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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

J. Mark Hayes, II, Circuit Court Judge

Consolidated Case Nos. 2023-CP-42-01221, 2023-CP-42-01226, 2023-CP-42-01367, 2023-CP-42-01545

Appellate Case No. 2024-001828

South Carolina Native Plant Society, Appellant,

vs.

The Spartanburg County Planning Commission and Blue Sky Associates, LLC, d/b/a T. Tree Farms RV Park, Respondents,

and

The Enclave at Fairview Farm Homeowners' Associations, Inc., Golden Hills of Fairview Homeowners' Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of The Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a/ Caroland Farms, Appellants

vs.

Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents,

RECORD ON APPEAL
VOLUME 3 OF 3

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GREENVILLE COUNTY PLANNING COMMISSION
MINUTES
July 22, 2020
4:30 p.m.

MEMBERS PRESENT: S. Bichel, Chair, M. Jones, Vice-Chair, M. Shockley, E. Forest, J. Bailey, J. Rogers, C.Clark, F. Hammond and M. Looper

MEMBERS ABSENT:

STAFF: P. Gucker, T. Stone, H. Hahn, J. Henderson, M. Staton, B. Denny, R. Jeffers-Campbell, T. Coker, H. Gamble, K. J. Wortkoetter and IS staff

CALL TO ORDER
Chairman Bichel called the meeting to order at 4:30 p.m. and Mr. Bailey provided the invocation.

APPROVAL OF THE MINUTES OF THE JUNE 24, 2020 COMMISSION MEETING
MOTION: By Mr. Jones, seconded by Mr. Bailey to approve the minutes of the June 24, 2020 Commission meeting amended to state the reason for recusal. The motion carried unanimously by voice vote.

PRELIMINARY SUBDIVISION APPLICATIONS

PP-2020-073, Crestfield
Rashida Jeffers-Campbell addressed the Commission members with a Preliminary Subdivision Application consisting of 19.27 acres in an unzoned area. The developer is proposing a 26 lot subdivision accessed by Enoree Road. The developer is proposing 0.24 linear miles of public road. feet of public road. Water will be provided by Greenville Water and sewer will be by Metropolitan Sewer (Septic proposed). North Greenville Fire serves this area.

Staff recommends that the Planning Commission hold this application and require that the developer hire an independent and qualified environmental consultant to:

- Survey environmentally sensitive areas and endangered species on the site,
- Identify the impacts of the proposed development
- Provide measures necessary to protect the environment and endangered species.

Additionally, the findings of the environmental study shall be reviewed for adequacy by the U.S. Fish & Wildlife Service agency.

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The following sent emails in opposition to the proposed, which were all provided to each Commissioner. Chairman Bichel read the names of the individuals who submitted comments.

- The Grover family, 430 Enoree Road, Travelers Rest, SC
  Michelle L. Grover
  Alan N. Grover, Jr.
  Micah Grover
  Jordan Grover
  Mark Grover
  Kassia Grover

- Tonya Batson, 300 Batson Road, Travelers Rest, SC
- Elizabeth "Lib" Taylor, 341 Batson Road, Travelers Rest, SC
- Mozell "mama" Batson, 350 Enoree Road, Travelers Rest, SC
- Betty B. Hawkins
- Charles F. Hawkins
- Vicky B. Hawkins
- Terry D. Hawkins
- Randy Hawkins, 490 Hawkins Road, Travelers Rest, SC
- Ron Sepic, 2123 Meadow Rose Drive, Travelers Rest, SC
- Frank Holleman, 310 Pine Forest Drive Ext., Greenville, SC
- Cathy Powell, Travelers Rest, SC
- Tonya C. Hawkins, 869 Hawkins Road, Travelers Rest, SC
- Taylor Somers, 16 Alice Kelley Court
- Steve Shaw 504 Tineke Way, Travelers Rest, SC
- John B. Cook, no address
- Jeff Hawkins, 785 Hawkins Road, Travelers Rest, SC
- Randy Hawkins, 490 Hawkins Road, Travelers Rest, SC
- Ruby Hawkins, 800 Hawkins Road, Travelers Rest, SC
- Delmer Hawkins 800 Hawkins Road, Travelers Rest, SC
- John H. Hawkins, 806 Hawkins Road, Travelers Rest, SC
- Shirley B. Hawkins, 831 Hawkins Road, Travelers Rest, SC
- Marvin Hawkins, 831 Hawkins Road, Travelers Rest, SC
- Kassidy Murphy, 24 Barclay Drive, Travelers Rest, SC
- Leah Narro, Old 151 Altamont Ridge Road, Greenville, SC

The following were in favor of the proposed:

- Don Sorenson, 10 Blue Ridge Way, Travelers Rest, SC

The following remotely appeared in opposition to the proposed:

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- Nina Hallissy, representing REWA
- Michelle Grover, 430 Enoree Road, Travelers Rest, SC
- Frank Holleman, Southern Environmental Law, 310 Pine Forest Dr. Ext., Greenville, SC

The following remotely appeared in favor of the proposed:

- Don Sorenson, 10 Blue Ridge Way, Travelers Rest, SC
- Waverly Wilkes, Gray Engineering, 132 Pilgrim Road, Greenville, SC
- Craig Roy, Developer, SK Builders, PO Box 160, Travelers Rest, SC

Chairman Bichel stated with staff's recommendation to hold, both parties would need to agree to hold. He asked Mr. Roy if he was willing to have the request held and do the study as recommended.

Mr. Roy stated he was not in favor of holding.

Mr. Shockley noted staff's recommendation has changed considerably; he asked how did they get involved with South Carolina Environmental or Wildlife Commission deal.

Ms. Jeffers-Campbell stated initially the letter from the Environmental Group came after the packets were sent out to the Commissioners. She stated when she had done her staff report, she was unaware there were any endangered species on the site that might be adversely impacted by the development. She stated initially, her recommendation was to approve with conditions. Since she was made aware of the Environmental issues, her recommendation has changed to address those issues.

Mr. Shockley asked if the one plant mentioned was on the site and the other specialty plant downstream, how far down was it.

Mr. Holleman stated the federally protected plant was on the site and also downstream from the development site.

Mr. Forest asked staff if the developer would not have to check for these plants before getting his permit to construct.

Ms. Jeffers-Campbell stated her recommendation would be for the study to be done first, as it could potentially affect the design of the development or how it would need to be modified.

Ms. Wortkoetter noted generally they do a wetlands delineation before they come in for a land disturbance permit, but they do not generally do the endangered species survey.

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Mr. Bailey asked the Chairman to ask the applicant again if he would be willing to have the item held.

Chairman Bichel asked the applicant again if he would consider holding.

MOTION: By Mr. Rogers, seconded by Mr. Jones to deny PP-2020-73 based on the Environmental grounds raised and the letter from REWA regarding sewer service. The motion to deny carried unanimously by roll call vote.

REZONING REQUESTS

Mr. Henderson presented the following:

TO:	**County Council** **Planning and Development Committee** **Planning Commission**
FROM:	**Joshua T. Henderson**
RE:	**CZ-2020-45**
APPLICANT:	Greenville County Council
PROPERTY LOCATION:	County-wide
PIN/TMS#(s):	NA
ZONING:	C-1, C-2, and C-3, Commercial Districts
REQUEST:	The proposed text amendment to Section 6:2 (28) of the Greenville County Zoning Ordinance states that single-family residential developments on properties located in C-1, C-2, and C-3 Commercial Zoning Districts may be reviewed under Section 7:2 "Open Space Residential Development."
ACREAGE:	NA
COUNCIL DISTRICT:	All

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REQUEST HISTORY: In May/June 2020, Staff sought to initiate a zoning text amendment to address the ability to review single-family and multifamily residential developments under Section 7:2 "Open Space Residential Development." Staff is concerned the current text, as written, does not allow developers the ability to propose these developments in commercial zoning districts. This text amendment request went before the Planning and Development Committee on June 1, 2020 and then to First Reading with County Council on June 2, 2020.

ANALYSIS:

Currently, under Condition 28 in Section 6:2 of the Greenville County Zoning Ordinance, it states "all single-family development requiring the submittal of a summary or preliminary plat for review shall conform to the density, setbacks, open space requirements, etc., if as set forth in the R-6, Single-Family Residential District." Since single-family residential attached (i.e. townhomes) fits into this category of "all single-family development" it would require "townhomes" to be on individual lots of at least 6,000 sq. ft.

Staff is of the opinion that requiring these developments to adhere to the R-6 Single-Family Residential requirements places an unnecessary burden on attached residential developments with regards to the individual lot sizes. Allowing these developments to also be reviewed and approved under Section 7:2 "Open Space Residential Development" would allow them to reduce the lot size of the individual attached units, while still preserving the required open space.

CONCLUSION: Staff is of the opinion that requiring these developments to adhere to the R-6 Single-Family Residential requirements places an unnecessary burden on attached residential developments with regards to the individual lot sizes. Allowing these developments to also be reviewed and approved under Section 7:2 "Open Space Residential Development" would allow them to reduce the lot size of the individual attached units, while still preserving the required open space.

Based on these reasons, Staff recommends **approval** of the proposed Text Amendment.

MOTION: By Mr. Shockley, seconded by Mr. Jones to approve CZ-2020-45. The motion carried unanimously by voice vote.

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Mr. Henderson presented the following:

TO:	**County Council** **Planning and Development Committee** **Planning Commission**
FROM:	**Joshua T. Henderson**
RE:	**CZ-2020-46**
APPLICANT:	Greenville County Council
PROPERTY LOCATION:	County-wide
PIN/TMS#(s):	NA
ZONING:	R-6 through R-20, R-20A, R-M2 through R-M20, R-MA, C-1, C-2, and C-3 Zoning Districts
REQUEST:	The proposed text amendment to Sections 7:2.4-4 "A" and 7:2.5-4 "A" of the Greenville County Zoning Ordinance will be to revise the first requirement under the Single-Family Attached sections under Option 1 and Option 2 to eliminate the requirements of having a 15% and 20% stipulation on a maximum number of attached units.
ACREAGE:	NA
COUNCIL DISTRICT:	All
REQUEST HISTORY:	In May/June 2020, Staff realized some complexities when reviewing proposed single-family attached residential developments under the current requirements in Section 7:2 Open Space Residential Development. Staff is concerned the current text, as written, does not allow developers the ability to propose 100% single-family attached residential developments in the zoning districts that allow for Open Space developments. This text amendment request went before the Planning and Development Committee on June 1, 2020, and then to First Reading with County Council on June 2, 2020.
ANALYSIS:	According to Section 7:2, developers have the right to propose a development as an Open Space development meeting several different conditions and options. Under Option 1 and Option 2,

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single-family attached residential developments are permitted in Open Space developments, but must adhere to a certain maximum percentage of attached dwelling units. This requirement prohibits developers from proposing 100% single-family attached developments and forces a mixture of residential types (i.e. single-family attached and single-family detached).

If developers do not want to pursue the mixture of residential types of development, then they must refer back to Table 6.1 Uses Permitted, Uses by Special Exception, and Conditional Uses. Under this table, single-family attached is permitted in Zoning Districts R-6 through R-20 and R-20A, so long as they adhere to Condition 10 Dwelling, Single-Family Attached, and Dwelling, Two-Family (Duplex). Under this condition, properties zoned R-20, R-20A, R-15, and R-12 only allow single-family attached under Section 7:2, which then requires them to adhere to the maximum percentage of dwelling units requirement and not be allowed to have 100% attached developments. Furthermore, Condition 10 will only allow these type developments so long as each individual lot for each individual attached unit meets the minimum lot size requirement per that zoning district (i.e. if there is one building with 6 individual units in an R-10 zoning district, then each individual lot will be required to have a minimum lot size of 10,000 sq. ft. and thus requiring over an acre for 6 townhomes).

CONCLUSION:

Staff is of the opinion that placing a maximum percentage on the number of attached dwelling units in a proposed development places an undue burden on development and does not allow for 100% attached developments in some cases. Allowing these types of developments, without the aforementioned percentage requirement, would allow more options for attached residential housing in Greenville County, while still preserving the required open space.

Based on these reasons, Staff recommends **approval** of the proposed Text Amendment.

Ms. Clark asked if this item was applicable to POD and Neighborhood Commercial review districts.

Mr. Henderson stated any Review District, PD, POD, FRD and Neighborhood Commercial are subject to their own Statement of Intent, Concept and Final Development Plans. Whatever they submit to the Planning Commission or County Council for approval, they would be subject to those regulations stated in those documents.

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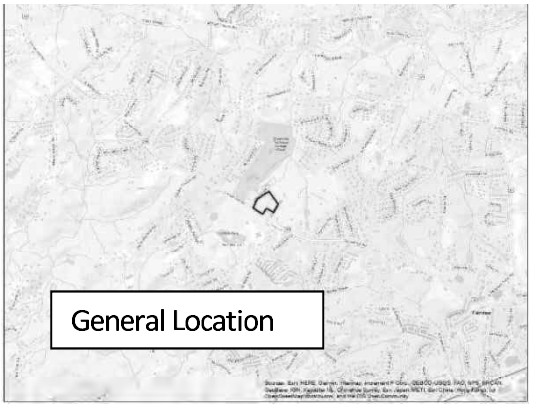
Ms. Clark asked why the initial limitations of 16 and 20 percent imposed to begin with.

Ms. Gucker stated those limitations have been as such for some time. She stated she did not know the reason nor when they were decided. Ms. Gucker stated she would look into it to see if she could provide Ms. Clark with the information.

MOTION: By Mr. Shockley, seconded by Mr. Jones to approve CZ-2020-46. The motion carried unanimously by voice vote.

Ms. Staton presented the following:

TO:	**County Council** **Planning and Development Committee** **Planning Commission**
FROM:	**Meagan Station**
RE:	**CZ-2020-47**
APPLICANT:	**Dean Aldrich of AC&S Engineering and Surveying and Blake Jackson of Jackson Holding and Ventures, LLC for Carmon B. Adams and Stacey A. Mauldin**
PROPERTY LOCATION:	**Locust Hill Road, Whispering Court, and Jonathan Drive**
PIN/TMS#(s):	**T022010100500**
EXISTING ZONING:	**R-S, Residential Suburban**
REQUESTED ZONING	**C-3, Commercial**
PROPOSED LAND USE	**Tree Care and Landscape Business**
ACREAGE:	**12.1**
COUNCIL DISTRICT:	**18 – Barnes**



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ZONING HISTORY: The parcel was originally zoned R-S, Residential Suburban in November 2001 as part of Area 16. There have been no other rezoning requests for this parcel.

EXISTING LAND USE: Vacant land

AREA CHARACTERISTICS:

Direction	Zoning	Land Use
North	R-S	single-family residential and vacant land
East	R-S	single-family residential and vacant land
South	Unzoned	vacant land and church
West	R-S	single-family residential

WATER AVAILABILITY: Greer CPW – no water available

SEWER AVAILABILITY: Septic

PLAN GREENVILLE COUNTY CONFORMANCE: The subject property is part of the Plan Greenville County Comprehensive Plan, where it is designated as *Suburban Neighborhood*.



Plan Greenville County, Future Land Use Map

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SN SUBURBAN NEIGHBORHOOD

Place Type Characteristics

Suburban Neighborhoods are generally shaped by residential subdivisions of medium-lot homes with relatively uniform housing types and densities. Homes include attached garages. Local streets are laid out in a curvilinear pattern with occasional cul-de-sacs. Streets may or may not include sidewalks. New single-family subdivisions should be designed with sidewalks, street trees, neighborhood parks, and community open space connections.

Primary Uses	Commercial, office, retail
Secondary Uses	Small-scale apartment buildings, civic and institutional facilities (e.g., places of worship) neighborhood parks
Gross Density	3 to 5 dwellings per acre
Transportation	Automobile access with sidewalk system and trail connections, interconnected streets
Parking	Private driveway with attached or detached garages, on-street parking
Open Space	Parks, schools, and streetscape; interconnected open space/greenway trail connections

Plan Greenville County, Character Area Type Card

AREA AND COMMUNITY PLANS: The parcel is not included in any adopted community or area plans.

DENSITY WORKSHEET: The following scenario provided the potential capacity of residential units based upon County records for acreage.

	Zoning	Zoning Density	Acres	Total Units
Current	*R-S*	*1.7 units/acre*	*12.1*	*20 units*
Requested	C-3	16 units/acre		193 units

A successful rezoning would add 173 dwelling units

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ROADS AND TRAFFIC: Locust Hill Road: two-lane State-maintained Major Collector. Whispering Court and Jonathan Drive are both private drives. The parcel has approximately 467 feet of frontage along Locust Hill Road, approximately 610 feet of frontage along Whispering Court, and approximately 400 feet of frontage along Jonathan Drive. The parcel is approximately 0.32 miles southeast of the intersection of Old Rutherford Road and Locust Hill Road. The property is not along a bus route and there are no sidewalks in the area.

CULTURAL AND ENVIRONMENTAL: Floodplain is not present on the site. There are no known historic or cultural resources on this site. The site is, however, bisected by overhead power lines. There is one school located within a mile of the site: Greer Middle College Charter High School.

CONCLUSION: The subject property is part of the Plan Greenville County Comprehensive Plan, where it is designated as *Suburban Neighborhood*. Areas with this future land use designation are typically shaped by residential subdivisions of medium-lot homes with relatively uniform housing types and densities. The gross density in areas such as this is 3 to 5 dwelling units per acre.

Despite the future land use designation of *Suburban Neighborhood*, the property fronts Locust Hill Road, which has several businesses fronting it in the surrounding area, and before the next major intersection, there are parcels with commercial zoning. However, while directly across Locust Hill Road is Unzoned, this parcel is surround on three sides by R-S, Residential Suburban zoning, with no other zoning districts in the close immediate area on that side of Locust Hill Road.

Staff is of the opinion that the requested rezoning to C-3, Commercial does not align with the *Suburban Neighborhood* Future Land Use designation, and that the request does not conform with the surrounding zoning.

Based on these reasons, staff recommends **denial** of the requested rezoning to C-3, Commercial.

MOTION: By Mr. Jones, seconded by Mr. Looper to deny CZ-2020-47.

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Mr. Hammond stated this site being 12 acres had only half of the acreage which could be developable, due to the power lines. He also noted the road was extremely busy. He stated he did not think anyone would build a single family home there. There is about 5 developable acres, and he did not think anyone would build a single family home fronting Locust Hill Road. He did not think anyone would want to build within two major transmission line right of ways.

Chairman Bichel stated spot zoning is always problematic, once something is zoned C-3, it is always C-3. It sets precedence for the future. It would be different if they came back with a request for an FRD.

Mr. Hammond noted a petition that was submitted regarding this property. He stated over 60 percent of the signatures were from folks outside of Greenville County, mostly outside of South Carolina. He stated the Commission should be careful if they were going to put weight on the petitions submitted.

The motion to deny CZ-2020-47 carried by voice vote with two in opposition (Bailey and Hammond).



Aerial Photography, 2019

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Zoning Map

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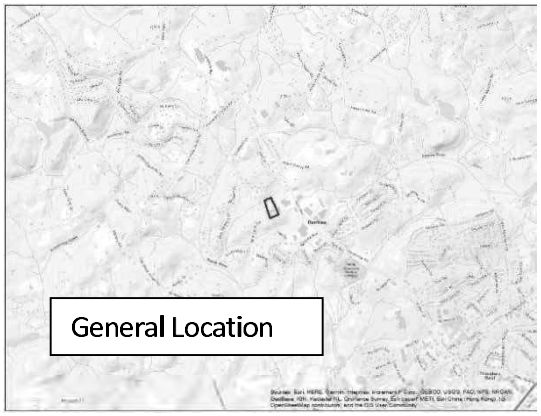
Ms. Staton presented the following:

TO:	**County Council** **Planning and Development Committee** **Planning Commission**
FROM:	**Meagan Station**
RE:	**CZ-2020-48**
APPLICANT:	**Vanessia L. Arnold for Silver Hawk, LLC**
PROPERTY LOCATION:	**18 New Circle Road**
PIN/TMS#(s):	**0506070101102**
EXISTING ZONING:	**C-2, Commercial**
REQUESTED ZONING	**S-1, Services**
PROPOSED LAND USE	**Warehousing and Distribution**

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ACREAGE: 5.4

COUNCIL DISTRICT: 17 – Dill



ZONING HISTORY: The parcel was originally zoned RM, Multifamily Residential in June of 1973 as part of Area 4B. The parcel was rezoned to C-2, Commercial in May 1985, as part of case CZ-1985-36.

EXISTING LAND USE: Warehouse – General

AREA CHARACTERISTICS:

Direction	Zoning	Land Use
North	R-M20	two-family residential and single-family residential
East	S-1	service building
South	I-1	vacant land
West	R-M2-	vacant land

WATER AVAILABILITY: Greenville Water

SEWER AVAILABILITY: Septic

PLAN GREENVILLE COUNTY CONFORMANCE: The subject property is part of the Plan Greenville County Comprehensive Plan, where it is designated as *Rural Corridor*.

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Plan Greenville County, Future Land Use Map



RC RURAL CORRIDOR

Place Type Characteristics

Rural Corridors contain a mix of mostly lower-density residential uses with agricultural, service, or industrial uses. Rural Corridors are typically located along arterial highways and may connect to denser suburban or urban areas.

Primary Uses	Greenhouses and nurseries, agriculture, warehouses, highway commercial
Secondary Uses	Single-family residential, parks and open space
Gross Density	1 dwelling per 2+ acres
Transportation	Automobile-oriented, multi-purpose trails, access management highways
Parking	Surface parking
Open Space	Farmland and natural areas, large passive parks

Plan Greenville County, Character Area Type Card

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AREA AND COMMUNITY PLANS: The parcel is not included in any adopted community or area plans.

ROADS AND TRAFFIC: New Circle Road: two-lane County-maintained Residential Local. The parcel has approximately 370 feet of frontage along New Circle Road, and the parcel is approximately 0.8 miles southwest of the intersection of Geer Highway (SC-Hwy 276) and White Horse Road Extension. The property is not along a bus route and there are no sidewalks in the area.

CULTURAL AND ENVIRONMENTAL: Floodplain is not present on the site. There are no known historic or cultural resources on this site; however the rear of the property does contain a significantly wooded area, along with overhead power lines. There are no schools within a mile of the site.

CONCLUSION: The subject property is part of the Plan Greenville County Comprehensive Plan, where it is designated as *Rural Corridor*. Properties with this future land use designation contain a mix of lower-density residential uses with agricultural, service, or industrial uses. *Rural Corridors* are typically located along arterial highways and may connect to denser suburban or urban areas. Primary uses within this future land use designation are greenhouses and nurseries, agriculture, warehouses, and highway commercial. Secondary uses in this area include single-family residential, parks, and open space.

In addition to its future land use designation, the parcel is adjacent to another parcel that is also zoned S-1, Services and across the road from property zoned I-1, Industrial. Additionally, despite New Circle Road being a local road, this parcel has very close proximity to US-276, and does not require passing any residentially zoned properties to reach this thoroughfare.

Based on these reasons, staff recommends **approval** of the requested rezoning to S-1, Services.

MOTION: By Mr. Forest, seconded by Ms. Clark to approve CZ-2020-48. The motion carried unanimously by voice vote.

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Aerial Photography, 2019



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Zoning Map



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Planning Report

Ms. Gucker introduced Mr. Tee Coker the new Planning Director. She noted he had worked a great deal with staff during the Comprehensive Plan. Chairman Bichel welcomed Mr. Coker.

Ms. Gucker updated the Commission members on the items they received in their packets pertaining to the Planning Report. She noted staff and consultants held 13 focus groups with various stakeholders for the Unified Development Ordinance. There were a lot of good discussions. She stated the State Infrastructure Bank approved Greenville County's Grant submission. The grant is for $42 million to extend the Parallel Parkway coming off of Verde Blvd. and going across I-85 and I-385 to terminate near the Merovan Center. Ms. Gucker noted construction activity was up as well as permitting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

ADJOURN: Without objection Chairman Bichel adjourned the meeting at 5:44 p.m.

Respectfully submitted

_____

Recording Secretary

BOARD:
Elizabeth M. Hagood
Chairman

Edwin H. Cooper, III
Vice Chairman

Steven G. Kisner
Secretary

Mailed 5/23/06
MO

D H E C
PROMOTE PROTECT PROSPER

C. Earl Hunter, Commissioner

BOARD:
Henry C. Scott

Paul C. Aughtry, III

Glenn A. McCall

Coleman F. Buckhouse, MD

Promoting and protecting the health of the public and the environment

May 22, 2006

Ms. Laura Belanger
Environmental Permitting Consultants, Inc.
[redacted]

Re: 401 Certification for Authorization Pursuant to Nationwide Permit 39
Permit Number: SAC 39-2006-0176-5 Boulder Creek
Applicant: Midland Builders
County: Greenville County

Dear Mr. Anderson:

The South Carolina Department of Health and Environmental Control (SCDHEC) has reviewed the above referenced project and determined that the impacts to water quality will be minimal and existing and classified uses will be maintained. The proposed work is consistent with the 401 Water Quality Certification issued for Nationwide Permit Number 39 on March 15, 2002, provided the applicant adheres to all the conditions of that certification (copy attached), and the following special conditions:

- As compensatory mitigation for impacts to aquatic resources, the applicant must preserve 0.33 acres of unaltered wetlands or 1474.58 linear feet of intermittent/perennial streams, and 2.91 acres of vegetated, undisturbed upland buffer. A declaration of restrictive covenants or other preservation documentation addressing the applicant's proposed mitigation must be submitted to SCDHEC's Division of Water Quality for review and approval prior to recording. A copy of the stamped recorded plat and the stamped restrictive covenants must be submitted to the Division of Water Quality within 60 days of issuance of the 404 Permit.

- The applicant must abide by the endangered species management plan for populations of the Dwarf-flowered heartleaf, *Hexastylis naniflora*, as described in the United States Fish and Wildlife document Log No. 2006-I-0420, dated April 11, 2006.

Sincerely,

Vivianne Vejdani

Vivianne Vejdani
Project Manager
Water Quality Certification, Standards and Wetlands Programs Section

cc: USACE Charleston District Office

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DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
[redacted]

REPLY TO
ATTENTION OF

May 2, 2006

Regulatory Division

Laura Belanger
Environmental Permitting Consultants, Inc.
[redacted]

Dear Ms. Belanger:

This letter is in response to a Pre-Construction Notification (PCN) dated January 27, 2006, which was received on February 2, 2006. By submittal of the PCN, you requested verification that the proposed project is authorized by a Department of the Army Nationwide Permit.

The PCN contains the following identifying information for this project. The work affecting waters of the United States is part of an overall project known as Boulder Creek. The project involves impacts to not more than 0.044 acre of waters of the United States or 187.84 linear feet of intermittent/perennial streams, including wetlands. The project is located on unnamed tributary to Beaverdam Creek, south of Jordan Road and east of Mt. Lebonon Church Road, near Greer, In Greenville County, South Carolina. The PCN also includes the following supplemental information:

a. Drawing sheets 1-7 of 7 titled "Boulder Creek" and dated January 23, 2006, revised April 26, 2006;

b. A mitigation plan as described in the project narrative and shown on drawing sheet 7 of 7, as referenced above;

c. A delineation of special aquatic sites (SAC 81-2006-0165-5).

Based on a review of the PCN, including the supplemental information indicated above, it has been determined that the proposed activity will result in minimal individual and cumulative adverse environmental effects and is not contrary to the public interest. Furthermore, the activity meets the terms and conditions of Department of the Army Nationwide Permit(s) # 39.

For this authorization to remain valid, the project must comply with the enclosed Nationwide Permit General Conditions, Charleston District Regional Conditions, and the following special conditions:

1. That prior to beginning the authorized work the permittee must obtain and provide the Corps with a copy of all appropriate state certifications and/or authorizations (i.e. 401 Water Quality Certification, Coastal Zone Management Consistency

002 ENVIRONMENTAL PERMITTING [redacted] FAX 05/22/2006 10:29

Determination, State Navigable Waters Permit). If the permittee fails to obtain the necessary state certifications and/or authorizations prior to beginning work, this will be considered a willful and knowing violation of the Clean Water Act and appropriate enforcement action will be taken.

2. That impacts to aquatic areas do not exceed those specified in the above mentioned PCN, including any supplemental information or revised permit drawings that were submitted to the Corps by the permittee;

3. That the construction, use, and maintenance of the authorized activity is in accordance with the information given in the PCN, including the supplemental information listed above, and is subject to any conditions or restrictions imposed by this letter;

4. That the permittee shall submit the attached signed compliance certification to the Corps within 30 days following completion of the authorized work.

5. That as compensatory mitigation for the impacts to aquatic resources, the permittee agrees to preserve 0.33 acre of waters of the United States or 1474.58 linear feet intermittent/perennial streams, and 2.91 acres of upland buffers. Preservation shall be by means of either deed restrictive covenants or conservation easement. The covenants or easement documents and surveyed plat of the mitigation area must be submitted to the District Engineer or his designee for review and approval prior to execution. Sample language for restrictive covenants and easement documents are enclosed for your consideration.

6. That the permittee must submit evidence of the execution and recording of the preservation easements or covenants and surveyed plat of the mitigation area to both the Corps of Engineers and DHEC prior to commencement of the authorized work.

7. That as extant populations of the endangered Dwarf-flowered heartleaf, *Hexastylis naniflora*, have been identified on the proposed property, the permittee, shall abide by all protective measures as described in United States Fish and Wildlife document, FWS Log No. 2006-I-0420, dated April 11, 2006.

This verification is valid until the Nationwide Permit is modified, reissued, or revoked. All of the existing Nationwide Permits are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the Nationwide Permits. We will issue a public notice when the Nationwide Permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant Nationwide Permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the Nationwide Permit to complete the activity under the present terms and conditions of this Nationwide Permit.

Your cooperation in the protection and preservation of our navigable waters and natural resources is appreciated. In all future correspondence concerning this matter, please refer to our file number SAC 39-2006-0176-5. A copy of this letter is being forwarded to certain State and/or Federal agencies for their information. If you have any questions concerning this matter, please contact Leslie L. Parker.

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003 ENVIRONMENTAL PERMITTING [redacted] FAX

Respectfully,

For Tina B. Hadden
Chief, Regulatory Division

Enclosures:
Permit Drawings
Charleston District Regional Conditions
Nationwide Permit General Conditions
Compliance Certification Form
Model Restrictive Covenants
Customer Service Survey

Copy Furnished:

U.S. Fish and Wildlife Service
Attn: Catherine D. Duncan
[redacted]

South Carolina Department of
Health and Environmental Control
Attn: Mr. Quinton Epps
Bureau of Water Pollution Control
[redacted]

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004 ENVIRONMENTAL PERMITTING [redacted] FAX

2006060900 REST
5 PGS
Book:DE 2212 Page:1774-1778
June 27, 2006 02:01:02 PM
Rec:$10.00 Cnty Tax:$0.00 State Tax:$0.00
FILED IN GREENVILLE COUNTY,SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

DECLARATION OF RESTRICTIVE COVENANTS

WHEREAS, Declarant is the owner of certain real property ("Property") located in Greenville County, South Carolina, more particularly described in a plat entitled BOULDER CREEK, dated June 5, 2006 and recorded in Plat Book 1010 at page 57 in the Office of the Register of Deeds for Greenville County; and,

WHEREAS, as compensatory mitigation under Federal and State law for Department of the Army Permit No. SAC39-2006-0176-5-Boulder Creek ("Permit") issued by the U. S. Army Corps of Engineers, Charleston District ("Corps" or "Charleston District," to include any successor agency), and certification(s) and/or permit(s) issued by the S. C. Department of Health and Environmental Control ("DHEC," to include any successor agency), and in recognition of the continuing benefit to the permitted property, and for the protection of waters of the United States and scenic, resource, environmental, and general property values, Declarant has agreed to place certain restrictive covenants on the Property, in order that the Property shall remain substantially in its natural condition forever.

NOW, THEREFORE, Declarant hereby declares that the Property shall be held, transferred, conveyed, leased, occupied or otherwise disposed of and used subject to the following restrictive covenants, which shall run with the land and be binding on all heirs, successors, assigns, (they are included in the term "Declarant," below), lessees, or other occupiers and users.

1. Prohibitions. Declarant is and shall be prohibited from the following: filling, draining, flooding, dredging, impounding, clearing, burning, cutting or destroying vegetation, cultivating, excavating, erecting, constructing, releasing wastes, or otherwise doing any work on the Property; introducing exotic species into the Property (except biological controls preapproved in writing by the Corps or DHEC); and from changing the grade or elevation, impairing the flow or circulation of waters, reducing the reach of waters, and any other discharge or activity requiring a permit under clean water or water pollution control laws and regulations, as amended. The following are expressly excepted from this paragraph: a) cumulatively very small impacts associated with hunting (excluding planting or burning), fishing, and similar recreational or education activities, consistent with the continuing natural condition of the Property; b) removal or trimming of vegetation hazardous to person or property, or of timber downed or damaged due to natural disaster; c) restoration or mitigation required under law .

2. Amendment. After recording, these restrictive covenants may only be amended by a recorded document signed by the Corps and DHEC and the Declarant. The recorded document, as amended, shall be consistent with the Charleston District model conservation restrictions at the time of amendment. Amendment shall be allowed at the discretion of the Corps and DHEC, in consultation with resource agencies as appropriate, and then only in exceptional circumstances. Mitigation for amendment impacts will be required pursuant to Charleston

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District mitigation policy at the time of amendment. There shall be no obligation to allow an amendment.

3. Notice to Government. Any permit application, or request for certification or modification, which may affect the Property, made to any governmental entity with authority over wetlands or other waters of the United States, shall expressly reference and include a copy (with the recording stamp) of these restrictive covenants.

4. Reserved Rights. It is expressly understood and agreed that these restrictive covenants do not grant or convey to members of the general public any rights of ownership, entry or use of the Property. These restrictive covenants are created solely for the protection of the Property, and for the consideration and values set forth above, and Declarant reserves the ownership of the fee simple estate and all rights appertaining thereto, including without limitation the rights to exclude others and to use the property for all purposes not inconsistent with these restrictive covenants.

5. Compliance Inspections. The Corps, DHEC, and their authorized agents shall have the right to enter and go upon the lands of Declarant, to inspect the Property and take actions necessary to verify compliance with these restrictive covenants.

6. Enforcement. The Declarant grants to the Corps, the U. S. Department of Justice, and/or DHEC, a discretionary right to enforce these restrictive covenants in a judicial action against any person(s) or other entity(ies) violating or attempting to violate these restrictive covenants; provided, however, that no violation of these restrictive covenants shall result in a forfeiture or reversion of title. In any enforcement action, an enforcing agency shall be entitled to a complete restoration for any violation, as well as any other judicial remedy such as civil penalties. Nothing herein shall limit the right of the Corps to modify, suspend, or revoke the Permit.

7. Property Transfers. Declarant shall include the following notice on all deeds, mortgages, plats or any other legal instruments used to convey any interest in the Property (failure to comply with this paragraph does not impair the validity of or enforceability of these restrictive covenants.)

NOTICE: THIS PROPERTY SUBJECT TO DECLARATION OF RESTRICTIVE COVENANTS RECORDED IN DEED BOOK 2212 AT PAGE 1745 IN THE OFFICE OF THE REGISTER OF DEEDS FOR GREENVILLE COUNTY, SOUTH CAROLINA.

8. Marking of Property. The perimeter of the Property shall at all times be plainly marked by permanent signs saying, "Protected Natural Area," or by an equivalent, permanent marking system.

9. Recording of Plat. A plat depicting the boundaries of the Property subject to these restrictive covenants shall be recorded in the deed records office for each county in which the

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property is situated prior to the recording of these restrictive covenants. The plat is recorded at Plat Book 1010 at page 57. A copy of the "Buffer Overview" for Boulder Creek is attached hereto as "Exhibit A" and made a part hereof by reference.

10. Separability Provision. Should any separate part of these restrictive covenants be held contrary to law, the remainder shall continue in full force and effect.

IN WITNESS WHEREOF, the Declarant has duly executed this Declaration of Restrictive Covenants the date written above.

IN THE PRESENCE OF:

MIDLAND INCORPORATED

By: _____
JED AHO, President

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

PROBATE

PERSONALLY appeared before me the undersigned witness, and made oath that (s)he saw the within named Midland Incorporated, by Jed Aho, its President, sign, seal and as its act and deed, deliver the within named Declaration of Restrictive Covenants; and that (s)he with the other witness named above witnessed the execution thereof.

SWORN to before me this
23rd day of June, 2006

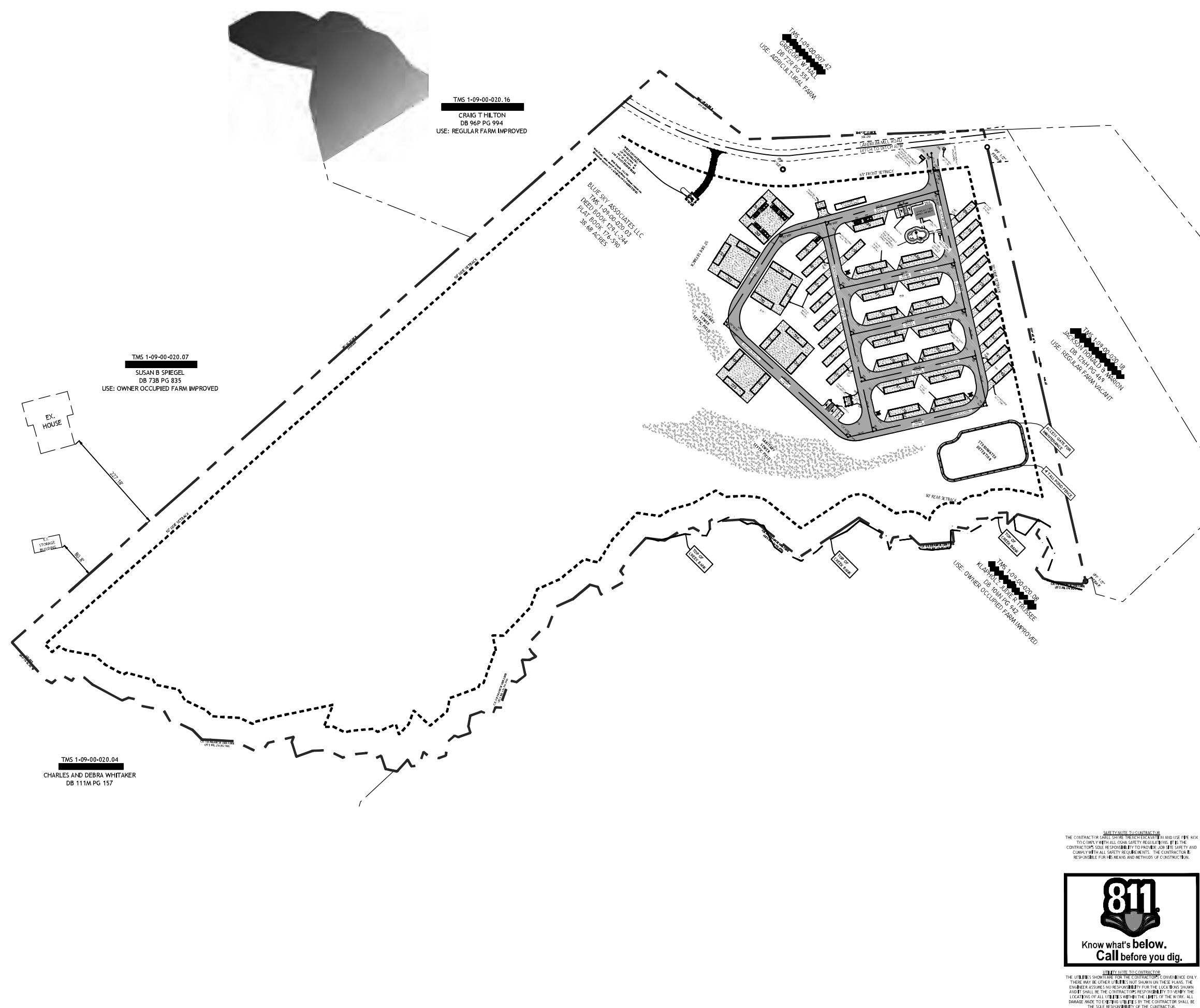
_____ (SEAL)
Notary Public for South Carolina
My commission expired: 5-2-15

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Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**1** (1) **2** (4) **3** (1) **4** (3)	---

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T. TREE FARMS
PROPOSED RV PARK

DEVELOPER	ENGINEER
BLUE SKY ASSOCIATES, LLC [redacted]	GRAY ENGINEERING [redacted]

SETBACK CHART

- FRONT: 65'
- SIDE : 50'
- REAR: 50'

SITE INFORMATION

- PRIVATE DRIVE
- NO OPEN SPACE REQUIRED
- NO EXISTING STRUCTURES ON THE PROPERTY

0 100' 200'
SCALE: 1" = 100'

PROPERTY AND PROJECT INFORMATION:

RV PARK
TAX MAP#: P/O 1-09-00-020.03
DEED REFERENCE: BOOK:129L / PAGE 244
TOTAL ACREAGE: 38.68 ACRES
COMMUNITY: CAMPOBELLO
ZIP CODE: 29322
NEW ROAD: 0.58 MILES OF NEW DRIVE
CAMPSITES: 49

NOTES:

1) THE PRIVATE DRIVE SHOWN ON THIS PLAT SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER.
2) BUILDINGS TO BE CONSTRUCTED IN THE FUTURE
3) REQUIRED PARKING: 49 LOTS X 1.5 PER CAMPSITE + 1 SPACE/EMPLOYEE = 75 SPACES
4) PARKING PROVIDED: 86 SPACES TOTAL (TYP. PARKING LAYOUT SHOWN)
5) ADA SPACES REQUIRED: 4 ADA SPACES PROVIDED: 4
6) DUMPSTER/TRASH RECEPTACLES WILL MEET ALL REQUIREMENTS OF SECTION 3.13, ULMO (9).
7) ANY LIGHTING ON THE PROPERTY SHALL BE ARRANGED IN A WAY AS TO NOT IMPACT NEIGHBORING PROPERTIES. LIGHTS SHOULD BE SHIELDED.

- DEED BOOK: 129L
- DEED PAGE: 244
- DISTRICT: 2
- COMMUNITY: CAMPOBELLO
- ZIP CODE: 29322

STATE CERTIFICATION:

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

As of June 22, 2021 - The site has received approval from SCDHEC for a septic tank system. It is the responsibility of the Property Owner to contact SCDHEC for approval of a septic tank if/when development takes place. A Certificate of Occupancy shall not be granted to a building/use without a septic system (or public sewer)

PLAN LEGEND

- PROPOSED PAVEMENT
- SETBACKS
- CENTERLINE
- 100-YEAR FLOODPLAIN
- OPEN SPACE/DETENTION AREA
- IRON PIN
- FIRE HYDRANT
- CREEK
- ADJACENT PROPERTY LINE
- PROPERTY LINE
- ROAD RIGHT-OF-WAY

Gray Engineering

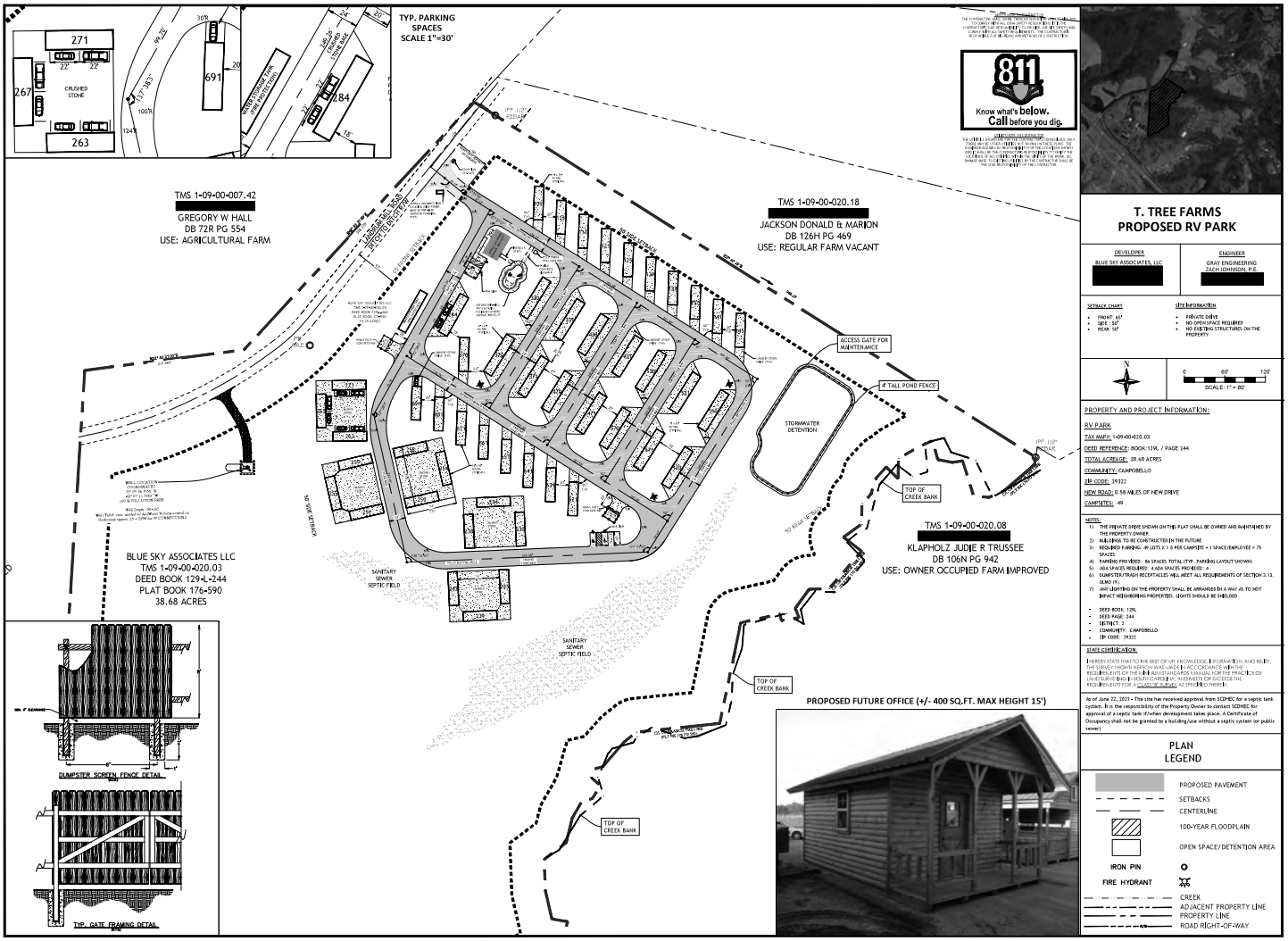
OVERALL SITE PLAN

T. TREE FARMS RV PARK
LANDRUM MILL ROAD
SPARTANBURG COUNTY, SC

PROJECT MANAGER:	ZDJ
DRAWN BY:	MSG
PROJECT DATE:	2/3/21
SCALE:	1"=100'
JOB No.:	2021006
PLOT DATE:	3/1/23

SHEET
OVERALL

2021006 - D6.dwg



T. TREE FARMS
PROPOSED RV PARK

DEVELOPER	ENGINEER
BLUE SKY ASSOCIATES, LLC	GRAY ENGINEERING ZACH JOHNSON, P.E

SETBACK CHART
- FRONT: 60'
- SIDE: 50'
- REAR: 50'

SITE INFORMATION
- PRIVATE DRIVE
- NO OPEN SPACE REQUIRED
- NO EXISTING STRUCTURES ON THE PROPERTY

SCALE: 1"= 80'

PROPERTY AND PROJECT INFORMATION:

RV PARK

TAX MAP#: 1-09-00-020.03

DEED REFERENCE: BOOK: 129L / PAGE 244

TOTAL ACREAGE: 38.68 ACRES

COMMUNITY: CAMPOBELLO

ZIP CODE: 29322

NEW ROAD: 0.58 MILES OF NEW DRIVE

CAMPSITES: 49

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- ZIP CODE: 29322

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PLAN LEGEND

- PROPOSED PAVEMENT
- SETBACKS
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- 100-YEAR FLOODPLAIN
- OPEN SPACE/DETENTION AREA
- IRON PIN
- FIRE HYDRANT
- CREEK
- ADJACENT PROPERTY LINE
- PROPERTY LINE
- ROAD RIGHT-OF-WAY

Gray Engineering

SITE PLAN

T. TREE FARMS RV PARK

LANDRUM MILL ROAD
SPARTANBURG COUNTY, SC

PROJECT MANAGER:	ZJH
DRAWN BY:	MSG
PROJECT DATE:	2/8/21
SCALE:	1"=60'
JOB No.:	2021006
PLOT DATE:	8/1/23

SHEET
CV-1

2021006 - DS.dwg

01001

Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**1** (43) **2** (7)	---

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ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

MacDonald, Leigh

From: Frank Holleman [redacted]
Sent: Friday, March 31, 2023 3:20 PM
To: Holliday, Joan; MacDonald, Leigh; [redacted]
Cc: Carl Muller [redacted]; Sally Rock; Harris, John; [redacted] Emily Wyche; Chris DeScherer
Subject: Reconsideration of March 7 Conditional Approval of T. Tree Farms RV Park
Attachments: SELC and SC Native Plant Society Letter to Commission re Reconsideration.pdf

Members of the Commission and Ms. Holliday:

Please find attached a letter from the Southern Environmental Law Center and the South Carolina Native Plant Society requesting reconsideration at the April 4 meeting of the conditional approval of this RV park which was granted at the March 7 meeting.

I will send the attachments separately.

Thank you for your consideration and for your service with the Commission and Spartanburg County.

Frank Holleman
Senior Attorney
Southern Environmental Law Center

[redacted]

www.southernenvironment.org
Facebook | Twitter | Instagram

Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**1** (15)	---

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SOUTHERN ENVIRONMENTAL LAW CENTER

[redacted] [redacted]

ELECTRONICALLY FILED - 2023 Aug 01 2:11 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

March 31, 2023

Members of the Spartanburg County Planning Commission
Ms. Joan Holliday, Planning and Development Director
Spartanburg County Planning Commission
Spartanburg County Administration Building
366 North Church Street
Spartanburg, SC 29303

Re: Reconsideration of Conditional Approval for the Site Plan of T. Tree Farm RV Park of Blue Sky, LLC

Members of the Commission and Ms. Holliday:

On behalf of the South Carolina Native Plant Society and the Southern Environmental Law Center, we are writing to ask that the Commission reconsider its conditional approval of the site plan for this RV park. The conditional approval is in direct violation of Spartanburg County's Unified Land Management Ordinance. The conditional approval also does serious harm to one of Spartanburg County's most important ecologically sensitive areas and its natural features and landscape.

The Commission has clear authority to reconsider this decision. Section 5 of Article II of the Commission's Rules and Procedures adopts Spartanburg County Council's Rules of Procedure. Under Section 12-4 of the Spartanburg County Council's Rules of Procedure, motions to reconsider may be made at the next regular meeting. The Commission will be meeting on April 4 and can vote to reconsider this conditional approval at that meeting.

Ecologically Sensitive Area and Natural Features and Landscape: The proposed site for the T. Tree Farms RV Park is on Goldmine Creek in Campobello, South Carolina. The proposed site features rare plants and important ecologically sensitive habitat and natural features. This area of Spartanburg County and the watershed of Goldmine Creek have not been subject to intensive development. Nearby and adjacent properties are protected by conservation easements.

The banks of Goldmine Creek and the area around Goldmine Creek include damp, rich forests. This damp, rich forest provides important habitat for rare species. There are numerous populations of one of the nation's and South Carolina's rare plants—Dwarf Flowered Heartleaf (*Hexastylis naniflora*)—along the banks of Goldmine Creek and in the forest near Goldmine Creek. Because of the plant's rarity and the threats to its continued existence, the South Carolina Department of Natural Resources has designated it as a Highest Priority Species in the South Carolina Wildlife Action Plan. For the same reasons, since 1989 this rare plant has been listed as a Threatened Species under the Endangered Species Act, 16 U.S.C. §§ 1531 *et seq*.

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Spartanburg County contains especially important habitat for this rare species. In South Carolina, the Dwarf Flowered Heartleaf exists only in parts of the Piedmont of Greenville, Spartanburg, and Cherokee Counties. It also exists in some North Carolina Piedmont counties near South Carolina. This plant exists nowhere else in the world. Spartanburg County is the home of the Peters Creek Heritage Preserve of the South Carolina Department of Natural Resources. The preserve was established principally to protect populations of this plant and one area of its habitat. According to the Department of Natural Resources, the preserve is home to the second-largest known population of Dwarf-Flowered Heartleaf.

These rare plants are dependent upon the ecology of their habitats. Specifically, they depend on rich forests; are affected by the quality and amount of groundwater, which determines the hydrology of the plant's habitat; and are affected by the water quality and overall health of the streams that flow through their habitat. The principal threats to the survival of the Dwarf Flowered Heartleaf are construction of roads, facilities, and infrastructure, associated erosion, and conversion of habitat to agricultural, residential, commercial, and industrial uses.

Attached are two studies by scientists familiar with the plant and its habitat. There are populations of this rare plant up and down Goldmine Creek, and these studies and other observations indicate that there are populations of Dwarf Flowered Heartleaf on the proposed RV Park site, including on the hillside above Goldmine Creek. There are also populations of the rare plants on properties next to the RV Park site, upstream and downstream from the RV Park site, and across the creek from the RV Park site.

Ashy Hydrangea (*H. cinerea*) is also present along Goldmine Creek. Ashy Hydrangea is a critically imperiled plant in South Carolina. The presence of this plant underscores the ecologically sensitive nature of this area.

In addition to the rare plants, the RV site includes important water resources. The site encompasses one side of Goldmine Creek, as well as part of the Goldmine Creek watershed. Goldmine Creek is a first order headwater tributary of the North Pacolet River. At present, the creek is a high-quality freshwater system and is among the best quality Piedmont streams in the area. The areas surrounding the proposed RV Park site similarly contain important habitat. There are Piedmont Springhead Seeps downstream of the proposed RV Park site, which are designated as imperiled habitat at high risk of extinction or elimination under the NatureServe classification. There is also a mature, high-quality forest along the creek. It is a Piedmont Headwater Stream Forest designated as vulnerable habitat at moderate risk of elimination under the NatureServe classification.

In other situations in our areas, developments have been required to protect this rare plant and habitats like this one. The Greenville County Planning Commission rejected the development plan for the Crestfield II subdivision because the developer did not take steps to protect Dwarf Flowered Heartleaf and its forest habitat. In one subdivision in Spartanburg County and another in Greenville County, the developer was required to set aside and protect these rare plants and their habitat. Materials related to those sites are attached.

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Violations of the Ordinance. The County's Unified Land Management Ordinance contains provisions specifically designed to protect the natural features of sites like this RV park site. Yet, the developer provided no information and no protections for the plant and its habitat, did no studies of the natural features of the site and the impacts of components of its proposed site plan on the natural features, and did not bring them to the Commission's attention. The Commission's application does not require that RV park developers conduct studies to identify ecologically sensitive areas and their natural features and landscapes or to include protections for them. And the Commission's conditional approval in this instance includes no conditions to protect the rare plants, their habitat, or the important water resources on which they depend.

1. **Ecologically Sensitive Areas**. In its Preamble, the Ordinance states that one of its principal purposes is to facilitate the creation of "ecologically sensitive areas." Yet the developer and the Commission have not even considered the ecologically sensitive aspects of this site and have included no requirements or conditions to protect the rare plants and their forest habitat.

Specifically, nothing has been done to identify plant populations on the site. No study has been done to determine the impact of water withdrawal from the site's groundwater supplies through a well for all the large RVs that are projected to come to this site. The plant, its forest, and Goldmine Creek depend upon the groundwater.

This project has been allowed to go forward with a septic system that the DHEC Board determined was only half as large as it needed to be, with the result that polluted water will be discharged into the groundwater just uphill from Goldmine Creek and into the hydrology on which the plant and its habitat depend. This septic system will also receive harsh chemicals, like formaldehyde, because RV's use those chemicals to deal with odor in their sewage storage systems. Those chemicals harm the bacteria that make a septic system work, and septic systems do not treat for harsh chemicals.[1] No study has been done to determine the effect of these chemicals on the rare plants, their habitat, the septic system, and Goldmine Creek.

A detention pond and a septic field are being built down the hillside into the plant's habitat and the forest, and this activity will inevitably destroy plants and their habitat. There are no comfort stations on the site, so it is entirely predictable that visitors and campers will wander down into the forest and relieve themselves in the plants' habitat, maybe on the plants themselves, and just uphill from Goldmine Creek.

This site plan and the Commission's conditional approval violate a basic principle of the entire Ordinance.

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[1] University of Arizona Extension Service, *RV Holding Tank Treatments and Deodorizers in Septic Systems*, RV Holding-Tank Treatments & Deodorizers in Septic Systems (arizona.edu); Sondra Larson and Sara Heger, *Analysis of Recreational Vehicle Holding Tank Treatment Products*, University of Minnesota (2020), rv_report_final.pdf - Google Drive

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2. **Natural Features and Landscape**. The Ordinance includes Section 3.13 which details specific requirements applicable to "Camps and Recreational Vehicle Parks." These provisions are mandatory. Ordinance, Section 3.13 ("Camps and recreational vehicles (RV) parks shall comply with the following site and design standards.").

Section 3.13 (2) sets out a mandatory requirement that provides: "The site **shall** be developed in a manner that **preserves natural features and landscape**" (emphasis added).

Yet, the developer and the Commission entirely ignored this mandatory provision expressly applicable to RV parks. There is no mention of this requirement in the application. The site plan does not address this requirement; instead, it will destroy natural features and landscape of the site. The Commission did not mention this provision during its deliberations, and the staff recommendation memo makes no mention of it. The conditions in the conditional approval include nothing about the natural features and landscape.

In short, the Commission is operating in total violation of the Unified Land Management Ordinance, and its conditional approval here is a striking violation of the Ordinance. The Commission should reconsider this approval, step back, reform its process, require the necessary studies for the ecologically sensitive natural features and landscape, and determine whether the many problems with this site plan can be corrected so that the Ordinance will be complied with.

3. **Public Water**. The Commission ignored another mandatory requirement of the Ordinance.

Section 3.13 (8) contains a mandatory requirement that "[e]ach park site shall be serviced by public water."

Blue Sky initially complied with this provision and in 2021 submitted an application that provided, as mandated by the Ordinance, that the RV Park would be serviced by public water. When that proved to be impossible, the result under the plain language of the Ordinance is that this RV Park cannot be built on this site.

However, in 2023 Blue Sky submitted a new application providing that the park will be serviced by a well and not by public water, in violation of the Ordinance.

This change will harm this ecologically sensitive area and the natural features and landscape, because a well for this large RV Park will remove clean groundwater from the site and the forested creekside and damage the hydrology of the site and the forest. The hydrology of the area is an essential part of the plant's habitat, the forest's ecosystem, and Goldmine Creek's water quantity and quality.

As a result, the Commission's action to ignore the requirement for public water also violates the mandatory requirement that the natural features and landscape be preserved and the Commission's mandate to protect ecologically sensitive areas.

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4. **Sewage System Approved by DHEC**. Section 3.13 (8) of the Ordinance contains the mandatory requirement that "[e]ach park shall be serviced by . . . sewer or other systems approved by DHEC." There is no sewer service at this site. Under the Ordinance, the RV park must be serviced by another system "approved by DHEC." The DHEC Board is the highest authority and the governing authority of DHEC. Its members are appointed by the Governor and approved by the South Carolina Senate.

The DHEC Board decided to review the permit for the septic system proposed by Blue Sky and put forward by DHEC staff. The DHEC Board does not always grant requests to review staff decisions and rarely overturns staff decisions. In this instance, the DHEC Board felt compelled to act. The DHEC Board found that the septic system for this RV Park was grossly inadequate and had only half the capacity necessary for the RV Park. Therefore, the septic system for this site is not "approved by DHEC" but instead has been expressly disapproved by DHEC's highest authority.

Blue Sky appealed the DHEC Board's decision to the Administrative Law Court, and that court found only that the request for DHEC Board review had been filed too late. But the Administrative Law Court did not contradict the DHEC Board's determination that the septic system is woefully inadequate. That timing decision of the Administrative Law Court is now being appealed to the South Carolina Court of Appeals.

The language of the Ordinance does not turn on legal technicalities or procedural issues. The RV Park must have a septic system "approved by DHEC." The highest authority at DHEC has disapproved this septic system. The Ordinance does not allow a septic system that is put in place by a procedural order of the Administrative Law Court or a septic system approved by anyone other than "DHEC." The legal technicalities that Blue Sky is litigating do not deal with the substantive defects in the septic system identified by the DHEC Board.

This aspect of the Commission's conditional approval also violates the mandate to protect ecologically sensitive areas and the requirement to preserve natural features and landscape. This septic system and its drain field will be built in the plant's habitat and likely among and very near populations of the plant. It will also be built just uphill from Goldmine Creek. Inadequately treated sewage effluent will be discharged from the septic system into the groundwater system within the plant's habitat and very near the Creek.

Under the plain and direct language of the Ordinance, the RV Park cannot be approved to operate with a septic system disapproved by DHEC's highest authority, the DHEC Board.

5. **No Comfort Stations**. Section 3.13 (4) contains another mandatory requirement: "No site shall be located less than . . . 300 feet from a comfort station."

Blue Sky's site plan and the Commission's decision provide for no comfort stations for this RV Park. Apparently, the Commission chose to "waive" this requirement, but Section 3.13

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does not provide for waiver of this mandate.

The reasons for this requirement are obvious. Many people visit RV parks and campsites. Not all of them have access to RV toilets, and even those who do may find themselves away from their RV when they need to visit a bathroom. The only way to ensure that an RV park of this size remains sanitary is to have available comfort stations.

This aspect of the Commission's decision will also harm this ecologically sensitive area, the rare plants, their habitat, and Goldmine Creek. This requirement discourages visitors from using the grounds of the RV Park—here, the forest, the habitat of the rare plants, and the slope leading down to Goldmine Creek—as an outdoor bathroom. The Commission's decision virtually ensures that some of the many, many visitors to this site will relieve themselves among and on the plants, in their habitat, in the forest, and uphill of Goldmine Creek. This raw human waste will flow through the forest and the plants and into the creek when it rains.

In this respect also, the Commission's decision harms this ecologically sensitive site and does not preserve but instead harms the natural features and landscape.

The March 7 Meeting. In advance of the March 7 hearing, over 400 citizens asked the Commission to hear public comments on the problems with this application, specifically including the natural features of the site, the environmental issues, and the issues regarding the rare plants. Counsel for the South Carolina Native Plant Society attended the March 7 meeting prepared to provide this information. But the Commission refused to receive any information at the meeting and then postponed consideration until the end. At the end of the meeting, the Commission allowed only Mr. Rock to speak, and only for five minutes. During his remarks he asked that counsel for the South Carolina Native Plant Society be allowed to speak concerning the environmental issues, but the Commission summarily rejected that request. Counsel for the South Carolina Native Plant Society raised his hand to ask to be recognized, but the Commission Chair did not recognize him.

The Commission violated these clear mandates and requirements of its own Ordinance and refused to hear and receive information that could have informed it of the mistakes it was making.

We ask that the Commission reconsider its decision, step back, follow the express terms of the Ordinance, and ensure that the specific provisions of the Ordinance that protect this ecologically sensitive area, its natural features and landscape, and the water resources of the site are followed as set out in the Ordinance.

Sincerely,

Frank S. Holleman III
Senior Attorney

[redacted]
Emily Wyche
Staff Attorney
[redacted]
Southern Environmental Law Center
[redacted]

Cc: Carl Muller, Esq.
Sally Rock, Esq.
John Harris, Esq., County Attorney
Alex Shissias, Esq.

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Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**1** (2) **7** (3)	---

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dhec — S.C. Department of Health and Environmental Control

PERMIT TO CONSTRUCT
Onsite Wastewater System

File Nbr: 2021040112
County: Spartanburg

Name: T. Tree Farms RV Park (Blue Sky Associates LLC)
Program Code: 360
Type Facility: 52 Space RV Park
Address: PO Box 5930 Spartanburg, S.C. 29304
System Code: 150
Subdivision:
Water Supply: Public
Block: Lot:
Site: 1970 Landrum Mill Rd. Campabello, S.C.
TM#: 1-09-00-020.03

PERMIT TO CONSTRUCT SYSTEM SPECIFICATIONS

Daily Flow (gpd): 3120 **Tank Sizes (gal)**: Septic Tank: 5000 Pump Chamber: Grease Trap:

LTAR: .3 **Trenches**: Length (ft): 2600 Width (in): 36 Max. Depth (in): 45 Agg. Depth (in.):

Min. Pump Capacity: gpm at ft. of Head Alternative Product: 1203 EZ Flow

SPECIAL INSTRUCTIONS/CONDITIONS
(See Attached Page(s))

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

This Permit To Construct and Operate is issued pursuant to the SCDHEC Large and Community Onsite Wastewater Systems for Peak Flows greater than 1500 GPD.

Issuance of this Large Onsite Wastewater System Permit To Construct does not relinquish the property owner of responsibility in attaining any and all necessary approvals or permits required to develop this property.

PERMIT TO CONSTRUCT

See engineered system design and supporting documentation.

Grey Engineering
(Engineering Company)

Zachary D. Johnson
(Consulting Engineer)

SC 30735
(State and License Number)

Dennis J. DeFrancesco
(Soil Classifier)

SC 31
(State and License Number)

06/17/2021
(Plan Date)

2021006
(Project Number)

Any Permit To Construct and Operate that is issued pursuant to this Standard shall be based upon the consulting engineer's design, certification, and other supporting documentation.

Reviewed By: [signature] Date: June 22, 2021

DHEC 1781 (01/2014)
This Permit will Expire and Become Null and Void Five (5) Years from the Issuance Date.

This Permit is Appealable Under the Administrative Procedures Act. There may be an Additional Fee for Changes in this Permit that Require a Site Reevaluation.

Information collected on this form is subject to public scrutiny or release and the Freedom of Information Act.

dhec	PERMIT TO CONSTRUCT Onsite Wastewater System	File Nbr: 2021 County: Spartanburg Page 2 of 2

SPECIAL INSTRUCTIONS/CONDITIONS

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

Special Instructions:

This individual sewage treatment and disposal system must be constructed in exact accordance with the Approved Plan prepared by Grey Engineering dated and stamped by Zachary D. Johnson P.E. June 17, 2021. Any deviations from this plan without prior approval from the Division voids this Permit.

This system was specifically designed to treat and dispose of a limited quantity of domestic wastewater discharged from T. Tree Farms 52 space RV Park (Blue Sky Assoc.) with a peak sewage flow of 3,120 gallons per day total. No further additions of any type shall be permitted to discharge to this system.

Installer must make Brett Fowler (803) 667-1159 email address fowlerba@dhec.sc.gov aware of their intent to begin this project and provide a rough schedule of when work will take place.

Septic tank system installer must hold a valid DHEC septic tank installers license and be a EZ Flow certified installer

Consulting Engineer Must supervise construction of system to insure that it is installed in accordance regulation 61-56 and approved plan.

The Consulting Engineer will be responsible for providing an as-built plan prior to final approval of this project.

Garbage grinders shall not be allowed to discharge to this septic system.

Do not cut, fill, grade or in any way disturb the proposed tile field area.

Do not park or drive any vehicles on the tile field area.

Do not overlay tile field area with any impervious surfaces.

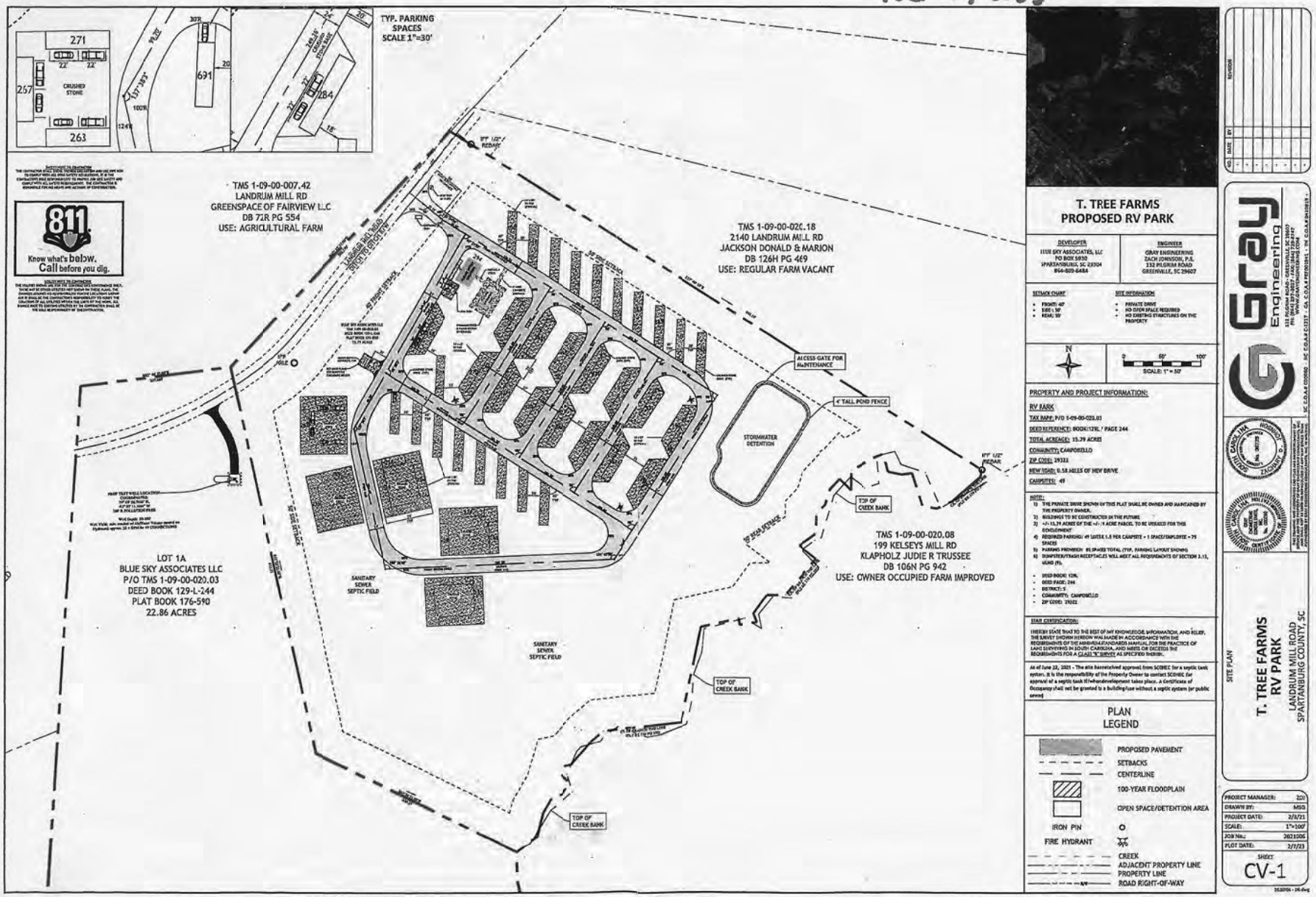
The area reserved for tile field repair/replacement must remain as is. Do not cut, fill, grade or in any way disturb the proposed tile field repair area.

It is the owner's responsibility to operate the system in such a manner that hydraulic overloads and unauthorized discharges do not occur.

Only domestic waste (toilets, hand washing, etc.) is allowed to enter into the OSWW system.

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Feb 7, 2023



T. TREE FARMS PROPOSED RV PARK

DEVELOPER	ENGINEER
BLUE SKY ASSOCIATES, LLC PO BOX 5030 SPARTANBURG, SC 29304 864-809-6484	GRAY ENGINEERING ZACH JOHNSON, P.E. 132 PILGRIM ROAD GREENVILLE, SC 29607

SETBACK CHART
- FRONT: 40'
- SIDE: 50'
- REAR: 50'

SITE INFORMATION
- PRIVATE DRIVE
- NO OPEN SPACE REQUIRED
- NO EXISTING STRUCTURES ON THE PROPERTY

N

0 50' 100'
SCALE: 1" = 50'

PROPERTY AND PROJECT INFORMATION:

RV PARK

TAX MAP: P/O 5-09-00-020.03

DEED REFERENCE: BOOK:129L / PAGE 244

TOTAL ACREAGE: 15.29 ACRES

COMMUNITY: CAMPOBELLO

ZIP CODE: 29322

NEW ROAD: 0.58 MILES OF NEW DRIVE

CAMPSITES: 49

NOTE:
1) THE PRIVATE DRIVE SHOWN ON THIS PLAT SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER.
2) BUILDINGS TO BE CONSTRUCTED IN THE FUTURE
3) +/- 13.79 ACRES OF THE +/- 14 ACRE PARCEL TO BE UNTOUCHED FOR THIS DEVELOPMENT
4) REQUIRED PARKING: 49 LOTS 1.5 PER CAMPSITE = 1 SPACE/EMPLOYEE = 75 SPACES
5) PARKING PROVIDED: 85 SPACES TOTAL (TYP. PARKING LAYOUT SHOWN)
6) DUMPSTER/TRASH RECEPTACLES WILL MEET ALL REQUIREMENTS OF SECTION 3.13, ULAND (9).

- DEED BOOK: 129L
- DEED PAGE: 244
- DISTRICT: 5
- COMMUNITY: CAMPOBELLO
- ZIP CODE: 29322

STAMP CERTIFICATION:

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

As of June 22, 2021 - The site has received approval from SCDHEC for a septic tank system. It is the responsibility of the Property Owner to contact SCDHEC for approval of a septic tank if/when development takes place. A Certificate of Occupancy shall not be granted to a building/use without a septic system (or public sewer)

PLAN LEGEND

- PROPOSED PAVEMENT
- SETBACKS
- CENTERLINE
- 100-YEAR FLOODPLAIN
- OPEN SPACE/DETENTION AREA
- IRON PIN
- FIRE HYDRANT
- CREEK
- ADJACENT PROPERTY LINE
- PROPERTY LINE
- ROAD RIGHT-OF-WAY

NO.	DATE	BY	REVISION

Gray Engineering
132 PILGRIM ROAD, GREENVILLE, SC 29607
PH: (864) 527-0057 - FAX: (864) 527-0297
WWW.GRAYENGINEERING.COM
SC C.O.A.# C0282 - NC C.O.A.# C3237 - GA C.O.A.# PEO016811 - TN C.O.A.# PE0016811

SITE PLAN

T. TREE FARMS RV PARK
LANDRUM MILL ROAD
SPARTANBURG COUNTY, SC

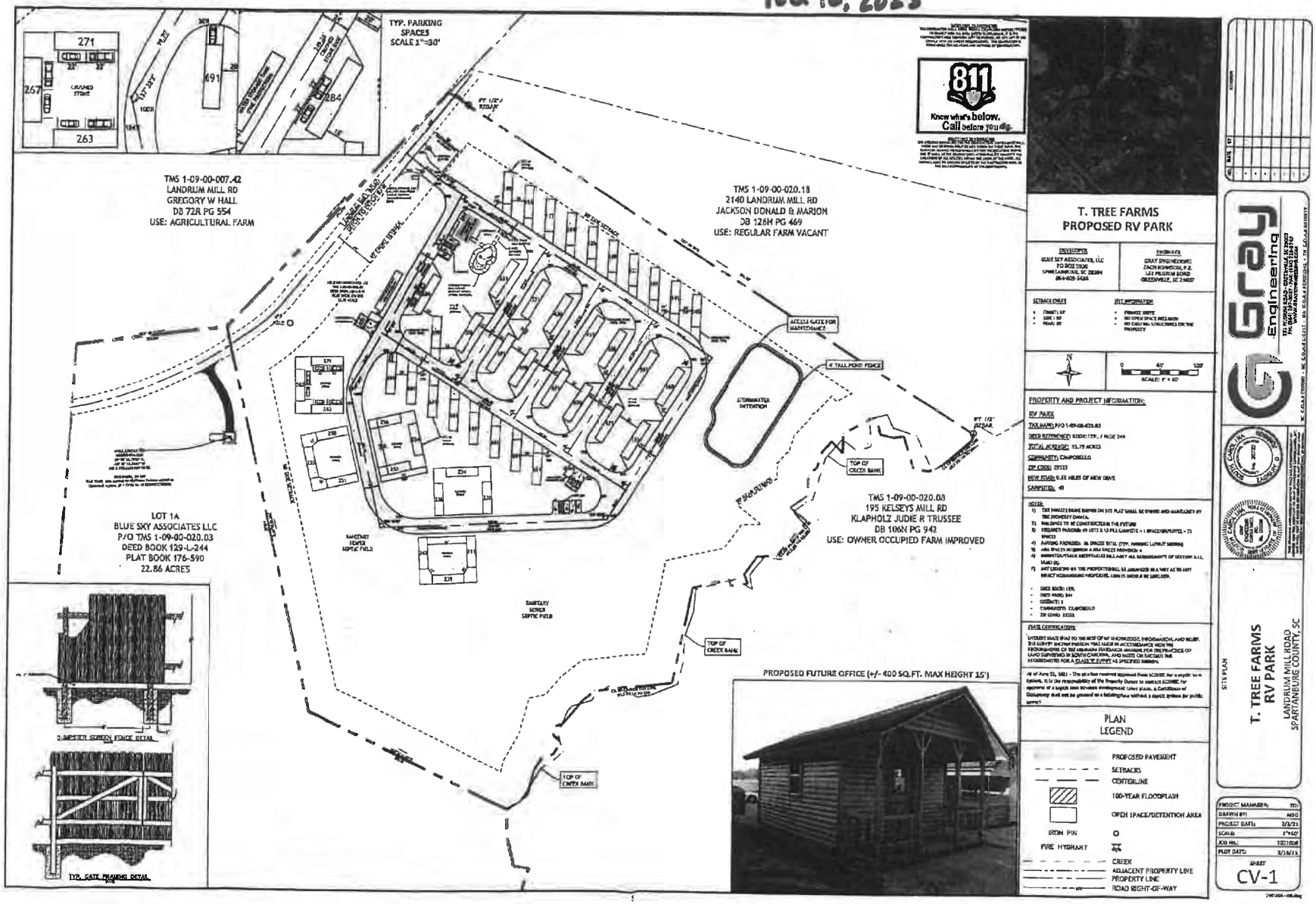
PROJECT MANAGER:	ZDJ
DRAWN BY:	MSG
PROJECT DATE:	2/3/21
SCALE:	1"=100'
JOB No.:	2021006
PLOT DATE:	2/7/23

SHEET: CV-1

2021006 - 24.dwg

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Feb. 16, 2023



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Spartanburg County
PLANNING COMMISSION
March 7, 2023

Staff Report

T. Tree Farms
Site Plan – RV Park
1970 Landrum Mill Road
Campobello, SC 29322
(1-09-00-020.03)

1. Factual Dates

a.	Planning Commission Application received	02/08/2023
b.	Planning Commission deadline date	02/14/2023
c.	Planning Commission Meeting	03/07/2023

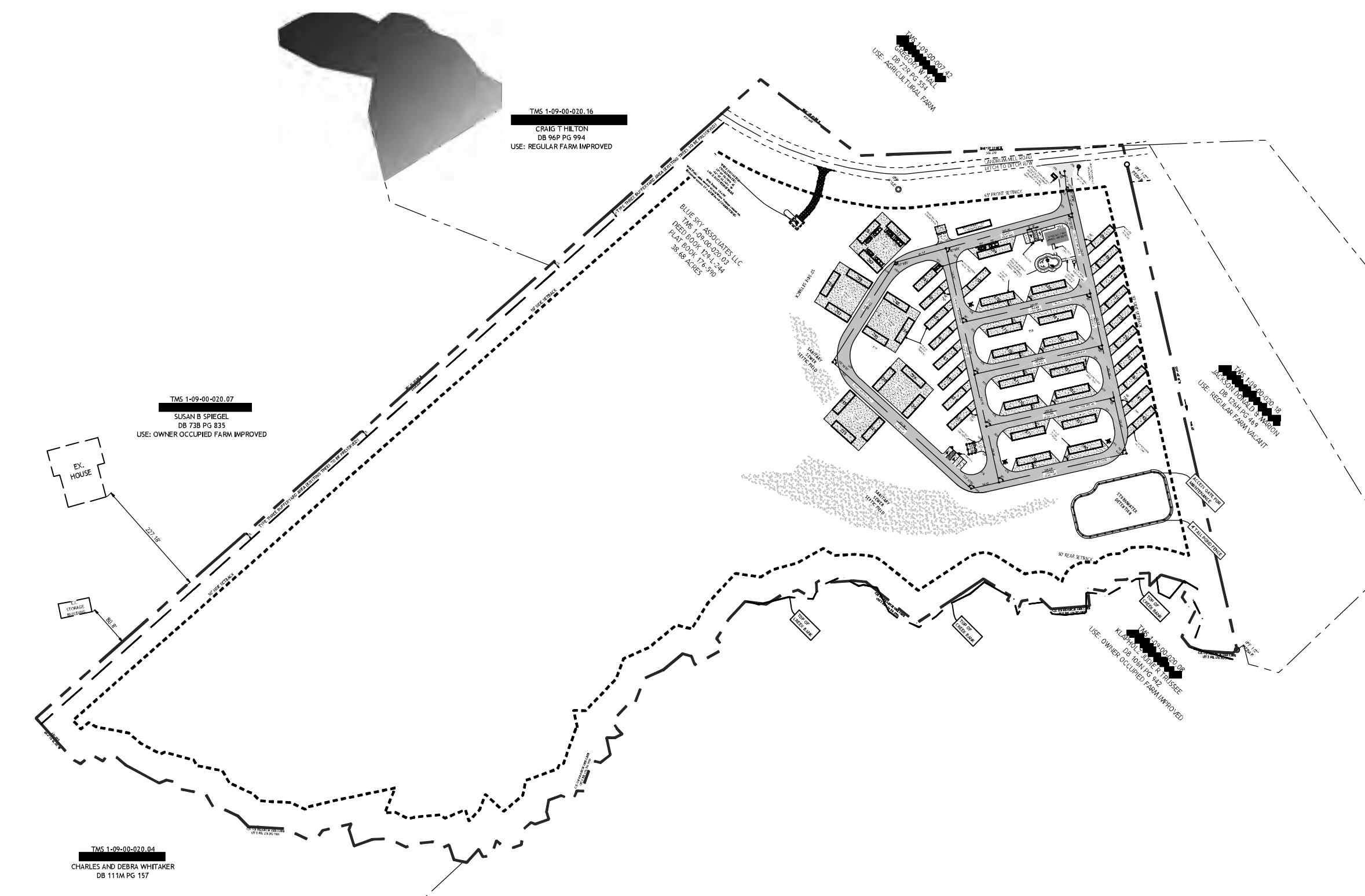
2. Background Information

Blue Sky Associates, LLC is proposing to establish a new RV Park at 1970 Landrum Mill Road. The proposed development includes 49 recreational vehicle (RV) sites to be developed in accordance with the Unified Land Management Ordinance requirements as specified in Section 3.13, Camps and Recreational Vehicle Park. The subject site consists of approximately 38.68 acres, which would result in a proposed density of 1.27 spaces per acre. The proposed RV Park will contain 0.58 miles of new drive that will be privately maintained. This project previously received contingent approval by the Planning Commission on March 2, 2021. Changes between the two versions include a decrease in the total number of spaces from 50 to 49, and a change in the proposal to provide water supply through a well permitted by SCDHEC instead of a line extension by ICWD.

3. Staff Recommendation

Staff recommends that the Planning Commission conditionally grant Site Plan approval for 49 RV spaces for T. Tree Farms RV Park contingent upon receiving approvals from Spartanburg County Public Works (Engineering, Stormwater, and Encroachment), SCDHEC (Permit to Construct a Production Well), and withdrawal of the previous application which received contingent approval in March of 2021.

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SAFETY NOTE TO CONTRACTOR
THE CONTRACTOR SHALL SHORE TRENCH EXCAVATION AND USE PIPE BOX TO COMPLY WITH ALL OSHA SAFETY REGULATIONS. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO PROVIDE JOB SITE SAFETY AND COMPLY WITH ALL SAFETY REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE FOR HIS MEANS AND METHODS OF CONSTRUCTION.

811. Know what's below. Call before you dig.

UTILITY NOTE TO CONTRACTOR
THE UTILITIES SHOWN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



T. TREE FARMS PROPOSED RV PARK

DEVELOPER	ENGINEER
BLUE SKY ASSOCIATES, LLC [redacted]	GRAY ENGINEERING ZACH JOHNSON, P.E. [redacted]

SETBACK CHART
- FRONT: 65'
- SIDE : 50'
- REAR: 50'

SITE INFORMATION
- PRIVATE DRIVE
- NO OPEN SPACE REQUIRED
- NO EXISTING STRUCTURES ON THE PROPERTY

N

0 100' 200'
SCALE: 1" = 100'

PROPERTY AND PROJECT INFORMATION:

RV PARK
TAX MAP#: P/O 1-09-00-020.03
DEED REFERENCE: BOOK:129L / PAGE 244
TOTAL ACREAGE: 38.68 ACRES
COMMUNITY: CAMPOBELLO
ZIP CODE: 29322
NEW ROAD: 0.58 MILES OF NEW DRIVE
CAMPSITES: 49

NOTES:
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2) BUILDINGS TO BE CONSTRUCTED IN THE FUTURE
3) REQUIRED PARKING: 49 LOTS X 1.5 PER CAMPSITE + 1 SPACE/EMPLOYEE = 75 SPACES
4) PARKING PROVIDED: 86 SPACES TOTAL (TYP. PARKING LAYOUT SHOWN)
5) ADA SPACES REQUIRED: 4 ADA SPACES PROVIDED: 4
6) DUMPSTER/TRASH RECEPTACLES WILL MEET ALL REQUIREMENTS OF SECTION 3.13, ULMO (9).
7) ANY LIGHTING ON THE PROPERTY SHALL BE ARRANGED IN A WAY AS TO NOT IMPACT NEIGHBORING PROPERTIES. LIGHTS SHOULD BE SHIELDED.

- DEED BOOK: 129L
- DEED PAGE: 244
- DISTRICT: 2
- COMMUNITY: CAMPOBELLO
- ZIP CODE: 29322

STATE CERTIFICATION:

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

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- PROPERTY LINE
- ROAD RIGHT-OF-WAY

NO.	DATE	BY	REVISION
-			
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Gray Engineering
[redacted]
SC C.O.A.# C00060 · NC C.O.A.# C-1217 · GA C.O.A.# PEF001941 · TN C.O.A.# 0410819 ·

SOUTH CAROLINA LICENSED PROFESSIONAL ENGINEER No. 30735 ZACHARY D. JOHNSON

SOUTH CAROLINA GRAY ENGINEERING CONSULTANTS, INC. No. C00060 CERTIFICATE OF AUTHORIZATION

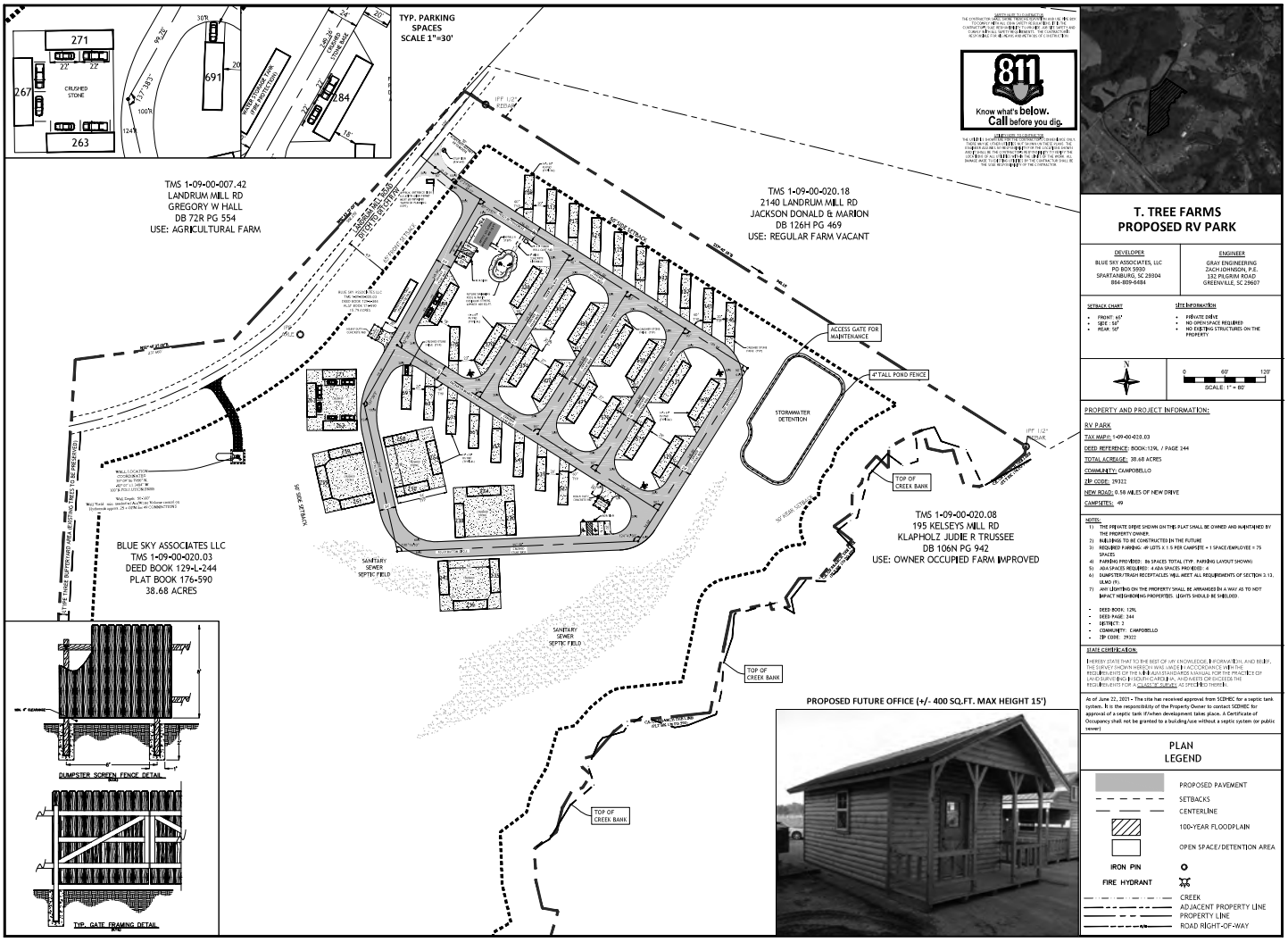
THIS DRAWING AND ASSOCIATED CAD FILES ARE AN INSTRUMENT OF SERVICE AND THE PROPERTY OF GRAY ENGINEERING CONSULTANTS, INC. AND SHALL NOT BE USED OR REPRODUCED IN ANY WAY OTHER THAN AUTHORIZED BY GRAY ENGINEERING CONSULTANTS, INC. IN WRITING.

OVERALL SITE PLAN
T. TREE FARMS RV PARK
LANDRUM MILL ROAD
SPARTANBURG COUNTY, SC

PROJECT MANAGER:	ZDJ
DRAWN BY:	MSG
PROJECT DATE:	2/3/21
SCALE:	1"=100'
JOB No.:	2021006
PLOT DATE:	2/23/23

SHEET
OVERALL

2021006 - D6.dwg



T. TREE FARMS
PROPOSED RV PARK

DEVELOPER	ENGINEER
BLUE SKY ASSOCIATES, LLC PO BOX 5930 SPARTANBURG, SC 29304 864-809-6484	GRAY ENGINEERING ZACH JOHNSON, P.E. 182 PILGRIM ROAD GREENVILLE, SC 29607

SETBACK CHART
- FRONT: 65'
- SIDE: 50'
- REAR: 50'

SITE INFORMATION
- PRIVATE DRIVE
- NO OPEN SPACE REQUIRED
- NO EXISTING STRUCTURES ON THE PROPERTY

SCALE: 1"= 80'

PROPERTY AND PROJECT INFORMATION:

RV PARK

TAX MAP#: 1-09-00-020.03

DEED REFERENCE: BOOK:129L / PAGE 244

TOTAL ACREAGE: 38.68 ACRES

COMMUNITY: CAMPOBELLO

ZIP CODE: 29322

NEW ROAD: 0.58 MILES OF NEW DRIVE

CAMPSITES: 49

NOTES:
1) THE PRIVATE DRIVE SHOWN ON THIS PLAT SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER.
2) BUILDINGS TO BE CONSTRUCTED IN THE FUTURE
3) REQUIRED PARKING: 49 LOTS X 1.5 PER CAMPSITE + 1 SPACE/EMPLOYEE = 75 SPACES
4) PARKING PROVIDED: 86 SPACES TOTAL (TYP. PARKING LAYOUT SHOWN)
5) ADA SPACES REQUIRED: 4 ADA SPACES PROVIDED: 4
6) DUMPSTER/TRASH RECEPTACLES WILL MEET ALL REQUIREMENTS OF SECTION 3.13, ULMO (9)
7) ANY LIGHTING ON THE PROPERTY SHALL BE ARRANGED IN A WAY AS TO NOT IMPACT NEIGHBORING PROPERTIES. LIGHTS SHOULD BE SHIELDED.

- DEED BOOK: 129L
- DEED PAGE: 244
- DISTRICT: 2
- COMMUNITY: CAMPOBELLO
- ZIP CODE: 29322

STATE CERTIFICATION:

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEY STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS C SURVEY AS SPECIFIED THEREIN.

As of June 22, 2021 - The site has received approval from SCDHEC for a septic tank system. It is the responsibility of the Property Owner to contact SCDHEC for approval of a septic tank if/when development takes place. A Certificate of Occupancy shall not be granted to a building/use without a septic system (or public sewer)

PLAN LEGEND

- PROPOSED PAVEMENT
- SETBACKS
- CENTERLINE
- 100-YEAR FLOODPLAIN
- OPEN SPACE/DETENTION AREA
- IRON PIN
- FIRE HYDRANT
- CREEK
- ADJACENT PROPERTY LINE
- PROPERTY LINE
- ROAD RIGHT-OF-WAY

Gray Engineering
182 PILGRIM ROAD, GREENVILLE, SC 29607
PH: (864) 297-0033 FAX: (864) 235-8487
SC COA#C3115 GA COA#PEO005844 FL COA#30015

SITE PLAN

T. TREE FARMS
RV PARK
LANDRUM MILL ROAD
SPARTANBURG COUNTY, SC

PROJECT MANAGER:	ZJH
DRAWN BY:	MSG
PROJECT DATE:	2/8/21
SCALE:	1"=60'
JOB No.:	2021006
PLOT DATE:	2/23/23

SHEET
CV-1

2021006 - D&L.dwg

01019

Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**1** (41)	---

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UNIFIED LAND MANAGEMENT ORDINANCE

SPARTANBURG COUNTY SOUTH CAROLINA

Ordinance No. O-99-015 adopted December 31, 1999

Amended:

05/15/2000	07/19/2004	08/28/2009	04/15/2013	**09/16/2019**
10/16/2000	05/15/2006	02/10/2011	09/16/2013	12/16/2019
12/18/2000	06/16/2007	12/13/2011	02/17/2014	06/28/2021
06/18/2001	05/21/2007	05/21/2012	06/16/2014	03/07/2022
10/21/2002	07/03/2008	03/18/2013	07/15/2019	

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SPARTANBURG COUNTY, SC

UNIFIED LAND MANAGEMENT ORDINANCE

AN ORDINANCE OF SPARTANBURG COUNTY, SOUTH CAROLINA REGULATING THE USE OF CERTAIN BUILDINGS, STRUCTURES AND LAND, THE HEIGHT OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS, THE DEVELOPMENT OF FLOOD PLAIN AREAS, MULTI-FAMILY DWELLINGS, MANUFACTURED HOMES, AIRPORT ENVIRONS, LAND DEVELOPMENTS, AND STORM WATER RUNOFF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

In accordance with authority conferred by the general statutes of South Carolina, 1976 Code of Laws, Title 6, Chapter 29 of the Comprehensive Planning Enabling Act of 1994, as amended, and for the purpose of promoting public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; securing safety from fire; providing adequate light, air, and open space; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the creation of a convenient, attractive, and ecologically sensitive areas; facilitating the provision of public services, affordable housing, and disaster evacuation, in harmony with the adopted Comprehensive Plan for Spartanburg County, South Carolina, the Spartanburg County Council hereby ordains and enacts into law the following articles and sections, which shall comprise and be known as the Unified Land Management Ordinance of Spartanburg County, South Carolina, and shall be applicable throughout the designated portions of the unincorporated area of the County.

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ARTICLE 1 – APPLICATIONS AND REQUIRED PERMITS

Section 1.01 Responsibility

All requests for permits and licenses required by this Ordinance, and legislative change or relief from the terms of this Ordinance shall be in the form of an application. The provisions of this Article shall govern the basic requirements for processing different types of applications from initiation to final action and issuance of a permit.

It shall be the responsibility of the Spartanburg County Administrator or his designee to administer the requirements for processing applications and issuing permits in accord with the provisions of this Ordinance.

It shall be the responsibility of an applicant to provide the required information to process a permit application, secure or renew a license, and present facts about circumstances which would justify a proposed change or modification to the terms and/or application of this Ordinance.

Section 1.02 Types of Applications

Types of applications for processing matters subject to the requirements of this Ordinance include:

1. **Applications to Develop or Alter the Use of Land**

   This includes all land use and development activity covered by this Ordinance. Applications to develop or alter the use of land are classified for administrative purposes into two (2) categories.

   Minor Land Development – is any land development or land altering activity requiring a permit from the County other than a subdivision or Major Land Development.

   Major Land Development – includes but is not limited to commercial and industrial parks and subdivisions, townhouse developments, shopping centers, manufactured home parks, condominium and apartment complexes, and similar developments.

2. **Applications for Change or Relief**

   This includes applications for changes to and/or relief from any part or provision of this Ordinance, of which there are three types of applications:

   Amendment – is a change to the text of the Ordinance.

   Variance – is an adjustment or modification of any regulation alleged to impose an unnecessary hardship on the use or development of land.

   Appeal – is a petition by an applicant to reverse or modify a decision of an administrative officer, board, commission or council.

Section 1.03 Eligible Applicants

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, or to seek relief from or change requirements of this Ordinance are identified on Table 1.

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

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Table 1 Applicant Requirements/Eligibility				
Eligible Applicants	Applicants to Develop or Alter Use of Land	Applicants for Change and/or Relief from Ordinance Requirements		
		Amendment	Variance	Appeal
Property Owners	YES	NO	YES	YES
Agent of Property Owner*	YES	NO	YES	YES
Option Holder	YES	NO	YES*	YES*
Aggrieved Person or Party	NO	NO	NO	YES
Officials Administering this Ordinance (Staff)	NO	YES	NO	YES
Planning Commission	NO	YES	YES**	NO
Governing Council	YES	YES	NO	NO

* Must have written authorization ** Major Land Developments only

Section 1.04 Application Procedures

The procedure for processing applications is outlined by the following Application Procedural Chart (APC).

The process is initiated by filing a complete application including all information and fees required by Section 1.06 and assignment of the application to the proper staff member, agency, board or commission for review and processing outlined in Section 1.05.

Public notice where required by the APC chart shall be announced in a newspaper of general circulation in Spartanburg County at least 15 days but not more than 30 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the application and the time, date and place of the hearing.

In addition to public notice in a newspaper, notice of an application for a variance shall be posted by Spartanburg County Planning Department staff on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Notification shall be made by Staff via Certified Mail to contiguous land owners, which shall include those separated by a paved road.

If public hearing is delayed; party responsible for delay is to pay for re-advertising, re-notification, additional fees, etc.

Appeals shall be taken within 10 days of the date of the action filing notice of appeal with the County.

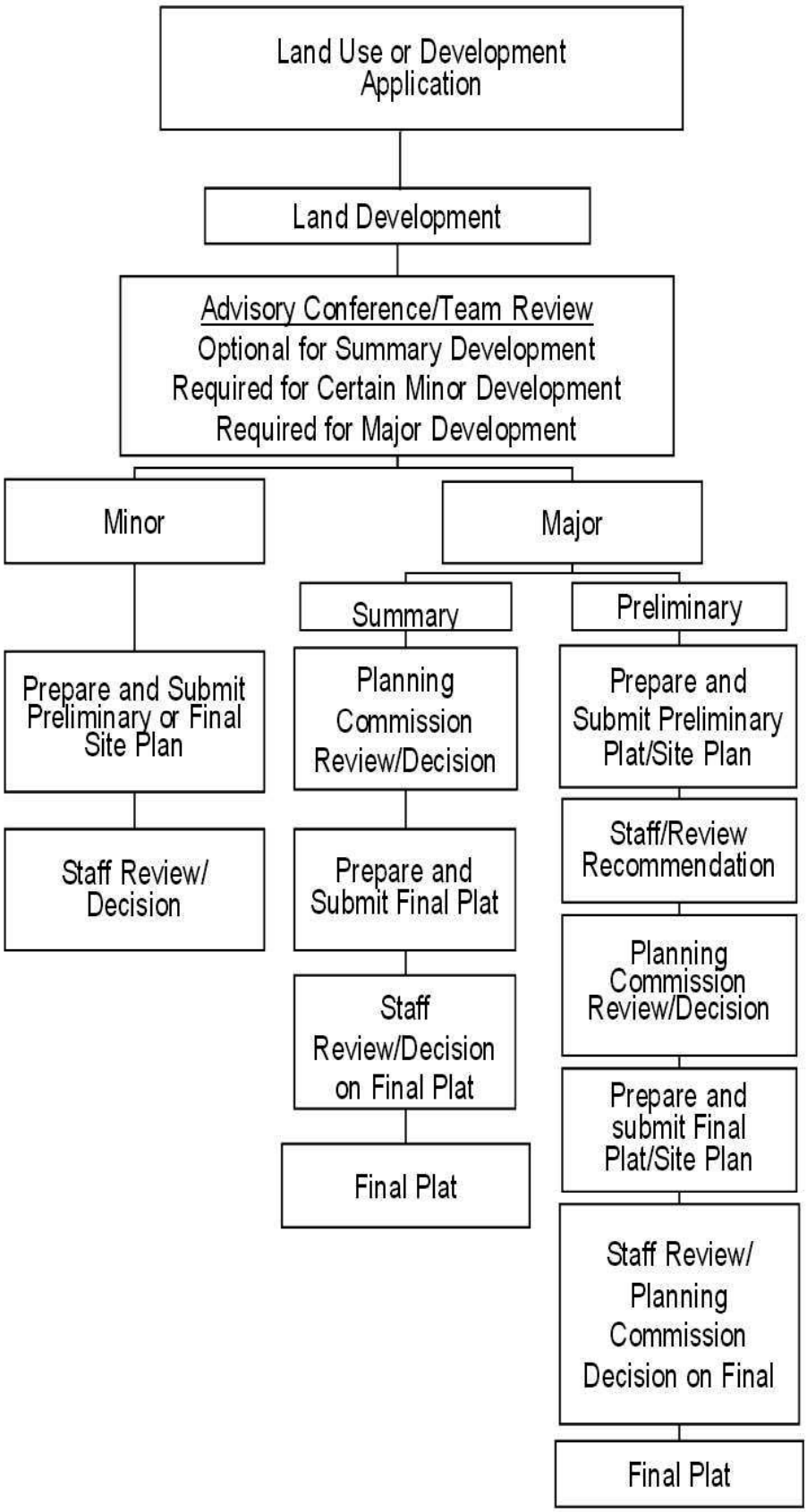
A permit for an application subject to appeal to the Planning Commission or to the Board of Zoning Appeals may not be issued until the appeal period has expired.

Section 1.05 Assignment of Application for Review, Approval, Variances, and/or Appeals

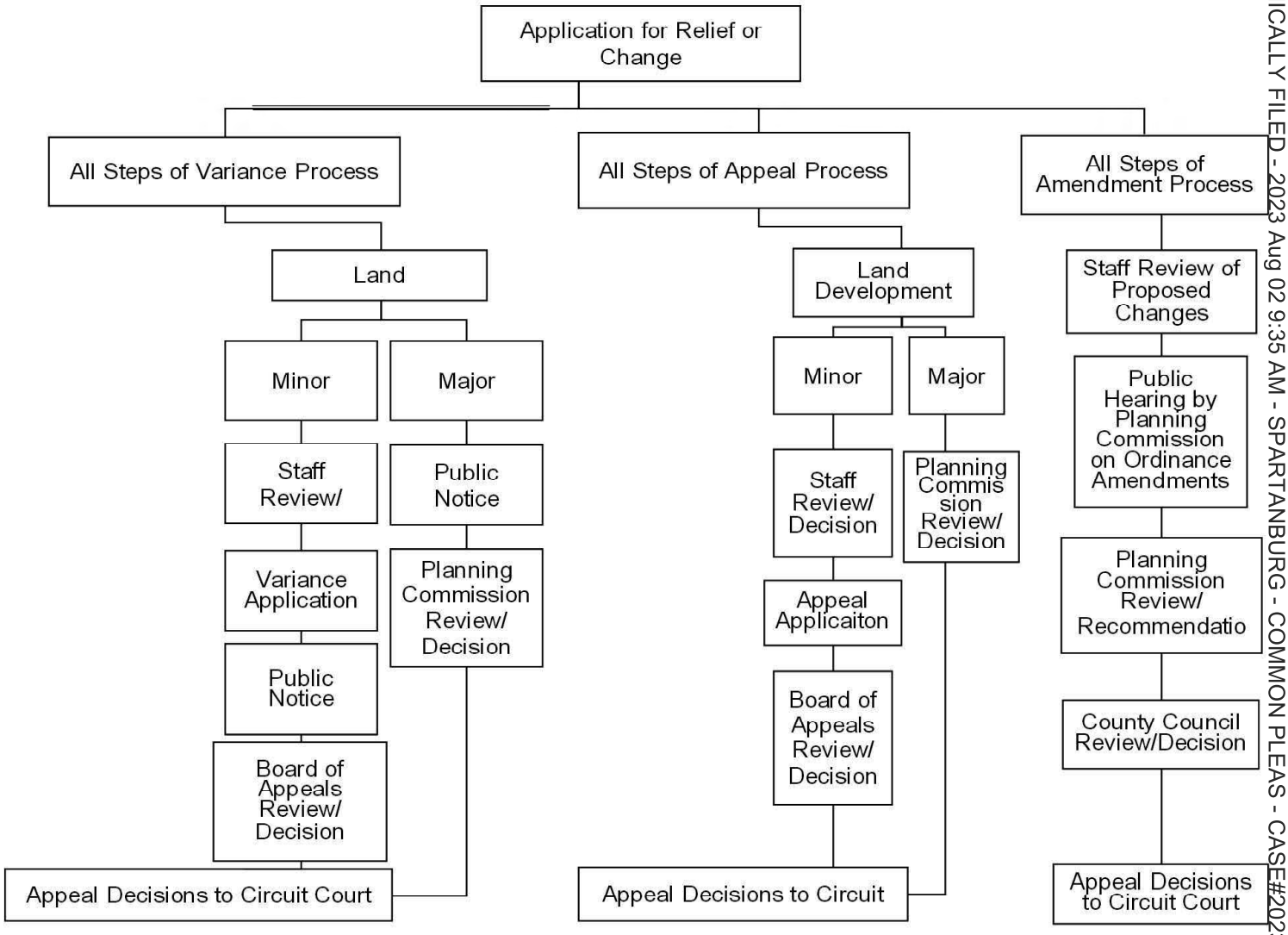
Final authority on any land development application or application seeking relief from or change of any provision or regulation contained herein shall reside with the following County divisions, unless appealed, as provided for below. (See page 1-7)

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Application Procedural Chart 1



Application Procedural Chart 2



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EXHIBIT A

	Review and Approval Authority			Variances		Appeals		Circuit Court Appeal
	Administrative		Board	Board		Administrative		
Land Developments	Building Department	Planning Department	Planning Commission	Board of Appeals	Planning Commission	Board of Appeals	Planning Commission	Circuit Court
Minor, to include								
Single-family dwelling	YES			YES		YES		YES
Manufactured home	YES			YES		YES		YES
Mining Operation		YES		YES		YES		YES
Outdoor Gun Range		YES		YES		YES		YES
Sexually Oriented Business		YES		YES		YES		YES
Open Storage		YES		YES		YES		YES
Communication Tower		YES		YES		YES		YES
Junk or Salvage Yard		YES		YES		YES		YES
Tattoo Parlors		YES		YES		YES		YES
Signs		YES		YES		YES		YES
Temporary Uses		YES		YES		YES		YES
All other Uses Not Classified as Major		YES		YES		YES		YES
Major, to include								
Attached Multi-Plex Dwelling Projects:								
(Apartment, Condominium & Townhouse)			YES		YES		YES	YES
Manufactured Home Park			YES		YES		YES	YES
Industrial Park & Commercial Subdivision			YES		YES		YES	YES
Shopping Center, Big-Box Retail			YES		YES		YES	YES
Office Park			YES		YES		YES	YES
Camps and RV Parks			YES		YES		YES	YES
Multiple Occupancy Building Project			YES		YES		YES	YES
Motor Speedway or Testing Track			YES		YES		YES	YES
Bulk Storage and Distribution Facility for Fuel Products and Liquid Asphalt Distribution Terminals			YES		YES		YES	YES
Waste Management Facility			YES		YES		YES	YES
Asphalt Batch Plant			YES		YES		YES	YES
Scrap Metal Processor			YES		YES		YES	YES
Certain Public Uses			YES		YES		YES	YES
Mixed-Use Project/Mixed-Use Project–Residential Only			YES		YES		YES	YES

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Section 1.06 Requirements and Fees

Table 2
Information Required to Support Application

All applications shall be filed on forms provided by the County and contain or be accompanied by the information required by Table 2, and any applicable ULMO section, with the required fee to help cover the cost of processing. Major Land Development Projects shall be submitted not less than 10 working days prior to the Planning Commission meeting and shall show the date of submittal.

Type of Application:	Information Required (Requirements are Cumulative, except # 13):
LAND DEVELOPMENT **Minor** (Final Plat or Site Plan Approval)	1. Location of all proposed structures, including free standing signs, 2. Required building setback lines, 3. Required landscaping and bufferyards, 4. Required off-street parking, 5. All information specified by Article 3 for conditional uses, as applicable.
Major (Preliminary Plat or Site Plan Approval)	
Major (Final Plat or Site Plan Approval) (Letter of Credit Plat)	
REVISIONS	1. Plat revisions by Developer/Owner/Surveyor, or by County on third submittal.
AMENDMENT	1. Draft of new text to be added and existing text to be deleted, 2. State reasons for change.
VARIANCE	1. State nature of variance, 2. Provide evidence of unnecessary hardship, 3. State necessity of variance.
APPEAL	1. State reasons for appeal, with specific reference to action being appealed.
Land Use Compliance Letter	

(Please obtain a checklist for projects from the Planning Department.)

Fees: Set per Fee Schedule adopted by Resolution of County Council

Section 1.07 Required Permits/Certificates

No building, structure or sign 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.

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.

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

Unless elsewhere regulated, the provisions of this Section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, cross arms, guys, wire, cable and drops.

Section 1.08 Types of Required Permits/Certificates

One or more of the following permits/certificates together with the fees set per the Fee Schedule adopted by Resolution of County Council, which fees are non-refundable, shall be required by this Ordinance.

Permits (See Fee Schedule)
Building Permit
Repair Permit
Grading Permit
Right-of-Way Encroachment Permit
Development Permit
Certificate of Occupancy (use)
Stormwater Permit

Section 1.09 Building Permit

A building permit shall be required of all proposed building and/or development activity unless expressly exempted by the County Building Code.

Section 1.10 Repair Permit

When a permit is requested to make repairs only, the County may waive the requirements of a plat or plan.

Section 1.11 Grading (Land Disturbing) Permit

A grading permit approved by the Spartanburg County Public Works Department, Engineering Division shall be required prior to ANY land disturbing activity covered by the Spartanburg County Stormwater Management and Sediment Reduction Regulations (County Ordinance #497). [This ordinance has been replaced by the Storm Water Management Ordinance of Spartanburg County (No. O-09-02). (See also County Code Chapter 30, Article IV.)] This requirement applies to all land disturbing activities covered by this Unified Land Management Ordinance. No grading permit shall be issued in the absence of an approved Storm Water Management Plan.

Section 1.12 Right-of-Way Encroachment Permit

A Right-of-Way encroachment permit approved by the County Roads and Bridges Department shall be required prior to any improvements in Spartanburg County Road Rights-of-Way. No encroachment will be allowed in the absence of an approved Encroachment Permit. Reference to Section 2.02-8.

Section 1.13 Development Permit

No building, other structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part, to any other use, until a Development permit, certifying compliance with this Ordinance has been issued by the Planning Department staff, other than for such uses specifically exempted by this Ordinance or meet the following conditions: Continued identical use(s) of any building or land in existence and occupied on the effective date of this ordinance.

Section 1.14 Certificate of Occupancy

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It shall be unlawful to use or occupy or permit the use of 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 County stating that the proposed use of the building or land conforms to the requirements of this Ordinance. A Certificate of Occupancy shall not be issued unless and until all required improvements have been met and approved by the County, a Letter-of-Credit notwithstanding.

Section 1.15 Inspections for Compliance

The County enforcement officer 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.

Section 1.16 Expiration of Permit

If the work described by any permit has not begun within six months from the date of issuance thereof, said permit shall expire, unless extended by the County upon application by the owner/developer.

Section 1.17 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the appropriate County agent or enforcement officer shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 1.18 Penalties for Violations

Any person violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

Where any building, structure, use or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance or in violation of an approved plan or plat granted by the County or Planning Commission, the enforcement officer may, in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, issue stop work order, withhold permits or Certificates of Occupancy, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

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ARTICLE 2 – DESIGN AND DEVELOPMENT STANDARDS

Section 2.01 Types of Land Development

For purposes of this Article, land development activity is divided into five categories:

1. Land Development, Generally
2. Land Development in Flood Hazard Areas
3. Land Development in the Vicinity of Spartanburg Downtown Memorial Airport

Design and development standards for each type of development follow.

Section 2.02 Land Development, Generally

The following requirements apply to all development in Spartanburg County, where applicable.

Section 2.02-1 Dimensional Standards

1. Purpose

   The purpose of this Section is to establish order to the development process and reduce, if not eliminate, potential off-site conflicts regarding the development of a lot or parcel.

2. Lot Dimensions, Building Setbacks, and Height Requirements

   Minimum lot areas, lot width, building setbacks and maximum height requirements are established on Table 3.

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EXHIBIT A Table 3a – Residential Setbacks and Other Requirements

In any case where this table does not match the text in the chapters, use the requirements in the text.

Uses	Section Reference	Minimum Lot (Project Area - square feet)	Minimum Lot Frontage (feet)	Minimum Setback (feet from)									Maximum Height (feet)
				Front Lot Line See Footnote (Z):			Rear Lot Line	Side Lot Line	Residential Units				
				Arterial Street	Collector Street	Minor Street			One	25 or More (I)	Other Uses (A)	Spacing Between Buildings on Same Lot	
RESIDENTIAL													
Single-Family With or Without Community Sewer	NONE	(J)(Q)	50(K)(S)(U)(EE)	50(L)/83(M)	30(L)/55(M)	20(L)/45(M)	20(Z)	5 or 10((N)(Z)	NA	NA	NA	Sec. 2.02-6	(Y)
Duplex	NONE	(J)(Q)	50(K)(U)(EE)	50(L)/83(M)	30(L)/55(M)	20(L)/45(M)	20(Z)	5 or 10(N)(Z)	NA	NA	NA	Sec. 2.02-6	(Y)
Patio & Zero Lot Line Housing	3.01	4000 R	40/house (K)(S)(U)(FF)	50 (L)/83(M)	30(L)/55(M)	15(L)/40(M)	20(Z)	(H)(N)(Z)	NA	NA	NA	NA	(Y)
CONDITIONAL													
Townhouses	3.02	See Sec. 3.02	18/house (K)(S)(FF)	50(L)/83(M)	30(L)/55(M)	20(L)/45(M)	20(Z)	(G)(N)(Z)	NA	NA	NA	NA	(Y)
Attached Multi-Plex Dwelling Projects	3.02	See Sec. 3.02	50(K)(EE)	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)	20(Z)	10(N)(Z)	NA	NA	NA	20 + 5 per story over first (DD)	(Y)
Manufactured Homes	3.03	(J)(Q)	50(K)(S)(U)(EE)	50(L)/83(M)	30(L) / 55(M)	20(L)/45(M)	20(Z)	7.5 or 10(N)(Z)	NA	NA	NA	Sec. 2.02-6	(Y)
Manufactured Home Park	3.04	(87,120)	3-99 lots 60 ft. 100 lots or more 100 ft. (K)(EE)	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)	20(Z)	7.5 or 10(N)(Z)	NA	NA	NA	20	(Y)
Accessory Apartments	3.05	-	-	50(L)/83(M)	30(L)/55(M)	20(L) / 45(M)	20(Z)	5 or 10(N)(Z)	-	-	-	10(DD)	(Y)
Accessory Use		-	-	50(L)/83(M)	30(L)/55(M)	20(L)/45(M)	5(Z)	5 or 10(N)(Z)	NA	NA	NA	NONE	(Y)
Home Occupations	3.06	See Sec. 3.06	-	-	-	-	-	-	-	-	-	-	Section 3.06
Mixed-Use – Residential Only	3.29	See Sec. 3.29	See Sec. 3.29	50(L)/83(M)	40(L)/65(M)	30(L)55(M)	20(Z)	20(Z)	NA	NA	NA	20 +5 per story over first (DD)	(Y)

(A) Other uses include public parks, schools, religious institutions, hospitals, day care facilities, and nursing homes.

(G) No side yard required between townhouse units; 7.5 feet required between building and property line.

(H) If a zero lot line development, one side of lot shall provide a five-foot (5') side yard setback. If not a zero lot line development, each side shall have a three & ½ foot (3.5') side yard setback.

(I) 25 or more units in a platted subdivision.

(J) 8,000 sq. ft. with community sewer.

(K) Commercial/Industrial Developments must take access off a paved public or privately maintained road built to at least the County standards other than those for limited private residential developments. Other Uses require frontage on all weather or paved public or privately maintained road built to at least the County Standards.

(L) Setbacks shall be measured from the right-of-way line where dedicated. Setbacks may be modified by Section 2.02-2 Bufferyards.

(M) Where there is no right-of-way, measure from the centerline of the road.

(N) 10-ft side yard setback for corner lots within Residential Subdivisions on Minor and Major Residential Streets shall be measured from right-of-way.

(Q) Without Community Sewer, as determined by SC DHEC

(R) For Patio Homes designated deeded Common Areas may be substituted to fulfill the minimum requirements for setback, bufferyard and open space. A 10-ft. setback required between the unit and the Common Areas. In such cases, lot size may be reduced by up to 10%.

(S) 25 feet for approvable flag lots, see Section 2.05-4.

(U) Cul-de-sac lots must meet minimum frontage at the setback line.

(Y) Each additional foot above 35' add 1' to each side and rear yard setback.

(Z) All setbacks on roads are front setbacks as required by the road classification except as in footnote (N).

(DD) Spacing between residential buildings may be reduced if requirements of the International Residential Code are met.

(EE) Lot Frontage is controlled by the Subdivision Regulations. Use the larger of the two Frontage requirements.

(FF) Patio Homes and Townhouses must take their frontage on an internal road constructed as part of the development. Project frontage must meet the Subdivision Regulations.

EXHIBIT A Table 3b – Commercial & All Other Uses – Setbacks and Other Requirements

In any case where this table does not match the text in the chapters, use the requirements in the text.

	[illegible]	[illegible]	[illegible]	Minimum Setback (feet from)		Maximum

Uses				Front Lot Line See Footnote (Z) Arterial Street	Collector Street	Minor Street	Rear Lot Line	Side Lot Line	Residential and Other Uses One Res.	25 or more Res. Units (I)	Other Uses (A)	Spacing between buildings on same lot	Height (feet)
Auction House/Barn	3.07	(87,120)	60(K)(EE)	50(L)/83(M)	40(L)/65(M)	X	20(Z)	15(Z)	500(W)	500(W)	NA	20(DD)	(Y)
Commercial Kennels and Certain Agricultural Uses	3.08	(20,000)	60(K)(EE)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	25(Z)	500(W)	1000 (W)	1000 (W)	20(DD)	(Y)
Mining Operations	3.09	NONE	60(K)(EE)	50(L)/83(M)	40(L)/65(M)	X	25	25	(B) (W)	(B) (W)	NA	20(DD)	(Y)
Motor Speedways and Testing Tracks	3.10	NONE	60(K)(EE)	100(L)/133(M)	100(L)/125(M)	X	100(Z)	100(Z)	1000 (W)	2000 (W)	2000 (W)	20(DD)	(Y)
Outdoor Gun or Skeet Range	3.11	NONE	60(K)(EE)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	25(Z)	1000 (W)	1000 (W)	1000 (W)	20(DD)	(Y)
Sexually Oriented Businesses	3.12	NONE	60(K)(EE)	50(L)/83(M)	40(L)/65(M)	X	20(Z)	15(Z)	200(W)	1000 (W)	(F) (W)	20(DD)	(Y)
Campgrounds and RV Parks	3.13	(217,800)	100(K)(EE)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	50(Z)	NA	NA	NA	10	(Y)
Fuel Products Bulk Storage and Distribution Facility	3.14	NONE	60(K)(EE)	Sec.3.14	Sec. 3.14)	X	Sec. 3.14	Sec. 3.14	Sec. 3.14	Sec. 3.14	Sec. 3.14	Sec. 3.14	Sec. 3.14
Off-Site Hazardous Chemicals	3.15	(87,120)	60(K)(EE)	Sec. 3.15	Sec. 3.15	X	Sec. 3.15	Sec. 3.15	Sec. 3.15	Sec. 3.15	Sec. 3.15	20(DD)	(Y)
Coin-Operated Amusement, Cash Payouts	3.16	NONE	60(K)(EE)	50(L)/83(M)	40(L)/65(M)	X	20(Z)	15(Z)	NA	500(W)	500(W)	20(DD)	(Y)
Waste Management Facilities	3.17	Sec. 3.17	60(K)(EE)	See Sec. 3.17	See Sec. 3.17)	X	Sec. 3.17	Sec. 3.17	Sec. 3.17	Sec. 3.17	Sec. 3.17	20(DD)	(Y)
Communication Towers	3.18	See Sec. 3.18	(V)	(D)(E)	(D)(E)	(D)(E)(V)	(D)(E)(Z)	(D)(E)(Z)	(D)	(E)	Sec. 3.18	20(DD)	Sec 3.18
Junk/Salvage Yards	3.19	(217,800)	100(K)(EE)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	50(Z)	Sec. 3.19	Sec. 3.19	Sec. 3.19	20(DD)	Sec. 3.19-4(3)
Accessory Buildings/Uses – Non-Residential	3.20	NA	NA	50(L)/83(M)	40(L)/65(M)	30(L)/55(M)	5(Z)	5(Z)	NA	NA	NA	NONE	(Y)
Temporary Uses	3.21	-	-	-	-	-	-	-	-	-	-	-	Sec 3.21
Nuclear and Hazardous Waste Disposal	3.22	NOT permitted	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX
Certain Public Service Uses	3.23	Sec. 3.23	-	-	-	-	-	-	-	-	-	-	Sec. 3.23
Tattoo Facility	3.25	Sec. 3.25	50(K)(EE)	50(L)/83(M)	40()/65(M)	30(L)/55(M)	20(Z)	15(Z)	Sec 3.25	Sec 3.25	Sec 3.25	20(DD)	(Y)
Flea Markets, Swap Meets, etc.	3.26	2 acres	60(K)(EE)	50(L)/83(M)	50(L)/83(M)	X	30(Z)	30(Z)	200	200	NA	20(DD)	(Y)
Asphalt Plants	3.27	NONE	60(K)(EE)	50(L)/83(M)	40(L)/65(M)	X	50(Z)	50(Z)	1000(W)	1000(W)	1000(W)	20(DD)	(Y)
Scrap Metal Processors	3.28	217,800	100(K)(EE)	Sec 3.28	Sec 3.28	X	Sec 3.28	Sec 3.28	Sec 3.28	Sec 3.28	Sec 3.28	20(DD)	Sec 3.28
All Other Commercial and Industrial Uses	3.24	NONE	60(K)(EE)	50(L)/83(M)	40(L)/65(M)	30(L)55(M)	20(Z)	15(Z)	NA	NA	NA	20(DD)	(Y)
Mixed-Use Project	3.29	Sec. 3.29	60(K)(EE)	50(L)/83(M)	40(L)/65(M)	30(L)55(M)	25(Z)	25(Z)	50(Z)	50(Z)	50(Z)	20(DD)	(Y)
ALL OTHER USES		NONE	60(K)	50(L)/83(M)	40(L)/65(M)	30(L)55(M)	20(Z)	15(Z)	NA	NA	NA	20(DD)	(Y)

(A) Other Uses include public parks, schools, religious institutions, hospitals, day care facilities, nursing homes.

(B) 1,000 feet for mining involving explosives. 300 feet for mining not involving explosives.

(D) Height of tower minus 20 feet.

(E) Setbacks from platted subdivisions with 25 lots or more or at least 50 dwelling units within 1,000 feet of a proposed tower shall be 2 times the height of the tower (if the tower is less than 200 ft.) or 3 times the height of the tower if tower is 200 ft. or taller.

(F) 1,000 feet from another sexually oriented use and other uses listed in (A).

(I) 25 or more units in a platted subdivision.

(K) Nonresidential Developments must take access off a paved public or privately maintained road built to at least the County standards other than Section 2.05-3-Private Road Developments. Other Uses require frontage on all weather or paved public or privately maintained road built to at least the County Standards.

(L) Setbacks shall be measured from the right-of-way line where dedicated. Setbacks may be modified by Section 2.02-2, Bufferyards.

(M) Where there is no right-of-way, measure from the centerline of the road

(V) Minimum of a 25-foot recorded access easement to a publicly maintained road.

(W) Setbacks shall be measured from the proposed structure to the nearest property line.

(Y) Each additional foot above 35' add 1' to each side and rear yard setback.

X= Denied Access to Minor Street.

XX= Not Permitted.

(Z) All setbacks on roads are front setbacks as required by the road classification.

(DD) Spacing between non-residential buildings may be reduced if the requirements of the International Building Code are met. Twenty-foot spacing requirement does not apply to communication equipment buildings.

(EE) Lot Frontage is controlled by the Subdivision Regulations. Use the larger of the two Frontage requirements.

Section 2.02-2 Bufferyards

1. Purpose

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Section 2.02-3 Landscaping

1. Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land in the County; to promote public health and safety through the reduction of noise pollution, storm water runoff, air pollution, visual pollution, and artificial light glare.

2. Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and trees.

3. Where Required

No proposed commercial, institutional, industrial or other non-residential use shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this Section. Expansions shall meet the minimum requirements of the expansion area only. Landscaping is not required for existing uses.

4. Landscaping Plan

A landscaping plan is required and the developer is responsible for meeting the landscaping requirements of this Ordinance.

5. Landscaping Requirements

Required landscaping shall be provided as follows:

(1) Along the outer perimeter of a lot or parcel, where required by the bufferyard provisions of this Article to buffer and separate incompatible land uses. The amount specified shall be as prescribed by Section 2.02-2.

(2) There is no landscaping requirement for sites needing fewer than 20 parking spaces. Landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces, or fraction thereof. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points, but shall contain not less than one canopy tree per 20 parking spaces, or fraction thereof. This will allow for clustering of trees. In no case shall a parking space be located more than 100 feet from the trunk of a canopy tree. Elsewhere, landscaped areas shall be designated to soften and compliment the building site.

6. Landscaped Areas

(1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six (6) inches in height. The barrier need not be continuous.

(2) Interior landscaped areas containing canopy trees must have a minimum area of eight (8) feet by eight (8) feet in size.

(3) Landscaped areas adjacent to parking spaces shall be landscaped so that no plant material greater than 12 inches in height is located within two feet of the curb or other protective barrier. (Plant material greater than 12 inches in height would be damaged by the automobile bumper overhang or by doors swinging open over the landscaped areas.)

7. Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value.

Section 2.02-4 Common Open Space

1. Purpose

The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects;

to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

2. Definition

Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings, structures, roads, or parking, other than those in conjunction with the use of the open space. Nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

3. Common Open Space Plan

Proposed uses/projects required by this Ordinance to have common open space shall be accompanied by an open space or landscaping plan as part of the application. The plan shall:

(a) Show natural areas of undisturbed vegetation or areas replanted with vegetation construction. Woodlands and wetlands are specific types of natural areas.

(b) Designate the type of open space, which will be provided.

(c) Specify the manner in which common open space shall be perpetuated, maintained and administered.

4. Types of Common Open Space and Required Maintenance

The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

(a) Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

(b) Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields, and similar uses.

(c) Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged.

(d) Landscaped areas, lawns and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs, shall be watered regularly to ensure survival and mowed regularly to ensure neatness.

5. Preservation of Open Space

Land designated as open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

(a) Dedication and acceptance by the County.

(b) Common ownership of the open space by a homeowner's association, which assumes full responsibility for its maintenance.

(c) Deed-restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the County may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

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ARTICLE 3 CONDITIONAL USE REGULATIONS

The regulations contained in this Article are intended to better the impact and improve the siting of certain uses, buildings, and projects whose characteristics could adversely affect surrounding property and environmental conditions. For purposes of this Ordinance, these uses are classified as Conditional Uses. Standards and criteria over and above those set forth elsewhere in this Ordinance are imposed herein on all such conditional uses, listed below, to enhance land use compatibility.

Reference	Section
Patio and Zero Lot Line Housing Projects	3.01
Attached Multi-Plex Dwelling Projects	3.02
Manufactured Homes	3.03
Manufactured Home Parks	3.04
Accessory Apartments	3.05
Home Occupations	3.06
Auction Barns and Auction Houses	3.07
Commercial Kennels, and Certain Agricultural Uses	3.08
Mining Operations	3.09
Motor Speedway or Testing Tracks	3.10
Outdoor Gun or Skeet Range	3.11
Sexually Oriented Businesses	3.12
Camps & Recreational Vehicle Parks	3.13
Bulk Storage and Distribution Facility for Fuel Products and Liquid Asphalt Distribution Terminals	3.14
Off-Site Hazardous Chemical Storage	3.15
Coin Operated Amusements, Cash Payouts	3.16
Waste Management Facilities	3.17
Communication Towers & Antennas	3.18
Junk and Salvage Yards	3.19
Accessory Buildings and Uses	3.20
Temporary Uses	3.21
Nuclear and Hazardous Waste Disposal	3.22
Certain Public Service Uses	3.23
All Other Commercial and Industrial Uses	3.24
Tattoo Facilities	3.25
Flea Markets, Swap Meets, and Open-Air Markets	3.26
Asphalt Batch Plants	3.27
Scrap Metal Processor	3.28
Mixed-Use Projects/Mixed-Use Projects–Residential Only	3.29

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Section 3.01 Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the following design requirements shall supplement other applicable requirements of this Ordinance and govern the development of such uses.

1. Minimum lot area shall be 4,000 square feet per unit.
2. Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
3. Front yard setbacks shall be as prescribed by Table 3.
4. Direct access of a patio house shall be limited to minor streets. Where a patio home complex fronts on a collector or major street, no more than two access points shall be allowed. No direct access for individual houses shall be permitted on collector or major streets.
5. Projects shall be served by public water and sewer facilities.
6. Projects consisting of twenty-five (25) or more units shall include at least 10 percent of the project site in common open space, in accord with the requirements of Section 2.02-4.

Section 3.02 Attached Multi-Plex Dwelling Projects

The following design requirements shall supplement other applicable requirements of this Ordinance and govern the development of Attached Multi-Plex Dwelling Projects. An Attached Multi-Plex Dwelling Project shall consist of at least one building with three (3) or more attached units on a single parcel of land or two (2) or more buildings each with two (2) attached units on a single parcel of land. Any such development shall be categorized as an apartment development, condominium development, or townhouse development, depending upon ownership arrangements and Building Code requirements.

Below are the requirements that Attached Multi-Plex Dwelling Projects have in common. Specific requirements for each type of Attached Multi-Plex Dwelling Projects type shall be found in separate sections immediately following this section.

1. Density shall not exceed:

   Eight (8) units per acre on minor streets, minor residential streets, and major residential streets
   Twelve (12) units per acre on collector streets
   No maximum on arterial streets

2. Bufferyards shall be as required by Section 2.02-2 for the specific type of project.
3. All telephone and electric service utilities shall be underground in all Attached Multi-Plex Developments where feasible.
4. Setbacks and frontage requirements shall be governed by Table 3 Setbacks and Other Requirements.
5. The current International Building Code requirements shall be adhered to, paying particular attention to the firewall requirements.
6. Due to the differing design and ownership features associated with apartment developments, condominium developments, and townhouse developments the following requirements shall supplement the above requirements:

   a. Townhouse Developments

   1. Not more than eight (8) townhouse units may be joined together.
   2. Projects consisting of twenty-five (25) or more units shall include at least 10 percent of the project site in Common Open Space, in accordance with the requirements of Section 2.02-4 Common Open Space.

3. Direct vehicular access of a townhouse shall be limited to minor streets. Where the project fronts a collector or major street, no more than two access points shall be allowed. No direct access for individual units shall be permitted on collector or major streets.

b. Condominium Developments

1. Projects consisting of twenty-five (25) or more units shall include at least 15 percent of the project site in Common Open Space, in accordance with the requirements of Section 2.02-4 Common Open Space.
2. The site for a condominium project must be at least one acre in size.
3. Any centralized garbage and refuse pickup and other utility areas shall be enclosed and screened from view by fencing, walls or shrubbery.
4. Direct vehicular access of a condominium shall be limited to minor streets. Where the project fronts a collector or major street, no more than two (2) access points shall be allowed. No direct access for individual units shall be permitted on collector or major streets.

c. Apartment Developments

1. Projects consisting of twenty-five (25) or more units shall include at least fifteen (15) percent of the project site in Common Open Space, in accordance with the requirements of Section 2.02-4 Common Open Space.
2. The site for an apartment project must be at least two (2) acres in size.
3. Garbage and refuse pickup and other multi-family utility areas shall be provided, enclosed and screened from view by fencing, walls or shrubbery.
4. Interior development streets, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and vehicles utilizing the same. Lighting shall be so arranged as to reflect away from adjoining properties.
5. Off-street parking areas shall not open directly onto a public street, but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified parking area and shall be kept clear of parked vehicles. On-street bay parking shall not be permitted on public rights-of-way. For specific parking space requirements see Table 6 - Off-Street Parking Requirements.

Section 3.03 Manufactured Homes

Section 3.03-1 Definitions

For purposes of this Ordinance there are the following types of manufactured homes: Residential Designed Manufactured Homes, Standard Designed Manufactured Homes, and Mobile Homes, the definitions of which are found in Article 6.

Section 3.03-2 Use of Mobile Homes, Manufactured Homes, Travel Trailers, and RVs

No mobile home or manufactured home shall be used for any purpose other than that for which it was designed.

Further, no recreational vehicle or travel trailer shall be used or permitted for permanent residential use. These vehicles are not built in compliance with the HUD Standards or the International Residential Code and, as such, shall not be allowed for permanent residential use.

A recreational vehicle may be set up for a period of up to 90 days within a twelve-month period for the purposes of living on site while building a residence.

Section 3.03-3 Location

Manufactured Homes, Residential Designed, when meeting the requirements of this section and other applicable requirements of this Ordinance shall be permitted anywhere in the unincorporated areas of

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Spartanburg County, unless specifically prohibited by deed restrictions, prohibitions contained elsewhere in this Ordinance, or other applicable regulations.

Manufactured Homes, Standard Designed, when meeting the requirements of this section and other applicable requirements of this Ordinance shall be permitted; (1) on existing lots of record as of May 21, 2012; (2) as a second residence on a lot of record with a single-family detached dwelling, in accordance with Section 2.02-6; (3) in a Manufactured Home Park, in accordance with Section 3.04; and (4) in an approved subdivision, accessible by and fronting on a minor public street. While direct access to and frontage on minor, collector or major streets is allowed, in those cases where a corner lot is created (through the planning/construction of a new street), the manufactured or mobile home will front and take access on the internal street.

Mobile Homes, as defined by this Ordinance, shall not be permitted or established within the jurisdiction of this Ordinance. Where in existence at the time of adoption of this Ordinance, such uses may be continued in accordance with the provisions of Section 4.06, Nonconformities, provided such uses are maintained in habitable condition as defined by and subject to the conditions of Section 3.03(5) and 3.03(6). Furthermore, it shall be unlawful for any person, firm, or legal entity to bring into Spartanburg County any manufactured housing or mobile home constructed prior to 1976, unless the manufactured unit can be certified to meet June 1976 HUD Standards for Construction.

Section 3.03-4 Exception

Manufactured Housing structures and mobile homes currently on the tax rolls of Spartanburg County built prior to 1976 may be relocated within Spartanburg County provided they are first inspected by the Building Codes Department and meet this Ordinance's Habitability requirements prior to electrical service being released.

Section 3.03-5 Setup

All manufactured housing shall:

a. Be installed in accordance with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accordance with the requirements of Section 19-425-42 of the South Carolina Manufactured Housing Board Regulations.

b. Be under-skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation and be tied down per the South Carolina Manufactured Housing Board Regulations.

c. Have constructed at all egress doors steps and landings conforming to the latest adopted edition of the International Residential Code. These steps and landings must be anchored securely into the ground.

d. The owner of a mobile home who obtains a replacement mobile home has 30 days from the date of electrical power transfer or 90 days from the issue date of a moving permit, whichever is less, to remove the original mobile home from the property or meet the requirements contained in Table 3 of this Ordinance.

e. Be provided with a sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.

f. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. Any existing home not in compliance with this Section upon the effective date of this Ordinance shall be served by a separate meter within one hundred eighty (180) days of the effective date, or be declared by a code enforcement officer to be in violation of this Ordinance, and processed accordingly as provided for in Section 1.20 Penalties for Violations. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of an approved permit issued by the appropriate County Official to establish said home.

g. No Manufactured Home shall have the electrical service installed until porches, steps, tie downs and skirting requirements have been met.

h. Permit Required for Individual Mobile Homes and Manufactured Homes

No mobile home or manufactured home shall be parked, located or permanently placed on an individual lot, parcel or Manufactured Home Park Space without a manufactured/mobile home

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permit being issued by the County's permitting authority in accordance with S.C. Code 1976, § 31-17-320. A permit is also required when ownership is transferred regardless of whether the mobile/manufactured home is relocated. No permit shall be issued except in conformity with the provisions of this Section.

i. A current Spartanburg County decal shall be displayed on the mobile/manufactured home so as to be clearly visible on the main door or from the street.

j. The proper address shall be posted on the home so that it is visible from the street as required by the Spartanburg County Road Naming and Property Numbering Ordinance (No. 599) (See County Code, Chapter 62, Article 3.

Section 3.03-6 Habitability

No manufactured home or mobile home built prior to June 15, 1976 shall be permitted, used or occupied nor shall public utilities be extended to or activated in any such home unless and until the home has been inspected and found to be habitable by the Building Official or his designee.

The term "habitable" as used herein means that there is no defect, damage, or deterioration to the home which creates a dangerous or unsafe situation or condition; that the plumbing, heating, and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place. Further, the term habitable shall include the provision of the following facilities.

a. **Sanitary Facilities** – Every manufactured and mobile home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.

b. **Hot and Cold Water Supply** – Every manufactured and mobile home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.

c. **Heating Facilities** – Every manufactured and mobile home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each mobile or manufactured home shall be provided with an alternative system, approved by the Building Official.

d. **Cooking and Heating Equipment** – All cooking and heating equipment and facilities shall be installed in accordance with Federal Manufactured Home Construction and Safety Standards.

e. **Smoke Detector** – Every mobile and manufactured home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm.

Section 3.04 Manufactured Home Parks

Section 3.04-1 Purpose

The purpose of this section is to address the unique needs of Manufactured Home Parks, in order that they may be considered a safe and healthy residential option to the residents of Spartanburg County. The County has an interest in maintaining and improving the supply of affordable housing for its citizens.

Section 3.04-2 Compliance with the Definition of a Manufactured Home Park

The following shall be used in determining compliance with the definition of a Manufactured Home Park found in Article 6:

a. Any manufactured or mobile home on a parcel(s) shall be counted toward the total number of Manufactured Home Park Spaces even if the home is unoccupied, used for storage, or not currently connected to electricity. This count also includes a manufactured/mobile home occupied by the property owner as a legal residence.

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b. Separating the ownership of manufactured/mobile homes or Manufactured Home Park Spaces into two or more legal entities for the purpose of avoiding being defined as a Mobile Home Park is not allowed unless the requirements for a subdivision and the dimensional requirements of Table 3 can be met. If the manufactured/mobile homes or Manufactured Home Park Spaces are adjacent or across the street from each other and their management is not clearly handled as separate entities, then they shall be considered part of a single Manufactured Home Park.

c. All such "parks" in Spartanburg County, new or pre-existing this ordinance, will be subject to requirements for licensing and inspection found in Section 3.04-5 and shall register with Spartanburg County within one year of May 21, 2012.

Section 3.04-3 Site Plan for New or Expanding Manufactured Home Parks

The establishment or expansion, and operation of a Manufactured Home Park shall be shown on a site plan professionally-drawn by an engineer or surveyor, shall comply with the design and development standards contained in this ordinance, and shall include the following information:

1. General: A required development plat or park plan at a scale of not less than 1"=20 feet or not more than 1"=100 feet shall contain the following information:

- Proposed name of Manufactured Home Park;
- North arrow, graphic scale, and written scale;
- Name of record owner(s), developer(s), and surveyor(s) or engineer;
- A vicinity map, for the purpose of locating the proposed park; and
- Correct Assessor's Office Parcel Identification Number(s).

2. Existing Site Data

   a. Total tract boundaries of the park, and a statement of total acreage of the property;

   b. All existing rights-of-way, easements, sewer lines, fire hydrants, utility transmission lines, storm drainage ditches, water courses, buildings, and all other significant man-made or natural features within the proposed park;

   c. All existing streets on or abutting the park, including names, right-of-way widths, pavement widths and approximate grades; and

   d. The 100-Year Flood Boundary from the most current Spartanburg County FEMA Flood Insurance Rate Maps (FIRM).

3. Proposed Site Data

- Street rights-of-way, pavement widths, grades, and street names;
- Preliminary plans for sanitary sewerage disposal systems, storm sewers, water, electricity and gas lines, showing connections to existing systems or proposals for developing new systems, storm sewer profiles, cross-sections and sizes;
- Other easements and rights-of-way, including location, dimensions, and purposes;
- Topographic maps with a contour interval of 5 feet;
- Contour changes to be made by grading, if any;
- Location, size, and number of proposed and existing Manufactured Home Park Space and all existing and proposed automobile parking spaces for each unit in accordance with Section 3.04 (12), as well as any planned common parking areas;
- Location, width, and plantings of bufferyard areas;
- Centerline profile for any newly constructed interior streets;
- Location of common open space, if required by Section 3.04-5 (14);
- Location of all solid waste containers and screening of containers, as required by Section 3.04-4 (15); and
- E-911 addresses as required by Ordinance No. 599. (See also County Code Chapter 62, Article 3.) and as approved by the County E911/Addressing staff.

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Section 3.04-4 Requirements for the Establishment or Expansion and Operation of Manufactured Home Parks

All required site improvements shall be installed prior to placement of units in the park. The establishment or expansion, and operation of a Manufactured Home Park shall comply with the following design and development standards:

1. Adherence to Existing Regulations and Guidelines

   All Manufactured Home Parks must adhere to any applicable Federal, State, or County regulations or guidelines, including but not limited to DHEC Regulations, the Property Addressing and Road Naming Ordinance (See Code Chapter 62, Article 3.), and the Assessor's Mobile Home Registration process.

2. Water and Sewer

   All proposed Manufactured Home Parks shall be served by public water and sewer systems or other community systems, plans of which shall be approved by DHEC.

3. Lighting

   A Manufactured Home Park containing five (5) or more homes must be lighted at night with electric overhead vapor lamps no more than four hundred (400) feet apart along interior streets and within amenity and common areas. Lighting shall be arranged so as to reflect away from adjoining properties, unless such light direction is dictated by safety concerns. Lighting shall use full cut off fixtures which give the property owner maximum directional control of site lighting.

4. Signage, Names

   All Manufactured Home Parks containing five (5) or more units must provide a sign of at least six (6) square feet indicating the name of the park.

   Park names shall not be the same as or phonetically similar to other park or subdivision names.

5. Streets-Interior

   (a) All interior streets shall have a minimum fifty (50) foot right-of-way and be constructed on a prepared soil base that has had all tree stumps and other vegetation removed to a depth of two (2) feet below sub-grade and properly compacted. No permanent parking or structures shall be permitted in the right-of-way.

   (b) The paved portion of the street shall be at least 16 feet wide for a park with fewer than 50 homes and 20 feet wide for a park with more than 50 homes. The street must consist of at least 1.5 inches of compacted tar and gravel on a 4-inch compacted stone base or at least 1.5 inches of compacted asphalt surface on 2 inches of compacted asphalt base.

   (c) Entrances must either be aligned with opposing exterior streets or there shall be at least 125 feet between the entrance and the existing street measured centerline to centerline.

   (d) Projects in excess of one hundred (100) units shall have a second twelve (12) foot exit lane and an entrance lane of sixteen (16) feet. Transition from the entrance/exit lanes to the internal street system shall begin not less than sixty (60) feet from the street right-of-way line at the entrance.

   (e) A paved or piped ditch is required along any section of roadway that is in excess of a 5% grade.

   (f) All dead-end roadways shall terminate in a "cul-de-sac" with a minimum turning radius of thirty-five (35) feet, exclusive of parking. In lieu of a "cul-de-sac," other methods to achieve vehicular turnaround as set forth in Section 2.05-2 must be provided.

   (g) All road names are subject to approval by the Planning and Development Department in accordance with Spartanburg County Ordinance No. 599 - Road Naming and Property Numbering. (See County Code Chapter 62, Article 3.)

   (h) To the extent not in conflict with subsection (b) above, construction of all streets shall be in compliance with Spartanburg County Standard Specifications for Construction of Roads. The Spartanburg County Public Works Department, Engineering Division, shall review and approve all street plans.

(i) A "Letter of Compliance", issued by a registered/licensed engineer, must be submitted, assuring that the construction of the roads and drainage system conforms to this Section.

(j) In order to expand a Manufactured Home Park by more than 10 Manufactured Home Park Spaces, the main roadway inside the park (leading to the expanded Manufactured Home Park Spaces) must be paved to at least the width of the current driving surface or a minimum of 16 feet, whichever is greater, and a depth of 1½ inches. The number of new Manufactured Home Park Spaces added after July 19, 2004, shall be cumulative.

6. Drainage

The land shall be so graded, paved areas so pitched and storm drains and catch basins so located and sized as to provide rapid run-off of storm waters and avoid undue accumulations of water under the normal range of weather conditions. Drainage and sedimentation plans shall be required in accordance with the Storm Water Management Ordinance of Spartanburg County (No. 09-02). (See County Code Chapter 30, Article IV.)

7. Installation

All proposed homes, including replacements, shall be installed in accordance with the installation requirements of Section 19-425.42 of the South Carolina Manufactured Housing Board Regulations.

8. Numbering

Permanent numbers shall be placed on each mobile or manufactured home and shall be located in accordance with the requirements of the Road Naming and Property Numbering Ordinance No. 599. (See County Code Chapter 62, Article 3).

9. Access

No Manufactured Home Park Space shall have direct access to a public street, but shall instead access an internal driveway system.

10. Density

The maximum density shall not exceed eight (8) manufactured homes or mobile homes per acre with public water and public sewer or as approved by DHEC.

11. Setbacks and Spacing

a. Spacing between manufactured homes, common buildings (laundry, etc), and accessory buildings shall meet the requirements of Table 3.

b. The setbacks from exterior streets shall meet the requirements of Table 3.

c. The setbacks of manufactured homes from interior streets shall be 25 feet from the street centerline.

d. All building structures and mobile homes shall be setback from the park perimeter as found in Table 3. The requirements of this section may be superseded by the bufferyard requirements since the bufferyard may be wider than the side or rear setback.

12. Parking

Two off-roadway parking spaces shall be provided for each designated Manufactured Home Park Space in accordance with Table 6. Each parking space shall be 9 feet wide and 18 feet long and shall be paved.

Parking on roadways in the Manufactured Home Park is not permitted. Signs shall be posted at sufficient intervals stating such.

13. Bufferyards

Bufferyards shall be provided on the perimeter of the park or court in accordance with the requirements of Section 2.02-2.

14. Common Open Space

Projects consisting of twenty-five (25) or more units, whether a new park or an expansion of an existing park to a total of 25 units or more, shall include at least 15 percent of the total project site

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in designated common open space, in accordance with the requirements of Section 2.02-4-Common Open Space. The area shall be suitable for active recreation.

15. Household Waste Removal

    In Manufactured Home Parks containing five (5) or more homes, dumpsters shall be easily accessible to the residents for the collection and disposal of refuse. Bulk waste containers shall be provided at an average of at least 1.5 cubic yards for every three (3) manufactured homes. Dumpster sites shall be screened from public rights-of-way. Collection shall be on a weekly basis to ensure that containers do not overflow.

    A garbage pickup service may be substituted, but such service must be continuously maintained with at least weekly pick up to ensure that containers do not overflow.

16. No recreational vehicle or travel trailer shall be used or permitted. These vehicles are not built in compliance with the HUD Standards or the International Residential Code and, as such, shall not be allowed.

17. Operational Requirements

    All grounds and common buildings located within Manufactured Home Parks are expected to be maintained in a clean, sanitary and safe manner, the Manufactured Home Park Spaces kept clear of refuse, debris and unnecessary clutter, and all refuse shall be stored, collected and disposed of in such a manner as not to create a nuisance, vector attractant, breeding or harborage problem, in accordance with Spartanburg County's Property Maintenance Ordinance and South Carolina DHEC Regulation 61.40.

Section 3.04-5 Licensing, Inspection, and Annual Fees for Manufactured Home Parks

1. Licensing and Fees

    a. A license shall be required to open and/or operate a Manufactured Home Park and shall be subject to annual renewal due June 15th. The license fee shall be set per the Fee Schedule adopted by Resolution of County Council.

    b. or an owner who fails to renew the annual license by the deadline, there shall be a monthly late fee equal to half of the above base rate.

    c. n owner may not renew a license if his/her park is not in compliance with this ordinance. Late fees will continue to accrue for those parks that are found to be non-compliant.

    d. Late fees will continue to accrue for an owner who is in compliance and does not pay the annual license fee.

    e. In either case (c. or d.), failure to comply with the requirements of this ordinance may result in the revocation of license to operate a park. After the annual fee is 60 days delinquent, the owner shall be considered in violation of this ordinance for the lapsed license.

    f. A Manufactured Home Park license is not transferrable.

    g. Successors or assigns of a Manufactured Home Park may be responsible for payment of any delinquent or due fees, penalties or fines.

2. Annual Inspection; Violation

    a. All Manufactured Home Parks registered in Spartanburg County shall undergo an annual inspection to ensure compliance with this Ordinance.

    b. When a violation is determined, notice shall be given in writing by the code enforcement officer, together with an established time period within which the violation must be corrected.

    c. A park owner whose park, upon annual inspection, has been found to be in violation shall not be allowed to renew the license, and no mobile/manufactured home moving permits will be issued for said park until violations are resolved.

    d. A Manufactured Home Park license may be revoked by the Spartanburg County Environmental Enforcement Department Director for a violation of this Ordinance or other applicable regulations governing the operation of such uses based on inspection of the premises.

3. Suspension of License

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a. Failure to correct the violation(s) within the established time period will result in license suspension. When a license is suspended, all occupants of the park shall be notified of the suspension and be given notice to vacate the park within ninety (90) days.

b. Any person who has received notice that his license will be suspended unless certain conditions or practices at the Manufactured Home Park are corrected, may request and shall be granted a hearing on the matter before County Council by filing a petition with the Planning and Development Department. The petition for such hearing must be filed within 10 calendar days following the day on which delivery of the notice of license suspension was delivered to such person. If no petition is filed within 10 calendar days following the delivery of the notice of license suspension, the license shall be deemed to have been automatically revoked.

c. A Manufactured Home Park, upon the owner's loss of license, based on violations of this Ordinance shall meet all Unified Land Management Ordinance requirements in order to reopen. Otherwise, the park must be closed and all manufactured/mobile homes disposed of by the park owner.

d. The provisions of this section can be enforced through appropriate court or legal action.

Section 3.05 Accessory Apartments

A single detached accessory dwelling unit no greater than 1/3 the floor area of the principal dwelling may be permitted, provided all applicable requirements of Table 3 are met and other public agencies have been satisfied.

Section 3.06 Home Occupation

A home occupation, as defined by this Ordinance, shall meet the following requirements.

1. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
2. The home occupation shall be conducted entirely within the residence, except where the residence is located on two or more acres, in which case, part or all of the occupation may be conducted in an accessory building, provided that a total of no more than 50 percent of the floor area of the residence be used in the conduct of the home and meet all setback requirements of Table 3 for Accessory Uses.
3. No exterior indication of the use shall be evident other than a sign of two (2) square feet or less in size.
4. No more than one (1) person not residing in the residence shall be employed.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
6. There is no alteration of the residential character of the building and/or premises.

Section 3.07 Auction Barns and Auction Houses

Auctions Barns and Auction Houses shall be considered land uses incompatible with residential neighborhoods due to the impacts of noise, traffic, and operating hours." As a result, any such use proposed for Spartanburg County shall comply with the following standards:

1. Proposed structures shall take access only on collector and arterial streets. Parking will be required to meet the same requirements as required for places of public assembly, which is one space for each four places of public assembly seats based on maximum capacity.
2. No such use may be located within 500 feet of an individual residential structure or within 500 feet of a platted subdivision of 25 or greater lots.

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3. No outside speakers or audible auction activities shall be allowed for any such use.
4. Proposed structures must be fully enclosed and all sales and items displayed for sale must be contained within enclosed buildings.
5. The minimum lot size for any such use shall be Two Acres.
6. Proposed structures shall be located 60 feet from the front Right-of-Way line at which street access is located, 20 feet from the rear property line and 15 feet from the side property lines.
7. Front setback on an arterial street for any such use shall be 50 feet and the front setback on a collector street shall be 40 feet.
8. There shall be a minimum distance of 20 feet between any and all proposed structures.
9. The maximum height of any proposed structures shall be 35 feet plus 1 per 1 additional side and rear yard setback.
10. Any such use is classified as High Intensity Commercial for establishment of required buffer yards.

Section 3.08 Commercial Kennels, Veterinary Services, and Certain Agricultural Uses and Crematories

The above referenced uses shall be located no closer than 1,000 feet from any residential subdivision, multi-family development, or mobile home park of 25 units or more and 500 feet to any adjacent residence other than the principal residence. In addition to the distance separation, a Class 3 bufferyard shall be required for referenced uses requiring the 1,000 feet of separation and a Class 4 bufferyard for referenced uses requiring the 500 feet of separation. Incineration of animals or animal refuse shall be permitted under the above conditions. Veterinary clinics that have no outdoor pens or incineration are exempt from this regulation. Commercial kennels and certain agricultural uses, including stockyards, livestock auction houses, livestock feed lots, poultry houses, pig parlors, dairy barns, packing houses, farm processing operations (e.g., cider mills, dairies, poultry, or meat processing) with six (6) or more employees, and other agricultural support uses that create sustained noise and odor problems, shall be located and operated in accord with DHEC regulations.

Section 3.09 Mining Operations

Due to the land disturbing nature of these operations, the potential of air and water pollution, and noise and vibration from explosives, mining operations shall be subject to the following conditions:

A mining permit must be obtained from the South Carolina Department of Health and Environmental Control (DHEC) prior to securing a County permit. The mining permit shall have been issued within six (6) months of the date of the request for the County permit.

Meet any and all applicable requirements specified by Table 3.

Section 3.10 Motor Speedways or Testing Tracks

Land uses of this Section are declared to be incompatible with residential development, and many nonresidential uses. To enhance compatibility, the following development standards shall apply:

Dirt tracks shall not be permitted.

Bufferyards specified for heavy industrial uses shall be required around all sides of the facility.

A Storm Water Management and Sediment Reduction Plan, as defined in the County's Storm Water Ordinance # 497 [This ordinance has been replaced by the Storm Water Management Ordinance of Spartanburg County (No. O-09-02). (See also County Code Chapter 30, Article IV.)]

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Section 3.11 Outdoor Gun or Skeet Range

Due to potential danger and noise generated by these uses, the following criteria shall govern their location in Spartanburg County.

The use shall be oriented away from inhabited areas.

The site upon which the use is proposed shall be suitable in size and topography to insure the safety of surrounding residents as determined by the Spartanburg County Planning Department Staff. (Refer to Table 3.)

Section 3.12 Sexually Oriented Businesses

Owing to the potentially deleterious effects as a result of the location or concentration of sexually oriented businesses within the County, such uses in addition to meeting the requirements of Table 3 shall be permitted, operated and regulated in accord with the requirements of Ordinance No. 670, as amended; said Ordinance herein adopted and incorporated in its entirety by reference.

Section 3.13 Camps and Recreational Vehicle Parks (SIC 703)

Camps and recreational vehicles (RV) parks shall comply with the following site and design standards.

1. Exposed surfaces shall be covered or protected with vegetative growth capable of preventing soil erosion.
2. The site shall be developed in a manner that preserves natural features and landscape.
3. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
4. No site shall be located less than 150 feet from drinking water supply or 300 feet from a comfort station.
5. Maximum density shall not exceed 15 vehicles per acre, with minimum 10-foot separation.
6. Bufferyards shall be as specified by Section 2.02-2.
7. Areas designated for parking and loading or for circulation shall be physically separated from public streets. All one-way drives shall be 12' wide, and two-way drives shall be 20' wide, and shall be located at least 150 feet from any street intersection. All interior streets shall be private and not public, and shall be constructed with a 4" compacted stone travel-way approved by the County Engineer. Street grades shall not exceed 12 percent.
8. Each park site shall be serviced by public water and sewer or other systems approved by DHEC.
9. Durable, watertight, refuse containers, with fly-tight covers sufficient to contain all refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than 300 feet from any camp or picnic site unless provided at the campsite. Refuse containers shall be provided at the rate of eight cubic feet (60 gallons) for each five campsites or the equivalent thereof if containers are provided at individual sites.
10. The site, if located on a corner lot, may access a minor road, when both roads are maintained by the South Carolina Department of Transportation, notwithstanding the limitation in Table 3b that prevents a site from accessing a minor road.

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Section 3.18-1.6

a. With the exception of Communication Towers for aeronautical purposes, Communication Towers may not penetrate any imaginary surface, as described in Chapter 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77 as amended, associated with existing or proposed runways at any publicly owned airport. All Communication Towers located within the first 12,000 feet of the approach surface on an existing or proposed runway, or within the horizontal surface associated with such runway(s) as described in FAR Part 77, shall be lighted. Strobe lights during the daylight and twilight hours and red lights shall illuminate such Communication Towers during nighttime hours.

   Prior to issuance of a building permit, applicants shall provide documentation that the proposed Communication Tower has been reviewed by the Federal Aviation Administration (FAA), if so required, and that finding of no hazard to air navigation has been determined.

   The applicant shall also provide copies of the site development plans for comment to Greenville-Spartanburg International Airport and Spartanburg Downtown Memorial Airport to be delivered at least ten (10) days prior to staff approval. Prior to approval, documentation must be received by the Spartanburg County Planning Department that the proposed Communication Tower has been reviewed by each of the said airports and that neither airport has an objection. If either airport has an objection to the proposed Communication Tower, an Advisory Conference composed of Airport officials, County Officials, and representatives of the communication company's shall be convened. The results and findings of such conferences shall be presented to the County Planning and Development staff for evaluation and final action. Because proximity and lighting of Communication Towers near these aeronautical facilities affects the safety of the public, careful consideration should be given to the results and findings and such may be grounds for denial of the issuance of a permit or requiring that certain additional requirements be imposed as a condition for the issuance of a permit.

b. Care shall also be taken in locating Communication Towers in the vicinity of any private airport whether or not it is open to the public.

c. All Communication Towers shall be lighted in accordance with Federal Aviation Administration Circular 70-7460, "Obstruction Marking and Lighting," as amended from time to time.

d. Communication towers not requiring FAA painting/marking shall have either a galvanized finish or be painted a dull blue or gray finish.

Section 3.18-1.7 All Communication Towers shall be designed and constructed so as to withstand winds in accordance with ANSI/EIA/IIA 222 (latest revision) standards.

Section 3.18-1.8 No advertising of any type may be attached to a Communication Tower. However, a Communication Tower and/or antenna may be placed upon an outdoor advertising sign subject to the requirements of Section 3.18-1. The placement of a Communication Tower and/or antenna upon an outdoor advertising sign shall not change the principal nature or classification of the outdoor advertising sign.

Section 3.18-1.9 Communication towers shall be removed at the owner/operators expense within 120 days of the date such tower ceases to be used for its intended purpose.

Section 3.19 Junk and Salvage Yards

Section 3.19-1 Findings

Spartanburg County finds that junkyards:

(1) Pose a hazard to the health, safety, and general welfare of the citizens of Spartanburg County;

(2) Depreciate the value of surrounding property;

(3) Pose environmental and fire hazards;

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(4) Are a breeding ground for mosquitoes or other insects, snakes, rats and other pests;

(5) Pose a threat of injury to children and other individuals who may be attracted to the premises;

(6) Are a visual blight and patently offensive to the aesthetic quality of the environment of Spartanburg County

Section 3.19-2 Purpose

To preserve the physical integrity of established neighborhoods for the quiet enjoyment of family, safety of children, and the maintenance of residential property values; to protect the citizens and residents of Spartanburg County from possible injury at junkyards; to achieve responsible economic growth in areas of Spartanburg County that is compatible with growth and development in nearby areas; to protect the public from health nuisances and safety hazards by controlling vectors, concentration of volatile or poisonous materials, and sources of danger to children; and to preserve and enhance the natural scenic beauty of areas in the vicinity of the primary and secondary roads of Spartanburg County, it is declared to be in the public interest of Spartanburg County, and necessary and proper for the general welfare, convenience, safety and health of the people of the County, to regulate the operation and maintenance of junkyards in areas adjacent to public roads and highways within Spartanburg County, including those regulated by the South Carolina Department of Highways and Public Transportation to the extent that this division is not in conflict with such regulations. Spartanburg County Council hereby finds and declares that junkyards which do not conform to the requirements of this ordinance are public nuisances.

Section 3.19-3 Fencing and Screening

All junkyards shall be enclosed on all sides by one of the following that shield the junkyards from view:

1. A chain link fence with evergreen screening of an approved type; or
2. Where evergreen screening is not possible, a chain link fence with vinyl strips or slats woven into the fence fabric may be used upon approval by the ordinance administrator; or
3. A wooden or masonry privacy fence; or
4. Other type material which has been given approval by the ordinance administrator.

Section 3.19-4 General Requirements

1. Anchoring - All metal or wooden fence posts shall have at least one-fourth of their length below ground level and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber.
2. All junkyard business shall be conducted entirely within the screened area of the property.
3. No junk shall be stacked, stored or maintained at a height greater than the opaque screen around the junkyard.
4. Adequate off-street customer parking must be provided, and must be graveled or paved in an acceptable manner.
5. If a junkyard closes, it must comply with the provisions of Section 3.19-5 for new junkyards to re-open. Evidence of closing shall be established by inspection of the property, written notification or non-renewal of a junkyard permit.
6. Any person, company, business or corporation not covered by this division or exempted from this division shall comply with state statutory law regarding disposition of abandoned or derelict motor vehicles as provided by S.C. Code Ann. § 56-5-5610, 56-5- 5810, et. seq. and 44-67-10 et. seq. (1976).
7. All junkyards shall be maintained to protect the public from health nuisances and safety hazards. The Spartanburg County Health Department may inspect each junkyard to determine that the junkyard does not create a nuisance or safety hazard. Should a nuisance or safety hazard be identified, the owner, operator or maintainer shall submit satisfactory evidence to the health department and planning department that the nuisance or safety hazard has been eliminated. Failure to comply with this provision shall result in revocation of permit as well as other penalties and remedies for violation of this division.

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Section 3.19-5 Operation of New Junkyards

The following standards shall be applicable to junkyards that open, re-open, or begin operations or business after December 31, 1999:

1. New junkyards shall be situated on a continuous parcel of at least five acres excluding rights-of-way that are undivided by road rights-of-way or public dedication.
2. Have a minimum front lot line of 100 feet on a public right-of-way. Wrecker, towing and impoundment services as defined by Section 3.19-7(e) of this ordinance, shall have a minimum front lot line of sixty (60) feet on a public right-of-way. Reference minimum sixty (60) foot front lot line requirement for commercial property pursuant to the Development Standards Ordinance.
3. All driveway entrances shall be from side property lines. The centerline of the driveway shall not be closer than 30 feet from the side property line. An opaque gate shall be utilized. The view toward the gate from the adjacent property shall be screened by a continuous hedge row not less than 30 feet wider than the gate.
4. Have a minimum setback to the fence from front, side and rear property lines excluding road rights-of-way of at least 50 feet. Wrecker, towing and impoundment services as defined by Section 3.19-7(e) of this ordinance, shall have a minimum setback to the fence from front, side and rear property lines excluding road rights-of-way of at least 25 feet.
5. No junkyard shall be established closer than 1,000 feet to a church, school, daycare center, nursing home, health care facility, hospital, public building, public recreation facility, a concentration of ten or more contiguous residences, or closer than 500 feet from any single residence. An on-site residence at the junkyard by the owner or its agent is permitted. No junkyard shall be established closer than 1,000 feet of the following scenic corridors: S.C. Highways 9, 11, 56, 110 (Battleground Road), and U.S. Highways 26 and 85.
6. The junkyard shall be entirely surrounded by an opaque fence at least eight feet in height or by either a woven or welded wire (11-gauge minimum) or chain link fence a minimum of 8 feet in height and with an opaque evergreen screen with a minimum height of not less than eight feet when mature. The evergreen vegetation shall be planted between the property line and the outbound side of the fence. The distance spacing of the evergreen vegetation from the fence and the property line should allow for maintenance of the mature vegetation from inside the property line. Evergreen vegetation that serves as screening shall be of an approved type that can reach a minimum height of eight feet when mature from the date planted and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken screen (without gaps or open spaces) will exist to a height of at least eight feet along the length of the fence surrounding the junkyard. The evergreen screen shall be maintained as a continuous, unbroken screen for the period the property is used as a junkyard. Acceptable species include, but are not limited to, Ligustrum, Euonymus, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Junipers, Holly and Yew. Each owner, operator, or maintainer of a junkyard shall utilize good husbandry techniques by pruning, mulching, and fertilizing, so that the vegetation can reach a height of eight (8) feet within five years of the date planted and will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.
7. A junkyard plan prepared by the owner or operator of any new junkyard shall be submitted prior to the junkyard permit being granted by Spartanburg County. The plan shall indicate setbacks, location of public rights-of-way, all proposed structures, all structures within 500 feet of a junkyard, driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junkyard, gross acreage, owner(s)' name(s), address(es), preparer of plan name(s) and address(es). Submission of information shall establish pre-existing conditions. Plan may be drawn at a scale of one inch equals 400 feet or less.
8. When, for reasons of topography, it is determined by the ordinance administrator that the fencing and screening requirements of the new junkyard will not produce a result that sufficiently shields the junkyard from view and otherwise preserves the policy and intent of this division, the following alternatives are available:
   a. The junkyard may locate at the site if its fenced boundaries are no closer than 1,000 feet to any adjacent residence; or

b. Topographic features shall be graded to adjacent roadway levels so that the provisions for fencing and screening can be effective; or

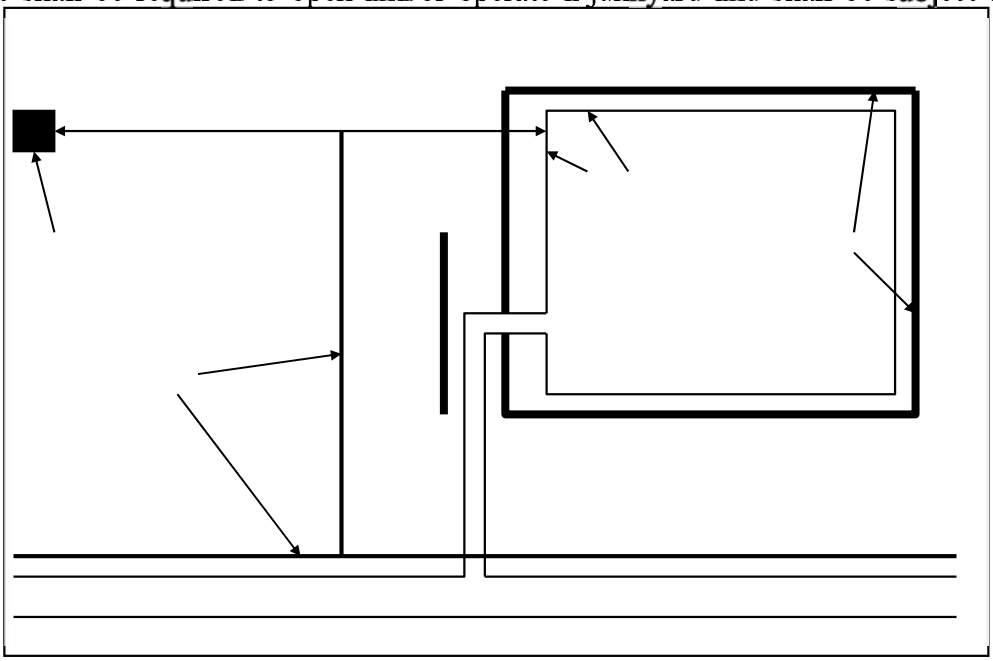
c. The developer of a junkyard may seek another site that is more suitable to junk yard development.

9. In addition to the spacing requirements of paragraph five (5) and nine (9) herein, all junkyards established after December 31, 1999 shall be restricted to property located in areas characterized by light, medium or heavy "Industrial Uses" as defined by this Ordinance and shown on the Future Land Use Map in the approved "Spartanburg County Comprehensive Plan."

Section 3.19-6 Licensing, Inspection, and Annual Fees for Junkyards

1. Licensing and Fees

a. A license shall be required to open and/or operate a junkyard and shall be subject to annual



renewal due January 1st. The license fee shall be set per the Fee Schedule adopted by Resolution of County Council.

b. For an owner who fails to renew the annual license by the deadline, there shall be a monthly late fee equal to half of the above base rate.

c. An owner may not renew a license if his yard is not in compliance with this ordinance. Late fees will continue to accrue for those yards that are found to be non-compliant.

d. Late fees will continue to accrue for an owner who is in compliance and does not pay the annual license fee.

e. Failure to comply with the requirements of this Ordinance may result in the revocation of license to operate a junkyard. After the annual fee is 60 days delinquent, the owner shall be considered in violation of this Ordinance for the lapsed license.

f. A Junkyard license is not transferrable.

g. Successors or assigns of a junkyard shall be responsible for payment of any delinquent or due fees, penalties or fines.

2. Annual Inspection; Violation

a. All junkyards registered in Spartanburg County shall undergo an annual inspection to ensure compliance with this Ordinance.

b. When a violation is determined, notice shall be given in writing by the code enforcement officer, together with an established time period within which the violation must be corrected.

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c. A junkyard license may be revoked by the Spartanburg County Environmental Enforcement Department Director for a violation of this Ordinance or other applicable regulations governing the operation of such uses based on inspection of the premises.

3. Suspension of License

a. Failure to correct the violation(s) within the established time period will result in license suspension.

b. Any person who has received notice that his license will be suspended unless certain conditions or practices at the junkyard are corrected, may request and shall be granted a hearing on the matter before the Board of Zoning Appeals by filing a petition with the Planning and Development Department. The petition for such hearing must be filed within ten calendar days following the day on which delivery of the notice of license suspension was delivered to such person. If no petition is filed within ten calendar days following the delivery of the notice of license suspension, the license shall be deemed to have been automatically revoked.

c. A junkyard, upon the owner's loss of license based on violations of this Ordinance, shall meet the requirements of all County Ordinances in order to reopen. Otherwise, the yard must be closed.

4. Providing false or incorrect information on any application form, registration form, permit form or license renewal form under this division shall constitute a misdemeanor. Any license not containing the current mailing address of the license holder or the current mailing address of the record owner of the parcel of land upon which the junkyard is located, is void. Any application form submitted by a lessee or tenant for a license under this division shall contain the signature and current mailing address of the landlord, leaser, or record owner constituting an affirmation that the license applicant is in fact a lessee or tenant of the landlord, leaser, or record owner of the parcel of land upon which the junkyard is located.

Section 3.19-7 Exemptions

Although the following are junkyards as defined by this ordinance and are subject to the provisions of this section, the following limited exemptions are granted:

a. Service stations are exempt from Section 3.19-5 and Section 3.19-6 of this division. All other provisions of this division shall apply. A service station is any establishment or place of business which provides retail sales of fuel, lubricants, air, water or other items for the operation or maintenance of motor vehicles or for making mechanical repairs, servicing or indoor washing of motor vehicles.

b. Wrecker, towing and impoundment services, as defined herein, are exempt from the five (5) acre requirement of Section 3.19-5(1) for the operation of new junkyards under this ordinance. All other provisions of this division shall apply including the fencing and anchoring requirement of Sec. 3.19-3. A wrecker, towing or impoundment service is any establishment or place of business which provides towing or temporary storage services of no more than twenty five (25) currently licensed and currently registered motor vehicles which have been wrecked, or whose possession is by virtue of court order, a copy of which is in the possession of the proprietor of such service or affixed to the vehicle. Temporary storage is defined as not exceeding ninety (90) days from the date possession or custody of the vehicle is obtained except when possession is pursuant to a court order.

Section 3.20 Accessory Buildings and Uses/Non-Residential

(1) Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe the required setback requirements on Table 3.

(2) General Requirements

a. There is no limit to the number of accessory buildings.

b. Accessory uses shall observe the setback requirements for the principal use to which they are accessory when located contiguous to a residential use.

(3) Location

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ARTICLE 5 – REESTABLISHMENT, POWERS AND DUTIES OF SPARTANBURG COUNTY PLANNING COMMISSION AND BOARD OF ZONING APPEALS

Section 5.01 Spartanburg County Planning Commission

Section 5.01-1 Reestablishment of Planning Commission

The Spartanburg County Planning Commission is hereby reestablished under the provisions of the S.C. Code, §6-29-320.

Section 5.01-2 Powers and Duties of the Planning Commission

It is the function and duty of the Planning Commission to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the unincorporated areas of Spartanburg County. The Planning Commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the development of its area of jurisdiction to County officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the Planning Commission shall be liable for any injury or damage to property resulting there-from. In general, the Planning Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.

In the discharge of its responsibilities, the Spartanburg County Planning Commission has the power and duty to:

1. Prepare and revise periodically plans and programs for the development and redevelopment of its area of jurisdiction; and
2. Prepare and recommend for adoption to the County Council as a means for implementing the plans and programs in its area:
   a. Land use (Zoning) ordinances to include district maps and appropriate revisions thereof;
   b. An official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it;
   c. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
   d. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by County Council for implementation prior to preparation of the capital budget;
   e. Policies or procedures to facilitate implementation of planning elements; and
   f. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted. In overseeing the administration of subdivisions and major land developments, the Planning Commission has the authority to:
      1. To Hear and Decide Appeals from staff decisions where it is alleged there is error in any order, requirement, decision, or determination made by the staff in the administration of subdivision and/or major land development applications.
      2. To grant variances in specific cases from the regulations pertaining to subdivisions and major land developments as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in the unnecessary hardship so that the spirit of the Ordinance shall be observed, public

safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship if the Commission finds:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. These conditions do not generally apply to other property in the vicinity;

c. 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

d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the area.

The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Section 5.01-3 Composition of the Commission

The Planning Commission shall consist of nine members appointed by County Council for overlapping terms of four (4) years. Three (3) members first appointed shall serve two (2) years, three (3) members first appointed shall serve three (3) years, and three (3) members first appointed shall serve four (4) years.

Of the nine (9) members, six (6) shall be appointed from council districts, one (1) from each district. Three members shall be appointed at large.

To the extent possible, membership shall represent a broad cross section of the interests and concerns of the Spartanburg Community, and shall be representative of the racial and gender composition of the County. No member shall be the holder of an elected public officer in Spartanburg County.

Members shall serve until their successors are appointed and qualified.

Section 5.01-4 Compensation

Compensation will be provided to members of the Planning Commission at an amount of compensation determined by Spartanburg County Council. Reimbursement for actual expenses incurred in the performance of official duties may be paid from budgeted funds pursuant to reimbursement policies and procedures for employees of the County. Spartanburg County will also provide training and workshop training for Commissioners.

Section 5.01-5 Removal of Members

County Council may remove members of the Planning Commission at any time for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, South Carolina. Code, §30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

Section 5.01-6 Organization and Rules of Procedure

The Planning Commission shall organize, elect officers, and adopt rules of procedure as required by South Carolina Code, §6-29-360.

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ARTICLE 6 – DEFINITIONS

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code, or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel."

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

The term "Planning Commission" refers to the Spartanburg County Planning Commission, as reestablished by Article 6 of this Ordinance.

The term "Council" refers to the Spartanburg County Council.

Other words and terms defined herein are as follows:

Abutting – Sharing a common border; physically touching.

Airport – Any landing area, runway, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft including all necessary taxiways, aircraft storage and tie down areas, hangars, and other necessary buildings and open spaces.

Aviation Easement – The right of aircraft to fly above the plane formed by the approach, transition, horizontal, and conical zones as defined in Ordinance No. 75 of Spartanburg County and to generate noise not to exceed levels projected in the 1995 Ldn noise contours as defined in this ordinance.

Airport Hazard – Any structure, tree, or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

Area of Shallow Flooding – A designated AO or VO Zone shown on Flood Insurance Rate Maps (FIRM) with base flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard – The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

Asphalt Batch Plant – An establishment engaged in manufacturing asphalt-type roofing materials, asphalt and tar paving mixtures and paving block made of asphalt and various compositions of asphalt or tar with other materials to be used in building or construction; and the recycling of old asphalt into asphalt-type material. This does not include a Temporary Asphalt Batch Plant. These facilities are also known as hot mix asphalt plants, drum mix plants, or batch mix plants among others.

Asphalt Batch Plant, Temporary – A temporary Asphalt Batch Plant on an active construction site that processes asphalt only for use in a particular construction project and only for the duration of that project.

Asphalt Distribution Terminal, Liquid – Facility where liquid asphalt is received from a petroleum refinery and stored for distribution to an Asphalt Batch Plants.

Bar – (Also, Nightclub, Tavern, Pub, Cocktail Lounge, Disco) – An area primarily devoted to the servicing of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages (percentage of alcohol sales exceeds food sales).

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Base Flood – The 100-year flood elevation at any point within the flood plain of any given stream as determined by the Federal Emergency Management Agency on their Flood Boundary and Floodway Maps (FHBM) #450176, dated November 15, 1982.

Big-Box Retail – A singular retail or wholesale user who occupies no less than 50,000 square feet of GFA, typically requires high parking to building area ratios.

Breakaway Wall – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buildable Area – That portion of any lot which may be used or built upon when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

Building – Any structure built for support, shelter, or enclosure for any occupancy or storage.

Building, Accessory – A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, domestic animal shelters, pool houses, etc., when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building, Alteration – Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

Building, Principal – A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Bulk Storage and Distribution – The manufacture of or the receiving of liquids, gases, or solids by truck, tank vessel, pipelines, tank car, or tank vehicle, and storing, processing, or blending them in bulk for the purpose of distributing such liquids, gases, or solids by truck, tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.

Bulk Storage and Distribution Facility – A facility where Bulk Storage and Distribution occurs which has a combined capacity of 100,000 gallons or more. The facility may include terminal facilities, bulk stations, surge and storage tanks.

Bulk Storage and Distribution Facility for Fuel Products, Existing – A Bulk Storage and Distribution Facility for Fuel Products that existed as of September 16, 2013.

Business, Permanently Maintained – Any business which has at least one employee present at the site, providing goods and/or services to the community and available to the public for at least 36 hours per week on at least 4 days per week for 48 weeks per year. The activity, or a major portion of it, must be conducted from a permanent building, modular unit, or an open air use which the applicant can prove is considered part of the real estate and is taxed as a commercial use by the Spartanburg County Tax Assessor's Office.

Canopy Tree – A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

Certificate of Occupancy – A document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this Ordinance and the Building Code.

Church – A building or structure or group of buildings or structures, other than a private dwelling, where organized religious services are usually conducted.

Cluster Home Development – A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commercial Use – Any use or establishment of which the primary activity is the offering of goods or services to the public for a fee or other compensation. Lawful home occupations shall not be considered commercial uses for purposes of this ordinance. Any use meeting the definition of industry as well as of commercial use shall be considered industry.

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Conditional Use – A use of land or structure that, owing to special characteristics attendant to its operation or installation, is subject to specified conditions different from the general development requirements of this Ordinance.

DBH – Diameter at breast height, or the diameter (in inches) of a tree measured at four and one-half (4½) feet above the existing grade.

Density – The number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this Ordinance are expressed in dwellings units per gross acre; that is, per acre of land devoted to residential use is based on the total land area within a development tract or subdivision, excluding nothing.

Developer – An individual, partnership, or corporation (or agent therefore) that undertakes the activities covered by these regulations.

Development – Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DHEC – South Carolina Department of Health and Environmental Control.

Distressed Property – A vacant commercial or industrial building which, after a 30-month period of reasonable marketing efforts, has not been sold, leased, or otherwise placed into service.

Domestic Animal Shelter – A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot-bellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

Drainage – The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage way – Minor watercourses where water is concentrated which are defined either by topography or by the presence of intermittent or perennial streams or by legal description.

Driveway – A paved or unpaved area used for ingress and egress of vehicles and allowing access from a street to a building or other structure or facility.

Dwelling – A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment – (See dwelling, multi-unit)

Dwelling, Condominium – A multiplex dwelling unit in which the dwelling unit is individually owned, and the land is held in common.

Dwelling, Detached – A single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex – A building containing two dwelling units.

Dwelling, Group Occupied – A dwelling unit occupied by five (5) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Mobile Home – A single family dwelling that is wholly, or in substantial part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built prior to the enactment of the *Federal Manufactured Housing Construction and Safety Standards, June 15, 1976*.

Dwelling, Multi-Family – A building containing three (3) or more dwelling units on a single parcel of land.

Dwelling, Patio House – A single-family detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy.

Dwelling, Quadraplex – A build containing four (4) dwelling units.

Dwelling, Residential Designed Manufactured Home – A single-family dwelling built according to the *Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code*, which:

a. Has a minimum width over 20 feet (multiple-section);

b. Has a minimum of 900 square feet of enclosed living area;

c. Has a nominal minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;

d. Is covered with an exterior material customarily used on site-built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and

e. Has a roof overhang of not less than eight (8) inches.

Dwelling, Single-Family – A building containing one (1) dwelling unit.

Dwelling, Standard Designed Manufactured Home – A single family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the definition of a Residential Designed Manufactured Home.

Dwelling, Townhouse – A series of attached single-family dwelling units on separate lots which may or may not have a common roof and are separated from each other by common vertical walls.

Dwelling, Triplex – A single building containing three (3) dwelling units.

Dwelling, Zero Lot Line – A zero lot line dwelling is a single-family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines.

Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement – A right-of-way granted to another party for specific limited use.

Elevated Building – A non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, (post and piers), shear walls, or breakaway walls.

Evergreen Tree – A coniferous or deciduous tree that remains green throughout the year.

Family – One or more persons related by blood, marriage, adoption, or guardianship, and not more than five (5) persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws.

Family, immediate – The children, grandchildren, sibling, or parents of an individual, whether by blood, marriage or legal adoption.

Farmer's market – The seasonal offering of home-grown agricultural products directly to the consumer in an open-air market or pre-designated area where the vendors are generally individuals who have raised the vegetables or produce or taken the same on consignment for retail sale.

Federal Manufactured Home Construction and Safety Standards – Regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

Flea market – Any activity:

(i) at which two or more persons offer personal property for sale or exchange; and

(ii) at which a fee is charged for the privilege of offering or displaying personal property for sale or exchange; or

(iii) at which a fee is charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange; or

(iv) regardless of the number of persons offering or displaying personal property or the absence of fees, at which personal property is offered or displayed for sale or exchange if the event is held more than two days per month or more than twelve days per calendar year.

The term flea market is interchangeable with and applicable to "swap meet," "open air market", "jockey lot" or other similar terms where events are held under a semi-enclosed building or shelter

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or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business. Such activities that take place in a fully enclosed and secured building shall be treated in this Ordinance as medium-high intensity commercial use.

This term does not include sidewalk sales or other such merchandise owned by shopping centers or individual retail operations, sales conducted by nonprofit organizations, farmer's markets, or residential yard sales.

Flood - A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Hazard Boundary Map (FHBM) – An official map issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard are defined.

Flood Insurance Rate Map (FIRM) – An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones.

Flood Insurance Study – An official study provided by the Federal Emergency Management Agency.

Flood-resistant Material – Any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair.

Floodway – The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor – The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles.

Floor Area Ratio – An intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

Fuel Product – Any solid, gas or liquid that is used for fuel purposes and which is detonable, ignitable, or flammable. This term shall include, but not be limited to butane, propane, hydrogen, petroleum, diesel, natural gas, ethanol, methanol and other fuels and bio-fuels.

Garage, Private – (As defined by the Standard Building Code.)

Garage, Public – (As defined by the Standard Building Code.)

Gross Floor Area (GFA) – The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building which is designed for parking of motor vehicles.

Group Assembly, Limited – A meeting place at which the public is assembled regularly or occasionally for the purposes of, but not necessarily limited to, schools, daycares, churches, hospitals, banquet halls, auditoriums, conference centers, stadiums, theaters, public parks, and public or private clubs and lodges with occupancy levels of less than 200.

Group Assembly, Extensive – A meeting place at which the public is assembled regularly or occasionally for the purposes of, but not necessarily limited to, schools, daycares, churches, hospitals, banquet halls, auditoriums, conference centers, stadiums, theaters, public parks, and public or private clubs and lodges with occupancy levels of 200 or greater.

Habitable Dwelling – A dwelling meeting the minimum habitability requirements of this Ordinance, and other applicable regulations.

Hazard to Air Navigation – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous Chemical – Any gas, liquid or solid that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released. Materials and substances considered as Hazardous Chemicals shall be those contained within the listing published by the Environmental Protection Agency, as amended, under the provision of the Toxic Substances Control Act of 1976. A further listing of such materials

is found in Regulation No. 61-79.1 of the Rules and Regulations of the State of South Carolina, appended to the 1976 Code of Laws, as amended.

Height – The vertical distance of a structure or vegetation. In measuring for setbacks over 35 feet as found in Tables 3a and 3b, height measurements shall be taken from the ground adjacent to the building on the side where the setback is required.

High Intensity Commercial – Uses in this category may have some or all of the following characteristics:

- Drive-through windows or service lanes;
- Large scale and size; High traffic generation rates (300 or more vehicle trips/1000 square feet gross floor area);
- Live entertainment, amplified music or other activities that regularly generate noise that can be heard outside the building or off the premises;
- A type of business typically open for operation after 9 p.m. or before 6 a.m.;
- Outdoor storage of equipment, materials, and trash; and
- Servicing of vehicles and equipment.

Home Occupation – Any use of the principal building/structure on a residential lot which is incidental to the use for dwelling purposes and conducted for compensation by the resident thereof.

Improvement – Any man-made immovable item which becomes part of, placed upon, or is affixed to real estate.

Individual Waste Disposal System – A system which will treat and dispose of domestic sewage from a single house or residence without creating a nuisance or a potential health hazard.

Industry – The processing or handling of goods other than in a retail setting. Processing includes the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. Handling of goods includes storing and shipping goods and specifically includes storage elevators, truck storage yards, warehouses, wholesale storage and similar activities.

Industry, Light – An industrial use or building which, (1) does not utilize process water and which does not produce waste water, (2) contains all aspects of the industrial process within the building, (3) does not exceed a maximum height of two stories and a maximum floor area ratio of 50 percent, and (4) does not produce sound pressure (noise) level in excess of 45 decibels, measured at the nearest property line; (5) does not typically involve more than six trips per day of heavy trucks; and (6) does not involve regular or frequent maintenance or on-site operation of refrigerator or other heavy trucks;

Industry, Heavy – Any industrial use not classified as Light Industry.

Institutional Use – The use of land, buildings or structures for public and non-profit purposes, including religious, charitable, educational and health, and includes such uses as churches, places of worship, public or private schools, community centers, hospitals, etc.

Junkyard or Salvage Yard – terms used interchangeably to describe any business (property, structures) registered as such by Spartanburg County and whose purpose is to buy, sell or trade wrecked, dismantled or disabled motor vehicles or parts thereof, dismantled or inoperable industrial or commercial equipment, or machinery being salvaged for parts. These terms include vehicle dismantlers; auto salvage yards; auto recyclers; pick-a-part yards; and property used for wrecker, towing and impoundment purposes. The term does not include scrap metal processors.

Kennel – Any building(s), facility/facilities, or land that is used for the care or housing of dogs, cats, or other household pets for the purpose of breeding, boarding, training, show, grooming, or sale and where profit or reward is the intended end purpose. Uses that do not involve outdoor facilities for housing, boarding, training, or exercise are exempt from this definition.

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

Letter-of-Credit – See definition of Performance Guarantee.

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Lot – A parcel or single tract of land. The terms "lot", "lot of record", "property", or "tract", whenever used in this Ordinance are interchangeable.

Lot, Corner – A lot located at the intersection of two or more streets.

Lot, Flag – a lot with access provided to the bulk of the lot by means of a narrow corridor or stem/pole.

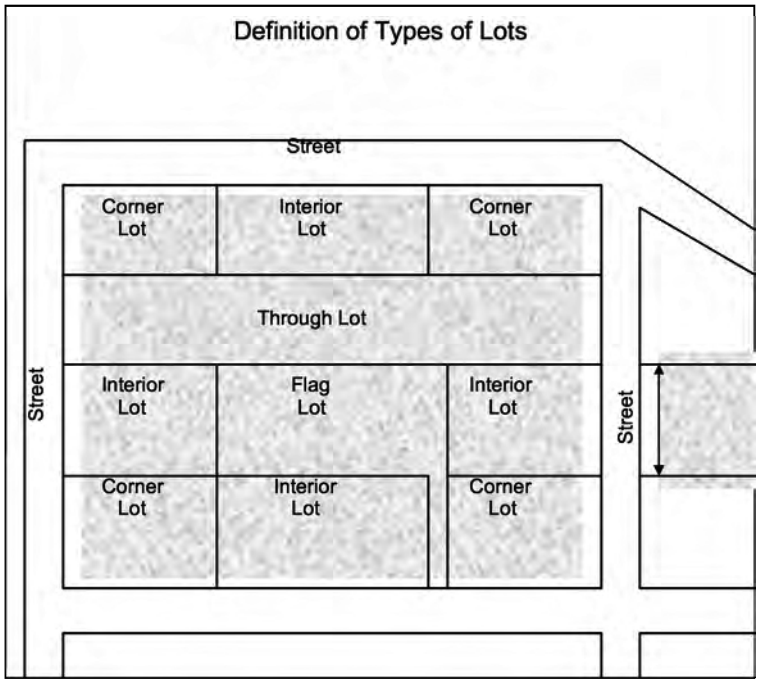
Lot, Interior – A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot, Reverse or Double Frontage – A lot having frontage on two non-intersecting roads, as distinguished from a corner lot.

Lot Area – The area contained within the boundary line of a lot.

Lot Depth – The horizontal distance between front and rear lot lines.

Lot Width – The width of the lot at the front building line.



Lot Frontage – Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Ordinance shall be provided, at each such line.

Lot Line – A line bounding a lot which divides one lot from another or from a street or any other public or private space.

Lot of Record – A parcel of land, created and recorded in compliance with all county ordinances at the time of recordation or that were recorded on or before September 30, 1974. Lots of record may or may not be buildable lots.

Lot of Record, Nonconforming – A parcel of land, which was created and/or recorded which was not in compliance with all County Ordinances at the time of creation and/or recordation or which was not approved by the Spartanburg County Planning Commission.

Low Intensity Commercial – Uses in this category have low traffic generation rates (less than 20 vehicle trips per day and/or 1,000 square feet gross floor area), operate primarily during the day, and do not include vehicle service stations, convenience stores, liquor stores, eating or drinking establishments.

Manufactured Home – A Manufactured Home, Residential Designed or a Manufactured Home, Standard Designed.

Manufactured Home Park – Three or more Manufactured/Mobile Homes or Manufactured Home Park Spaces which are located adjacent to one another and operated in a coordinated manner. The park may be located on a single parcel or multiple parcels. Multiple adjacent manufactured homes must meet the requirements for a Manufactured Home Park or the requirements of the subdivision regulations and Table 3 of this ordinance.

Manufactured Home, Residential Designed – A single-family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which:

a. Has a minimum width of 20 feet (multiple-section);

b. Has a minimum of 900 square feet of enclosed living area;

c. Has a minimum nominal 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;

d. Is covered with an exterior material customarily used on site-built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and

e. Has a roof overhang of not less than eight (8) inches.

Manufactured Home, Standard Designed – A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the definition of a Residential Designed Manufactured Home.

Manufactured Home Park Space – A plot or ground within a manufactured home park designed for the accommodation of one unit.

Mobile Home – A single-family dwelling that is wholly, or in substantial part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards HUD Code, June 15, 1976.

Medium Intensity Commercial – Typical uses in this category include entertainment uses and commercial uses such as auto accessory stores, blueprint and photostat stores, bowling alleys, private indoor clubs, commercial and trade schools (e.g., dance studios, schools for martial arts), funeral homes, mortuaries, garden supply and/or greenhouses (provided all sales on premises are retail), grocery stores and supermarkets (excluding convenience stores), hospitals, hotels/motels, ice cream stores, etc.

Mixed-Use Project – A Mixed-Use Project is a development which shall include at least two different uses from the following: Residential Single Family, Residential Multi-Plex Development, Commercial, Office, Institutional, and Light Industrial in one integrated project. The uses shall be planned and built per the percentages prescribed in the Ordinance.

Mixed-Use Project - Residential Only – A Mixed Use Project is a development which must include both Single Family Residential and an Attached Multi-Plex Development Project as described in Section 3.02 of this Ordinance. The uses shall be planned and built per the percentages prescribed in the Ordinance.

Modular Building Unit or Modular Structure – Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection.

Nonconformity – A nonconformity is any lot of record (see Lot of Record-Nonconforming), use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

Non-residential Use – A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Off-Site Hazardous Chemical Storage Facility – An establishment providing storage for Hazardous Chemicals for a period not to exceed two (2) years. These locations are not part of a manufacturing plant that uses Hazardous Chemicals in a manufacturing process on their site. Further, Off-site Hazardous Chemical Storage does not refer to active chemical distribution warehouses.

Open Space Ratio – The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the Total Site Area.

Parcel – A land area bounded by property lines that is recognized as such by the Spartanburg County Assessor's Office and which has been assigned a parcel identification number (PIDN) by the Spartanburg County Assessor's Office.

Park-Private – These are lots or parcel of land devoted to recreational pursuits both active and passive. The facilities can range from open landscaped area to tot lots, playgrounds, neighborhood parks, and playfields.

Park-Public – A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

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Performance Guarantee (Letter-of-Credit) – A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

Perimeter – The outermost property line in a development.

Plat – A map showing a plan for the development of land which is submitted for approval and is ultimately in final form for recording.

Playground – A place, other than grounds at a private dwelling, that is provided by the public or members of a community for recreation.

Public Improvement – Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for such public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Sponsorship – Sponsorship provided by local government or quasi-public organization (e.g., fire district, rescue squad, water district).

Premises – A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

Right-of-Way – A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.

Road – See definition of Street.

Roadside Stand – A temporary structure not permanently affixed to the ground with no space for customers inside and readily removable in its entirety, which is used solely as a location at which an individual farmer sells his/her produce directly to consumers. This is in contrast to a group or association of farmers selling their produce at a farmers' market.

Rural Event Venue – an intermittent use located in a rural setting, on a parcel of at least 5 acres, that may utilize temporary or permanent structures for the purpose of holding a private event to include weddings and private social events.

School – A building or structure or group of buildings or structures, other than a private dwelling, where the usual processes of education are conducted.

Scrap Metal Processor – Any person, firm or corporation whose principal business sells scrap metal to steel mills, foundries, exporters or other entities for re-melting, reusing, recycling, or other uses. Such firms or corporations are those operating from a fixed location and utilizing heavy machinery such as cranes, balers, grinders, and shearers for processing and manufacturing iron, steel, or non-ferrous metallic scrap.

Scrap Metal Processor, Existing – A Scrap Metal Processor in operation at a fixed location in Spartanburg County on [the effective date of this amendment].

Scrap Metal Processor, Indoor – A Scrap Metal Processor whose operations are contained wholly within an enclosed building and whose noise decibel level does not exceed 45 at any adjoining property line.

Shoulder – The graded part of a right-of-way that lies along the edge of the main pavement (main traveled way). This area of the roadway is often used to park vehicles in emergencies.

South Carolina Manufactured Housing Board – The Board authorized by State Statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which Board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Stall, flea market – An area (such as tables, booths, spaces, rooms, etc) within a flea market or open air market that is rented to an individual retailer.

Street – Any thoroughfare (drive, road, highway, avenue, boulevard, etc.) which has been dedicated, deeded or designated for vehicular traffic, public or private.

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Street, All Weather – A street or road constructed on a compacted sub-base of suitable material with a compacted stone base, a cross-section consisting of a crowned center, shoulders stabilized side slopes and a drainage system.

Street, Arterial – A street/road that carries traffic from region to region. These streets/roads are intended to provide for high speed travel between or within communities or to and from collectors and expressways. The concept of service to abutting land should be subordinate to the provision of travel service and major traffic movement.

Street, Collector – A street that connects minor streets to the highway systems major and high-speed arterial roads. The collector street provides both land access service and traffic service within residential neighborhoods, commercial and industrial areas. Collector roads form barriers between neighborhoods and are designed for higher speeds and traffic volumes than minor streets.

Street, Cul-de-sac – A street with a single common ingress and egress and with a turnaround at the end.

Street, Major Residential – an access street that provides frontage for residential lots and may carry a small amount of residential streets. Generally these streets serve 116 or more dwelling units and have an average daily traffic (ADT) volume greater than 1600.

Street, Minor Residential – A street that has the sole purpose of providing frontage for service and access to residential lots. These streets carry only traffic having either origin or destination on the street itself. Generally these streets serve 115 dwelling units or fewer, and have an average daily traffic (ADT) of 1159 vehicles or fewer.

Street, Public – Any street that serves two or more properties and is not necessarily within the maintenance responsibility of any public entity, but not to include private driveways. Property owners along said street have full and free access and may have one dwelling per lot of record.

Street/Road, Minor – a street/road that serves traffic to and from residences and a small amount of low intensity commercial development. A minor street/road typically serves up to 140 dwelling units and has an average daily traffic (ADT) of 1400 vehicles or fewer.

Structure – (As defined by the Standard Building Code.)

Structural Alteration – Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Substantial Improvement – Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include Americans with Disabilities Act compliance standards): or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years.

Tattoo Facility or Tattoo Parlor – Any room, space, location, area, structure, or business, or any part of these places where the business of tattooing is conducted.

Temporary Use – A prospective use, intended for a limited duration, and not involving the placement of permanent buildings or structures.

Transient merchant or vendor – Any person who engages in the temporary business of the retail sale and delivery of goods, wares or merchandise within the jurisdiction of Spartanburg County, and who does not operate inside a permanent structure that meets the commercial standards of this ordinance and the International Building Code. This definition shall not include merchants having regularly established places of business within the county if they are operating from their established place of business, persons who have obtained a temporary use permit from Spartanburg County, persons making sales at any annual fair, festival, annual celebration or observance, or regularly employed route salespeople.

Travel Trailer or Recreational Vehicle – A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is

designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

Understory Tree – A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Use – The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Accessory – See Building, Accessory.

Use, Principal – The primary purpose for which land is used.

Use, Temporary – A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Vacant Lot – An unimproved lot which is classified as vacant by the Spartanburg County Assessor's Office.

Variance – A modification of the area regulations of this Ordinance, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Vegetation – Any object of natural growth.

Wetlands – Areas of one-quarter (.25) acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Jurisdictional wetlands are those over which the U.S. Corps of Engineers has permitting jurisdiction.

Yard – An open space that lies between the principal or accessory building or buildings and the nearest lot line.

Yard, Front – A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, Rear – A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required – That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

Yard, Side – A yard extending the full length of the lot in the area between the side lot line and a side building line.

Yard Sale – All general sales open to the public, conducted from or on a residential premise for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "yard," "attic," "porch," "room," "backyard," " patio," or "rummage" sale. Selling items purchased for the purpose of resale (on an ongoing basis) shall not be considered a yard sale, but a business and shall meet the commercial requirements of this Ordinance, including buffers, setbacks and parking requirements.

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ARTICLE 7 – LEGAL STATUS PROVISIONS

Section 7.01 Conflict with Other Laws

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 7.02 Validity

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 7.03 Repeal of Conflicting Ordinances

The following ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

1. Spartanburg County Development Standards Ordinance, No. 452, and subsequent amendments thereto.
2. Spartanburg County Flood Damage Prevention Ordinance, No. 365, and subsequent amendments thereto.
3. Spartanburg County Subdivision Regulations, No. 429, and subsequent amendments thereto.
4. Spartanburg County Mobile Home Ordinance, No. 477, and subsequent amendments thereto.
5. Spartanburg County Junkyard Control Ordinance, No. 453, and subsequent amendments thereto.
6. Spartanburg County Sign Ordinance, No. 359, and subsequent amendments thereto.
7. Spartanburg Downtown Memorial Airport Environs Ordinance, No. 549.
8. Spartanburg County Multi-Family Development Ordinance, No. 336.

Section 7.04 Effective Date

This Ordinance shall take effect and be in force from and after 5:00 PM on December 31, 1999.

Section 7.05 Enforcement

1. All enforcement procedures, remedies, legal and equitable, processes, and penalties, provided in enabling statutes for local government ordinance violations, including ordinance summons, injunctions, mandamus, stop orders and warrants, and other applicable provisions of Section 56-7-80, et seq. and Section 6-29-950(a) et seq., Code of South Carolina 1976, are hereby adopted and incorporated by reference as if fully set forth.
2. The County Administrator is authorized to prescribe and approve such administrative policies and procedures, including forms, as he may deem appropriate for the proper administration and enforcement of this ordinance.

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motion shall be debated until it shall have been stated by the Chairperson. All questions of order shall be decided by the Chairperson without debate, subject to an appeal to the Council.

12-4. **MOTIONS TO RECONSIDER:** A motion to reconsider any action taken by the Council may be made only on the day such action was taken or at the next Regular Council Meeting. Such motion must be made by a Council member voting on the prevailing side, but may be seconded by any other Council member, and may be made at any time.

12-5. **MOTIONS THAT INTERRUPT A SPEAKER:** Only the following motions shall be permitted to interrupt a speaker:

12-5.1. A question of order. This question is to the effect that the rules of Council are not being adhered to. It is not debatable and does not require a second.

12-5.2. A question of privilege. This question relates to the rights and privileges of a member of Council, i.e., charges made against the official character of a member; that the member has not been furnished with pertinent information available to other members of Council; that the member did not hear or understand a statement presented to Council, etc. It does not require a second.

12-5.3. A motion to adjourn. This motion is not debatable but does require a second.

12-6. **MOTIONS THAT CANNOT INTERRUPT A SPEAKER BUT MAY INTERRUPT THE PROCEEDINGS:** The following motions cannot interrupt a speaker without the speaker's consent but may interrupt the proceedings and shall be received during debate:

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Spartanburg County Planning Commission
Rules and Procedures

Adopted: February 8, 2000
Revised: March 7, 2000
Revised: March 6, 2012
Revised: May 5, 2020

Article I
Organization

Section 1. Rules.

These rules of procedure are adopted pursuant to S.C. Code 6-29-360 and Spartanburg County Ordinance O-99-015 for the Spartanburg County Planning Commission, which consists of nine members appointed by the Spartanburg County Council.

Section 2. Officers.

The officers of the Commission shall be a chairman, vice-chairman, and secretary elected for one-year terms at the first meeting of the Commission in each calendar year. The Commission shall designate a member of the staff of the Spartanburg County Planning Department to assist as the secretary of the Commission.

Section 3. Chairman.

The chairman shall be a voting member of the Commission and shall:

a. Call meetings of the Commission;
b. Preside at meetings and hearings:
c. Act as spokesperson for the Commission;
d. Sign documents for the Commission;
e. Transmit reports and recommendations to Council;
f. Perform other duties as approved by the Commission.

Section 4. Vice-Chairman.

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, the Commission secretary shall exercise said duties.

Section 5. Secretary.

The secretary or staff designee shall:

A. Provide notice of meetings;
B. Assist the chairman in preparation of agendas;
C. Keep minutes of meetings and hearings;
D. Maintain Commission records as public records;
E. Attend to Commission correspondence; and
F. Perform other duties as needed.

Article II
Meetings

Section 1. Time and Place.

An annual schedule of regular meetings shall be adopted, published and posted at the entrance to the Spartanburg County Administrative Building and in the reception area of the Spartanburg County Planning Department in December of each year. Special meetings may be called by the chairman upon at least a 24-hour notice, posted and delivered to all members and local news media. Regular meetings shall be held at the place stated in the notices, and shall be open to the public.

Section 2. Compliance with the S. C. Freedom of Information Act (FOI) and the Americans with Disabilities Act (ADA).

The Commission shall comply with the requirements of the State of South Carolina Freedom of Information Statute and with the Americans with Disabilities Act;

Section 3. Agenda.

A written agenda shall be furnished by the secretary or staff designee to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items requiring a variance may not be added to the agenda at a meeting.

Section 4. Quorum

A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 5. Rules of Order

In conducting all business of this Commission, the Rules of Procedure adopted by Spartanburg County Council on November 13, 1995, as amended, shall be followed. In the event that County Council Rules cannot be applied; Robert's Rules of Order (current edition) shall apply. In case of a conflict of Rules or Procedures the more stringent shall apply.

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Section 6. Voting.

A member must be present to vote. Each member shall vote on every question unless disqualified by law due to a conflict of interest. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, and refrain from deliberating or voting on the question. The concurring vote of at least a majority of the members present and voting shall be required to reverse or affirm, wholly or in part, or modify any order, requirement, decision; or determination of the County Official, to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to take action on any matter arising under this Ordinance. An abstention for purposes of these rules, shall be construed as a "yes" vote.

Section 7. Conduct.

Except for public hearings, no person other than Commission members and appointed staff shall speak at a Commission meeting unless recognized by the Chairman and invited to speak. All persons speaking shall state their name for the public record.

Article III
Public Hearings

Section 1. Notice.

The secretary or designated staff shall give the notice required by statute or ordinance for all public hearings conducted by the Commission

Section 2. Procedure.

2.1 In matters brought before the Commission for public hearing which were initiated by an applicant, appropriate staff shall first give Commission an Overview of the application; the applicant, his agent or attorney shall be heard next, followed by members of the public, Individuals speaking must record their name with the Commission. The applicant shall have the right to reply last. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission shall determine.

2.2 Such public hearings shall be advertised as required by County Ordinance O-99-015. If there is no applicable law, public hearings shall be advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to such hearing with notices and agenda publicly posted following procedures outlined in "Meetings": Section 1.

2.3 A public hearing is understood to be a forum for people interested in the subject matter to present information to the Commission for their consideration as they deliberate an issue. It is

not a forum for opponents and proponents to debate their differences and neither is it a forum for debate or argument between members of the Commission and opponents or proponents, or each other.

2.4 Each speaker shall be limited to five (5) minutes unless the Commission authorizes one (1) extension of three (3) minutes.

2.5 The presiding officer may terminate a presentation that is covering the same information as presented by a previous speaker. Such speakers shall be encouraged to simply state their agreement with a previous speaker and bring new information to the subject.

2.6 In addition to verbal presentation, written material may be submitted to the Commission for their consideration.

2.7 Proponents and opponents will each be limited to a total of thirty (30) minutes for formal presentations on any agenda item. Notwithstanding the time limitations in Section 2.4, the proponents or opponents may opt to devote their entire time allocation to one or more speakers with the total time of all speakers not exceeding thirty (30) minutes. The presiding officer shall determine if this approach will be used by either side prior to recognizing the first speaker.

Article IV
Records

Section 1. Minutes.

The secretary or designated staff shall record, to the best of his/her technical capability, all meetings and hearings of the Commission on tape or by digital media and shall preserve them until final action is taken on all matters presented. The secretary or designee shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

Section 2. Reports.

The secretary or designee shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

Section 3. Attendance.

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Commission will recommend to the Spartanburg County Council the removal for cause of any member who is absent as provided in Section 2-121 of the County Code.

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Article V
Review Procedure

Section 1. Amendments.

The Commission may initiate amendments to the Subdivision Regulations, Performance Zoning Ordinance, and Unified Land Management Ordinance. The Commission may appoint appropriate study committees to study land use issues for possible inclusion in the ordinances. The Commission shall hold a public hearing on any proposed amendments to the regulations and ordinances, as required by 6-29-1110(2), S. C. Code, as amended, the notice of which shall be publically posted and advertised in a paper of general circulation within the County at least fifteen (15) days prior to the hearing date or at least thirty (30) days prior to the hearing date for amendments to the Subdivision Regulations. The Planning Commission shall forward said amendments to the County Council within thirty (30) days after completion of work on the proposed amendments, unless additional time is granted by County Council.

Section 2. Subdivision Plats.

All subdivisions as defined by to 6-29-1110(2), S. C. Code, as amended, which have been submitted for review shall be reviewed by designated staff members who may approve the plats for recording in the Register of Deeds Office. The Commission shall be informed in writing of all staff approvals pursuant to the Spartanburg County Subdivision Regulations at the next regular meeting, and the Commission shall vote to approve for the public record all such staff actions.

Section 3. Comprehensive Plan.

All Unified Land Management Ordinance, Performance Zoning Ordinance, and Subdivision Regulation amendments shall be reviewed for conformity with the adopted County Comprehensive Plan. Conflicts with the comprehensive plan shall be noted in any report to the governing body on a proposed amendment. The elements of the comprehensive plan shall be reviewed and updated on a schedule adopted by the Commission meeting the requirements of S.C. Code. 6-29-510(E).

Article VI
Finances

Section 1. Budget and Expenditures

Members of the Planning Commission shall be reimbursed for all required travel and other direct expenses incurred as provided for in Article 5 of the Unified Land Management Ordinance. In addition, at the discretion of the Spartanburg County Administrator, the Commission may receive compensation for services and expenses may be provided for special meetings and Commission training/seminars.

Article VII
Adoption and Amendment

Section 1. Adoption.

These rules were adopted by vote of a majority of the members of the Spartanburg County Planning Commission on February 8, 2000, and as amended March 7, 2000, March 6, 2012, and May 5, 2020.

Section 2. Amendment.

These rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the proposed written amendment is delivered to all members. Rules of Procedure, as amended, of Spartanburg County Council shall serve as a guide for amendment.

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Spartanburg County
Planning and Development
Department

Telephone 864-596-3570
Facsimile 864-596-3018

366 N Church Street, Suite 700
Spartanburg, SC 29303
http://www.spartanburgcounty.org

March 3, 2021

Blue Sky Associates, LLC
PO Box 5930
Spartanburg SC 29304

RE: T. Tree Farms RV Park – Major Land Site Plan

To Whom It May Concern:

On March 02, 2021, the Spartanburg County Planning Commission gave conditional Site Plan approval to the development referenced above.

This notification will be sent to the applicant, according to the application. If there are others affiliated with this project that should be sent this notification, please forward this on to them as well.

Major Land Site Plan approval will be completed upon receipt of all items required by the Unified Land Management Ordinance (ULMO), and listed below, and approvals by:

1. **Spartanburg County Public Works, Engineering Division (storm water);**
2. **Spartanburg County Building Codes (fire hydrant locations);**
3. **Spartanburg County GIS (road naming and addressing);**
4. **Submittal and Approval of Architectural Design Package;**
5. **ICW (water);**
6. **DHEC (septic permits).**

If you have any questions, please contact me at 864-598-7053.

Sincerely,

Brandy Blake

Brandy Blake
Planner II
Spartanburg County Planning & Development

cc: File

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APPENDIX D

ELECTRONICALLY FILED - 2023 Sep 01 2:58 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA	))	IN THE COURT OF COMMON PLEAS
	))	FOR THE SEVENTH CIRCUIT
COUNTY OF SPARTANBUIRG	))	
	))	Case No. 2023-CP-42-01221
South Carolina Native Plant Society,	))	
	))	
Appellant,	)	
	))	
vs.	)	
	)	
The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park		
Respondents.		
_____	)	

_____

STATE OF SOUTH CAROLINA	))	IN THE COURT OF COMMON PLEAS
	))	FOR THE SEVENTH CIRCUIT
COUNTY OF SPARTANBUIRG	))	
	))	Case No. 2023-CP-42-01367
South Carolina Native Plant Society,	))	
	))	
Appellant,	)	
	))	
vs.	)	
	)	
The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park		
Respondents.		

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STATE OF SOUTH CAROLINA	))	IN THE COURT OF COMMON PLEAS
	))	FOR THE SEVENTH CIRCUIT
COUNTY OF SPARTANBUIRG	))	
	))	Case No. 2023-CP-42-01226
The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*,	))	
	))	
Appellants,	))	
vs.		
Spartanburg County, SC, *et al.*,		
Respondents.		

STATE OF SOUTH CAROLINA	))	IN THE COURT OF COMMON PLEAS
	))	FOR THE SEVENTH CIRCUIT
COUNTY OF SPARTANBUIRG	))	
	))	Case No. 2023-CP-42-01545
The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*,	))	
	))	
Appellants,	))	
vs.		
Spartanburg County, SC, *et al.*,		

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_____)

_____

AFFIDAVIT OF DAN WHITTEN

Being under oath, Dan Whitten states as follows:

1. I am a resident of Inman in Spartanburg County and am 70 years old.

2. I am a graduate of Auburn University with a BS degree in Wildlife Management. I retired from Michelin North America after a 30-year career.

3. I am a Master Naturalist certified by the South Carolina Master Naturalist Program of Clemson University.

4. I am a member of the South Carolina Native Plant Society. I serve on the Board of the Upstate Chapter of the Society, I am a past president of the Upstate Chapter of the Society, and I currently serve as the Field Trip Chair of the Upstate Chapter.

5. I have also served on the Boards of the Friends of Jocassee, the Tyger River Foundation, and the Foothills Trail Conservancy. In retirement, I have also guided hikes and guided tours with Jocassee Lake Tours.

6. With the South Carolina Native Plant Society and the Master Naturalist Program, I lead plant surveys of natural areas in the Upstate region to identify native plants in those areas. Members of the Society participate in those surveys. When we conduct the surveys, we look for Dwarf-flower Heartleaf (*Hexastylis naniflora*), which is one of our area's rare plants. Dwarf-flower Heartleaf is listed as a Threatened Species under the federal Endangered Species Act and is a Highest Priority Species in South Carolina's Wildlife Action Plan prepared by the South Carolina Department of Natural Resources. In South

Carolina, Dwarf-flower Heartleaf is found only in limited areas of Greenville, Spartanburg, and Cherokee Counties, and only in rich, damp forests in restricted habitat.

7. Only on two occasions have our surveys located Dwarf-flower Heartleaf plants. On one occasion, we located Dwarf-flower Heartleaf on a conserved area in Spartanburg County. On another occasion, we found a small population of Dwarf-flower Heartleaf plants near a stream at a Heritage Preserve in Greenville County, which was established to protect another extremely rare plant, Bunched Arrowhead (*Sagittaria fasciculata*). We located and documented the existence of Dwarf-flower Heartleaf in that preserve.

8. During a work day sponsored at the Greenville County Preserve by the South Carolina Native Plant Society, as a member and volunteer I worked among those plants to remove invasive exotic plants that had established themselves among the Dwarf-flower Heartleaf.

9. The land on which the Dwarf-flower Heartleaf was located in Greenville County had been proposed to be part of a real estate development with many houses, a detention pond, and other infrastructure. The South Carolina Native Plant Society, local residents, and other conservation groups opposed the development because of its impact on the neighboring Heritage Preserve and rare plants. The developer abandoned its plans to develop the site, and the site was ultimately purchased by the South Carolina Department of Natural Resources and added to the Heritage Preserve. This addition protected the habitat of the Dwarf-flower Heartleaf plants.

10. In Spartanburg County where I live, the South Carolina Department of Natural Resources has established the Peters Creek Heritage Preserve to protect Dwarf-flower Heartleaf. I have visited that Preserve to see the Dwarf-flower Heartleaf on that Preserve.

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11. As Programs Chair for the Upstate Chapter of the South Carolina Native Plant Society, I arranged for the program for one of our monthly meetings to focus on the Peters Creek Heritage Preserve and the Dwarf-flower Heartleaf. The membership had the benefit of a presentation made by Dr. Gillian Newberry concerning that Preserve and the Dwarf-flower Heartleaf.

12. As a member of the South Carolina Native Plant Society, I have worked to locate, preserve, and protect Dwarf-flower Heartleaf and its habitat.

13. Dwarf-flower Heartleaf exist in moist, rich forests near streams, wetlands, and lakes, but not in all such areas even in the limited parts of Greenville, Spartanburg, and Cherokee Counties where it is found in South Carolina. Dwarf-flower Heartleaf has habitat requirements that restrict the areas that it will occupy. It spreads very slowly through ants carrying its seeds. Given its limited range and its specific habitat requirements and biology, it is likely that Dwarf-flower Heartleaf has occupied all the habitat that it will ever inhabit. When Dwarf-flower Heartleaf populations and habitats are lost, they will not be replaced elsewhere.

14. I have visited Goldmine Creek in Campobello, South Carolina. I have inspected properties around and near the proposed T. Tree Farms RV Park and have viewed parts of the site of the proposed RV Park from nearby and neighboring properties. There are populations of Dwarf-flower Heartleaf in the forest that occupies both sides of Goldmine Creek. I have seen Dwarf-flower Heartleaf on the site of the proposed T. Tree Farms RV Park and in the forest across the Creek and in the forest on both sides of the Creek downstream from the site of the proposed T. Tree Farms RV Park.

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15. I have reviewed the site plan that was conditionally approved by the Spartanburg County Planning Commission.

16. I am concerned that the construction of the RV Park according to this site plan, its stormwater infrastructure, its detention pond, and its septic system and drain field will destroy Dwarf-flower Heartleaf habitat and will probably destroy Dwarf-flower Heartleaf plants.

17. Dwarf-flower Heartleaf and its moist forest habitat are dependent upon the hydrology and groundwater of the habitat. I understand that the RV Park will be serviced by a septic sewage system and by a well for water. These systems will discharge sewage effluent into the groundwater and will withdraw water from the groundwater of the site. These impacts could harm the habitat of the Dwarf-flower Heartleaf on the site. I am unaware of any studies of the impacts of these systems on these rare plants and habitat, on and off the site of the RV Park.

18. RV Parks attract people to a location who look for recreational opportunities. It is inevitable that visitors will walk through the woods down to Goldmine Creek and otherwise through the Dwarf-flower Heartleaf on the site. This kind of foot traffic, and any kind of bicycle or other such activities, have the potential to harm and destroy Dwarf-flower Heartleaf plants and their habitat. The site plan for the RV Park does not indicate any barriers to protect the Dwarf-flower Heartleaf on the site or their habitat.

19. I am unaware of any survey to identify and locate Dwarf-flower Heartleaf on the site of the proposed RV Park.

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20. The South Carolina Native Plant Society and I personally oppose the site plan as conditionally approved by the Spartanburg County Planning Commission. This plan does not contain provisions to protect Dwarf-flower Heartleaf and its habitat on this site or downstream from this site, and I believe it will destroy Dwarf-flower Heartleaf habitat and probably destroy Dwarf-flower Heartleaf plants. The Society and I are parties in interest concerning the proposed RV Park, the conditional approval of the site plan for that RV Park by the Planning Commission, and the Commission's refusal to reconsider that action. The Society is representing my interest as a member of the Society in protecting and preserving Dwarf-flower Heartleaf and its habitat.

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I swear/affirm that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 17 day of July, 2023.

Dan Whitten

Dan Whitten

Witness my hand and seal this

17 day of July, 2023

Amber Gilbert

Notary Public for South Carolina

Commission Expires: 04/28/2032

Amber Gilbert
Notary Public-State of South Carolina
My Commission Expires
April 28, 2032

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APPENDIX B

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01226

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01545

ELECTRONICALLY FILED - 2023 Sep 01 2:58 PM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01367

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AFFIDAVIT OF GILLIAN NEWBERRY

Being under oath, Gillian Newberry states as follows:

1. I am a resident of Spartanburg, South Carolina.

2. I have a Ph.D. from the University of Wisconsin in botany, am a retired professor of biology at the University of South Carolina Upstate, and taught botany at that university for 33 years.

3. For decades, I have studied *Hexastylis naniflora* (Dwarf-flower Heartleaf), and I have worked for its conservation.

4. I located Dwarf-flower Heartleaf on my own property and have placed that property under a conservation easement with Spartanburg Area Conservancy (SPACE).

5. Over the years, I have performed monitoring studies of the Dwarf-flower Heartleaf for the United States Fish and Wildlife Service and have evaluated damage to the plant at Lake Blalock in Spartanburg. An example of my studies is *North Carolina and South Carolina Populations of Hexastylis naniflora*, site reports (maps and site observations) prepared for and submitted to the USFWS Southeast Regional Office, Atlanta, Georgia (1996).

6. My studies located and identified populations of Dwarf-flower Heartleaf at the Cowpens National Battlefield in Cherokee County, South Carolina, around Lake Blalock in Spartanburg County, around Lake Saranac in Spartanburg County, and in the Enoree River drainage area of Greenville County.

7. I urged the South Carolina Department of Natural Resources to establish the Peters Creek Heritage Preserve in Spartanburg County, which was established to protect populations of Dwarf-flower Heartleaf. I have also contributed financially to conserve property adjacent to the Preserve.

8. At one of its regular meetings, I have presented to the Upstate Chapter of the South Carolina Native Plant Society concerning the Peters Creek Heritage Preserve and the Dwarf-flower Heartleaf populations present at this site.

9. I have also joined the South Carolina Native Plant Society in plant surveys, which have included efforts to locate specimens of Dwarf-flower Heartleaf.

10. Dwarf-flower Heartleaf has a very limited range and habitat. It exists in three counties in South Carolina (Greenville, Spartanburg, and Cherokee) and some nearby Piedmont counties in North Carolina. Generally, its habitat consists of sandy-loam soils that are typically very deep, moderately permeable, and acidic. Its habitat is restricted to deciduous forests, frequently associated with *Kalmia latifolia* (mountain laurel) along rivers, lakes, and streams. It is usually found only on north-facing slopes and also on shaded areas near streams. It grows very slowly, and individual plants can live up to 100 years.

11. *Hexastylis naniflora* is a Threatened Species under the federal Endangered Species Act and a Highest Priority Species in the South Carolina Wildlife Action Plan prepared by the South Carolina Department of Natural Resources.

12. Dwarf-flower Heartleaf is a rare endemic species. It has a limited geographical range (parts of three South Carolina Counties and nearby North Carolina counties). Within those counties, it can be found only within a restricted band; for example, it does not exist in the central and southern parts of those counties or in the mountains. Within that geography, it exists only in limited places that have the characteristics listed above. And it is not always found in places that appear to meet the requirements for its habitat. The Campobello area of Spartanburg County has important and relatively large populations of

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this rare plant which offer more genetic diversity, which is important for the continued existence of the species.

13. I have visited Goldmine Creek in Campobello and the area around it. I have also inspected areas around the site of the RV Park property and viewed the site of the proposed T. Tree Farms RV Park from neighboring areas. When I visited the area, the Drawf-flower Heartleaf plants were flowering.

14. There are many populations of Dwarf-flower Heartleaf in the forest along the banks of Goldmine Creek. The Dwarf-flower Heartleaf is within the forest that runs down to Goldmine Creek on both sides of the creek. I saw one or more Dwarf-flower Heartleaf plants on the site of the RV Park. I would expect there would be more Dwarf-flower Heartleaf plants in the forest on the RV Park site, on the forested slope running up the hillside. The forest on the RV Park site along Goldmine Creek and running up the slope from the creek is prime habitat for Dwarf-flower Heartleaf.

15. I have reviewed the site plan for the RV Park that was before the Spartanburg County Planning Commission. This plan indicates that storm water infrastructure, including a detention pond, will be built in the forest habitat of Dwarf-flower Heartleaf running down to Goldmine Creek and that the drain field for the septic system will be built in the forest. The plan does not indicate any features designed to protect the plants, such as an area of set aside habitat or barriers to prevent incursions into the habitat. A detailed survey would be required to identify all the Dwarf-flower Heartleaf plants on the site. I would expect that the construction of the stormwater infrastructure, the detention pond, and the septic system infrastructure and the associated activity of construction personnel,

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equipment, land disturbance, and runoff will destroy one or more Dwarf-flower Heartleaf. This activity will destroy and disturb habitat for Dwarf-flower Heartleaf.

16. There are Dwarf-flower Heartleaf downstream of the RV Park site. Some of them hang over the bank of Goldmine Creek and some are right beside the creek. I am concerned that any increase in the flow or volume of Goldmine Creek or the height and force of floodwaters of Goldmine Creek could scour Dwarf-flower Heartleaf and degrade streamside habitat. The existing plan for a stormwater system that collects stormwater and directs it to a detention pond, which may discharge into Goldmine Creek, may cause such harm to the plants. In addition, I am concerned that the construction and operation of the RV Park will result in compaction of the soil and increasing runoff and decreasing recharge of groundwater. Unless a well-designed stormwater management plan is implemented which provides for infiltration of stormwater into the forest, the plan for the RV Park may produce increased stormwater flows through stormwater infrastructure and/or over the land that adversely impact Goldmine Creek and thereby plants near the creek.

17. The habitat of Dwarf-flower Heartleaf consists of, among other things, moist forests. Its habitat is highly dependent upon the groundwater and hydrology of the site. During drought years, populations of Dwarf-flower Heartleaf have suffered from the reduced groundwater in forests. I understand that the proposed RV Park will discharge sewage effluent from a septic system and that it will withdraw water from the groundwater at the site through a well system. These discharges and withdrawals have the potential to change the water quality and quantity of the groundwater and hydrology of the Dwarf-flower Heartleaf habitat and could do substantial damage to the habitat. Significant

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groundwater and hydrology studies would be needed to determine the impact of the proposed systems on this rare species and its habitat.

18. Dwarf-flower Heartleaf is an endemic plant to a limited number of counties that has very restricted habitat requirements. It spreads very slowly by its seeds being moved by ants and can only spread within areas that meet its restricted habitat requirements. Once an area of habitat has been destroyed, the habitat and the Dwarf-flower Heartleaf populations within it will not be replaced elsewhere. Their destruction will constitute permanent loss of habitat and populations for this rare species.

19. I am a member of the South Carolina Native Plant Society and, as set out above, have worked for decades to study and conserve Dwarf-flower Heartleaf and to educate students, residents, and government agencies concerning this rare species. I have worked specifically on these matters in Spartanburg County. I am concerned that the proposed RV Park will do significant harm to Dwarf-flower Heartleaf habitat and will destroy Dwarf-flower Heartleaf plants. I am a party in interest concerning this proposed RV Park and the conditional approval of its site plan by the Spartanburg County Planning Commission. The South Carolina Native Plant Society represents my interests in these matters.

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I swear/affirm that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 7th day of July, 2023.

Gillian Newberry

Witness my hand and seal this
7th day of July, 2023

Notary Public for South Carolina
Commission Expires: 4/21/2032

JO ELLEN CLUBB
MY COMMISSION
EXPIRES
04/21/2032
NOTARY PUBLIC
SOUTH CAROLINA

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APPENDIX E

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01367

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STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01226

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01545

AFFIDAVIT OF RICK HUFFMAN

Being under oath, Rick Huffman states as follows:

1. I am a resident of Pickens, South Carolina, and am 70 years of age.

2. I am a 1993 graduate of the School of Environmental Design and Landscape Architecture of the University of Georgia and received a B.S. degree in landscape architecture.

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3. I am principal and founder of Earth Design, Inc. I have over 30 years of experience in landscape design, horticulture, bioengineering, and ecology. I am a member of The American Society of Landscape Architects.

4. I have received the Environmental Awareness Award from the State of South Carolina (2006); Environmental Educator of the Year Award from the Environmental Educators Association of South Carolina (2003); and Volunteer of the Year Award from Upstate Forever (2010).

5. I am a founder and past president of the South Carolina Native Plant Society and a member of the Society's Board. I have been designated by the Society to be a Society representative with respect to this litigation. I am also serving as the Advocacy Chair of the Society. I am a member of the South Carolina Native Plant Society.

6. The South Carolina Native Plant Society is a non-profit organization committed to the preservation and protection of native plant communities in South Carolina. The Society works to protect South Carolina's native plants and their habitats. The Society does its work through its volunteers and its chapters. The Society has an Upstate Chapter that works in the upstate counties of South Carolina, including Greenville, Spartanburg, and Cherokee Counties. The Society has hundreds of members throughout South Carolina, including the Upstate.

7. The South Carolina Native Plant Society, its Upstate Chapter, and its members have worked for years to conserve and protect *Hexastylis naniflora* (Dwarf-flower Heartleaf). Dwarf-flower Heartleaf is a rare plant with a significant part of its limited habitat in three Upstate South Carolina counties – Greenville, Spartanburg, and Cherokee. Dwarf-flower Heartleaf is a Threatened species under the federal Endangered Species Act and has been

designated by the South Carolina Department of Natural Resources as a Highest Priority Species in the South Carolina Wildlife Action Plan.

8. Some of the activities the Society and its members have undertaken to protect the Dwarf-flower Heartleaf include: The Society and its Upstate Chapter have successfully opposed a proposed subdivision in Greenville County that would have been built among Dwarf-flower Heartleaf plants and their habitat in a forest near Travelers Rest, South Carolina; have surveyed for Dwarf-flower Heartleaf; have removed exotic species from the habitat of Dwarf-flower Heartleaf; have visited and learned about the Peters Creek Heritage Preserve in Spartanburg County, which was established to protect populations of Dwarf-flower Heartleaf; helped create and expand the Peters Creek Heritage Preserve; have met with the leaders of a home-owners association to educate them concerning Dwarf-flower Heartleaf on association-owned property; and have participated in and conducted scientific studies of Dwarf-flower Heartleaf and its habitat.

9. I personally have advocated for the protection of Dwarf-flower Heartleaf, have visited the Peters Creek Heritage Preserve to see the Dwarf-flower Heartleaf, and have participated in Society meetings where presentations were made concerning the Dwarf-flower Heartleaf. I am very concerned that Dwarf-flower Heartleaf habitat will be destroyed by the proposed T. Tree Farms RV Park in Campobello, South Carolina, and that Dwarf-flower Heartleaf plants will probably be destroyed by that RV Park, its construction, and operation.

10. I have visited Goldmine Creek in Campobello and have inspected properties around and downstream of the proposed RV Park site. I have also viewed the proposed RV Park site from neighboring properties.

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11. There are Dwarf-flower Heartleaf populations on both sides of Goldmine Creek in the forest that exists on the hillsides that slope down to the creek. There are Dwarf-flower Heartleaf on the RV Park site and in the forest across from and downstream from the RV Park site.

12. I have reviewed the site plan for the proposed RV Park that the Spartanburg County Planning Commission conditionally approved. I believe that the construction of the stormwater infrastructure, the detention pond, and the septic field in the forest that leads down to Goldmine Creek will probably destroy Dwarf-flower Heartleaf plants and will destroy their forest habitat.

13. Dwarf-flower Heartleaf is a rare plant found in limited habitat. It exists only in limited areas of a few counties and only in specific habitats within those areas – in moist forests near streams, wetlands, and lakes. Further, it does not exist in all such forests within this limited area and is rarely encountered. This plant is very slow to expand its populations. Once a population of Dwarf-flower Heartleaf and its habitat are destroyed, they will not be replaced. This rare plant has likely occupied all the habitats that will support it within its very limited range, and the loss of some of its habitat is a loss that cannot be replaced. The pressures of development, agriculture, and forestry within the Upstate of South Carolina have been for years and continue to be a present and growing threat to Dwarf-flower Heartleaf and its habitat.

14. Further, Dwarf-flower Heartleaf and its habitat are very dependent upon the hydrology and groundwater of the moist forests where they are found. I understand that the proposed RV Park will be serviced by a well, in addition to a septic system. These systems will withdraw water from the groundwater of the site and discharge sewage

effluent into the groundwater. These impacts to the hydrology of the site will impact both the water quantity and water quality of the forest. I am aware of no studies to determine the impact of these systems on the forest, the Dwarf-flower Heartleaf, or its habitat on the site. These systems may have irreversible effects on the Dwarf-flower Heartleaf and its habitat on the RV Park site.

15. The operation of an RV Park includes the presence of many people on the site who will inevitably walk through the forest and down to the stream. The site plan contains no barriers or other features to prevent foot traffic from trampling Dwarf-flower Heartleaf plants or damaging the habitat of Dwarf-flower Heartleaf. I am unaware of any survey to determine the location of specific Dwarf-flower Heartleaf plants on the site or to delineate its habitat on the RV Park site.

16. The Society and I personally oppose the site plan as approved by the Spartanburg County Planning Commission. This plan does not contain provisions to protect Dwarf-flower Heartleaf and its habitat on this site or downstream from this site, and I believe it will destroy Dwarf-flower Heartleaf habitat and will probably destroy Dwarf-flower Heartleaf plants. The Society and I are parties in interest concerning the proposed RV Park, the conditional approval of the site plan for that RV Park by the Planning Commission, and the Commission's refusal to reconsider that action. The Society represents my interests in these matters.

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I swear/affirm that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 17th day of July, 2023.

Rick Huffman

Witness my hand and seal this

17 day of July, 2023

Notary Public for

Commission Expires

VIRGINIA LERCH
Notary Public, State of South Carolina
My Commission Expires 4/16/2029

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APPENDIX C

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01221

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG South Carolina Native Plant Society, Appellant, vs. The Spartanburg County Planning Commission and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01367

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STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01226

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBUIRG The Enclave at Fairview Farm, Homeowners' Association, Inc., *et al.*, Appellants, vs. Spartanburg County, SC, *et al.*, Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH CIRCUIT Case No. 2023-CP-42-01545

AFFIDAVIT OF L.L. GADDY

L.L. Gaddy, Ph.D. states as follows:

1. I am a resident of Columbia, South Carolina. I am 74 years of age.

2. I hold a Ph.D. from the University of Georgia in biogeography.

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3. Since 1998, I have been President of terra incognita, an environmental consulting firm. A large part of our services at terra incognita has been conducting inventories for species protected under the federal Endangered Species Act.

4. I am the author of a number of books including: A Naturalist's Guide to the Southern Blue Ridge Front (University of South Carolina Press 2000); The Natural History of Congaree Swamp (Total Outdoors Imaging 2013); and Spiders of the Carolinas (Kollath-Stensaas Publishing 2009).

5. I am the author of numerous articles concerning botany, invertebrate zoology, and natural history.

6. I am the author of many studies and articles concerning plants in the genus *Hexastylis*, including *Hexastylis naniflora* (dwarf-flower heartleaf). Those articles include: *Hexastylis shuttleworthii var. harperi (Aristolochiaceae), a new variety of heartleaf from Alabama and Georgia*, SIDA Contributions to Botany (1987); *A new species of Hexastylis (Aristolochiaceae) from the Sandhills of North and South Carolina*, Guy L. Nesom (2011); *The Status of Hexastylis naniflora Blomquist in North Carolina*. Unpublished Report. Plant Conservation Program, North Carolina Department of Agriculture, Raleigh, NC; *A New Hexastylis (Aristolochiaceae) From Transylvania County, North Carolina,* Brittonia 38: 82-85 (1986); *Twelve new ant-dispersed species from the southern Appalachians*, Bulletin of the Torrey Botanical Club 113: 247-251 (1986).

Finally, I published *A Review of the Taxonomy and Biogeography of Hexastylis*, Castanea 52: 186-196 as a review of the taxonomy of the genus in 1987, and with Alan W. Whittemore, the

taxonomic treatment of *Hexastylis* (Pp. 54-58 in Flora of North America, eds. Flora of North America Editorial Committee: Oxford University Press) in Flora of North America, also in 1997.

7. Since 1981, I have studied *Hexastylis naniflora* (Dwarf-flower Heartleaf), its ecology, its pollination, and its habitat. I have also conducted surveys of sites to locate Dwarf-flower Heartleaf populations and their habitat.

8. Dwarf-flower Heartleaf is a Threatened Species under the federal Endangered Species Act and has been designated by the South Carolina Department of Natural Resources as a Highest Priority Species in the South Carolina Wildlife Action Plan.

9. Peters Creek Heritage Preserve in Spartanburg County was established by the South Carolina Department of Natural Resources to protect populations of Dwarf-flower Heartleaf.

10. I have surveyed the area around the proposed T. Tree Farms RV Park in Campobello, South Carolina and have examined portions of the proposed site that are visible from neighboring properties. There are many populations of Dwarf-flower Heartleaf on properties around and downstream of the proposed RV Park site in the drainage area of Goldmine Creek. There are also Dwarf-flower Heartleaf on the proposed RV Park site. Attached is a copy of a report I prepared concerning this survey.

11. Dwarf-flower Heartleaf grows close to the ground. It is dependent upon a habitat of moist forests with specific soil types. Its seeds are dispersed by ants, and it expands its population very slowly. This species is very habitat-dependent and is sensitive to disturbances of its habitat.

12. There is a forest that is on the banks of Goldmine Creek and that slopes down to Goldmine Creek. This forest is habitat for Dwarf-flower Heartleaf. The forest on the RV Park site is part of this forest and is habitat for Dwarf-flower Heartleaf.

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13. I have reviewed the attached plan for the proposed RV Park that was before the Spartanburg County Planning Commission. It indicates that a septic tank field will be built in the area of the forest habitat of the Dwarf-flower Heartleaf and that stormwater infrastructure, including a detention pond, will be built in the forest habitat of the Dwarf-flower Heartleaf.

14. From my survey of the site and the nature of the forest on the RV Park site, the construction of these aspects of the RV Park and the associated construction activities when this infrastructure is built will probably kill Dwarf-flower Heartleaf. A complete plant survey should have been conducted before a development plan was put together for this site, and a complete plant survey should be conducted for the site.

15. This infrastructure and the associated construction activity will also destroy habitat of Dwarf-flower Heartleaf. Cutting the forest, moving earth, the operation of equipment, the activity of construction personnel, and associated runoff and siltation will be extremely harmful to the forest habitat and to Dwarf-flower Heartleaf plants. The damage done to the habitat and the plants will not be reversible.

16. The proposed septic system will discharge into the groundwater of the forest. I also understand that there is a plan for the RV Park to be serviced by a well on the site. A well will withdraw clean water from the groundwater supply of the RV Park site and the forest leading down to Goldmine Creek. Dwarf-flower Heartleaf and its habitat are very dependent upon the groundwater and hydrology of the site. Discharges from the septic system and withdrawals from the well system will impact the hydrology of the site on which the Dwarf-flower Heartleaf depends. Without extensive studies, it cannot be established that these impacts on the hydrology of the site will not seriously harm the Dwarf-flower Heartleaf and its habitat on the RV Park site.

17. The site plans do not indicate that any wall or barrier will be built to separate construction activity and, ultimately, RV Park activity from the Dwarf-flower Heartleaf plants and their habitat. Activity of construction personnel, equipment, runoff, siltation, RV Park users, bicycles, and motorized vehicles in the habitat of the Dwarf-flower Heartleaf will kill Dwarf-flower Heartleaf plants that are present and degrade and destroy Dwarf-flower Heartleaf habitat.

18. Dwarf-flower Heartleaf is a narrow endemic species. Although in any given population, the plant may be common, it exists only in limited areas in three counties in South Carolina (Greenville, Spartanburg, and Cherokee) and a few Piedmont North Carolina Counties. In that restricted range, it is found only on a few soil types that occur along some streams, in bogs, and on bluffs. Even in such areas, Dwarf-flower Heartleaf is often not found to exist. As set out above, it spreads very slowly, and the extent of its ability to spread is severely limited by its habitat requirements. Because of its very specific habitat requirements, its limited range, its rarity, and its limited ability to spread, when a population of Dwarf-flower Heartleaf and its habitat are lost, the plants and their habitat will not be replaced somewhere else, and they are very unlikely to be able to be restored on site once destroyed.

19. In addition, because of genetic similarity from plant to plant, narrow endemics are very susceptible to extinction from disease, ecological disasters, and climate change.

20. Consequently, if construction, infrastructure, and other activity on the RV Park site move forward and destroy Dwarf-flower Heartleaf plants, populations, and/or their habitat, those natural features of the RV Park site cannot be replaced. A loss of populations of this narrow endemic species and a loss of its habitat are harms that cannot be corrected.

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21. Downstream of the RV Park site, Dwarf-flower Heartleaf exist on other properties directly on the banks of Goldmine Creek, hanging over the stream, and on the edge of the stream. Any increase in the flow of Goldmine Creek or in the velocity and magnitude of floodwaters of Goldmine Creek creates an increased risk that Dwarf-flower Heartleaf plants downstream of the RV Park site will be destroyed and that their stream-side habitat will be eroded or scoured away. The attached plan for the RV Park site includes a detention pond that appears to discharge into Goldmine Creek. I am concerned that this alteration of the normal infiltration and flow of stormwater in the forest and this concentration and apparent discharge of stormwater into Goldmine Creek create an increased risk for Dwarf-flower Heartleaf plants and habitat downstream of the RV Park site.

22. In addition to my professional activities as a naturalist and botanist, I am a member of the South Carolina Native Plant Society. As a member of the Society, I am concerned that the proposed RV Park and the activities to construct the proposed RV Park will kill Dwarf-flower Heartleaf plants and harm and destroy habitat for Dwarf-flower Heartleaf. The proposed RV Park and its construction will harm a species and the habitat of a species that I have studied for years during my professional career. I am a party in interest concerning this proposed RV Park, the conditional approval of its site plan by the Spartanburg County Planning Commission, and the Commission's failure to reconsider that action. The South Carolina Native Plant Society represents my interests in these matters.

I swear/affirm that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 19 day of July, 2023.

L.L. Gaddy

Witness my hand and seal this
19th day of July, 2023

Notary Public for SC

Commission Expires: 9/1/2027

MATTHEW H. LECROY NOTARY PUBLIC COMM. EXP. 09-01-2027 SOUTH CAROLINA

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DEED 59D PG621

CONSERVATION EASEMENT

THIS INDENTURE, made this 14th day of February, 1989, by and between Raintree Homeowners Association ("Grantor"), c/o Mr. Donald Morin, 238 Briarcreek Drive, Spartanburg, SC, 29304 and THE NATURE CONSERVANCY ("Conservancy"),a nonprofit corporation organized and existing under the laws of the District of Columbia, with an address of 1815 North Lynn Street, Arlington, Virginia 22209.

RECORDED
1992 AUG 14 AM 9:29
R.M.C.
SPARTANBURG, S.C.

WHEREAS, the Grantor is the owner in fee simple of certain real property (hereinafter referred to as the "Protected Property") which has aesthetic, scientific, educational, and ecological value in its present state as a natural area which has not been subject to development or exploitation, which property is described as follows:

All that certain piece, parcel, or tract of land containing 3.98 acres of land, more or less, located in the County of Spartanburg, State of South Carolina, being more fully described on a survey plat of Raintree Subdivision surveyed by Neil R. Phillips, dated May 14, 1979 and recorded in plat book 83 at page 628 in the RMC Office for Spartanburg County. Said property being included under a land use restriction, protective covenants and building standards recorded in book 46 at pages 263 through 267 in the RMC Office for Spartanburg County.

WHEREAS, the Protected Property is a natural area which contains a population of Hexastylis naniflora (dwarf-flowered heartleaf), a threatened species proposed for listing under the Federal Endangered Species Act of 1973, as amended (Federal Register 53 (77): 13223-13226) in the Federal Register April 21, 1988 and has substantial value as a natural, ecological and scientific resource; and

WHEREAS, The Nature Conservancy is a nonprofit corporation whose purpose is to preserve and conserve natural areas for aesthetic, scientific, charitable and educational purposes; and

WHEREAS, Section 27-9-10 et seq. of the South Carolina Code Ann. (1976, as amended) permits the creation of conservation easements for the purposes of, inter alia retaining land or water areas predominantly in their natural, scenic, open or wooded condition or as suitable habitat for fish, plants, or wildlife; and

WHEREAS, Grantor and Conservancy recognize the natural, scenic, aesthetic, and special character of the Protected Property, and have the common purpose of the conservation and protection in perpetuity of the Protected Property as "a relatively natural habitat of fish, wildlife or plants or similar ecosystem" as that phrase is used Public Law 96-541, 26 USC 170(h)(4)(a)(ii), as amended and in regulations promulgated thereunder by placing voluntary restrictions upon the use of the Protected Property and by providing for the transfer from the Grantor to the Conservancy of affirmative rights for the protection of the Protected Property; and

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WHEREAS, "natural, scientific, educational, aesthetic, scenic and recreational resource," as used herein shall, without limiting the generality of the terms, mean the condition of the Protected Property at the time of this grant, evidenced by:

A) The appropriate survey maps from the United States Geological Survey, showing the property line and other contiguous or nearby protected areas;

B) A map of the area drawn to scale showing all existing man-made improvements or incursions (such as roads, buildings, fences, or gravel pits), vegetation and identification of flora and fauna (including, for example, rare species locations, animal breeding and roosting areas, and migration routes), land use history (including present uses and recent past disturbances), and distinct natural features (such as large trees and aquatic areas);

C) An aerial photograph of the property at an appropriate scale taken as close as possible to the date the donation is made; and

D) On-site photographs taken at appropriate locations on the property;

and other documentation possessed (at present or in the future) by the Grantor which the Grantor shall make available to the Conservancy, its successors and assigns, which documentation shall be sufficient to establish the condition of the property at the time of the gift.

NOW, THEREFORE, the Grantor for good and valuable consideration paid by the Conservancy, the receipt of which is hereby acknowledged by the Grantor, and of the covenants, mutual agreements, conditions and promises herein contained, the Grantor does hereby freely give, grant, bargain, sell and convey unto the Conservancy, its successors and assigns, forever, a conservation easement over the Protected Property consisting of the following:

AFFIRMATIVE RIGHTS

1. The right of visual access to and view of the Protected Property in its natural, scenic, open and undisturbed condition.

2. The right of the Conservancy, in a reasonable manner and at reasonable times, to enter the Protected Property for the purposes of inspecting same to determine compliance herewith, to enforce by proceedings at law or in equity the covenants hereinafter set forth including, but not limited to, the right to require the restoration of the Protected Property to its condition at the time of this grant. The Conservancy, or its successors or assigns, does not waive or forfeit the right to take action as may be necessary to insure compliance with the Covenants and purposes of this grant by any prior failure to act. Nothing herein shall be construed to entitle the Conservancy to institute any proceedings against Grantor for any changes to the Protected Property

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due to causes beyond the Grantor's control such as changes caused by fire, floods, storm or unauthorized wrongful acts of third persons.

3. The right of the Conservancy, its employees, agents, or assigns to enter the Protected Property for the purpose of removing or controlling exotic plants.

AND IN FURTHERANCE of the foregoing affirmative rights, the Grantor, on behalf of the Grantor, his heirs, successors and assigns, and with the intent that the same shall run with and bind the Protected Property in perpetuity, does hereby make, with respect to the Protected Property, the following:

COVENANTS

1. (Vegetation) There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation, nor any disturbance or change in the natural habitat in any manner, except for the control of exotic species as recommended by the Conservancy. There shall be no planting or introduction of any species of vegetation.

2. (Uses) There shall be no agricultural, commercial or industrial activity undertaken or allowed; nor shall any right of passage across or upon the Protected Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.

3. (Animals) No dogs, cats, or other animals, domestic or exotic, shall be allowed on the Protected Property.

4. (Topography) There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land in any manner, excepting rights retained by Grantor.

5. (Buildings) There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures, excepting rights retained by Grantor.

6. (Roads) There shall be no building of new roads or any other rights of way nor widening of existing roads.

7. (Waters) There shall be no disruption of tidal pattern by damming, dredging or construction in any free flowing water body, nor construction of any weirs, groins, nor dikes in any marshlands, nor any manipulation or alteration of natural water courses, fresh water lake and pond shores, marshes, or other water bodies nor any activities or uses detrimental to water purity.

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8. (Vehicles) There shall be no operation of dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles, excepting rights retained by Grantor.

9. (Construction) There shall be no construction or placing of temporary or permanent buildings, docks, bridges, piers or other structures, excepting rights retained by Grantor.

10. (Prohibited Use) Any use of the Protected Property and any activity thereon, which, in the opinion of Grantee, is or may become inconsistent with this grant, being the preservation of the Protected Property predominantly in its natural condition and the protection of environmental systems, is prohibited.

In the event that a breach of these restrictions by the Grantor or by a third party comes to the attention of the Conservancy, the Conservancy must notify the Grantor in writing of such a breach. The Grantor shall have 30 days after receipt of such notice to undertake actions including restoration of the Premises that are reasonably calculated to correct swiftly the conditions constituting such a breach. If the Grantor fails to take such corrective action, the Conservancy shall at its discretion undertake such actions, including appropriate legal proceedings, as are reasonably necessary to effect such corrections; and the cost of such corrections, including the Conservancy's expenses, court costs and legal fees shall be paid by the Grantor, provided the Grantor is determined to be responsible for the breach.

NEVERTHELESS, and notwithstanding any of the foregoing provisions to the contrary, the Grantor reserves for himself, his heirs, successors and assigns the following Reserved Rights, which may be exercised after providing written notice to Conservancy; PROVIDED, however, that the exercise of such rights is not inconsistent with the conservation interests associated with the Protected Property.

RESERVED RIGHTS

1. Maintain and/or reconstruct in the exact same location an elevated wooden boardwalk located on the Protected Property with dimensions of 30' long, 3' wide and 3'6" to 10'4" high. The current wooden boardwalk being located within a 20' easement area and portion of the undeveloped area noted on Exhibit A. No creosote treated materials will be used for reconstruction.

2. Maintain and/or reconstruct in the exact same location two (2) fenced tennis courts and surrounding landscape shrubbery on the Protected Property with dimensions of 120' long, 108'4" wide, and 10' high. The current tennis court area being located on the undeveloped area noted in Exhibit A.

3. Maintain and utilize an existing roadbed on the Protected Property running from Byron Terrace to the tennis courts noted in Exhibit A. Such use will be restricted to maintenance vehicle access only. No

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improvements, widening, paving, graveling, etc. shall be permitted.

4. Mow, cut, and trim vegetation in a field located on the Protected Property identified in Exhibit A. There shall be no spraying or application of any herbicides, pesticides, or fertilizers in this area.

5. Construct a 600 square foot wooden picnic shelter in the field area noted in Exhibit A. The shelter will be constructed near the existing tennis courts and all feasible efforts will be made to minimize detrimental impacts of construction on the Hexastylis naniflora.

GENERAL PROVISIONS

The Grantor agrees that the terms, conditions, restrictions, and purposes of this grant will be inserted by it in any subsequent deed or other legal instrument by which the Grantor divests itself of either fee simple, or its possessory interest in, all or portions of the Protected Property and that the Grantor will notify the Conservancy, its successors or assigns, of any such conveyance. [written notice required by 1.170A-14(g)(5)(ii)]

Any notices required in this Conservation Easement shall be sent by registered or certified mail, postage prepaid, to the following addresses or such address as may be hereafter specified by notice in writing:

GRANTOR:

Raintree Homeowners Association

c/o Mr. Donald Morin, President

238 Briarcreek Drive

Spartanburg, SC 29301

GRANTEE:

THE NATURE CONSERVANCY

1815 N. Lynn Street

Arlington, VA 22209

With copy to: Regional Attorney
THE NATURE CONSERVANCY
P.O. Box 2267
Chapel Hill, NC 27515

In the event any provision of this grant is determined by the appropriate court to be void and unenforceable, all remaining terms shall remain valid and binding.

The burdens of this Conservation Easement shall run with the Protected Property and shall be enforceable against the Grantor and all future owners and tenants in perpetuity. The benefits shall be in gross and assignable but only to an eligible donee as defined in IRC Section 1.170A-14(c)(1) as that section may be amended from time to time. Any assignment of benefits by the Grantee (or successor) must require the transferee to carry out the purposes of this Conservation Easement. [required by 1.170A-14(c)(2)]

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If a subsequent, unexpected change in the conditions of the Protected Property or the surrounding property, make impossible or impractical the continued use of the property for conservation purposes, the restrictions shall be extinguished by judicial proceeding and all of the Conservancy's proceeds from a subsequent sale or exchange of the Protected Property shall be used in a manner consistent with the conservation purposes of this grant. [required by 1.170A(c)(2)]

Whenever all or part of the Premises is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by this Conservation Easement, the Grantor and the Grantee shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking. The net proceeds (including, for purposes of this subparagraph, proceeds from any lawful sale of the property unencumbered by the restrictions hereunder) shall be distributed among the Grantor and the Grantee in share in proportion to the fair market value of their interests in the premises on the date of execution of this Conservation Easement. The Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth herein. [required by IRC 1.170A-14(c)(2)]

The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Conservancy for enforcement of this Conservation Easement.

TO HAVE AND TO HOLD this Conservation Easement together with all and singular the appurtenances and privileges belonging or in any way pertaining thereto, either in law or in equity, either in possession or expectancy, for the proper use and benefit of the Conservancy, its successors and assigns, forever.

GRANTOR HEREBY WARRANTS and represents that the Grantor is seized of the Property in fee simple and has good right to grant and convey this Conservation Easement, that the Property is free and clear of any and all encumbrances, and that the Conservancy and its successors and assigns shall have the use of and enjoy all of the benefits derived from and arising out of this Conservation Easement.

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DEED59D PG627

IN WITNESS WHEREOF, the Grantor has set his hand and seal the day and year first above written, and the Conservancy has caused these presents to be signed in its name by its Executive Vice President, and its corporate seal to be affixed, attested by its Assistant Secretary the day and year first above written.

Signed, Sealed and Delivered
in our presence:

Witness

Witness

Witness

Witness

RAINTREE HOMEOWNERS ASSOCIATION, Grantor

By: Its President

By: Its President-Elect

By: Its Secretary

By: Its Treasurer

As to The Nature Conservancy

Signed, Sealed and Delivered
in our presence:

Witness

Witness

THE NATURE CONSERVANCY, Grantee

By: Its Vice President

ATTEST:

By: Its Assistant Secretary

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DEED 59 D PG 628

STATE OF NORTH CAROLINA)
)
COUNTY OF Orange)

PERSONALLY appeared before me James L. Desmond who, being duly sworn, says that he saw the within-named THE NATURE CONSERVANCY by its Vice President and its Assistant Secretary, sign the foregoing Deed, and the said THE NATURE CONSERVANCY, by said officers, did seal said Deed, and as its act and deed, deliver the same, and that he with Katherine P. Seaton witnessed the execution thereof.

James L. Desmond
Witness

SWORN TO before me this
27th day of December, 1989.

Carol L. Gentry (L.S.)
Notary Public for ~~South~~ North Carolina
My Commission Expires: 10-23-93

CAROL L. GENTRY NOTARY PUBLIC ORANGE COUNTY, N.C.

CAROL L. GENTRY NOTARY PUBLIC ORANGE COUNTY NC

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DEED59D PG629

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

PERSONALLY appeared before me Dr. Douglas A. Rayner who, being duly sworn, says that he saw the within-named RAINTREE HOMEOWNERS ASSOCIATION by its President, its President-Elect, its Secretary and its Treasurer, sign the foregoing Deed, and the said RAINTREE HOMEOWNERS ASSOCIATION, by said officers, did seal said Deed, and as its act and deed, deliver the same, and that he with Dr. Gill Newberry witnessed the execution thereof.

Douglas A. Rayner
Witness

SWORN TO before me this
13th day of August, 1992.

Notary Public for South Carolina (L.S.)
My Commission Expires:

NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires
July 16, 1997

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terra incognita

[redacted]

December 17, 2021

To: Mr. Brad Wyche, Founder and Consultant
Upstate Forever
[redacted]

re: Proposed RV Park; *Hexastylis naniflora*

Brad et al.:

My son, L L Gaddy III, and I were met and hosted by Ms. Madelon Wallace and Ms. Judy Klapholz at the Enclave at Fairview Farm in Spartanburg County yesterday. Our objective there was to determine the presence and abundance of the federally-listed threatened herbaceous plant, dwarf-flowered heartleaf (*Hexastylis naniflora*)(Aristolochiaceae) in the general area and on Gold Mine Creek. *Hexastylis naniflora* is found on sandy, acidic Piedmont soils at springheads, along streams, and sometimes under mountain laurel (*Kalmia latifolia*) considerably upslope from water. It is a two-state endemic found only in South Carolina and North Carolina, and its distribution is centered in the middle Piedmont of the two states.

The proposed RV Park Tract is bounded on the northwest by Landrum Mill Road and on the south and east by a headwaters branch of Gold Mine Creek (which flows into the North Pacolet River). On the west, the RV Park area is adjacent to the Spiegel Farm, and, finally, on the northwest by the Klapholz property and Gold Mine Creek again.

Our inventory began on the eastern side on Goldmine Creek on the Klapholz property. From the small pond on Goldmine Creek (Klapholz property) southward along the creek *Hexastylis naniflora* is common on both sides of the creek (the RV Tract and the Klapholz's property). The population continues southward following the creek and gradually turns southward proceeding toward the Spiegel Tract. As one moves south (upstream), the plants become rarer, found only here and there. Finally, at the springhead that forms the beginning of the south fork of Goldmine Creek, the plant is present, but quite rare.

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We then drove around to Landrum Mill Road and walked to property line between the RV Tract and the Spiegel Property. When we reached a large ravine and springhead that forms the beginning of the north fork of Goldmine Creek (primarily on the RV Park property), we again inventoried the disturbed woods for the presence of *Hexastylis naniflora*. It was present here, though very rare. We predict, however, that it is probably more common downstream as there is abundant habitat along the stream on RV Property.

In summary, *Hexastylis naniflora* was found to be associated with Gold Mine Creek and its springheads on the west, south, and eastern sides of the proposed RV Park Tract. (We have been told that *Hexastylis* is also quite common below the Klapholz pond to the north of the RV Park Tract although we did not inventory that area.) While walking along the eastern side of the creek, plants of the rare herb could be seen growing on the RV Tract. A detailed inventory of the RV Tract would clear up the abundance and location of the plant there. *Based on the habitats present on the RV Tract and our observations on adjacent lands, we predict the federally-listed threatened dwarf-flowered heartleaf is probably scattered over most of the lowlands (and possibly as far as 75 feet upslope) on the proposed RV Tract.*

Sincerely,



L. L. Gaddy, President

Redaction Log

Reason	Page (# of occurrences)	Description
no reason	**1** (4)	---

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