

AN ORDINANCE

AN ORDINANCE AMENDING AND REENACTING THE ZONING REGULATIONS FOR THE COUNTY OF GREENVILLE, SOUTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF THE SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994, S.C. CODE TITLE 6, CHAPTER 29, AND TITLE 4, CHAPTER 9.

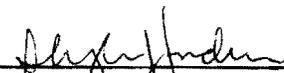
BE IT ORDAINED by the County Council of Greenville County, South Carolina:

Section 1. Amendment and Reenactment of the Greenville County Zoning Ordinance. The zoning regulations and enactment attached to this Ordinance are hereby adopted and shall serve as the Greenville County Zoning Ordinance and provide for the administration, enforcement, and amendment thereto. This Ordinance and attachments shall replace in its entirety the Greenville County Zoning Ordinance adopted in January 1970 and subsequent amendments duly adopted through July 2004. This Ordinance is in accordance with the provisions of S.C. Code Ann. (as amended) Title 6, Chapter 29 and Title 4, Chapter 9.

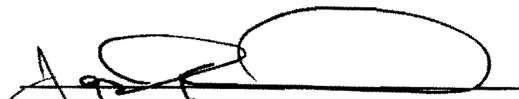
Section 2. Severability. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 3. Effective Date. The Ordinance shall take effect one (1) day after the next regularly scheduled Council meeting following final approval of this Ordinance.

DONE IN REGULAR MEETING THIS 13th DAY OF DECEMBER, 2004.



Phyllis Henderson, Chairman
Greenville County Council



Joseph Kernell
County Administrator

ATTEST:



Theresa B. Kizer
Clerk to Council

TABLE OF CONTENTS

ARTICLE 1		PURPOSE, AUTHORITY	Page #
<u>Section 1:1</u>		Purpose	4
<u>Section 1:2</u>		Authority	4
<u>Section 1:3</u>		Jurisdiction	4
<u>Section 1:4</u>		Official Zoning Map	4
<u>Section 1:5</u>		Interpretation of District Boundaries	5
<u>Section 1:6</u>		Severability	5
<u>Section 1:7</u>		Effective Date of Ordinance	5

ARTICLE 2		REVIEW AND DECISION MAKING BODIES	
<u>Section 2:1</u>		County Council	6
<u>Section 2:2</u>		Planning Commission	6
<u>Section 2:3</u>		Board of Zoning Appeals	7
<u>Section 2:4</u>		Establishment of Board of Zoning Appeals	7

ARTICLE 3		DEVELOPMENT REVIEW AND ADMINISTRATION	
<u>Section 3:1</u>		General Provisions	9
<u>Section 3:2</u>		Zoning Ordinance Text and Map Amendments	9
<u>Section 3:3</u>		Special Exceptions	13
<u>Section 3:4</u>		Variances	13
<u>Section 3:5</u>		Appeals and Hearings	15
<u>Section 3:6</u>		Building Permits	16
<u>Section 3:7</u>		Certificate of Use	17
<u>Section 3:8</u>		Conformance of Construction and Use	17
<u>Section 3:9</u>		Site Plan Review for PD, NC, and POD	18

ARTICLE 4		DEFINITIONS	20
------------------	--	--------------------	-----------

ARTICLE 5		ZONING DISTRICT REGULATIONS	
<u>Section 5:1</u>		Zoning Districts	36
<u>Section 5:2</u>		R-R3, Rural Residential District	37
<u>Section 5:3</u>		R-R1, Rural Residential District	37
<u>Section 5:4</u>		R-S, Residential Suburban District	38
<u>Section 5:5</u>		R-20, R-15, R-12, R-10, and R-7.5 Single-Family Residential Districts	38
<u>Section 5:6</u>		R-M10, Multifamily Residential District	39
<u>Section 5:7</u>		R-M20, Multifamily Residential District	40
<u>Section 5:8</u>		R-MA, Multifamily Residential District	41
<u>Section 5:9</u>		R-MHP, Residential Manufactured Home Park District	42
<u>Section 5:10</u>		O-D, Office District	46
<u>Section 5:13</u>		C-1, Commercial District	46
<u>Section 5:14</u>		C-2, Commercial District	47
<u>Section 5:15</u>		C-3, Commercial District	47

ARTICLE 2 REVIEW AND DECISION-MAKING BODIES

Section 2:1 County Council

2:1.1 Review Authority

The County Council does not act in a review or recommending capacity.

2:1.2 Decision-Making Authority

The County Council shall have final (local) decision-making authority on the following matters:

- A. Comprehensive Plan Amendments
- B. Zoning Ordinance Text Amendments (see Article 3, Section 3:3)
- C. Zoning Map Amendments (Rezoning) (see Article 3, Section 3:2)
- D. Major PD Changes to Concept Plans and Statement of Intent (see Article 8, Section 8:1)
- E. Acceptance of public dedications (offered as part of Subdivision Plat process (see Section 6.6 of the Greenville County Land Development Regulations).

Section 2:2 Planning Commission

2:2.1 Review Authority

The Planning Commission acts in a review and recommending capacity on the following matters:

- A. Comprehensive Plan Amendments
- B. Zoning Ordinance Text Amendments (see Article 3, Section 3.2)
- C. Zoning Map Amendments (Rezoning); (see Article 3, Section 3.2)
- D. Major PD Changes to Concept Plans and Statement of Intent (see Article 8, Section 8.1)

2:2.2 Decision-Making Authority

The Planning Commission acts in a review and recommending capacity on the following matters:

- A. Preliminary Subdivision Plats (see Section 3.1 of the Greenville County Land Development Regulations)

Section 2:3 Board of Zoning Appeals

2:3.1 Review Authority

The Board of Zoning Appeals does not act in a review or recommending capacity.

2:3.2 Decision-Making Authority

The Board of Zoning Appeals shall have final (local) decision-making authority on the following matters:

- A. Special Exceptions (see Article 3, Section 3.3)
- B. Variances (see Article 3, Section 3.4)
- C. Appeals of Administrative Decisions (see Article 3, Section 3.5)
- D. Interpretation of district boundaries where boundaries on the ground are at variance with those shown on the Official Zoning Map

Section 2:4 Establishment of Board of Zoning Appeals

A Board of Zoning Appeals is hereby created with the powers and duties set forth below.

2:4.1 Memberships

The Board of Zoning Appeals shall consist of nine members appointed by County Council to serve staggered terms of three years. Any vacancy in the membership shall be filled for the remainder of the unexpired term. Members shall be removable for cause by County Council

2:4.2 Proceedings

The Board of Zoning Appeals shall adopt bylaws governing its operations.

2:4.3 Officials

The Board shall elect from its members a Chairperson, Vice Chairperson, and any other officers deemed necessary. All such officers shall serve one-year terms and may succeed themselves.

The chairman, or in his absence the acting chairperson or vice chairperson, may administer oaths and compel the attendance of witnesses and the production of papers, records, and other documents by subpoena.

The Board shall appoint a secretary for the purposes of recordation of meetings and other administrative duties as may be required.

2:4.4 Meetings

Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Due notice shall be given to all parties in interest. All meetings of the Board shall be open to the public and all evidence and testimony shall be presented publicly.

2:4.5 Minutes of Proceedings

The Board shall keep minutes of its proceedings showing the vote of each member upon every question or his absence or failure to vote indicating such fact, and also keep records of its examinations, findings, determinations, and any other official action. No action shall be taken unless a quorum is present.

ARTICLE 3 DEVELOPMENT REVIEW AND ADMINISTRATION

Section 3:1 General Provisions

The general provisions of this section apply to all development applications and procedures under this article unless otherwise stated.

3:1.1 Application Completeness

Applications required under this Ordinance shall be considered complete only if they are submitted in the required format, include all mandatory information and are accompanied by the establishment fee. Any application that is determined to be incomplete shall, within 10 days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted by the application deadline date within 2 months of the date that the application was returned to the applicant.

3:1.2 Filing Fees

Applications shall be accompanied by the fee amount that has been established by the County Council for the respective type of application. Fees shall not be required for applications initiated by authorized Review or Decision-Making Bodies.

Section 3:2 Zoning Ordinance Text and Map Amendments (Rezoning)

The regulations, restrictions, and boundaries set forth in this Zoning Ordinance may from time to time be amended, supplemented, changed, or repealed by the County Council. Prior to final action by County Council under this article, the Planning Commission shall review the amendment and offer any comments or recommendations as appropriate. All actions taken under this Article shall be done in accordance with the procedures outlined below.

3:2.1 Application

An application for any change or amendment to the text or map of this Ordinance shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be changed and the names and addresses of the owner or owners of the property. Such application shall be filed with the Greenville County Planning Commission staff in accordance with the published schedule of rezoning deadline and meeting dates. In order for an application to be processed by Planning Commission staff, all required information and forms must be completed. Planning Commission staff may return any incomplete forms to the applicant.

3:2.2 Action by the Applicant

Action shall be taken by applicants for amendments to the ordinance text or any map adopted hereunder in accordance with the provisions of this Article.

3:2.3 Initiation of Amendments

County Council, County Planning Commission, or Board of Zoning Appeals may initiate proposed changes or amendments to the ordinance text. Petitions for text changes or amendments by any interested property owner or resident of Greenville County must first be presented to the Public Service, Planning and Development Committee of County Council. In the event County Council recommends approval of the text change or amendment for public hearing, the text change or amendment shall be scheduled for public hearing, and considered for adoption.

Proposed changes or amendments to the zoning district map may be initiated by County Council, County Planning Commission, Board of Zoning Appeals, or by petition of any interested property owner with a property interest in the parcel of property being petitioned for a map change in accordance with the following procedures.

3:2.4 Public Hearing

Upon receipt of a completed application from the Planning Commission staff for an amendment to the Zoning Ordinance text or map, County Council shall place the request on the agenda for the next scheduled public hearing. No amendment to the Zoning Ordinance text or map shall be eligible for reading by County Council until after a public notice and hearing by County Council.

The Planning Commission staff shall present the facts regarding the request for the amendment at the public hearing. This presentation shall be made a part of the hearing record.

3:2.5 Notice of Hearing

Notice of a public hearing shall be published in a newspaper of general circulation at least 15 days prior to the hearing. The notice shall be blocked in, carry an appropriate descriptive title, and shall state the time, date, and place of the hearing. The Planning Commission staff shall provide the applicant or his designated representative with an adequate number of Notice of Hearing signs to allow the applicant or his designated representative to properly post and maintain on the property a County Notice sign at least 15 days prior to the date of the public hearing. Only such signs as provided by the Planning Commission staff shall be used and such signs shall be placed in a conspicuous place or places on the affected premises. The posting of the subject property is the responsibility of the applicant. Failure to keep the subject property posted will result in removal of the rezoning application from the zoning hearing docket and forfeiture of the application fees. In the event the rezoning applicant is removed, the applicant may submit a new rezoning application and fees for the following month. All Notice of Zoning Hearing signs must be removed within 5 days after the public hearing.

3:2.6 Action by the Planning Commission Staff

The Planning Commission staff shall, upon receipt of a request for an amendment to the Zoning Ordinance text or map, review and make written recommendations to the Greenville County Planning Commission concerning the request. The Planning Commission shall have 60 days within which to submit its report and recommendation to County Council. If the Planning

Commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure from the text or map.

3:2.7 Action by County Council

After conducting a duly advertised public hearing, County Council shall consider information presented at the hearing and the staff review and recommendation received from the Greenville County Planning Commission. The Planning Commission staff's written report shall be forwarded to County Council for action at its next regular meeting following the scheduled public hearing.

Before County Council approves any map amendment, the Planning Commission and County Council shall be informed of the relation of the application to the provisions of the county's Comprehensive Plan or, in the absence of such information, that one or more of the following should be considered:

- A. That the original zoning classification given the property was improper or inappropriate.
- B. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the county's comprehensive plan and which have substantially altered the basic character of such area.

If the Planning Commission recommends denial of the request for an amendment, County Council may reject the recommendation of the Planning Commission by a favorable vote of two-thirds of the members of the Council.

Greenville County Council or Council's Public Service, Planning and Development Committee shall have the option to defer action on any rezoning request in order to gain additional facts or to seek the resolution of any disputes surrounding the rezoning case. If final action has not been taken on a rezoning request within four months from the date of the original public hearing, the request shall be placed on the next available public hearing agenda. The request will be readvertised and the subject property will be posted again. The applicant will not be required to pay an additional application fee. This requirement may be waived by action of Council if active negotiations are under way between the applicant and the opposition in an attempt to reach a compromise.

3:2.8 Reconsideration of Request for Amendment

When County Council shall have denied a request for an amendment, it shall not consider the same or a less restrictive reclassification for an amendment affecting the same property until one year from the date of the previous denial. A more restrictive classification is not subject to the one-year period. Furthermore, when an application for an amendment is withdrawn at the request of the applicant after such time as the application has been legally advertised for public hearing, it shall not be considered for an amendment affecting the same property for six months from the date of withdrawal.

3:2.9 Effective Date of Changes in Zoning or Map Ordinances

Any ordinance affecting a change in the text of the Zoning Ordinance or zoning maps shall not become effective until the day following third reading by County Council.

3:2.10 Rezoning Fees

When a proposed amendment to the ordinance text or map is initiated by individuals or parties other than County Council, Planning Commission, or Board of Zoning Appeals, a fee shall be paid for each application for administrative and advertising expenses as set forth in the following table.

REZONING FEE SCHEDULE

Zoning Requested	Acreage									
	1	2	3	4	5	6	7	8	9	10 or Greater
Districts	Dollars									
Single-Family Residential Districts	70.00	100.00	135.00	170.00	205.00	240.00	270.00	305.00	340.00	350.00
Multifamily Residential Districts	205.00	240.00	270.00	305.00	340.00	375.00	405.00	440.00	475.00	500.00
Nonresidential Districts	270.00	305.00	340.00	375.00	405.00	440.00	475.00	510.00	540.00	600.00
PD										650.00
Text Amendments										100.00
Site Plan Review										75.00

Section 3:3 Special Exceptions

3:3.1 Uses by Special Exception

The Board of Zoning Appeals may hear and decide upon uses by special exception specifically authorized by the terms of this Ordinance. The Board shall not authorize a use by special exception unless the following conditions are met:

- A. A written application is submitted.
- B. Notice shall be given at least 15 days in advance of a public hearing in a newspaper of general circulation.
- C. A public hearing shall be held.
- D. The Board shall make written findings indicating compliance with the regulations governing the special use, and any conditions placed on the approval by the Board.

When an applicant requests a Use by Special Exception under the terms of this Ordinance, the Zoning Administrator shall provide the applicant or his designated representative with an adequate number of Notice of Hearing signs to allow the applicant or his designated representative to properly post, and maintain on the subject property, County Notice sign at least 15 days prior to the date of the Board of Zoning Appeals hearing. Only such signs as are provided by the Zoning Administrator shall be used and such signs must be placed in a conspicuous place or places on the affected premises. Upon the first failure to comply with the posting requirements, the scheduled hearing will be removed agenda and rescheduled for the next available hearing date. A second failure to comply with the posting requirements will result in the forfeiture of the application fee and removal of the scheduled hearing from the agenda. All signs must be removed within 30 days after the public hearing.

Section 3:4 Variances

3:4.1 Consideration of Variances

The Board of Zoning Appeals is authorized 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:

The Board of Zoning Appeals may authorize upon written appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where;

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;

Section 3:3 Special Exceptions

3:3.1 Uses by Special Exception

The Board of Zoning Appeals may hear and decide upon uses by special exception specifically authorized by the terms of this Ordinance. The Board shall not authorize a use by special exception unless the following conditions are met:

- A. A written application is submitted.
- B. Notice shall be given at least 15 days in advance of a public hearing in a newspaper of general circulation.
- C. A public hearing shall be held.
- D. The Board shall make written findings indicating compliance with the regulations governing the special use, and any conditions placed on the approval by the Board.

When an applicant requests a Use by Special Exception under the terms of this Ordinance, the Zoning Administrator shall provide the applicant or his designated representative with an adequate number of Notice of Hearing signs to allow the applicant or his designated representative to properly post, and maintain on the subject property, County Notice sign at least 15 days prior to the date of the Board of Zoning Appeals hearing. Only such signs as are provided by the Zoning Administrator shall be used and such signs must be placed in a conspicuous place or places on the affected premises. Upon the first failure to comply with the posting requirements, the scheduled hearing will be removed agenda and rescheduled for the next available hearing date. A second failure to comply with the posting requirements will result in the forfeiture of the application fee and removal of the scheduled hearing from the agenda. All signs must be removed within 30 days after the public hearing.

Section 3:4 Variances

3:4.1 Consideration of Variances

The Board of Zoning Appeals is authorized 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:

The Board of Zoning Appeals may authorize upon written appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where;

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;

3. 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
4. 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.

The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

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;

Before action is taken on a request for a variance, the Board shall hold at least one public hearing at which any party may appear in person, by agent, or attorney.

Notice shall be given at least 15 days in advance of a public hearing. The owner of the property for which the variance is requested, or his agent, as well as parties in interest shall be notified by mail. Notice of hearings shall be made in a newspaper of general circulation in Greenville County, posted on the property for which a variance is requested, and posted at Greenville County Square.

When an applicant requests a variance from the terms of this Ordinance, the Zoning Administrator shall provide the applicant or his designated representative with an adequate number of Notice of Hearing signs to allow the applicant or his designated representative to properly post and maintain on the property, a Notice of Hearing sign at least 15 days prior to the date of the Board of Zoning Appeals hearing. Only such signs as provided by the Zoning Administrator shall be used and such signs shall be placed in a conspicuous place or places on the affected premises. Upon the first failure to comply with the posting of Notice requirements, the hearing will be removed from the agenda and rescheduled for the next available hearing date. A second failure to comply with the posting of Notice requirements will result in forfeiture of the application fee and removal of the hearing from the agenda. All signs must be removed within 30 days after the public

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards shall be a violation of this Ordinance and punishable under Article 13.

Section 3:5 Appeals and Hearings

3:5.1 Duties of Zoning Administrator, Board of Zoning Appeals, County Council, and Courts on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator, and that recourse from the decision of the Board of Zoning Appeals shall be as provided by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S. C. Code Title 6, Chapter 29.

It is further the intent of this Ordinance that the duties of the County Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the County Council shall have only the duty of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law.

3:5.2 Appeals to the Board

The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer, department, board, or bureau of the county. Appeal must be taken within thirty- five (35) days from the date of the decision notice or letter, by filing with the officer from whom the appeal is taken, and with the secretary of the Board notice of appeal specifying the grounds of such appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for hearing the appeal, give due notice of the hearing, at least 15 days prior to the hearing date, to the parties of interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by designated agent or attorney. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall make such 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.

3:5.3 Stay of Proceedings

An appeal, or other pending completed application requesting Board action (variance, special exception) stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken, certifies to the Board, after 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 or property. In which case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction.

3:5.4 Decisions

The concurring vote of the majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator charged with the enforcement of this Ordinance, to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to grant a variance from the provisions of this Ordinance. In all final decisions or orders, the Board must specifically state that it is ordering, modifying or denying the particular matter presented to it for decision.

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.

3:5.5 Parties in Interest

For the purposes of this Article, "parties of interest" shall include the applicant and/ or the appellant, and other persons who have submitted a written statement to the Board or Zoning Administrator indicating their interest in the matter before the Board.

3:5.6 Appeals

Every decision of the Board of Zoning Appeals may be appealed in the manner provided by the laws of the State of South Carolina and particularly by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S. C. Code Title 6, Chapter 29.

3:5.7 Board of Zoning Appeals Fees

An administrative fee of \$80 plus \$20 required advertising cost shall be paid to the Zoning Administrator for each application for a variance; use permitted by special exception, appeal, or interpretation to the Board of Zoning Appeals.

Section 3:6 Building Permits

No land shall be used, occupied, or excavated, and no building or other structure shall be erected, structurally altered, added to, or moved until approval for the issuance of a Building Permit has been granted by the Zoning Administrator. If the proposed plan, in two copies, conforms with the provisions of this Ordinance, the Zoning Administrator shall endorse a Building Permit Application, and return one copy of the plan to the applicant. The Zoning Administrator shall mark the plan as approved and attest to the same by authorized signature. The Office of Building Safety shall retain the second copy of the plan, similarly marked, and a copy of the Building Permit. A record of all Building Permits issued and/or plans shall be kept on file in the Office of Building Safety in accordance with the S.C. Department of Archives & History, Division of Archives and Records, Management Retention Schedule.

3:6.1 Right of Appeal

If the request for a Zoning Application is disapproved, or a Certificate of Use is denied, the applicant may appeal the action of the Zoning Administrator to the Board of Zoning Appeals.

Section 3:7 Certificate of Use

3:7.1 Certificate of Use

It shall be unlawful to use, occupy, or permit the use of any building or premises or part hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Use shall have been issued by the Zoning Administrator stating that the proposed use of the building or land complies with the provisions of this Ordinance.

The Zoning Administrator shall retain a record of all Certificates of Use issued.

3:7.2 Application Procedures

Application for a Certificate of Use shall be made coincidentally with the application for a building permit. The Certificate of Use shall be issued within five days after the successful completion of all the final inspections related to the project.

3:7.3 Temporary Certificate of Use

The Zoning Administrator may issue a temporary Certificate of Use for a period as determined by the Zoning Administrator, but not to exceed six months for alterations, or for use of a building pending completion, or for bazaars, carnivals, and other temporary activities. The temporary certificate may require conditions and safeguards to protect the occupants and the general public.

3:7.4 Failure to Obtain Certificate of Use

Failure to obtain a Certificate of Use shall be a violation of this Ordinance and punishable under Article 13 of this Ordinance.

Section 3:8 Conformance of Construction and Use

Certificates of Use are issued on the basis of approved construction documents and applications approved by the Zoning Administrator. Certificates of Use authorize only the use, arrangement, and construction set forth in such approved construction documents and applications.

Use, arrangement, or construction that differs from approved construction documents and applications is a violation of the Ordinance and punishable under Article 13 of this Ordinance.

Section 3:9 Site Plan Review for PD, NC, and POD

This section lists the criteria by which PD, Planned Development districts, NC, Neighborhood Commercial districts, and POD, Planned Office Development districts are reviewed. Permitted uses must be in conformance with the zoning district requirements.

A site plan meeting the requirements of this section shall be reviewed and approved by the Planning Commission staff prior to the issuing of permits (i.e. grading, encroachment). All site plan review approvals are valid for 1 year, where upon if no permit has been issued, a new site plan review will be required.

3:9.1 Application for Site Plan Review

All applications for development in the PD, Planned Development district, NC, Neighborhood Commercial district, and POD, Planned Office District shall be made to the office of the Greenville County Planning Commission. The application fee of \$75.00 shall accompany the application. The Planning Commission staff shall provide the applicant or his designated representative with an adequate number of Public Notice Plan Review signs to allow the applicant or his designated representative to properly post and maintain on the property a notice of public hearing at least 15 days prior to the date of the Greenville County Planning Commission hearing. The Planning Commission may authorize the planning staff to review and approve site plans. At the discretion of the planning staff or in the case of an appeal of the decision of the planning staff, the Planning Commission will act on the application. In this case, the Planning Commission staff shall submit a written review and recommendation of the application to the Greenville County Planning Commission. The Greenville County Planning Commission will evaluate the staff's recommendation in its consideration of the application. The Greenville County Planning Commission may impose additional or more restrictive requirements if it is determined that it is within the best public interest.

Before the planning staff makes a recommendation to the Greenville County Planning Commission, it shall determine the following:

- A. That the spirit of the zoning district shall not be violated.
- B. That the proposed development will harmonize with existing developments.
- C. That the proposed development will be a desirable addition to the physical pattern of the neighborhood.
- D. That the design be such that additional traffic will not be a burden on existing streets.
- E. That no adverse environmental impacts will be created by the proposed development.
- F. That the visual appearance of the development will harmonize with the existing development.
- G. That the architectural character blends with the surrounding area.

3:9.2 Site Plan Submittal Requirements

Two reproducible copies of the site plan meeting the requirements of this section must be submitted to the Planning Commission office. No building permit shall be issued until site plans have been reviewed and approved by the Planning Commission following the process outlined in Section 3:9.1.

In order to ensure proper and expeditious review, the site plan must meet the following criteria:

- A. The site plan must be drawn to a scale of not less than 100 feet to 1 inch by a registered engineer/surveyor of the State of South Carolina;
- B. A vicinity map, title block, scale, north arrow, site size, and property line survey;
- C. The location of any utility easements;
- D. The land use for every part of the site and the number of acres devoted to each use;
- E. The site's traffic circulation plan, including the location of curb cuts and points of ingress/egress, and also including the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.;
- F. The site's parking plan, including all off-street parking, loading/unloading areas, and structures, and also including all parking spaces and their dimensions;
- G. Storm water Management and Sedimentation and Erosion Control Plans, which must be submitted to the County Soil and Water Conservation District;
- H. The site's sign plan, which includes all exterior signage of the development;
- I. The site's lighting plan, including the location, height, and type of all exterior light fixtures;
- J. If applicable, the location of all proposed nonresidential buildings or structures, their general exterior dimensions, and gross square footage;
- K. If applicable, the location of all proposed residential structures, their general exterior dimensions, the number of residential dwelling units by type, and the number of the bedrooms in each unit;
- L. If applicable, the site's pedestrian circulation plan, including the location of all sidewalks, paths, trails, etc. and the dimensions thereof;
- M. The screening and landscape plan for the site; including the location, size, and type of plant material;
- N. Specifications indicating the proposed treatment or improvements to all open space areas and the delineation of those areas proposed for specific types of developed recreational activities;
- O. Elevations of proposed development;
- P. Perspective sketch indicating colors and materials of all structures and screening.