

## **CHAPTER 25 – PLANNING AND LAND DEVELOPMENT**

### **Sec. 25-1 Membership in regional planning council.**

The county, by virtue of a 1972 agreement, as subsequently amended, is a member of the Catawba Regional Planning Council of Governments.

### **Sec. 25-2 Authority and Jurisdiction**

- I. The Land Development Standards are hereby enacted to provide for the health, safety and welfare of the general public by ensuring the orderly development of the County through fair and consistent administration and enforcement.
- II. These regulations shall apply to land development in unincorporated Union County and include the changing of land characteristics through development or through the subdivision of land.
- III. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.
- IV. These land development regulations are adopted under the authority of and pursuant to Chapter 29 of Title 6, South Carolina Code, 1976, as amended.
- V. Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole, or any other part thereof, other than the part so declared to be unconstitutional or invalid.

### **Sec. 25-3 Purpose**

The principal purposes of the Land Development standards are as follows:

- I. Protect land values through good and responsible development.
- II. Implement the recommendations of Union County's Comprehensive Plan.
- III. Conserve and ensure access to the county's natural and scenic resources for future generations to enjoy.
- IV. Secure the safety of residents from the hazards of improper development.
- V. Enhance the development process and improve the siting of new development.

**Sec. 25-4 Administration**

I. Designated Administrator of Chapter

The County Council shall designate a Land Development Administrator to manage and implement the provisions of this chapter. All matters of interpretation of this Chapter shall be considered first by the designated Land Development Administrator.

II. Nonconformities

Nonconforming buildings or uses are buildings or land use activities that were established prior to the enactment of this chapter and that do not meet one (1) or more requirement(s) of this chapter. To avoid undue hardship, the lawful use of any building or activity present at the time of enactment of this chapter may be continued even though such use does not conform to the provisions of this chapter.

III. Conflicts

There is no intent given by the provisions of this chapter to repeal, revoke, annul or in any way impair or interfere with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by these regulations to interfere with or revoke or annul any easements, covenants, or other agreements between parties. However, when the regulations made under this chapter impose more restrictive standards than are required in or under another statute, local ordinance, or regulation, the regulations in this chapter shall govern.

IV. Appeals

Any person who believes that he or she is aggrieved by an error made by an administrative official of Union County in the enforcement of this Chapter shall have the right to appeal any order, requirement, decision, or determination issued by an administrative official to the appropriate appeals body, as established by herein.

- A. Appeals of an order, requirement, decision, or determination made by the Land Development Administrator shall be directed to the Union County Planning Commission.
- B. Appeals of an order, requirement, decision, or determination made by the Union County Planning Commission as per Section 25-7 of this Chapter shall be directed to the Union County Building Code Board of Appeals.
- C. Appeals shall be submitted in writing to the Land Development Administrator and must be filed within thirty (30) days from the date that the appealing party has received notice of the action from which the appeal is taken.

- D. An appeal shall stay all legal proceedings in furtherance of the action appealed, unless the designated ordinance administrator determines that a stay would cause imminent peril to life and property.
- E. In considering an appeal, the appropriate appeals board as cited in either paragraph A. or B. above, shall conduct a public hearing on the matter, with public notice advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to the hearing date.
- F. In rendering a decision on the appeal, the appeals board may affirm, reverse, or modify the order, requirement, decision, or determination issued by the administrative officer.
- G. All final decisions on orders and decisions of the board must be in writing and copies must be permanently filed with the clerk to council and the office of the Land Development Administrator.

V. Variances

- A. Applications for a variance to the requirements of this chapter shall be submitted on an approved form to the Land Development Administrator.
- B. In considering an application for a variance the Board of Appeals shall conduct a public hearing on the matter, with public notice advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to the hearing date.
- C. All decisions of the Board of Appeals with respect to variance applications shall be in writing and must be permanently filed with the clerk to council and the office of the Land Development Administrator.

VI. Fees

A fee schedule may be provided and imposed by county council to offset certain administrative costs associated with the administration of this chapter.

VII. Enforcement and Violations

- A. Enforcement. The county shall enforce the following, as applicable, to ensure that all subdivisions and land development projects meet the requirements of this chapter.
- B. Violations. Violation of the provisions of this Chapter or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00). Each day the violation continues shall be considered a

separate offense. Nothing herein contained shall prevent Union County, South Carolina from taking such other lawful action as is necessary to prevent or remedy any violation.

## **Sec. 25-5 Subdivisions**

### I. Subdivision Submittal Requirements

- A. Subdivisions for the purpose of this Chapter shall include all divisions of a tract or parcel of land into two or more lots or building sites, whether immediate or in the future for sale, lease, or building development.
- B. All applications to create or modify a subdivision shall contain the information required by this subsection and submitted to the Land Development Administrator for approval prior to recording with the Union County Register of Deeds. The Land Development Administrator shall have sixty (60) calendar days from the date of submission to act in writing on a completed application for subdivision.
- C. Subdivisions not approved as per these regulations and bearing a stamp of approval by the Land Development Administrator are not permitted to be filed or recorded by the Register of Deeds.
- D. Information required by the applicant requesting a subdivision are as follows:
  1. A completed application form, as provided by the administrator.
  2. Ownership information, including a warranty showing every individual person or entity having legal and/or equitable ownership interest in the property upon which the application is sought.
  3. If the applicant represents the property owner, an affidavit is required from the owner to authorize the request.
  4. Determination of the existence of restrictive covenants, and verification if applicable.
  5. Subdivision plan drawing. The subdivision plan must, at a minimum, include the following information:
    - a. Proposed lot boundaries;
    - b. Existing roads within or abutting the proposed subdivision;
    - c. Existing community driveways, if any;
    - d. Existing utilities lines, transformers, pump stations, or similar facilities;
    - e. Existing and proposed easements;
    - f. Proposed roads, if any, consistent with Chapter 27, and Chapter 25, Section 25-6 of the Union County Code of Ordinances;
    - g. The means of access to each lot, either through a public road, private road, or easement;



All newly created lots shall have a minimum of fifty (50) feet of road frontage on any roadway dedicated to public use.

D. Flag Lots

Flag Lots are defined as a tract of land or lot with a developable area connected to a road by a narrow strip of land (referred to as a pole) used for access. Flag Lot poles shall be a minimum of twenty-five (25) feet wide. Flag Lot poles shall be spaced at least fifty (50) feet apart. Each Flag Lot shall serve no more than two properties.

II. Land Standards

A. Streets and Related Improvements

1. All newly created lots must have direct access to a roadway dedicated to public use or via defined easement.
2. Minimum 50' is required for all road rights-of-way.
3. If roads are constructed to Union County standards: inspection and approval of the roadbed, surface paving, driveway pipes, and stormwater runoff management shall be obtained from the county engineering department prior to final approval and adoption into the county road system by the county council.

B. Water Facilities

1. If public water is to be provided to a subdivision or land development project, approval of the water distribution system is at the discretion of the water district charged with serving the area. If the subdivision or land development project is to be served by wells, approval of wells shall be at the discretion of South Carolina Department of Health and Environmental Control.
2. The water provider shall furnish evidence in writing that the subdivision or land development project can be adequately serviced.
3. If water pressure and the requisite volumes of water are available, as determined by the appropriate water district, the subdivider of any new subdivision shall be required to install or identify existing fire hydrants within 1,000 feet of every lot.

C. Wastewater Facilities

1. If public sewer is to be provided to a subdivision or land development project, approval of the wastewater collection system is at the discretion of the wastewater provider providing the service.
2. The wastewater provider shall furnish evidence in writing that the subdivision or land development project can be adequately serviced.
3. If the subdivision or land development project is to be served by septic tank(s), approval of septic tanks shall be at the discretion of South Carolina Department of Health and Environmental Control.

D. Stormwater

4. The requirements of this section shall be deemed to have been met for any land development project for which there is an approved stormwater management and sediment control plan from the South Carolina Department of Health and Environmental Control relating to erosion and sediment control and/or stormwater management.
5. The developer or owner shall furnish written approval from the South Carolina Department of Health and Environmental Control prior to the issuance of County approval.

### III. Land Development Permit

- A. A land development permit is required prior to the commencement of any land development activities within unincorporated Union County with the exception of an individual single-family residence or a single-family residence accessory use.
- B. A land development permit is not required for the subdivision of property but shall be required prior to obtaining a building permit for a land development project.
- C. Application for a land development permit shall be made to the Land Development Administrator on forms furnished by him or her prior to any land development activities.
- D. All applications for land development activities shall contain the information required by this section and submitted to the Land Development Administrator for approval prior receiving a building permit. The Land Development Administrator shall have sixty (60) calendar days from the date of submission to act in writing on a completed application for land development.
- E. If new streets are to be built as part of any development, a development plan shall be required. A completed land development permit application form shall accompany the development plan, as well as a statement of ownership, or a notarized letter from the property owner authorizing the request.

The Development Plan must include the following information at a minimum, and must be drawn to scale:

1. Location map
2. Existing lot boundaries
3. Existing roads within or abutting the proposed development
4. All driveways and roadways proposed for site
5. All existing utilities and easements
6. Proposed buildings or structures
7. Proposed parking areas, driveways, and sidewalks
8. Setback lines
9. Drainage features and conceptual stormwater management systems

10. Floodplain, if applicable

**Sec. 25-7 Supplemental Development Standards for Specific Uses**

- I. Purpose. The purpose of this section is to improve the impact and siting of certain developments, whose characteristics could adversely affect surrounding property and environmental conditions. All development plans for the following uses shall require Planning Commission approval.
  - A. A land development permit is required prior to the commencement of all development activities outlined in Section 25-7 within unincorporated Union County.
  - B. A land development permit is not required for the subdivision of property but shall be required prior to obtaining a building permit for a land development project.
  - C. The planning commission shall review and evaluate each application with respect to all applicable development standards contained in this section and elsewhere in this chapter. At the conclusion of its review, the planning commission may approve the proposal as presented, approve it with specified modifications, or disapprove it.
  - D. If the application is approved, the planning commission shall cause the land development permit to be issued, or, if conditionally approved, the planning commission shall cause such permit to be issued contingent on any specified modifications imposed. If the application is denied, the applicant shall be notified in writing by the Land Development Administrator, with the reasons therefor.
  - E. The Planning Commission shall have sixty (60) calendar days from the date of completed to act in writing on a completed application for land development for uses specified within this section.
- II. Development Plan Submittal requirements
  - A. All applications to develop property for the uses outlined in Section 25-7 shall be accompanied by a development plan which contains the supplemental information required by this section and submitted to the Planning Commission for approval prior receiving a building permit.
  - B. A completed land development permit application form shall accompany the development plan, as well as a statement of ownership, or a notarized letter from the property owner authorizing the request.

The Development Plan must include the following information at a minimum, and must be drawn to scale:

1. Location map
2. Existing lot boundaries
3. Existing roads within or abutting the proposed development
4. All driveways and roadways proposed for site
5. All existing utilities and easements
6. Proposed buildings or structures
7. Proposed parking areas, driveways, and sidewalks
8. Setback lines
9. Drainage features and conceptual stormwater management systems
10. Floodplain, if applicable
11. Any additional information as required by Section 25-7, Chapter III

III. Applicability. The additional requirements of this section shall apply to the following uses:

A. Solid waste management facility.

Due to the consideration for public health and safety and potential pollution to the environment resulting from solid waste collection and disposal sites, the following standards shall apply.

1. No sanitary landfill, incinerator, or dump site shall be located within one (1) mile of any existing residential use, measured in a straight line from property line to property line. No transfer station shall be located within 1000 feet of any existing residential use, measured in a straight line from property line to property line. Convenience centers or Drop-off centers shall not be located within 500 feet of any existing residential use, measured in a straight line from property line to property line.
2. A permit must be obtained from the state department of health and environmental control (DHEC) prior to securing county approval. The DHEC permit shall have been issued within six months of the date of the request for county approval.
3. A drainage plan shall accompany the request showing all off-site drainage and runoff.
4. Proposed facilities shall have direct access off a state maintained road.
5. No waste material capable of being blown from the site shall remain uncovered or unsecured at the close of business daily.
6. Sanitary landfills, incinerators, or dump sites shall be a minimum of ten (10) acres in size. Transfer stations shall be a minimum of two (2) acres in size. Convenience centers or Drop off centers shall be a minimum of one (1) acre in size.
7. Bufferyards at least fifty (50) feet wide shall be required along all side and rear property lines. Bufferyards shall contain a mixture of shrubs, canopy, understory, and evergreen trees, and must be planted and maintained in a healthy manner. Existing vegetation is preferred and may be substituted in lieu of new plantings.

B. Hazardous waste and nuclear waste disposal sites.

All hazardous and nuclear waste sites are declared by this Chapter to be wholly incompatible with prevailing environmental conditions as well as existing and planned development in the county. No such sites shall be reviewed or permitted without the submission by the applicant of a comprehensive environmental impact statement prepared by a registered engineer. As well, a geotechnical engineering firm shall certify in writing that the rock formations being used to contain the waste are impermeable and that the surrounding groundwater sources will not be contaminated.

Due to consideration for the public health and safety and potential pollution to the environment resulting from hazardous waste and nuclear waste disposal sites, any such uses proposed for the county shall comply with the following supplemental standards:

1. No such use shall be located within two (2) miles of any existing residential use, measured in a straight line from property line to property line.
2. All relevant federal, state, and local permits must be obtained prior to securing county approval. The mining permit shall have been issued within six months of the date of the request for county approval.
3. A drainage plan shall accompany the request showing all off-site drainage and runoff.
4. Proposed facilities shall have direct access off a state maintained road.
5. Site shall be a minimum of ten acres in size.
6. Bufferyards at least one-hundred (100) feet wide shall be required along all side and rear property lines. Bufferyards shall contain a mixture of shrubs, canopy, understory, and evergreen trees, and must be planted and maintained in a healthy manner. Existing vegetation is preferred and may be substituted in lieu of new plantings.

C. Automotive racetracks.

Automotive racetracks are declared by this Chapter to be incompatible with residential development. Additionally, such use has the potential of negatively impacting many nonresidential uses. As a result, any such proposed use for the county shall comply with the following development standards:

1. No such use shall be located within one (1) mile of any existing residential use, measured in a straight line from property line to property line.
2. Proposed facilities shall have direct access off a state maintained road.
3. Site shall be a minimum of ten acres in size.
4. Bufferyards at least fifty (50) feet wide shall be required along all side and rear property lines. Bufferyards shall contain a mixture of shrubs, canopy, understory,

and evergreen trees, and must be planted and maintained in a healthy manner. Existing vegetation is preferred and may be substituted in lieu of new plantings.

D. Mining and extraction operations.

Due to the land disturbing nature of these operations, pollution to air and water, and use of explosives to break up earth materials, such uses shall be permitted in the county only under the following conditions:

1. No such use shall be located within one (1) mile of any residential use, measured in a straight line from property line to property line. Where explosives are to be employed, the minimum distance shall be increased to two (2) miles, measured in a straight line from property line to property line.
2. A mining permit must be obtained from the state department of health and environmental control prior to securing county approval. The mining permit shall have been issued within six months of the date of the request for county approval.
3. A drainage and sedimentation plan shall accompany the application, showing all offsite runoff.
4. Bufferyards at least on-hundred (100) feet wide shall be required along all side and rear property lines. Bufferyards shall contain a mixture of shrubs, canopy, understory, and evergreen trees, and must be planted and maintained in a healthy manner. Existing vegetation is preferred and may be substituted in lieu of new plantings.

Mining and extraction uses in existence on the date of passage of the Chapter from which this section is derived which are nonconforming, and any extension of such uses, operations, activities or business on such parcel or contiguous parcels under the same ownership on the date of passage of the Chapter from which this section is derived, shall be exempt from these and all other requirements contained herein.

E. Stockyards, slaughterhouses, poultry houses and livestock auction houses.

1. No such use shall be located within one (1) mile of any residential use, measured in a straight line from property line to property line.
2. No outdoor incineration of animals or animal refuse shall be permitted.
3. Bufferyards at least fifty (50) feet wide shall be required along all side and rear property lines. Bufferyards shall contain a mixture of shrubs, canopy, understory, and evergreen trees, and must be planted and maintained in a healthy manner. Existing vegetation is preferred and may be substituted in lieu of new plantings.

F. Salvage yards and junkyards (as defined in Chapter 7, Article VI of the Union County Code of Ordinances, as amended)

1. No such use shall be located within 1000 feet of any existing residential use, measured in a straight line from property line to property line.

2. Bufferyards at least fifty (50) feet wide shall be required along all side and rear property lines. Bufferyards shall contain a mixture of shrubs, canopy, understory, and evergreen trees, and must be planted and maintained in a healthy manner. Existing vegetation is preferred and may be substituted in lieu of new plantings.

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## **Sec. 25-8 Definitions**

For purposes of this chapter, the following definitions are hereby identified:

**Automotive Racetrack:** A facility consisting of a paved or unpaved roadway used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, suites, and parking facilities.

**Family Subdivision -** The division of land into two or more new lots at one time or over a period of time where conveyance may only be to members of the immediate family of the property owner. Immediate Family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, aunt, uncle, niece, nephew, grandchild, grandparent, or parent of the property owner.

**Hazardous Waste Facility and/or Nuclear Waste Facility:** All structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste or nuclear waste, including all operations or storage areas, diked overflow, or emergency spillway areas.

**Land Development:** The changing of land characteristics through development, redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, commercial and industrial structures, and similar developments for sale, lease, or any combination of owner and rental characteristics.

**Lot:** A single parcel or tract of contiguous land intended as a unit for transfer of ownership, or for building development, or both.

**Livestock Auction House:** An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

**Mining and Extraction Operations:** The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes but is not limited to such practices as open-cut mining, open-pit mining, strip mining, quarrying, and dredging.

**Poultry House:** A lot, structure, or building used intensively for the raising, feeding, breeding, or keeping of more than 500 chickens, turkeys, or other poultry in the aggregate for marketing or slaughter, or for the production of eggs therefrom for sale.

**Private road:** This means, relates to, and includes the entire right-of-way of roads, avenues, boulevards, lanes, courts, thoroughfares, culs-de-sac and other ways considered public but not publicly owned and maintained.

**Public road:** This means, relates to, and includes the entire right-of-way of roads, avenues, boulevards, highways, freeways, lanes, courts, thoroughfares, collectors, culs-de-sac and other ways considered public and either dedicated to, purchased by, adversely possessed or condemned and accepted by the state or the county council.

**Setback:** The minimum distance permitted between the road right-of-way line and any building, or any projections thereof, other than steps, eaves, chimneys, bay windows, and fire escapes.

**Single-Family Residence:** A free-standing, site-built residential dwelling existing on a single lot.

**Single-Family Residence Accessory:** A subordinate structure either attached to or detached from but located on the same lot as a Single-Family Residence.

**Solid Waste Facility:** Any land, structures, or systems used for the disposal or storage of solid waste material, including garbage, sewage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse by abandonment, discarding, dumping, reduction, burial, incineration, or any other similar means.

**Slaughterhouse:** A building used for the for-profit slaughtering of animals that are either raised or transported to the building and the processing and storage of animal products and waste that results from a slaughtering process.

**Stockyards:** Services involving the temporary keeping of livestock for slaughter, market, or shipping. Typical uses include animal sales in auction yards.

**Structure:** Anything constructed or erected which requires permanent location above grade. For purposes of this section, structure does not include landscaping features, fences, walls, mechanical equipment, or recreational equipment.

**Subdivisions:** All divisions of a tract or parcel of land into two or more lots or building sites, whether immediate or in the future for sale, lease, or building development.