

“DO I NEED A PERMIT?”

The Land Development Division (LDD) is responsible for the coordination and oversight of all storm water related activities as outlined in the Storm Water Management Ordinance (No. 4698) by the issuance of Land Disturbance permits. All land disturbing activities that result in a change in the natural cover or topography of the existing land must utilize Best Management Practices (BMPs) to prevent violations of the Federal Clean Water Act. All land clearing and construction projects including residential lots that anticipate land disturbance are subject to LDD permitting requirements.

AGRICULTURAL

For tree removal and / or land grading activities to be considered farming, proof of farming practices (< 5 acres) must consist of two or more of the following:

Definition of a Farm (<5 acres)

Proof of farming practices (<5 acres) consists of **two** or more of the following:

- An area in production that is capable of bringing in \$1000.00 or more in sales.
- A Schedule F form submitted to the IRS for taxes for the previous year.
- If livestock is the means of production, adequate fencing must be present. At least one animal must be on the property.
- If crops are the means of production, evidence of production must be visible.
- The farm is registered with the Farm Service Agency.

For properties > **5 acres** with land disturbance activities on site not registered with the Farm Service Agency will be treated as grading without a land disturbance permit.

RESIDENTIAL

Construction permitting will fall into one of the four categories below:

1. If the lot is part of a major subdivision platted after 2003, it may be covered under an active permit for that subdivision and is considered a secondary-permittee of that subdivision's permit. All construction activity must comply with erosion control plans for individual lots as shown on the subdivision's storm water management and sediment control plan.

If an N.O.T. has been submitted to SCDHEC for the subdivision, the lot owner is required to submit an Individual Lot Notice of Intent (IL-NOI) and any applicable fees to South Carolina Department of Health and Environmental Control (SCDHEC) for coverage under the Construction General Permit.

At minimum, BMPs must be installed and maintained as outlined in the Single Family Residential Erosion/Sediment Control Standards booklet. Failure to install or maintain such measures will result in a Stop Work Order and Notice of Violation. If the site continues to produce off-site impacts a Land Disturbance (Grading) permit may be required. LDD reserves the right to require a licensed design professional to oversee the project. Fines of up to \$7,500.00/violation/day may be imposed if the site becomes a habitual offender.

2. Minor Subdivisions, lots that were created through a summary plat (after January 1, 2003) with a zero lot disturbance permit must at the time of development either hire a design professional to design a site development plan that addresses water quantity/quality control and erosion control or use the Green Infrastructure for Single Family Residences program. A permit from LDD must be obtained before any a building permit can be released.
3. For individual lots not located within a permitted subdivision **disturbing more than 5,000 ft but less than 1 acre** and lots created by a summary plat (before January 1, 2003), LDD will allow the building permit to act in the place of a separate Land Disturbance (Grading) permit; therefore, a separate Land Disturbance (Grading) permit **is not required**. However, BMPs must be installed and maintained as outlined in this booklet. Failure to install or maintain such measures will result in a Stop Work Order and Notice of Violation. If the site continues to produce off-site impacts a Land Disturbance (Grading) permit may be required. LDD reserves the right to require a licensed design professional to oversee the project. Fines of up to \$7,500.00 per violation per day may be imposed if the site becomes a habitual offender.
4. Residential lots **disturbing 1 acre of land or more and not part of a larger common plan of development** will be required to obtain a Land Disturbance (Grading) permit, as well as submit a Notice of Intent (NOI) and any applicable fees to South Carolina Department of Health and Environmental Control (SCDHEC) for coverage under the Construction General Permit. In some cases the Green Infrastructure for Single Family Residence program may be allowed for use. LDD reserves the right to require a licensed design professional to oversee the project.

COMMERCIAL/INDUSTRIAL/RECREATIONAL/INSTITUTIONAL/RELIGIOUS

Construction permitting will fall into one of the five categories below:

1. Land disturbance activities involving one or more acres or will result in more than 1 CFS increase in peak runoff rate, requires a storm drain pipe system, alters an existing storm drain system, has potential to cause downstream impacts or requires preparation by a design professional will need either an engineer minimum or full permit.
2. Land disturbance activities involving more than 5000 square feet but less than one acre may be eligible to submit a simplified permit if none of the conditions listed in number one exist.
3. For sites that do not involve more than an acre or result in less 1 cfs but do have one or more of the other conditions listed on #1 , an engineer minimum plan is required.
4. Redeveloped sites that do not increase the storm water runoff by more than 1 CFS and have retained the original stormwater management facility but disturbed more than 5000 square feet must retrofit the site to meet water quality standards. This must be prepared and sealed by a design professional.
5. For sites that are a part of a larger common development where storm water quantity and post construction water quality are provided for in a shared storm water management facility, sedimentology trapping efficiencies must be calculated and provided as a part of the SWPPP. This site plan must be prepared and sealed by a design professional. Fees will be determined on site-by-site requirements basis.

**To discuss land disturbance permitting with one of our staff members,
email landdevelopment@greenvillecounty.org or call 864.467.4610.**