feet in height and shall extend along three sides of the service area. All plant materials used for required screens around service areas shall be of an evergreen variety. Please Note: If an adjacent building provides screening on one side of the service area, only two sides need to be screened or bermed or walled, with a gate required in front of the service area. The gate shall be opaque enough to shield from view the interior of the service area. (\*) (\*\*)
  2. Fence or Wall Screens. – Fences shall be wood fences and walls shall be made of split face block, stucco or brick. Under no circumstances shall a wall be constructed of unfinished concrete or cinder block. (\*)
  3. Berm Screens. – Berms shall be a minimum of three feet in height if other screening materials are used (fences or plant materials). If no other screening materials are used, the berms shall be a minimum of six feet in height. The slope of the berm shall not exceed one foot rise for each two feet of run (2 to 1 slope). Berms with a two to one slope shall be finished with ground cover plant materials and berms with less slope may be finished with turf grass (sod.) (\*)
  4. Plant Material Screens. – Plant materials shall be located in a 3 foot wide bed. In addition, plants shall be spaced as to be capable of providing a 75% visual opacity and shall be 6 feet in height within 3 years of initial planting. (\*)

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\* (Further Amended by Council 10/12/98)

\*\* (Further Amended by Council 4/8/02)

**505.64 Landscaping Requirements for Buffers. (See Example Page 167-175**

- A. **Applicability.** – The purpose of a buffer is to protect existing low intensity land uses from being devalued or hurt caused by the effects of new higher intensity uses. The developer, owner or tenant of a new higher intensity use is required to install landscaped buffers adjacent to, but on their side of, common property lines to protect existing lower-intensity uses. Buffers shall be required for all developed or redeveloped portions of a property based on the primary use of the property whether or not the primary use is located on a specific portion of the property. For example, a storm water detention pond serving a commercial use and adjacent to a residential use shall be required to provide a buffer to the residential use based on the intensity of the primary commercial use. Buffer requirements for undeveloped portions of the property may be deferred until development occurs if sufficient tree or vegetation cover are retained on the undeveloped portions to visually screen the developed portions of the property from adjacent uses to the standard required by this Section. (\*\*)
- B. **Bufferyard Requirements.** – To determine the required bufferyard between two adjacent land uses, the following procedure shall be followed:

(Refer to Table 505.1 on page 167, and illustrations on pages 168-175)

1. Identify the proposed land use.
2. Identify the use of land adjacent to the proposed use and across the street from the proposed use.
3. Determine the bufferyard required for each boundary or portion thereof on the proposed land use by referring to Table 505.1 entitled Buffered Yard Requirements (p. 167) and the illustrations on pages 168 through 175, which specify the design alternative for bufferyards between a proposed use and the existing adjacent uses across the street. If a zoning lot is a double frontage lot, (that is a lot that fronts upon two parallel streets) and its rear yard abuts a residential street, bufferyards as required by this section shall be provided along all residential streets that abut lower intensity uses. Street frontage requirements in Section 505.61 shall apply along major thoroughfares. (\*)
4. The number designation contained in Table 505.1 refers to the type of bufferyard specified by the illustrations found on pgs. 168-173.

\* (Amended by Council 10/12/98)

\*\* (Further Amended by Council 4/8/02)

Any of the several options contained in the specific bufferyard requirements (number) shall satisfy the bufferyard requirements.

5. The illustration found on pages 168 through 173 specify the type and quantity of plant materials required by each bufferyard. The requirements are stated in terms of the width of the bufferyard and the number of plants required per 100 feet of bufferyard. The requirements of a bufferyard may be satisfied by any one of the options illustrated. The “plant unit multiplier” is a factor by which basic number of plant materials required for a given bufferyard is determined, given a change in the width of that yard. Each illustration depicts the total bufferyard required between two uses. Whenever a wall, fence or berm is required within a bufferyard, these are shown on page 174; wherein their respective specifications are also shown. The wall, fence or berm illustrated in the bufferyard can be located on either side of the required bufferyard, but typically shall be located on the highest elevation within the bufferyard in order to maximize the screening function. The exact placement of required plants shall be the decision of the developer except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival and that plants shall be sited utilizing existing and proposed topography to maximize the screening effect. All bufferyard areas shall be seeded with lawn grass or suitable ground cover and/or mulch. (\*)(\*\*\*)

6. Plants and trees shall be sufficiently sized to insure buffering and screening at the time of installation. Where the bufferyard illustrations indicate a mass or line of plants paralleling the length of the property line, the plant materials shall be sufficiently sized to insure obscuring at the time of installation.

However, seedling plants may be used where berms or structures are required as part of the bufferyard, or where the proposed use is contiguous to vacant land. See Table 505.2 (p. 164) for specific plant and tree sizes.

7. A proposed land use which is medium intensity commercial, high intensity commercial, light industrial or heavy industrial which abuts a single family residential use or multiple family residential use shall include a brick or stucco wall as part of the bufferyard. (\*)(\*\*)

Under unusual circumstances, the Planning and Zoning Division of the Office of Community Enhancement may substitute other

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\* (Amended by Council 6/26/95)

\*\*\* (Further Amended by Council 4/8/02)

\*\* (Further Amended by Council 10/12/98)

types of screening such as trees, hedges, earthberms and fences for the wall requirement. The decision of the Office of Community Enhancement with respect to screening shall be subject to review by City Council. (\*\*)

Factors to be considered in relaxation of the wall requirement include the following:

- a. Extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. The application of the ordinance to the particular piece of property would prohibit or unreasonably restrict the utilization of the property;
- c. The relaxation will not be a substantial detriment to adjacent property or to the public good and the character of the area will not be harmed by the relaxation of the requirement.

The following table shall be used for determining minimum plant and tree size in Bufferyards (\*)(\*\*):

**TABLE 505.2**

<b>Plant Material Type of Areas</b>	<b>Planting in Bufferyards Abutting all other fences and berms</b>	<b>Planting in Buffer Areas</b>
<b>Canopy Tree Single Stem</b>	<b>1 ½ inch Caliper</b>	<b>2 inch Caliper</b>
<b>Understory Trees</b>	<b>4 feet (height)</b>	<b>1 ½ inch Caliper (8 feet or more in height)</b>
<b>Evergreen Tree</b>	<b>5 feet (height)/(full to ground)</b>	<b>5 feet (height)</b>
<b>Shrub, Deciduous</b>	<b>15 inches (height)</b>	<b>24 inches (height)</b>
<b>Evergreen</b>	<b>12 inches (height)</b>	<b>18 inches (height)</b>

8. The following plant material substitutions shall satisfy the requirements of this Section:
  - a. Evergreen canopy or evergreen understory trees may be substituted as follows:
    - ◆ In the case of deciduous canopy forest trees, up to maximum of fifty (50%) percent of the total number of canopy trees otherwise required;
    - ◆ Evergreen canopy or evergreen understory trees may be substituted for deciduous understory trees and deciduous shrubs, without limitations.
  - b. In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

\* (Amended by Council 6/26/95)

\*\* (Further Amended by Council 10/12/98)

- c. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
- 9. All fences and walls used as part of the bufferyard requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished, as the owner deems appropriate.
- 10. All berms used as a part of the bufferyard requirements may be located anywhere within the bufferyard provided they parallel the property line.
- 11. **Buffer Landscaping and Other Landscaping for Patio Homes and Condominiums.** (\*)

The developer shall provide landscaping for patio homes and condominiums. This landscaping is intended to provide attractive landscaping for each individual lot that benefits the community as well as the individual lot owner; helps to mitigate the effect of new, higher density residential construction when it is adjacent to existing lower density single family development; allows the developer to respond to marketing needs and allows for the contingency of selling individual lots to different builders. A landscaping plan shall be submitted by the developer that meets the requirements of Section 505.42 Landscaping Plan Content and shall be reviewed and approved by the Office of Community Enhancement. This landscaping plan shall provide for the following:

- a. Frontage landscaping shall be provided in the front yard setback of each residential lot that at a minimum contains: 1) one (1) canopy tree; 2) either one (1) ornamental or understory tree or one (1) large evergreen shrub; and 3) eight (8) small evergreen and/or flowering shrubs;
- b. Where a patio home development abuts an existing single family subdivision, the developer of the patio home development shall install a bufferyard in the rear yards of those patio homes abutting the existing single family homes.

This bufferyard may (at the discretion of the developer) consist of a Bufferyard 2, utilizing a minimum of a ten foot wide landscape buffer with plant material as shown in Section 505, or a Bufferyard 3, utilizing a minimum 15 foot wide landscape buffer with a six foot tall opaque wood fence and a row of canopy trees also as shown in Section 505.

\* (Amended by Council 11/25/02)

The developer may elect to provide a combination of the elements in Bufferyards 2 and 3 (for instance, a ten-foot wide landscape buffer with fence and plant materials.) The developer may also propose, under the alternate plan provision in Section 505, other means to arrive at the same degree of screening of adjacent properties, including the use of topography and existing plant materials, or a screening structure other than a fence. However, in no case shall the bufferyard provided represent less than the requirements found in Bufferyard 2.

- c. Section 505 of the Zoning Ordinance shall be used for standards for size and type of plant material required above and construction of the bufferyard structure if applicable. Existing plant material that meets the standards of Section 505 may be substituted for any of the above required plant material.
- d. Where a developer chooses to sell individual lots to builders, then the developer is responsible for installing any required bufferyard and the builders are responsible for installing landscaping in the lot frontage areas.
- e. All required structures (including fences) and plant materials in the bufferyard shall be maintained in perpetuity by the developer and his successors, including the homeowners association or individual property owners if there is no homeowners association. The developer shall be responsible for putting this requirement in the form of deed restrictions to ensure that this provision is met.

**505.7 Maintenance of Landscaped Areas.**

All landscaping required by this section shall be maintained and failure to do so shall be deemed a violation of this Ordinance. The owner shall be responsible for regular weeding, mowing, fertilizing, irrigating, pruning and any other maintenance of all plant materials that may be required. Any plant shown on the landscape plan that dies shall be replaced with another living plant that complies with the approved landscape plan within 120 days after being notified by the Building Official.

**Table 505.1  
BUFFERYARD REQUIREMENTS**

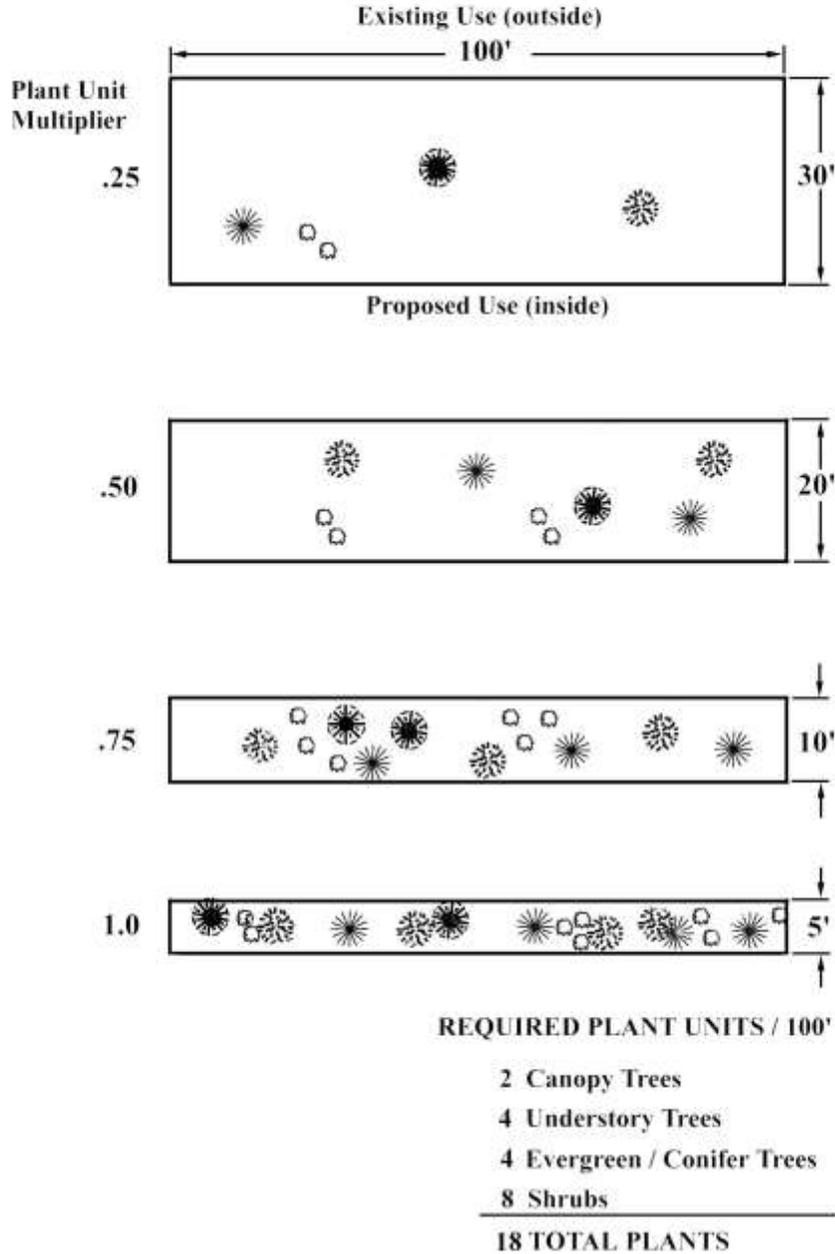
<b><u>Proposed Land Use</u></b>	<b><u>Existing Land Use</u></b>								
	<b>Single Family Residential</b>	<b>Multi Family Residential</b>	<b>Mobile Home Parks</b>	<b>Office/Institutional/Special Residential</b>	<b>Low Intensity Commercial</b>	<b>Medium Intensity Commercial</b>	<b>High Intensity Commercial</b>	<b>Light Industry</b>	<b>Heavy Industry</b>
<b>Office/Institutional/Multi Family/Special Residential</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Low Intensity Commercial</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Medium Intensity Commercial</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>High Intensity Commercial</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Light Industry</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Heavy Industry</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>

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\* (Amended by Council 10/12/98)

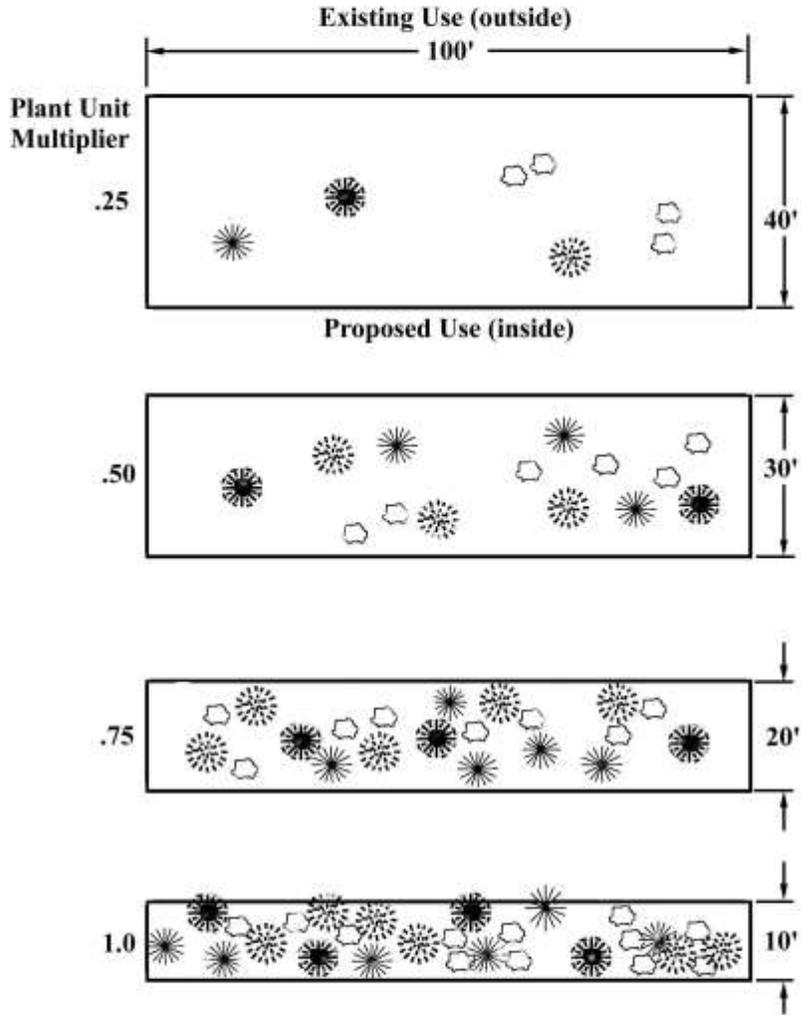
# BUFFERYARD ILLUSTRATIONS

## BUFFERYARD 1



\*(Amended by Council 4/8/02)

## BUFFERYARD 2



### REQUIRED PLANT UNITS / 100'

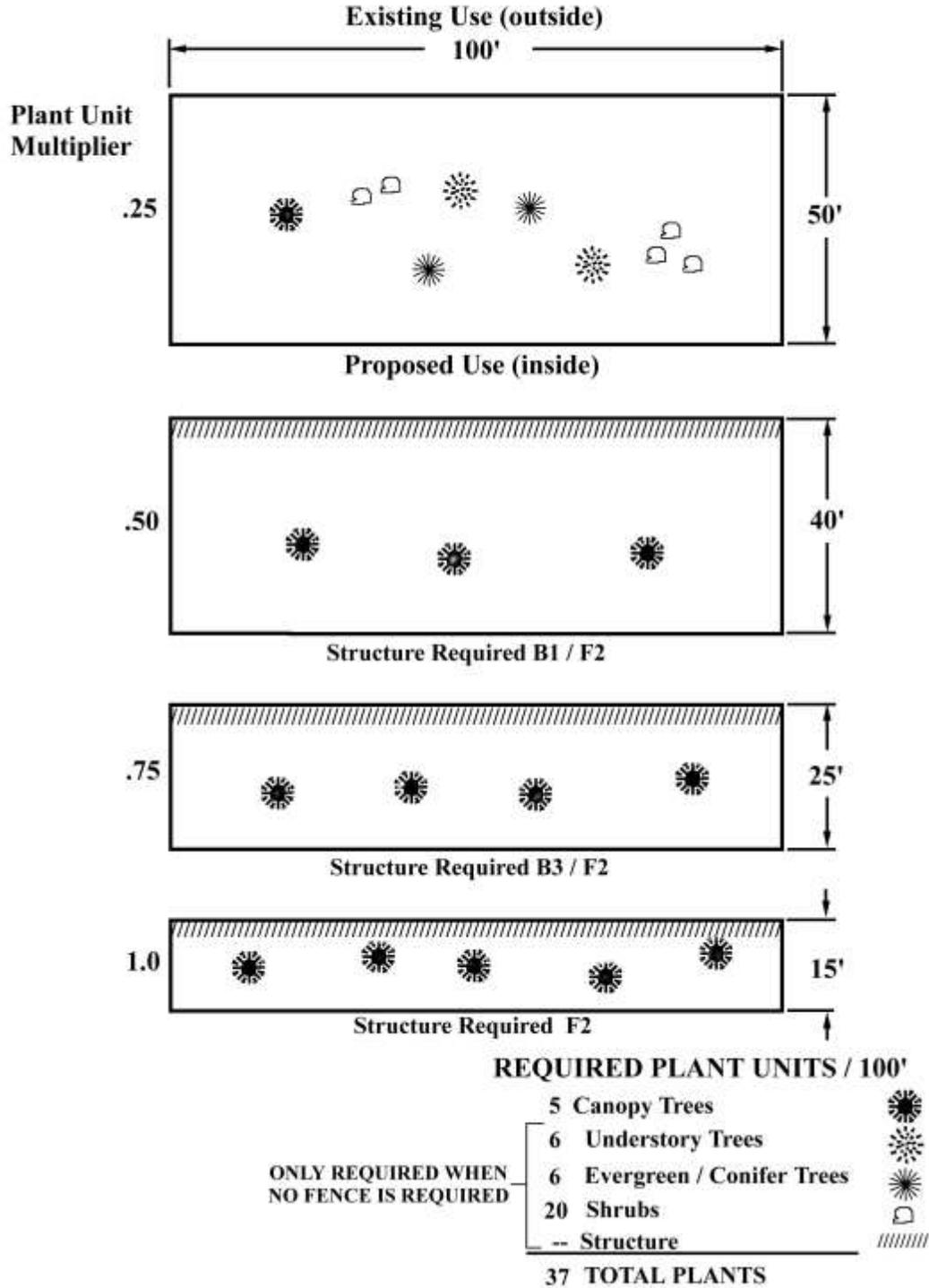
- 4 Canopy Trees 
- 6 Understory Trees 
- 6 Evergreen / Conifer Trees 
- 12 Shrubs 

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- 28 TOTAL PLANTS

\* (Amended by Council 4/8/02)

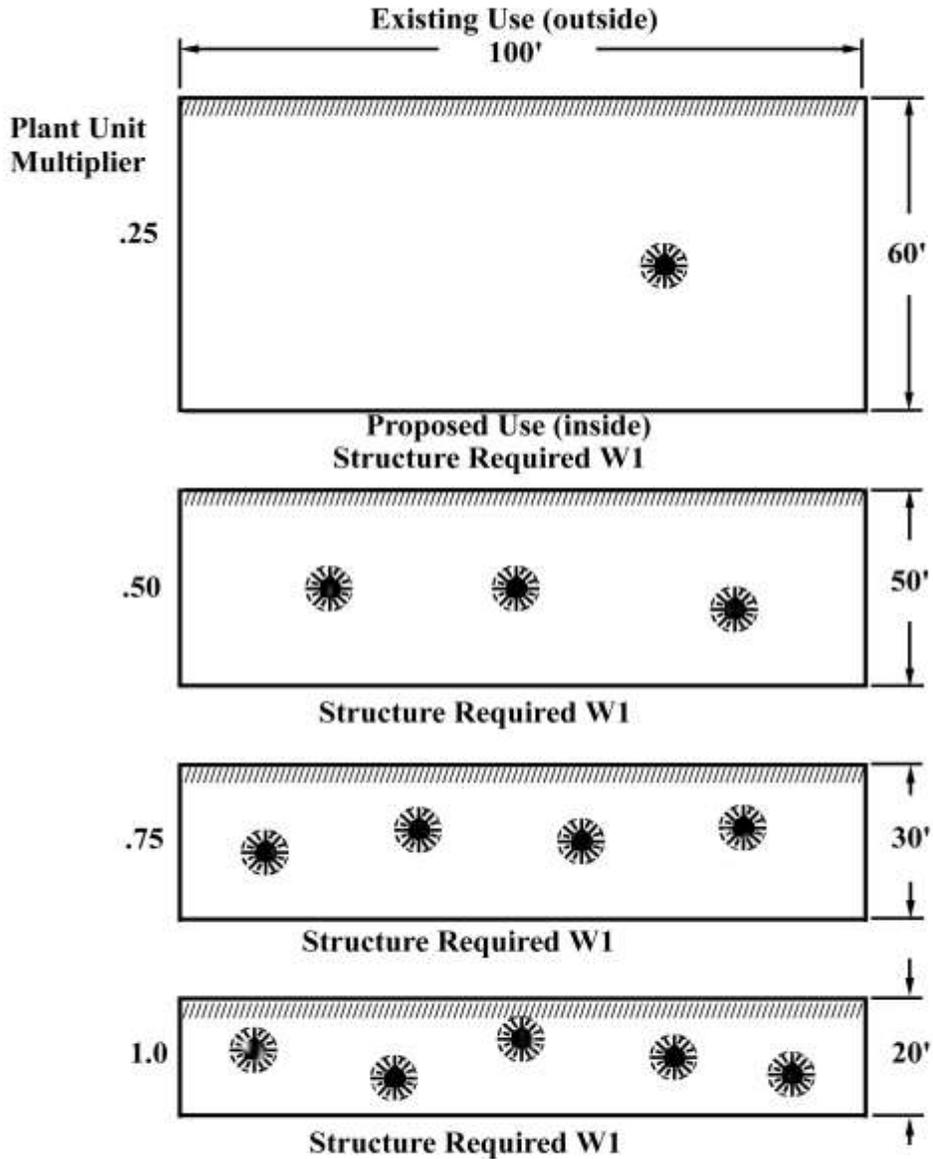
### BUFFERYARD 3



\*(Amended by Council 10/12/98)

\*\* (Further Amended by Council 4/8/02)

## BUFFERYARD 4



NOTE: If the Development Services Department determines that unusual circumstances exist and waive the construction of a brick wall, the quantities of landscaping material shall be determined by the Department.

### REQUIRED PLANT UNITS / 100'

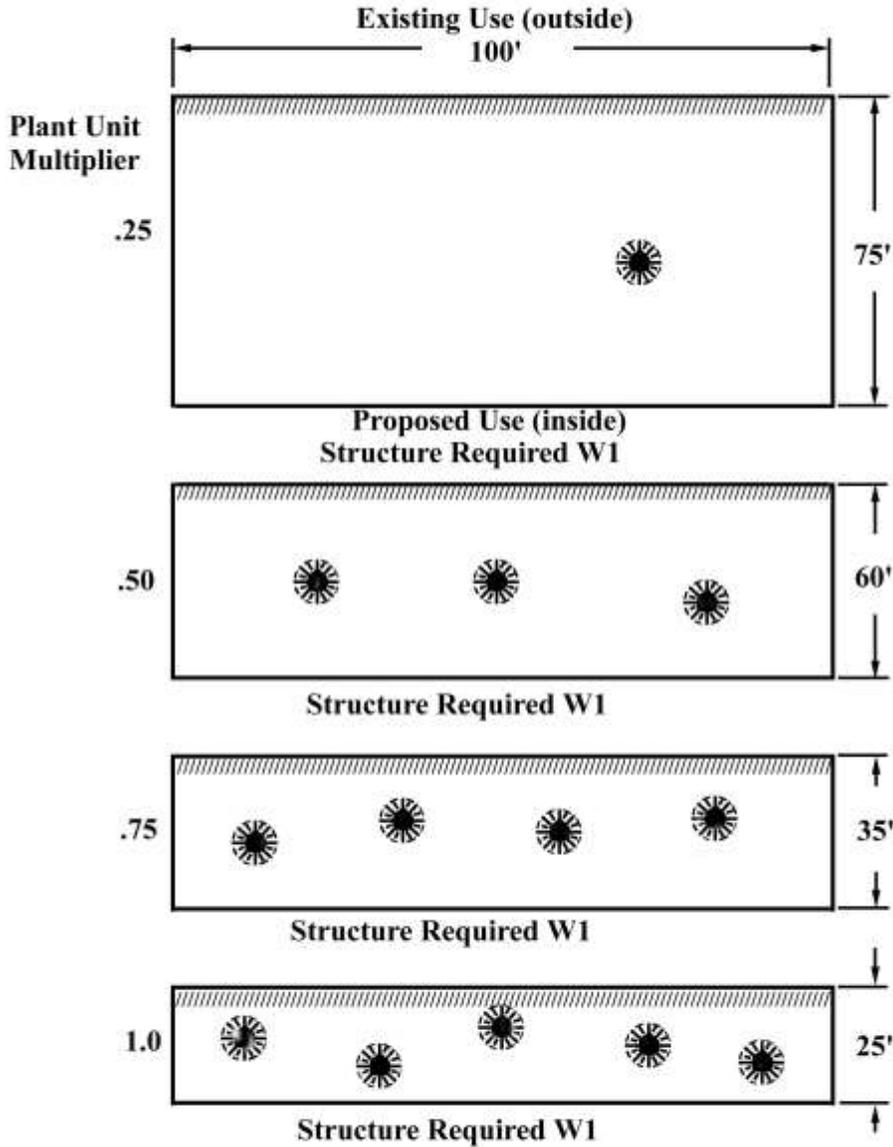
5 Canopy Trees

– Masonry Wall Structure



\*(Amended by Council 10/12/98)

## BUFFERYARD 5



**NOTE:** If the Development Services Department determines that unusual circumstances exist and waive the construction of a brick wall, the quantities of landscaping material shall be determined by the Department.

**REQUIRED PLANT UNITS / 100'**

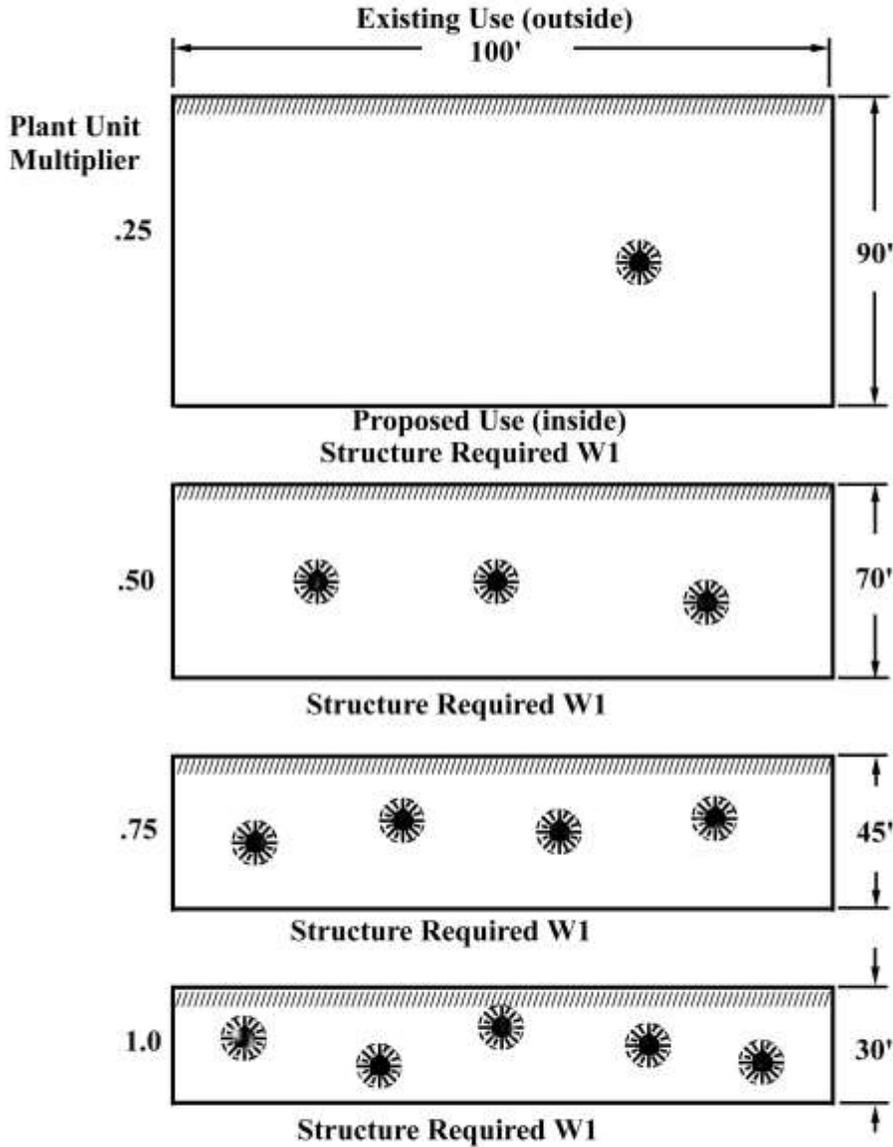
5 Canopy Trees

-- Masonry Wall Structure



\*(Amended by Council 10/12/98)

## BUFFERYARD 6



**NOTE:** If the Development Services Department determines that unusual circumstances exist and waive the construction of a brick wall, the quantities of landscaping material shall be determined by the Department.

**REQUIRED PLANT UNITS / 100'**

5 Canopy Trees

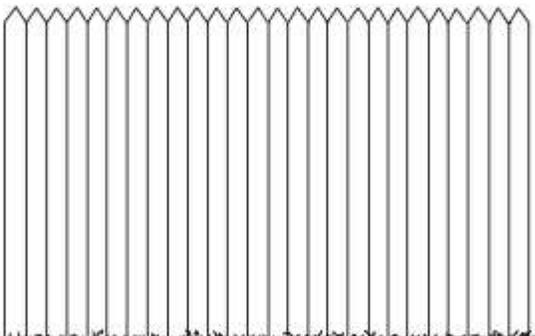
-- Masonry Wall Structure



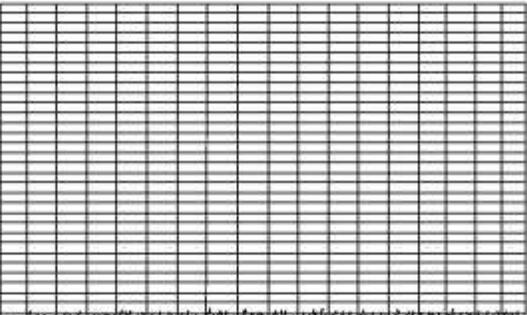
\* (Amended by Council 10/12/98)

# STRUCTURES

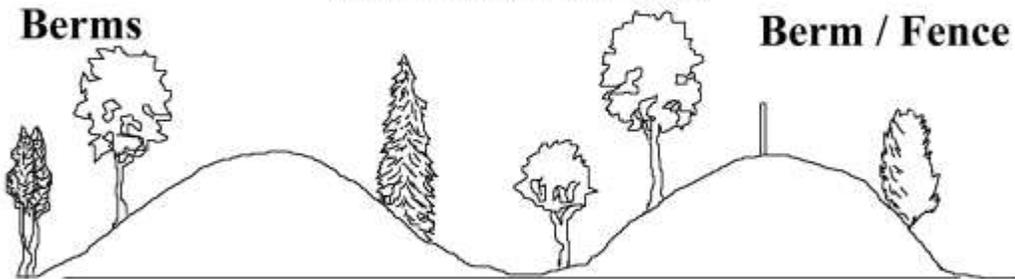
## Fences

Symbol	Height	Material
F 1	3'-0"	 Wood Stockade / Opaque Fence ( non-perishable supports )
F 2	6'-0"	

## Walls

Symbol	Height	Material
W 1	6'-0"	 Masonry Wall ( Stucco or Brick )

## Berms

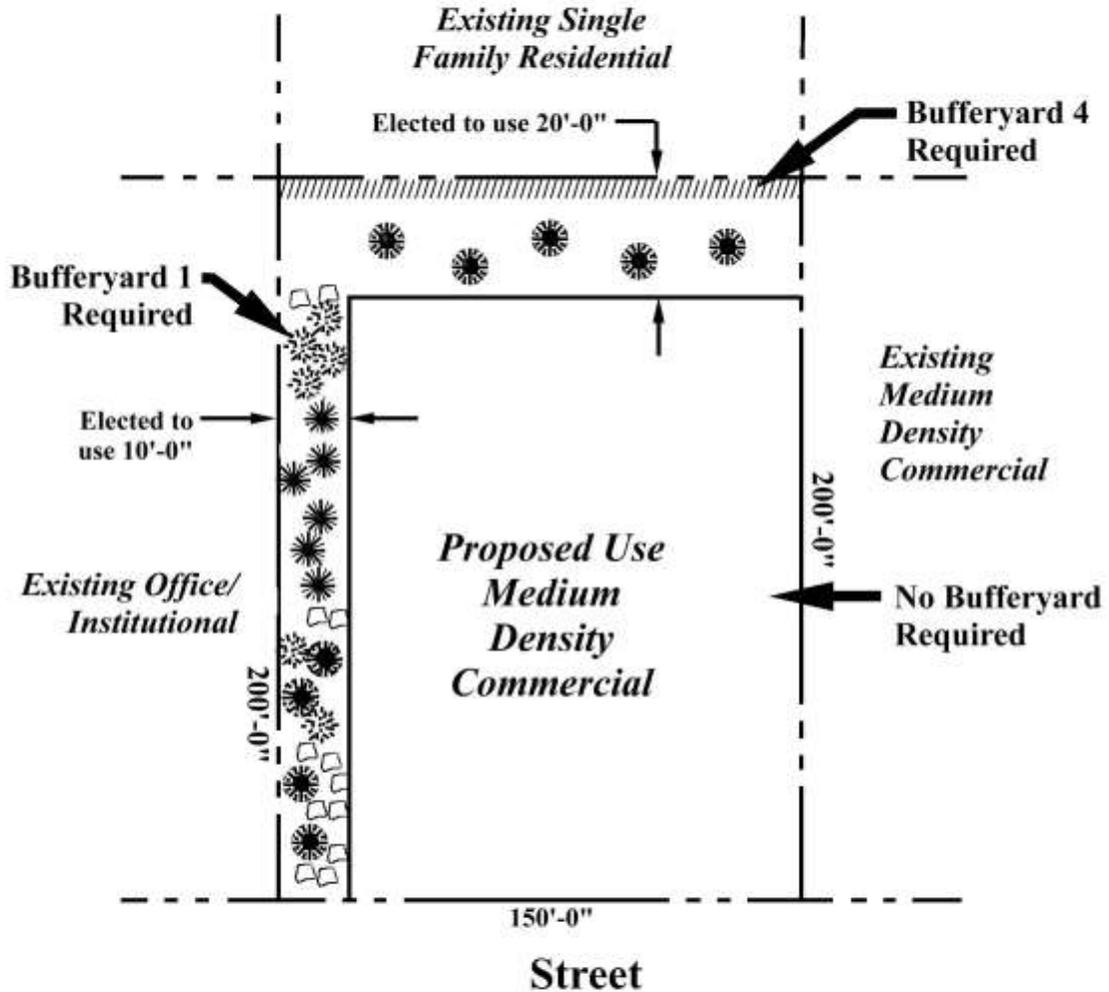


## Berm / Fence

Symbol	Height	Material
B 1	3'-0"	Earth
B 2	4'-0"	Earth
B 3	5'-0"	Earth

Symbol	Height	Material
BF1	3'-0"	Berm w/3'-0" Stockade Fence

# LANDSCAPING REQUIREMENTS FOR BUFFERS ( Example )



**Bufferyard Requirements For This Site**

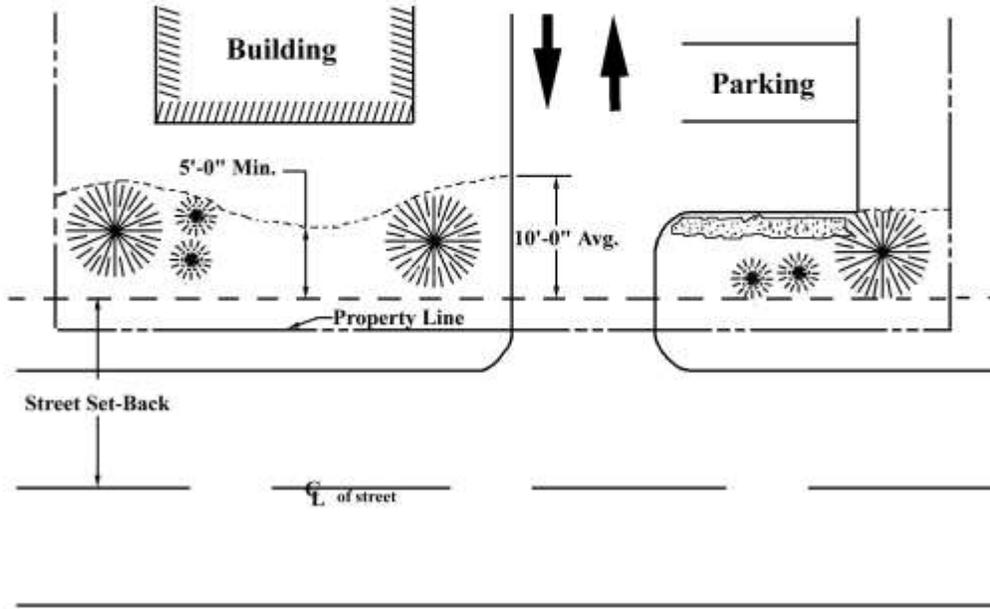
Bufferyard 1	Bufferyard 4	Total	
4	5	9	
6	-	6	
6	-	6	
12	-	12	
-	W 1 (wall)	W 1	

\* (Amended by Council 10/12/98)

\*\* (Further Amended by Council 4/8/02)

# ROAD/STREET FRONTAGE LANDSCAPING REQUIREMENTS

( example with 100'-0" frontage )



## Plan View

**NOTE:** Example shown is a 100'-0" wide lot that would require 3 small or ornamental trees and 4 large evergreen shrubs and screening shrubs for surface parking.



## Elevation

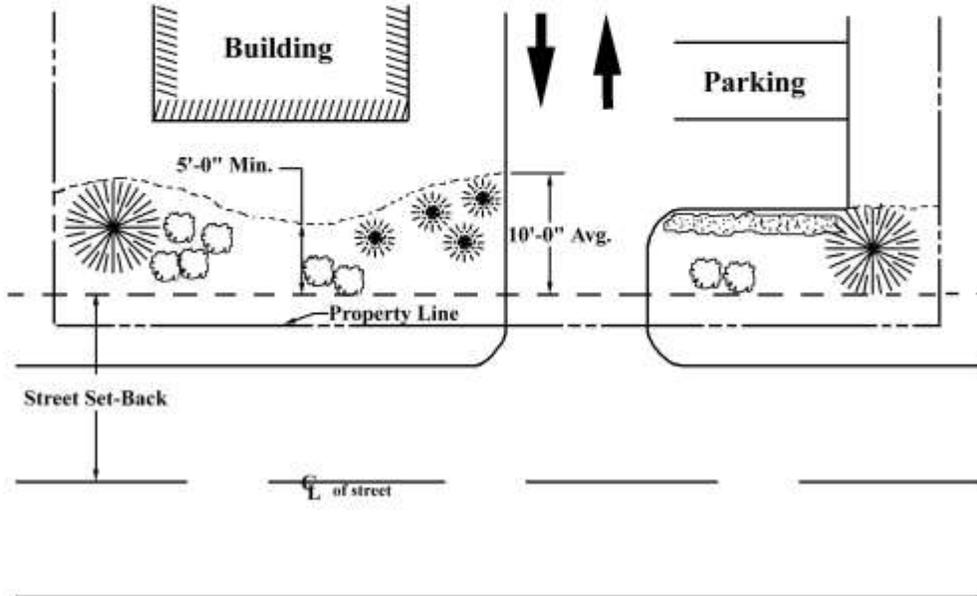
### LEGEND

-  Large Evergreen Shrub
-  Small Tree
-  Screening Hedge

\* (Amended by Council 10/12/98)

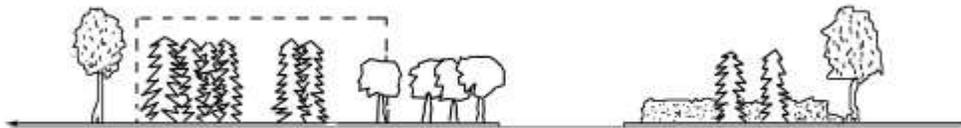
# ROAD/STREET FRONTAGE LANDSCAPING REQUIREMENTS

(example with 200'-0" frontage)



### Plan View

**NOTE:** Example shown is a 200'-0" wide lot that would require 2 large canopy trees, 4 small or ornamental trees, 4 small or ornamental trees, 8 large evergreen shrubs and screening shrubs for surface parking.



### Elevation

#### LEGEND

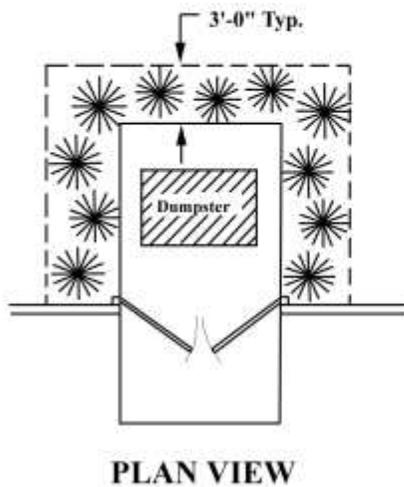
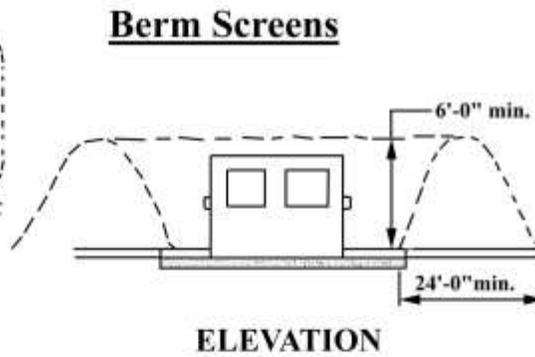
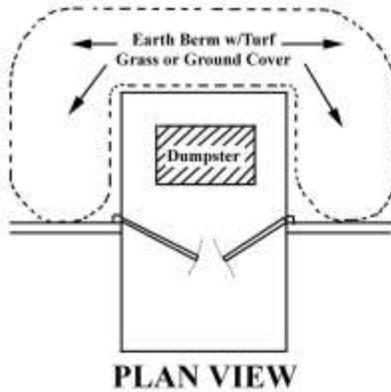
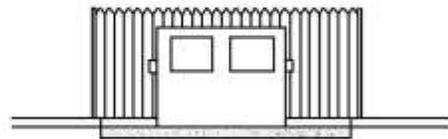
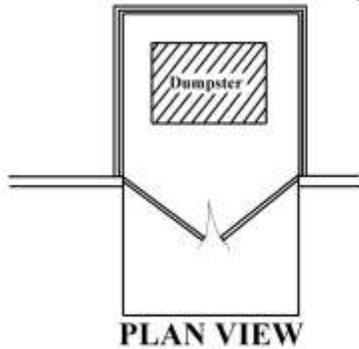
-  Small Tree
-  Large Tree
-  Screening Hedge
-  Large Evergreen Shrub

\* (Amended by Council 10/12/98)

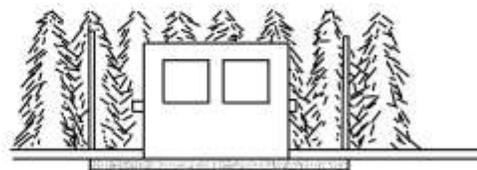
# SERVICE AREA SCREENING AND LANDSCAPE REQUIREMENTS

( Example )

## Fence Or Wall Screen



## Landscape Screens

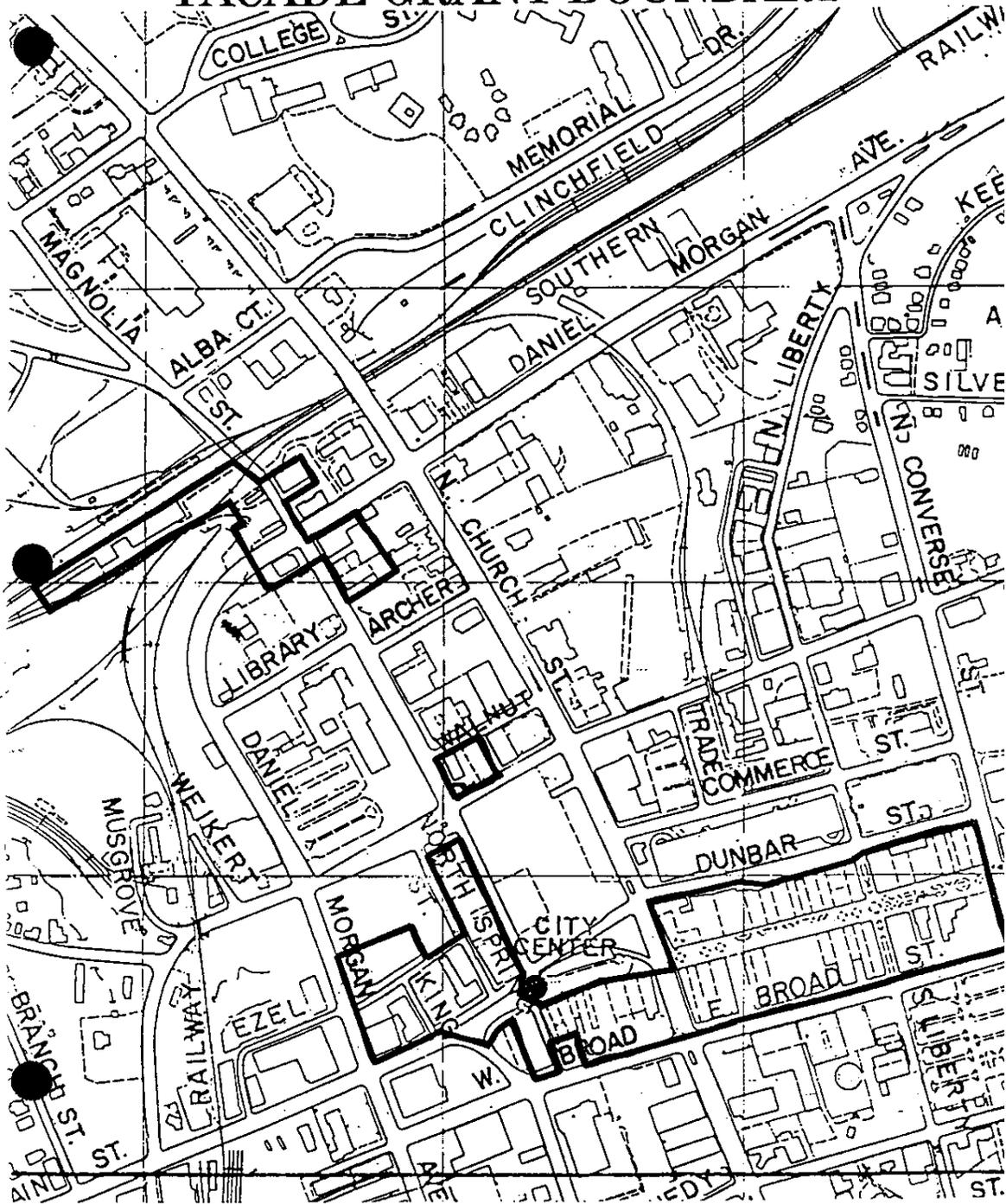


\* (Amended by Council 10/12/98)

# SPARTANBURG

\*(Amended by Council 10/12/98)

## FACADE GRANT BOUNDARY



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**§ 506. COMMUNICATION TOWERS (\*)**

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**506.1 Definitions (\*\*)**

In addition to the definitions contained in Section I, § 108 of the Zoning Ordinance for the City of Spartanburg, the following definitions shall apply to this Section:

**“Communication Tower”** as used in this ordinance means a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.

**“Telecommunications”** (as defined in the federal Telecommunications Act of 1996) means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

**“Antenna”** means a device, dish or array used to transmit or receive telecommunications signals.

**“Height”** of a communication tower is the distance from the base of the communication tower to the top of the communication tower.

**“Board”** means the Zoning Board of Adjustment and Appeals.

**“Stealth Tower”** as used in this ordinance means a communication tower designed and installed in a manner such that the antenna, supporting apparatus and associated structures are aesthetically and architecturally appropriate with regards to an existing structure or immediate environment in which the communication tower is located. Examples include, without limitation, church steeples, bell towers, flag poles, etc.

**506.2 Communications Tower and Antenna Permitted. (\*\*\*)(\*\*\*\*)**

**506.2.1 Determination by Zoning Administrator.** In the B-3, B-4, I-1 and I-2 zoning districts, a communication tower and/or antenna may be permitted by the Zoning Administrator without further review upon determination that the applicant has submitted all of the materials required under Section 506.7 (Application requirements) and all of the applicable requirements and/or conditions in this ordinance are met. All towers permitted in residential, GID, LOD, LC, B-1, D-T4, D-T5, and D-T6 zoning districts must be stealth towers approved by special exception. Co-locations on existing towers or structures, or co-locations, reconstructions or new construction within the footprints of existing electric

\* (Amended – Added as New Section by Council 1/27/97)

\*\* (Further Amended by Council 10/12/98)

\*\*\*\* (Further Amended by Council 10/8/01)

\*\*\* (Further Amended by Council 4/12/99)

utility company transmission line towers (such as Duke Power Company transmission line towers) are permitted in all districts and may be permitted by the Zoning Administrator without further review upon determination that the applicant has submitted all of the materials required under Section 506.7 (Application requirements) and all of the applicable requirements and/or conditions in this ordinance are met. Under no circumstances are communication towers permitted in locally designated historic districts. New towers permitted on the sites included in the “list of potential sites” (Attachments P1 through P5) in the study “Analysis of Potential Sites for Wireless Communication Systems” prepared by Comp Comm Inc. and dated March 15, 1999) may be approved administratively and may not be required to be stealth towers subject to meeting all applicable requirements of this ordinance.

Priority in approving additional telecommunications facilities in the City of Spartanburg shall be given to: first, co-location on existing towers or structures, including electric utility company transmission line towers; second, reconstruction of, or new construction within the footprints of existing electric utility company transmission line towers; third, new construction meeting the requirements of this ordinance on one of the sites designated as Attachments P1 through P5 in the Study “Spartanburg, SC: Analysis of Potential Sites for Wireless Communications Systems”, prepared by Comp Comm, Inc. and dated March 15, 1999. Only when these possibilities have been exhausted or when it can be demonstrated by an applicant that they are not technically feasible to provide adequate coverage for the City of Spartanburg, or when it can be documented by the applicant that the cost of the proposed lease for a site or location is more than 20% above the prevailing rate of leases in comparable Metropolitan Statistical Areas (M.S.A.’s) in the Southeast, shall other sites be considered for approval. The recommendations and attachments to the above study by Comp Comm, Inc. shall also be used as the basis of the evaluation of requests for new tower construction.

506.2.2 Time Limit for Determination. Failure of the Zoning Administrator to act on an application within 45 days from when the application is determined to be complete, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the Board of Zoning Appeals.

506.2.3 Co-locations.(\*)(\*\*) Co-locations on existing communication towers or other structures such as existing electric utility company towers (contained in the list of existing towers and buildings provided in the report “Spartanburg, SC: Analysis of Potential Sites for Wireless Communication Systems” prepared by Comp Comm Inc. and dated March 15, 1999) which do not increase the height of the existing communication tower or structure are strongly encouraged and may be permitted without additional review by the Board. Co-locations on existing electric utility company transmission line towers (such as Duke Power Company towers) which increase the height of the towers by no more than twenty (20) feet may be approved administratively. Co-locations, construction of freestanding

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\* (Amended by Council 10/12/98)

\*\* (Further Amended by Council 4/12/99)

structures (such as monopoles) which are located within the footprint of the existing tower or reconstruction of existing towers, any of which increase the height of the existing tower by more than 20 feet may be approved by special exception if they do not exceed the total tower height permitted in Section 506.5 below.

All new towers shall be designed to accommodate the principal provider and at least three (3) additional carriers. New stealth towers shall be designed to accommodate at least two (2) additional carriers. The City, prior to final approval, must be satisfied that the tower does make reasonable accommodations for the additional users. The applicant shall make unused tower space available at fair market value. All applicants shall make a good faith effort to investigate the feasibility of co-location. This good faith effort shall be deemed to have occurred if the applicant satisfies the requirements of Subsection 506.7.7, "Alternatives" below.

**506.3 General Requirements for All Communication Towers.**

Only communication towers meeting the following requirements are permitted, unless permitted by special exception pursuant to 506.8.1:

506.3.1 Illumination. Except as may be required in Section 506.4, communication towers shall be illuminated only as required by the Federal communication Commission (F.C.C.) and/or the Federal Aviation Administration (F.A.A.).

506.3.2 Color. Communication towers shall not be painted unless otherwise provided by state or federal regulations.

506.3.3 Signs. A single sign, two (2) square feet in size which included the name (s) of the company (ies) operating the equipment and a phone number for emergencies shall be displayed in a visible location on or near the communication tower. No advertising of any type may be attached to a communication tower.

506.3.4 Removal. A communication tower which use has been discontinued for a continuous period of one year, shall be removed within 120 days of the date of the end of such period. Companies must notify the City within 30 days if telecommunications cease operations at a tower or antenna. All structures, fencing, screening and other improvements must be removed and the site returned to its original condition at the company's expense.

505.3.5 Security. A freestanding communication tower and associated structures shall be appropriately secured by means of a wall, fence or other device at least eight (8) feet in height.

505.3.6 Screening. The purpose of this subsection is to establish control for the visual quality of communication towers from the ground level. Communication tower, as pertains to this subsection, includes the tower and the land and everything within the required security fencing including any other building and equipment. The screen shall be a minimum of ten (10) feet of land surrounding the tower except for one service access. An appropriate plant material screen shall be evergreen plants of a quality and planted in accordance with the standards of the American Nurserymen Association that are indigenous or native to the Spartanburg area. Such

plantings shall be appropriately spaced and of such a size so as to achieve a dense screen with a minimum height of six (6) feet within a three (3) year period from erection of a tower. These are the minimum standards. Additional screening with deciduous or evergreen trees is desirable and encouraged. Existing trees shall be preserved in accordance with Section 505 (Tree Protection and Landscaping Requirements) of the Zoning Ordinance. If in extreme or unusual situations where it is proven impossible to properly construct the plant material screen, the Zoning Administrator may grant permission to construct the security fence as a solid masonry wall, either brick or stucco-type finish with a minimum height of six (6) feet above ground level and constructed in accordance with applicable construction codes.

A Certificate of Occupancy shall not be issued until the required planting is completed. When the occupancy of a structure is desired prior to the completion of the required planting, a Certificate of Occupancy may be issued only if the owner (s) or developer (s) provide (s) to the City a form of surety satisfactory to the City Attorney and in an amount equal to one hundred twenty-five percent (125%) of the costs of the remaining plant materials, related materials, and installation (with the costs agreed to by the Zoning Administrator or designee). The form of the surety shall be in conformity with Section 3.116 of the Subdivision Regulations for the City of Spartanburg. All required planting must be installed and approved by the first planting season following issuance of the Certificate of Occupancy or bond will be forfeited to the City of Spartanburg.

The owners and their agents shall be responsible for providing, protecting, and maintaining all required plant material in healthy condition, replacing unhealthy or dead plants within one year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the approved plan.

As applied to communication towers, the provisions of this Subsection supersede the provisions of Section 505 of the Zoning Ordinance (landscaping), except that Section 505 of the Zoning Ordinance shall apply to stealth communication towers.

506.3.7 Antenna Capacity; Wind Load. The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. Certification from a structural engineer registered in South Carolina shall constitute proof that such standard has been met.

506.3.8 FCC License. The owner (s) of a communication tower shall possess a valid FCC license for the proposed activity.

506.3.9 Design for Multiple Use. A new communication tower shall be designed to accommodate additional antennae equal in number to applicant's present and reasonably anticipated future requirements.

506.3.10 Safety Codes. A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.

506.3.11 Distance Between Towers. A proposed communication tower site within 1,300 feet of an existing communication tower shall not be permitted unless the applicant certifies that the existing communication tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a co-

location agreement could not be obtained.

506.3.12 Application of Zoning Regulations. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback, and height, shall apply to the use, unless otherwise provided in this ordinance. Setback and height conditions in this Section 506 are only applicable to communication towers.

506.3.13 Minimum Setbacks.(\*) Minimum Setbacks of Communication Tower (Not Including Guy Anchors) must be a minimum distance equal to the height of such tower from:

- (a) All lot lines of residential zoned property;
  - (b) Properties or districts designated historic;
  - (c) Properties containing churches, schools, colleges, children's homes and shelters, hospitals and nursing homes (See Section 303.2 of this Ordinance); except that communication facilities which meet the definition of stealth tower in Section 506.1 above may be permitted by special exception on these properties;
  - (d) The right of way of all streets and roads;
- 1.) All guy cables and anchors must be set back from all lot lines distances equal to the district setback requirements.
  - 2.) A variance from the requirements of the minimum setbacks may not be granted for greater than a 25% reduction in the minimum setback for towers, or for greater than 10% where the setback is from properties included in Section 506.3.13. (a), (b), or (c) above.
  - 3.) The above provisions are in addition to all requirements of the Zoning Ordinance.

**506.4 Additional Requirements for Location Near Spartanburg Downtown Memorial Airport**

With the exception of towers for aeronautical purposes, in no case may a communication tower penetrate any imaginary surface, as described in chapter 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77, associated with existing or proposed runways at any publicly owned airport. All communications tower located within the first 12,000 feet of the approach surface of an existing or proposed runway at such facility, or within the horizontal surface associated with such runway (s) as described in FAR Part 77, shall be lighted. Such towers shall be illuminated by strobe lights during daylight and twilight hours, red lights during nighttime hours. A copy of any plans whereby a communication tower will be located within such 12,000 ft. area shall be provided by the applicant to the Spartanburg Downtown Memorial Airport Manager for comment. Any comments shall be made within 10 days of delivery to said manager and sent to the technical services representative designated by the Municipal Association of South Carolina as provided in Section 506.11 with a copy to the Zoning Administrator and the applicant.

\* (Amended by Council 4/12/99)

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

**506.5 Permitted Height of Freestanding Communication Towers.**

District (*)	Permitted Height
R-15 R-12 R-8SFD R-8 R-6 GID LOD LC D-T4 D-T5 D-T6	Not exceeding 200 feet provided special exception approval

Commercial Districts	Permitted Height
B-1 B-3 B-4	Not exceeding 200 feet.

Industrial Districts	Permitted Height
I-1 I-2	Not exceeding 250 feet

Planned Development District
Permitted under conditions set forth in plan.

**506.6 Permitted Height of Building-Mounted Communication Towers.**

All Districts

A communication tower shall not exceed 20 feet in height if mounted on a building or any structure other than a freestanding or guyed communications tower.

**506.7 Application Requirements.**

The following information shall be submitted for all applications for approval of a communication tower:

506.7.1 Specifications. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.

506.7.2 Site Plan. A site plan drawn to scale showing property boundaries, communication tower location, communication tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if antenna is to be mounted on an approved existing structure. Prototypical drawings indicating various types of equipment to be located on the communication tower may be submitted at the time of the permit application. Other equipment may be added to the communication tower without additional permits or inspections if electrical wiring is not required. (\*\*)

\* (Amended by Council 10/8/01)

\*\* (Further Amended by Council 10/12/98)

506.7.3 Location Map. A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing communication towers, and proposed communication towers which are reflected in public records, serving any property within the City.

506.7.4 Antenna Owner (s). Identification of the owner (s) of all antennae and equipment to be located on the site.

506.7.5 Owner (s) Authorization. Written authorization from the site owner (s) for the application.

506.7.6 Visual Impact Analysis. A line of sight analysis showing the potential visual and aesthetic impact on adjacent residential districts.

506.7.7 Alternatives. Satisfactory evidence shall be provided indicating:

- 1.) The proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or communication tower under the control of applicant; and
- 2.) Available publicly owned sites, and available privately owned sites occupied by a compatible use, including all applicable sites or locations or a combination of sites and locations as described under Section 506.2.1. above for priority of approval have been considered by the applicant and the applicant has demonstrated that for the reasons described in Section 506.2.1 these sites and/or locations are unsuitable for operation of the facility under applicable communications regulations, applicant's technical design requirements and/or valid economic reasons. (\*)

506.7.8 Indemnity. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipal attorney.

506.7.9 Application Fees. All applicants for approval of a communication tower must be accompanied by a fee of \$200.00 and, if applicable, any additional fees required by the municipality on applications for special exception or variance.

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\* (Further Amended by Council 4/12/99)

**506.8 Special Exceptions and Variances.**

506.8.1 Special Exception. In the event a proposed communication tower is within the residential, GID, LOD, LC, D-T4, D-T5 or D-T6 zones and /or an applicant does not meet any one or more of the applicable requirements in Sections 506.3, 506.4 and 506.6, an applicant may apply directly to the board for a special exception permitting the use. Such application shall be pursuant to Section VI of the Zoning Ordinance and the Criteria for Evaluating Special Exceptions set forth in Section 506.9 shall apply. A Special Exception may not be granted which would increase tower height above the permitted in Section 506.5. (\*\*)

506.8.2 Variance. An applicant may appeal to the Board for a variance from any applicable general zoning district regulation and from any other conditions or requirements in this Section 506 except Section 506.3.11 and Section 506.5. Appeals for a variance to 506.3.13 shall not be considered unless the request is for not greater than a twenty-five percent (25%) reduction from the minimum setback; or for not greater than a ten percent (10%) reduction from the minimum setback from properties as described under Section 506.3.13.(a), (b) and (c) above, namely: residential properties, historic districts or public gathering places. (\*)

Appeals shall be made pursuant to Section 603.4 of the Zoning Ordinance.

506.8.3 Consideration by Board. Special exceptions and variances, may be applied for simultaneously and considered by the Board simultaneously.

**506.9 Criteria for Evaluating Special Exceptions and Variances.**

506.9.1 Application; Conditions. All application requirements imposed by Section 506.7 of this ordinance are met.

506.9.2 Setback Requirements, Additional Conditions. Applicant has demonstrated that the proposed communication tower location is sufficient to satisfy setback requirements and satisfy such other additional conditions, if any, necessary to remove dangers to safety and to protect adjacent property.

506.9.3 Denial on Substantial Evidence. The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence.

506.9.4 Preferred Locations in Residential Districts. If location in a residential zoning district is requested, the communication tower will not be located on parcels occupied by a residential structure. Preferred locations may include, but are not limited to, schools, churches, and public utilities.

506.9.5 Residential Service Area. If location in a residential zoning district is requested, the applicant must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.

506.9.6 Greenspaces. If location in a residential zoning district is requested, the tower will not be located on land designated as “open space recreational” on the City of Spartanburg Future Land Use Plan.

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\* (Amended by Council 4/12/99)

\*\* (Further Amended by Council 10/8/01)

506.9.7 Priority of Approval. If a location is requested which does not meet the requirements above under Section 506.2.1 for priority of approval the applicant must demonstrate that all sites and locations or combinations thereof provided for in Section 506.2.1 have been considered by the applicant and the applicant has demonstrated that for the reasons described in Section 506.2.1 these sites and/or locations or combinations thereof cannot adequately serve the area for valid technical or economic reasons and are unsuitable for operation of the facility under applicable communications regulations. (\*)

**506.10 Annual Report Required**

All companies that operate or maintain ownership of communication towers shall submit an Annual Report to the City of Spartanburg Office of Community Enhancement during January of each year. The Report shall describe the facilities in the City which a company maintains and operates and shall note any future removal plans and any other applicable information. The Report shall note a company's efforts to coordinate with other telecommunication companies.

**506.11 MASC Technical Assistance Required (\*)**

The Zoning Administrator (prior to issuing a permit) and the Board (prior to issuing a permit by special exception) shall make use of technical services selected by the Zoning Administrator (which may include but are not limited to the services of the Municipal Association of South Carolina, but shall be with an engineer or engineering company with a demonstrated expertise in the field of wireless telecommunications) to determine that the standards in subsections 506.3.1, 506.3.2, 506.3.9, 506.3.11, 507.7.7 and 506.9.7 of this Ordinance are met. The permittee shall bear the cost of the required technical services, such cost to be subject to a maximum amount as established by the city and on file in the City Manager's office.

\* (Amended by Council 4/12/99)

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**§ 507 PLANNED DEVELOPMENT DISTRICTS (PDD)**

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**507.1** The regulations set forth in this Section shall be earned by the petitioner or applicant under the procedures set forth below and are in no way to be construed as an automatic right of the applicant. The granting of a planned development district rezoning is the legal responsibility of the Spartanburg City Council upon proper recommendation from the Planning Commission.

507.11 General Intent. A planned development district is intended to comprehensively correlate the provisions of this and other ordinances of the City, to permit developments which will provide a desirable and stable environment in harmony with that of the surrounding area; to permit flexibility that will encourage a more creative approach in the development of land, will result in a more efficient, aesthetic and desirable use of open area; to permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas; and to utilize best the potentials of sites characterized by special features of geography, topography, size or shape.

**507.2 Definitions.**

In addition to the definitions contained in Section I, § 108 of this Ordinance the following shall apply to this Section.

“APPLICANT” is the owner of a site presented for approval for use as a planned development district under the provisions hereof, appearing personally or by authorized agent. (See “Landowner” also.)

“DENSITY” is the relationship of dwelling units to the area of the lot or tract upon which a residential structure is located or erected.

“HOME ASSOCIATION” is an incorporated, non-profit organization or trust, operating under recorded land agreements through which –

- A. Each lot and/or homeowner in a planned development district or other described land area is automatically a member;
- B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining a common property; and
- C. The charge, if unpaid, becomes lien against such property.

“LANDOWNER” shall mean all the legal or beneficial owner or owners of all the land proposed to be included in a planned development district. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other persons having an enforceable proprietary interest in such land, shall be deemed to be a Landowner for the purpose of this Section. (See “Applicant” also.)

“LOT AREA” is the horizontal plane, bounded by the front, side, and rear lot lines.

**“LOT AREA REQUIREMENT”** for use in this Section and this Section only, shall be interpreted as the lot area required for the planned development district as a whole, and not the lot area required for each particular structure placed in such planned development district. For calculation of such lot area required refer to Section 507.72.

**“NET PROJECT AREA”** shall include all land within the area intended for use for residences and usable open spaces. It shall not include areas for interior roads, parking areas, areas for nonresidential commercial use or land subject to recurring floods, swamp or marsh land. Such areas shall be excluded in computing the net project area.

**“NONRESIDENTIAL USES”** are uses which are of a religious, cultural, recreation, and convenience commercial character to the extent that they are designed and intended primarily to serve only the convenience of the residents of the planned development district, provided that the nonresidential uses shall conform to the requirements hereinafter set forth elsewhere in this Ordinance.

**“PLAN”** shall mean the proposal for development of a planned development district, including a plat or subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, usable open space, and public facilities. The Plan shall include such information as required by this Section of this Zoning Ordinance.

**“PLANNED DEVELOPMENT DISTRICT”** shall mean an area of land, controlled by a Landowner, to be developed as a unified project and single entity for a group of structures or a single structure and a number of dwelling units primarily for residential use, the Plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one residential or commercial district established by any other Sections of this Zoning Ordinance.

**“SIGHT-PROOF SCREENING”** is an enclosure which provides a visual barrier between adjacent property and the area enclosed and shall contain no advertising on it.

**“SINGLE OWNERSHIP”** shall mean the proprietary interest of a Landowner, as herein defined.

**“USABLE OPEN SPACE”** is that required portion of a lot at ground level, unoccupied by principal or accessory buildings and available to all occupants of the building. This space of minimum prescribed dimensions shall be unobstructed to the sky and shall not be devoted to roads, service driveways or off-street parking space and/or loading berths but shall be usable for greenery, drying yards, recreational space and other leisure activities normally carried on outdoors. Where and to the extent prescribed in Section 507.9 (B) roof areas may be considered usable open space.

**507.3 Planned Development District Zoning Districts. (\*\*)**

In addition to the Zoning Districts established by Section II, § 201 of this Ordinance, the following zoning districts are hereby established for purposes of planned development districts:

- (1) R-15 PDD
- (2) R-12 PDD
- (3) R-8 PDD
- (4) R-6 PDD
- (5) GID PDD
- (6) LOD PDD
- (7) B-1 PDD
- (8) D-T4, D-T5, D-T6 PDD
- (9) B-3 PDD
- (10) B-4 PDD

**507.4 Rezoning and Standards Necessary for Project Approval.**

The Planning Commission shall consider the proposed planned development district in the same manner they review zone changes. In addition they shall review the submitted plans to determine conformity with the standards established by this Section, so as to achieve a maximum of coordination between the proposed development and the surrounding uses, the conservation of woodlands and the protection of water courses from erosion, siltation and pollution as required in Section V, 501.12 of this Ordinance. To these ends the Planning Commission and City Council shall consider the location of buildings, parking areas and other features with respect to the topography of the area and existing features such as streams and large trees; the efficiency, adequacy, and safety of the proposed layout of internal streets and driveways; the adequacy and location of usable open space provided; the adequacy, location and screening where required; if the planned development district is consistent with the Comprehensive Plan; if the planned development district can be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site, and such other matters as the Planning Commission and the City Council may find to have a material bearing upon the standards of this Section and the objectives of the Planned Development District Zone Regulations.

**507.5 Minimum Project Area.**

507.51 The minimum project area permitted in a residentially zoned planned development district shall contain a gross area of not less than three (3) acres. The minimum project area permitted in a commercially zoned planned development district shall not be less than one (1) acre. (\*)

507.52 The minimum project area shall be adaptable to unified development and shall not have within or through the area any freeway or multi-lane thoroughfare as defined by the SPATS Plan which because of its

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\* (Amended by Council 7/10/78)

\*\* (Further Amended by Council 10/8/01)

physical nature would tend to destroy the neighborhood or project cohesiveness.

**507.6 Uses Permitted in a Planned Development District Zone.**

507.61 Residential Uses Permitted. Single family, two family and multi-family dwellings in detached, semi-detached, attached or multi-stored structures or any combination thereof.

507.62 Nonresidential Uses Permitted in a Residential Planned Development District Zone. Nonresidential uses of a religious, educational, commercial, or recreational character to the extent that they are to be designed or intended for the use of the residents of the planned development district. The burden shall be on the landowner to show that the nonresidential uses of a commercial character are intended to serve principally the residents of the planned development districts. The Nonresidential permitted uses shall be allowed only the extent that the Planning Commission and City Council find them to be designed to serve primarily the residents of the planned development district; and compatibly and harmoniously incorporated into the unitary design of the planned development district. Buildings designed or intended to be used, in part of whole, for nonresidential used shall be constructed according to the following:

- A. Seventy-five percent (75%) of the approved dwellings units must be physically constructed prior to any nonresidential commercial use construction.
- B. The only nonresidential uses permitted within a residential planned development district are:
  - (1) Art and school supply stores
  - (2) Barber and beauty shops
  - (3) Bakery and dairy product stores, retail sales only
  - (4) Candy and ice cream stores
  - (5) Drug stores
  - (6) Dry cleaning and laundry receiving and pick-up stations, processing to be done elsewhere
  - (7) Grocery and meat markets
  - (8) Hardware stores
  - (9) Laundromats, automatic, self-service only
  - (10) Newspaper distribution agencies for home delivery and retail trade
  - (11) Offices, business or professional
  - (12) Package liquor or part supply stores
  - (13) Shoe repair shops
  - (14) Schools, public and private
  - (15) Churches
  - (16) Parks, forest preserves and recreational areas
  - (17) Restaurants not including the drive-in type or take-out facility
  - (18) Golf courses, swimming pools and clubhouses
  - (19) Real estate offices only in conjunction with a planned development district, limited to selling or leasing of units in

such development

- (20) Temporary buildings for construction purposes for a period not be exceed beyond the completion date of such construction.

All nonresidential uses permitted above are intended for the exclusive use and convenience of the occupants and their guests of the planned unit development.

507.63 All planned development districts with less than six hundred (600) dwelling units, the convenience commercial uses shall be limited to the ratio of one thousand (1,000) square feet of gross floor area of non-residential uses per one hundred (100) dwelling unit.

507.64 All nonresidential uses within a planned development district with more than six hundred (600) dwelling units, the convenience commercial uses shall be limited to the ratio of three thousand (3,000) square feet of gross floor area of nonresidential uses per one hundred (100) dwelling units.

507.65 Planned development districts located in the commercial districts are permitted to have any use permitted in the zone with no maximum floor area limitations.

#### **507.7 Minimum Lot Area Requirements.**

The minimum lot area requirements for the total net project area of a planned development district for use in this Section, and this Section only, shall not be less than the following:

- (1.) **R-15 PDD** – Fifteen thousand (15,000) square feet of lot area for each dwelling unit, except as provided in Section 507.71.
- (2.) **R-12 PDD** – Seven thousand (7,000) square feet of lot area for each dwelling unit, except as provided in Section 507.71. In addition, all areas reserved for single family detached dwellings (lots) shall contain a minimum of 10,000 square feet of lot area per single family detached dwelling unit.
- (3.) **R-8 PDD** – Five thousand (5,000) square feet of lot area for each dwelling unit, except as provided in Section 507.71. In addition, all areas reserved for a single family detached dwellings (lots) shall contain a minimum of 6,000 square feet of lot area per single family detached dwelling unit.
- (4.) **R-6 PDD** – Twenty-five hundred (2,500) square feet of lot area for each dwelling unit, except as provided in Section 507.71.
- (5.) **GID PDD** – Two thousand (2,000) square feet of lot area for each dwelling unit, except as provided in Section 507.71. (\*)

\* (Further Amended by Council 10/8/01)

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- (6.) **LOD PDD** – Two thousand (2,000) square feet of lot area for each dwelling unit, except as provided in Section 507.71. (\*)
- (7.) **B-1 PDD** – Fifteen hundred (1,500) square feet of lot area for each dwelling unit, except as provided in Section 507.71.
- (8.) **D-T4, D-T5, D-T6 PDD** – No minimum lot area requirement is required if the usable open space requirement in Section 507.71 is fulfilled, otherwise a minimum lot area requirement of two hundred (200) square feet per dwelling unit is required.
- (9.) **B-3 PDD** – Five hundred (500) square feet of lot area for each dwelling unit except as provided in Section 507.71.
- (10.) **B-4 PDD** – Seven hundred fifty (750) square feet of lot area for each dwelling unit. Except as provided for in Section 507.71.

507.71 Project Density Bonuses.

- A. In order to attract developers to utilize this Section, the applicant may be eligible for a ten percent (10%) density reduction upon application for a PDD zone change.
- B. The Planning Commission and City Council may further authorize a partial reduction in the lot area requirement in the planned development district net project area according to the following:
  - (1) For distinctiveness and excellence in design and landscaping, a maximum reduction of five percent (5%).
- C. If the Planning Commission and City Council find that any of the following conditions would be created by a reduction of the lot area requirement permitted by this Section, it may either prohibit any reduction in lot area, or limit the reduction in lot area by an amount which is sufficient to avoid the creation of any of these conditions:
  - (1) Inconvenient or unsafe access to the planned development district;
  - (2) Traffic congestion in the streets which adjoin the planned development district;
  - (3) An excessive burden on public parks, recreational areas, schools and other public facilities which serve or are proposed to serve the planned development district;
  - (4) A development which will be incompatible to the intent of Section 507.11; and

\* (Further Amended by Council 10/8/01)

- (5) Any other condition which the Planning Commission and the City Council deem appropriate.

507.72 Calculation of Project Density. The Planning Commission and City Council shall determine the number of dwelling units which may be constructed within the planned development district by dividing the net project area by the required lot area per dwelling unit which is required in the district in which the planned development district is located, or as modified by any reductions in the lot area requirement permitted under Section 507.71 of this Section.

**507.8 Perimeter Setback Requirements.**

All buildings shall be located within a planned development district project in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall conform to the following:

- A. The front, side, or rear yard setbacks only on the perimeter of the planned development district shall conform to the abutting zoning district as provided elsewhere in this Zoning Ordinance.
- B. For each foot of building height over thirty-five (35) feet in zones R-15 PDD, R-12 PDD, R-8 PDD and R-6 PDD, the distance between such building and the front, side and/or rear property lines only on the perimeter of the planned development district project area shall be increased one (1) foot for each two (2) feet the building exceeds thirty-five (35) feet in addition to the front, side and/or rear yards.
- C. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned development district, the City Council and Planning Commission shall impose either of the following requirements and may impose both:
  - (1) All structures located on the perimeter of a planned development district must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses; and
  - (2) All structures located along the entire perimeter of the planned development district must be permanently screened with sight-proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.

**507.9 Usable Open Space Requirements.**

- A. In residential planned development district zones usable open space shall be provided in whole or in part to any residential use as set forth below and conveniently located to all residents of the planned development district. Such usable open space shall be provided at ground level. The usable open space requirements for planned development districts in residential planned development district zones shall be as follows:

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- (1.) **R-15 PDD** – Usable open space of not less than one thousand seven hundred (1,700) square feet per dwelling unit.
- (2.) **R-12 PDD** – Usable open space of not less than seventeen hundred (1,700) square feet per dwelling unit.
- (3.) **R-8 PDD** – Usable open space of not less than one thousand (1,000) square feet per dwelling unit.
- (4.) **R-6 PDD** – Usable open space of not less than seven hundred fifty (750) square feet per dwelling unit.

B. In commercial planned development district zones usable open space shall be provided on each lot devoted in whole or in part to any residential use set forth. In calculating the usable open space requirements in the commercial planned development district zones, (GID PDD, LOD PDD, B-1 PDD, B-3 PDD, B-4 PDD) there may be credited up to a maximum of seventy-five percent (75%) of the required open space area on any adequately surfaced roof deck being free of obstructions and improved and available for safe and convenient use to all occupants of the buildings, and in Zones D-T4, D-T5, and D-T6 PDD, there may be credited to the required open space area, an area of up to one hundred percent (100%) of the required open space in the form of an adequately surfaced roof deck being free of obstructions and improved and available for safe and convenient use to all occupants of the building. The usable open space requirements for planned development district in commercial planned development district zones shall be as follows: (\*)

- (1) **GID PDD** – Usable open space of not less than five hundred (500) square feet per dwelling unit. (\*)
- (2) **LOD PDD** – Usable open space of not less than five hundred (500) square feet per dwelling unit. (\*)
- (3) **B-1 PDD** – Usable open space of not less than four hundred fifty (450) square feet per dwelling unit.
- (4) **D-T4, D-T5, D-T6 PDD** – Usable open space of not less than fifty (50) square feet per dwelling unit.
- (5) **B-3 PDD** – Usable open space of not less than seventy-five (75) square feet per dwelling unit.
- (6) **B-4 PDD** – Usable open space of not less than one hundred (100) square feet per dwelling unit.

\* (Further Amended by Council 10/8/01)

**507.10 Sign Requirements.**

All signs in any residential planned development district shall be subject to the following conditions and requirements.

- A. The general regulations for all signs in residential planned development districts are as follows:
  - (1) The erection, construction, location, retention, or placement of any sign in or over the public right-of-way shall be prohibited;
  - (2) Merchandise such as tires, produce, and any other articles for sale shall not be located in any manner outside the principal structure;
  - (3) Non-accessory signs are prohibited;
  - (4) Roof signs are prohibited; and
  - (5) Motor driven, rotating, flashing or intermittent lighting signs of any kind are prohibited.
  
- B. Signs permitted in residential planned development districts with less than six hundred (600) dwelling units are as follows:
  - (1) Identification nameplates which identify a business occupancy, multi-family facility of planned development district project title, and shall not exceed four (4) square feet in area for each occupancy, provided, however, the total display surface of all such signs on a single property, building, or lot must not exceed twenty (20) square feet in area. In addition, all identification nameplates shall be lighted only by indirect illumination and shall be attached to and erected flat against the wall of a building at a maximum height of six (6) feet above the grade level;
  - (2) Signs of informational non-advertising nature for pedestrian or vehicular direction;
  - (3) Temporary real estate signs not exceeding six (6) square feet in area with a maximum height of four (4) feet and no illumination is permitted; and
  - (4) Subdivision signs limited only to information pertinent to the development of the planned development district shall be permitted. However such sign shall not exceed seventy-five (75) square feet in area.
  
- C. Signs permitted in residential planned development districts with more than six hundred (600) dwelling units are as follows:
  - (1) Signs permitted in Section 507.10; and
  - (2) One commercial accessory sign to identify an aggregate commercial use of property with a square feet with no flashing or intermittent

lighting and maximum height of thirty-five (35) feet above grade. This commercial sign shall not be erected closer than one hundred (100) feet to the nearest property line of residentially developed and residentially zoned property.

- D. The general theme, plan or policy for all the signs proposed in a planned development district shall be submitted with the development site plan and any such approved plan or policy for signs shall be included as part of the approval of the site development plan. Due consideration shall be given to a harmonious relationship of signs to buildings within the development as well as to building adjacent to the development.

**507.11 Off-Street Parking.**

Parking shall be conveniently accessible to all dwelling units and other uses. Parking spaces required shall be pursuant to Section V, 504 of this Ordinance.

**507.12 Pedestrian Circulation.**

The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the Planning Commission and City Council, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, nonresidential areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

**507.13 Utilities.**

Whenever reasonably possible, all planned development districts shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping, and treatment of turf to handle storm waters, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the City of Spartanburg. A planned development district rezoning petition shall not approve unless adequate assurance is given that water and sanitary sewer service will be or is available.

**507.14 Screening Requirements.**

When nonresidential commercial uses or structures in a planned development district abut a residence or residentially zoned districts, or when nonresidential commercial uses or structures abut residential buildings in the same development, and all parking and loading areas, appropriate screening and transitional yards shall be provided as follows:

- A. A solid masonry brick wall with a minimum height of six (6) feet, or
- B. densely planted mature shrubbery having a minimum height, at time of planting, of six (6) feet, spaced a minimum of four (4) feet apart.

**507.15 Procedure for Review and Disposition of Planned Development Districts.**

The following review procedures are intended to explicitly state the review procedure as well as the requirements for each stage of review. Approval or denial of a planned development district shall be recognized as a petition for a zone change and shall follow the following legislative process:

A. Review Procedure.

- (1) Planning Commission reviews a planned development district preliminary plan and rezoning petition and forwards recommendation to City Council;
- (2) Upon receipt of positive recommendation, City Council schedules and holds a public hearing and either approves, denies or approves with conditions the preliminary plan in concept and rezoning petition; and
- (3) If City Council approves the preliminary plan in concept and the rezoning petition, Council delegates responsibility to the Planning Commission for review of the final development plan.

B. Pre-Application Conference.

Before submitting an application for a planned development district rezoning an applicant, at his option, may confer with the Office of Community Enhancement Manager to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.

C. Submission of PDD Rezoning Petition and Preliminary Plans. An applicant shall make application for rezoning for a planned development district to the Office of Community Enhancement. Accompanying such application shall be a processing fee of \$200.00 payable to the City of Spartanburg, none of which shall be refundable (\*).

D. Preliminary Development Plan Content. The following information shall appear on the preliminary development plan:

- (1) Detailed Plan - A drawing of the project area prepared at a scale of not less than 1"=100' and shall show such designations as proposed street (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:
  - (a) Boundary lines - - bearings and distances.
  - (b) Easements - - location, width, and purpose.

\* (Amended by Council 8/9/99)

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- (c) Streets on, and adjacent to, the tract -- street name, right-of-way width, existing or proposed centerline, pavement type, walks, curbs, gutters, culverts, etc. (\*)
  - (d) Existing utilities on, and adjacent to, the tract -- preliminary location and size of water mains; preliminary location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction and distance to, and size of, nearest water mains and sewers adjacent to the tract (\*).
  - (e) Existing ground elevations on the tract -- for land that slopes less than one-half percent (1/2%) show one (1) foot contours; show spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half percent (1/2%) show two (2) foot contours. (\*)
  - (f) Subsurface conditions on the tract, if required by the City Engineer—location and results of test made to ascertain subsurface soil, rock, and groundwater conditions; depth to groundwater, unless test pits are dry at a depth of five (5) feet.
  - (g) Zoning on, adjacent to, the tract.
  - (h) Proposed uses of each building or structure. (\*)
  - (i) Title and certificates - Block Map Parcel Number; title under which the proposed development is to be recorded, with names and addresses of owners, and notation stating acreage. (\*)
  - (j) Names -- the names and addresses of the persons to whom notices of hearings hereunder may be sent including the subdivider or developer, the designer of the subdivision or development, and the owners of the land immediately adjoining the land to be platted.
  - (k) Open space -- all parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
  - (l) General location, purpose, and height of each building, other than single family residences on individually platted lots.
  - (m) Map data -- name of development, north point, scale, and date of preparation.
- (2) Character -- Explanation of the character of the planned development district and the reasons why it has been planned to take advantage of the flexibility of these regulations.

\*(Amended by Council 9/4/79)

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- (3) Ownership -- Statement of present and proposed ownership of all land within the project.
- (4) Schedule -- Development schedule indicating:
  - (a) Phases in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each phase. Overall design of each phase shall be shown on the plan and through supporting graphic material.  
(\*)
  - (b) Approximate dates for beginning and completion of each phase.  
(\*)
- (5) Covenants -- Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development district and any of its usable open space.
- (6) Density -- Provide information on the density of residential uses, including dwelling units per acre, the number of dwelling units by type, and the number of buildings by type.
- (7) Nonresidential use -- Provide information on the type and amount of ancillary and non-residential uses in residential planned development district, including the amount and location of usable open space.
- (8) Service facilities -- Provide information on all service facilities and off-street parking facilities.
- (9) The number, size and type of dwelling units. (\*)
- (10) Facilities plans -- Preliminary plans for:
  - (a) Roads, including classification, width of right-of-way, width of pavement, and construction details.
  - (b) Sidewalks.
  - (c) Sanitary sewers.
  - (d) A Storm Drainage Plan in accordance with the City of Spartanburg Stormwater Standards.
  - (e) Water supply system.
  - (f) Underground lighting program.
  - (g) A Landscape Plan in accordance with Section V, 505 of the City of Spartanburg Zoning Ordinance
- (11) A completed rezoning petition form.

\* (Amended by Council 9/4/79)

- E. Review of Preliminary Development Plan and Planned Development District Rezoning Petition.
- (1) Within a maximum of sixty (60) days after the filing of the preliminary development plan and rezoning petition, the Planning Commission, at a hearing, shall review said plan and rezoning petition and shall forward the same to City Council with written report recommending that the preliminary plan and rezoning petition be approved, denied, or approved with modifications.
  - (2) City Council shall give notice of this preliminary plan and rezoning petition in the local newspaper once before the date of the public hearing. After the first and second readings of the Ordinance the City Council shall approve, deny, table or approve with modifications the plan in concept and the rezoning petition, subject to the submission of a final development plan to be reviewed by the Planning Commission at a hearing.

F. Approval of Final Development Plan.

(1) Within a maximum of six (6) months following the approval of the preliminary plan and the rezoning petition, the applicant shall file with the Office of Community Enhancement a final development plan for the first phase. At its discretion and for good cause, the Planning Commission upon written request from the applicant may extend for six (6) months the period for filing of the final development plan. (\*)

In the event a final plan of the first phase is not submitted within six (6) months following approval of the preliminary plan and the rezoning petition, and, in the event a six (6) months extension has not been applied for or granted, the City Council, at a public hearing, may rezone the property back to its prior zoning classification. (\*)

- (2) A final plan or a final plan for a phase suitable for recording in the RMC (Register of Mesne Conveyance) Office shall be prepared. The purpose of the Planned Development District plan is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general. The final plan of the planned development district shall include, but not be limited to: (\*)
  - (a) An accurate legal description of the entire area under immediate development within the planned development district:
  - (b) If subdivided lands are included in the planned development district, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.

\* (Amended by Council 9/4/79)

- (c) An accurate legal description of each separate unsubdivided use area, including usable open space.
  - (d) Designation of the exact location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put.
  - (e) Tabulations on each separate unsubdivided use area, number of dwelling units per acre.
  - (f) Public facilities -- Final plans for all public facilities shall be submitted containing all information required in the preliminary plan and include invert elevations of sanitary and storm sewers with centerline elevations. All public facilities and improvements made necessary as a result of the planned development district shall be either constructed in advance of the approval of the final plan, or, at the election of the City, escrow deposit, irrevocable letters of credit in a form approved by the City, or performance bonds shall be delivered to guarantee construction of the required improvements. (\*)
  - (g) Covenants -- Final agreements, provisions, or covenants shall govern the use, maintenance and continued protection of the planned development district.
  - (h) A landscape plan showing the location, type and size at installation of all proposed landscape materials, existing landscaping and trees to be retained on the site, as well as an identification of the existing trees to be removed that are eight (8) inches in diameter or greater, all proposed fences, walls, berms and any pertinent architectural elements associated with the landscape plan. This landscape plan shall be in accordance with Section V, § 505 of the City of Spartanburg zoning Ordinance.
- G. Within a maximum of three (3) weeks following the date Final Approval by the Planning Commission of the final development plan, the applicant shall submit an 18" X 24" reproducible mylar of the approved final development plan to the Office of Community Enhancement who, at the expense of the developer, shall record said Final Plan in the Office of the RMC (Register of Mesne Conveyance). The mylar shall contain the following information:
- (1) Graphic representation of the exact location of all buildings and accessory structures.
  - (2) Land use characteristics in table form containing the following information:
    - (a) Gross project area in terms of acres.
    - (b) Net project area in terms of acres.

\* (Amended by Council 9/4/79)

- (c) Approved density for the project in terms of lot area/D.U.
  - (d) Approved usable open space for the project in terms of square feet of open space/D.U.
  - (e) Total number of parking spaces.
  - (f) Total number of dwelling units in the project.
  - (g) Number and type of residential units in the project.
- (3) Types and square footage of floor spaces of all nonresidential uses provided:
- (a) Graphic representation of all public easements and legal descriptions thereof, who the easement is conveyed to, the purpose of such easement, and any conditions relating to the use of the easement.
- (4) Legal description of the gross project area.
- (5) All public and private streets, roads and alleys included in the project shall be shown by their bearings, widths and names. All streets, roads or alleys not dedicated to public use shall be marked “private” and named. All curves, portions of streets, roads or alleys shall be defined by curve data including points of curvature, points of tangency, points of compound curvature, radii of curves, central angles and length and bearing of its long chord.
- (6) In the event streets in the planned development district are to be dedicated, a statement shall appear on the mylar that the streets shown on it are dedicated to the use of the public.
- (7) The Planning Commission shall issue a certificate certifying the Final Approval of the planned development district, and the Office of Community Enhancement Manager and Chairman of the Planning Commission shall place their signature on such certificate which shall appear on the mylar. In the event said mylar is not submitted three (3) weeks following the date of Final Approval, the Inspections Division shall not issue any building permits for the development or phase of a particular development until said mylar is received.
- (8) In the event the planned development district is to be submitted for Final Approval in stages, the applicant shall submit reproducible mylars for each stage of the development containing the information required above.

H. Control of the Planned Development District after Final Approval.

- (1) After the certificate of approval has been stamped on the reproducible mylar and other prints of plans and signed by appropriate City officials, the use of land and the construction, modification or alternation of any buildings or structures within the planned

development district will be governed by the approved and recorded final development plan rather than by other provisions of this Zoning Ordinance except the minor land use and engineering changes permitted by this Section.

- (2) After the certificate of final approval has been issued and the final plan recorded, no changes may be made in the approval final development plan except upon application to the appropriate agency under the procedures provided below:
  - (a) Major Land Use Changes. Changes which alter the concept or intent of the planned development district including changes in the approved public street or private drive construction standards, increases in density, decreases in proposed open space, changes in sizes of public and/or private sewer or water lines, other than services connections, resulting in less capacity, changes in the location of and types of nonresidential uses approved by the Planning Commission and City Council, change in the alignment of any street, drive, parking area or water or sewer line in excess of twenty-five (25) feet, change in the location of any public easement, change in the proportion of housing types by more than fifteen percent (15%) of the approved dwelling unit count, a violation of any specific condition set forth by the Planning Commission and City Council and any changes in the final governing agreements, provisions or covenants. All such changed may be approved only by submission of a new preliminary plan and supporting data, following the “preliminary approval” steps and subsequent amendment of the final planned development district plan.
  - (b) Minor Land Use Changes. The following minor changes to the approved final plan may be authorized by the Zoning Administrator upon written request by the developer and upon submission of detailed plans demonstrating the request change:
    - (aa) Decrease in density.
    - (bb) Increases in open space.
    - (cc) Changes in the proportion of housing unit types by less than fifteen percent (15%) of the approved dwelling unit count.
    - (dd) Increases in acreage of the planned development district providing that the acreage under consideration is ten percent (10%) or less of the gross site area, in which the increase can only be used for open space, accessory buildings or parking.
    - (ee) A density increase of not more than ten percent (10%) of the approved dwelling unit total, providing that the overall lot area requirement per dwelling unit of the district is not exceeded.

- (c) Minor Engineering Changes. The following minor engineering changes to the approved engineering plans may be authorized by the Director of Public Works in consultation with the City Engineer and others as required only upon written request by the developer and submission of detailed engineering plans demonstrating the requested change:
  - (aa) Changes in road alignment and parking lot location by twenty-five (25) feet or less.
  - (bb) Changes in the alignment of storm and sanitary sewers and water lines by twenty-five (25) feet or less.
  - (cc) Increases in the approved capacity of storm and sanitary sewers and water lines.

In the event a situation occurs where it is not clear whether a modification constitutes a major or minor change, the responsibility to make such determination shall be jointly vested with the Chairman of the Spartanburg City Planning Commission, the Zoning Administrator and the City Manager of his designee.

I. Relationship of Rezoning to the Plan.

- (1) Because a planned development district and related plans for an area are recognized as a legislative act under the provisions of this Section, no other development of any other kind shall be constructed on the land affected by the rezoning. In the event the land is sold, the buyer of the land will be expected to develop the land in accordance with the approved Final Plan for the area. If the buyer wishes to construct his project in a different manner he shall have his plans approved according to the provisions of this Section.
- (2) In the event construction has not commenced within two (2) years after the date of the Final Approval, the City Council, after a public hearing, reserves the right to rezone the property to its prior classification.

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**§ 508 MOBILE HOME AND MOBILE COMMERCIAL BUILDINGS  
REGULATIONS AND DESIGN STANDARDS (\*)**

**508.1 Mobile Homes and Mobile Commercial Buildings.**

508.11 Nonresidential Use. A mobile home or mobile commercial building shall not be considered to be permissible as an accessory building. However, a mobile home or mobile commercial building may be used as a temporary office or shelter incidental to construction on or development of the premises on which the mobile home or mobile commercial building is located only during the time construction or development is actively under way. No mobile home may be used as a permanent office for a business establishment.

508.12 Location. No person shall park or occupy a mobile home except in an approved mobile home park or lawfully parked or occupying a mobile home as a non-conforming use as provided in Section 11 herein by reason of annexation. Mobile home parks shall be allowed only in the B-3, and B-4 Districts, and will require site plan view. (See Section 501.13)(\*\*)

508.13 Design Requirements. The following design requirements shall apply to all mobile home parks:

- A. Access - - Each mobile home park shall have direct access to a principal county, township, city or state highway or arterial street or road.
- B. Site Size - - Each mobile home park shall have a minimum gross site of ten (10) acres.
- C. Public Utilities - - Each mobile home park shall be served by public water and sewer systems.
- D. Underground Utilities - - In each mobile home park all wires, cables, and lines providing telecommunication, including cable television, and electric utility services and connections of such utility systems to buildings and light poles in such parks, shall be located underground.
- E. Density - - Gross density for a mobile home park shall not exceed six (6) dwelling units per acre.
- F. Required Open Space - - A minimum of ten percent (10%) of the gross site area shall be set aside and reserved for usable open space. Said open space shall be in one or more parcels, not less than one (1) acre each. The minimum dimension of said open space will be two hundred (200) in any direction. For the purpose of this Section, "Usable Open Space" shall be construed to mean parks, common open areas, and areas containing a combination of community

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\* (Amended by Council 2/13/95)

\*\* (Further Amended by Council 9-24-12)

service buildings (Club house, swimming pools, etc.) and outdoor recreation areas.

- G. Setback Requirements - - The following setback requirements for all mobile homes located in a mobile home park shall apply:
- (1) Minimum street width with off-street parking—20 feet.
  - (2) From any mobile home located in the mobile home park—15 feet.
  - (3) From any community building—50 feet.
  - (4) From any public or private street located within the park—10 feet.
  - (5) From any parking area—5 feet.
- H. Street and Parking Standards - - All streets, drives and parking areas shall be paved in accordance with the following standards:
- (1) Minimum street width with off-street parking—20 feet.
  - (2) Minimum street width with on-street parking—36 feet.
  - (3) The finished roadway surface shall be either asphaltic concrete or Portland cement concrete. Base course construction, paving material and street drainage shall be reviewed and approved by the Public Works Department.
- I. Walks - - All mobile home parks shall be provided with safe, convenient, all-season sidewalks from the entrance of the mobile home to the parking area or to the common rights-of-way for travel in the park.
- J. Pads - - Every mobile home shall be situated upon a concrete pad with a minimum thickness of four (4) inches; or, in the alternative, may have two (2) runners each four (4) feet wide and four (4) inches thick. In addition, two (2) strips, twelve (12) inches wide and four (4) inches thick shall be placed perpendicular to the runners at each end.
- The size of the concrete pad or the length and widths of the runners shall not be less than the length and width of the mobile home using said lot or site. The runners shall be level and placed in such a way that it supports the sides of the mobile home.
- K. Landscaping - - In all mobile home parks, the following landscaping provisions shall apply:
- (1) Along each property line, and within the fifty (50) foot setback area, there shall be provided screen fencing, landscape planting or a landscaped berm or a combination thereof which shall be so designed or planted as to be twenty-

five percent (25%) or more opaque when viewed horizontally between two (2) feet and eight (8) feet above average ground level.

- (2) Trees of at least one (1) inch caliper shall be installed on both sides of all street with the mobile home park at a spacing of fifty (50) feet between trees. Mobile home parks shall also comply with the tree protection and landscaping requirements of Section, § 505.

- L. Shelters - - Every mobile home park shall have a shelter for the protection of persons within the park in case of storm or disaster.

Such shelter shall be place below grade level, either as a basement of another structure or centrally located within the park and clearly identified as such. The shelter shall be engineered and architecturally designed per City of Spartanburg Building Codes.

The size of the shelter shall be at a ratio equal to five (5) square feet per mobile home unit (to be computed based upon the maximum number of units planned for the park in its ultimate configuration) or two (2) square feet per capita (a maximum number of persons per dwelling to equal 2.5 for the purpose of computation) whichever is greater.

- M. Permitted Uses - - The following uses shall be permitted in any mobile home park in addition to its primary use as a residential subdivision. The nature of these uses are such, and it shall be the intent of this Section, that the following permitted uses shall be permitted primarily to serve the residents of said mobile home park:

- (1) Mobile homes.
- (2) Parks.
- (3) Schools.
- (4) Community buildings.
- (5) Churches.
- (6) Public utility substations.
- (7) In mobile home parks of fifty (50) acres or more - - Neighborhood commercial facilities such as markets, barbers, beauty shops, doctor's office, etc. - - such facilities may be planned in conjunction with a mobile home park but may not be physically occupied until the park is fifty percent (50%) occupied by residents.
- (8) Accessory uses customarily incidental to the principal use.

508.14 Location Or Parking Of Mobile Homes.

- A. It shall be unlawful for any person to park, for use or occupancy, any mobile home of any kind overnight on any street, alley, highway or other public place.
- B. No mobile home shall be parked or located for use or occupancy on any tract of land except as provided in this chapter.
- C. No mobile home shall be parked or located and used or occupied on any tract of land other than within an authorized mobile home park or mobile homes lawfully within the City of Spartanburg on or before January 1, 1958, or mobile homes located in the City of Spartanburg by reason of annexations to the City of Spartanburg.
- D. All mobile homes parked within the confines of the fairgrounds during the holding of the Piedmont Interstate Fair are excepted from the terms and conditions of this chapter so long as they comply with the sanitary laws of the city.
- E. No mobile home may be used for office, business or storage purposes on a permanent basis. Use for such purposes on a temporary basis shall be permitted only as specifically set forth in this section.
- F. A mobile home may be used on a lot or tract of land on a temporary test basis for office or business purposes for a period not to exceed six (6) months; the purpose for which a permit may be issued shall be to test physical location to determine whether or not such location is suitable for the office or business purpose of the applicant. The mobile home permit shall be issued after written application is made to the City Manager, through the appropriate department, setting forth the name and address of the proposed owner of the business, type, size and cost of the permanent structure to be erected in the event the test permit proves successful. The City Manager is authorized to issue a permit only after a favorable recommendation for the issuance of same is approved by City Council. If the test proves successful the applicant must comply with the provisions of subsection E of this section. A mobile home permitted under this subsection may be granted a three (3) month extension to remain on the lot or tract where located on the favorable vote of the City Council.
- G. A mobile home on a lot or tract of land in the City of Spartanburg by virtue of annexation of the property may be replaced by a mobile home of greater assessed tax value as a non-conforming use pursuant to Section 11 of this Zoning Ordinance.

508.15 Effect Of Violations Of Chapter.

- A. All permits and licenses issued to individual mobile home owners or occupants and to operators or owners of mobile home parks are valid only so long as this chapter and other ordinances of the City are not violated and all applicable regulations are complied with. Upon any violation, lack of compliance, development of a

nuisance, or breach of the peace, in addition to the penalties provided therefore, the permit or license for any mobile home or mobile home park may be revoked by the building official or City Recorder, as the cause may be.

- B. In addition to the penalties provided for violations, the City may secure the abatement of the violation, or removal of any mobile home or closing of any mobile home park violating this chapter or other ordinances of the City by proceeding in any court of competent jurisdiction. (Code 1958, § 38-3)

508.16 Mobile Home Requirements On All Mobile Homes In City.

- A. A 3 foot by 3 foot landing shall be provided at the main entrance. If the landing is thirty (30) inches or greater in height, a thirty-six (36) inch high guardrail shall be provided with pickets space no greater than six (6) inches on center.
- B. Permanent steps composed of either precast concrete, mortar, brick, wood or metal shall be provided. If four (4) or more risers are required, handrails shall be installed on each side of the stairway with pickets spaced no greater than six (6) inches on center. Risers shall not exceed 7.75 inches in height and treads shall be a minimum of nine (9) inches in depth.
- C. All corners shall be supported by double piers, and additional piers shall be spaced no greater than ten (10) feet apart.
- D. Corner piers and other piers of at least forty (40) inches in height shall have minimum length and width dimensions of 16" x 16", shall be composed of interlocking masonry units, and shall be capped with a minimum of four (4) inch thick solid masonry unit.
- E. All piers shall be set in a concrete base (footing) of dimensions of at least 16" x 16" x 4" or solid concrete blocks with same dimensions.
- F. Either over-the-top or frame based tie-downs shall be installed and maintained.
- G. Solid skirting of either wood, brick, vinyl or masonry shall be installed and shall be painted unless composed of brick or stone.
- H. Skirting shall be constructed and maintained in a manner so as not to create a fire hazard or to harbor trash or rodents.
- I. Skirting material shall be maintained in a sound state of repair, shall be vented and shall have an access door.
- J. Wheels shall be removed from all permanent mobile homes.

508.17 Location; Permit Required

- A. It shall be unlawful for a mobile home park to be developed, maintained, operated or occupied in the City unless such park has been located in accordance with the zone districts designated as B-3, or B-4 in the Zoning Ordinance of the City and permit issued by the building official. (\*)
- B. All mobile home parks operated in violation of this section shall be considered illegal and shall be abated, and the owner thereof shall be guilty of a misdemeanor. (Code 1958, § 38-6)

508.18 Application For Permit; Park Plan Required; Fee.

- A. Application for a permit to develop, operate and maintain a mobile home park shall be made to the building official upon forms supplied by that office and shall be accompanied by a plan of the park. Prior to the issuance of a permit by the building official such plan shall first be submitted to and reviewed by the Public Works Director and the Office of Community Enhancement Manager and approved subject to the regulations of the Zoning Ordinance
- B. The fee for a permit shall be twenty five dollars (\$25.00) minimum, plus five dollars (\$5.00) for each mobile home (Code 1958, § 38-7)

508.19 Contents Of Park Plan

The park plan required by Section 20-27 of the Code of the City of Spartanburg, South Carolina to be submitted with the application for a mobile home park permit shall provide a description and map clearly setting out the following information:

- A. The extent and area to be used for mobile home park purposes;
- B. Driveways and entrances and exits, roadways and walkways;
- C. Location and identifying numbers of sites for mobile homes and buildings;
- D. Location and quantity of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, laundry drying spaces, children's play areas and utility rooms;
- E. Method and plan of sewage disposal;
- F. Location and quantity of garbage receptacles;
- G. Plan of water supply;
- H. Plan of electric lighting;

\* (Amended by Council 9-24-12)

- I. The plan shall illustrate that it meets the mobile home park design standards of Section V, 508.13 of the Zoning Ordinance. (Code 1958, § 38-8)

508.20 Business License Required; Permit Prerequisite To Issuance Of License

- A. No person shall operate a mobile home park without a business license therefore. After a permit has been issued, the person developing or operating a mobile home park shall obtain such business license. Applications for a business license shall be made to the City license inspector and the applicant shall present the permit before the license may be obtained.
- B. All mobile home parks operated in violation of this section shall be considered illegal and shall be abated, and the owner thereof shall be guilty of a misdemeanor.

508.21 Clothes Drying Space; Play Space

Clothes drying space shall be provided in the mobile home park with an aggregate area equivalent to at least eighty (80) square feet for each mobile home space. Play space for children shall be provided in the park with an aggregate area of not less than one hundred (100) square feet for each mobile home space. (Code 1958, § 38-14)

508.22 Fire Protection

Every mobile home park shall be equipped at all times with one (1) fire extinguisher in good working order for every ten (10) mobile home spaces located not farther than one hundred (100) feet from each mobile home space. No open fire other than for outdoor cooking purposes shall be permitted at any time. Fire extinguishers shall be as approved by the fire department. (Code 1958, § 38-15)

508.23 Animals And Pets

No dog, cat or other pet animal shall be permitted by the owner thereof to run at large except in compliance with applicable City ordinances, or to commit any nuisance within the limits of any mobile home park. (Code 1958, § 38-16)

508.24 Numbering Of Mobile Home Spaces

Each mobile home space shall be identified with a number or permanent marker plainly visible from the drives within the park. (Code 1958, § 38-17)

508.25 Communicable Diseases In Mobile Home Parks

It shall be the duty of the mobile home park attendant to notify immediately the health department of any communicable disease in the park. (Code 1958, § 38-18)

508.26 Register Of Mobiles Homes, Etc., To Be Kept

- A. It shall be the duty of the licensee of a mobile home park to keep an accurate register containing a record of all mobile homes, owners and occupants located within the mobile home park. The register shall contain the following information:
- (1) Name and address of owner and each occupant;
  - (2) The mobile home space number in which the mobile home is parked and whether such space is for transient or permanent occupancy;
  - (3) Date of entering mobile home park;
  - (4) Date of leaving mobile home park;
  - (5) The license number with state of issuance, make , model and year of each mobile home and the automobile by which it is towed.
- B. The park shall keep the register available for inspection, at all times by law enforcement officers, public health officials and other officials, whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of one (1) year following the date of registration. The registration requirement shall be effective upon present as well as future operators of mobile home parks.

508.27 Compliance Required; Inspecting Official; Effect Of Non-Compliance

- A. Each mobile home park shall provide sanitary facilities, water supply, sewerage and provisions for garbage collection, and other utilities in accordance with the requirements of this article and which meet the approval of the building official. No business license shall be issued until after certification by the building official of compliance with applicable requirements and ordinance. All special permits and business licenses for mobile home parks shall be temporary and shall be valid only during the period that the park complies with the following requirements, with applicable City Ordinances and with the requirements of the building official. The building official shall be the inspecting official and shall have the power of revoking the permit and business license.
- B. All existing mobile home parks shall comply with the requirements of this division within six (6) months from the effective date of the ordinance from which this chapter derives. (Code 1958, § 38-20)

508.28 Inspections

The register and the mobile home park shall be checked periodically by the City to determine compliance with the transient and permanent mobile

home requirements of this article. (Code 1958, § 38-21)

508.29 Plumbing Work To Conform To Plumbing Code

All plumbing installations, alternations or repairs in the mobile home park shall be done in accordance with the provisions of the plumbing code of the City. (Code 1958, § 38-22)

508.30 Electrical Work To Conform To Electrical Code

All electrical work in a mobile home park shall be in conformity with the electrical code of the City. (Code 1958, § 38-23)

508.31 General Requirements

All utility, service and other buildings, plumbing and electrical wiring within a transient mobile home park shall comply with the building, plumbing and electrical codes of the City. All service buildings shall be well lighted at all times of the day and night, shall be well ventilated and shall be screened. All service buildings shall be adequately heated. (Code 1958, §38-24)

508.32 Water Supply

A sufficient supply of pure healthful drinking water from the public water supply and approved by the department of health, not more than one hundred and fifty (150) feet from any nonpermanent mobile home space, shall be provided in convenient locations. No common drinking vessel shall be provided or used. Waste from this supply shall be emptied into drain connected to an approved disposal system. Abundant hot water shall be provided at all times for bathing, washing and laundry facilities. There shall be no drinking water in toilet compartments.

508.33 Toilet Facilities

- A. The park shall provide flush toilets in conveniently located buildings not more than one hundred and fifty (150) feet from each nonpermanent mobile home space. The buildings shall be well lighted at all times, ventilated with screened openings and the inside walls and ceilings finished with smooth surface impervious to moisture permitting satisfactory cleaning. The floors shall be concrete or similar material slightly pitched to a floor drain with a concrete curb not less than six (6) inches in height completely surrounding the floor.
- B. Toilets shall be enclosed in separate compartments, with fly doors, and have minimum width of two (2) feet and eight (8) inches. Toilets shall be provided for each sex and shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a sound-proof wall.
- C. Toilet facilities for women shall consist of not less than one (1) flush

toilet and lavatory with hot and cold running water for every eight (8) nonpermanent mobile home spaces. Toilet facilities for men shall consist of not less than one (1) flush toilet, one (1) lavatory with hot and cold running water and one (1) urinal for every fifteen (15) nonpermanent mobile home spaces.

- D. Each toilet room or compartment within the park shall contain not less than one (1) lavatory with hot and cold running water. Each toilet shall be in a private compartment.

#### 508.34 Bathing Facilities

Bathing facilities for each sex shall be provided. Such facilities shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a sound-proof wall. Bathing facilities for men shall consist of not less than one (1) shower or tub for each ten (10) nonpermanent mobile home spaces. Bathing facilities for women shall consist of no less than one (1) shower or tub for each eight (8) nonpermanent mobile home spaces. Each shower and tub shall be in a private compartment. Bathing facilities shall be located not more than two hundred (200) feet from any nonpermanent mobile home space and shall be in buildings of the same or similar construction as designated for toilets. (Code 1958, § 38-27)

#### 508.35 Laundry Facilities

Laundry facilities shall be provided in the ratio of one (1) double laundry tub or washing machine and ironing board for every fifteen (15) nonpermanent mobile home spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near each ironing board. Laundry facilities shall be provided in a building or compartment of a building separate from all other facilities of the park. (Code 1958, § 38-28)

#### 508.36 Sewage And Refuse Disposal

- A. Each nonpermanent mobile home space shall be provided with a four-inch or greater diameter sewer drain connected into the public sewer system in manner approved by appropriate City department, or into a private sewerage disposal septic tank system approved by the appropriate City department. All kitchen sinks, wash basins or lavatories, and bath or tubs in any mobile home located in any mobile home park shall empty into such drain. Wastes from showers, toilets, slop sinks and laundries shall be wasted into public sewer system in such manner as approved by the appropriate City department or into a private sewer and disposal plant of septic tank system approved by the same department. Wastes from laundry tubs or machines shall bypass septic tanks, if used, and connect directly to the system of drain tiles.
- B. Toilets and water closets in individual mobile homes and within the park, not connected in an approved manner with an approved disposal

system, shall not be used, and it shall be further unlawful for any person to use or permit use fixtures. (Code 1958, § 38-29)

508.37 Garbage Receptacles

All garbage, trash, rubbish and debris shall be disposed of in accordance with City Ordinance.

508.38 Additions To Mobile Homes Prohibited

No permanent additions of any kind whatsoever shall be built onto or become a part of any transient mobile home. (Code 1958, § 38-31)

508.39 General Requirements

1. Any mobile home that shall be parked or located in a mobile home park for eight (8) or more days shall be provided with the following facilities and the space that it occupies shall be known as a permanent mobile home space. No permanent mobile home shall occupy a space other than a permanent mobile home space.
2. Permanent mobile homes shall also be subject to the same general requirements specified in section 20-81. (Code 1958, § 38-32)

508.40 Water Supply

A sufficient supply of pure healthful drinking water obtained from the public water supply and approved by the health department shall be located within each permanent mobile home. (Code 1958, § 38-33)

508.41 Kitchen Sink, Toilet And Bathing Facilities

Each permanent mobile home shall have a kitchen sink, flush toilet, lavatory and tub or shower. (Code 1958, § 38-34)

508.42 Laundry Facilities

Laundry facilities shall be the same as specified for transient mobile homes in section 20-85, except that the facilities shall be provided in a quantity of not less than one (1) facility for each eight (8) permanent mobile home spaces. (Code 1958, § 38-35)

508.43 Sewerage And Refuse Disposal

Sewerage and refuse disposal facilities shall be the same as specified for transient mobile homes in section 20-86. (Code 1958, § 38-36)

508.44 Garbage Receptacles

All garbage, trash, rubbish and debris shall be disposed of in according with City Ordinance.

508.45 Additions To Mobile Homes

Permanent additions may be constructed upon, adjacent to or over permanent mobile homes; provided, that a building permit is obtained for such additions and that the additions comply with the building, electrical and plumbing codes and other applicable ordinances; and further provided, that no addition encroaches upon the required open space between mobile homes and buildings, and between buildings or mobile homes and the lot lines. (Code 1958, § 38-38)

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**§ 509 AIRPORT ZONING REGULATIONS**

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**509.1** For the purpose of this Ordinance, Runway 4-22 is hereby declared to be an instrument runway, as defined by the Federal Aviation Agency. Therefore, no structure shall be built nor vegetation permitted to grow so as to protrude into the airspace known as approach surfaces and horizontally by lines equidistant from the center line of the runway and being one thousand (1,000) feet apart at a distance of two hundred (200) feet beyond each end of the runway, and widening thereafter to a separation of sixteen thousand (16,000) feet at a distance of fifteen thousand two hundred (15,200) feet beyond each end of the runway; and vertically above a line, rising at a ratio of fifty (50) feet horizontal to one (1) foot vertical beginning at the elevation of each end of the runway, and at a point two hundred (200) feet beyond each end of the runway, and extending to a distance of ten thousand two hundred (10,200) feet (measured horizontally) from each end of the runway and thereafter rising at a ratio of forty (40) feet horizontal to one (1) foot vertical to a distance of fifty thousand two hundred (50,200) feet (measured horizontally).

**509.2** For the purpose of this Ordinance, Runways 11-29 and 17-35 are hereby declared to be non-instrument runways, as defined by the Federal Aviation Agency. Therefore, no structures shall be built nor vegetation shall be permitted to grow that would protrude into the airspace known as approach surfaces, and defined horizontally by lines equidistant from the center line of the runway and five hundred (500) feet apart at a distance of two hundred (200) feet beyond each end of the runways and widening thereafter to a separation of three thousand five hundred (3,500) feet at a distance of ten thousand two hundred (10,200) feet beyond each end of the runways; and vertically, above a line, rising at a ratio of thirty-four (34) feet horizontal to one (1) foot vertical beginning at the elevation of each end of the runways from a point two hundred (200) feet beyond each end of the runways.

**509.3** The provisions of Part 77 of the Federal Aviation Regulations relating to height restrictions in the vicinity of airports, included but not limited to defining and establishing transition surface, horizontal zone, conical zone, and other height restrictions as are necessary to insure aviation safety and airport utility, shall govern in all applicable cases and in such cases shall take precedence over any height provision of this Ordinance, except paragraphs 509.1 and 509.2 of this Section.

**509.4 Use Restrictions.**

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

**509.5 Maintenance.**

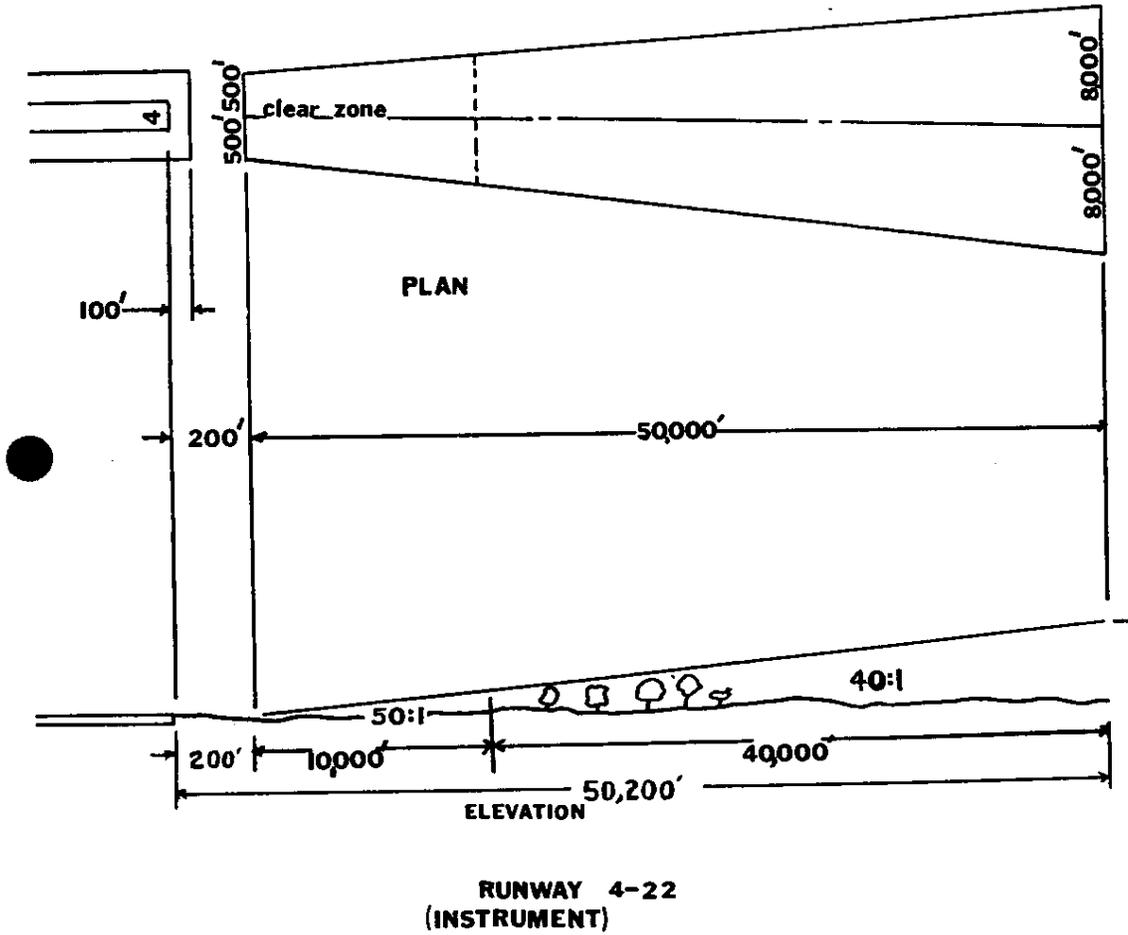
Within the approach surfaces the City will be responsible for removal of all vegetation and trees, in accordance with clear zone easements over property not owned by the City.

**509.6 F.A.A. Determination (\*).**

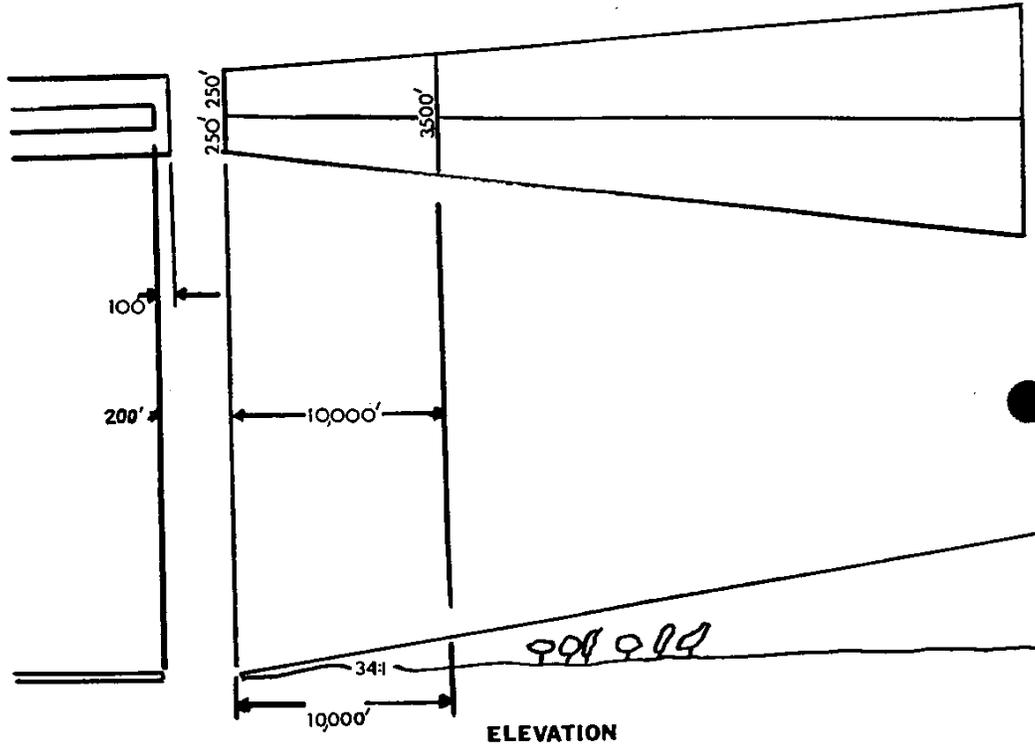
Although the height of a structure exceeds the limitations imposed by paragraphs 509.1 and 509.2, the structure shall be deemed in compliance with this regulation and ordinance if it is determined to be at no hazard to air navigation by the Federal Aviation Administration.

\* (Amended by Council 7/24/98)

## ● Airport Approach And Clearance Area

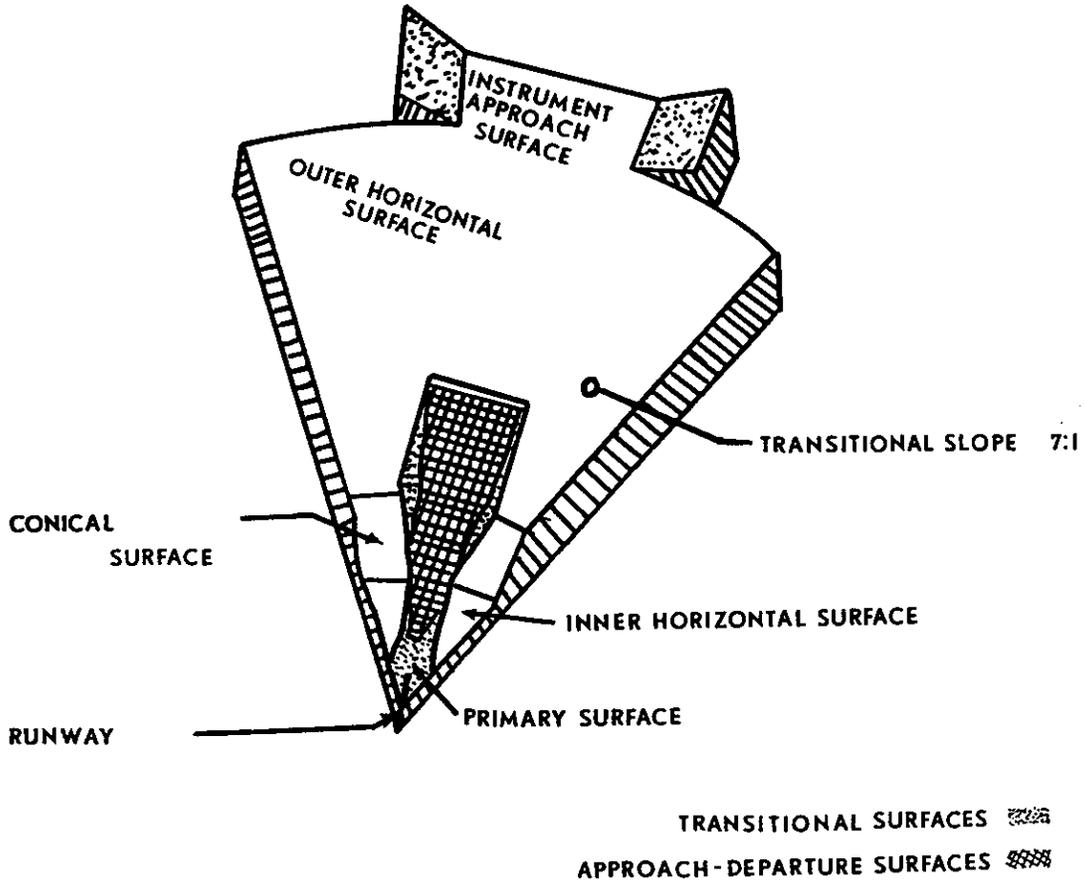


# Airport Approach And Clearance Area



RUNWAYS II-29, 17-35

## AIRPORT APPROACH AND CLEARANCE AREA



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§ 510. HISTORIC PRESERVATION (\*)

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**510.1 Purpose and Intent.**

This Ordinance is adopted in accordance with S.C. Code 6-29-870 et seq. (1976 as amended) to provide for the preservation and protection of historic and architecturally valuable districts and sites in the City of Spartanburg. Its purpose is to encourage the identification, protection, preservation and enhancement of the unique and special character of defined districts and sites by means of restrictions and conditions governing the right to erect, demolish in whole or in part, or alter the exterior appearance of structures within such areas.

**510.2 Definitions.**

The following definitions shall apply in all parts of this Ordinance:

**SPARTANBURG HISTORIC REGISTER:** The listing of all districts and sites designated as historic under this Ordinance.

**ALTERATION:** Any act or process that changes one or more of the exterior architectural features of a structure including, but not limited to, the erection, construction, reconstruction, relocation, or removal of any structures. Not a repair.

**CONSTRUCTION:** The act of putting an addition on an existing structure or the erection of a new primary or accessory structure on a lot or site.

**DEMOLITION:** Any act or process that destroys in part or in whole a structure within a Historic District or on a Historic Site.

**DEPARTMENT:** The Office of Community Enhancement for the City of Spartanburg.

**EXTERIOR ARCHITECTURAL APPEARANCE:** The architectural character and general composition of the exterior of a structure visible from a public street, including, but not limited to, the kind and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

**HISTORIC DISTRICT OR DISTRICT:** A geographically definable area possessing a significant concentration, linkage, or continuity of sites, structures, or objects united by past events or aesthetically by plan or physical development and designated as historic by City Council. A District may also comprise individual elements separated geographically but linked by association or history.

**HISTORIC SITE OR SITE:** A single site, either improved or unimproved, which has been designated by City Council as historic, either by itself, or as part of a Historic District.

\* (Amended by Council 2/27/95)

**NOTICE TO THE OWNER:** Whenever this Ordinance requires that notice be given to an owner, the notice shall be in writing and shall be delivered to the owner personally or sent by certified mail, return receipt requested, to the owner's current address, or if the current address is unknown to the owner's last known address as shown on the tax records for Spartanburg County. By written request the owner may require that notice be sent to an agent designated by the owner.

**ORDINANCE:** The Spartanburg Historic Preservation Ordinance.

**MINOR WORKS:** Small projects which alter a site but not its visual character and which pursuant to regulations adopted by the Board do not require a public hearing before the issuance of a Certificate of Appropriateness.

**ORDINARY MAINTENANCE OR REPAIR:** Any change that is not construction, relocation, removal, demolition, or alteration. Example: painting or replacing a portion of a structure using the same material in such a manner so as not to change the exterior architectural appearance.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground; for example, buildings, gazebos, signs, light fixtures, walls fences, radio and television antennae, satellite dishes (including supporting towers) or other communication devices.

**510.3 The Board of Architectural Design and Historic Review.**

- A. There is hereby created the Board of Architectural Design and Historic Review of the City of Spartanburg (hereafter the "Board"), composed of nine (9) members who shall be responsible for administering and enforcing the provisions of this ordinance. The members shall serve without compensation except for reimbursement of authorized expenses attendant to the performances of their duties. (\*)
- B. The members of the board shall be residents of the City of Spartanburg appointed by the City Council and shall consist of persons who have demonstrated civic interest, have general knowledge of and interest in history and historic preservation, and are available to prepare for and attend meetings. At least four (4) members shall be citizens who are knowledgeable in one of the following disciplines: archaeology, architecture, landscape architecture, American history, urban planning, engineering, environmental science, law, banking, or real estate. A historian and a professional architect shall serve at all times. None of the voting members may hold any other public office or position in the City.

\* (Amended by Council 5/13/96)

- C. The member of the Board shall serve for terms of three years. Initially three members shall be appointed for a term of one year, three members for a term of two years, and three members for a term of three years. If any place on the Board becomes vacant due to removal, resignation, or any other cause, the City Council shall appoint a replacement within 60 days for the remainder of the unexpired term. No member shall serve for more than two consecutive terms. Former members may be reappointed after the expiration of two years.  
(\* )
- D. The Board shall elect from its membership a chair and vice-chair who shall serve for one year or until successors are elected. A staff member of the Office of Community Enhancement shall serve as secretary but shall not be a voting member of the Board. A member of the Planning Commission of the City of Spartanburg selected by the Planning Commission shall serve ex-officio as a non-voting member of the Board.
- E. The Board shall adopt rules of procedure for the orderly conduct of business. A quorum consisting of a majority of the voting membership of the Board shall be required for the transaction of business. All decisions or actions by the Board shall be by majority vote of the voting membership of the Board. Meetings of the Board shall be held at regular intervals with such frequency as the Board may determine, but in no event less than once every four months.
- F. The Board shall keep minutes of each meeting, which shall include the vote of each member on each question and a record of its recommendations, decisions, findings, approvals, and denials, and the reasons for same. Each month a copy of the minutes shall be made available to the members of City Council. The Board shall submit an annual report to the City Council at the end of the City's fiscal year which shall include the number of cases reviewed, the disposition of cases, new designations, attendance records, National Register nominations, and documentation of educational meetings attended by Board Members.

**510.4 Power and Duties of the Board**

The Board of Architectural Design and Historical Review shall administer and enforce the provisions of this Ordinance and shall:

- A. Maintain a current inventory of historic structures and sites and conduct surveys in an ongoing research effort in the City to identify neighborhoods, areas, sites, structures, and objects in the City that have historic, community, architectural, or aesthetic importance, interest, or value;
- B. Conduct public hearings and make recommendations to City Council in connection with designating Historic Sites or Districts;
- C. Review application for and, where appropriate, issue Certificates of Appropriateness permitting the rehabilitation, alteration, reconstruction, or demolition of structures on or changes to Historic Sites;

\* (Further Amended by Council 10/14/96)

- D. Advise and assist property owners on the physical and financial aspects of preservation; renovation, rehabilitation, and reuse and on procedures for inclusion on the National Register of Historic Places;
- E. Review and make recommendations in connection with the nomination of structures or places for designation on the National Historic Register;
- F. Adopt regulations regarding projects involving Minor Work and delegating authority for the issuance of Certificates of Appropriateness for such Minor Work projects to an appropriate person;
- G. Hear appeals from decisions of the building official or zoning administrator in matters within the purview of this Ordinance;
- H. Confer recognition on persons who have rendered service to the community in the cause of historic preservation; and
- I. Educate the public in regard to local history, historical resources in the community, and preservation issues; exhibits, brochures, and special events may be used for this purpose.

**510.5 Nomination, Designation, and Expansion of the Historic Sites and Historic Districts**

- A. Consideration by the Board
  - 1. The process of designating sites or districts as historic may be initiated by the Board as a whole, the City Council, any ten residents of the City, or the owner of the property to be considered or the owner's authorized agent. Request for designation shall be made on an appropriate form provided by the Board.
  - 2. If the Board determines that an area or site, based on the standards of this Ordinance, may be an appropriate candidate for designation as historic, the Board may add it to a list of areas and sites considered appropriate for further investigation, deliberation, and possible recommendation to City Council. The addition of any site or area to this list shall constitute its designation as a Pending Historic Site, effective when the Board reports such designation to the Office of Community Enhancement. This Office shall maintain a record in map and list form of all Pending Historic Sites together with effective date designation known as the Pending List.
  - 3. A site or area shall continue to as a Pending Historic Site until either the Board determines not to recommend designation as historic, or City Council designates or rejects the site or area as historic or until the expiration of one year. A site or area remove from the Pending list may be redesignated as a Pending Historic site after a one year waiting period from the date of the removal.

4. The Office of Community Enhancement shall send a Notice to the Owner of any site or district designated as a Pending Historic Site within five business days after designation by the Board. (\*)
5. If the owner of a site on the Pending List has a present need to alter or demolish existing structures or erect new structures, the process through which the site is designated or rejected as historic may be accelerated by using one of two options:
  - a) The owner may treat the site as if it has already been designated as historic and apply for a Certificate of Appropriateness; or,
  - b) The owner may request an accelerated decision. In that event, the site under question will automatically be removed from the list of Pending Historic Sites, unless the Board acts within 60 days after the request.

B. Nominations to City Council

1. Prior to nominating a site or area as historic, the Board shall hold a public hearing to receive comments from interested members of the public concerning the proposed designation.
2. Notice of the public hearing shall be given identifying the site or area under consideration, and the time, place, and date of the hearing as follows:
  - a) by posting on the property at least 30 days prior to the hearing; the Office of Community Enhancement Manager shall determine the appropriate location and number of signs when a district has been proposed as historic;
  - b) by publication in a newspaper of general circulation in the City of Spartanburg no more than 15 days prior to the hearing; and,
  - c) by Notice to the Owner at least 15 days prior to the hearing.
3. Within 30 days after the hearing, the Board shall nominate to City Council those sites from the Pending List it considers appropriate for designation as a Historic Site or a part of a rationale for the recommendation. A copy of the nomination shall be filed with the Department.
4. City Council may accept the proposed designation by the adoption of an ordinance designating a site or district as historic.
5. Within 10 days after City Council approves a designation, the owner of the site shall be so notified by certified mail. The Office of Community Enhancement shall maintain a record in map and list form of all Historic Sites and Districts. This list shall be called the Spartanburg Historic Register.

\* (Amended by Council 11/9/98)

- C. Specific Guidelines: A site or district may be designated as historic if it:
1. Has significant inherent character, interest, or value as a part of the development of heritage of the community, state, or nation;
  2. Is the site of a significant historical event;
  3. Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation;
  4. Exemplified the cultural, political, economic, social, ethnic, or historical heritage of the community;
  5. Embodies the distinguishing characteristics of a type, style, period, or specimen in engineering or architecture or contains elements of design, detail, or craftsmanship which represent a significant innovation;
  6. Represents an established familiar visual feature of the neighborhood or community; or
  7. Has yielded or is likely to yield information important in pre-history or history.

#### **510.6 Certificates of Appropriateness**

A. General.

A Certificate of Appropriateness (or “Certificate”) shall be required for all alteration, construction, demolition, or removal requiring a building or demolition permit by the Inspections Division or for any alteration, construction, demolition, relocation, or removal not requiring a building or demolition permit which changes the exterior architectural appearance of a site on the Pending List or on the Spartanburg Historic Register. The Inspections Division shall not issue a building or demolition permit for such work until a Certificate has been issued by the Board. An application form and a form for the Certificate shall be created for the Board’s use. The Certificate shall be signed by either the chair or vice-chair of the Board. The Certificate shall expire after six months if the work is not commenced and diligently pursued within that time. The Building Inspector shall from time to time inspect the construction and report any non-conformity to the Board.

B. Exceptions.

Interior modifications, alterations to exterior features not visible from a public street, and ordinary maintenance and repairs are exempted from the Ordinance and need not be approved by the Board.

C. Standards.

1. In reviewing applications for Certificates of Appropriateness, the Board shall base its decisions upon the standards in this Ordinance and shall make no requirements other than for the purpose of preventing construction or alterations which are not in harmony with

the prevailing character of the Historic District or Historic site.

2. In reviewing applications for new construction or alteration, the Board shall consider the U.S. Secretary of the Interior's Standards for Rehabilitation and the following criteria:
  - a) the character and appropriateness of the design;
  - b) the scale of the buildings;
  - c) the texture and materials;
  - d) the relationship of such elements to similar features of structures in the immediate surroundings;
  - e) if the property is in a Historic District, the extent to which the alteration or construction would be harmonious with the Historic District.
3. Upon completion of a historical survey of the buildings, structures, and sites in the City of Spartanburg, the Board may adopt guidelines specific to a particular Site or District.

D. Procedures.

1. The application for a Certificate shall be signed by the owner of authorized agent to the Site and shall be delivered to the Department at least 21 calendar days before a public hearing.
2. All applications for a Certificate of Appropriateness shall be reviewed at a public hearing held by the Board, except for Minor Work projects. At least 15 days notice of the time and place of the hearing shall be give in a newspaper of general circulation in the City of Spartanburg. In addition, a sign shall be posted on the property within three working days of receipt of the application and written notice by certified mail return receipt requested to all abutting property owners of record advising them of the nature of the proposed alterations and the date, time and place of the hearing at least 15 calendar days prior to the hearing.
3. Except as otherwise provided herein, the Board shall rule on any application for a Certificate of Appropriateness within 30 business days after the application in received as follows:
  - a) If an application is approved, the Board shall issue a Certificate to the owner;
  - b) If an application is denied, notice of such denial and the reasons therefore shall be given by notice to the Owner and to the Building Inspector;
  - c) The Board may determine that the purposes of this Ordinance will best be served by postponing final action on the application for a

period not to exceed 75 days from the date of the application. If action is postponed, written Notice to the Owner of such postponement citing reasons for the postponement shall be given within 7 days after the hearing;

- d) If the Department does not receive a response to an Application within 30 days after the hearing before the Board, it shall proceed as if the Board had granted the Certificate.
4. Applications for Certificate shall be accompanied by one or more of the following as appropriate:
    - a) drawings, including plans and exterior elevations, drawn to scale, with sufficient detail to show the exterior architectural appearance of the structure;
    - b) specifications or other information describing proposed materials and textures; inclusion of samples and materials may be required by the Board;
    - c) site plan or layout showing all improvements affecting appearances such as walls, walks, terraces, accessory buildings, signs, lights, plantings, and other elements;
    - d) photographs of the site location, showing contiguous properties and streetscapes.
  5. Prior to the preparation of working drawings and specifications or calling for proposals or bids from contractors, prospective developers, owners, or their agents may prepare preliminary scale drawings and outline specifications and overall dimensions (height, width, length, and a comparison with all adjacent structures) for review and discussion with a sub-committee of the Board composed of two members of the Board and a representative from the Office of Community Enhancement. This review meeting is at the option of the owner, and its purpose shall be to acquaint the owner or agent with standards of appropriateness of design that are required for the proposed construction. The request for such a meeting shall be made through the Office of Community Enhancement.
  6. If, in accordance with criteria established by the Board, a proposed alteration involves only Minor Work, the owner (or agent) shall meet with the person or persons designated by the Board, and if it is determined that the scope of the proposed project will not impair the historical character of the site, a Certificate shall be issued without a public hearing. The applicant shall provide such data as is reasonably required to make a decision.

#### **510.7 Economic Hardship**

When applying for a Certificate of Appropriateness, the owner may request the Board to consider any economic hardship affecting the request.

- A. Before making a decision on the request, the Board may solicit expert testimony or require that the applicant submit any information relevant to the decision such as:
1. Estimates of the cost of the proposed alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for the issuance of a Certificate;
  2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the Site and their suitability for rehabilitation;
  3. Estimated market value of the Site under the following conditions: in its current condition; after any changes recommended by the Board; and, in case of a proposed demolition, after renovation of the existing structure for continued use;
  4. Amount paid for the property, the date purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or application and the person from whom the property was purchased, and any terms of financing between the seller and the buyer;
  5. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as the economic feasibility of rehabilitation or reuse of the existing structure on the Site;
  6. If the Site is income producing, the annual gross income for the previous two years, itemized operating and maintenance expenses for the previous two years, and any depreciation, deduction, and annual cash flow before and after debt service, if any, during the same period;
  7. Any other information considered necessary by the Board to reach a determination as to whether the Site yields or may yield a reasonable return to the owner.
- B. After the hearing, the Board shall review all of the evidence and determine within 30 days whether the denial of a Certificate will deprive the owner of reasonable use of, or economic return from the site. If the Board determines that economic hardship has not been proven by the owner, the application for a Certificate shall be denied. If the Board determines that unreasonable economic hardship will occur to the owner, the Board may delay its decision for 90 days in order to investigate and make recommendations regarding alternatives. If at the end of the 90 day period the Board has found that, without approval of the Certificate, an unreasonable economic hardship still will occur, then the Board shall issue a Certificate.
- C. If demolition or removal is requested, the Board may delay granting the Certificate for a period of up to 180 days from the time of the filing of the application after a finding by the Board that the structure is of exceptional importance to the people of the City of Spartanburg. During such postponement, the Board shall take steps to ascertain what can be done to

preserve the structure, including but not limited to consultation with civic groups, interested citizens, and public boards and agencies. If during the postponement period the Board has not been able to determine an adequate alternative to demolition, the Certificate shall be granted.

**510.8 Removal of Historic Designation.**

Any Site or District previously designated as historic under the provisions of this Ordinance may be removed from the Spartanburg Historic Register. The process of removing Sites or Districts from the Historic Register may be initiated by the Board as a whole or by the City Council.

A. Consideration by the Board.

1. Prior to making any recommendation that a site or District be removed from the Historic Register, the Board shall hold a public hearing to receive comments from interested members of the public concerning the proposed removal.
2. Notice of the public hearing shall be given identifying the site or area under consideration, and the time, place, and date of the hearing as follows:
  - a) by posting on the property at least 30 days prior to the hearing; the Office of Community Enhancement Manager shall determine the appropriate location and number of signs when a District has been proposed for removal;
  - b) by publication in a newspaper of general circulation in the City of Spartanburg no more than 15 days but at least 7 days prior to the hearing; and
  - c) by giving Notice to the Owner at least 15 days prior to the hearing.
3. Within 30 days after the hearing, the Board shall submit its recommendation to City Council together with the Board's rationale.
4. City Council may remove the District or Site from the Historic Register by adopting an ordinance.
5. Upon the adopting of such an ordinance, the regulations of this Ordinance shall no longer apply to the designated District or site and the District or Site shall be removed from the Spartanburg Historic Register. Within 10 days after final City Council action, Notice to the Owner shall be given.

**510.9 Maintenance Requirements.**

- A. Structures on Site designated as historic shall be maintained to meet all minimum requirements of the Housing Code, the Standard Building Code, and any other regulatory codes.

- B. If the Board discovers that any Site subject to the jurisdiction of this Ordinance is being allowed to deteriorate due to neglect, the Board shall encourage the owner of the Site to make sufficient repairs to arrest the deterioration, thereby maintaining appearances and protecting property values.
- C. The Board on its own initiative may petition the City Building Official to proceed under regulatory codes of the City to require the correction of defects or repairs to any structure, so that such structure shall be preserved or protected in accordance with the purposes of this Ordinance.
- D. Nothing in this Ordinance shall be construed to prevent any measures of construction or alteration necessary to correct or abate the unsafe or dangerous condition of any structure designated as historic or that has been placed on the Pending List, provided however that only such work as is reasonably necessary to correct an unsafe or dangerous condition, may be performed without a Certificate of Appropriateness. (\*)

**510.10 Effect On Municipal and Public Utilities.**

All City departments and public utility companies shall be required to obtain approval from the Board in accordance with this Ordinance prior to widening or constructing streets or initiating any changes within the Historic Districts with regard to the character of street paving, sidewalks, parkways, trees, utility installation, lighting, walls, fences, structures, and buildings on property or easements owned or franchised by the City of Spartanburg or public utility companies.

**510.11 Relationship of Historic Preservation Ordinance to Zoning Ordinance.**

In all zoning districts lying within the boundaries of a Historic District or Site, the regulations for both the zoning district and this Ordinance shall apply. Whenever there is conflict between the regulations of the Zoning Ordinance and regulations of this Ordinance, the more restrictive shall apply.

**510.12 Violations and Penalties.**

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, punished in accordance with Section 1-11 of the Code of the City of Spartanburg, 1988.

**510.13 Enforcement.**

If any work is being done or is in progress for which a Certificate of Appropriateness is required and no Certificate has been issued, the Building Inspector shall issue a cease and desist order notifying the violator or by personal delivery or certified mail, return receipt requested, that the work must be stopped immediately until a Certificate of Appropriateness has been issued. If necessary, the Board may petition for injunctive relief in the Court of Common Pleas to enforce the provisions of this Ordinance.

\* (Amended by Council 11/9/98)

**510.14 Appeals. (\*)**

- A. **Appeals to the Board.** Appeals to the Board may be taken by any person aggrieved pursuant to the following procedure.
  - 1. Within ten days after notice of the decision, a notice of appeal, specifying the grounds therefore, shall be filed with the officer from whom the appeal is taken and with the Board. The officer from whom the appeal is taken shall transmit all papers constituting the record upon which the action appealed was taken.
  - 2. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from the appeal is taken, after the notice of appeal is filed, certifies to the Board that by reason of facts stated in the certificate, a stay would in the officer's opinion, cause imminent peril to life and property. In that case, proceedings may be stayed only by a restraining order granted by the Board or by a court of record.
  - 3. The Board shall fix a reasonable time for the hearing of the appeal and give public notice of it, as well as notice to the parties in interest. The Board shall decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.
  
- B. **Appeals to the Circuit Court.**
  - 1. An appeal from the decision of the Board of Architectural Design and Historical Review must be taken to the circuit court within thirty days after actual notice of the decision.
  - 2. A property owner whose land is the subject of a decision of the Board of Architectural Design and Historical Review may appeal by filing a notice of appeal with the Circuit Court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1155.
- C. A notice of appeal and request for pre-litigation mediation must be filed within thirty days after the decision of the board is mailed.
- D. Request For Mediation.
  - 1. If a property owner files a notice of appeal with a request for pre-litigation mediation, the request for mediation must be granted, and the mediation must be conducted in accordance with South Carolina Circuit Court Alternative Dispute Resolution Rules and this section. A person who is not the owner of the property may petition to intervene as a party, and this motion must be granted if the person has a substantial interest in the decision of the Board of Architectural Design.
  - 2. The property owner or his representative, any other person claiming an ownership interest in the property or his representative, and any other person who has been granted leave to intervene pursuant to subsection 1. or his representative must be notified and have the opportunity to attend the mediation. The governmental entity must be represented by at least one person for purposes of mediation.

\* (Further Amended by City Council 2/9/04)

3. Within five working days of a successful mediation, the mediator must provide the parties with a signed copy of the written mediation agreement.
4. Before the terms of a mediation settlement may take effect, the mediation settlement must be approved by:
  - a.) City Council; and
  - b.) The Circuit Court as provided in subsection 2.
5. Any land use or other change agreed to in mediation which affects existing law is effective only as to the real property which is the subject of the mediation, and a settlement agreement sets no precedent as to other parcels of real property.
6. If mediation is not successful or if the mediated settlement is not approved by City Council, a property owner may appeal by filing a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The petition must be filed with the circuit court within thirty days of:
  - a.) The report of an impasse as provided in the South Carolina Circuit Court Alternative Dispute Resolution Rules; or
  - b.) The failure to approve the settlement by City Council of the City of Spartanburg.
7. The Circuit Court Judge must approve the settlement if the settlement has a rational basis in accordance with the standards of this chapter. If the mediated settlement is not approved by the court, the judge must schedule a hearing for the parties to present evidence and must issue a written opinion containing findings of law and fact. A party may appeal from the decision:
  - a.) In the same manner as provided by law for appeals from other judgments of the circuit court; or
  - b.) By filing an appeal pursuant to subsection 6.

**510.15 Severability.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, declared invalid, such decision shall not affect the remaining portions of this Ordinance.

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**§ 511 SEXUALLY ORIENTED BUSINESSES (\*)**

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**511.1 Purpose and Intent.**

It is the purpose of this Ordinance to regulate Sexually Oriented Businesses and to promote the health, safety, morals and general welfare of the citizens of the City of Spartanburg by establishing reasonable and uniform regulations. It is not the intent or effect of the Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their market. Neither is the intent or effect of the Ordinance to condone or legitimize the distribution of obscene materials.

**511.2 Sexually Oriented Businesses. (\*\*)**

A Sexually Oriented Business shall be defined as an adult arcade, an adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, or adult motion picture theater, as those terms are defined in 511.5 herein and shall be permitted only in the I-1 and I-2 districts, and no other, provided, permits for Sexually Oriented Businesses and other licenses required and governed by municipal ordinance have been secured. No Sexually Oriented Business shall allow persons, patrons, guests, invitees, or employees on the premises who are under the age of eighteen (18) years. Establishments shall post in a prominent place the following public disclosure: **WARNING: SEXUAL MERCHANDISE ON DISPLAY. MAY BE OFFENSIVE.**

**511.3 No Sexually Oriented Business Shall Be Operated Within Five Hundred (500) Feet Of. (\*\*)**

- (a) A religious institution;
- (b) A day care center or elementary, junior high, middle school or senior high school;
- (c) A boundary of a residential district;
- (d) A property containing a structure having a residential use;
- (e) A public park or recreation area;
- (f) A public building;
- (g) A youth activity center; or
- (h) There shall be no establishment, substantial enlargement or transfer of ownership or operation of a Sexually Oriented Business within Five Hundred (500) feet of another Sexually Oriented Business.

No person shall cause or permit the establishment or operation of more than one Sexually Oriented Business in the same building, structure, or portion thereof, or the increase of floor areas of any Sexually Oriented Business in any building, structure, or portion thereof containing another Sexually Oriented Business.

**511.4 Measurement of Distance.**

The distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures, from the closest property lines of the pertinent premises. The distance between any Sexually Oriented Business and any

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\* (Amended – Added as New Section by Council 4/13/98)

\*\* (Amended by Council 4/9/01)

religious institution, a school, a boundary of a residential district, a public park or recreation area, a property line of a lot containing a structure having a residential use, a public building, or a youth activity center shall also be measured in a straight line, without regard to intervening structures or objects from the nearest property line of the premises where the Sexually Oriented Business is conducted, to the nearest property line of the premises of a religious institution, a school, or a boundary of a residential district, a property line of a lot containing a structure having a residential use, a public park or recreation area, a public building, or a youth activity center.

**511.5 Definitions Relative to Sexually Oriented Businesses.**

- A. Adult arcade means any place to which the public is permitted or invited wherein coin—operated or slug—operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified “sexual activities” or “specified anatomical areas”.
- B. Adult Bookstore, Adult Novelty Store or Adult Video Store means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental or any form of consideration, of any one or more of the following.
- (1) Books magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, slides, or other visual description of “specified sexual activities” or “specified anatomical areas;”
  - (2) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities” or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others;
  - (3) A principal business may have ten percent (10%) or less of its DISPLAYED stock or RETAIL/DISPLAY floor area devoted to the items described in paragraphs (1) and (2) hereinabove and not be construed as being significant and substantial as defined herein and shall not be considered to be a Sexually Oriented Business. In this case, the principal use shall not be restricted by this Ordinance provided the principal use of the establishment is located in a zoning district permitting the principal use. It shall be encumbered upon the operator of such an establishment to provide an actual floor plan of the retail/display area. The plan should reflect: (1) the width and depth of the entire retail/display area; (2) the width of the isles; (3) display shelves size (height, width, length); and (4) the area to be devoted to the sale/display of sexually oriented products and material. This information shall be provided at the time of application for a building permit or certificate of occupancy. However, any such establishment having ten percent (10%) or less of its DISPLAYED stock or RETAIL/DISPLAY floor area devoted to the items described in paragraphs (1) and (2) hereinabove shall not be located or operated less than 500 feet from the property line of a lot containing (a) religious institution;

- (b) day care center, elementary, junior high, middle or senior high schools or (c) a youth activity center or (d) a public park or recreation area. (\*)
- C. Adult cabaret means a nightclub, bar, restaurant “bottle club”, or similar commercial establishment, without regard to whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or nearly nude; (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- D. Adult motel means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
- E. Adult motion picture theater means a commercial establishment where film, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.
- F. Adult theater means, a theater, concert hall auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or near nudity or regularly features live performances which are characterized by exposure of “specified anatomical areas” or by “specified sexual activities.”
- G. Employee means a person who works for or performs in a Sexually Oriented Business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.
- H. Establishment means and includes of any of the following:
- (1) The opening or commencement of any such business as a new business;
  - (2) The conversion of an existing business, whether or not a Sexually Oriented Business, to any of the Sexually Oriented Businesses defined in this chapter;
  - (3) The addition of any of the Sexually Oriented Businesses to any other existing Sexually Oriented Business; or
  - (4) The relocation of any such Sexually Oriented Business.

\* (Amended by Council 4/9/01)

- I. Nearly Nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portions of the body covered by supporting belts, strips of cloth, straps, or like devices, or a state of dress which leaves exposed a substantial portion of the buttocks so that the effect achieved by such appearance is approximately the same of viewing nudity.
- J. Nude, Nudity, or State of Nudity means: (a) the appearance of human bare buttocks, anus, male genitals, female genitals or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.
- K. Operator means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.
- L. Permitted or Licensed Premises means any premises that requires a license and/or permit and that is classified as a Sexually Oriented Business.
- M. Permittee and/or licensee means a person in whose name a permit and/or license to operate a Sexually Oriented Business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
- N. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- O. Public buildings means any building owned, leased or held by the United States, the state, the county, the city, any special purpose district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental or other public purposes.
- P. Public park or recreation area means public premises which have been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, gymnasium, recreational center, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public premises within the city which are under the control, operation, or management of the city park and recreation authorities, or the equivalent state, county, or recreation district authorities.
- Q. Religious institution means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- R. Residential District means a geographical area recognized under the City's Zoning Ordinance as primarily occupied by dwelling units for single family, two family or multiple family. It does not include other zoned districts intended primarily for industrial service, commercial, or office use but which permit residential uses.
- S. Residential Use means the lawful utilization of any structure as a dwelling unit for single family, two family, multiple family occupation.
- T. School means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special

education schools, technical colleges, junior colleges, and universities. School includes the school grounds.

- U. Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
  - (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - (2) Other activities between persons of the opposite sex or persons of the same sex, or both when one or more of the persons are likely to be touching, fondling, or caressing other persons on the genitals, pubic area, buttocks, or female breast in a manner that would stimulate sexual arousal.
  
- V. Sexually Oriented Business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater or sexual encounter establishment.
  
- W. Specified Anatomical Areas as used in this section means and includes any of the following:
  - (1) Less than completely and opaquely covered human genitals, public region, buttocks, anus, or female breast below a point immediately above the top of the areolas; or
  - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  
- X. Specified Sexual Activities as used in this division, means and includes any of the following:
  - (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breast, regardless of whether such areas of the body are covered or not;
  - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - (3) Masturbation, actual or simulated; or
  - (4) Human genitals in a state of sexual stimulation, arousal or tumescence;
  - (5) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.
  
- Y. Substantial enlargement of a Sexually Oriented Business means the increase in floor areas occupied by the business by more than twenty-five (25%) percent, as the floor areas exist on the effective date of this Ordinance.
  
- Z. Transfer of Ownership or Control of a Sexually Oriented Business means and includes any of the following:
  - (1) The sale, lease or sublease of the business;
  - (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;
  - (3) The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

AA. Youth Activity Center means a boys club, a girls club, or any other facility which is not a school but which provides entertainment, recreation, crafts, tutorials, or other quality of life enhancement for minors, whether a non-profit facility or otherwise.

**511.6 Existing Non-Conforming Sexually Oriented Businesses.**

Any Sexually Oriented Business lawfully operating on the effective date of this Ordinance that is in violation of this Ordinance shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

**511.7 Sexually Oriented Permit Fee.**

Any individual wishing to operate a Sexually Oriented Business or any person wishing to be employed by such Sexually Oriented Business must first obtain a Sexually Oriented Permit from the City of Spartanburg. Each Sexually Oriented Business establishment shall pay a permit fee of Five Hundred and No/100 Dollars (\$500.00) annually to the City of Spartanburg and each individual wishing to be employed at a Sexually Oriented Business must have an annual license and pay a fee to the City of Spartanburg of fifty and No/100 Dollars (\$50.00) and shall submit on a form to the City with the following information:

- (1) The applicant's name or any other name including "stage names" or aliases;
- (2) Age, date and place of birth;
- (3) Height, weight, color of hair and color of eyes;
- (4) Permanent address and telephone number;
- (5) Driver's license or identification number;
- (6) Social security number;
- (7) Whether such individual has been convicted of any criminal act, and if so, the date, place, nature of such conviction, plea and identity of the convicting jurisdiction. Clearance by the Department of Public Safety is required.

The application process shall be completed within ten (10) days from the date the completed application is filed. After investigation, the City shall issue a license unless the information generated or gathered includes one or more of the following findings of fact:

- (a) That the applicant has knowingly made any false, misleading, fraudulent statement of material fact;
- (b) That the applicant does not comply with this Ordinance or other City Ordinance;
- (c) That the applicant does not have all other licenses including a City Business License;
- (d) That the applicant is under the age of eighteen (18) years of age;
- (e) That the applicant has been convicted of a felony criminal act within five (5) years;
- (f) That the applicant has previously had a Sexually Oriented Business license revoked by the City of Spartanburg or a license revoked by a municipality with an ordinance similar to the ordinance of the City of Spartanburg related to Sexually Oriented businesses, within three (3) years from the date of the current application.

**511.8 Denial, Suspension or Revocation of Permit. (\*)**

- A. The Office of Community Enhancement Manager shall conduct a hearing when he determines not to grant a permit and when he determines whether or not a permit should be suspended or revoked, with the hearing conducted within ten (10) working days of his/her knowledge that:
- (1) The owner or operator of an adult establishment or the holder of a permit as an entertainer has violated, or knowingly allowed or permitted the violation of, any of the provisions of this article;
  - (2) There have been recurrent violations of provisions of this article that have occurred under such circumstances that the owner or operator of an adult establishment knew or should have known that such violations were committed;
  - (3) The permit was obtained through false statements in the application for such permit, or renewal thereof;
  - (4) The permit has been materially altered or defaced or is being or was used by a person other than the permit holder or at a location other than that identified on the permit or for a use or type other than that for which the permit was issued;
  - (5) The permit holder failed to make a complete disclosure of all information in the application for such permit, or renewal thereof;
  - (6) The owner or operator, or any partner, or any corporate officer or director holding an adult establishment license has become disqualified from having a permit by a conviction as provided in this article; or
  - (7) The holder of an entertainer permit has become disqualified from having a permit by a conviction as provided in this article.
- B. The Office of Community Enhancement Manager shall make a decision to suspend the permit for up to ninety (90) days or revoke the permit or take no action.

**511.9 Hearings. (\*)**

In the event that the Office of Community Enhancement determines not to grant a permit or determines to suspend or revoke a permit, the applicant or permit holder shall be entitled to an administrative hearing before the Office of Community Enhancement Manager. The hearing must be demanded within thirty (30) days after written notice of the action by the Manager. The hearing shall be held within fifteen (15) days after the request. The applicant or permit holder shall have the opportunity to be heard, present evidence and to be represented by an attorney. A record of the proceedings shall be made and the Director shall within five (5) business days thereafter affirm, modify or rescind the earlier action. The applicant or permit holder shall have an appeal right, to be exercised within ten (10) days after written notice of the Manager's decision to appeal same to City Council. Any appeal from the decision of the City Council shall be in the Court of Common Pleas.

\* (Amended by Council 4/9/01)

**511.10 Violations of Penalties. (\*)**

Any person violating any provision of this Ordinance shall be upon conviction be guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or in prison for not more than thirty (30) days. Each day of the violation continued shall constitute a separate offense.

**A license granted pursuant to this Section will be subject to annual renewal by the City.**

\* (Amended by Council 4/9/01)

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**§ 512 Internet Cafés, Sweepstake Promotions, and/or Internet Sales**(\*) (\*\*)

**512.1 Intent**

The intent of this ordinance is to regulate the use of “internet gaming devices” within the City of Spartanburg in order to protect the public health, safety, morals, and general welfare of the citizens of the City of Spartanburg by establishing reasonable and uniform regulations. It is not the intent of this ordinance to restrict any lottery that is approved by the State of South Carolina.

**512.2 Definitions**

**Electric Gaming Operations:** Any business enterprise, whether as a principle use or an accessory use, where persons use electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, actual or simulated, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined results. This term includes, but is not limited to internet cafes, internet sweepstakes, cybercafés, sweepstake promotions, or sweepstake parlors. This does not include any lottery approved by the State of South Carolina.

**512.3 Application and Location**

- 512.31** Internet café, sweepstake promotion, or internet sale facilities are permitted only within Zone I-1 (Light Industrial District) and Zone I-2 (Heavy Industrial District) subject to no facility being located closer than one thousand (1,000) feet of:
- (a.) A religious institution or church;
  - (b.) A school or day care center;
  - (c.) A boundary of a residential district;
  - (d.) A property line of a lot containing a structure having a residential use;
  - (e.) A public park, playground or recreation area;
  - (f.) A public building;
  - (g.) A hospital, doctor’s office, or medical center;
  - (h.) A nursing home;
  - (i.) A youth activity center; and
  - (j.) Any property either on the National Register of Historic Places or a property designated historic by the City of Spartanburg.

Also, any proposed internet café, sweepstake promotion, and/or internet sale facility, or transfer of ownership or operation of any such facility may not be located closer than five hundred (500) feet of:

- (k.) Another internet café, sweepstake promotion, and/or internet sale facility.

\* (Amended – Added as a New Section by Council 4/25/05)

\*\* (Amended – Replaced Previous Section and Added as a New Section by Council 9/24/12)

**512.32 Measurement of Distance**

The distance between any two internet cafés, sweepstake promotions, or internet sales facilities or between any of these facilities and any of the uses identified in Section 512.31 above shall be measured by following the shortest route of ordinary pedestrian or vehicular travel along public thoroughfares between the nearest points of the property lines of the pertinent premises.

**512.4 Hours of Operation**

- Monday thru Saturday: 8:00 a.m. to 12:00 a.m.
- Sunday: Prohibited

**512.5 Parking Requirements**

- One parking space per each two (2) terminals, machines, playing stations, or monitors; plus one (1) additional space per business employee on the largest shift.

**512.6 Limitations on Numbers of Terminals**

- Internet cafés, sweepstake promotions and/or internet sales facilities shall be limited to a maximum of thirty (30) computer terminals, machines, playing stations, or monitors regardless of the size of the facility.

**512.7 Individual Machines and Accessory Uses**

- Individual machines as an accessory use shall not be permitted. If an establishment provides terminals for internet cafés, sweepstake promotions, and/or internet sales, then that use will become the primary use of the facility and must meet all requirements as stated in this ordinance.

**512.8 Availability of Alcohol**

- It shall be unlawful for the sale, purchase, or consumption of alcoholic beverages anywhere on the property where an internet café, sweepstake promotion, and/or internet sale facility is located.

**512.9 Age Limitation**

- It shall be unlawful for anyone under the age of eighteen (18) to be permitted inside any internet café, sweepstake promotion, and/or internet sale facility.

**512.10 Signage Allowances**

- Signage for an internet café, sweepstake promotion, and/or internet sale facility must meet all signage requirements as stated in Section 503 of the City of Spartanburg Zoning Ordinance.

**512.11**     **Appeals**

Appeals of the requirements of this Section shall be to the Board of Zoning Appeals of the City of Spartanburg.

**512.12**     **Violations**

Any person violating any provision of this ordinance shall be upon conviction be guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or in prison for not more than thirty (30) days. Each day that the violation is continued shall constitute a separate offense.

**512.13**     **Severability**

If any subsection, sentence, clause, or phrase of this Section is, for any reason, declared invalid, such decision shall not affect the remaining portions of this Section.

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**§ 513. LARGE TRACT DEVELOPMENT OVERLAY DISTRICT (\*)**

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**513.1 Intent.** The intent of the Large Tract Development Overlay District is to establish zoning standards suitable to the scale of redevelopment on large sites, where potential impacts on the surrounding community are proportionally greater than those generated by small, individual parcels and therefore require the application of standards scaled beyond the standards found in the general districts of the Zoning Ordinance. Further, the intent of the district is to achieve development which is consistent with the land use goals of the City of Spartanburg, to provide for a review process which facilitates the development of new sites and the redevelopment of existing sites and which allows for the flexibility to achieve the best possible development for each site, both in terms of achieving the site's economic development potential and in terms of protecting and enhancing the quality of life of the citizens of Spartanburg.

Accordingly, the City Council finds that the application of the standards contained in this district will help develop the harmonious development of the city, increase the desirability of residence and investment in the city, increase the opportunity to attain the optimum use and value of land and improvements, positively effect the stability and value of property, positively affect the peace, health and welfare of the city, and create a proper relationship between the taxable value of property and the cost of municipal services.

**513.2 Definitions.** In addition to the definitions contained in Section 108 of this Zoning Ordinance, the following definitions shall apply to this Section:

**“Large Tract Development Site”** means any site 5 acres or greater in size.

**“Concurrency Review”** means the review undertaken by the City of Spartanburg, as part of the site plan review of large tract development sites to ensure that public facilities and services needed to support development shall be available concurrently with the construction of such development. Public facilities and services shall include streets and roads adjacent to and part of the proposed development, water and sewer systems necessary to support the development and storm drainage facilities necessary to mitigate the effects of the development.

**“Bufferyards”** means the required landscaped buffer area between the proposed development and any adjacent land uses.

**“Developer”** means the site plan applicant, the owner and their successors and assigns.

**“Frontage Landscape Area”** means the required landscaped area along the street frontage of the development visually separating buildings, parking and vehicular drive areas of the development from the public right of way.

**“Traffic Impact Analysis”** means the required evaluation performed and submitted by the developer to the City of Spartanburg Traffic Engineer to assess the impact on the existing street system of traffic generated by the proposed development.

**“Super Site”** means any site governed by this overlay district with a total site area 30 acres or greater as of the date of the enactment of this ordinance.

\* (Amended – Added as a New Section by Council 7/24/00)

**“Access Management”** means the management of vehicular access in and out of sites from public streets and roads. The intent of access management is to reduce traffic congestion, accidents and loss of street capacity through the intelligent location and design of public street and driveway connections to the roadway, as well as site design practices internal to each development site.

**“Development Ratio”** means a ratio that is established for any proposed outparcels abutting the public right of way to govern their number related to the size of the larger site. The development ratio is governed by the amount of street frontage available for use by each outparcel.

**“Created Open Space”** means open space created as a result of site plan approval on a site falling under the provisions of this ordinance. Created open space may consist of open space such as outdoor sitting and eating areas, walkways or bikeways, outdoor recreational facilities such as playgrounds, open space which provides landscaping significantly in excess of the amount required by the Zoning Ordinance or open space where aerial utilities are placed underground. Stormwater detention facilities may be used to achieve this goal if they are specifically designed as aesthetic amenities.

**“Areas of Natural Topography and Vegetation”** means those areas of the site undisturbed at the time of development which contain significant numbers of existing trees with a caliper of 12” or greater; areas with significant slopes (topography) and existing vegetation; areas with existing watercourses; areas including combinations of the above; or such other natural features as may have a documented horticultural, natural or geologic significance.

**513.3 Applicability.** The Large Tract Development Overlay District shall apply to any site that meets the criteria under 513.5 Site Plan Application Required below.

**513.6 Permitted Uses.** Any use permitted by right, conditionally or by special exception in the underlying base district is permitted.

**513.5 Site Plan Application Required.** A site plan shall be required to be filed for all sites proposed to be developed or redeveloped which are 5 acres or greater in size (with the exception of sites for which either a redevelopment plan or a development agreement has been approved by City Council as of the date of the enactment of this Section) and which meet one or more of the following criteria:

- A. When the contract amount of any site and/or building improvements filed with the Building Official for which a building permit is required within any two (2) year period is 50% or more of the current appraised value of the existing site improvements as ascertained from the County assessors records. Costs for deferred maintenance or repair shall not be included in the cost of improvements used to establish applicability of this Section. However, costs necessary to meet current code requirements shall be included, as well as proposed improvements to the property. The property owner or developer may alternately submit an appraisal by an independent appraiser to determine the change in value of the proposed improvements. The City may review this appraisal utilizing the services of a second appraiser. In this case, if the two appraisals do not agree, the two appraisers will select a third appraiser to establish values (\*);

\* (Amended by Council 7/8/02)

- B. Sites for which the existing gross floor area is proposed to be either demolished or expanded by 50% or more;
- C. Sites for which an addition of 5 acres or greater in size is proposed to a previously developed site, where these standards shall be applied to the addition but not the original site, unless improvements proposed for the original site meet 513.5.A or B above.

513.51 **Application Requirements.** All site plans filed under this Section shall meet the requirements of Section 501.13, Site Plan Review, of the Zoning Ordinance for plans, drawings and information required. In addition, the following shall be required:

- A. **Building Elevation Drawings Required.** In addition to the above requirements, drawings drawn to scale which show the facade elevations and façade materials, detailing and roof treatments of the project buildings shall be submitted and approved as part of the site plan approval of the project.
- B. **Tree Survey Required.** A tree survey shall be required for all site plans filed under the provisions of this Section. At a minimum, this survey shall include: The location and description (size and species) of all existing trees 12” DBH or greater in size except for those native pines commonly called southern hard pines or yellow pines (pinus echinata "shortleaf pine", pinus palustris "longleaf pine", pinus taeda "loblolly pine", pinus virginiana "virginia pine"). In any case, all existing trees 24” DBH or greater shall be located and described on the site.

513.52 **Process for Administrative Approval.** All site plans for sites 5 acres in size or greater shall be reviewed by the City of Spartanburg’s Office of Community Enhancement for compliance with the provisions of this Section. A site plan filed under the provisions of this Section and found to be in compliance with the standards of this Section shall be approved administratively by the Office of Community Enhancement subject to the following process:

- A. **Pre-Filing Conference Required.** A pre-filing conference between the developer and staff of the City of Spartanburg (staff of the Office of Community Enhancement and other relevant City staff) is required at least two (2) weeks in advance of the formal filing deadline for any site plan filed for consideration under the provisions of this Section. At this conference the developer shall present to staff such drawings as have been prepared to meet the site plan filing requirements. Staff will review them against the site plan application requirements and return preliminary review comments to the developer within two (2) working days of the conference. These review comments are intended to facilitate the developer’s ability to meet the filing requirements and have a site plan application accepted at the time of formal filing. Also, the developer shall discuss with staff the scope, design and proposed uses of the proposed development and shall receive consultation from City staff relating to the provisions of this ordinance, including whether a traffic impact analysis shall be required.

- B. **Process for Public Information and Input**: In order to provide for citizen access to the site plan review process, the following public process shall be required for each site plan filed under this Section: (\*)
1. **Public Information Meeting**: After the staff review meeting and before the Planning Commission Community Forum required in item 2 below, a Public Information Meeting shall be held, subject to a minimum of 21 days between the staff review meeting and the Public Information Meeting to allow for notification by mail of adjacent property owners and property owners within 300 feet of any boundary of the subject site. Typically, staff site plan review meetings are held once a week. The intention of the Public Information Meeting is to provide the adjacent community the opportunity to receive information about the proposed project and relevant City requirements from both the developer and city staff prior to the Community Forum. In order to allow for sufficient time for notification for both the Public Information Meeting and the Planning Commission Community Forum there shall be a minimum of 42 days between the staff review meeting and the Planning Commission Community Forum. (\*)
  2. **Planning Commission Community Forum**: Each site plan filed under this Section shall be presented by Office of Community Enhancement staff at the first regular Planning Commission meeting after the Public Information Meeting for the site plan; subject to a minimum of 21 days between the Public Information Meeting and the Planning Commission meeting to allow for notification by mail of adjacent property owners and property owners within 300 feet of any boundary of the subject site. The intention of this presentation to the Planning Commission is to provide for citizen comments and questions on the proposed project and for staff to receive suggestions and requests for plan improvements from the Planning Commission. (\*)
  3. **Placement on Planning Commission Agenda**: Site plans placed on the Planning Commission agenda will be discussed in accordance with the procedural rules of the Planning Commission and their Bylaws. Placing the site plan on the Planning Commission agenda is intended to facilitate citizen participation in the review procedure. In providing input on site plans the Planning Commission shall consider how the proposed plan meets the overall intent and spirit of this Section. (\*)
  4. **Public Input Included in Administrative Review**: Site plans presented to the Planning Commission shall be reviewed administratively after receiving the above input, suggestions and requests for plan improvements. Input from this meeting shall be taken into consideration before finalizing the administrative review of site plans.
  5. **Suggestions for Plan Improvement Shared with Applicant**: Within five (5) working days of the approval or disapproval of any site plan governed by these provisions, staff shall notify the developer by letter of the action taken. Staff suggestions and requests concerning general development as well as Planning Commission suggestions and requests for plan improvement shall be included in this letter.

\* (Amended by Council 4/9/01)

6. **Written Report to Planning Commission of Plans Approved:** At the next regularly scheduled Planning Commission meeting after administrative approval of a site plan, staff shall provide a written report to the Planning Commission on the approved plan, including details on whether the plan was approved as an alternate.
- C. **Approval of Alternate Plans.** The developer may request that the provisions contained in Sections 513.61.B and 513.62 of this Section be modified by approval of an alternate site plan. In consideration of an alternate site plan under this provision, the Zoning Administrator shall consider how the proposed plan meets the overall intent and spirit of this Section. Consideration of an alternate scheme under the provisions of this Section is intended to support the introduction of new materials and techniques and facilitate creative design solutions that support community goals, but not solely respond to economic considerations or standard corporate trade practices on the part of a site plan applicant. In general, a successful alternate plan should prove to be equal in quality or better than a plan which adheres strictly to the requirements of this Section. The alternative plan shall contain the following information:
1. It shall explain in detail why the alternative solution is offered, including referencing the ordinance requirements for which the alternative is offered, and a written statement and graphic presentation prepared by a registered landscape architect, architect, engineer, or horticultural/landscape authority explaining how the alternative meets the intent and spirit of the ordinance requirements.
  2. Include a statement which will be binding upon the developer, that if the alternative is approved by the Office of Community Enhancement, the developer will install the alternative as described, or meet the literal terms of this section within two (2) years.
  3. The alternate plan shall be submitted to the Planning Commission as required in Section 513.52.B above.
- D. **Community Liaison Committee.** For each approved site plan for a site governed by this Section, a community liaison committee shall be formed. This committee shall consist of five (5) persons as follows: a representative of the developer; a representative of the Office of Community Enhancement, the City Council member representing the district within which the project is located; a representative of the Planning Commission to be selected by the Chairman of the Planning Commission; and a representative of the closest adjacent neighborhood association to be selected by the Chair or President of that neighborhood association. Within thirty (30) days of the site plan approval the names and telephone numbers of all members shall be provided in writing to the Manager of the Office of Community Enhancement and the Manager shall make this list available to all members of the Community Liaison Committee. The intent of the community liaison committee is to monitor project progress, provide accurate information about the construction of the project to the community and to allow representatives of the community to raise issues about compliance with this Section during construction and for one (1) year after the issuance of the Certificate of Occupancy. The Committee shall meet at regular intervals during this period as decided by the Committee. At a minimum the Committee shall meet at least once during each of the following intervals: before the commencement of any demolition,

grading or other work related to the implementation of the approved plan; during the construction of the project; and after completion of construction within one (1) year of the issuance of the Certificate of Occupancy. The developer shall be responsible for providing meeting space, advance notification of any meetings to Committee members and any notes or minutes of meetings that the Committee determines to keep. Any questions relating to compliance with this Section shall be brought to the attention of the Office of Community Enhancement, which is responsible for ensuring compliance with the agreement.

513.53 **Reduction of Requirements for Redevelopment Sites.** A developer may request a reduction by 25% of the requirements contained in Section 513.62.A. for bufferyards and frontage landscaping areas for sites which meet the following criteria: 1), sites for which the proposed use after redevelopment is the same or less intense (as defined by the Zoning Ordinance) as the primary use currently on the site; 2) or for vacant sites the same or less intense as the last recorded use (the County tax assessor's office shall be used as the source for previous use). The 25% reduction shall be allowed in the width of required bufferyard or frontage area and the number of trees and shrubs required with all fractions rounded up to the nearest whole number. Where this reduction would result in less than one canopy tree per 100 linear feet, the reduction in trees shall be taken out of required ornamental trees. Required fences or walls may not be eliminated or reduced in height. Also, in no case shall this 25% reduction result in less width or fewer number of plants than that required by Section 505 of the Zoning Ordinance for the same type of bufferyard or frontage area. In addition, if a site meets the requirements of this provision, then the Concurrency Review for Traffic and Roads under Section 513.61.A shall not be required. Also, a site meeting the requirements of this provision, where existing buildings are retained, is not required to meet Section 513.62.B.3.c., requiring the construction of a recessed loading dock.

513.54 **Subdivision Requirements for Large Tract Development Sites:** Any site which is 5 acres or greater in size at the time of the approval of this Section, which meets the provisions of 513.3 Applicability above, and which is subsequently subdivided, shall continue to be governed in whole or in part based on the size of the original site, by the requirements of this Section.

**513.6 General Standards for All Large Tract Development Sites.** All sites governed by this Section shall meet the following standards:

513.61 **Concurrency Review.** As part of the site plan review, the City of Spartanburg Traffic Engineer shall review the proposed site plan against the following elements:

- A. **Traffic and Roads.** The City of Spartanburg Traffic Engineer shall review the proposed development against those standards for levels of service which have been established by the Department of Public Works for the streets and roads adjacent to the development site. The purpose of the review is to ensure that traffic generated by the proposed development can be adequately handled by the capacity of the existing road system. Highway Capacity Manual level of service "C" must be maintained on streets adjacent to the proposed development and at intersections within one quarter (1/4) mile of the proposed development. The following traffic generating elements of the proposed

development shall be analyzed in a traffic impact analysis to determine whether this level of service can be met: peak hour trip generation; peak season trip generation and peak direction trip generation. The developer shall provide a traffic impact analysis when a site is a "Super Site" or when because of a proposed change in use or zoning district, complexity, size of the development or other relevant factors, there is a reasonable possibility that the level of service as defined above will be decreased below level of service "C" the City of Spartanburg Traffic Engineer determines that a traffic impact analysis is necessary.

If a determination is made by the City of Spartanburg Traffic Engineer that the development does not meet Highway Capacity Manual level of service "C", then the developer is responsible for adding necessary capacity through construction and/or implementation of necessary road or transportation improvements (which may include deceleration lanes, new traffic lights, or other appropriate improvements) to meet level of service "C." If the preexisting level of service on adjacent streets and at intersections within one quarter (1/4) mile of the proposed development is below "C," then the developer is responsible for adding capacity to ensure that the development does not further decrease the preexisting level of service. The developer may also request participation in such infrastructure rebate programs as are offered by the City or State.

- B. **Access Management.** As part of the concurrency review, the City of Spartanburg Traffic Engineer shall review all site plan applications for good access management practices, as defined above. In this review, the standards of this Section shall be used in addition to the standards of the South Carolina Department of Transportation (SCDOT).
1. **Major Entrance Drive.** Along each street frontage, there shall be one major entrance into the site from the public street, which shall have the following characteristics: A landscaped entrance drive shall be created into the site from the street right of way line far enough into the site so that motorists may reach the parking areas associated with all major buildings without having to travel through other parking areas. For all sites where the major entrance drive serves common parking areas of 200 or more parking spaces, the major entrance drive shall extend into the site for a minimum depth of 100 feet from the street right of way line or the depth of any outparcels fronting on the street frontage, whichever is greater. For the first 100 feet into the site from the street right of way line the entrance drive shall be straight and perpendicular in relation to its intersection with the public street. At a minimum, for all sites, the entrance drive shall be straight and perpendicular in relation to the public street for the depth of the required landscape frontage area. There shall be no parking spaces, drive aisles or interior streets opening directly onto this drive within the first 100 feet. Secondary entrance drives shall also have no parking spaces opening into the drive for the first 100 feet. However, drive aisles or interior streets may be permitted to intersect the secondary entrance drive behind the required landscape frontage area based on a determination by the City of Spartanburg Traffic Engineer that vehicle movement into and out of the site will not be impaired. Landscaping requirements for major entrance drives are provided in Section

513.62.A.2.c. below. Figure 1 (on page 248) graphically shows an example of possible configuration of the Major Entrance Drive as discussed above. (\*)

2. **Secondary Entrances Permitted.** Additional secondary site entrances may be permitted in the interest of good traffic operation as determined by the City of Spartanburg Traffic Engineer:

a. **Number Permitted.** One (1) additional entrance may be permitted along a continuous site frontage in excess of 300 feet or two (2) additional entrances along a continuous site frontage in excess of 800 feet;

b. **Corner Clearance.** The minimum distance that shall be permitted between an entrance and the corner of an intersection shall be based on the following formula:

Site Frontage	Distance from Intersection
0 feet to 200 feet	75 feet
201 feet to 600 feet	150 feet

c. **Entrance Spacing.** The minimum spacing between all entrances shall be as follows:

Speed Limit	Spacing Center to Center
30 mph or less	150 feet
40 mph or more	250 feet

d. **Proximity to Property Line.** In no case shall any site entrance or driveway be located closer than twenty (20) feet to a property line.

e. **Entrances to Outparcels.** There shall be no entrances onto a public street directly from individual outparcels. Entrances from individual outparcels onto internal major or secondary entrance drives shall meet the standards of SCDOT for number, corner clearance, spacing and proximity to property line.

3. **No Vehicular Entrances Permitted Into Neighborhoods.** There shall be no vehicular access to residential streets (defined under “Residence District”, Section 56-5-530 of the South Carolina Code of Laws) that are adjacent to commercial or industrial uses on sites governed by this Section unless site access is only possible through such streets. In such a case, the City of Spartanburg Traffic Engineer shall require and the developer shall install such traffic mitigation or control measures (such as nubs, diverters, paved crosswalks, traffic or pedestrian signals etc.) as deemed necessary by the City of Spartanburg Traffic Engineer in order to minimize the impact of traffic on adjacent neighborhoods and provide for safe and pleasant conditions for motorists and pedestrians on residential streets.

\*(Amended by Council 11/24/03)

4. **Interior Driveways and Parking.** Interior driveways and parking for all sites governed by this Section shall meet the requirements of Section 504 Regulations for Off-Street Parking and Loading, and Section 505.62 Parking Lot Landscaping Requirements unless specifically stated otherwise below.
- C. **Storm Water Management, Water and Sanitary Sewer.** The City Engineer shall review the proposed development against those standards for levels of service which have been established for these utilities. All development shall meet or exceed the standards of the City of Spartanburg Standards for Storm Water Management and Sediment Reduction. The developer shall demonstrate that the capacity of the existing sanitary sewer collection system has adequate hydraulic capacity to handle the wastewater generated from the site, and if not, explain what provisions will be made to improve the existing system. The developer shall also demonstrate that the existing water supply system has adequate capacity to meet peak hourly demands and fire flows while maintaining acceptable water pressure. The developer is responsible for demonstrating that existing levels of service established by the City Engineer are met and is responsible for installing necessary improvements to ensure that the service standards are maintained.
- D. **Timing of Infrastructure Improvements.** All improvements required under Section 513.61 Concurrency Review shall be constructed before the issuance of the Certificate of Occupancy.

513.62 **Site Design Standards**

- A. **Landscaping.** In order to respond to the proportionally greater impacts of large-scale development on surrounding uses, particularly residential neighborhoods, certain landscaping requirements of the zoning ordinance shall be increased proportionally in respect to the size of the site. All landscaping must meet the requirements of Section 505 Tree Protection and Landscaping Requirements unless as otherwise noted below.

All plant materials required by this Section shall meet the following minimum size requirements: canopy trees: 2 inch minimum caliper and 12 feet minimum height; understory or ornamental trees: 1 ½ inch minimum caliper and 8 feet minimum height; evergreen trees: 6 to 8 feet in height; shrubs: 24 inch minimum height or 3 gallon minimum size. A minimum of 3 feet of soil depth shall be provided for all planting areas required by this Section. All plant materials required by this Section shall be allowed to mature to the form and size dictated by their function (for example, if a plant (such as a crepe myrtle) is installed to meet a requirement for a canopy or understory tree, it shall not be pruned to the extent that it no longer functions as a tree).

1. **Bufferyards.** Requirements for bufferyards shall be based on site size as a multiplier with 5 acres the minimum site size and increasing proportionally with the increasing size of the site and the intensity of the proposed use relative to existing adjacent uses. At a minimum, a Base Bufferyard (Bufferyard 0) shall be required for any proposed site plan regardless of the proposed uses or the size of the development site and regardless of the existing uses on adjacent sites. To the extent

possible existing topography within the designated bufferyard area shall be preserved, including existing trees. The preservation of existing, healthy trees is strongly encouraged and tree credits may be claimed as per Section 505.55 of the Zoning Ordinance for any trees preserved equal to or larger than 4 inches in caliper. The creation of screening topography (berms) in addition to those required is also encouraged. No buildings, roadways or access drives, loading or truck maneuvering areas serving the proposed development shall be permitted in the buffer area. The following Table 2 provides bufferyard requirements based on site size. Requirements given for sites under 5 acres are taken from Section 505, Tree Protection and Landscaping Requirements. In order to determine bufferyard requirements for a particular site: 1), determine the bufferyard type based on Table 1; 2) find the required bufferyard on Table 2); using the site size, find the specific bufferyard requirements (see the next two tables).

**Table 1- Bufferyard by Type of Land Use** (●) - The following table lists the type of bufferyard required when a proposed land use is next to an existing land use:

		<b>Existing (Adjacent) Land Use</b>							
	Single Family Res.	Multi Family Res.	Mobile Home Parks	Office/ Inst./ Special Res.	Low Intensity Com.	Medium Intensity Com.	High Intensity Com.	Light Industry	Heavy Industry
Single Family Residential	0	0	0	0	0	0	0	0	0
Multifamily Residential	1	0	0	0	0	0	0	0	0
Mobile Home Parks	2	1	0	0	0	0	0	0	0
Office/Inst./ Special Res.	3	2	2	0	0	0	0	0	0
Low Intensity Commercial	3	3	1	0	0	0	0	0	0
Medium Intensity Commercial	4	3	3	1	1	0	0	0	0
High Intensity Commercial	5	4	4	2	2	1	0	0	0
Light Industry	5	4	4	2	2	1	1	0	0
Heavy Industry	6	5	5	3	3	2	2	1	0

- Refer to Section 505.2 of the Tree Protection and Landscaping Requirements for definitions of types of use.

**Table 2 – Bufferyards**

<b>Bufferyard Type (See Table 1)</b>	<b>SITE SIZE</b>				
	<b>Up to 4.99 Acres</b>	<b>5 to 9.99 Acres</b>	<b>10 to 19.99 Acres</b>	<b>20 to 29.99 Acres</b>	<b>30 Acres and Above "Super Sites"</b>
<b>Bufferyard 0</b> Min. Width No. of Trees & Shrubs • Fence or Wall ••	0 0 0	5 feet 4 trees 4 shrubs None	5 feet 4 trees 4 shrubs None	5 feet 4 trees 4 shrubs None	5 feet 4 trees 4 shrubs None
<b>Bufferyard 1</b> Min. Width No. of Trees & Shrubs • Fence or Wall ••	5 feet 20 plants None	10 feet 4 trees 4 shrubs 6 foot fence	10 feet 5 trees 5 shrubs 6 foot fence	15 feet 6 trees 6 shrubs 6 foot fence	20 feet 12 trees 6 foot wall
<b>Bufferyard 2</b> Min. Width No. of Trees & Shrubs • Fence or Wall ••	10 feet 39 plants None	15 feet 5 trees 5 shrubs 6 foot fence	20 feet 6 trees 6 shrubs 6 foot fence	30 feet 7 trees 7 shrubs 6 foot fence	40 feet 14 trees 6 foot wall
<b>Bufferyard 3</b> Min. Width No. of Trees & Shrubs • Fence or Wall ••	15 feet 5 feet 6 foot fence	20 feet 6 trees 6 shrubs 6 foot wall	30 feet 7 trees 7 shrubs 6 foot wall	40 feet 8 trees 8 shrubs 6 foot wall	60 feet 16 trees 8 foot wall
<b>Bufferyard 4</b> Min. Width No. of Trees & Shrubs • Fence or Wall ••	20 feet 5 trees 6 feet wall	30 feet 7 trees 7 shrubs 6 foot wall	40 feet 8 trees 8 shrubs 6 foot wall	60 feet 9 trees 9 shrubs 6 foot wall	75 feet + 4 ft. berm 18 trees 8 foot wall
<b>Bufferyard 5</b> Min. Width No. of Trees & Shrubs • Fence or Wall ••	25 feet 5 trees 6 foot wall	35 feet 8 trees 8 shrubs 6 foot wall	50 feet 9 trees 9 shrubs 6 foot wall	75 feet 10 trees 10 shrubs 6 foot wall	100 feet + 4 ft. berm 20 trees ••• 8 foot wall
<b>Bufferyard 6</b> Min. Width No. of Trees & Shrubs • Fence or Wall ••	30 feet 5 trees 6 foot wall	40 feet 9 trees 9 shrubs 6 foot wall	50 feet 10 trees 10 shrubs 6 foot wall	75 feet 11 trees 11 shrubs 6 foot wall	100 feet + 4 ft. berm 24 trees ••• 8 foot wall

• (From Table 2) Trees shall be a mixture of canopy deciduous trees (such as red maples and oaks) and large evergreen trees (such as pines, southern magnolias and American hollies) unless otherwise specified. Shrubs shall be evergreen shrubs that shall reach a minimum height of 6 to 8 feet (such as burford holly, ligustrum, carolina cherry laurel, osmanthus). Number of trees and/or plants specified shall be per 100 lineal feet of bufferyard. The following ratios are taken from Section 505 of the Zoning Ordinance: (Bufferyard 1) 20 plants (2 canopy trees, 5 understory trees, 5 evergreen trees and 8 shrubs per 100 lineal feet of bufferyard); (Bufferyard 2) 39 plants (5 canopy trees, 10 understory trees, 9 evergreen trees and 15 shrubs). Trees and shrubs shall meet the minimum height and size requirements of Section 513.62.A above at time of installation.

•• (From Table 2) Required fences and walls shall be placed at the point in the bufferyard highest in elevation relative to the adjacent properties in order to maximize the screening effect of the fence or wall. Fences and walls shall be constructed of materials as required in Section 505.63.B.1. All fences and wall shall have a finished side facing adjoining property.

••• (From Table 2) The increase in elevation relative to the adjacent property may be accomplished by the construction of an earth berm or may result from existing topography within the bufferyard area. A reduction from the minimum width of 100 feet may be considered on a case by case basis if the increase in elevation is increased by another 4 feet for every 10 feet reduction in width. Berms shall have a maximum slope of 3 to 1. Also, if a service road or loading area is adjacent to the buffer, the vertical distance from the road to the top of the masonry wall should be at least 12 feet in order to adequately screen trucks and loading activities from adjacent dwellings. However, in no case shall the buffer be reduced less than 80 feet and any decrease in width shall be evaluated carefully with increases in the quality of the bufferyard (for example, through the installation of an irrigation system) used as the basis for a decision along with characteristics of individual sites. When the minimum 4 foot high berm is not provided as described above, then the width of the bufferyard shall be increased to 125 feet. Up to a total of 4 of the required trees per 100 linear feet may be replaced by: either evergreen or canopy tree seedlings at the minimum ratio of 50 seedlings for every such tree to be replaced or evergreen shrubs at a minimum ratio of 5 shrubs for every such tree to be replaced.

- a. **Bufferyard Required Where Proposed Use is Adjacent to Vacant Property.** Where a proposed use is adjacent to vacant or undeveloped property the following process shall be followed in order to ensure the appropriate separation over time between uses of different intensity: 1), in all cases a minimum of a base bufferyard (Bufferyard 0) shall be installed; 2), compute the bufferyard requirement based on the most intensive use permitted under the current zoning on the adjacent vacant tract; 3), where a required buffer area based on this computation is a bufferyard 3 or greater, then in addition to the base bufferyard the minimum required width of this bufferyard shall be reserved as property undeveloped with any permanent structures (such as buildings, parking areas, driveways, loading, storage or maneuvering areas, etc.) which would preclude the eventual installation of the required bufferyard improvements; 4), bufferyard improvements including trees, shrubs (in excess of the Bufferyard 0 above) and any fences or walls shall be constructed when the adjacent uses are built. The improvements shall be installed before the approval of a final subdivision plat for the adjacent property by the Planning Commission or the issuance of the first Certificate of Occupancy for structures on the adjacent property, whichever comes first. A performance bond shall be filed with the Zoning Administrator for the cost of these additional improvements before the certificate of occupancy for the proposed use is issued; the bond shall be released if the improvements are installed before the approval of a final subdivision plat for the adjacent property by the Planning Commission or the issuance of the first Certificate of Occupancy for structures on the adjacent property, whichever comes first.

Alternately, a developer may choose to install a bufferyard based on 2) above with a 25% reduction allowed for width of bufferyard and number of trees and shrubs. The 25% reduction shall be allowed in the width of bufferyard and number of trees and shrubs required with all fractions rounded up to the nearest whole number. In no case may required fences or walls be eliminated or reduced in height. Also, in no case shall the above 25% reduction result in less width or fewer numbers of plants than required by Section 505 of the Zoning Ordinance for the same type of bufferyard.

- b. **Bufferyard O Required Where Proposed Use is Adjacent to Unincorporated Property.** Where a proposed use on a site governed by this Section is adjacent to unincorporated property (property not within the city limits of the City of Spartanburg), the Base Bufferyard (O) as described in Table 2 shall be installed by the developer regardless of the use on the unincorporated property.
- c. **Graphic Illustration of Bufferyard Types.** Figure 2 graphically displays the bufferyards described in Tables 1 and 2. Placement of plants is intended to be illustrative and not represent a required

placement.

2. **Frontage Landscaping Areas** All sites governed by the provisions of this Section with property lines abutting the public right of way are required to provide landscaping along the street frontage. If the existing use on the opposite side of the public right of way from the proposed use is the same or more intense than the proposed use, then the frontage requirements from Table 3 below shall apply to the proposed use. If the existing use on the opposite side of the public right of way is less intense than the proposed use, than bufferyard requirements shall apply (see Section 513.62.A.3 below). Requirements for frontage landscape areas shall be based on site size as a multiplier with 5 acres as the minimum site size and with requirements increasing proportionally as the size of the site increases. To the extent possible existing topography within the designated bufferyard area shall be preserved, including existing trees. The preservation of existing, healthy trees is strongly encouraged and tree credits may be claimed as per Section 505.55 of the Zoning Ordinance for any trees preserved equal to or larger than 4 inches in caliper. The following Table 3 contains these requirements and Figure 3 graphically illustrates them:

**Table 3. Frontage Landscape Areas**

Size of Site	Width of Frontage Landscape Area (●)	Number of Plants Per 100 Feet of Frontage
Up to 4.99 Acres	Minimum 10 Feet	Minimum 1 canopy tree; 2 ornamental trees; 4 Shrubs
5 to 9.99 Acres	Minimum 20 Feet	Minimum 1 canopy tree; 3 ornamental trees; 6 shrubs
10 to 19.99 Acres	Minimum 30 Feet	Minimum 2 canopy trees; 4 ornamental Trees; 8 shrubs
20 to 29.99 Acres	Minimum 30 Feet	Minimum 2 canopy trees 5 ornamental trees; 10 shrubs
30 Acres and Above “Super Sites”	Minimum 30 Feet	Minimum 3 canopy trees; 6 ornamental trees; 12 shrubs

- Measured from the street set back line into the interior of the site.
- a. **Pedestrian Walkway.** In addition to the above requirements, a pedestrian walkway shall be constructed by the developer in the frontage landscape area when it is determined by the City of Spartanburg Traffic Engineer to be necessary in order to provide for safe and convenient pedestrian movement from site to site. This pedestrian walkway shall run the length of each street frontage and shall be uninterrupted except by drive entrances into the site. The walkway shall consist of permanent material such as poured in place asphalt or concrete, brick or concrete unit pavers. The continuing maintenance of this walkway is the responsibility of the property owner, unless the walkway is in the public right of way, in which case the City of Spartanburg shall be responsible for its maintenance.

- b. **Screening Element.** Where internal drives and/or parking are located immediately behind the frontage landscaped area, screening elements to help screen these vehicular areas from the street shall be installed by the developer. (Those portions of vehicle dealerships (including automobile, truck, tractor, recreational vehicle and boat dealerships) which are used for permanent display shall be exempted from this screening requirement.) One or a combination of the following shall be installed within the frontage landscaped area to result in a height of 3 feet above the final grade of the parking and/or drive area behind the frontage area; an earth berm; a brick or masonry wall; or a continuous hedge made of evergreen shrubs. Where the finished grade of the internal drives and/or parking immediately behind the frontage landscape area results in a grade 3 feet or more lower than the finished grade of the street immediately in front of the frontage landscape area, then no screening element shall be required. Required shrubs as per Table 3. above may be counted toward the screening element requirement.
  
- c. **Landscaped Major Entrance Drive.** The following requirements shall be met for major entrance drives from the public right of way as described in Section 513.61.B Access Management above.

Except where drive aisles or interior streets intersect the entrance drive, there shall be a landscaped area on either side of the entrance drive with a minimum width of 10 feet, planted with grass or suitable ground cover and with canopy trees. The minimum spacing shall be one (1) canopy tree planted on each side of the entrance drive for every 30 feet (or fraction thereof) of length of the entrance drive behind the required landscape frontage area, excluding drive entrances into the entrance drive. Ornamental trees may be substituted for canopy trees along this entrance drive at the ratio of 2 ornamental trees for 1 canopy tree.

- 3. **Applicability of Bufferyard and Frontage Requirements.** The following process shall be used to determine the applicability of bufferyard or frontage requirements where a proposed use on a site governed by this Section abuts a public right of way: 1), identify the proposed use and the existing use across the right of way and determine from Table 1 the appropriate bufferyard; 2) where a Bufferyard 0 applies then the frontage requirements shall apply (then consult Table 3 to determine the frontage requirements based on site size); 3), where a Bufferyard 1 or greater applies then the Bufferyard requirements shall apply (then consult Table 2 to determine the required bufferyard requirements based on site size).

- a. **Reduction in width and number of plants permitted.** Where a bufferyard 1, 2 or 3 is required adjacent to the public

right of way, the width of bufferyard and the number of trees and shrubs may be reduced by 25% in consideration of the presence of the right of way between the proposed and existing uses. The 25% reduction shall be allowed in the width and number of trees and shrubs required with all fractions rounded up to the nearest whole number. This reduction shall not be in addition to any reduction permitted under Section 513.53, Reduction of Requirements for Redevelopment Sites, or 513.62.A.1. Bufferyards above. In any case, this reduction may not result in a width less than would be required on the same size site for frontage landscaping as shown in Table 3 above. If the bufferyard width requirement (from Table 2) before the reduction is already less than the frontage requirement for the same size site (from Table 3), then no reduction in width shall be permitted. Required fences or walls may not be eliminated or reduced in height except as permitted under 3.b. below.

- b. **Modification of fence or wall requirement for institutional uses.** In recognition of the need for security and visibility from the right of way for institutional and public uses, where an institutional or public use as listed in Section 303.5.B of the Zoning Ordinance, is proposed adjacent to a public right of way, the Office of Community Enhancement may modify the bufferyard requirement for a fence or wall as follows: in lieu of a required fence or masonry wall, a permanent decorative structure such as a wrought iron style fence may be substituted which permits visibility into the site while providing security at the perimeter of the site and enhancing the appearance of the site; or the required screening element for parking under Section 513.62.A.2.b. may be substituted for a required fence or wall if it provides a change in elevation equal to the fence or wall's height. Alternately, a required fence or wall in a bufferyard next to a public right of way may be eliminated if the developer elects to forgo the permitted 25% reduction in bufferyard width permitted for proposed uses adjacent to the public right of way. In order to be considered by staff, the proposed substitution must first be presented to the Planning Commission as part of the Process for Public Information and Input (Section 513.52.13 of this ordinance). In no case shall the required screening element for parking be eliminated where parking and/or drive ways are adjacent to the frontage landscape area, nor shall a required fence or wall be eliminated adjacent to a loading, trash storage or truck maneuvering area if the loading, trash storage or truck maneuvering area is adjacent to or faces the public right of way.
- c. **Frontage landscape area required across a public right of way from unincorporated property.** Where a proposed use on a site governed by this Section is on the opposite side of a public right of way from unincorporated property then

frontage requirements from Table 3 shall apply regardless of the intensity of the existing use on the unincorporated property.

4. **Landscaping of Storm Water Detention Ponds.** Above ground stormwater detention or management facilities shall be designed to be integrated aesthetically into the overall design of the entire site, and shall relate sympathetically to surrounding land uses, particularly residential neighborhoods. At a minimum, this shall be accomplished by meeting the following requirements:

- a. Where construction of such facilities results in the removal of existing trees over 12” in caliper, any trees removed shall be replaced on a one for one basis and may count toward the landscaping requirement in 3.c. below.
- b. Such facilities may be utilized to meet the buffer requirement if they meet the requirements of this Section.
- c. Such facilities shall be landscaped with a mixture of canopy and evergreen trees (spaced a minimum of 30 feet apart around the perimeter of the sediment pond).
- d. The interior slopes of all detention ponds shall be planted with turf grass (sod) or other suitable ground cover or shall be lined with a permanent material such as concrete as approved by the City Engineer.

- B. **General Site Design Standards.** The following standards shall apply to all sites governed by the provisions of this Section.

1. **Sign Standards** All signs for sites governed by this ordinance shall meet the provisions of Section 503, Sign Regulations of the Zoning Ordinance, except that:
  - a. For sites within Office, Institutional, Business, and Industrial Districts: One project identification sign is permitted along each street frontage, including the project name, logo and address as well as tenant names and trademarks or logos. Project identification signs shall be no greater than 35 feet in height. Signs for outparcels which have frontage along streets are permitted adjacent to the street, on the basis of one sign for each street which an outparcel has frontage on. Signs for outparcels shall be monument style signs, limited to a total height (including base) of 10 feet.
  - b. For sites in all Districts, where possible, building mounted signs (including but not limited to signs for individual tenants or businesses), shall be designed to be integral to and complement the architecture of the building facades (such as sign bands, “village” style projecting signs, awning signage, etc.) in order to create unity for the project and reduce clutter and confusion.
2. **Site Lighting** All external lighting fixtures on a site governed by this Section (including commercial parking lot lighting and building mounted lighting) shall be designed and located so as to reflect light

away from adjacent properties and away from required buffer areas. All lighting fixtures governed by this provision shall meet the following requirements:

- a. The light source (lamp) shall be concealed within an opaque housing and shall not be visible from adjacent properties;
- b. Fixtures must be mounted in such a manner that the cone of light from the light source does not cross any property line of the site.

3. **Screening of Loading and Trash Storage (Dumpster) Areas.**

Loading and/or trash storage areas (including truck backing and maneuvering areas) are strongly encouraged to be located on the opposite sides of buildings or sites away from adjacent properties with less intense uses, particularly residential properties. If loading and/or trash storage areas are so located, then the requirements for screening in Section 504 Regulations for Off-Street Parking and Loading and 505 Tree Protection and Landscaping Requirements shall be met. Where a loading and/or trash area is within 200 feet of the property line of any adjacent property (unless the loading and/or trash area is completely screened from the adjacent property by a building mass) and where a bufferyard 3 or greater is required, in order to provide effective acoustic and visual screening the following requirements shall be met:

- a. All loading docks and trash storage areas shall be screened by a masonry wall a minimum of eight feet in height (measured from the finished grade of the loading and trash storage area) located adjacent to the loading dock and trash storage area and between them and the adjacent property to be screened. This wall may be incorporated with a required bufferyard wall if appropriate. Also, a combination of earth berm and wall which combined achieve a minimum height of eight feet may be used to meet this requirement.
- b. The loading and/or trash storage areas (including truck backing and maneuvering areas) shall also be screened from any adjacent residential properties by a continuous row of evergreen plantings of a type which will attain a minimum height of ten feet within 3 years of planting (such as leyland cypress, eastern red cedar, foster holly, American holly, etc). Trees required to meet a bufferyard requirement may be utilized to meet this requirement.
- c. In addition, in order to provide for acoustical screening at the source of noise originating from large loading facilities, loading docks for any buildings or tenant lease spaces greater than 75,000 square feet in total floor area shall be screened by recessing the base of the loading dock below grade and adding a masonry, concrete or concrete block wall immediately next to the dock and storage area, so that the top of the wall is at least as high as a typical truck when it is placed at the dock (typically at least 10 feet high) and which extends out from the side of the building at least the length of a typical tractor trailer rig. This wall shall be required in addition to any wall required as part of a bufferyard requirement.
- d. The loading and/or trash storage areas (including truck backing and maneuvering areas and any service or access roads providing

access to loading and/or trash storage areas) shall not be located within the bufferyard areas.

4. **Architectural Scale and Detailing** In order to mitigate the negative effect of large monolithic structures with undifferentiated architecture, in order to create a positive, human scale appropriate both to pedestrian use and to surrounding residential areas and other less intense uses, to enhance the economic health of the city through the construction of long lasting structures made of durable materials, and in order to create a positive image of the City of Spartanburg through design excellence, the architecture of buildings on development sites governed by this Section shall include the exterior use of materials such as brick and other masonry products, architectural detailing, varied roof lines and window areas where appropriate at the first floor level.
  - a. **Criteria for Approval:** All buildings in the proposed development shall incorporate the following requirements:
    1. Exterior materials shall be durable and of high quality. Brick, stone, cast stone, high quality pre cast concrete block such as decorative concrete block or split block are encouraged, particularly facing public areas (including customer, tenant and public parking areas and the public right of way). Non-durable materials such as thin layer synthetic stucco products shall not be used within 8 feet of ground level unless specially reinforced or located away from pedestrian and/or vehicular traffic.
    2. The roofline of building facades which face public areas (including customer, tenant and public parking areas and the public right of way) shall be designed to include treatments such as pitched roofs, gables, chimneys or raised features in order to provide interest and avoid the monotony of undifferentiated rooflines.
    3. All facades of all buildings in the proposed development facing public areas (including customer, tenant and public parking areas and the public right of way) shall include architectural details such as banding, base elements, cornice lines, decorative bays, balconies, column treatments, pedestrian arcades, decorative window treatments and/or architectural fenestration intended to relieve blank and undifferentiated facades. Long facades shall be varied by the use of setbacks or other articulation. Rear and side facades shall be designed to be compatible in color, materials and detailing with the public facing facades.
    4. All rooftop equipment shall be screened from pedestrian view from adjacent right of ways and neighboring properties using durable architectural materials

compatible with the building's exterior.

5. New construction on sites governed by this ordinance shall respect the scale and character of adjacent uses (particularly less intense uses) in order to achieve a development that is compatible with surrounding streets and adjacent uses, is integrated with the physical character of the existing community and contributes to it in a positive way. This shall be accomplished through building scale and siting that: provides for a relationship of building heights to adjacent uses; includes attention to the preservation of views from adjacent properties; does not create dramatic changes in elevation relative to adjacent properties without also mitigating those changes in elevation; and by the choice of façade materials and architectural detailing which relates to existing adjacent development and which helps to minimize the apparent size and bulk of new buildings. Where new construction includes increases in elevation above the existing grade created by grading or earthmoving on the site and results in height which is higher in elevation than the existing adjacent streets, then additional landscaping, terracing or berming may be required in the bufferyard areas adjacent to that portion of the new construction which is higher than the adjacent streets in order to effectively screen the new construction. Architectural treatment of proposed retaining walls over six (6) feet in height is required in order to visually break up the mass of the wall. This shall be accomplished by the use of durable architectural materials such as precast concrete block, brick or similar products and the creation of terraces and setbacks of varied depth.
6. In addition, the following shall be required:
  - A. A minimum of 60% of all of the exterior first floor facades of all buildings containing institutional, commercial, office, and industrial uses (as listed in Section 303.5 of the Zoning Ordinance) in the proposed development which face public areas (including customer, tenant and public parking areas and the public right of way) shall be constructed of brick, stone, cast stone, or masonry products such as split block or decorative concrete unit blocks (untreated or painted concrete block or thin layer synthetic stucco shall not count toward this requirement).
  - B. Weather protection for pedestrians in the form of pedestrian arcades, awnings or appropriate architectural treatment shall be provided for those portions of the first floor facades of all buildings in the proposed development containing commercial

- and/or office uses as listed in Section 303.5 of the Zoning Ordinance and facing areas where there is intended to be pedestrian use and access to buildings (including customer, tenant and public parking areas, sidewalks adjacent to buildings and pedestrian entrances).
- C. A minimum of 33% of the total surface area of the first floor façades which face public areas (including customer, tenant and public parking areas and the public right of way) of each tenant lease space of all commercial and office uses (as listed in Section 303.5 of the Zoning Ordinance) in the proposed development shall consist of windows and/or doors. Façade area used for windows and doors may be included in the 60% façade materials requirement in A. above.
- b. **Alternate Approval Process:** The developer may request that the requirements of Section 513.62.B.4 Architectural Scale and Detailing be modified by approval of an alternate scheme in conformance with Section 513.52.C Approval of Alternate Plans. In addition to the requirements of Section 513.52.C, the alternate scheme shall contain the following:
- i. A written justification explaining in detail how the proposal meets the spirit and intent of Section 513.52.C and 513.62.B.4.
  - ii. Provide colored elevations to scale of the proposed building facades and samples of proposed materials.
  - iii. A written justification of the proposal based on the functional requirements of the building uses (for example: modification of window requirement is based on a functional requirement relating to building use) as well as a justification of materials choices based on their functional use (for example: façade materials chosen at ground level will withstand normal impacts from pedestrians).
  - iv. Above requirements i through iii to be provided for the required presentation to Planning Commission in Section 513.52.B above.
5. **Pedestrian Amenities.** It is strongly encouraged that each project include areas for outside use, including outside sitting or walking areas, play areas, outdoor dining areas associated with restaurants, coffee shops, or fast food restaurants, etc.
6. **Development Ratio.** A development ratio is required for any proposed outparcels with street frontage which governs their number related to the size of the larger site. This development ratio is determined by the amount of street frontage available for use by outparcels. No more than one outparcel along any street shall be permitted for each 200 feet of continuous street frontage on that street,

after all drive entrances on such frontage have been subtracted out. There must be at least 200 feet of street frontage on any given street to support each outparcel on that street. The following examples are provided as illustrations of this ratio: for instance, if there are 235 feet of street frontage, only one outparcel shall be permitted, and if there are 420 feet of site frontage, then two outparcels will be permitted. Outparcels on the interior of the site with no street frontage are not governed by this requirement.

**513.7 Standards for Super Sites** The following standards shall apply to any sites 30 acres and above which are governed by this Section, in addition to the standards given above.

- A. **Requirements for Preservation of Natural Topography and Vegetation and Provision of Created Open Space.** The development of large tracts of land typically removes a large proportion of the natural topography and vegetation of the property and decreases open space within the community. Therefore, it is the intent of this Section to provide standards designed to help mitigate the loss of open space to the community from large sites by, where possible, preserving natural topography and vegetation and creating new open space (see Section 513.2, Definitions).
1. **Percentage of Site Area.** When reviewing proposals on Super Sites, staff shall utilize the following standards to achieve the intent of this provision: A total of ten percent (10%) of the total site area shall be either kept in its natural state in order to preserve areas of natural topography and vegetation or shall result in created open space so that the total of significant natural topography and vegetation retained and created open space totals ten percent of the total site area excluding any area in public right of way. That portion of required bufferyards that preserve existing topography and vegetation may be used to satisfy this requirement.
- B. **Undergrounding of Utilities.** In order to enhance the aesthetic character of major traffic corridors and provide a positive image of the City of Spartanburg, applicants are strongly encouraged to place underground all aerial utility wires along the street frontages and margins of a site.
- C. **Parking Ratio** In order to reduce the amount of impervious surface created by the development or redevelopment of large tracts of land, the required parking ratio for retail uses on sites governed by this Section may be reduced to 4 parking spaces per 1,000 square feet of gross floor area.

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Figure 1

### MAJOR ENTRANCE DRIVE AND LANDSCAPING REQUIREMENTS (Example)

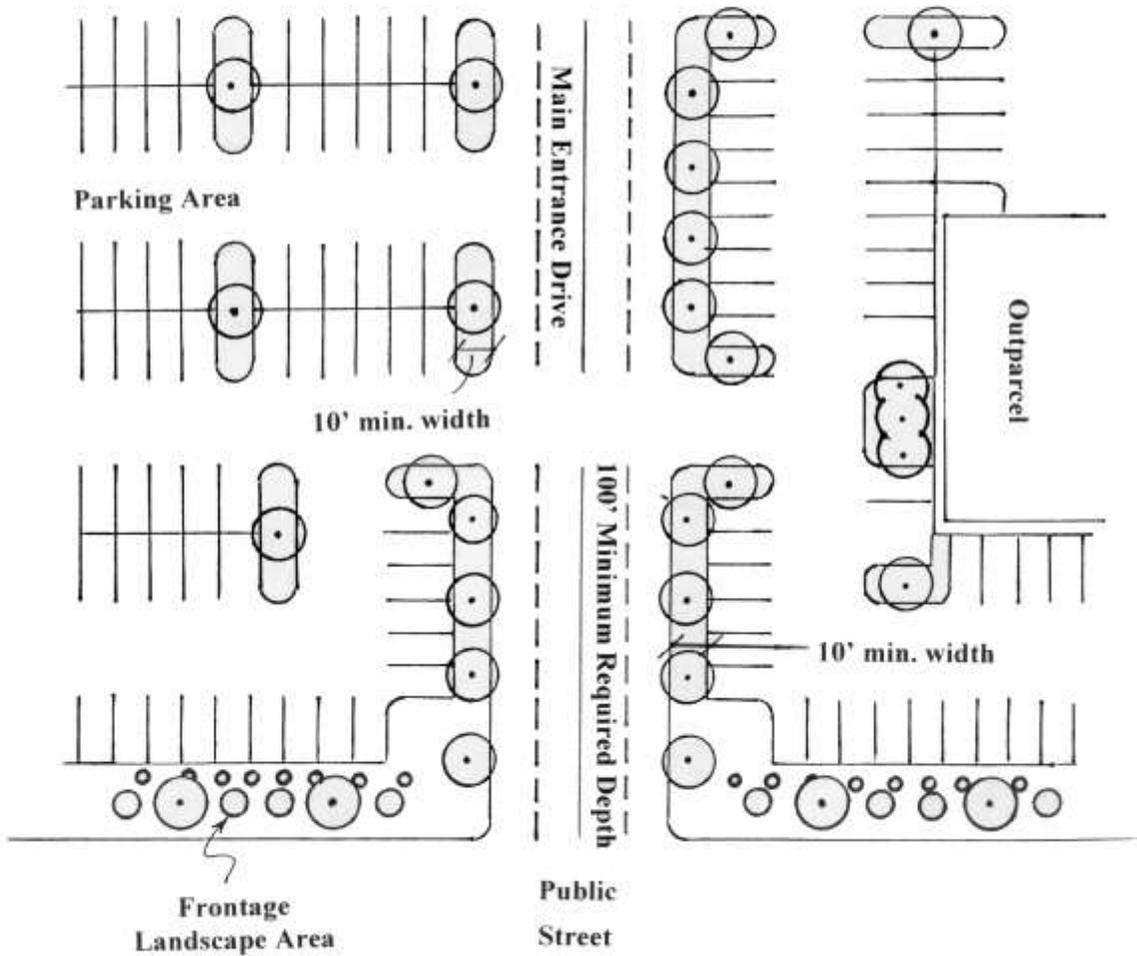
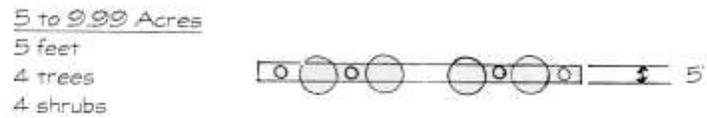
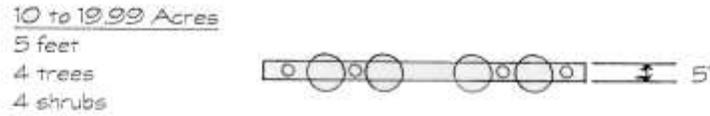
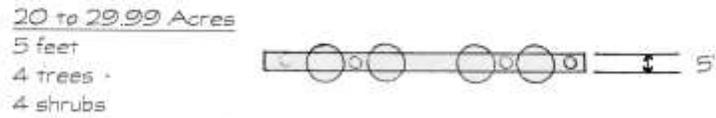
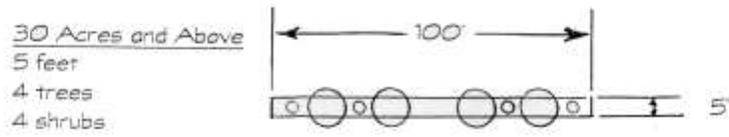


Figure 2

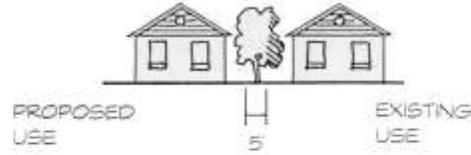


Up to 4.99 Acres  
 No Requirements

BUFFERYARD O

Figure 2 Continued

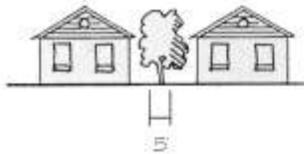
30 Acres and Above  
5 feet wide, 4 trees, 4 shrubs



20 to 29.99 Acres  
5 feet wide, 4 trees, 4 shrubs



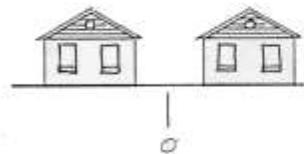
10 to 19.99 Acres  
5 feet wide, 4 trees, 4 shrubs



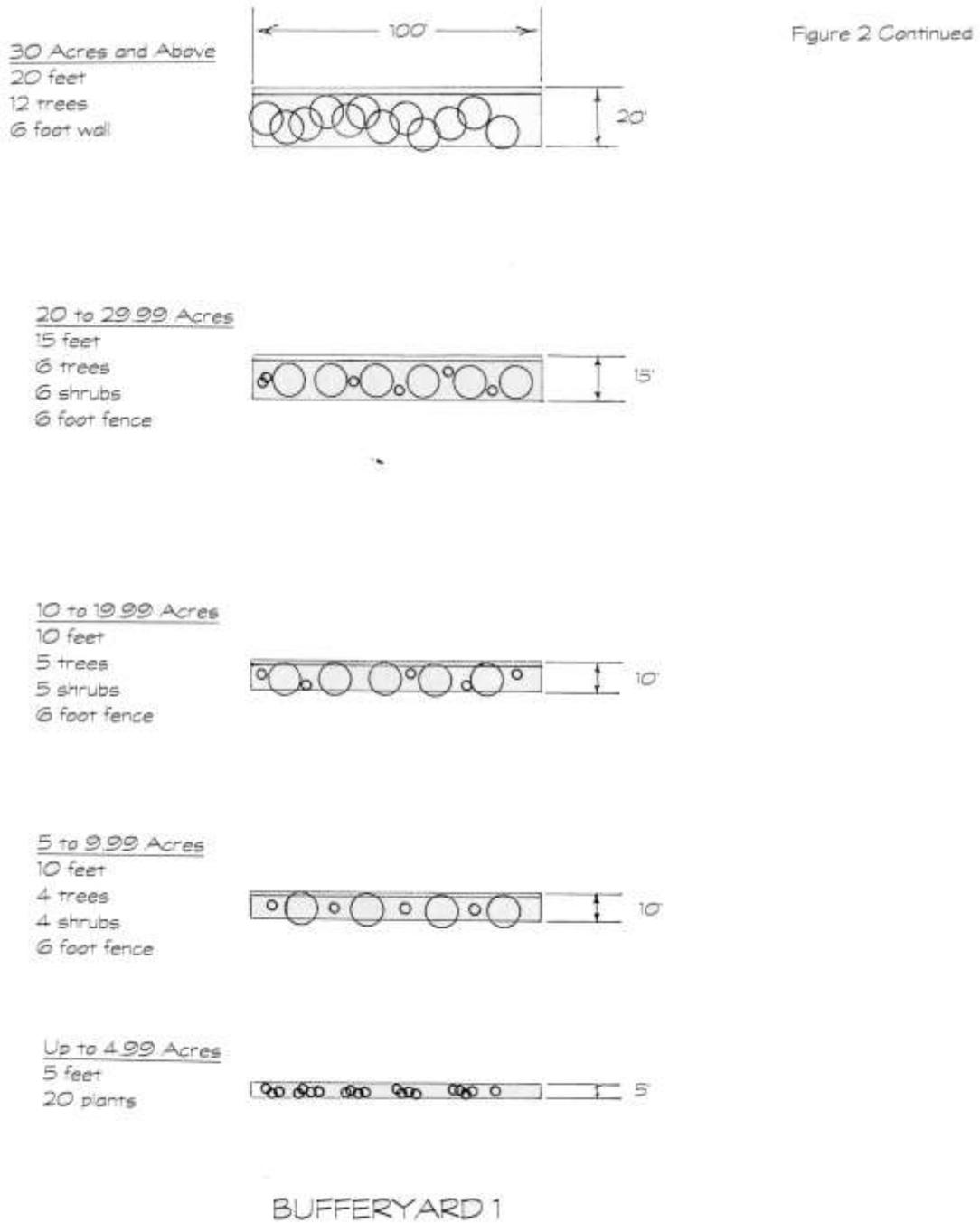
5 to 9.99 Acres  
5 feet wide, 4 trees, 4 shrubs



Up to 4.99 Acres  
No bufferyard required



BUFFERYARD 0



30 Acres and Above  
20 feet wide, 12 trees, 6 foot wall

Figure 2 Continued



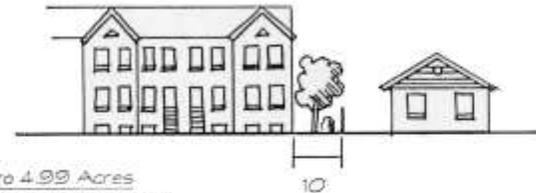
20 to 29.99 Acres  
15 feet wide, 6 trees, 6 shrubs, 6 foot fence



10 to 19.99 Acres  
10 feet wide, 5 trees, 5 shrubs, 6 foot fence



5 to 9.99 Acres  
10 feet wide, 4 trees, 4 shrubs, 6 foot fence

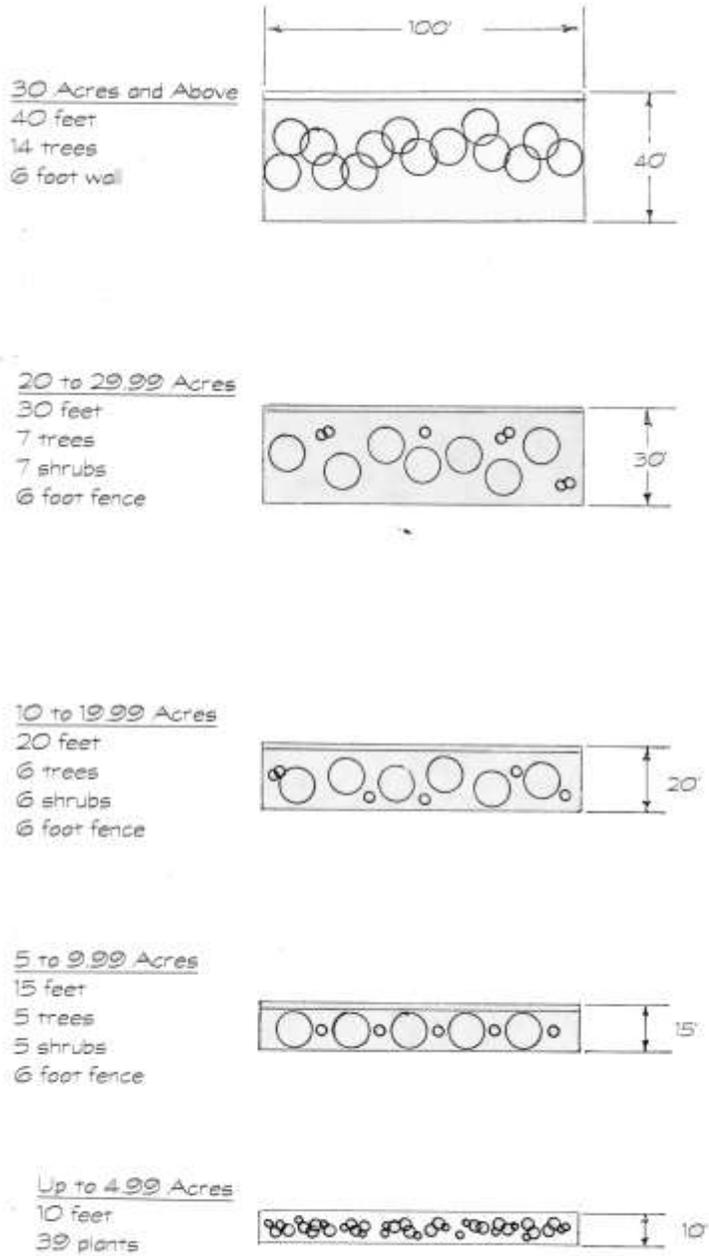


Up to 4.99 Acres  
5 feet wide, 20 plants



BUFFERYARD 1

Figure 2 Continued

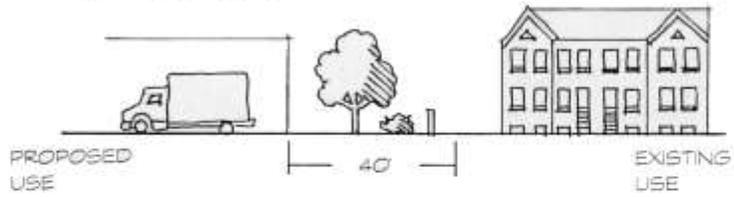


BUFFERYARD 2

30 Acres and Above

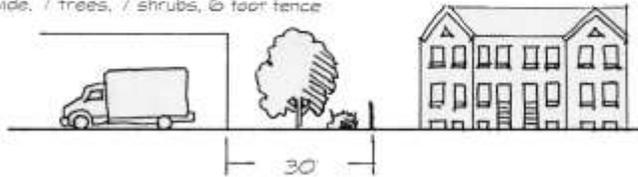
40 feet wide, 14 trees, 6 foot wall

Figure 2 Continued



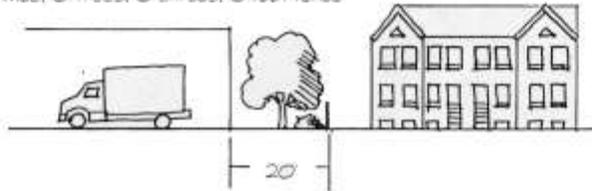
20 to 29.99 Acres

30 feet wide, 7 trees, 7 shrubs, 6 foot fence



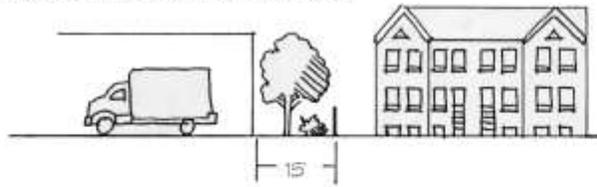
10 to 19.99 Acres

20 feet wide, 6 trees, 6 shrubs, 6 foot fence



5 to 9.99 Acres

15 feet wide, 5 trees, 5 shrubs, 6 foot fence



Up to 4.99 Acres

10 feet wide, 39 plants



BUFFERYARD 2

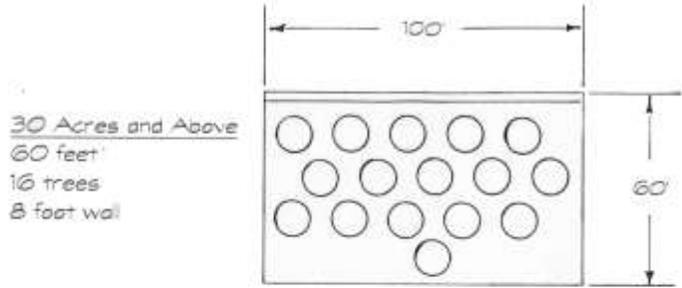
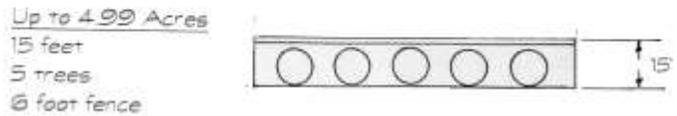
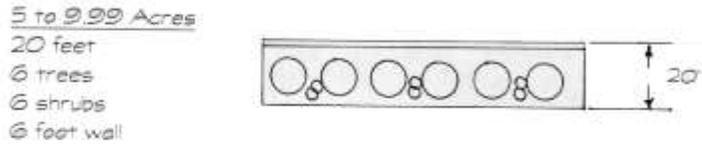
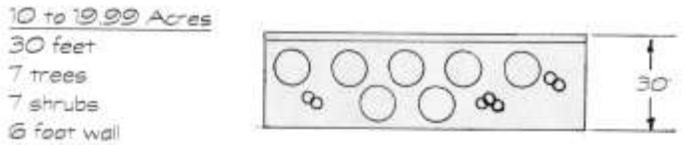
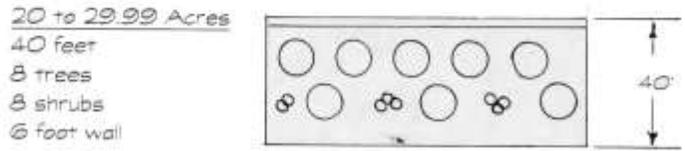


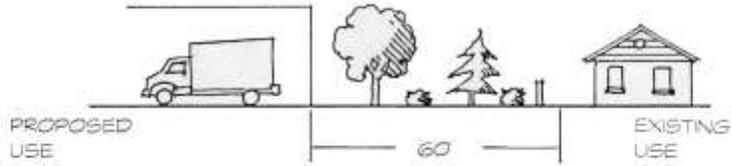
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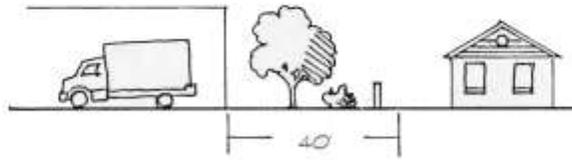
BUFFERYARD 3

30 Acres and Above  
60 feet wide, 16 trees, 8 foot wall

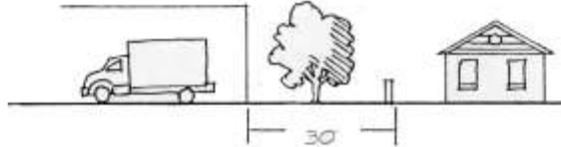
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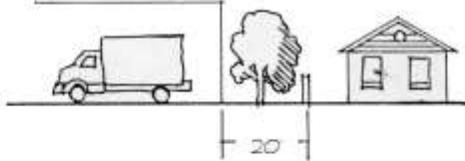
20 to 29.99 Acres  
40 feet wide, 8 trees, 8 shrubs, 6 foot wall



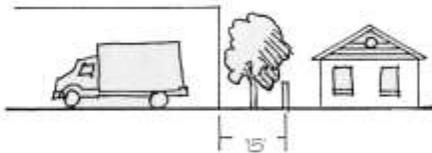
10 to 19.99 Acres  
30 feet wide, 7 trees, 7 shrubs, 6 foot wall



5 to 9.99 Acres  
20 feet wide, 6 trees, 6 shrubs, 6 foot wall



Up to 4.99 Acres  
15 feet wide, 5 trees, 6 foot fence



BUFFERYARD 3

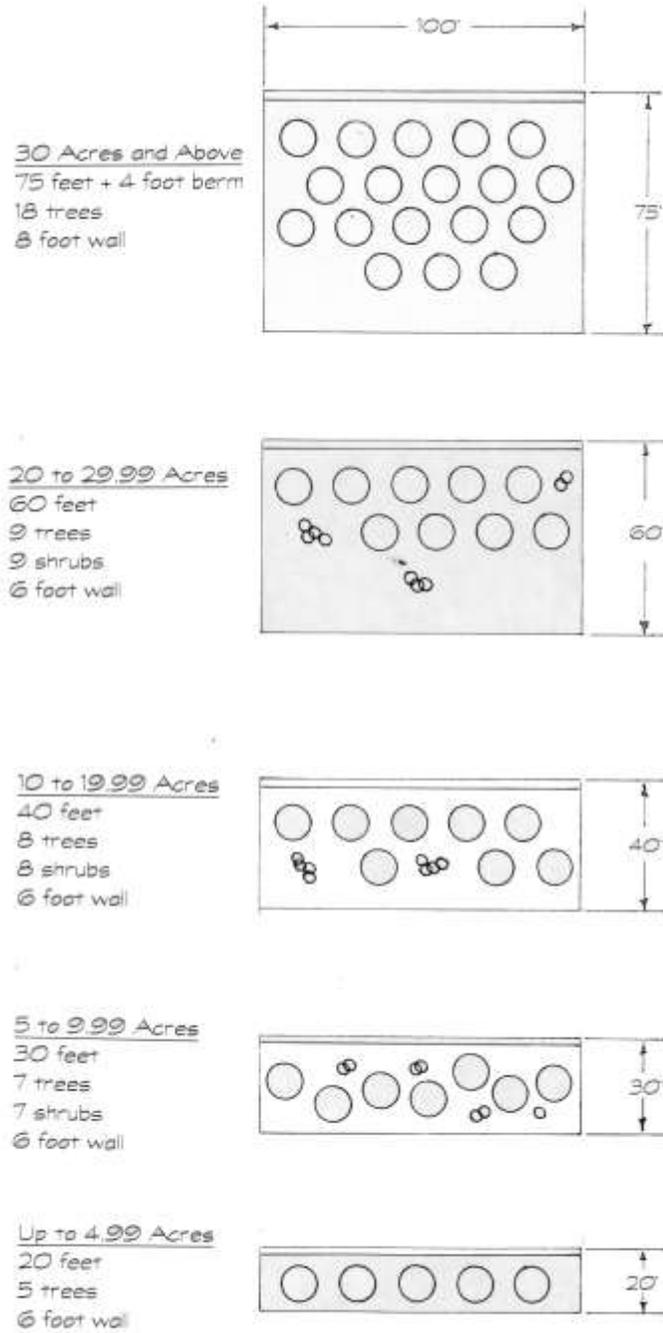
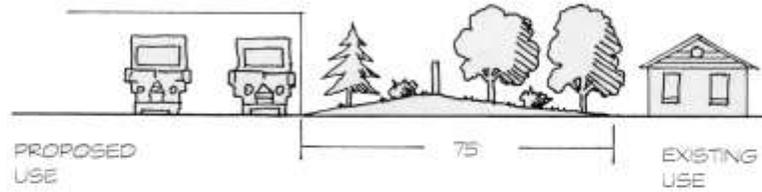


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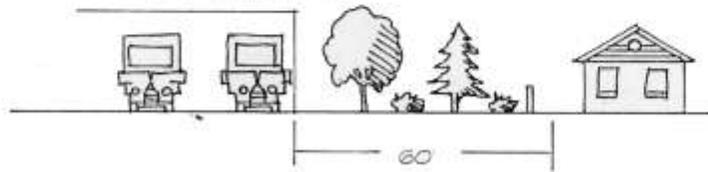
BUFFERYARD 4

Figure 2 Continued

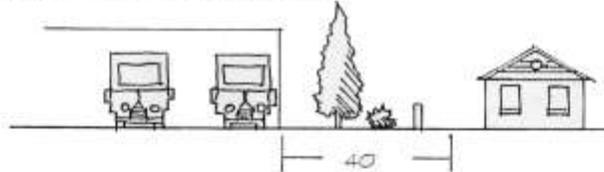
30 Acres and Above  
75 feet wide + 4 foot berm, 18 trees, 8 foot wall



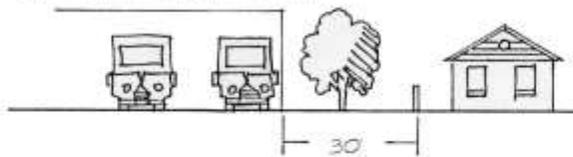
20 to 29.99 Acres  
60 feet wide, 9 trees, 9 shrubs, 6 foot wall



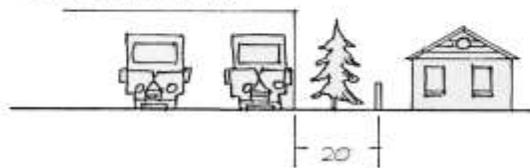
10 to 19.99 Acres  
40 feet wide, 8 trees, 8 shrubs, 6 foot wall



5 to 9.99 Acres  
30 feet wide, 7 trees, 7 shrubs, 6 foot wall



Up to 4.99 Acres  
20 feet wide, 5 trees, 6 foot wall



BUFFERYARD 4

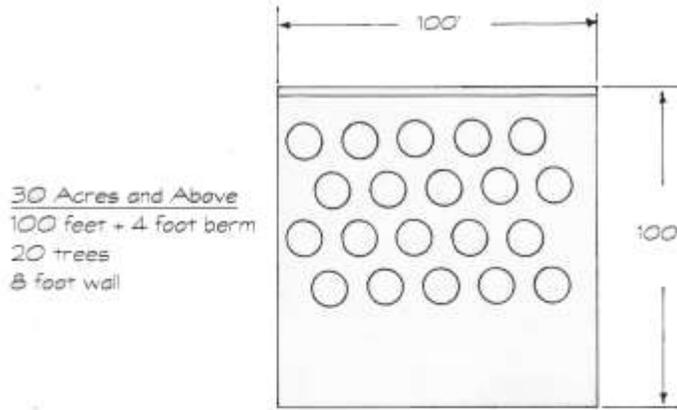
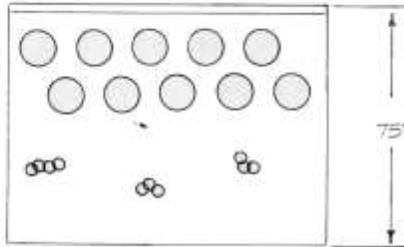
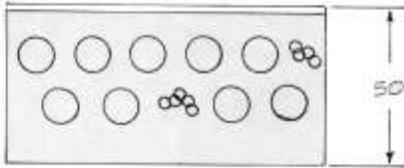


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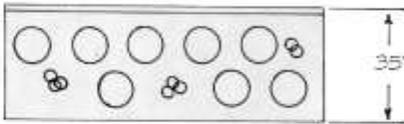
20 to 29.99 Acres  
75 feet  
10 trees  
10 shrubs  
6 foot wall



10 to 19.99 Acres  
50 feet  
9 trees  
9 shrubs  
6 foot wall



5 to 9.99 Acres  
35 feet  
8 trees  
8 shrubs  
6 foot wall

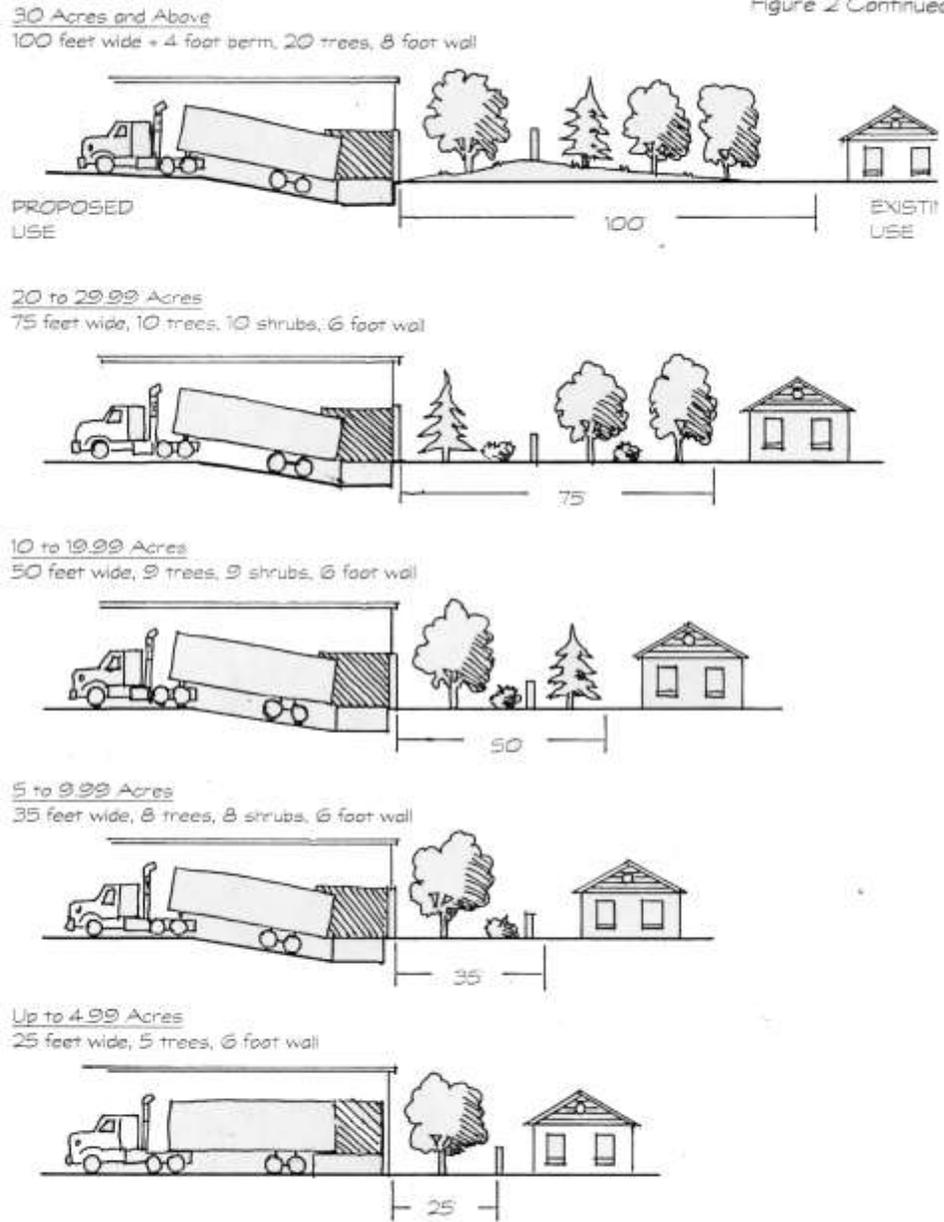


Up to 4.99 Acres  
25 feet  
5 trees  
6 foot wall



BUFFERYARD 5

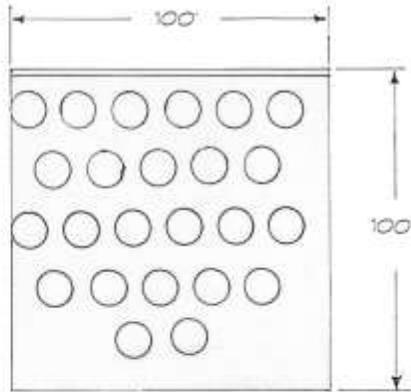
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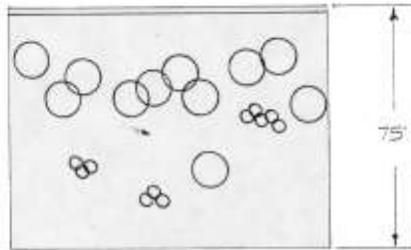
BUFFERYARD 5

Figure 2 Continued

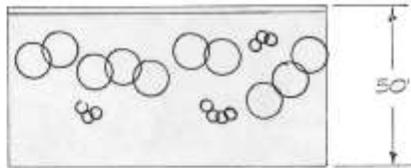
30 Acres and Above  
 100 feet + 4 foot berm  
 24 trees  
 8 foot wall



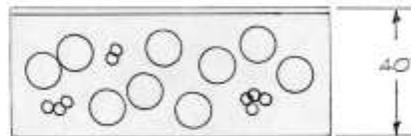
20 to 29.99 Acres  
 75 feet  
 11 trees  
 11 shrubs  
 6 foot wall



10 to 19.99 Acres  
 50 feet  
 10 trees  
 10 shrubs  
 6 foot wall



5 to 9.99 Acres  
 40 feet  
 9 trees  
 9 shrubs  
 6 foot wall



Up to 4.99 Acres  
 30 feet  
 5 trees  
 6 foot wall

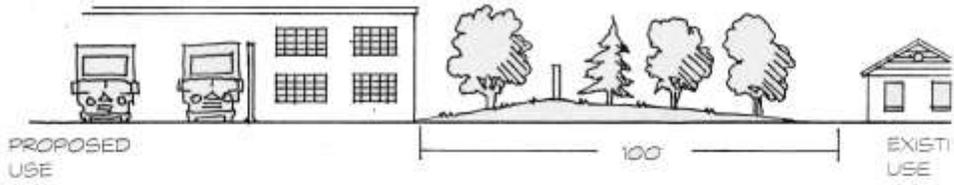


BUFFERYARD 6

30 Acres and Above

100 feet wide + 4 foot berm, 24 trees, 8 foot wall

Figure 2 Continued



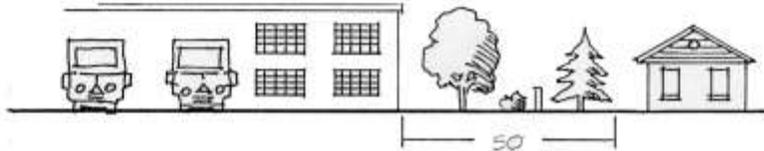
20 to 29.99 Acres

75 feet wide, 11 trees, 11 shrubs, 6 foot wall



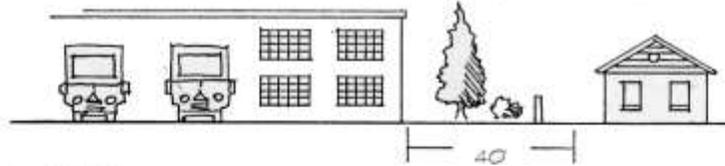
10 to 19.99 Acres

50 feet wide, 10 trees, 10 shrubs, 6 foot wall



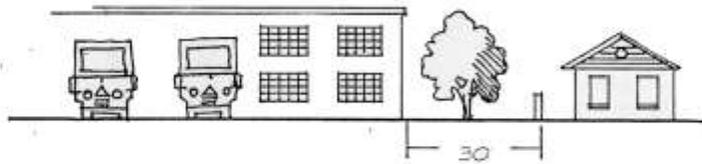
5 to 9.99 Acres

40 feet wide, 9 trees, 9 shrubs, 6 foot wall



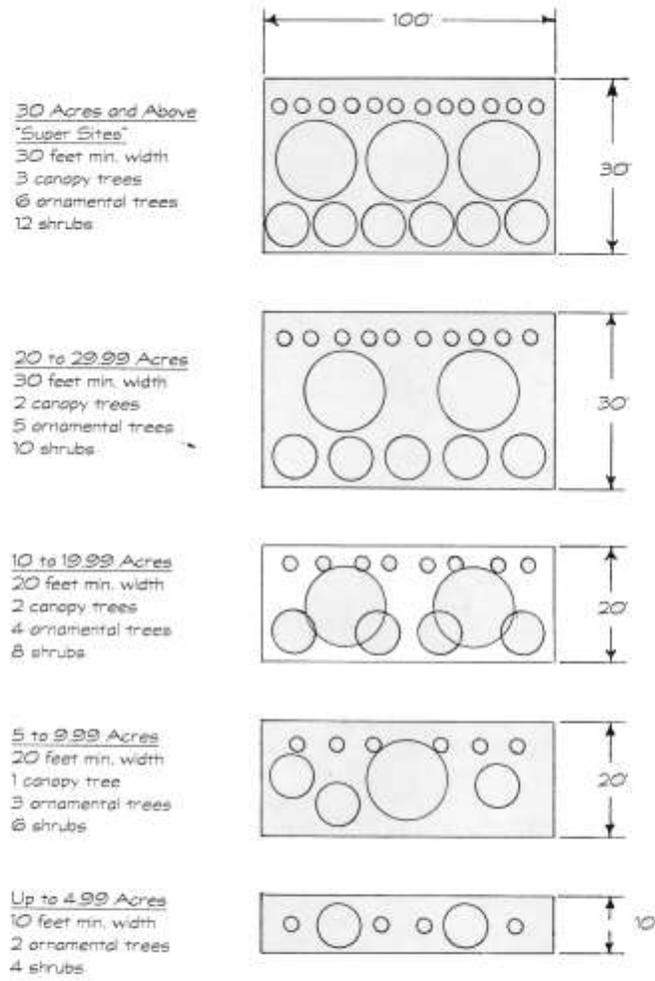
Up to 4.99 Acres

30 feet wide, 5 trees, 6 foot wall



BUFFERYARD 6

Figure 3



Frontage Landscaping

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§ 514 TATTOO & BODY PIERCING FACILITIES (\*) (\*\*)

514.1 Intent (\*\*)

The intent of this ordinance is to regulate tattoo and body piercing facilities within the City of Spartanburg in order to protect the public health, safety, morals and general welfare and to guard against the inception and transmission of disease. The City Council finds that stringent regulations governing tattooing and body piercing can minimize the disease risk and therefore protect the general health and welfare of the community.

514.2 Definitions (\*\*)

Tattooing means the indelible marking or coloring of the skin of a person by subcutaneous introduction of nontoxic dyes or pigments.

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

Body Piercing means the creation of an opening in the body of a human being so as to create a permanent hole for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow. “Body piercing” for the purpose of this chapter does not include piercing an ear lobe with a disposable, single-use, stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear lobe.

Body Piercing Facility means any room, space, location, area, structure, or business, or any part of any of these places, where body piercing is practiced or where the business of body piercing is conducted.

514.3 Application and Location (\*\*)

- 514.31 Tattoo and body piercing facilities are permitted only within Zone I-1 (Light Industrial District) and the Zone I-2 (Heavy Industrial District) subject to no tattoo and/or body piercing facility being located closer than one thousand (1,000) feet of:
- (a) A religious institution or church;
  - (b) A school or day care center;
  - (c) A boundary of a residential district;
  - (d) A property line of a lot containing a structure having a residential use;
  - (e) A public park, playground or recreation area;
  - (f) A public building;
  - (g) A youth activity center; and
  - (h) There shall be no establishment, substantial enlargement or transfer of ownership or operation of a tattoo and/or body piercing facility within one thousand (1,000) feet of another tattoo and/or body piercing facility.

\* (Amended – Added as a New Section by Council 4/25/05)

\*\* (Amended – Added Body Piercing and Body Piercing Facilities by Council 9/24/12)

514.32 Measurement of Distance (\*)

The distance between any two tattoo and/or body piercing facilities or between any tattoo and/or body piercing facility and any of the uses identified in Section 514.31 above shall be measured by following the shortest route of ordinary pedestrian or vehicular travel along public thoroughfares between the nearest points of the property lines of the pertinent premises.

514.33 Parking Requirements (\*)

Tattoo and/or body piercing facilities are required to provide adequate parking. These uses are required to have, at a minimum, two (2) parking spaces per operator station and one per each two employees on the largest shift.

514.4 Compliance with Chapter 34, Tattooing, Title 44 of the Code of South Carolina as amended

Any tattoo facility shall meet the requirements of Chapter 34, Tattooing, Title 44 of the 1976 Code of South Carolina as amended including but not limited to all licensing and operational requirements.

514.5 Compliance with Chapter 32, Body Piercing, Title 44 of the Code of South Carolina as amended (\*)

Any body piercing facility shall meet the requirements of Chapter 32, Title 44 of the 1976 Code of South Carolina as amended including, but not limited to, all licensing and operation requirements.

514.5 Appeals

Appeals of the requirements of this Section shall be to the Board of Zoning Appeals of the City of Spartanburg.

514.6 Violations

Any person violating any provision of this ordinance shall be upon conviction be guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or in prison for not more than thirty (30) days or such fine or prison term as is determined by the Department of Health and Environmental Control (DHEC) of the State of South Carolina, whichever is greater. Each day that the violation is continued shall constitute a separate offense.

514.7 Severability

If any subsection, sentence, clause, or phrase of this Section is, for any reason, declared invalid, such decision shall not affect the remaining portions of this Section.

\* (Amended – Added Body Piercing and Body Piercing Facilities by Council 9/24/12)

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# DT

## Downtown Code

DRAFT 06.04.2007  
REVISED 10-05-2010

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\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

## **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.

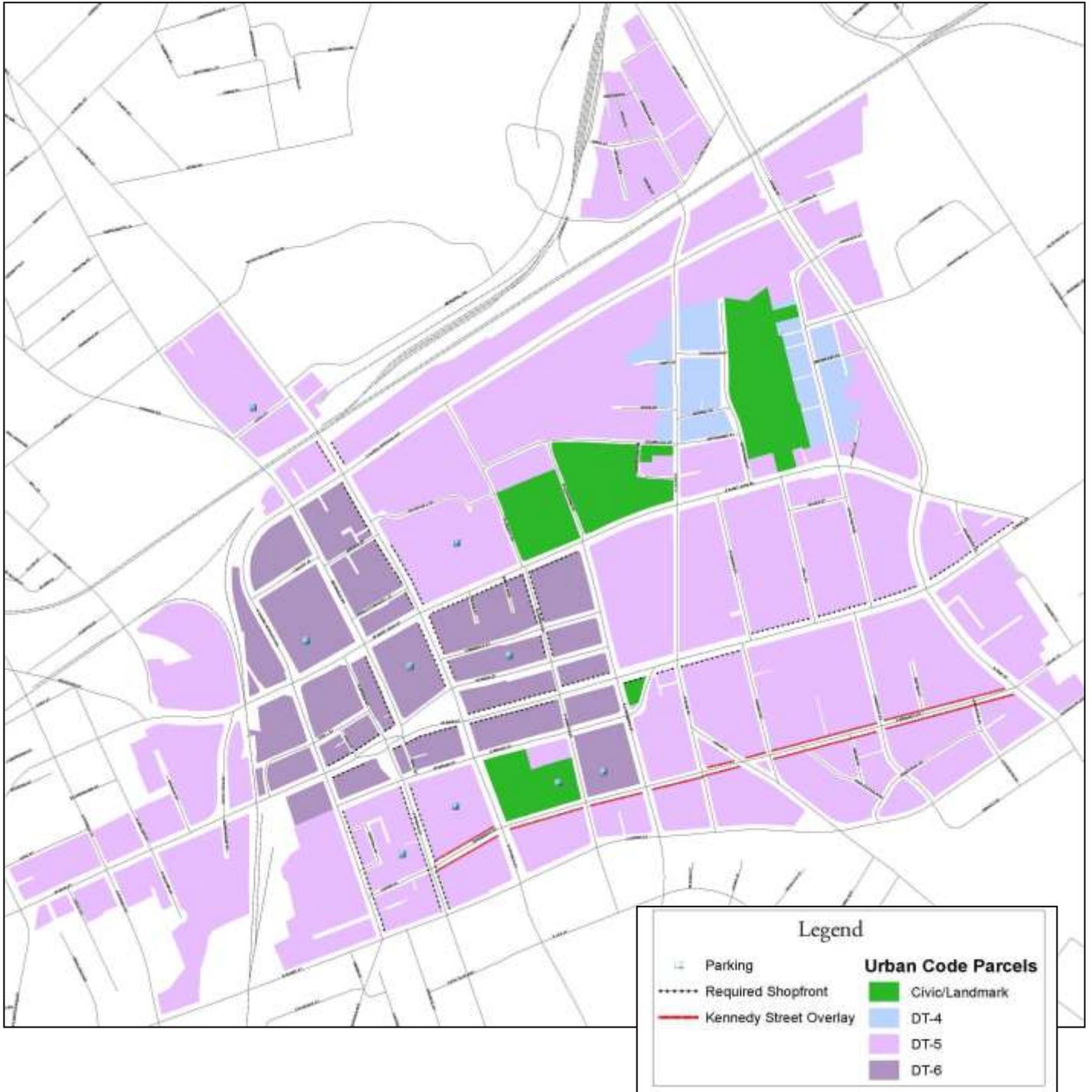
This code attaches the same or greater level of importance to the overall building design as is placed on the uses within the building in order to create a convenient and attractive community. Buildings added to Downtown should contribute to the long-term architectural vibrancy of the community for the 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 \*\*

*Spartanburg, SC*

## DOWNTOWN REGULATING PLAN



\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

## **DOWNTOWN CODE \*\***

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### ***Spartanburg, SC***

#### **515.2.0 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 2.2.2 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.

\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

# DOWNTOWN CODE \*\*

## Spartanburg, SC

### 2.1.6 APPLICABILITY

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

	3.3-3.5	4.2	5.2.2	6.0	7.2	8.0	9.0	
	Building Configuration	Required Shopfront	Dumpster Screening	Building Standards	Bicycle Parking	Streetscape & Site Landscaping	Signage	All Standards
<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>Parking Area Expansion</b>								
Minor : 4-24 Spaces			✓+		✓			
Major: 25 or more Spaces			✓+		✓	✓	✓	
<b>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: >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>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)								✓

### 2.2 DISCRETIONARY REVIEW & SPECIAL EXCEPTIONS

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

2.2.2 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 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.

\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

## **DOWNTOWN CODE \*\***

### **Spartanburg, SC**

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- 2.2.3** The following standards and requirements shall not be available for Discretionary Review. Any requested modifications to the following must be processed as Special Exceptions:
- a. Variations to Permitted Heights.
  - b. The requirements of parking location in DT-6.
  - c. The Required Shopfront Designation (Section 4.2).
- 2.2.4** 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.
- 2.2.5** A request for a Special Exception or Variance shall be heard and considered by the Board of Zoning Appeals in accordance with Section 603.5.

### **2.3 DESIGN REVIEW**

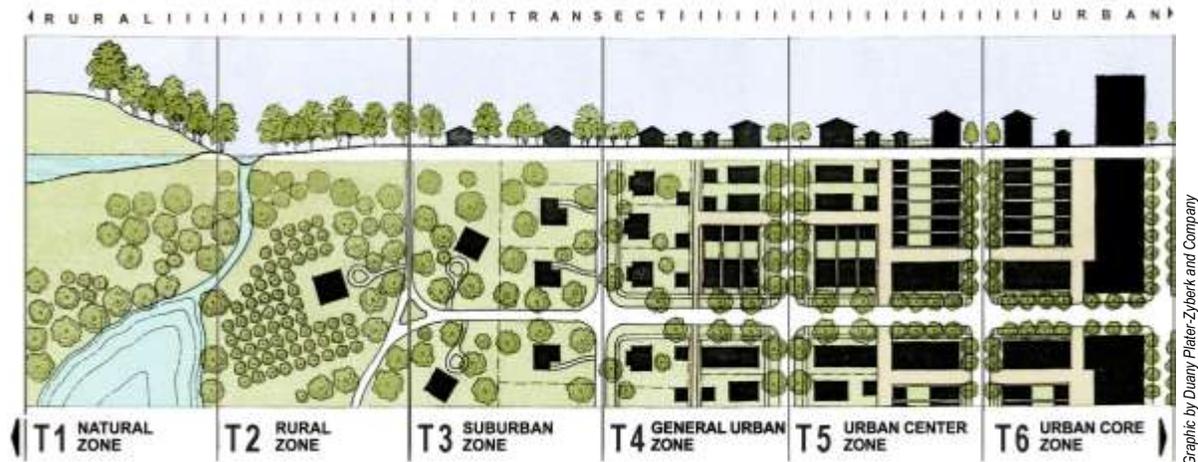
- 2.3.1** In addition to the requirements of 2.2 above, the Design Review Board has the following duties and responsibilities:
- a. To make advisory opinions to the Planning Director (if requested) on all projects proposed for construction or alteration under the purview of this Code.
  - b. To make final determinations on the compliance of all new construction applications in DT-6, 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
- 2.3.2 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).

## DOWNTOWN CODE \*\*

### Spartanburg, SC

#### 515.3.0 DISTRICT PROVISIONS

This ordinance has been prepared as a new District within the context of the existing zoning ordinance with three sub-districts or zones further defining the area. These districts have been established using the Transect as the fundamental organizing tool. The Transect is a method of classifying the natural and built environment as a continuum of six conditions, ranging from rural to urban. The value of the Transect is that it serves to locate any given place within a context in which all of the parts fit together harmoniously. The diagram below illustrates these conditions as they would apply to the entire City with environmentally areas that are permanently preserved for natural areas and the downtown that is supported first and foremost for human habitat.<sup>1</sup>



Downtown Districts

For example, a rural street typically has no curbs or sidewalks and its buildings look like farmhouses or barns. An urban street, depending on the intensity of urbanism, may have curbs and gutters, regularly placed street trees, sidewalks, and building forms that include common walls, flat roofs, and cornices. Each Transect zoning category has detailed provisions for each neighborhood, for density, height, street design, public space design, mix of uses, building design, parking, and other aspects of the human environment. For the purposes of this ordinance, only the most urban zones, the T4, the T5 and T6 were incorporated for use. They are noted on the regulating plan and zoning map as being sub-districts of the Downtown (D) District. These zones can be best characterized as follows:

- D-T4:** The urban neighborhoods that surround or are integral to the downtown area.
- D-T5:** The gateway corridors and blocks surrounding the downtown core.
- D-T6:** The core of the downtown area with the highest level of pedestrian activity and urbanism.

<sup>1</sup> At this time, the above illustration is only applied to the Downtown District as shown on the Downtown Regulating Plan.

## **DOWNTOWN CODE \*\***

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### ***Spartanburg, SC***

#### **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 use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land-Based Classification Standards ("LBCS") of the American Planning Association [Reference: <http://www.planning.org/lbcs/index.html>]. The use shall be considered materially similar if it falls within the same LBCS classification and meets the requirements of subsection b below.
  - b. 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 (7th ed., 2003, or as amended)(the "ITE Manual"), which document is hereby incorporated by this reference. If the trip generation is not listed in the ITE 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.
- 3.1.3** In order to assist in interpretation of the Use Matrix, the LBCS numbers where applicable are enumerated. In interpreting the Use Matrix, the following rules of construction shall apply:
- a. If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar LBCS code number. The numbers increase as the classifications get more specific.
  - b. Some uses are listed separately, but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the Downtown districts as the others simply because they fall within the same LBCS classification.

# DOWNTOWN CODE \*\*

## Spartanburg, SC

### 3.1.4 Use Standards by Zone

BASE DISTRICT	DT4	DT5	DT6	Special Regulations
<b>Residential</b>				
Dwelling-Single Family	P	P	P	
Dwelling-Two Family	P	P	P	
Dwelling-Multi-Family	P	P	P	
Dwelling-Secondary	P	PS		See Section 3.2.4
Home Occupation	P	P	P	See Section 302.6
Housing Service for the Elderly	P	P	P	
Live-Work Units	PS	PS	PS	See Section 3.2.7
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	P	P	
Child/Adult Day Care Center (6 or more persons)	SE	P	P	
Community Service Organization		P	P	
Drive Thru Facility for Service Uses		PS	PS	See Section 3.2.3
Equipment Rental				
Funeral Homes		P	P	
Homes for Handicapped (serving 9 or fewer)	PS	PS	PS	See Section 3.2.5
Laundry Services		PS	PS	See Section 3.2.6
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 – 15,001sf – 50,000 sf		P	P	
General Retail – Greater than 50,000 sf			SE	
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 3.2.11

**P** Permitted

**PS** Permitted subject to Supplemental Use Standards

**SE** Special Exception Required

**Boxes with no designation signify that the use is prohibited**

# DOWNTOWN CODE \*\*

## Spartanburg, SC

BASE DISTRICT	DT4	DT5	DT6	Special Regulations
<b>Entertainment/Recreation</b>				
Amusements, Indoor		P	P	
Amusements, Outdoor				
Recreation Facilities, Indoor	SE	P	P	
Recreation Facilities, Outdoor	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 3.2.8
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	P	P	
Campground				
Cemetery	P	P	P	
Colleges/Universities	P	P	P	
Cultural or Community Facility	SE	P	P	
Government Office	P	P	P	
Hospital		P	P	
Public Safety Station	P	P	P	
Religious Institutions	P	P	P	
Schools	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	
Wireless Telecommunication Facility - Tower	SE	SE	SE	
Utilities – Class 1	P	P	P	
Utilities – Class 2	P	P	P	
Utilities – Class 3				

**P** Permitted

**PS** Permitted subject to Supplemental Use Standards

**SE** Special Exception Required

**Boxes with no designation signify that the use is prohibited**

## **DOWNTOWN CODE \*\***

### **Spartanburg, SC**

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#### **3.2 Additional Requirements for Certain Uses**

##### **3.2.1 Automated Teller Machine (ATM) (Applicable to DT-6 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 DT-5 or DT-6 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 3d).

##### **3.2.4 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.
- g. The owner must occupy the primary dwelling unit.

## **DOWNTOWN CODE \*\***

### **Spartanburg, SC**

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

- a. No new family care home is permitted within a one-half mile radius of an existing family care home.
- b. The single family detached dwelling unit containing the family care 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 family care homes must be separated from existing family childcare 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.

#### **3.2.6 Laundry Services**

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

#### **3.2.7 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.

#### **3.2.8 Manufacturing, Light**

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

#### **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 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.

## **DOWNTOWN CODE \*\***

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### ***Spartanburg, SC***

- 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.

# DOWNTOWN CODE \*\*

## Spartanburg, SC

### 3.3

### D-T4

#### 3.3.1 BUILDING HEIGHT

- a. Principal Building 3 stories max.
- b. Outbuilding 2 stories max.

#### 3.3.2 BUILDING TYPE

(See Table 1)

- a. Edgeyard permitted
- b. Sideyard permitted
- c. Rearyard permitted
- d. Courtyard prohibited

#### 3.3.3 BUILDING STANDARDS

- a. Front Setback 6 ft min.\*\*  
18 ft max.
- b. Corner Lot Side 6 ft min.\*\*
- c. Side Setback 0 ft\*\*
- d. Rear Setback 3 ft min.\*\*
- e. Frontage Buildout
- f. Lot Coverage 70% max.

#### 3.3.4 OUTBUILDING STANDARDS

- a. Front Setback 20 ft min.  
behind bldg  
frontage line
- b. Side Setback 0 ft or 3 ft\*\*
- c. Rear Setback 3 ft or 15 ft\*\*\*

#### 3.3.5 PRIVATE FRONTAGES

(See Table 2)

- a. Common Lawn permitted
- b. Porch & Fence permitted
- c. Terrace or L.C. permitted
- d. Forecourt permitted
- e. Stoop permitted
- f. Shopfront/Awning prohibited
- g. Gallery prohibited
- h. Arcade prohibited

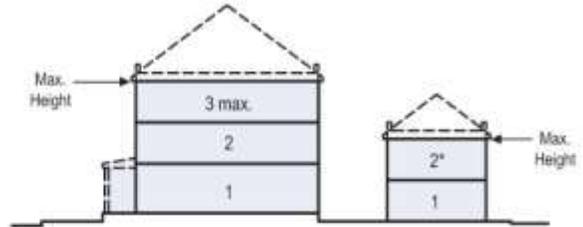
\* For infill buildings, the front and side setbacks must be consistent with the adjacent lots

\*\* Additional setbacks in accordance with the Building Code may apply

\*\*\* From face of garage to centerline of alley to accommodate standard turning radius

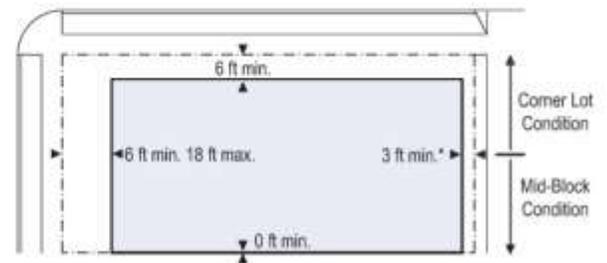
#### BUILDING HEIGHT

1. Building height shall be limited by the number of stories indicated in accordance with Section 3.6.



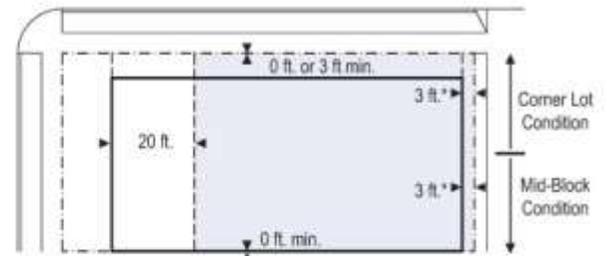
#### BUILDING STANDARDS

1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
2. Building shall have facades along principal frontage lines and elevations along lot lines (see Table 4B)



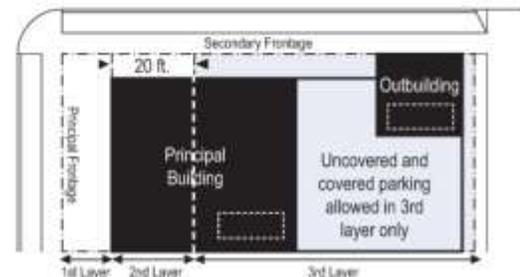
#### OUTBUILDING PLACEMENT

1. The elevations of the outbuilding shall be distanced from the lot lines as shown.



#### PARKING PROVISIONS

1. Uncovered parking spaces may be provided within the 3rd Layer as shown in the diagram (see Table 4D).
2. Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 4D).
3. Trash containers shall be stored within the 3rd Layer.



\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

# DOWNTOWN CODE \*\*

## Spartanburg, SC

### 3.4

### D-T5

#### 3.4.1 BUILDING HEIGHT

- a. Principal Building 2 stories min.  
6 stories max.  
(10 stories max with DRB approval\*)
- b. Outbuilding 2 stories max.

#### 3.4.2 BUILDING TYPE

(See Table 1)

- a. Edgeyard prohibited
- b. Sideyard permitted
- c. Rearyard permitted
- d. Courtyard permitted

#### 3.4.3 BUILDING STANDARDS

- a. Front Setback 0 ft min.  
12 ft max.\*\*
- b. Corner Lot Side. 0 ft min.  
12 ft max.\*\*
- c. Side Setback 0 ft  
24 ft max.\*\*
- d. Rear Setback 0 ft\*\*
- e. Frontage Buildout 60% except in  
(see Table 3e) Kennedy St  
Overlay – n/a
- f. Lot Coverage 100% max.

#### 3.4.4 OUTBUILDING STANDARDS

- a. Front Setback 40 ft max.  
from rear  
property line
- b. Side Setback 0 ft or 3 ft\*\*
- c. Rear Setback 3 ft or 15 ft\*\*

#### 3.4.5 PRIVATE FRONTAGES

(See Table 2)

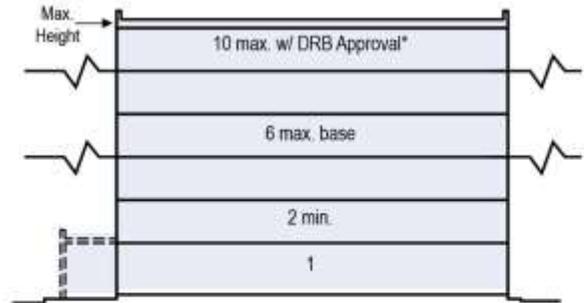
- a. Common Lawn prohibited
- b. Porch & Fence prohibited
- c. Terrace or L.C. permitted
- d. Forecourt permitted
- e. Stoop permitted
- f. Shopfront/Awning permitted
- g. Gallery permitted
- h. Arcade permitted

\* See Section 3.7 for list of incentives to permit additional height.

\*\* Additional setbacks in accordance with the Building Code may apply

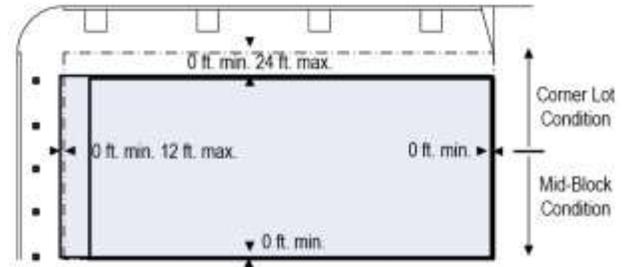
#### BUILDING HEIGHT

1. Building height shall be limited by the number of stories indicated in accordance with Section 3.6.



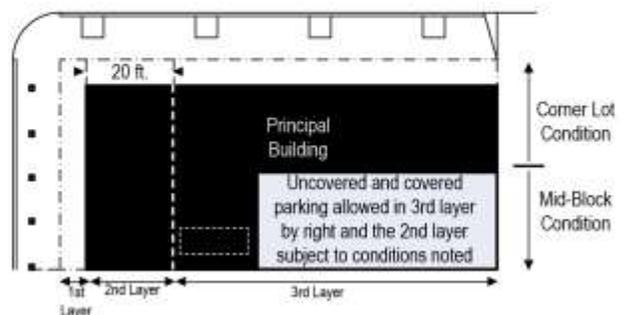
#### BUILDING STANDARDS

1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
2. Building shall have facades along principal frontage lines and elevations along lot lines (see Table 4B)



#### PARKING PROVISIONS

1. Uncovered parking spaces may be provided within the 3rd Layer as shown in the diagram by-right. In the Kennedy Street Overlay, Parking may be permitted in the 2nd layer subject to Design Review. Parking shall be internal to the site and shall not be placed at the corner. (see Table 4D).
2. Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 4D).
3. Trash containers shall be stored within the 3rd Layer.



# DOWNTOWN CODE \*\*

## Spartanburg, SC

### 3.5

### D-T6

#### 3.5.1 BUILDING HEIGHT

- |                       |  |
|-----------------------|--|
| a. Principal Building | 2 stories min.<br>10 stories max.<br>(10 stories max with DRB approval*) |
| b. Outbuilding        | n/a  |

#### 3.5.2 BUILDING TYPE

(See Table 1)

- |              |            |
|--------------|------------|
| a. Edgeyard  | prohibited |
| b. Sideyard  | prohibited |
| c. Rearyard  | permitted  |
| d. Courtyard | permitted  |

#### 3.5.3 BUILDING STANDARDS

- |                                      |                        |
|--------------------------------------|------------------------|
| a. Front Setback (& Corner Lot Side) | 0 ft min**. 6 ft max.  |
| b. Side Setback                      | 0 ft min.** 24 ft max. |
| c. Rear Setback                      | 0 ft**                 |
| d. Frontage Buildout (see Table 3e)  | 80% min. at setback    |
| e. Lot Coverage                      | 100% max.              |

#### 3.5.4 OUTBUILDING STANDARDS

- |                  |     |
|------------------|-----|
| a. Front Setback | n/a |
| b. Side Setback  | n/a |
| c. Rear Setback  | n/a |

#### 3.5.5 PRIVATE FRONTAGES

(See Table 2)

- |                     |              |
|---------------------|--------------|
| a. Common Lawn      | prohibited   |
| b. Porch & Fence    | prohibited   |
| c. Terrace or L.C.  | prohibited   |
| d. Forecourt        | permitted*** |
| e. Stoop            | permitted*** |
| f. Shopfront/Awning | permitted    |
| g. Gallery          | permitted    |
| h. Arcade           | permitted    |

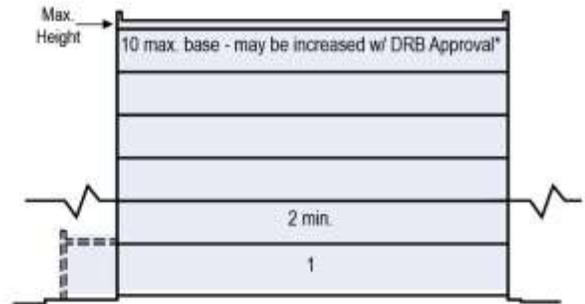
\* See Section 3.7 for list of incentives to permit additional height

\*\* Additional setbacks in accordance with the Building Code may apply

\*\*\* Unless a shopfront/awning, gallery, or arcade frontage is required by the regulating plan

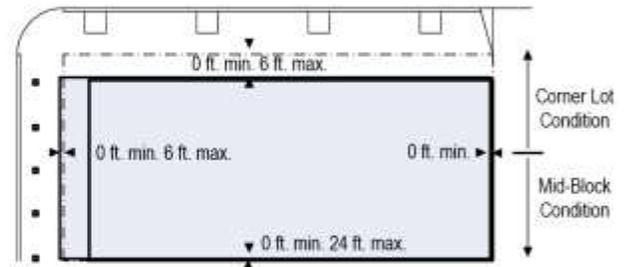
#### BUILDING HEIGHT

1. Building height shall be limited by the number of stories indicated in accordance with Section 3.6.



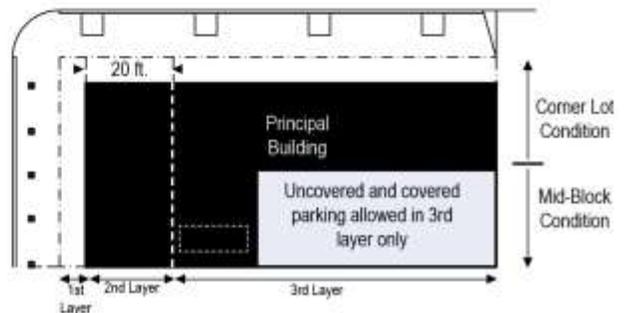
#### BUILDING STANDARDS

1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
2. Building shall have facades along principal frontage lines and elevations along lot lines.
3. Maximum height shall be measured to the eave or roof deck.



#### PARKING PROVISIONS

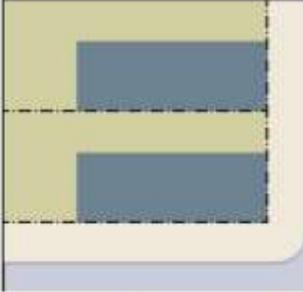
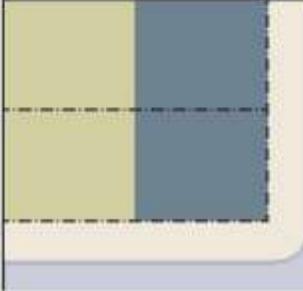
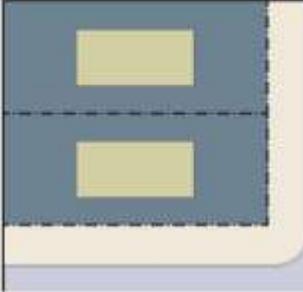
1. Uncovered parking spaces may be provided within the 3rd Layer as shown in the diagram (see Table 16D).
2. Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 16D).
3. Trash containers shall be stored within the 3rd Layer.



# DOWNTOWN CODE \*\*

## Spartanburg, SC

**TABLE 1. BUILDING TYPE.** This table approximates the location of the structure relative to the boundaries of each individual lot, establishing suitable basic building types for each Zone. The building types outlined in this Table will provide the predominant form for new development. While it is expected that some new building types will be introduced in this district, these variations should be based upon the four basic types. Innovative planning or design ideas for development where the proposed building types are different than those allowed in the Downtown district may be approved subject to review by the Design Review Board.

<p><b>a. Edgeyard:</b> Specific Types - Single family House, Cottage, Villa, Estate House, Urban Villa. A building that occupies the center of its lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the frontage. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.</p>	 <p>T4</p>
<p><b>b. Sideyard:</b> Specific Types - Charleston Single House, zero-lot-line house. A building that occupies one side of the lot with the Setback to the other side. The visual opening of the side yard on the street frontage causes this building type to appear freestanding. A shallow frontage Setback defines a more urban condition. If the adjacent building is similar with a blank party wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze.</p>	 <p>T4 T5</p>
<p><b>c. Rearyard:</b> Specific Types - Townhouse, Rowhouse, Live-Work unit, perimeter block. A building that occupies the full frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p>	 <p>T4 T5 T6</p>
<p><b>d. Courtyard:</b> Specific Types - Apartment House, Condominium, Civic. A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools.</p>	 <p>T5 T6</p>

\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

# DOWNTOWN CODE \*\*

## Spartanburg, SC

**TABLE 2. 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>				T4
<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>				T4
<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>				T4 T5
<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>				T4 T5 T6
<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>				T4 T5 T6
<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>				T5 T6
<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>				T5 T6
<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>				T5 T6

\* Revision Date 11-12-2010

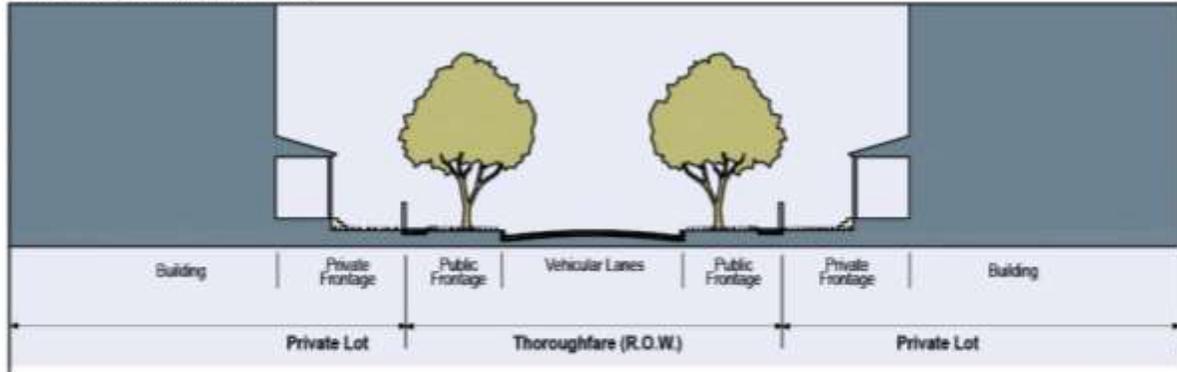
\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

# DOWNTOWN CODE \*\*

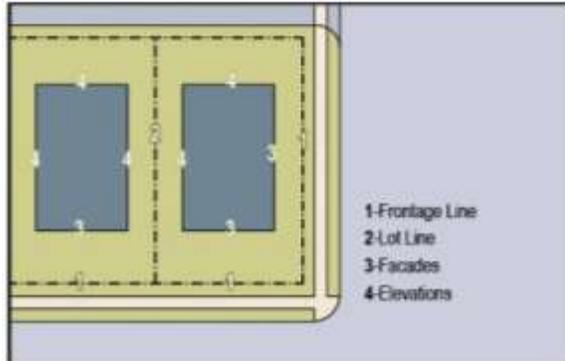
## Spartanburg, SC

TABLE 3. ILLUSTRATION OF TERMS

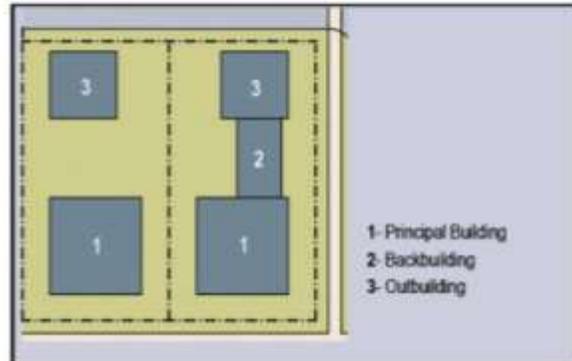
a. THOROUGHFARE & FRONTAGES



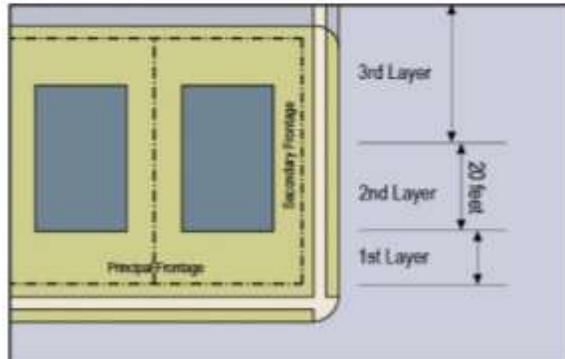
b. FRONTAGE & LOT LINES



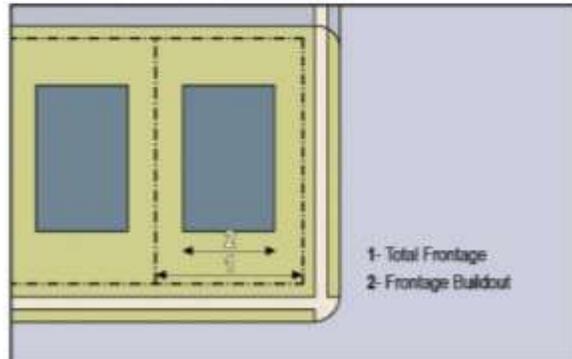
c. BUILDING STANDARDS



d. LOT LAYERS



e. FRONTAGE BUILDOUT



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.

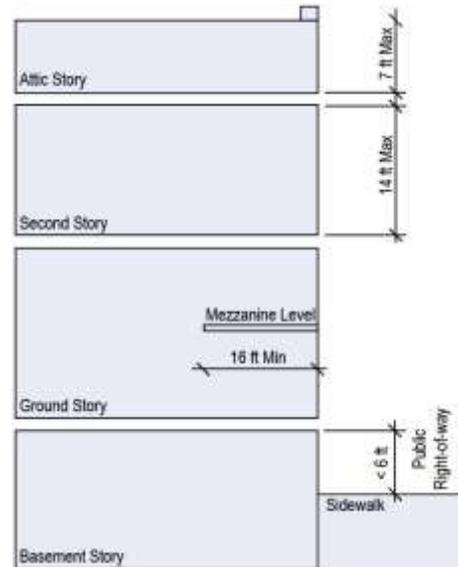
# DOWNTOWN CODE \*\*

## Spartanburg, SC

### 3.6 BUILDING HEIGHT

#### 3.6.1 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.



**3.6.2 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.

**3.7 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.

#### 3.7.1 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:

LEED Rating	D-T4	D-T5	D-T6
Silver	n/a	2 Stories	3 Stories

\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

## **DOWNTOWN CODE \*\***

### **Spartanburg, SC**

<b>LEED Rating</b>	<b>D-T4</b>	<b>D-T5</b>	<b>D-T6</b>
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 LEED scorecard (LEED Version 2.2 or the most recent update) 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.
  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.

\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

## DOWNTOWN CODE \*\*

### Spartanburg, SC

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.

**3.7.2 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.

#### 515.4.0 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.
- 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 only may be raised above the street elevation and accessed via a monumental stair.

\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

## DOWNTOWN CODE \*\*

### Spartanburg, SC

- 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 3 – Shopfront & Awning, Gallery, or Arcade. While retail/restaurant uses are not required, the intent of this requirement is to provide a building type that would not preclude those uses at some point in the future through the depth of the first and second layer.

**4.3 KENNEDY STREET OVERLAY:** For D-T5 lots with frontage along Kennedy Street 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 as noted on the Downtown Regulating Plan, no portion of a structure within 60 feet of Main Street shall exceed 4 stories.

#### 515.5.0 LOT/SITE STANDARDS

##### 5.1 General Lot Standards

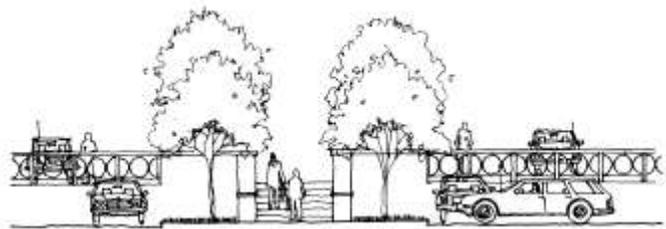
**5.1.1 Lot Frontage:** All lots must front a street, square or common open space. (Exception: Buildings which are interior to a site that has buildings that otherwise meet the frontage requirement). Facades must be built parallel to the principal frontage line or parallel to the tangent of a curved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

**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



*Transitions to adjacent lots should, at a minimum, provide for pedestrian access if existing grades are not favorable for full at-grade access. (Ref. 5.1.4)*

\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

## **DOWNTOWN CODE \*\***

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vehicular and pedestrian cross-access. Avoid using a blank or unscreened concrete retaining wall or rock covered slope.

- 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.

# DOWNTOWN CODE \*\*

## Spartanburg, SC

### 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 (i.e. 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.

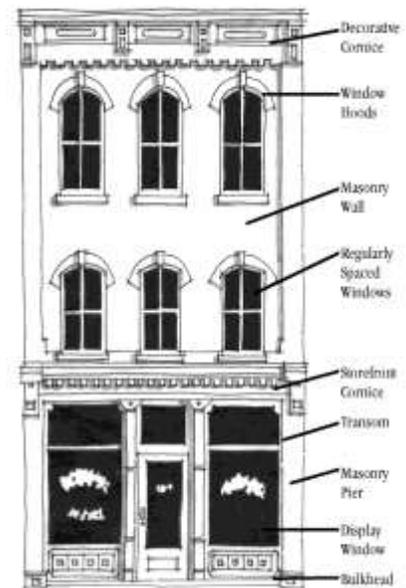
**6.1.2 Compatibility:** Adjacent buildings should relate in similarity of scale, bulk, height, architectural style, and/or configuration.

**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 (i.e. brick) should be placed below the lighter material (i.e. 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 DT-5 & DT-6)

##### 6.2.1 Roof and Eaves

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

\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

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**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.

**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**

\* Revision Date 11-12-2010

\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

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- 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.)
- c. 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 coordinate 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,

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locked rooms) may be provided for use by employees and students and may count toward fulfillment of the bicycle parking requirements.

- 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)
b. Sidewalk Width (min)	5 ft sidewalk	8 ft sidewalk 12 ft with outdoor seating
d. Planter Type	Tree wells or 6 ft continuous planting strip	Tree wells
e. 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 in height.

- 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

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pedestrian access. In addition, all streetscreens over 4 feet high should be 30% permeable or articulated.

#### 8.4 Fences

	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 **D-T4 Permitted Signage:** A sign for a home occupation not to exceed 4 square feet or 5 feet in height is permitted.

9.2 **D-T5 & D-T6 Permitted Signage<sup>1</sup>**

	Permitted Sign Type(s)	Specific Applicability	Maximum Area	Maximum Height	Maximum Number
Building Mounted	Wall <sup>2</sup>	Front Facades	2 sq ft for each linear foot of wall frontage or 5% of wall whichever is greater.	n/a	n/a
	Wall <sup>2</sup>	All other facades	5% of wall	n/a	n/a
	Window	Businesses and Live/Work Units.	25 % of window and/or door area	n/a	n/a
	Projecting <sup>3,4</sup>	Businesses (excluding Home Occupations).	12 sq ft (total of 24 sq ft)	8 ft	1
	Arm <sup>3,4</sup>	Businesses (excluding Home Occupations) located in high pedestrian traffic areas.	4 sq ft (total of 8 sq ft)	18"	1
	Awning <sup>3,4</sup>	Businesses (excluding Home Occupations).	Copy Area of the sign is limited to the drip flap. Logos may be placed on the awning itself.	---	1
Free Standing	I.D. Plaques	Identifies tenants in a building.	4 sq ft	n/a	1
	Monument <sup>5</sup>	Civic Buildings Buildings with a setback greater than 30'.	16 sq ft (total of 32 sq ft)	5 ft	1
	Post and Arm <sup>5</sup>	Home Occupation	4 sq ft	5 ft	1
	Sandwich Board <sup>6</sup>	Businesses – Subject to an encroachment permit by City	8 sq ft	4 ft	1

<sup>1</sup> Combined square footage of all signs shall not exceed 100 square feet.

<sup>2</sup> Wall Signs may project a maximum of 12" from the wall to which it is mounted.

<sup>3</sup> Sign may not protrude above soffit, parapet, or eave line of the building to which it is attached.

<sup>4</sup> Minimum 8 feet above ground; no portion of the sign may extend within 3 feet of street pavement.

<sup>5</sup> Sign must be placed no closer than 10' from back of curb/pavement.

<sup>6</sup> May not restrict the useable sidewalk width below ADA standards.

9.3 **Illumination:** Signage shall be externally lit, except that signage within the shopfront glazing may be neon lit and channel letter wall signs may be internally lit or backlit.

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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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\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

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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. (LBCS F9000 and S8000)

**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. (LBCS F4110, S3920 and S5600)

**Alcoholic Beverage Sales Store:** The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use. (LBCS F2155)

**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. (LBCS F5320, F5380, F5390 and S3200)

**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. (LBCS F5310 and S4440)

**Animal Services:** Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming. (LBCS F2418 and F2720)

**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. (LBCS S3800)

**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. (LBCS F2115)

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\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

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**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 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. (LBCS F2200 and F2210)

**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. (LBCS F1310)

**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. (LBCS 2424)

**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. (LBCS S4700)

**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. (LBCS F6130)

**Community Service Organization:** A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged such as counseling centers, welfare offices, job counseling and training centers, vocational rehabilitation agencies, and community improvement and neighborhood redevelopment, but does not include any services providing on-site residential or accommodation services. (LBCS F6560)

**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. (LBCS S3800, S4400, F5110, F5210, and FS6830)

**Drive-Thru Facility for Retail and Restaurants:** 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

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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. (from ZO)

**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. (from ZO)

**Equipment Rental:** Establishments renting or leasing office machinery and equipment, such as computers, office furniture, copiers, or fax machines; (LBCS F2334)

**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). (LBCS F6700-6702)

**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. (LBCS F2116 and S2270)

**General Retail:** A use category allowing premises to be available for the commercial sale of merchandise and prepared foods, but excluding manufacturing. (LBCS F2100) 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. (LBCS F6200)

**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. (LBCS F6530 and S4110)

**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. (LBCS F1300 and F1330)

**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. (LBCS F1200)

**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.

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\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

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**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., 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. (LBCS S1150)

**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. (LBCS S2613)

**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. (LBCS S2610)

**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). (LBCS S2620)

**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. (LBCS F6510, F6512, and F6514)

**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.

**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

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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. (LBCS F4170).

**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; 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. (LBCS F2230, F2240, F2300, F2410-2417, and F6511)

**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. (LBCS F6600 and S3500)

**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.

**Residence-Attached:** A dwelling unit that is part of a structure containing more than one unit. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include duplexes and triplexes (buildings under one ownership with two or three dwelling units in the same structure); apartments; as well as town houses (a type of structure that has at least three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard). (LBCS S1121 and S1140)

**Residence-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.

**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). (LBCS F2510, F2520, and F2530)

**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. (LBCS F1320, S 1320, and S1340)

**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. (LBCS F6100)

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**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. (LBCS F6100 and F6140)

**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. (LBCS S2510)

**Shopping Center-Community Center (Greater than 100,000):** 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. (LBCS S2520)

**Storage-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 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. (LBCS S3120)

**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. (LBCS S3110)

**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. (LBCS F4120 and S3900)

**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; 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. (LBCS F2110, F2111, F2112, F2113 and F2114)

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\*\* Amended – Added Section 515, Downtown Code, to City Zoning Ordinance 9/24/12

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**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, 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

#### A.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.

#### A.1 Storefronts

A.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.

A.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.

A.1.3 Decorative detail must be retained and restored whenever possible.

A.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.

A.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.

#### A.4 Awnings

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

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

#### A.5 Windows

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

A.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.

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

A.5.4 Do not block or fill window openings.

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**A.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.

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

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

#### **A.6 Signage**

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

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

**A.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.

#### **A.7 Exterior Treatment**

**A.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.

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

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

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

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**SECTION VI: ADMINISTRATION**

**§ 601 SUMMARY OF ADMINISTRATIVE FUNCTIONS.**

The legislative function of enactment and amendment of the Zoning Ordinance is performed by the City Council. Thereafter, administration of this Ordinance is carried out by three (3) separate City agencies, each with its own specialized duties.

First, the Zoning Administrator is charged with enforcing this Ordinance through examining plans, inspections, keeping records, and ordering compliance, except as in “Third” below.

Second, the Board of Zoning Appeals hears and decides cases in which it is claimed either that some ruling of the zoning administrator, or that special circumstances require a variance from the strict terms of this Ordinance.

Third, the City Planning Commission is responsible for a continuous review of the effectiveness of this Ordinance, advises the City Council on proposed changes in this Ordinance, advises the Board of Zoning Appeals and other agencies, and advises the Zoning Administrator. (\*)(\*\*)(\*\*\*)

The functions of each of these agencies are necessary for the smooth and purposeful administration of the zoning program. (See the jurisdiction, powers and duties of the Planning Commissions as listed in Section 604)

**§ 602 ENFORCEMENT.**

- 602.1 Responsibility.** The Director of Inspections of the City of Spartanburg shall be the Zoning Administrator, and he shall have the authority to enforce the provisions of this Ordinance. The Director of Inspections may deputize one or more members of his department, as well as a member of other City departments who have a particular skill or competence, to act for him, and the term “Zoning Administrator” as used elsewhere in this Ordinance shall be deemed to include such deputies.
  
- 602.2 Interpretation.** The Zoning Administrator shall give information upon request as to the provisions of this Ordinance, and shall interpret the meaning of this Ordinance in the course of enforcement. (\*\*\*)
  
- 602.3 Review of Construction Plans.** In all cases, where a building permit is required, and in all other cases of construction or use where any provision of the Zoning Ordinance is involved, appropriate plans shall be filed subject to the provisions of the Building Code and to such other rules as the Zoning Administrator shall prescribe, sufficient in scope and character to determine that all relevant requirements of this Zoning Ordinance have been met. It shall be unlawful to construct, reconstruct, alter, change the use of, or occupy and land, building or other structure without first obtaining a permit from the Zoning Administrator or his authorized representative. No permit for excavation for, or erection of, any building or part of a building, or for repairs to, or alteration of, a building shall be issued until a statement of its intended use had been filed by the applicant.

\* (Amended by Council 8/10/92)

\*\*\* (Further Amended by Council 10/12/98)

\*\* (Further Amended by Council 12/12/94)

- 602.4** **Inspections.** The Zoning Administrator is authorized to inspect or cause to be inspected any building or other structure or any land on which work is in progress, and to order the stoppage of any work being done in violation of this Zoning Ordinance. He shall inspect or cause to be inspected such premises after work is completed, and shall not issue a certificate of occupancy until such final inspection has been made, except that a temporary certificate of occupancy may be issued in an appropriate case before work is completed, for a period of not more than six (6) months.
- 602.5** **Certificate of Occupancy.** It shall be unlawful to use or permit the use, except for agricultural purposes, of any land, building or structure or part thereof, hereafter created, erected, changed converted, altered, or enlarged (wholly or in part), in its use or structure, until a certificate of occupancy shall have been issued by the Zoning Administrator or his authorized representative stating that the building or structure and/or the proposed use complies with the provisions of this Ordinance. Upon request of the owner or tenant of any conforming or nonconforming use already established, the Zoning Administrator shall issue a certificate of occupancy stating the exact status of such use. In the case of other uses already established, the zoning Administrator may carry on such programs of registration of uses and issuance of certificates of occupancy, as he deems appropriate. A certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within five days after erection or alteration of such building or structure has been completed in conformance with the provisions of this Ordinance. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished, on request, to any person having proprietary or tenancy interest in premises.
- 602.6** **Administrative Regulations.** The Zoning Administrator shall have the power to adopt such administrative regulations as he deems necessary to the carrying out of his enforcement responsibilities, which regulations shall have general applicability to cases of similar character.
- 602.7** **Appeals.** An appeal from an administrative order of the Zoning Administrator may be taken to the Board of Zoning Appeals as provided in Subsection of this Ordinance. (\*)(\*\*)

Appeals relative to the Stormwater Management and Sediment Reduction Ordinance shall be to City Council from the decision of the City Engineer.

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\* (Amended by Council 9/13/93)

\*\* (Further Amended by Council 10/12/98)

**§ 603 BOARD OF ZONING APPEALS: Appeals, Variances and Special Exceptions**

**603.1 Board of Zoning Appeals Established.**

A seven (7) member Board of Zoning Appeals is hereby established. Initial appointment shall be as follows: two (2) members for a term of three (3) years, two (2) members for a term of two (2) years, and one (1) member for term of one (1) year. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Board. Vacancies shall be filled for unexpired terms; no members shall be appointed for a term in excess of three (3) years. A vacancy in a term of office shall occur whenever it is found that a member has resigned or has not maintained the qualifications required for appointment; or whenever a member:

1. has failed to attend three consecutive properly called meetings of the Board without just cause, or
2. has been guilty of malfeasance or misconduct in office and based upon such findings had been removed from office;
3. shall be removed for cause by City Council upon written charges and after public hearing.

**603.2 Officers and Rules of Procedure.**

- a. **Officers.** The Board shall elect or reelect one of its members as chairperson for a term of one year. The Board may elect other officers as provided by its rules of procedure. The Board shall appoint a secretary who may be an officer of the City approved by the City Manager.
- b. **Rules Of Procedure.** The Board shall adopt rules of procedures for the conduct of its meetings and hearings. A majority of the Board shall constitute a quorum. Meetings of the Board shall be held at the call of the chairperson or at such times as the Board may determine. A 15 day public notice of all hearings shall be published in a newspaper of general circulation in the City and shall be posted on the bulletin board at City Hall. Notice of hearings on appeals for variances or special exceptions shall also be posted on or adjacent to property affected, with at least one notice visible from each public street abutting the property. The chairperson may administer oaths and compel attendance of witnesses by subpoena. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote by reason of conflict, and shall keep records of is examinations an other official actions filed in the office of the secretary of the Board as public records. In addition, notices of public hearing shall be mailed fifteen (15) calendar days in advance of the public hearing by certified mail to all adjacent property owners and by regular mail to all property owners within a three hundred (300) feet radius of any boundary and to groups which have filed a written request for notice.

- c. **Filing:** Petitions for appeals, variances, or special exceptions must be completed and filed with the Office of Community Enhancement, twenty-one (21) calendar days proceeding the date of the petition to be heard before the Board of Zoning Appeals. (\*)

**603.3 Appeals.** (\*\*)(\*\*\*)

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. Such an appeal shall be submitted no later than ten (10) days after the start of construction or within thirty (30) days after a decision by a board, commission, or bureau, or a decision of the Zoning Administrator, whichever is lesser. Such notice of an appeal, special exception, or variance shall be accompanied by a check **in the amount of \$50 payable** to the City of Spartanburg to partially defray the cost of giving public notice of such hearing, none of which shall be refundable. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which action appealed was taken from.

An appeal stays all legal proceedings in furtherance of the action appeal from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by this Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matters referred to it.

(A.) The Board of Appeals has the following powers: (\*\*\*\*)

- (1) To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;
- (2) To hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - (b) These conditions do not generally apply to other property in the vicinity;

\* (Amended by Council 4/26/99)  
\*\* (Amended by Council 6/8/81)

\*\*\* (Further Amended by Council 8/9/99)  
\*\*\*\* (Amended by Council 2/9/04)

- (c) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
  - (d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
  - (e) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare;
- (3) To permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the zoning ordinance; and
- (4) To remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing.
- (B.) Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. The appeal must be taken within a reasonable time, as provided by the zoning ordinance or rules of the board, or both, by filing with the officer from whom the appeal is taken and with the board of appeals notice of appeal specifying the grounds for the appeal. If no time limit is provided, the appeal must be taken within thirty days from the date the appealing party has received actual notice of the action from which the appeal is taken. The officer from whom the appeal is taken immediately must transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- (C.) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed other than by a restraining order which may be granted by the board or by a court

of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

- (D.) The board must fix a reasonable time for the hearing of the appeal or other matter referred to the board, and give at least fifteen days' public notice of the hearing in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the appeal or matter within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.
- (E.) In exercising the above power, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the execution of the duties specified in this chapter, may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.
- (F.) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail."

**603.4 Variances.**

Variances from the regulations of this Ordinance shall be granted by the Board of Zoning Appeals only in accordance with the standards established above, and may be granted only in the following instances and in no others:

1. To permit any yard less than the requirements of this Ordinance;
2. To permit the reduction of any required setback being in compliance with all applicable Building and Fire Codes and subject to review by the Building Official; (\*)
3. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent (80%) of the required area and width;
4. To permit the same off-street parking facility to qualify as required facilities for two or more units, provided that substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week;

\* (Amended by Council 5/28/13)

5. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty-five percent (25%) of the required facilities, whichever number is greater;
6. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
7. To increase by not more than forty percent (40%) the maximum distance that required parking spaces are permitted to be located from the use served;
8. To permit the height of a fence in the required rear, side and corner side yard to exceed the maximum height allowed by this Ordinance up to eight (8) feet when property is exposed to exceptional nuisances of traffic, dust, noise, glare, and vandalism; and (\*)
9. To reduce the setback requirement for portable signs provided that no variance shall be granted to permit such signs within the triangular area formed by the right-of-way lines of intersecting streets (or a street and a driveway), and a line joining points on the right-of-way lines twenty-five (25) feet from the point of their intersection. If the property in question has no defined driveway to its parking area the Board shall satisfy itself that the proposed location of the portable sign will not interfere with traffic by blocking reasonable sight lines for streets, sidewalks and driveways before any variance is granted. The application for such variance shall be accompanied by a scaled drawing showing all information relevant to the variance request. (\*\*)

**603.5 Special Exceptions.**

Where provided for in this Section the Board of Zoning Appeals may, in appropriate cases, grant special exceptions after public notice and public hearing.

In exercising the above powers, the Board of Zoning Appeals may, in conformity with the provisions of this Section, reverse or affirm (wholly or in part), or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. In the execution of its duties, the Board of Zoning Appeals may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

603.51 Purpose.

The development and execution of a comprehensive zoning ordinance are based upon the division of the city into districts, within which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and features, which because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such uses and features upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and features are therefore treated as special exceptions.

\* (Amended by Council 3/12/79)

\*\* (Further Amended by Council 3/12/84)

A special exception is not the automatic right of any applicant.

603.52 Authority. (\*)

A special exception may be granted by the Board of Zoning Appeals, in appropriate cases, after public notice property posting and hearing. Only those uses listed under use regulations for residential districts as uses permitted by special exception and those uses where the letters SE appear in the column in the Table of Permitted Uses for Nonresidential Districts are eligible for a special exception. (See Section 301 of this Ordinance.)

603.53 Guidelines.

The Board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations:

- (1) Traffic impact;
- (2) Vehicle and pedestrian safety;
- (3) Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property;
- (4) Adverse impact of proposed use on the surrounding area including the aesthetic character of the area; and
- (5) Orientation and spacing of improvements or structures.
- (6) Compliance with the Comprehensive Plan.

The Board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area. No variance may be granted by the Board in connection with the granting of a special exception.

603.54 Extensions or Alterations.

Where an existing use which is permitted only by special exception is proposed to be extended or substantially altered in a manner which would in any way change the character or intensity of the use, such proposed extension or substantial alteration shall be treated as a special exception under this Section.

603.55 Failure to Comply with Conditions.

Failure to comply with conditions set by the Board of Zoning Appeals as a basis for granting a special exception shall constitute a violation of this Ordinance.

603.56 Not Transferable.

A Special Exception is not transferable and shall be null and void if, prior to construction of a project, there is a change of ownership of the land for which said permit has been issued and/or in the nature of the special use, provided that a seller of the property may seek a Special Exception when there is an interested purchaser for the property and this is disclosed. This

\* (Amended by Council 8/7/78)

Special Exception, if granted, is transferable only to the interested purchaser that was disclosed at the time of the hearing. (\*\*) (\*\*\*\*)

603.57 Filing of Applications and Public Hearings. (\*)

The Board of Zoning Appeals shall fix a reasonable time and manner for holding public hearings on applications for special exceptions and may prescribe such rules and forms as it deems necessary for the filing of applications and plans, postponement, time for exercise, extension of time, rehearings, and other matters. The Board of Zoning Appeals will not consider any question or request for special exception or take any action on any matter that has been considered by the Board of Zoning Appeals within one (1) year from the date of the petition or request for the special exceptions.

**603.6 Appeals from Decisions of the Board.** (\*) (\*\*\*)

- (A.) A person who may have a substantial interest in any decision of the board of appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the board to the circuit court in and for the county, by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the decision of the board is mailed.
- (B.) A property owner whose land is the subject of a decision of the board of appeals may appeal either:
  - (1.) As provided in subsection (A); or
  - (2.) By filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-825. Any notice of appeal and request for pre-litigation mediation must be filed within thirty days after the decision of the board is postmarked.
- (C.) Any filing of an appeal from a particular board of appeals decision pursuant to the provisions of this chapter must be given a single docket number, and the appellant must be assessed only one filing fee pursuant to Section 8-21-310(11)(a).

603.61 Notice of Appeal. (\*\*\*)

- (A.) If a property owner files a notice of appeal with a request for pre-litigation mediation, the request for mediation must be granted, and the mediation must be conducted in accordance with South Carolina Circuit Court Alternative Dispute Resolution Rules and this section. A person who is not the

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\* (Amended by Council 11/13/95)

\*\* (Further Amended by Council 10/8/01)

\*\*\* (Further Amended by Council 2/9/04)

\*\*\*\* (Further Amended by Council 10/22/07)

owner of the property may petition to intervene as a party, and this motion must be granted if the person has a substantial interest in the decision of the board of appeals.

- (B.) The property owner or his representative, any other person claiming an ownership interest in the property or his representative, and any other person who has been granted leave to intervene pursuant to subsection (A) or his representative must be notified and have the opportunity to attend the mediation. The governmental entity must be represented by at least one person for purposes of mediation.
- (C.) Within five working days of a successful mediation, the mediator must provide the parties with a signed copy of the written mediation agreement.
- (D.) Before the terms of a mediation settlement may take effect, the mediation settlement must be approved by:
  - (1) the local legislative governing body in public session; and
  - (2) the circuit court as provided in subsection (G).
- (E.) Any land use or other change agreed to in mediation which affects existing law is effective only as to the real property which is the subject of the mediation, and a settlement agreement sets no precedent as to other parcels of real property.
- (F.) If mediation is not successful or if the mediated settlement is not approved by the local legislative governing body, a property owner may appeal by filing a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The petition must be filed with the circuit court within thirty days of:
  - (1) The report of an impasse as provided in the South Carolina Circuit Court Alternative Dispute Resolution Rules; or
  - (2) The failure to approve the settlement by the local governing body.
- (G.) The circuit court judge must approve the settlement if the settlement has a rational basis in accordance with the standards of this chapter. If the mediated settlement is not approved by the court, the judge must schedule a hearing for the parties to present evidence and must issue a written opinion containing findings of law and fact. A party may appeal from the decision:
  - (1) In the same manner as provided by law for appeals from other judgments of the circuit court; or
  - (2) By filing an appeal pursuant to subsection (F).”

**603.7 Fees for Appeals. (\*\*)**

Each applicant for an appeal to the Board from an administrative action, for an appeal, variance, or special exception shall at the time of filing notice of appeal pay a fee of \$50.00 as established by regulation of City Council for the cost of required advertising and mailing notices.

**603.8 Restrictions on Appeal. (\*)**

The Board of Zoning Appeals will not consider any question or request for variance or take any other action on any matter that has been considered by the Board of Zoning Appeals within one year from the date of the petition request.

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\* (Further Amended by Council 10/14/91)

\*\* (Further Amended by Council 2/9/04)

**§ 604 CITY PLANNING COMMISSION.** (\*)(\*\*)(\*\*\*)

The duties of the City Planning Commission in regard to this Ordinance includes the following:

- 604.41 Continuous Review of Ordinance. The City Planning Commission and its staff shall carry on a continuous review of the effectiveness and appropriateness of this Zoning Ordinance, and recommend to the City Council such changes as it sees fit.
  
- 604.42 Amendments. The City Planning Commission shall consider proposed amendments to this Ordinance in conformity with procedures set forth in Section 605.1 of this Ordinance.

\* (Amended by Council 8/10/92)

\*\*\* (Further Amended by Council 10/12/98)

\*\* (Further Amended by Council 12/12/94)

**§ 605. AMENDMENTS**

**605.1 Ordinance May Be Amended.**

The City Council may from time to time, on its own motion or on petition by the owner or agent of a property owner, after public notice and hearing, amend, supplement, change, modify or repeal the boundaries or regulations (text) here or subsequently established. One (1) public notice at least fifteen (15) days in advance of the public hearing held by City Council shall be given in newspaper of general circulation in the City of Spartanburg. The Planning Commission shall be requested by City Council to make recommendations on any text or map amendment.

**605.2 Map.**

As part of any petition to amend a zoning district, a current and accurate survey or tax map shall be filed showing parcel of land covered within the petition with the name and address of the owner, a map showing the location of the property in relation to the nearest public street intersection, and a legal description of the property. The accuracy of the information provided shall be the responsibility of the petitioner.

**605.3 Duties of City Planning Commission.**

The jurisdiction, powers and duties of the City Planning Commission are enacted under the Municipal Planning Enabling Legislation from S.C. Code Ann., Title 6, Chapter 29, § 6-29-310, et seq. The City Planning Commission shall consider proposed amendments to this Ordinance at its regularly scheduled meetings. If the City Planning Commission fails to submit a report within a thirty (30) day period after submission of the amendment by the City Council, it shall be deemed to have approved the amendment.

**605.4 Recommendation.**

In arriving at its recommendation to City Council, the City Planning Commission must satisfy itself that any amendment to this Ordinance is made in the public interest and not solely for the personal gain of the petitioner. The onus of truth that such a request will promote the health, safety, morals and welfare of the community rests with the petitioner.

When City Council receives a negative recommendation from the Planning Commission, the applicant must submit a written request to the Office of Community Enhancement requesting a public hearing before City Council or appear in person before City Council and request that a public hearing be scheduled. The burden for the request is on the petitioner and not the city. In the event the City does not hear from the petitioner one way or another within two (2) weeks of the Planning Commission recommendation, the City shall consider the rezoning a dead issue.

**605.5** “This section is reserved”. (\*\*\*)

**605.6** Cost. (\*\*\*\*\*)

Every petition for any such amendment shall be accompanied by a check in the amount below, depending upon the request change of zone, payable to the City of Spartanburg to partially defray the cost of giving public notice of such hearing, none of which shall be refundable:

<b>Single Family Rezoning</b>	<b>\$100</b>
<b>Business Rezoning</b>	<b>\$150</b>
<b>Multi-Family Rezoning</b>	<b>\$150</b>
<b>PDD Rezoning</b>	<b>\$200</b>

**605.7** Filing. (\*) (\*\*\*) (\*\*\*\*)

A zoning petition must be completed and filed with the Office of Community Enhancement twenty-one (21) calendar days preceding the date the petition is to be heard before the City Planning Commission.

**605.8** Notice. (\*\*\*)

Within three (3) days after a rezoning petition is received by the Office of Community Enhancement which will affect the district classification of a parcel of property, said Department shall cause to be erected thereon an appropriate sign visible from each street bordering the property. Such sign (or signs) shall indicate the nature of the change proposed and the time, date and place of the City Planning Commission hearing. The exact location and number of signs adequate to properly mark petitioned property will be as determined by the Manager of the Office of Community Enhancement, who will also be responsible for the removal of the signs within one (1) week following the removal of the petition from the docket of the City Council and of the City Planning Commission. In addition, notices of public hearing shall be mailed fifteen (15) calendar days in advance of the public hearing by certified mail to all adjacent property owners and by regular mail to all property owners within three hundred (300) feet of any boundary of the subject property, and to groups which have filed a written request for notices.

**605.9** Repetitioning. (\*\*)

No new petition for the same change in zoning of the same piece of property or any part thereof shall be accepted within one (1) year of the date of the filing of the last petition. A new petition for a different change in zoning of the same piece of property of any part thereof shall not be accepted within six (6) months of the date of the filing of the last petition.

\* (Amended by Council 9/4/79)

\*\* (Further Amended by Council 10/20/80)

\*\*\* (Amended by Council 2/8/93)

\*\*\*\* (Further Amended by Council 3/4/96)

\*\*\*\*\* (Amended by Council 8/9/99)

**605.10 City Council Review and Disposition of Amendments.**

City Council shall introduce a text or map amendment for first reading and hold a public hearing thereon. The Planning Commission recommendation shall be reviewed and considered, but shall not be binding on City Council. City Council may adopt or deny a text or map amendment on second reading at least six days after first reading approval. Map amendments may be adopted or denied for all or any portion of the property; however, a zoning district designation which was not included in the public notice shall not be adopted if such district designation is more intensive than the advertised designation. If the zoning district classification desired by City Council is more intensive than the public notice advertised, a new public notice shall be required setting forth the more intensive zone. A map or text amendment may be withdrawn in writing by the petitioner at any time prior to final action by City Council. Map amendments shall be reflected on the official zoning map. Text amendments shall be incorporated into the text of the zoning ordinance as soon as possible.

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**§ 606 LEGAL STATUS PROVISIONS**

**606.1 Re-enactment and Repeal of Existing Zoning Ordinance.**

This Ordinance is in part carried forward by re-enactment some of the provisions of the Zoning Ordinance of the City of Spartanburg (Ordinance No. Z-24, adopted on May 25, 1959, as amended, and includes revised Barbour-Cooper Report, Barbour-Cooper and Associates, Inc., Asheville, North Carolina, Consultants, October 1968) and it is not the intention to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued hereunder are preserved and may be enforced. All provisions of the Zoning Ordinance of the City of Spartanburg enacted on May 25, 1959, as amended, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; any and all violations of existing zoning ordinances, prosecutions for which have not been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may hereto have been instituted or prosecuted.

**606.2 Validity.**

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Spartanburg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**606.3 Effect upon Outstanding Building Permits.**

Nothing herein contained shall required any change in the plans, construction, size or designated use of any building structure or part thereof for which a building permit had been granted by the Building Inspector before the time of passage of this Ordinance; provided, however, that where construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this Ordinance or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance, any further construction or use shall be in conformance with the provisions of this Ordinance.

**606.4 Conflict with Other Regulation.**

Where the conditions imposed by any provisions of this Ordinance, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

**§ 607 VIOLATIONS**

- A. Misdemeanor; penalties. It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without a certificate of zoning compliance or permit required by this ordinance. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the City Code.
- B. Withholding permits. The Zoning Administrator shall deny a certificate of zoning compliance or permit for any use or work which fails to comply with this ordinance. The Zoning Administrator or other appropriate official shall withhold all other City permits for work which violates this ordinance.
- C. Complaints. A written complaint specifying facts showing a violation of this ordinance filed by any person shall be investigated by the Zoning Administrator. Upon determination that a violation has occurred, the Zoning Administrator shall take appropriate enforcement action authorized by this ordinance.
- D. Stop work orders. The Zoning Administrator is authorized to issue a stop work order pursuant to S.C. Code § 6-29-950 (A) requiring work to cease until specified code violations are corrected. Failure to comply with a stop work order of the Zoning Administrator is a misdemeanor punishable under the general penalty provisions of the City Code. Issuance of a stop work order may be appealed to the Board of Zoning Appeals.
- E. Ordinance summons. The Zoning Administrator is authorized to issue an ordinance summons pursuant to City Code provisions for violations of this ordinance.
- F. Arrest warrant. The Zoning Administrator, with concurrence of the City Attorney, is authorized to request the issuance of an arrest warrant for violations of this ordinance.
- G. Injunction. The Zoning Administrator shall submit a request to the City Attorney for institution of a civil action seeking an injunction prohibiting violation of this ordinance when appropriate.
- H. Persons Liable. Unless otherwise specified, liability shall be joint and several with the owner of the property, its successors, heirs and assigns, and the tenants.  
(\*\*\*)

**607.1 Penalties for Violation. (\*)(\*\*)**

Any person, firm or corporation who violates the provisions of this ordinance, shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding five hundred dollars (\$500) or imprisoned not exceeding thirty (30) days. Each day that a violation

\* (Amended by Council 3/12/84)

\*\*\* (Amended by Council 11/13/00)

\*\* (Further Amended by Council 2/13/95)

continues to exist, it shall be considered a separate offense. Provided, however, that a violation of this Ordinance may be corrected within ten (10) days after notice without penalty in the event of a first offence violation.

**§ 608 EFFECTIVE DATE**

This Ordinance shall be effective and in full force from and after the date of its passage.

*Sections 601 to 608: Administration*

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ADOPTED by Resolution of the Planning Commission for the City of Spartanburg on the 10th day of May, 1999.

\_\_\_\_\_  
/s/ Corrie Whitlock  
Chairman

Attest:

\_\_\_\_\_  
/s/ Timothy J. Kuether, AICP  
Executive Secretary

APPROVED by Ordinance (No. 2065) of the City Council for the City of Spartanburg on the day of May 10, 1999.

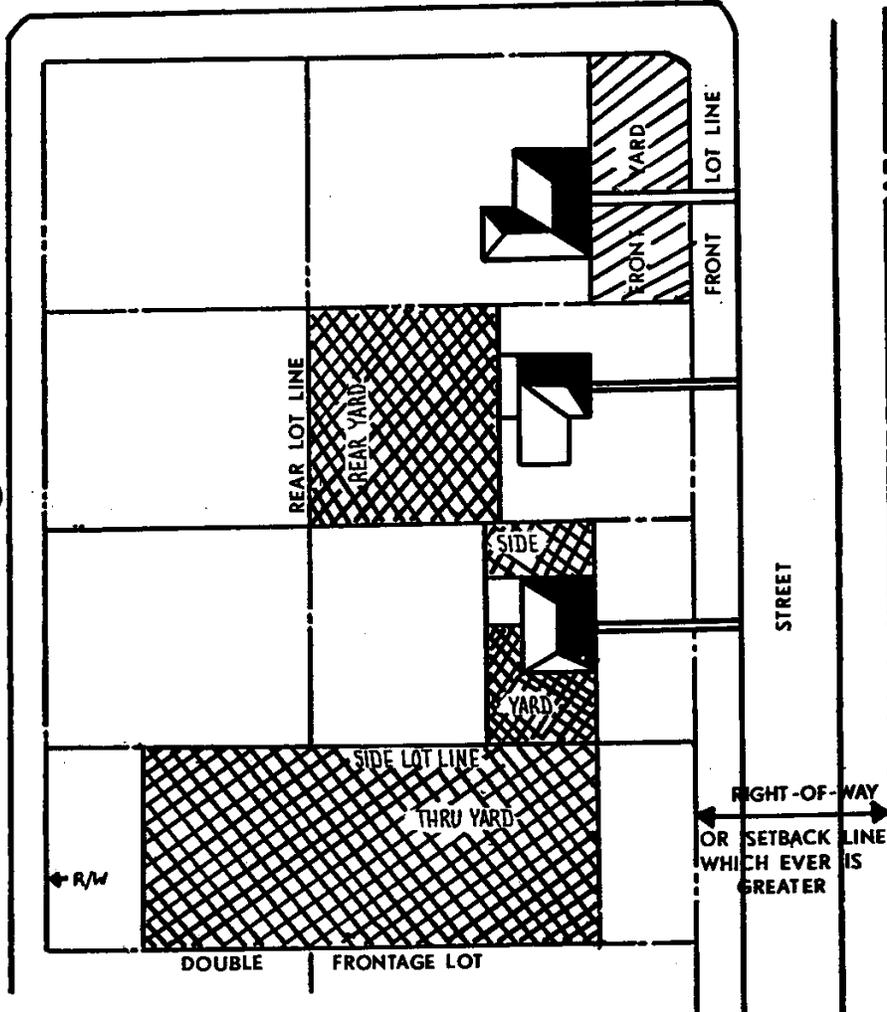
\_\_\_\_\_  
/s/ James Talley  
Mayor

Attest:

\_\_\_\_\_  
/s/ Geri Wilson  
Acting City Clerk

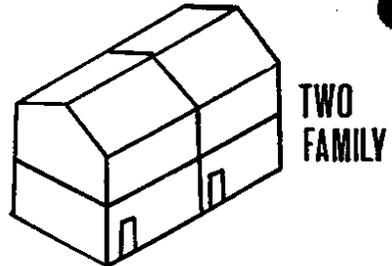
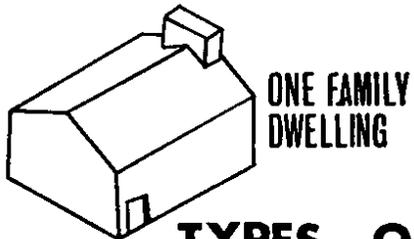
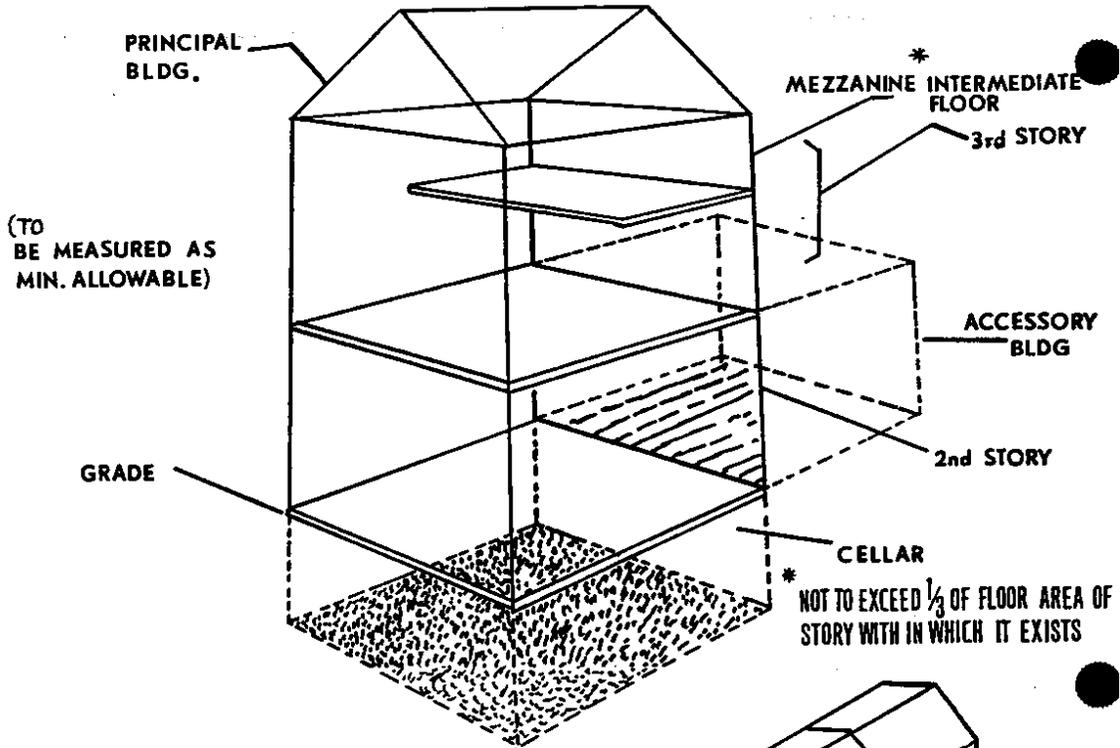
# **APPENDIX TO ZONING ORDINANCE**

# YARD LOCATION

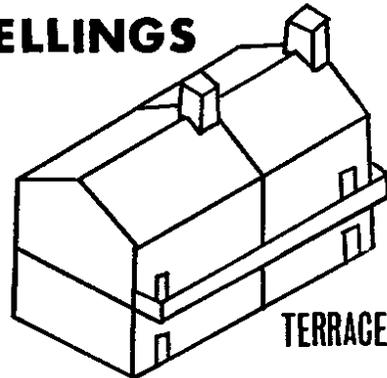
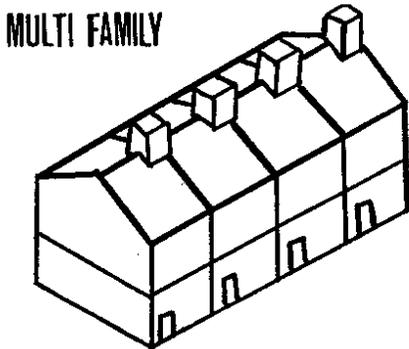


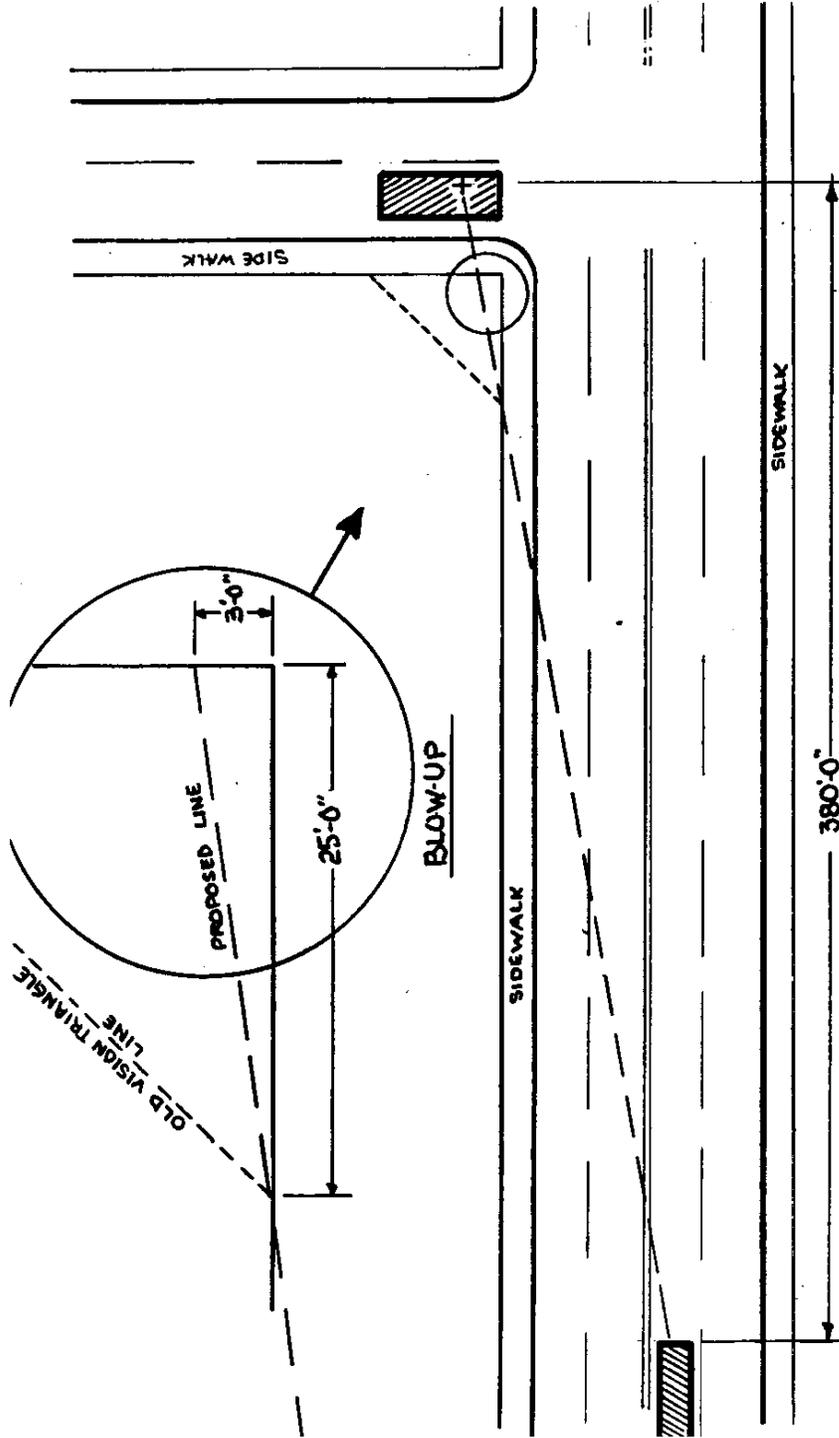
See Section 5 for Definition of Terms.

# BASIC STRUCTURAL TERMS



## TYPES OF DWELLINGS



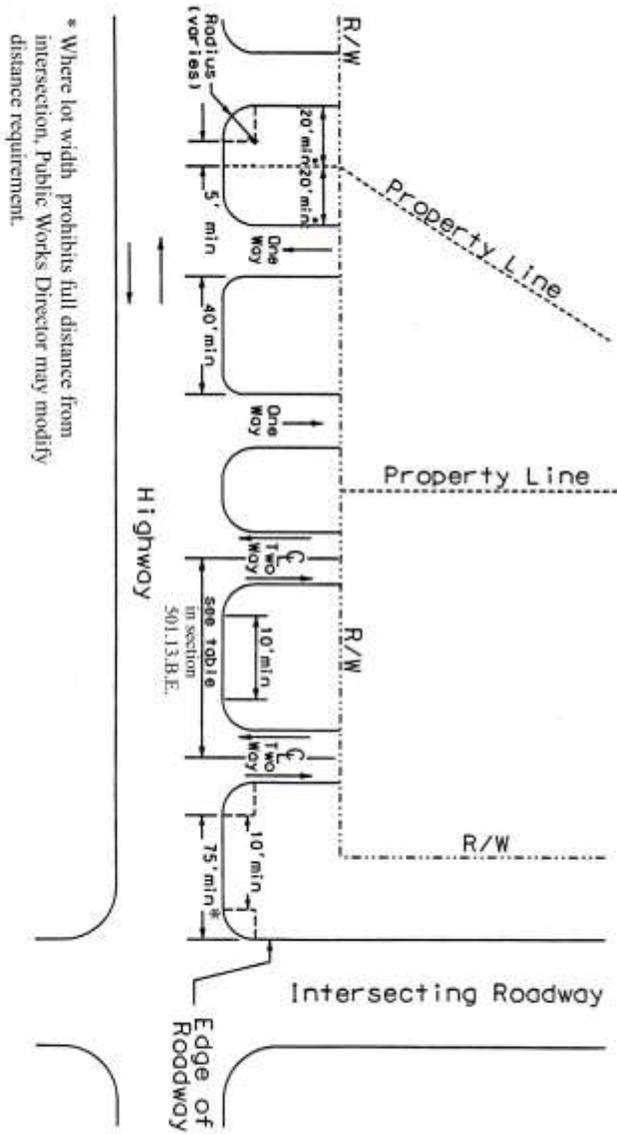


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# TYPICAL VISION TRIANGLE

\*(Amended by Council 8/11/97)

# Minimum Driveway Location Standards



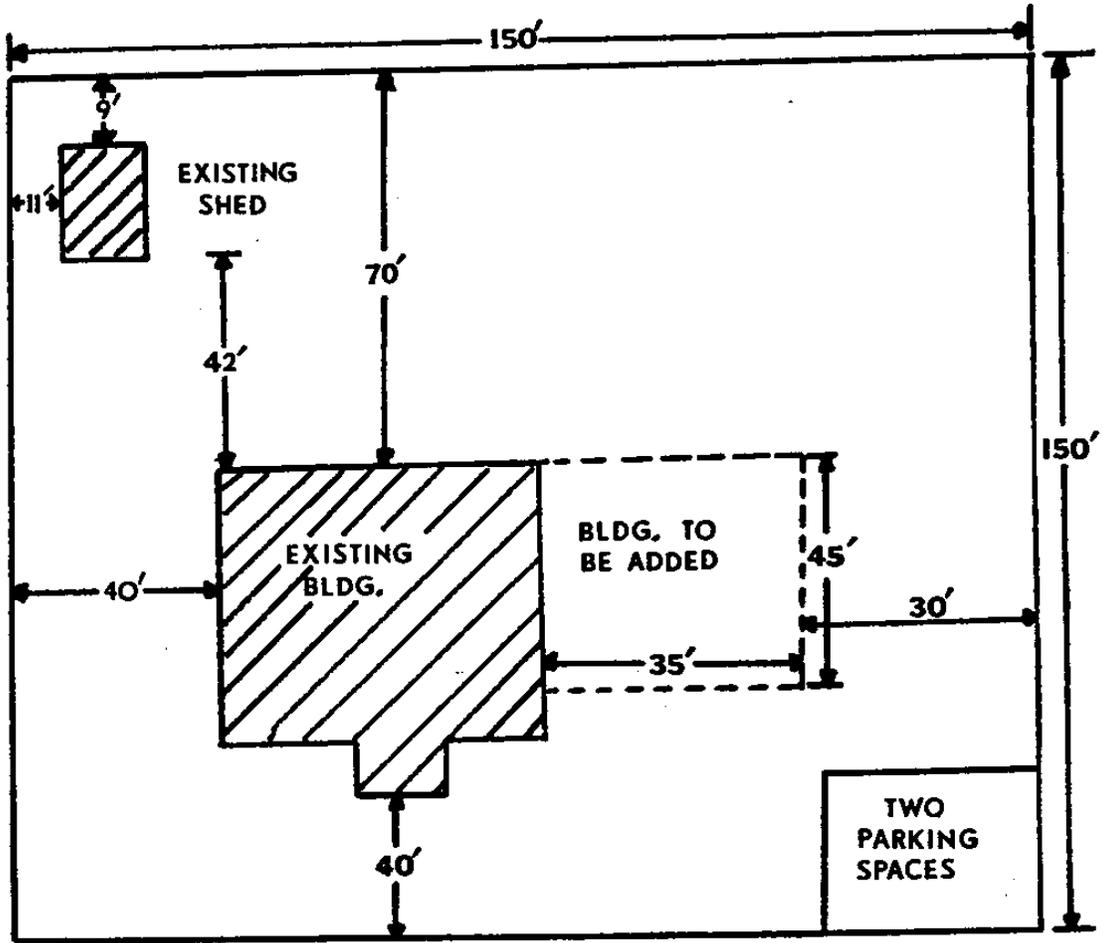
\* Where lot width prohibits full distance from intersection, Public Works Director may modify distance requirement.

(DRAWING NOT TO SCALE)

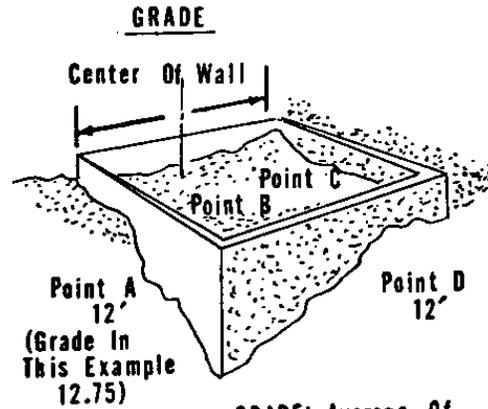
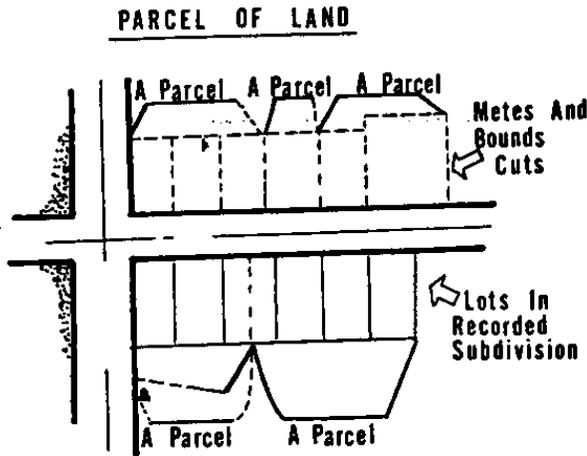
D

\* (Amended by Council 1/27/03)

# SAMPLE PLOT PLAN



# PARCELS AND GRADES

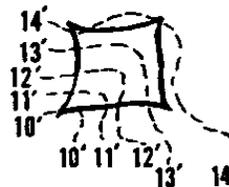
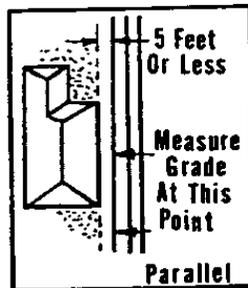


GRADE: Average Of Elevations Of Finished Ground Levels Of Points A, B, C, And D



PARCEL OF LAND

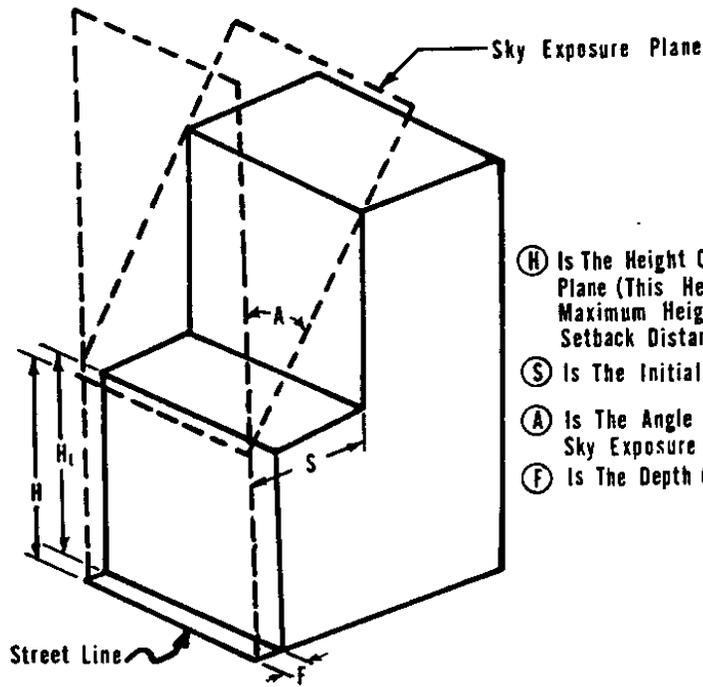
"Parcel Of Land" Means A Contiguous Quantity Of Land In The Possession Of, Or Owned By, Or Recorded As The Property Of, The Same Claimant Or Person.



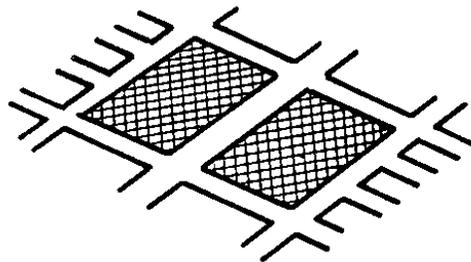
## GRADE

"Grade" (Ground Level) Is The Average Of The Finished Ground Level At The Center Of All Walls Of A Building. In Case Walls Are Parallel To And Within Five Feet (5') Of Sidewalks, The Above Ground Level.

# ILLUSTRATION OF SKY EXPOSURE PLANE

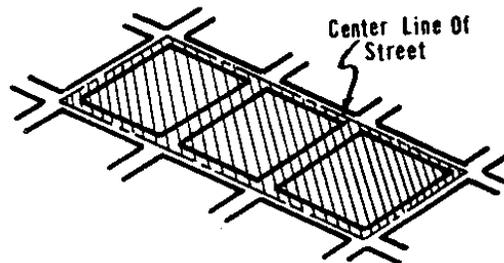


- Ⓜ Is The Height Of The Sky Exposure Plane (This Height Equals  $H_1$ . The Maximum Height Within The Initial Setback Distance)
- Ⓢ Is The Initial Setback Distance.
- Ⓐ Is The Angle Of Slope Of The Sky Exposure Plane.
- Ⓣ Is The Depth Of The Front Yard.



## Site Area Net

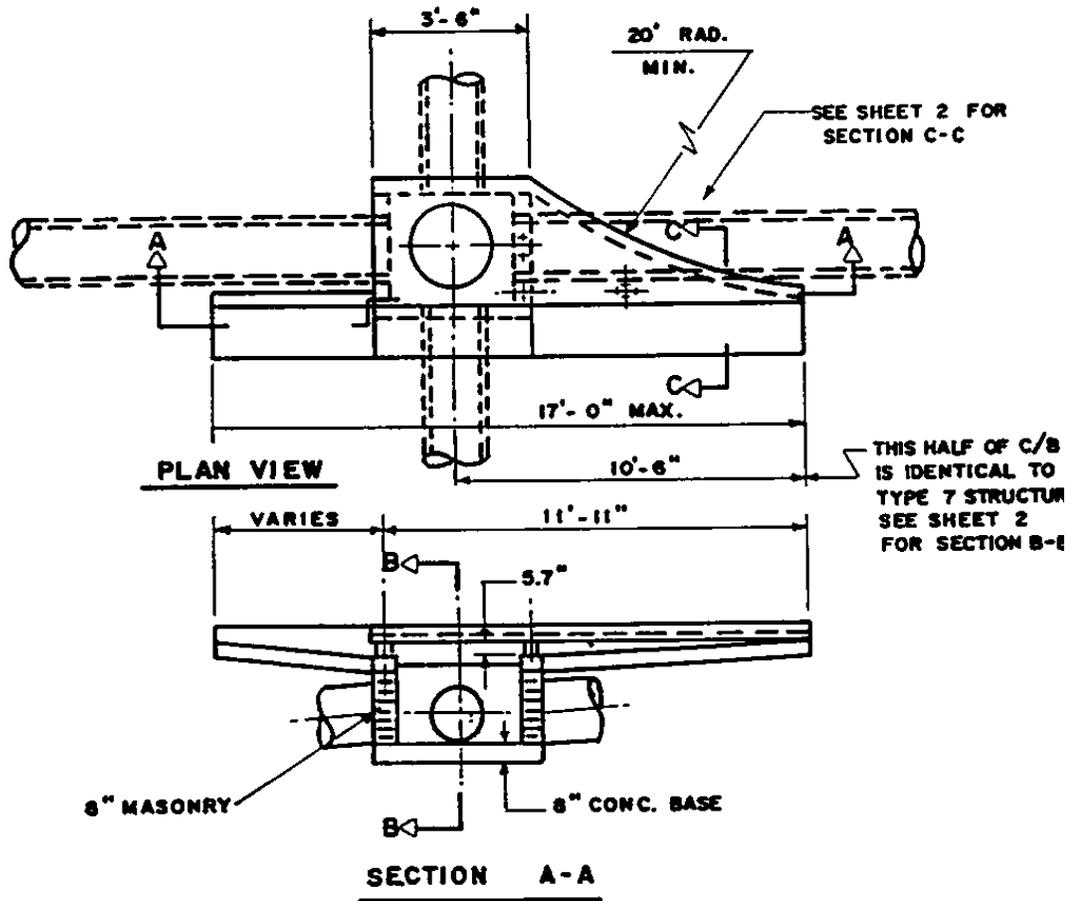
The Net Site Area Of Any Large Scale Development Shall Include The Area Of All Zoning Lots Within That Development.



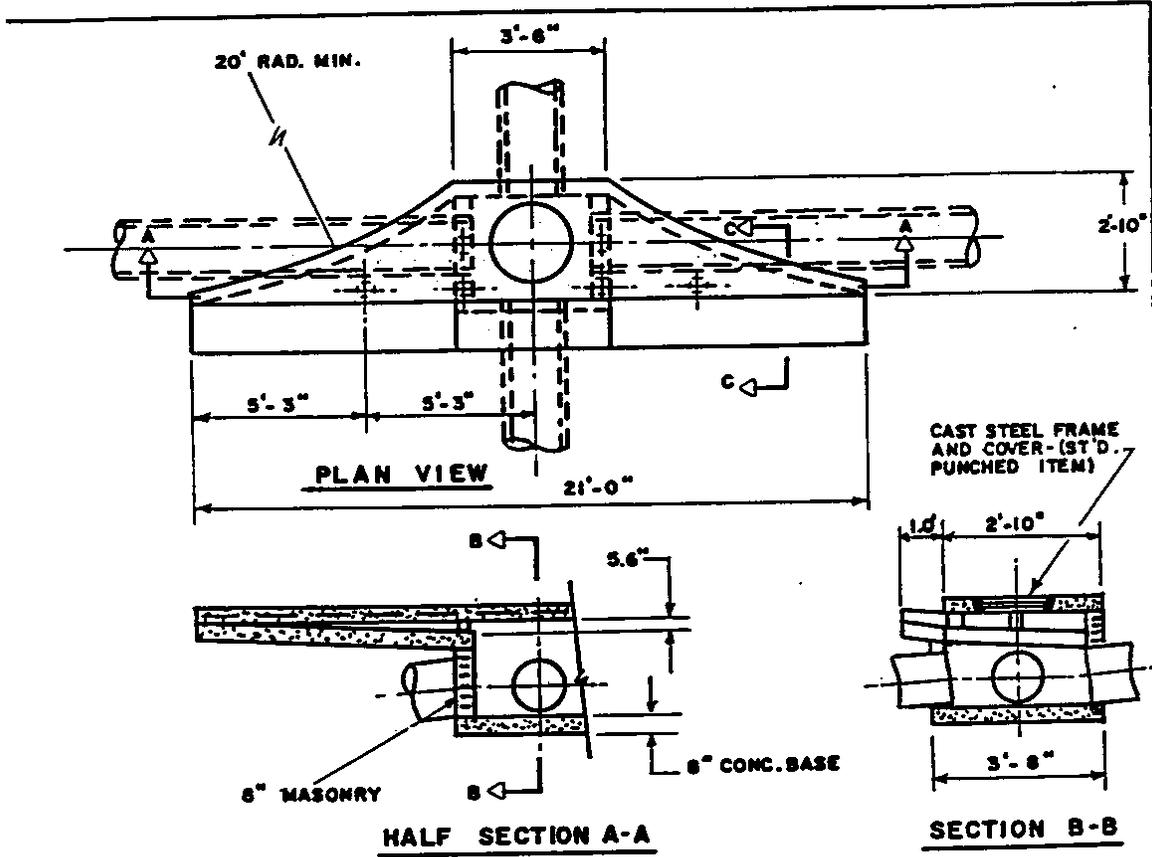
## Site Area, Gross

The Gross Site Area Of Any Large Scale Development Shall Include The Net Site Area Thereof. Plus The Area Between The Boundaries Of All Zoning Lots Located Within That Development And The Center Line Of Ajoining Streets.

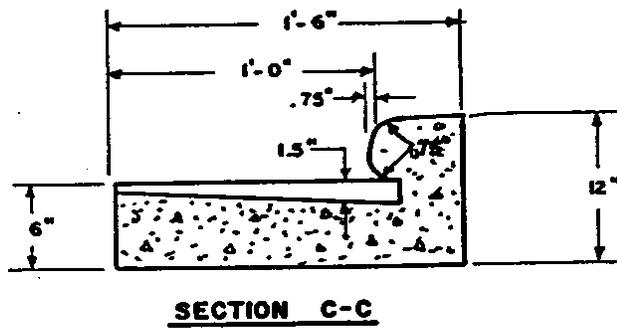
# TYPE 5 CATCH BASIN



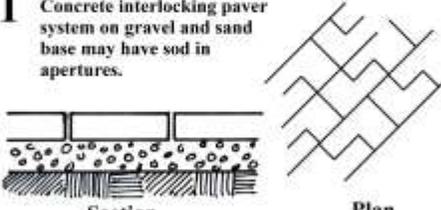
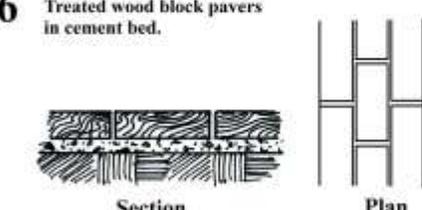
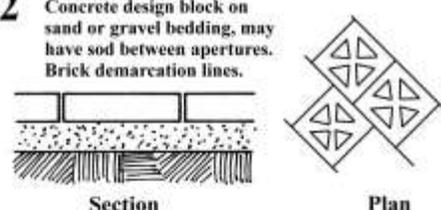
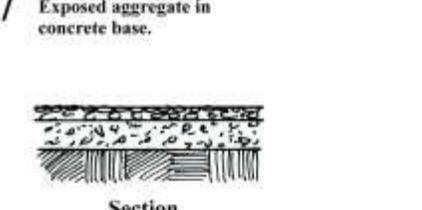
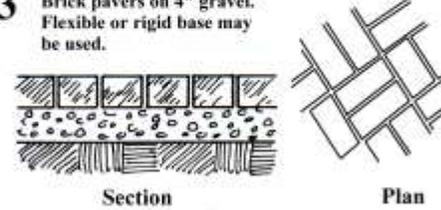
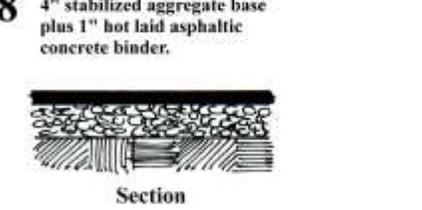
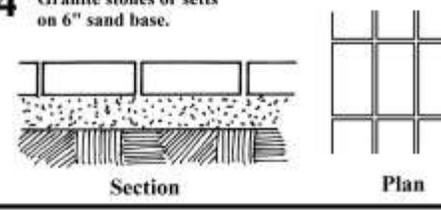
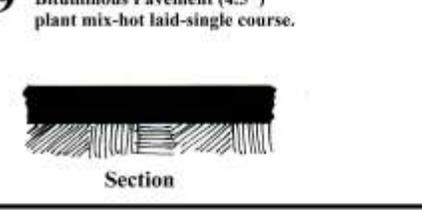
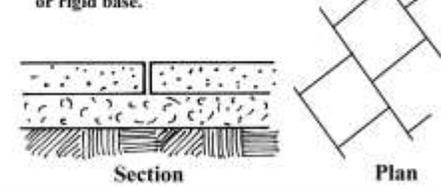
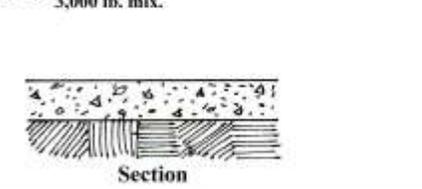
# TYPE 7 CATCH BASIN



NOTE: ALL DIM'S. ARE MIN.  
REF.: 15" PIPE

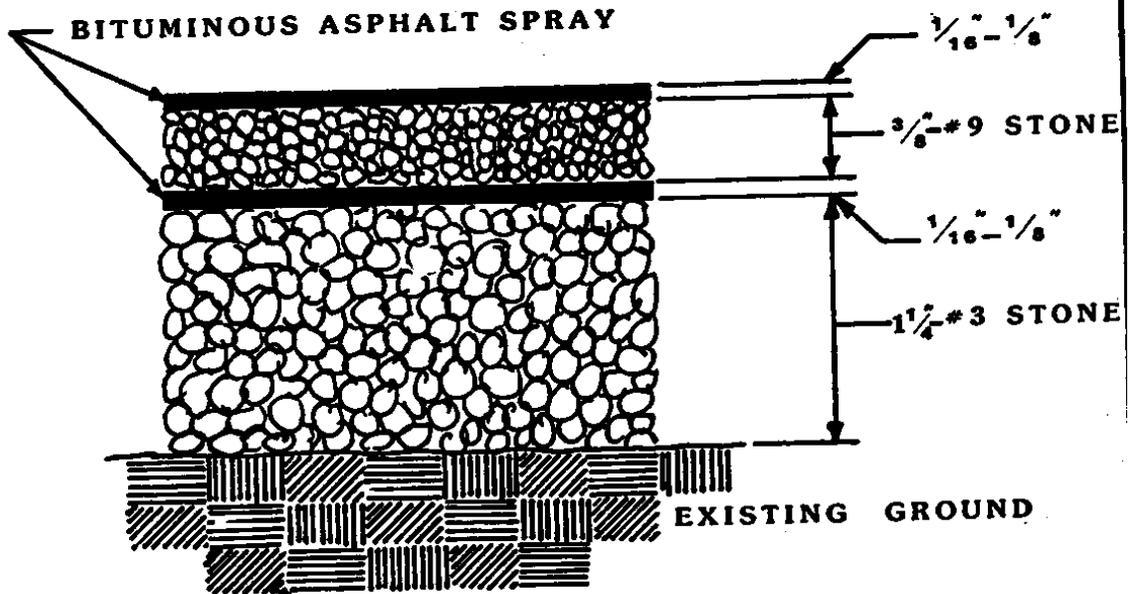


# PARKING LOT PAVING SURFACES

<p><b>1</b> Concrete interlocking paver system on gravel and sand base may have sod in apertures.</p>  <p>The section view shows three interlocking concrete pavers resting on a layer of gravel, which is supported by a sand base. The plan view shows a herringbone pattern of the pavers.</p> <p style="text-align: center;">Section <span style="margin-left: 150px;">Plan</span></p>	<p><b>6</b> Treated wood block pavers in cement bed.</p>  <p>The section view shows rectangular wood pavers set in a thick layer of cement. The plan view shows a grid pattern of the pavers.</p> <p style="text-align: center;">Section <span style="margin-left: 150px;">Plan</span></p>
<p><b>2</b> Concrete design block on sand or gravel bedding, may have sod between apertures. Brick demarcation lines.</p>  <p>The section view shows decorative concrete blocks on a bedding layer. The plan view shows a pattern of diamond-shaped blocks with brick demarcation lines.</p> <p style="text-align: center;">Section <span style="margin-left: 150px;">Plan</span></p>	<p><b>7</b> Exposed aggregate in concrete base.</p>  <p>The section view shows a concrete base with aggregate exposed on the surface.</p> <p style="text-align: center;">Section</p>
<p><b>3</b> Brick pavers on 4" gravel. Flexible or rigid base may be used.</p>  <p>The section view shows brick pavers on a 4-inch gravel base. The plan view shows a herringbone pattern of the pavers.</p> <p style="text-align: center;">Section <span style="margin-left: 150px;">Plan</span></p>	<p><b>8</b> 4" stabilized aggregate base plus 1" hot laid asphaltic concrete binder.</p>  <p>The section view shows a 4-inch stabilized aggregate base topped with a 1-inch hot laid asphaltic concrete binder.</p> <p style="text-align: center;">Section</p>
<p><b>4</b> Granite stones or setts on 6" sand base.</p>  <p>The section view shows granite stones or setts on a 6-inch sand base. The plan view shows a grid pattern of the stones.</p> <p style="text-align: center;">Section <span style="margin-left: 150px;">Plan</span></p>	<p><b>9</b> Bituminous Pavement (4.5") plant mix-hot laid-single course.</p>  <p>The section view shows a single course of bituminous pavement.</p> <p style="text-align: center;">Section</p>
<p><b>5</b> Cut stones on flexible or rigid base.</p>  <p>The section view shows cut stones on a base. The plan view shows a herringbone pattern of the stones.</p> <p style="text-align: center;">Section <span style="margin-left: 150px;">Plan</span></p>	<p><b>10</b> Concrete 4", 2,500 lb. or 3,000 lb. mix.</p>  <p>The section view shows a 4-inch thick concrete slab.</p> <p style="text-align: center;">Section</p>

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# DOUBLE BITUMINOUS SURFACE TREATMENT



— NOT TO SCALE —

(Diagram Above Refers to Example 9 on Page J)