

ARTICLE 1

APPLICATIONS AND REQUIRED PERMITS

Section 1.01 Responsibility

All requests for permits and licenses required by this Ordinance, and legislative change or relief from the terms of this Ordinance shall be in the form of an application. The provisions of this Article shall govern the basic requirements for processing different types of applications from initiation to final action and issuance of a permit.

It shall be the responsibility of the Spartanburg County Administrator or his designee to administer the requirements for processing applications and issuing permits in accord with the provisions of this Ordinance.

It shall be the responsibility of an applicant to provide the required information to process a permit application, secure or renew a license, and present facts about circumstances which would justify a proposed change or modification to the terms and/or application of this Ordinance.

Section 1.02 Types of Applications

Types of applications for processing matters subject to the requirements of this Ordinance include:

1. Applications to Develop or Alter the Use of Land

This includes all land use and development activity covered by this Ordinance. Applications to develop or alter the use of land are classified for administrative purposes into five (5) categories.

1. **Minor Subdivision** – is a Private Road Development, Summary Plat Development, or a Family Property Subdivision. (Amended 10/21/2002)
2. **Major Subdivision** – is any subdivision other than an exempt or minor subdivision.
3. **Conservation Subdivision** – is a major subdivision with at least 40 percent of the projected site devoted to open space and the protection, preservation and

improvement of the natural environment. (Amended 10/21/2002)

4. **Minor Land Development** – is any land development or land altering activity requiring a permit from the County other than a subdivision or Major Land Development.
5. **Major Land Development** – includes but is not limited to commercial and industrial parks and subdivisions, townhouse developments, shopping centers, manufactured home parks, condominium and apartment complexes, and similar developments. (Amended 10/21/2002)

2. Applications for Change or Relief

This includes applications for changes to and/or relief from any part or provision of this Ordinance, of which there are three types of applications:

1. **Amendment** – is a change to the text of the Ordinance.
2. **Variance** – is an adjustment or modification of any regulation alleged to impose an unnecessary hardship on the use or development of land.
3. **Appeal** – is a petition by an applicant to reverse or modify a decision of an administrative officer, board, commission or council.

Section 1.03 Eligible Applicants

Parties and individuals required and/or eligible to initiate an application to alter, develop, subdivide or utilize land for purposes and activities regulated by this Ordinance, or to seek relief from or change requirements of this Ordinance are identified on Table 1.

Parties not listed may petition the Planning Commission and/or Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner.

Table 1 Applicant Requirements/Eligibility				
	Applicants to Develop or Alter Use of Land	Applicants for Change and/or Relief From Ordinance Requirements		
Eligible Applicants		Amendment	Variance	Appeal
Property Owners	YES	NO	YES	YES
Agent of Property Owner*	YES	NO	YES	YES
Option Holder	YES	NO	YES*	YES*
Aggrieved Person or Party	NO	NO	NO	YES
Officials Administering this Ordinance (Staff)	NO	YES	NO	YES
Planning Commission	NO	YES	YES**	NO
Governing Council	YES	YES	NO	NO

* Must have written authorization.

** Subdivisions & Major Land Developments only.

Section 1.04 Application Procedures

The procedure for processing applications is outlined by the following Application Procedural Chart (APC).

The process is initiated by filing a complete application including all information and fees required by Section 1.06 and assignment of the application to the proper staff member, agency, board or commission for review and processing outlined in Section 1.05.

Public notice where required by the APC chart shall be announced in a newspaper of general circulation in Spartanburg County at least 15 days but not more than 30 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the application and the time, date and place of the hearing.

In addition to public notice in a newspaper, notice of an application for a variance shall be posted by Spartanburg County Planning Department staff on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Notification shall be made by Staff via Certified Mail to contiguous land owners, which shall include those separated by a paved road.

If public hearing is delayed; party responsible for delay is to pay for re-advertising, re-notification, additional fees, etc.

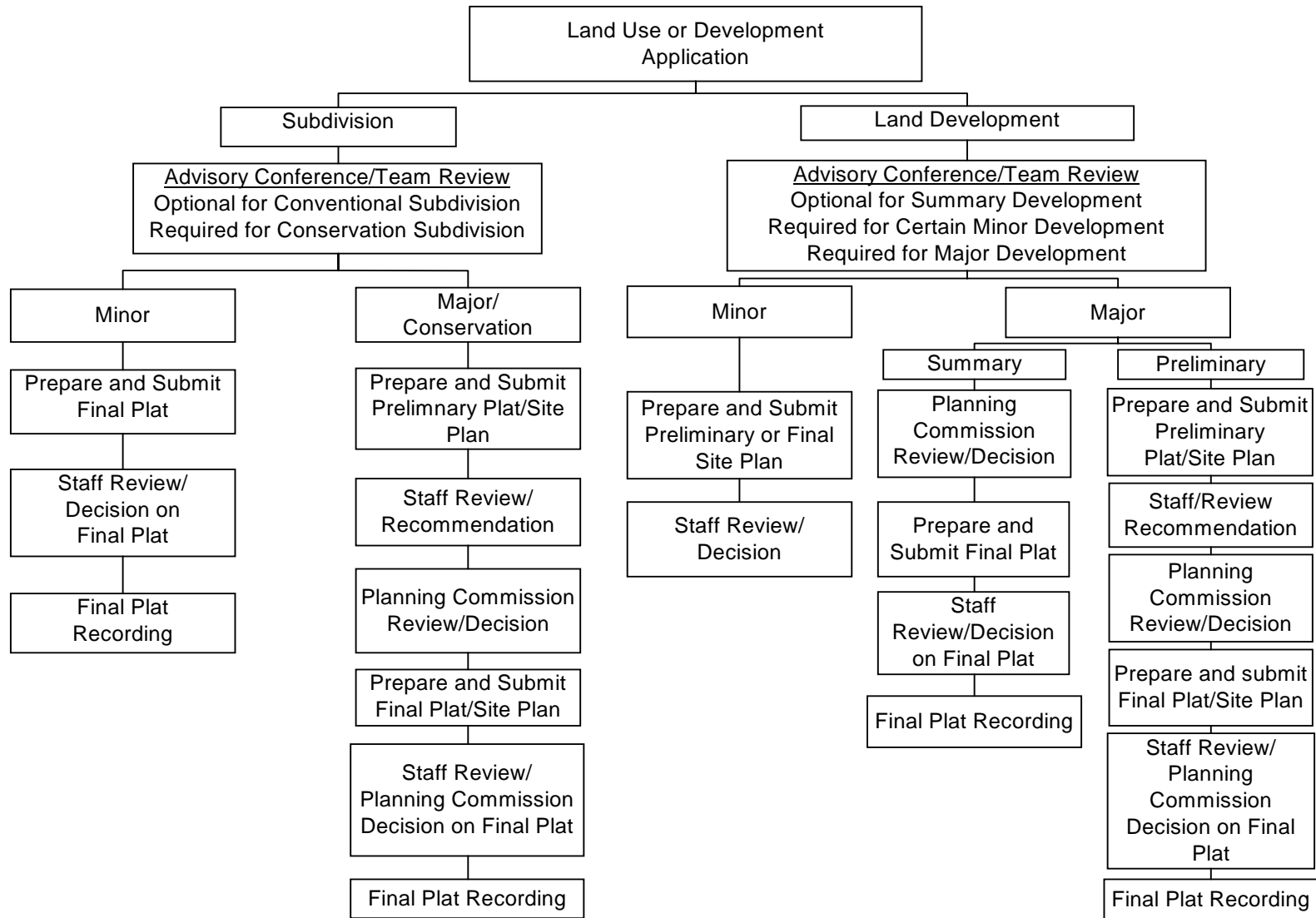
Appeals shall be taken within 10 days of the date of the action filing notice of appeal with the County.

A permit for an application subject to appeal to the Planning Commission or to the Board of Appeals may not be issued until the appeal period has expired. (Amended 5/15/2000)

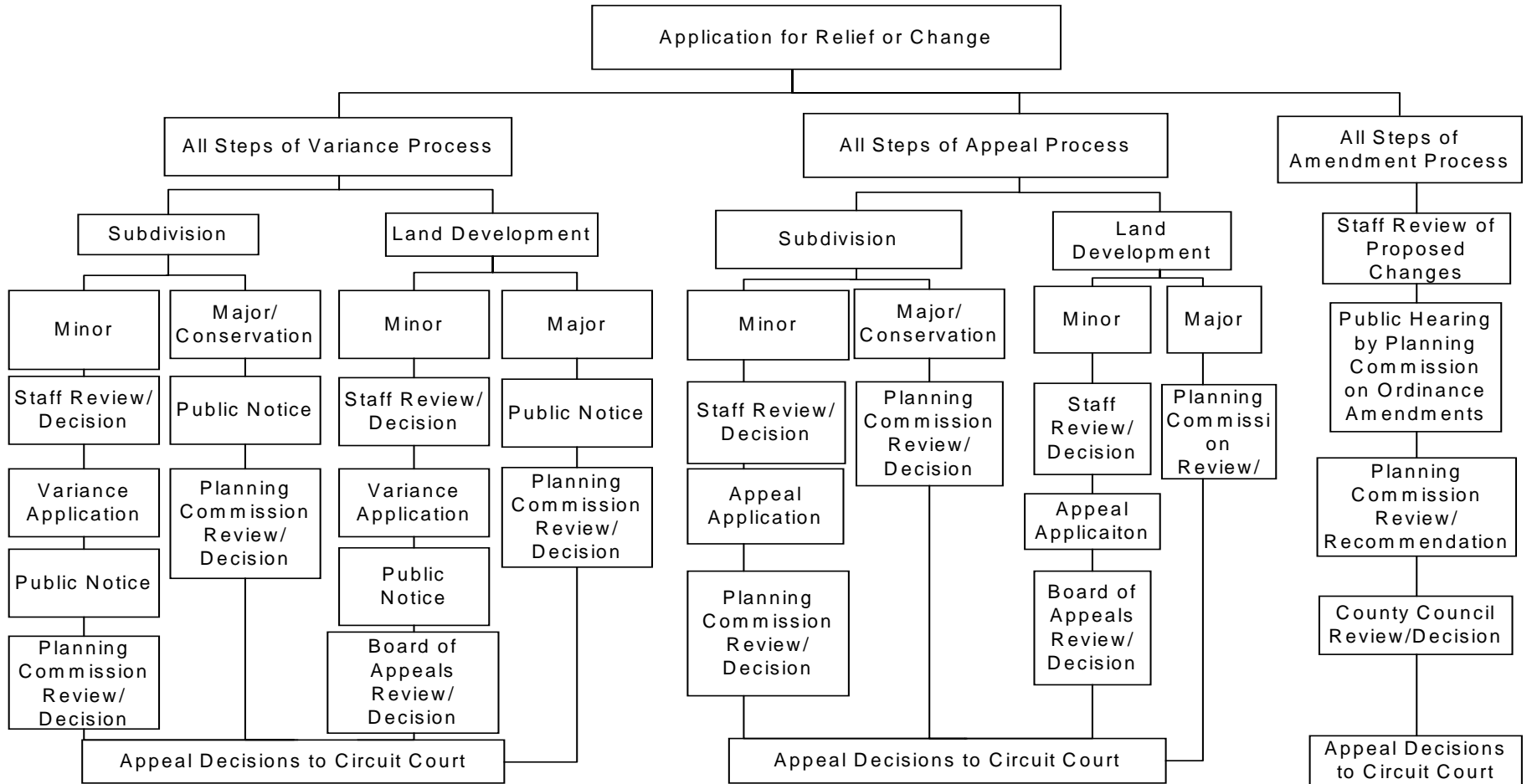
Section 1.05 Assignment of Application for Review, Approval, Variances, and/or Appeals

Final authority on any land development application or application seeking relief from or change of any provision or regulation contained herein shall reside with the following County divisions, unless appealed, as provided for below (See page 1-7) (Amended 10/21/2002)(Amended 07/19/2004)

Application Procedural Chart 1



Application Procedural Chart 2



Proposed Use, Projects, Developments	Review & Approval Authority			Variances		Appeals		Circuit Court Appeal
	Administrative		Board	Board		Administrative		
	Building Department	Planning Department	Planning Commission	Board of Appeals	Planning Commission	Board of Appeals	Planning Commission	
Subdivisions – Residential								
Minor (Summary, Priv. Rd Dev. & Fam. Prop)		YES			YES		YES	YES
Major (includes Patio Home Development)			YES		YES			YES
Conservation			YES		YES			YES
Land Developments								
Minor, to include								
Single-family dwelling	YES			YES		YES		YES
Manufactured home	YES			YES		YES		YES
Mining Operation		YES		YES		YES		YES
Outdoor Gun Range		YES		YES		YES		YES
Sexually Oriented Business		YES		YES		YES		YES
Open Storage		YES		YES		YES		YES
Communication Tower		YES		YES		YES		YES
Junk or Salvage Yard		YES		YES		YES		YES
Tattoo Parlors		YES		YES		YES		YES
Signs		YES		YES		YES		YES
Temporary Uses		YES		YES		YES		YES
All other Uses Not Classified as Major		YES		YES		YES		YES
Major, to include								
Attached Multi-Plex Dwelling Projects: (Apartment, Condominium & Townhouse)			YES		YES			YES
Manufactured Home Park			YES		YES			YES
Industrial Park & Commercial Subdivision			YES		YES			YES
Shopping Center, Big-Box Retail			YES		YES			YES
Office Park			YES		YES			YES
Camp or RV Park			YES		YES			YES
Multiple Occupancy Building Project			YES		YES			YES
Motor Speedway or Racetrack			YES		YES			YES
Petroleum Products – Bulk			YES		YES			YES
Refuse Facility			YES		YES			YES
Certain Public Uses			YES		YES			YES

Section 1.06 Requirements and Fees

**Table 2
Information Required to Support Application**

All applications shall be filed on forms provided by the County and contain or be accompanied by the information required by Table 2, and any applicable ULMO section, with the required fee to help cover the cost of processing. Preliminary Plats and Major Land Development Projects shall be submitted not less than 10 working days prior to the Planning Commission meeting, and shall show the date of submittal. (Amended 10/21/02)

Type of Application:	Information Required (Requirements are Cumulative, except # 13):	Fees:
LAND SUBDIVISION Minor (Final Plat Approval) (Summary, Private Road Development, Family Property)	Four (4) original plats with seals and signatures and six (6) paper copies of plat at scale between 1" = 20' to 1" = 100', showing or specifying: 1. All information required of <u>General and Closing Property Surveys</u> , in accord with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina 1976, Title 40, Chapter 21; 2. District, page, and parcel number(s) in accordance with the current County Tax maps for the boundary prior to subdivision; 3. Legible Location map; 4. Land acreage; lot size; and building setback lines; 5. Typical lot disturbance detail on plat & submit Stormwater Management Standard application form for construction sites; 6. Lot approval by DHEC, unless not required; 7. Certification that access road is a state, county, or municipality maintained all-weather driving surface;	\$25
Major (Preliminary Plat Approval)	8. Drainage plan and calculations; (submission time frame to be determined by the Spartanburg County Engineering Staff for #'s 8 & 9) 9. Road profile; 10. Contour maps at 5' intervals, if deemed necessary by Planning staff; 11. Water elevation of adjoining water bodies, if available; 12. Deed reference and copy of any deed restrictions;	\$40 plus \$2 per lot, not to exceed \$300
Conservation (Preliminary Plat Approval)	13. Existing features and site analysis map, to include contours, wetlands, floodways, water courses, woodlands, tree lines, scenic views, endangered plant species, <u>historical sites, rock outcrops</u> ; 14. "As built" locations of storm sewer, with detail measurements;	
Major & Conservation (Final Plat Approval) (Letter of Credit Plat)	15. Reservations, access, sites for other than residential use, with explanation; 16. Street name, right-of-way width, tie line and indicate end of pavement; 17. School district lines, if applicable; 18. Street address shown on each lot or building; title block showing subdivision name, owner's name and address, date of survey, number of acres and lots, and registered number of surveyor; 19. Certificates of ownership and dedication, and approval; 20. Certification that access road is a state, county, municipality or private road built to county specifications (paved surface).	\$25
LAND DEVELOPMENT Minor (Final Plat or Site Plan Approval)	1. Information required by 1 and 6 above; 2. Location of all proposed structures, including free standing signs; 3. Required building setback lines; 4. Required landscaping and bufferyards; 5. Required off-street parking;	\$60, unless else-where specified
Major (Preliminary Plat or Site Plan Approval)	6. All information specified by Article 3 for conditional uses, as applicable.	\$200
Major (Final Plat or Site Plan Approval) (Letter of Credit Plat)		\$25
REVISIONS	1. Plat revisions by Devel/Owner/Surveyor, or by County on third submittal.	\$25
AMENDMENT	1. Draft of new text to be added and existing text to be deleted; 2. State reasons for change.	NC
VARIANCE	1. State nature of variance; 2. Provide evidence of unnecessary hardship; 3. State necessity of variance.	\$100 unless elsewhere specified
APPEAL	1. State reasons for appeal, with specific reference to action being appealed.	\$100
Land Use Compliance Letter		\$25
(Please obtain a checklist for projects from the Planning Department).		

Section 1.07 Plat Approval

Step 1. Preliminary Plat Approval

Preliminary Plat Approval shall confer upon the applicant the following rights for 18 months, unless extended by the Planning Commission, from the date of approval:

1. To proceed under the supervision of the County, with the installation of site improvements; and
2. To proceed with the preparation of a Final Plat.
(Preliminary Plat Approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision.)
3. The Planning Department staff will notify the developer in writing before the 18-month period lapses.

Step 2. Final Plat Approval

Final Plat Approval shall confer upon the applicant the following rights:

1. To record the plat with the Register of Deeds, which recordation shall include within 90 days of approval the entire plat or phase approved for development.

After this time, such approval shall be void. Recordation of the Final Plat shall constitute an irrevocable offer of dedication of the right-of-way for public streets and roads, and upon completion of such streets and roads in accordance with these regulations, the same shall be considered accepted by the County for public purposes upon final approval by the Planning Commission.

Upon such final approval, right-of-way for public streets and roads shall be in affect vested in fee simple to the County for public purposes.

2. To proceed with the development of land development projects, and/or sale or transfer of lots and parcels in accord with the approved and recorded plat. No subdivision plat, portion, or phase thereof shall be accepted for filing until it has been approved by the Spartanburg County Planning Department, and so indicated on the plat by the signature of the authorized agent. No such signature shall be affixed to

the plat until the developer has completed all required improvements or has posted a Letter-of-Credit, as described below.

Letter-of-Credit and Agreement

An applicant/developer who wishes to acquire building permits or sell lots before Final Plat Approval may do so through an Irrevocable Letter-of-Credit and Agreement. However, occupancy of a dwelling or building may not occur until all required improvements covered by the Letter-of-Credit are in place and approved by the County.

To secure a Letter-of-Credit the developer needs to provide the County with an itemized estimate of the improvements in the subdivision (i.e. roads, water, sewer, if sewer is available). If part of the improvements have been installed, the itemized estimate will be for the improvements from that point to completion of the Subdivision.

When these estimates are approved by the County, the Developer then presents the County with the Irrevocable Letter-of-Credit for the total of the improvements plus twenty-five percent. The Irrevocable Letter-of-Credit number, the name of applicant with address, expiration date, the amount and the beneficiary, which shall be the Spartanburg County Administrative Offices, 366 North Church Street, Room 700, Spartanburg, SC 29303.

A notarized statement, shown below, must show on the Irrevocable Letter-of-Credit:

“A notarized statement with draft by an authorized representative of Spartanburg County stating (developer) has failed to comply with provisions of agreement dated (the same date as issuance date of the Letter-of-Credit) between (developer) and Spartanburg County concerning (put in the improvements the Letter-of-Credit is covering) and that as a consequence, the County of Spartanburg is entitled to the sum in the amount not to exceed (the amount of the Letter-of-Credit) drawn hereunder”.

Special conditions should be: Multiple Draw Downs Prohibited.
(See Appendix D for the Letter of Credit Agreement)

Section 1.08 Required Permits/Certificates

No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation or grading be commenced until the required permits have been issued.

No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this Ordinance.

No permits inconsistent with the provisions of this Ordinance shall be issued unless accompanied by an approved variance.

Unless elsewhere regulated, the provisions of this Section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guys, wire, cable and drops.

Section 1.09 Types of Required Permits/Certificates

One or more of the following permits/certificates together with the following fees, which fees are non-refundable, shall be required by this Ordinance.
(Amended 07/19/2004)

Permits	Fees
Building Permit	(See Building Code)
Repair Permit	(See Building Code)
Grading Permit	(See Stormwater Permit)
Right-of-Way Encroachment Permit	Contact Public Works – Roads and Bridges Division
Development Permit	See Table 2
Sign Permit	(See Building Code)
Certificate of Occupancy (use)	No Charge
Stormwater Permit	\$50 per disturbed acre (minimum \$50; maximum \$1,000)

Section 1.10 Building Permit

A building permit shall be required of all proposed building and/or development activity unless expressly exempted by the County Building Code.

Section 1.11 Repair Permit

When a permit is requested to make repairs only, the County may waive the requirements of a plat or plan.

Section 1.12 Grading (Land Disturbing) Permit

A grading permit approved by the Spartanburg County Public Works Department, Engineering Division shall be required prior to ANY land disturbing activity covered by the Spartanburg County Stormwater Management and Sediment Reduction Regulations (County Ordinance #497). This requirement applies to all land disturbing activities covered by this Unified Land Management Ordinance. No grading permit shall be issued in the absence of an approved Storm Water Management Plan. (Amended 5/15/2000)

Section 1.13 Right-of-Way Encroachment Permit

A Right-of-Way encroachment permit approved by the County Roads and Bridges Department shall be required prior to any improvements in Spartanburg County Road Rights-of-Way. No encroachment will be allowed in the absence of an approved Encroachment Permit. Reference to Section 2.02-8. (Amended 10/21/2002)

Section 1.14 Development Permit

No building, other structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part, to any other use, until a Development permit, certifying compliance with this Ordinance has been issued by the Planning Department staff, other than for such uses specifically exempted by this Ordinance or meet the following conditions: *Continued identical use(s) of any building or land in existence and occupied on the effective date of this ordinance.*

Section 1.15 Sign Permit

Sign permits shall be required for signs covered by Section 3.20.

Section 1.16 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the County stating that the proposed use of the building or land conforms to the requirements of this

Ordinance. A Certificate of Occupancy shall not be issued unless and until all required improvements have been met and approved by the County, a Letter-of-Credit notwithstanding.

Section 1.17 Inspections for Compliance

The County enforcement officer may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

Section 1.18 Expiration of Permit

If the work described by any permit has not begun within six months from the date of issuance thereof, said permit shall expire, unless extended by the County upon application by the owner/developer.

Section 1.19 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the appropriate County agent or enforcement officer shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 1.20 Penalties for Violations

Any person violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

Where any building, structure, use or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance or in violation of an approved plan or plat granted by the County or Planning Commission, the enforcement officer may, in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, issue stop work order, withhold permits or Certificates of Occupancy, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense. (Amended 07/19/2004)