

Performance Zoning Ordinance Administrative Policies and Procedures

January 3, 2020 Draft

The purpose of the Performance Zoning Ordinance Policies and Procedures is to have a common guidance in the matters of zoning issues and procedures (that are not spelled out in the Ordinance itself) for Planning Staff, as well as those seeking to develop property in the unincorporated area of Spartanburg County.

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Determination of Zoning Application Completeness

All zoning applications presented to the Planning and Development Department must be complete. We cannot accept a project for processing that does not include the following:

1. Zoning Permit Application
2. Appropriate Plans – Site Plan that includes sheets for Building/Architectural Design (including color schemes and materials)
3. Processing Fee in accordance with Spartanburg County Fee Schedule. Check is to be made out to “Spartanburg County”.
4. Agent authorization form: Required in order to give a person permission to act on the owner’s behalf, if applicable. Must be signed by all owners as shown in Assessor’s records.
5. Two (2) paper copies of site plan to scale of not less than 1”=20’ or not more than 1”=100’.
6. Statement as to Deed Restrictions on subject property
7. Consent Agreements, if applicable, may be presented at a later time; however, they must be received and approved prior to the approval of the project.

Landscaping requires a separate application and permit. Landscape Permit applications must be submitted with the Zoning Permit application and must be complete. The Landscaping Permit must be approved prior to the issuance of the Zoning Permit. All information necessary for the Landscape Administrator to determine whether said plan meets the requirement of the ordinance must be submitted as a part of the Zoning Application.

Signs require a separate permit. Sign Plans/Applications may be submitted later, but must be submitted and approved prior to zoning approval. The application and plans must be submitted and approval received prior to the construction of the sign.

Permits Required by the Performance Zoning Ordinance

The following are the permit types that are issued under the PZO. A project may require multiple permits.

- Zoning Permit
- Sign Permit
- Landscape Permit

- Home Occupation - Home Occupations will be reviewed and digitally tracked, but there will be no charge for the review and approval.

Development Permits in the remainder of the County (Partial Restriction District) will continue under the Unified Land Management Ordinance (until the time that the Performance Zoning Ordinance is adopted in additional planning areas).

Fees for permits issued under the PZO are set by Resolution of the Spartanburg County Council and can be found on the Planning and Development Department page on the Spartanburg County website.

Zoning Site Plan Requirements

Below are items that must appear on or accompany all Site Plans submitted under the Spartanburg County Performance Zoning Ordinance.

1. Legible location map of the project.
2. Deed reference and copy of any deed restrictions;
3. The shape and dimensions of the property [entire parcel(s)] for the proposed activity.

4. The total development acreage should be stated, either in square footage or in a fraction of an acre; i.e., 0.25 acres. (1 acre = 43,560 ft²)
5. The location of property line(s) and protected property line(s).
6. The width of adjoining road rights-of-way, and/or utility easements, and the location of the lot with respect to these rights-of-way.
7. The location of driveways and parking spaces, and the total number of spaces in parking areas. ****The standard space is 9' x 18'.** Identify **existing** and/or **proposed** driveways and parking areas, and the **type of surface** of all. Identify existing and/or proposed handicap parking spaces as per Section 2-2-20 (b).
8. Indicate the sight distance from the intersection of the proposed or existing driveways with the roadway(s). Indicate the posted speed limit of the roads.
9. The shape, dimensions, and location of all **existing** and **proposed** buildings on the subject lot. Identify buildings as **existing** or **proposed**. Show **overall square footage** and **height** (from finished grade) of each building. Elevation (above mean sea level) of finished grade for building sites may be required for airport districts and exceptionally tall structures. Show nature of, or intended use of, land where no buildings are planned (such as boat and RV sales, vehicle sales, sports events, outside storage areas, parking, etc.).
10. Architectural plans for all new structures, and proper color schemes for existing/proposed buildings and other structures. Section 2.3.50 Architectural Standards
11. The location of residences (houses or mobile homes) on adjoining properties and the nearest distance to their own property line. The residence may be shown as a simple rectangle, with the distance or distances shown from the nearest side or corner of the rectangle to its own property boundary. Any residence located on adjacent property in a General District will be afforded buffering restrictions as if it is a grandfathered residence (protected property line) unless the Planning and Development Department is supplied with evidence that the residence was established on the property after zoning was adopted for that specific planning area.
12. Two copies of the landscape plan for the proposed activity/development are required. Please refer to the landscape plan checklist for more specific requirements.
13. Additional information specified by Article 4 for Conditional Uses and Article 5 for Special Exceptions, as applicable.

Additional Information:

- **Signs are permitted separately.** The location of all existing and proposed signs (freestanding, wall, etc.). For freestanding signs, show their height and display area, and the distance (in feet) to adjoining properties and road rights-of-way. Freestanding signs are required to maintain a separation distance of ten feet from overhead electrical lines/conductors. Vision clearance rules and sight triangles must also be observed.

- All proposed activities shall comply with the Compatibility Performance Standards contained in Chapter 3 of the Zoning Ordinance. For activities particularly associated with higher degrees of noise and light, the zoning application and site plan submittal shall address the proposed method(s) of compliance with the Compatibility Performance Standards of the Zoning Ordinance.
- When screening is required, plans showing the type of materials to be used for the screening and construction details must be submitted to The Planning and Development Department for review and approval prior to installation of the screening.
- Development project driveways accessing publicly maintained roads must also obtain the proper encroachment permits from the South Carolina Department of Transportation (SCDOT) or Spartanburg County Public Works Department.

** SCDOT may require existing access points to be revised to meet current SCDOT requirements. It is the applicant’s responsibility to contact SCDOT to determine if such a revision is necessary. The approval and issuance of a zoning permit does not relieve the applicant from meeting SCDOT requirements. If a SCDOT revision is necessary, another zoning site plan review, including any fees associated with that review, may be required.

Variations and Appeals

If a variance is required in order to receive approval, the request will go before the Board of Zoning Appeals for a decision. The zoning variance criteria identified in the State Planning Act will apply to all Zoning Variations. If the Board of Zoning Appeals does not approve the variance, any appeal will go to the Circuit Court.

Once a variance applicant has secured a variance from the Board of Zoning Appeals, he/she may proceed at their own risk with their project during the appeal period.

Decisions of the Board of Zoning Appeals will be mailed to the applicant by certified letter. (PZO, Section 9.2.90)

Road Closings and “Paper” Roads

See the process as described in the *Subdivision Regulations Administrative Policies and Procedures*.

Zoning/Development Review Meetings

The Planning and Development Department offers Development Review Meetings for prospective developers to discuss requirements for their projects. These meetings are designed to explain the County’s development review process and assist applicants in the successful navigation of procedures. Each meeting will bring together relevant review agencies, such as Zoning, Subdivision, Floodplain Management, Landscape and Open Space, Land Development Management, Right-of-Way Encroachment, and Building and Fire Codes. The Planning and Development Department will coordinate

with other County Departments and agencies to have involved parties attend the Development Review Meeting.

The calendar of meetings will be posted on the Planning Department page of the County website. Developers will need to call the Development Staff at 864-596-3469 to schedule a Development Review Meeting. It is strongly encouraged that a site plan be submitted at least 5 days prior to the meeting so that staff may provide the best project-specific guidance.

Single Family Residential Zoning Approvals

Zoning Permits for new Single Family Homes will not be issued. Single Family homes require two off-street parking spaces, must meet setbacks, and have no deed restrictions or covenants that would affect or disallow the activity/use. The Building Permit contains language regarding these requirements. Builders may check with the Planning and Development Department to ensure that they are applying the proper setbacks.

Location of Mobile and Manufactured Homes – The PZO (4.1.20) and the ULMO (3.03-3) both call for limited location of “Standard Designed” manufactured homes to be located only on certain properties: 1.) Existing lots of record as of May 21, 2012, 2.) As a second dwelling on property with a single family detached dwelling (PZO (4.1.20) and the ULMO (3.03-3)), 3.) in a park, and 4.) in an approved subdivision on a local road. The Planning Staff will issue zoning permits for these homes.

Sexually Oriented Businesses - Zoning Permits

There are two Zoning permits for Sexually Oriented Businesses. One for the SOB and one for the underlying use. Please note that Sexually Oriented Businesses are allowed in the General District only. The parking requirements will be determined by the underlying use such as assembly, food services, or retail.

Parking Lots and Required Trees

There is no requirement for paving parking lots in Spartanburg County. However, plans must be presented that show that the required spaces dimensioned as if they were going on pavement at the stall dimensions required (2.2.20) in an organized manner on the site and landscaping trees must be installed per the ordinance. Wheel stops may be used to designate spaces. The construction of the lot and tree locations must be installed as they appear on the approved plan. Parking lots will be inspected by staff prior to the issuance of a Certificate of Occupancy.

Process for Property Owner Consent Agreement

23.62 a. allows for adjacent property owners to agree to waive the standards found in the Compatibility

Table by signing a Consent Agreement. There is a separate fee charged to the Applicant for each Property Owner Consent Agreement submitted for their project. See the current Fee Schedule. Property Owner Consent Agreements will be confirmed by the staff and entered into a tracking system.

Development Project Split by Jurisdictions

If Spartanburg County does not have total jurisdiction over the property where the project is located, then an approval from the other jurisdiction's appropriate approval authority must be obtained by the County's Development Staff. This approval will consist of the other jurisdiction signing off on a site plan that meets its jurisdiction's regulations. County Development Staff will then approve the site plan per County ordinances.