

Chapter 9 Procedures and Permits

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CHAPTER 9 - Procedures and Permits.

ARTICLE 9.1. - PURPOSE.

This Chapter describes the process through which a rezoning or special exception use may be approved on a property, the approval process for construction of subdivisions and other land development projects, and the approval process for other permits required by this Ordinance.

ARTICLE 9.2. - DEFINITIONS REFERENCED.

The definitions of certain terms referenced in this Chapter are set forth in Chapter 12 Interpretation and Definitions.

ARTICLE 9.3. - ELIGIBLE APPLICANTS.

Sec. 9.3.1. - Initiation of Application.

9.3.1.1 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 are identified on Table 9-1.

9.3.1.2 Parties not listed may petition the Planning Commission and/or County Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner.¹

Sec. 9.3.2. - Applicant Eligibility Table.

Table 9-1 Applicant Eligibility

Eligible Applicants ↓	Submit Applications to Develop or Alter Use of Land	Submit Applications for:		
		LMO Text Amendment	Map Amendment (Rezoning)	Special Exceptions
Property owners	Yes	No	Yes	Yes
Agent of property owner	Yes	No	Yes	Yes
Option holder	Yes	No	Yes	No
Aggrieved person or party	No	No	No	No
Officials administering this Ordinance	No	Yes	Yes	No
Any member of the Planning Commission	Yes	Yes	Yes	No
Any member of the County Council	Yes	Yes	Yes	No

¹ Is this needed / correct?

ARTICLE 9.4. - PUBLIC NOTICE REQUIREMENTS.

Sec. 9.4.1. - Generally.

The notice requirements for each type of application for use and development approval are summarized in Table 9-2 Notice Requirements. To the extent of any inconsistency between this Article and any state statute, the state statute shall govern.

Sec. 9.4.2. - Text and map amendments, and special exceptions.

9.4.2.1 Public notice shall include announcing the application for LMO text amendment, map amendment (rezoning), or special exception in a newspaper of general circulation in the county at least 15 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the change, or the proposed use for a special exception, and the time, date, and place of the hearing.²

9.4.2.2 Additional requirement for rezoning application.

In addition to the above, notice of an application for a rezoning shall include posting the affected property. Such notice shall be posted at least 15 days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, and time, date, and place of the hearing.

9.4.2.3 Additional requirement for special exception application.

9.4.2.4 In addition to public notice in a newspaper of general circulation, there shall be posting of conspicuous notice on or adjacent to the property affected at least 15 days prior to the public hearing, with at least one such notice visible from each public thoroughfare that abuts the property.

Sec. 9.4.3. - Subdivisions and land development projects.

Public notice shall include announcing the application for subdivision and land development project applications in a newspaper of general circulation in the county at least 15 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the proposal and the time, date, and place of the hearing.

Table 9-2 Notice Requirements

Application	Reviewing Entity	Newspaper	Mail	Internet	Sign	Public Hearing
Text Amendment	PC & CC	Yes	No	Yes	No	Yes
Rezoning	PC & CC	Yes	Yes	Yes	Yes	Yes
Special Exception	BZA	Yes	Yes	Yes	Yes	Yes
PD General Development Plan	PC & CC	Yes	Yes	Yes	Yes	Yes
Waiver of Setback Requirement – Major Error	BZA	Yes	Yes	Yes	Yes	Yes

² Are Planning Commission and County Council hearings advertised simultaneously?

Table 9-2 Notice Requirements

Application	Reviewing Entity	Newspaper	Mail	Internet	Sign	Public Hearing
Waiver of Setback Requirement – Minor Error	Admin	No	No	No	No	No
Major Subdivision (Preliminary Plat)³	PC	Yes	No	Yes	Yes	Yes
Final Subdivision Plat (Major, Minor, and exempt)	Admin	No	No	No	No	No
Major Site Plan	PC	Yes	No	Yes	Yes	Yes
Minor Site Plan	Admin	No	No	No	No	No
Minor Waiver of Development Standard⁴	Admin	No	No	No	No	No
Street Abandonment	CC	Yes	Yes	Yes	Yes	Yes
Certificate of Zoning Compliance	Admin	No	No	No	No	No
Building Permit	Admin	No	No	No	No	No
Certificate of Occupancy	Admin	No	No	No	No	No

ARTICLE 9.5. - AMENDMENT OF LAND MANAGEMENT ORDINANCE.

Sec. 9.5.1. - Public hearing.

9.5.1.1 The County Council and the County Planning commission shall conduct a public hearing on all proposed amendments to the Land Management Ordinance that do not include or relate to provisions of the Building Code.

9.5.1.2 The proposed text amendment and associated public hearings shall be advertised in accordance with the requirements in ARTICLE 9.4. - .

Sec. 9.5.2. - Planning Commission action and recommendation.

9.5.2.1 The Planning Commission shall act on a completed application within 30 days after receipt thereof to:

³ Address staff comment: “Does the first review of a Maj. Sub. By the PC need to be “Preliminary Plat”? Assuming Preliminary Plat is a surveyor made plat. If it is not that, meaning it can be an engineers or drafters conceptual layout/site plan then does it need to be called a preliminary plat?”

⁴ Assess need for; needs to be minimal and well-defined if it stays

- 9.5.2.1.1. Defer not more than 30 days; or
- 9.5.2.1.2. Recommend either denial or approval.
- 9.5.2.2 The decision shall be determined by a majority of those voting.
- 9.5.2.3 Failure to act within such time frame shall constitute a recommendation of approval.
- 9.5.2.4 The Planning Commission shall forward its recommendation to the County Council for final action.

Sec. 9.5.3. - County Council decision.

9.5.3.1 The County Council shall consider the recommendation of the Planning Commission and vote to approve, deny, or modify a proposed amendment, or refer it back to the Planning Commission for further study, or take other action as it may deem necessary.

ARTICLE 9.6. - REZONINGS.

Sec. 9.6.1. - Application procedures.

9.6.1.1 Upon receipt of an application, the Building and Planning Director shall examine it for completeness, and shall, within 10 days, either return the application for additional information or forward it to the responsible governmental authority for review and action.

9.6.1.2 The application must be deemed complete at least 30 days prior to the date for a public hearing in order for it to be placed on the agenda.

Sec. 9.6.2. - Public hearing.

9.6.2.1 The County Council and the Planning Commission shall conduct a public hearing on all applications for change involving the zoning map.

9.6.2.2 The proposed rezoning and associated public hearings shall be advertised in accordance with the requirements in ARTICLE 9.4. - .

Sec. 9.6.3. - Planning Commission action and recommendation.⁵

9.6.3.1 The Planning Commission shall act on a completed application within 30 days after receipt thereof:

- 9.6.3.1.1. To defer not more than 30 days; or
- 9.6.3.1.2. To recommend either denial or approval.

9.6.3.2 The decision shall be determined by a majority of those voting. Failure to act within such time frame shall constitute a recommendation of approval.

Sec. 9.6.4. - County Council decision.⁶

The County Council shall consider the recommendation of the Planning Commission and vote to approve, deny, or modify a proposed map amendment, or refer it back to the Planning Commission for further study, or take other action as it may deem necessary.

⁵ Add review criteria

⁶ Clarify that County Council can adopt “conditions of approval” and that decision must be based on findings on fact, which are documented for the record and provided to applicant in writing

Sec. 9.6.5. - Consideration of denied applications.

Neither the Planning Commission nor the County Council shall reconsider a rezoning application for the same lot, parcel or portion thereof, within a period of 1 year from the date of final determination and notification.

ARTICLE 9.7. - SPECIAL EXCEPTIONS.

Sec. 9.7.1. - Application procedures.

9.7.1.1 Upon receipt of an application, the Building and Planning Director shall examine it for completeness, and shall, within 10 days, either return the application for additional information or forward it to the responsible governmental authority for review and action.

9.7.1.2 The application must be deemed complete at least 30 days prior to the date for a public hearing in order for it to be placed on the agenda.

Sec. 9.7.2. - Public hearing.

9.7.2.1 The Board of Zoning Appeals shall conduct a public hearing on all special exception applications.

9.7.2.2 The proposed special exception and associated public hearing shall be advertised in accordance with the requirements in ARTICLE 9.4. - .

Sec. 9.7.3. - Board of Zoning Appeals decision.⁷

9.7.3.1 All final decisions of the Board shall be in writing and be permanently filed in the Building and Planning Department as public record.

9.7.3.2 All findings of fact and conclusions of law must be separately stated in final decisions of the Board which must be delivered to the applicant by certified mail.

Sec. 9.7.4. - Consideration of denied applications.

The Board of Zoning Appeals shall not reconsider a special exception application for the same lot, parcel or portion thereof, within a period of 1 year from the date of final determination and notification.

ARTICLE 9.8. - SUBDIVISIONS AND LAND DEVELOPMENT.

Sec. 9.8.1. - Types of applications.⁸

Applications to develop or alter the use of land include all land use and development activity covered by this Ordinance. Applications to develop or alter the use of land are classified for administrative purpose into four categories:

9.8.1.1 "Minor subdivision" is one which does not involve the creation of more than five lots or the creation of any new street or road.

9.8.1.2 "Major subdivision" is any subdivision other than a minor subdivision.

9.8.1.3 "Minor land development" is any commercial, industrial, institutional, or other nonresidential land development or land altering activity requiring a permit from the county other than a subdivision or major land development.

⁷ Need criteria for review / basis for decisions; could relate to access, noise, screening, lighting, compatibility with adjoining uses and traffic generation. Also, include ability to apply "conditions of approval"

⁸ Keep definitions here?

9.8.1.4 "Major land development" includes business and industrial parks, shopping centers, multiple occupancy buildings, and other developments defined by this Ordinance.

Sec. 9.8.2. - Application process; generally.

9.8.2.1 The application process for subdivision and land development projects consists of three phases: preapplication, application, and review.

9.8.2.2 Applications will be assigned to one of the following four categories, as determined by the Building and Planning Director, and processed in accordance with the requirements in this Chapter:

9.8.2.2.1. Exempt subdivision;

9.8.2.2.2. Minor subdivision;

9.8.2.2.3. Major subdivision; or

9.8.2.2.4. Land development.

9.8.2.3 The designated responsibility for reviewing and approving each of the application types is as follows:

9.8.2.4 Exempt subdivisions: Building and Planning Director.

9.8.2.5 Minor subdivisions: Building and Planning Director.

9.8.2.6 Major subdivisions: Planning Commission.

9.8.2.7 Land development: Planning Commission.

Sec. 9.8.3. - Preapplication (optional).

For the purpose of securing advice in the formative stages of development design, expediting applications, and reducing development costs, the applicant is encouraged to request a pre-application conference and/or sketch plan review in accordance with the following requirements.

9.8.3.1.1. Pre-application conference.

9.8.3.1.1.1. At the request of the applicant, the Building and Planning Director shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans of the applicant, applicable provisions of the Comprehensive Plan, and related matters.

9.8.3.1.1.2. The Building and Planning Director may invite to the conference or consult with other department heads and affected agencies.

9.8.3.1.2. Sketch plan.

In addition or as an alternative to the pre-application conference, the applicant may request an informal review of a sketch plan for the proposed subdivision. All data, correspondence, and other information, relating to the sketch plan shall be kept confidential.

Sec. 9.8.4. - Application for exempt subdivisions.

9.8.4.1 An exempt subdivision shall meet one of the following conditions:

9.8.4.1.1. Involves the division of land into parcels of five acres or more and no new street is involved;

9.8.4.1.2. Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased;

9.8.4.1.3. Involves cemetery lots.

9.8.4.2 Applicants of subdivisions exempt from the requirements of this Chapter shall nonetheless submit to the Building and Planning Director three copies of the exempt plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

9.8.4.3 The Building and Planning Director shall indicate such exempt status on each copy of the plat for recording: "This plat is exempt from the requirements of the Edgefield County Zoning and Land Development Ordinance" and signed by the Building and Planning Director.

9.8.4.4 While not constituting a subdivision, existing plats and lots to be recorded also shall bear the above plat notations.

Sec. 9.8.5. - Application for minor subdivisions.⁹

9.8.5.1 Applicants requesting approval of a proposed minor subdivision, as defined by this Chapter, shall submit to the Building and Planning Director three copies of a plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, the prescribed fee, and evidence that no taxes or assessments are outstanding against the property.

9.8.5.2 The Building and Planning Director shall review the application for compliance with the requirements of this Chapter, and, if found to be in compliance, will instruct the applicant to prepare a final plat, including surveyor certification.

9.8.5.3 Action on the final plat shall be taken by the Building and Planning Director and so noted for recording.

Sec. 9.8.6. - Application for major subdivisions.

Applications requesting approval of a major subdivision, as defined by this Chapter, shall submit a preliminary and then a final plat in accordance with the following procedures (steps):

9.8.6.1 Preliminary plat (plan) approval.

9.8.6.1.1. *Step 1.* Materials submitted.

The applicant shall submit to the Building and Planning Director ten copies of the preliminary plat, and all materials stipulated by section 24-253¹⁰.

9.8.6.1.1.1. The Building and Planning Director shall review the plat for compliance with the requirements of this Chapter, and submit copies to all affected county agencies for review and comment.

⁹ Incorporate requirements from Sec. 24-253 Table 6: Information Required to Support Application

¹⁰ Pull requirements from Sec. 24-253 Table 6: Information Required to Support Application

9.8.6.1.1.2. Upon completion of these reviews, the Building and Planning Director shall forward the preliminary plat to the Planning Commission, together with all staff and agency comments and recommendations. The Planning Commission shall act on the application within 60 days of receipt of the application. In its deliberation, the Planning Commission shall approve, approve conditionally, or disapprove the plat. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the comprehensive plan or ordinance or regulation with which the plat does not conform. On conditional approval, the commission may require the applicant to resubmit the preliminary plat with all recommended changes before approving the plat.

9.8.6.1.1.3. If the preliminary plat is found to conform to all requirements of this chapter, approval shall be given by the Planning Commission and shall be noted in writing by the chairperson on at least two copies of the preliminary plat. One copy shall be retained by the Building and Planning Director and one copy given to the applicant.

9.8.6.1.2. *Step 2. Effect of preliminary plat approval.*

Preliminary plat approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision. However, preliminary plat approval shall confer upon the applicant the following rights for two years from the date of the approval, unless extended by the County upon written request by the applicant.

9.8.6.1.2.1. To proceed under the supervision of the county, with the installation of site improvements; and

9.8.6.1.2.2. To proceed with the preparation of a final plat.

9.8.6.2 Final plat approval.

9.8.6.2.1. *Step 3. Final plat approval.*

9.8.6.2.1.1. Final plat approval is an administrative action. No public notice or hearing is required in connection with approval proceedings in the final plat.

9.8.6.2.1.2. An applicant requesting final plat approval shall submit to the Building and Planning Director five copies of the material specified in this Chapter, which shall show all streets and utilities in exact location, identifying those portions already installed and, where approved by the Planning Commission and council, those to be installed and/or certified in the amount of improvement guarantees required to ensure completion of those improvements not yet installed.

9.8.6.2.1.3. Final plat approval shall be granted or denied within 60 days after submission of a complete application to the Building and Planning Director or within such further time as may be consented to by the applicant.

9.8.6.2.1.4. No subdivision or land development plat, portion, or phase thereof shall be accepted for filing by the office of clerk of court until it has been approved by the Building and Planning Director, 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, cashier's check, performance bond or other acceptable security with the county in the amount of 125% of the estimated cost of the improvements, guaranteeing the completion of the improvements in compliance with the requirements herein.

9.8.6.2.1.4.1. The County shall have the right to refuse such security for any and/or all required improvements and require construction and installation thereof by the developer.

9.8.6.2.1.4.2. Where accepted by the County, the security shall empower the County, or if applicable, any other governmental unit having a legal responsibility for the construction and completion of the improvements to draw on funds on deposit in an institution of the developer's choice, or accept such funds for deposit to its own account.

9.8.6.2.1.5. If it appears to the applicant that they may not complete construction of the required improvements before expiration of the performance guarantee, it shall be the applicant's obligation, at least 45 days prior to the expiration date, to submit an extended guarantee request. Such extension, if approved by the county attorney and the Building and Planning Director shall be for a period of 6 months. A maximum of two such 6 months extensions shall be allowed.

9.8.6.3 *Step 4. Effect on final plat approval.*

Final plat approval shall confer upon the applicant the following rights:

9.8.6.3.1. To record the plat with the County Clerk of Court; and

9.8.6.3.2. To proceed with the sale and/or transfer of lots and parcels in accordance with the approved and recorded plat.

Sec. 9.8.7. - Land development other than a subdivision.¹¹

9.8.7.1 No building permit shall be issued for a shopping center; apartment or condominium complex; commercial, business, or industrial park; manufactured home park; or other multi-use or multi-occupant project, unless and until an applicant for such use submits to the Building and Planning Director the following:

9.8.7.1.1. A plat and/or site plan with date and scale, showing the actual shape and dimensions of the lot to be built upon; the size, height, and location on the lot of existing and proposed buildings and structures; the intended use of each building, the number of units the building is designed to accommodate; storm water analysis and control plan, flood and wetland areas; proposed parking, driveways, street right-of-way and interior circulation pattern, proposed bufferyard, open space and landscaping; building elevations; and contiguous off-site development.

9.8.7.1.2. Grading, erosion and sediment control plan.

9.8.7.1.3. All required permits of other state and local agencies.

9.8.7.2 The Planning Commission shall hear and evaluate the application in relation to the following design and improvement criteria.

9.8.7.2.1. Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.

9.8.7.2.2. Off-street parking, off-street loading, refuse, and service areas shall be designed to minimize their visual and physical impact on neighboring property.

9.8.7.2.3. Street right-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated.

¹¹ Pull requirements from Sec. 24-253 Table 6: Information Required to Support Application

9.8.7.2.4. The project shall be designed in harmony with its physical surroundings and in such a manner as to ensure land use compatibility.

9.8.7.3 If, upon review of these standards, the project is determined to be in compliance, the Planning Commission shall approve the land development application and cause the issuance of a building permit.

9.8.7.4 Any proposed changes to an approved project shall be resubmitted and reevaluated in light of the above.

ARTICLE 9.9. - CONSTRUCTION DOCUMENTS.

Sec. 9.9.1. - Submittal documents; general requirements.

9.9.1.1 Number of copies.

Construction documents, statement of special inspections and other data shall be submitted in two or more sets with each permit application.

9.9.1.2 Format of construction documents.

9.9.1.2.1. Construction documents shall be dimensioned and drawn upon suitable material.

9.9.1.2.2. Electronic media documents are permitted to be submitted when approved by the Building Official.

9.9.1.2.3. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Building Code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

Sec. 9.9.2. - Registered design professional.

9.9.2.1 Design professional required.

9.9.2.1.1. The construction documents shall be prepared by a registered design professional where required by the State of South Carolina or the authority having jurisdiction (AHJ). Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

9.9.2.1.2. The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the Building Code.

9.9.2.2 Design professional in responsible charge.

9.9.2.2.1. General.

9.9.2.2.1.1. When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge.

9.9.2.2.1.2. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

9.9.2.2.1.3. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

9.9.2.2.1.4. Where structural observation is required by the IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

9.9.2.3 Deferred submittals.

9.9.2.3.1. For the purposes of this Article, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

9.9.2.3.2. Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

9.9.2.3.3. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official.

Sec. 9.9.3. - Information on construction documents.

Construction documents shall be prepared in accordance with the requirements of Sec. 9.9.1. - above and shall include the following information:

9.9.3.1 Fire protection system shop drawings.

9.9.3.1.1. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with the Building Code and the construction documents and shall be approved prior to the start of system installation.

9.9.3.1.2. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC.

9.9.3.2 Means of egress.

9.9.3.2.1. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the Building Code.

9.9.3.2.2. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

9.9.3.3 Exterior wall envelope.

9.9.3.3.1. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the Building Code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, details around openings and wind borne debris protection systems.

9.9.3.3.2. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

Sec. 9.9.4. - Site plan.

9.9.4.1 The construction documents submitted with the application for permit shall be accompanied by a site plan drawn in accordance with an accurate boundary line survey and showing to an engineer's scale the following information:

9.9.4.1.1. Size and location of new construction and existing structures on the site;

9.9.4.1.2. Distances from lot lines;

9.9.4.1.3. The established street grades and the proposed finished grades; and

9.9.4.1.4. Flood hazard areas, floodways, and design flood elevations, as applicable.

9.9.4.2 In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

9.9.4.3 The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

Sec. 9.9.5. - Examination of documents.

The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the Building Code and other pertinent laws or ordinances.

9.9.5.1 Approval of construction documents.

When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

9.9.5.2 Previous approvals.

The Building Code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of the Building Code and has not been abandoned.

9.9.5.3 Phased approval.

The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the Building Code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

9.9.5.4 Deferred submittals.

See Sec. 9.9.2.3 above.

Sec. 9.9.6. - Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Sec. 9.9.7. - Retention of construction documents.

One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, as required by state or local laws.

ARTICLE 9.10. - PERMITS AND CERTIFICATES.

Sec. 9.10.1. - Generally.

9.10.1.1 No building or structure 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.

9.10.1.2 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.

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

9.10.1.4 The provisions of this Article 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.

Sec. 9.10.2. - Building permits.

9.10.2.1 Required.

A building permit shall be required in advance of:

9.10.2.1.1. Grading or filling a lot or parcel.

9.10.2.1.2. Changing the use of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot.

9.10.2.1.3. Installation of any sign covered by section 24-286. ¹²

9.10.2.1.4. The establishment of a temporary use.

9.10.2.1.5. Electric or gas utility companies and/or cooperatives extending service or utilities to a given site.

9.10.2.2 Exemptions.

Building permits shall not be required for most accessory uses, such as dog houses, satellite dishes, bird houses, fences, and the like.¹³

9.10.2.3 Application.

9.10.2.4 Expiration.

¹² Existing reference to duties of Planning Commission ?

¹³ What accessory structures that require building permits (e.g. pool)?

If the work described in any building permit has not begun within 180 days from the date of issuance thereof, the permit shall expire; it shall be canceled and written notice thereof shall be given to the owner/developer, unless extended by the Building Official upon application by the owner/developer.

Sec. 9.10.3. - Sign permits.

See Chapter 7.

Sec. 9.10.4. - Manufactured home license.

9.10.4.1 License required for manufactured homes; proof of title required; proof of license required prior to connecting electricity.

9.10.4.1.1. Within 15 days after bringing a manufactured home into this county, or the purchase of a manufactured home in this county, or the relocation of a manufactured home from one county to this county, for dwelling purposes, the owner, rental agent, or person in possession shall obtain a license from the Edgefield County Assessor hereinafter referred to as licensing agent, in which such manufactured home is located.

9.10.4.1.2. Before issuing a license for a manufactured home to be located in this county, the licensing agent shall require from the person applying for the license either a copy of the certificate of title to the manufactured home, or a copy of the completed application for a certificate of title submitted to the department of motor vehicles.

9.10.4.1.3. Upon satisfaction of all county licensing requirements, including payment of any licensing fee, the county licensing agent shall give the license applicant a certified copy of the application form, indicating that the licensing requirements have been met.

9.10.4.1.4. Before connecting electricity to any manufactured home in this county, the electric supplier shall obtain from the owner, rental agent, or person in possession of the manufactured home, a copy of the certified license application form indicating that the license fee has been paid, and the electric supplier shall retain a copy of the form in its records.

9.10.4.2 Exceptions.

No such license shall be required with respect to manufactured homes held by dealers for resale, nor shall this article be applicable to manufactured homes licensed by the South Carolina Department of Motor Vehicles. Licenses required by this Chapter shall be in lieu of any building or construction permit now required by local act or ordinance.

9.10.4.3 Period of validity of license issued by licensing agent.

9.10.4.3.1. A manufactured home license issued by the licensing agent shall be valid until title to such manufactured home is transferred to a new owner or until the manufactured home is relocated.

9.10.4.3.2. Should the license be lost or destroyed, the owner must apply for a replacement license in the same manner, and with the payment of the registration fee, in the same manner as the original license was obtained.

9.10.4.4 Decal required.

The manufactured home license shall be evidenced by a decal to be delivered to the owner or his agent on a form as shall be prescribed by the department of revenue and shall be displayed on the manufactured home so as to be clearly and readily visible from the outside.

9.10.4.5 Fees.

9.10.4.5.1. The fee for a manufactured home license shall be as set by the licensing agent from time to time, but not to exceed the cumulative amount allowed by law

9.10.4.5.2. The fee shall be collected by the licensing agent issuing the license and shall be paid into the general fund of the County.

9.10.4.6 New license required upon transfer of manufactured home.

If the title to a manufactured home is transferred to a new owner, the new owner or his agent shall within 15 days after the date of such transfer, obtain a new license from the licensing agent of the county in which the manufactured home is to be located.

9.10.4.7 Submission of license to county assessor and auditor.

A copy of all manufactured home license applications must be furnished to the county assessor and the county auditor within 10 days of date of issuance.

9.10.4.1 Submission to county auditor of copy of application for title on manufactured home; penalties for noncompliance.

9.10.4.1.1. Contemporaneously with the submission of an application for a certificate of title on a manufactured or manufactured home as required by state law, the person submitting the application shall provide to the auditor of this county a copy of the completed application submitted to the department of motor vehicles.

9.10.4.1.2. It is unlawful for a person applying for a title for a manufactured home to fail to provide a copy of the application to the appropriate county auditor.

9.10.4.1.3. A person who violates the provisions of this Sec. 9.10.4.1 is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than \$100.00 nor more than \$500.00, or imprisonment for not more than 30 days.

9.10.4.2 Penalty.

Any person violating any of the provisions of this Sec. 9.10.4. -, with the exception of Sec. 9.10.4.1 above, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$200.00.

Sec. 9.10.5. - Manufactured home moving permit.

If the manufactured home is to be relocated, the owner, rental agent, or person in possession, prior to relocation, shall obtain a moving permit from the licensing agent.

9.10.5.1 Certificate concerning taxes; notice to electric supplier.

9.10.5.1.1. Before issuing a moving permit, the licensing agent shall require a certificate from the county treasurer that there are no unpaid taxes due on the manufactured home and either a copy of the certificate of title to the manufactured home, or a copy of the application for a certificate of title submitted to the department of motor vehicles.

9.10.5.1.2. If the manufactured home is to be removed beyond the boundaries of the county, any taxes that have been assessed for that calendar year must be paid in full, and if taxes have not yet been assessed for the calendar year in which the move is being made, the assessor shall provide the county auditor with an assessment and the auditor shall apply the previous year's millage.

9.10.5.1.3. The county treasurer shall collect the taxes before issuing the requisite certificate to the licensing agent, and upon payment of any taxes, give the permit applicant a receipt showing that all taxes have been paid.

9.10.5.2 The licensing agent shall promptly notify the present electric supplier that a permit has been issued. The permit required by this Section is not required of manufactured home

dealers when they are moving a manufactured home from their sales lot to a customer's lot, but the manufactured home dealer is not relieved from obtaining any permit required from the Department of Transportation for the relocation.

9.10.5.3 Moving permit shall accompany manufactured home during move; regulations; responsibility for displaying permit.

9.10.5.3.1. The moving permit shall accompany the manufactured home while it is being moved.

9.10.5.3.2. The moving permit shall be designed and displayed in accordance with regulations to be issued by the South Carolina Department of Revenue.

9.10.5.3.3. It shall be the responsibility of the manufactured home transporter that the required moving permit is properly displayed and accompanies the manufactured home while it is being moved.

9.10.5.4 Submission of moving permit to licensing agent of new county; issuance of new license; transmission of papers to new county.

9.10.5.4.1. If the relocation is from one county to this county, the owner, rental agent, or person in possession of the manufactured home, within 15 days after his manufactured home is relocated, shall submit the moving permit to the licensing agent of this county and obtain a new license pursuant to state law.

9.10.5.4.2. The licensing agent issuing the moving permit shall promptly furnish the licensing agent of the county to which the manufactured home is being transported with a copy of the certified license application or permit, a copy of the paid tax receipt from the county from which the home is being moved, and either a copy of the certificate of title or a copy of the completed application for a certificate of title submitted to the department of motor vehicles.

9.10.5.5 Submission of moving permit to county assessor and auditor.

A copy of all license applications and moving permits must be furnished to the county assessor and the county auditor within 10 days of date of issuance.

Sec. 9.10.6. - Wireless telecommunication permits.

9.10.6.1 [Permits process to be coordinated with Chapter 4 \(based upon pending State requirements\).](#)

Sec. 9.10.7. - Certificate of occupancy.

9.10.7.1 Required.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefore as provided herein.

9.10.7.1.1. It shall be unlawful to use or occupy or permit the use or 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 Building Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

9.10.7.1.2. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the Building Code or other provisions of this Ordinance, or of other County ordinances. Certificates presuming to give authority to violate or cancel the provisions of the Building Code or other provisions of this Ordinance, or other ordinances of the County shall not be valid.

9.10.7.1.3. Failure to obtain a certificate of occupancy shall be a violation of this Ordinance, and punishable under Article 10 of the Land Management Ordinance.

9.10.7.2 Change in use.

Changes in the character or use of an existing structure shall not be made except in compliance with this Ordinance.

9.10.7.3 Certificate issued.

After the building official inspects the building or structure and finds no violations of the provisions of this Ordinance or other laws that are enforced by the Building and Planning Department, the building official shall issue a certificate of occupancy or certificate of completion that contains the following:

9.10.7.3.1. The building permit number.

9.10.7.3.2. The address of the structure.

9.10.7.3.3. The name and address of the owner.

9.10.7.3.4. A description of that portion of the structure for which the certificate is issued.

9.10.7.3.5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

9.10.7.3.6. The name of the building official.

9.10.7.3.7. The edition of the code under which the permit was issued.

9.10.7.3.8. The use and occupancy.

9.10.7.3.9. The type of construction.

9.10.7.3.10. The design occupant load.

9.10.7.3.11. If an automatic sprinkler system is provided, whether the sprinkler system is required.

9.10.7.3.12. Any special stipulations and conditions of the building permit.

9.10.7.4 Temporary occupancy.

The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

9.10.7.5 Revocation.

The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

ARTICLE 9.11. - INSPECTIONS.¹⁴

Sec. 9.11.1. - Authority.

The Building and Planning Director and Building Official 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.

Sec. 9.11.2. - General requirements.

9.11.2.1.1. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purpose.

9.11.2.1.2. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Building Code or of other ordinances or regulations of the County. Inspections presuming to give authority to violate or cancel the provisions of the Building Code or of other ordinances or regulations of the County shall not be valid.

9.11.2.1.3. Neither the Building Official nor Edgefield County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Sec. 9.11.3. - Preliminary inspection.

Before issuing a permit, the Building Official is authorized to examine or cause to be examined building, structures and sites for which an application has been filed.

Sec. 9.11.4. - Required inspections.

The Building Official, upon notification, shall make the inspections set forth below.

9.11.4.1 Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

9.11.4.2 Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

9.11.4.3 Lowest floor elevation.

In flood hazard areas, upon placement of the lowest floor including the basement, and prior to further vertical construction, an elevation certificate as required in Chapter 5 of this Ordinance shall be submitted to the Building Official.

9.11.4.4 Framing inspection.

Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

¹⁴ Compare required inspections to 2018 IBC P. 8, Sec. 110 and model this Article after that

9.11.4.5 Lath and gypsum board inspection.

9.11.4.5.1. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

9.11.4.5.2. Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear.

9.11.4.6 Fire-resistant penetrations.

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

9.11.4.7 Energy efficiency inspections.

Inspections shall be made to determine compliance with the International Energy Conservation Code and shall include, but not be limited to inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

9.11.4.8 Other inspections.

In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Building Official.

9.11.4.9 Special inspections.

Special inspections shall be in compliance with the applicable provisions of the Building Code.

Sec. 9.11.5. - Final inspection.

The final inspection shall be made after all work required by the applicable permits are completed.

Sec. 9.11.6. - Inspection agencies.

The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

Sec. 9.11.7. - Inspection requests.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work that are required by this Ordinance.

Sec. 9.11.8. - Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with the Building Codes. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

ARTICLE 9.12. - VESTED RIGHTS.¹⁵

9.12.1.1 Vested rights established.

9.12.1.1.1. A vested right, as defined in Chapter 12 of this Ordinance, is established for two years upon final approval of a site-specific development plan or phased development plan.

9.12.1.1.2. A landowner of a property with a vested right may, for five consecutive years immediately subsequent to the initial two-year vested right term apply annually for a one-year extension of said vested right; provided that, such applications must be made prior to the expiration of any initial two-year term or extensions thereof. If no application for annual extension is made timely, the vested right shall be considered as having expired with the present term, whether it be an initial term or an extension term thereof.

9.12.1.1.3. The Planning Commission may, but is not required to, allow the establishment of a two-year vested right for a conditionally approved site-specific development plan or phased development plan. Such vested right must be approved by a majority vote of the Planning Commission, duly assembled, and must be communicated to the landowner in writing.

9.12.1.1.4. No vested right shall attach until, in accordance with the Edgefield County Code of Ordinances, all plans are received, required approvals granted, applicable fees paid, and administrative appeals resolved in the applicant's favor.

9.12.1.1.5. The Board of Zoning Appeals is not authorized to grant or otherwise approve a vested right, and no vested right shall be established or accrue as the result of any decision by the Board of Zoning Appeals.

9.12.1.2 Conditions and limitation of vested rights.

9.12.1.2.1. The form and content of any submitted plan must comply with state laws and regulations, as well as County ordinances and regulations, regarding building and land development, including but not limited to the following: land use, zoning, planning, stormwater management, sediment control, electrical service, plumbing, mechanical, life safety and fire codes.

9.12.1.2.2. For any phased development plan, an approved site-specific development plan shall be required with respect to each phase. Such site-specific plans must be in accordance with all applicable laws, regulations, and codes then in effect.

9.12.1.2.3. A vested right established under conditional approval ¹⁶ may be terminated by the Planning Commission, following notice and a public hearing concerning the landowner's failure to meet the terms of conditional approval.

9.12.1.2.4. No developer or landowner shall proceed with any investment in grading, installation of street or other infrastructure, or other significant expenditures prior to the Planning Commission issuing the proper permit. Such expenditures and investments made prior to permit issuance shall not give rise to a vested right.

9.12.1.2.5. An issued building permit does not expire and will not be revoked, based upon expiration of a vested right. However, nothing in this language prevents the revocation of a building permit for other, lawful reasons.

¹⁵ Currently in Erosion and Sediment Control Ordinance / new Chapter 5 of LMO; propose moving here

¹⁶ Is this "condition OF approval"?

9.12.1.2.6. A vested right may be revoked by the Planning Commission upon the Commission's determination, after notice and public hearing, that there was material misrepresentation by the landowner, or that the landowner has failed substantially to comply with the terms and conditions of approval.

9.12.1.2.7. A vested plan is subject to later enacted federal, state, and local laws, ordinances and regulations adopted to protect the public health, safety, and welfare. The issuance of any building permit vests a construction project only under building and construction codes in force at the time of the permit's issuance.

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