

**CHAPIN TOWN COUNCIL  
SPECIAL CALLED MEETING & WORK SESSION  
TOWN HALL  
September 16, 2021  
3:00 P.M.**

**AGENDA**

1. Call to Order and Determine Quorum
2. Statement of Freedom of Information Act Compliance
3. Public Comments related to municipal matters
4. Budget Amendment Discussion: Town Hall Administrative Offices Renovation Project
5. Animal Control Ordinance Amendment Discussion
6. Request for Action: Approving recommendation for Planning Commission member
7. Zoning Ordinance Amendments
  - a. Amending Article 10, Section 1008.2 (A)
  - b. Amending Article 2, Section 201 and Article 5, Section 518 (d) of the Zoning Ordinance
  - c. Amending Article 5, Sections 502, 504, 508, and 509 of the Zoning Ordinances
  - d. Amending Article 7, section 703.8, table 2 of the Zoning Ordinance
  - e. Amending Article 7, section 702.1 of the Zoning Ordinance
8. ADJOURN

\*\*\*\*PLEASE NOTE: COVID-19 protocols will be in place. Social distancing will be observed and those wishing to attend are encouraged to wear a face mask/covering.

# **CHAPIN TOWN COUNCIL MEETING**

## **PUBLIC COMMENT POLICY**

### **PROCEDURE:**

Persons wishing to make public comments concerning any municipal matter, with the exception of personnel and contractual matters, shall first sign in with the Municipal Clerk before the meeting and provide the following information:

1. Name, Address, and Contact Information;
2. Topic of Public Comment; and
3. Indicate whether a Chapin Resident, Chapin Water/Sewer Customer, or Reside in the Chapin Water/Sewer District.

Comments are limited to two minutes per person and no personal or verbal attacks will be entertained. The Council is interested in hearing your concerns, but speakers should not expect action or deliberation on subject matter brought up during any Public Comments on the agenda. Topics requiring further investigation may be referred to Town Staff and may be scheduled for a future agenda.

### **DEFINITIONS:**

**Chapin Resident:** Reside in Town limits.

**Chapin Water/Sewer Customer:** Customer of the designated Chapin Water/Sewer District - Including an owner or operator of a local business.

**Reside in Chapin Water/Sewer District:** Reside in the designated Chapin Water/Sewer District – Area of Lexington County north of Lake Murray.

### **APPEARANCE OF CITIZENS**

Town Code 2.212 – Any citizen of the Town shall be entitled to be placed on the agenda of any regular meeting to discuss any municipal matter, with the exception of personnel and contractual matters. Persons desiring to be placed on the agenda shall notify the Municipal Clerk not less than a week prior to the meeting. The request shall be in writing stating the reason therefor.

## **Town of Chapin Council Request for Action**

**Subject:** Planning Commission Membership Appointment:

**A. Purpose**

See “September 16, 2021 Planning Commission Member Appointment Recommendation Memorandum”.

**B. Background Discussion**

See “September 16, 2021 Planning Commission Member Appointment Recommendation Memorandum”.

**C. Legislative / Chronological History**

This is a staff-initiated request. Therefore, there is no legislative history.

**D. Financial Impact**

There is no financial impact associated with this request.

**E. Alternatives**

See “September 16, 2021 Planning Commission Member Appointment Recommendation Memorandum”.

**F. Recommendations**

See “September 16, 2021 Planning Commission Member Appointment Recommendation Memorandum”.

## MEMORANDUM

**To:** Town Council  
**From:** Kevin Singletary, Zoning Administrator  
**Date:** September 16, 2021  
**Re:** Planning Commission Member Appointment Recommendation

**Background:** The Planning Commission currently has a vacant spot due to the resignation of a previous member. This seat on the Planning Commission is a term that started January 1, 2021 and will end on December 31, 2023. An appointment to this seat would be for the continuation of said term. Due to this vacancy, Town staff advertised the open position and went through previous applications and identified all that were interested in serving. Six applications were submitted. Three of the applicants had previously applied and three were new applicants. Each applicant was interviewed by the Zoning Administrator to determine; their availability to serve, their professional experience, their knowledge of planning and zoning principals, and their familiarity with the Town of Chapin and its current challenges relating to planning and zoning.

The Commission is an advisory board to Council on the matters of zoning, annexation, and comprehensive planning. The Commission also serves as the review and approval board of all new subdivisions in the Town of Chapin. The Commission consist of 5 members that are appointed by a majority vote of the Town Council.

**Staff Recommendation:** Through the interview process the Zoning Administrator has identified who is believed to be the best suited to serve on the Planning Commission at this time. That individual is Mr. William Lynch. Mr. Lynch demonstrated a deep knowledge of the Town of Chapin's current challenges, and the opportunities that are present. He is familiar with the fundamentals of town and rural planning and has a clear vision of their role in the future of the Town. Mr. Lynch is very engaged in the Community from a business perspective, public safety perspective, and is informed on the role the Planning Commission serves in the community. This engagement comes from his service as a volunteer fireman and a business operator here in Town. Mr. Lynch is also very familiar with serving on Boards, and parliamentary procedure, both through his service on the South Carolina Funeral Directors Association, where he is on Executive Committee and is Chair of Central Coastal Group. Mr. Lynch is also Chair of the Greater Chapin Chamber of Commerce. Through the SC Funeral Directors Association, he also has experience with the review and drafting of law, which can serve as vital experience in the review and recommendation of Town ordinances.

Staff recommends that the Town Council appoint Mr. William Lynch to serve on the Planning Commission in the current open position for the continuation of the term, January 1, 2021 – December 31, 2023.

**Council Actions:** The Town Council may, through majority vote; appoint the recommended applicant to the Planning Commission, or discuss the applicants and appointment in Executive Session if needed.

## MEMORANDUM

**To:** Town Council  
**From:** Kevin Singletary, Zoning Administrator  
**Date:** September 16, 2021  
**Re:** Draft Amendment to Ordinance 1008.2 A.

**Background:** It has been brought to the attention, and observed by members of Council and Town Staff that some business owners within the Town have not updated the façade of their buildings, specifically, repainting them. A recurring reason for this is that the process of receiving approval to do so is more complex and time-consuming than many feel it should be, and thus creates a barrier for moving forward with the needed update. A possible solution to this situation that has been identified is the adoption of an approved paint color palette. The adoption of an approved paint color palette is a common practice employed by many jurisdictions.

### Amendment to Ordinance 1008.2 A

#### Current Ordinance:

##### **1008.2 Design Objectives**

The following objectives, in addition to any standards prescribed in Section 1009.2 Standards and elsewhere in applicable laws, shall be utilized by the Town of Chapin during its architectural review process. These objectives, intended to provide specific guidelines for the Town of Chapin and the applicant, are listed as follows:

- A. Architectural Details.** Architectural details of new buildings and additions, textures of wall and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the character of the surrounding area.

#### Amended Ordinance:

##### **1008.2 Design Objectives**

The following objectives, in addition to any standards prescribed in Section 1009.2 Standards and elsewhere in applicable laws, shall be utilized by the Town of Chapin during its architectural review process. These objectives, intended to provide specific guidelines for the Town of Chapin and the applicant, are listed as follows:

- A. Architectural Details.** Architectural details of new buildings, ~~and~~ additions, updates, and modifications; textures of wall and roof materials, exterior paint patterns and designs, ~~should~~ shall be harmonious with the building's overall architectural style and ~~should~~ shall preserve and enhance the character of the surrounding area. When an applicant is only proposing improvement or updates to the exterior paint, harmony shall be reviewed and determined by the Zoning Administrator.

**Staff Recommendation:** The proposed change would, in the case of new construction or substantial additions and modifications, allow the ARB to review paint patterns and designs on the exterior of the building and possibly withhold issuance of a COA if what is proposed is not appropriate or desirable for the Town of Chapin. In the case of general maintenance or repainting of existing exteriors this review would be done by the Zoning Administrator. Staff recommends that the Planning Commission recommend that Town Council adopt the above ordinances changes.

## MEMORANDUM

**To:** Town Council  
**From:** Kevin Singletary, Zoning Administrator  
**Date:** September 16, 2021  
**Re:** Draft Amendment to Ordinance 201 and 518 (d)

**Background:** Kevin Rekiel is seeking to locate within the Town of Chapin a property to open a brewery, that would produce beer on site for consumption on site and for distribution. In colloquial terms this would be a microbrewery. 271 Columbia Ave. is the location Mr. Rekiel believes is best suited for his business venture. This property is zoned GC. The Town of Chapin's Zoning Ordinance does not identify breweries of any sort as permitted within GC, or any other zoning district. This memo provides draft changes to the Zoning Ordinance regarding the definition of brewery types, and the permitting of microbreweries in the GC zoning district.

### Amendment to Ordinance 201

Current Ordinance:

10. **BOARDING HOUSES:** Same as "Rooming and Boarding Houses."
  
11. **BUFFER:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.  
...
  
69. **MANUFACTURED HOME PARK:** A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sale or storage lots for unoccupied units are not manufactured home parks.
  
70. **MINIWAREHOUSE** (See NAICS Code 531130) A building or group of buildings on a fenced, controlled access lot which contain individual locked compartments for storage of personal property.

Amended Ordinance:

10. **BOARDING HOUSES:** Same as "Rooming and Boarding Houses."
  
11. **BREWERY:** A brewery that produces more than 15,000 Barrels of beer a year, and/or sells at 100% of it's beer off site.
  
12. **BUFFER:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
  
- Successive numbers updated to reflect addition of Brewery as number 11.*
  
70. **MANUFACTURED HOME PARK:** A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings

and facilities. Manufactured home sale or storage lots for unoccupied units are not manufactured home parks.

**71. MICRO-BREWERY:** A brewery that produces 15,000 Barrels or less of beer a year, and sells at least 25% of it's beer on site. May include a restaurant and/or taproom.

**72. MINIWAREHOUSE** (See NAICS Code 531130) A building or group of buildings on a fenced, controlled access lot which contain individual locked compartments for storage of personal property.

*Successive number updated to reflect addition of Brewery as number 11 and Micro-brewery as number 71.*

**Amendment to Ordinance 518 (d)**

Current Ordinance:

GC PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
d. <u>Retail trade</u> , no limit in square footage per store, including shopping centers, involving sale of merchandise on premises except: NAICS 447110 automobile service station - see conditional uses  NAICS 453930 Mobile home dealers not permitted	444 452 445 4411/ 441222 448 442 7221 7222 44611 445310 453310	Building material and garden equipment and supplies dealers General merchandise Food and beverage Motor vehicle & boat dealers (except 447110); Clothing and clothing accessories Furniture and home furnishing stores Full-service restaurants Limited-service eating places Pharmacies and drug stores Beer, wine and liquor stores Used merchandise	One (1) per 200 square feet of retail floor area



Amended Ordinance:

GC PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>d. <u>Retail trade</u>, no limit in square footage per store, including shopping centers, involving sale of merchandise on premises except: NAICS 447110 automobile service station - see conditional uses</p> <p>NAICS 453930 Mobile home dealers not permitted</p>	<p><b>312120</b> 444 452 445 4411/ 441222 448 442 7221 7222 44611 445310 453310</p>	<p><b>Micro-Breweries</b> Building material and garden equipment and supplies dealers General merchandise Food and beverage Motor vehicle &amp; boat dealers (except 447110); Clothing and clothing accessories Furniture and home furnishing stores Full-service restaurants Limited-service eating places Pharmacies and drug stores Beer, wine and liquor stores Used merchandise</p>	<p>One (1) per 200 square feet of retail floor area</p>

**Staff Recommendation:** The NAICS Codes do not differentiate between what is referred to colloquially as breweries, micro-breweries, brewpubs, and taproom brewery. In the brewing industry these definitions are semi defined, and are expanded more than the list provided above. For the purposes of the Town the four above should suffice in making zoning decisions. To define them; A brewery is an industrial use where beer is produced, packaged, and 100% is distributed to off-site locations. A microbrewery is a brewery that produces 15,000 barrels or less of beer per year and sells 75% or more of that beer in off-site locations and may contain a tasting room or bar. A brewpub is a hybrid between a restaurant and brewery that sells at least 25% of its beer on-site in combination with food. A taproom brewery is the same as a brewpub, however little to no food is sold on site.

Microbreweries that sell at least a quarter of their product on site, whether it be in the form of a brewpub, tap room, or both, can be appropriate uses in our GC zoning district. The use should not differ greatly from any typical bar or full-service restaurant. Staff recommends the Planning Commission recommend the adoption of these changes to Town Council; defining breweries and microbreweries, with the subsuming of brewpubs and taprooms into microbreweries, and the permitting of microbreweries in the GC zoning district.

**MEMORANDUM**

**To:** Town Council  
**From:** Kevin Singletary, Zoning Administrator  
**Date:** September 16, 2021  
**Re:** Draft Amendment to Ordinance 502, 504, 508, & 5509.

**Background:** On street parking has been identified as an issue in Chapin area residential neighborhoods. Lexington County has addressed this by increasing the requirement of off-street parking spaces from 2 to 3 in residential zonings. This was brought up at the May 2021 Planning Commission meeting. At the June 2021 Planning Commission meeting the Commission and Staff discussed this again, and staff identified a different possible short-term solution for on street parking for the Town of Chapin, increasing required minimum front yard depth.

**Amendment to Ordinance**

Current Ordinances: *Note: The information for existing ordinances show below are part of a table that does not contain identified numbers or letters. As such rather than show the whole table, just the relevant row is show.*

**502. RS-1 Low Density Residential District Regulations**

The following regulations apply to all uses in the RS-1 districts:

Minimum front yard depth:	Lots fronting on S-48: 30 feet All other lots: Twenty-five (25) feet, or average of existing setbacks from same street in same block in district, but not less than twenty (20) feet.
---------------------------	--

**504. RS-2 Medium Density Residential District Regulations**

The following regulations apply to all uses in RS-2 districts:

Minimum front yard depth:	Lots fronting on S-48: thirty (30) feet All other lots: Twenty-five (25) feet or average of existing setbacks from same street in same block in district, but not less than 20 feet
---------------------------	--

**508. RG General Residential District Regulations**

The following regulations apply to all uses in RG Districts:

Minimum front yard depth:	Lots on S-48: Thirty (30) feet All other lots: Twenty-five (25) feet from street right of way line or average of adjacent parcels, but no less than twenty (20) feet.
---------------------------	--

### 5509 Rural District

Minimum front yard depth:	Lots fronting on S-48: thirty (30) feet All other lots: Twenty-five (25) feet or average of existing setbacks from same street in same block in district, but not less than 20 feet
---------------------------	--

### Amended Ordinances:

### 502. RS-1 Low Density Residential District Regulations

The following regulations apply to all uses in the RS-1 districts:

Minimum front yard depth:	Lots fronting on S-48: <b>Thirty (30)</b> feet All other lots: <del>Twenty-five</del> <b>Thirty (25 30)</b> feet, or average of existing setbacks from same street in same block in district, but not less than twenty (20) feet.
---------------------------	--

### 504. RS-2 Medium Density Residential District Regulations

The following regulations apply to all uses in RS-2 districts:

Minimum front yard depth:	Lots fronting on S-48: <del>Twenty-five</del> <b>Thirty (30)</b> feet All other lots: <del>Twenty-five</del> <b>Thirty (25 30)</b> feet, or average of existing setbacks from same street in same block in district, but not less than 20 feet
---------------------------	---

### 508. RG General Residential District Regulations

The following regulations apply to all uses in RG Districts:

Minimum front yard depth:	Lots on S-48: <del>Twenty-five</del> <b>Thirty (30)</b> feet All other lots: <del>Twenty-five</del> <b>Thirty (25 30)</b> feet, <del>from street right of way line or</del> average of adjacent parcels, but no less than twenty (20) feet.
---------------------------	--

### **509. RD Rural District Regulations** ~~5509 Rural District~~

Minimum front yard depth:	Lots fronting on S-48: <del>Twenty-five</del> <b>Thirty (30)</b> feet All other lots: <del>Twenty-five</del> <b>Thirty (25 30)</b> feet, or average of existing setbacks from same street in same block in district, but not less than 20 feet
---------------------------	---

**Staff Recommendation:** The proposed changes would add an additional 5 feet in minimum front yard depth in the residential zonings excluding R-3. The benefit of extending minimum front yard depth is that it increases driveway length, and thus the area for parking in driveways. Moreover, it does not impose an increased to required off street parking which might result in larger garages, especially the percentage of front façade that is garage. The average vehicle length is approximately 14 ft. An assured minimum of 30 ft. is better suited to ensure all vehicles can be parked off of the street.

## MEMORANDUM

**To:** Town Council  
**From:** Kevin Singletary, Zoning Administrator  
**Date:** September 16, 2021  
**Re:** Draft Amendment to Ordinance 702.1

**Background:** At the May 25, 2021 Planning Commission Meeting the PC adopted an Approved Tree Species List. The PC also discussed the use of palmetto trees, specifically concern over limiting its use given its cultural significance, and it's current presents in the Town. A draft ordinance change to 702.1 B prohibiting a list of palmetto and palm trees was produced but not recommended on to Town Council. A new draft has been prepared to make modifications to the ordinance to provide clarity on the status of the Approved Tree Species List and create appropriate conditions for palm and palmetto trees.

### **Amendment to Ordinance 702.1**

#### Current Ordinance:

#### **702.1 General Standards**

**A.** Commercial outparcels shall be vegetated and maintained by the property owner while vacant to maintain an attractive appearance. Vegetation shall consist of turf grass, shrubs, trees, live ground cover, annuals, perennials, ornamental grasses or other vegetative cover that will secure the soil and create an attractive appearance. **B.** All required plantings installed shall be:

1. Nursery grown stock that is free from pests or growth problems, and
2. Installed and maintained according to best management practices and standards set forth by the American Nursery and Landscape Association, ANSI Z60.1-2004, as amended; and
3. Selected from the List of Approved Plant Species for the Town of Chapin and List of Approved Tree Species for the Town of Chapin as provided by the Zoning Administrator.

**C.** All required landscaping shall be included in the required site plan

**D.** All required plantings shall be installed in a manner that ensures the availability of sufficient soil and water for healthy growth and that is not intrusive to above and below ground utilities.

**E.** Only landscaping and approved fences, berms and walls shall be permitted within a required buffer or street buffer area, except that sidewalks and other pedestrian walkways, bicycle paths, aboveground utilities, drainage ways, and approved signs shall be permitted where they do not comprise of more than twenty percent of the total area of the required buffer or street buffer or compromise the ability of the site to meet the intent and planting requirements herein. Underground utilities are permitted wherever they do not interfere with the ability to provide the required buffer or street buffer area and landscaping.

**F.** Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape, except where uniformity is required for opaque screening.

**G.** Landscaping, including berms, shall be installed and maintained so as not to interfere with the sight distance requirements of this ordinance or the sight distance needs of vehicular traffic in parking areas and at entrance and exit locations.

**H.** Small maturing trees are required to be substituted for required large maturing trees whenever overhead utility lines are present or planned. **I.** Native species and related cultivars are encouraged.

**J.** Monocultures shall be avoided in formally designed parks, buffers, and screens.

**K.** Shrubs and trees shall be installed no closer than two feet to a curb, gutter, sidewalk or building. Small maturing trees shall be planted no closer than 10 feet to a building, medium maturing trees no closer than 20 feet to a building, and large maturing trees no closer than 25 feet to a building, unless otherwise required. **L.** Shrubs shall not be planted within six feet of tree trunks.

**M.** In landscaped areas adjacent to parking spaces or street curbs, no plant material with the potential to reach over six inches in height may be located within twelve inches of the curb or other protective barrier. This is intended to protect planted materials from damage by car bumpers and car doors.

**N.** The Zoning Administrator will conduct inspections as needed to determine that required landscaping is properly installed and maintained as provided in this Article.

**O.** The Zoning Administrator may require changes to any planting schedule or plant size requirement and may require plant substitution when, in their opinion, the size, nature, and/or spacing of plantings will compromise the safety and security of the public.

**P.** The Zoning Administrator may approve revisions to landscaping in an approved site plan in order to accommodate seasonal planting problems or a lack of plant availability as long as:

1. There is no significant reduction in the quantity of plant material.
2. There is no significant change in the size or location of plant materials.
3. The plant substitutions are of the same general category and have the same general design characteristics as the materials being replaced.

*Amended Ordinance: Noted: The entire formatting of 702.1 had to be amended, however this is not reflective in the highlighted and lined edits. The nature of the formatting edits were of such significant that nearly the entirety of the section would need to be highlighted, making it difficult to identify language changes. As such formatting changes per say have not been highlighted. Section "C" has been added, and thus the previous section "C" is now "D" and so forth successively down the line.*

### **702.1 General Standards**

**A.** Commercial outparcels shall be vegetated and maintained by the property owner while vacant to maintain an attractive appearance. Vegetation shall consist of turf grass, shrubs, trees, live ground cover, annuals, perennials, ornamental grasses or other vegetative cover that will secure the soil and create an attractive appearance.

**B.** All required plantings installed shall be:

1. Nursery grown stock that is free from pests or growth problems, and

2. Installed and maintained according to best management practices and standards set forth by the American Nursery and Landscape Association, ANSI Z60.1-2004, as amended; and
3. Selected from the ~~List of Approved Plant Species for the Town of Chapin and List of Approved Tree Species~~ List for the Town of Chapin as provided maintained by the Zoning Administrator.

**C. Conditions for palm and palmetto trees shall be:**

1. The palm or palmetto tree(s) shall be of the following species:

<u>Common Name</u>	<u>Botanical Name</u>
<u>Needle palm</u>	<u>Rhapidophyllum hystrix</u>
<u>Dwarf or Bush Palmetto</u>	<u>Sabal minor</u>
<u>Cabbage Palm or Palmetto</u>	<u>Sabal palmetto</u>
<u>Saw Palmetto or Scrub Palm</u>	<u>Serenoa repens</u>

2. Palm or palmetto trees are only permitted at the entrance of a principal building, adjacent to a landscaped property entrance or sign, or part of a landscaped area featuring a flagpole(s).
3. Only one palm or palmetto tree may be located at an entrance of the principal building, adjacent to a landscaped property entrance or sign, or part of a landscaped area featuring a flagpole(s).
4. Any palm or palmetto tree shall be planted at the surface and properly supported per ANSI300 standards.
5. No palm or palmetto tree may be used as a shade tree, street tree, or as part of a buffer or landscaping requirements.

**D.** All required landscaping shall be included in the required site plan

**E.** All required plantings shall be installed in a manner that ensures the availability of sufficient soil and water for healthy growth and that is not intrusive to above and below ground utilities.

**F.** Only landscaping and approved fences, berms and walls shall be permitted within a required buffer or street buffer area, except that sidewalks and other pedestrian walkways, bicycle paths, aboveground utilities, drainage ways, and approved signs shall be permitted where they do not comprise of more than twenty percent of the total area of the required buffer or street buffer or compromise the ability of the site to meet the intent and planting requirements herein. Underground utilities are permitted wherever they do not interfere with the ability to provide the required buffer or street buffer area and landscaping.

**G.** Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape, except where uniformity is required for opaque screening.

**H.** Landscaping, including berms, shall be installed and maintained so as not to interfere with the sight distance requirements of this ordinance or the sight distance needs of vehicular traffic in parking areas and at entrance and exit locations.

**I.** Small maturing trees are required to be substituted for required large maturing trees whenever overhead utility lines are present or planned.

**J.** Native species and related cultivars are encouraged.

- K.** Monocultures shall be avoided in formally designed parks, buffers, and screens.
- L.** Shrubs and trees shall be installed no closer than two feet to a curb, gutter, sidewalk or building. Small maturing trees shall be planted no closer than 10 feet to a building, medium maturing trees no closer than 20 feet to a building, and large maturing trees no closer than 25 feet to a building, unless otherwise required.
- M.** Shrubs shall not be planted within six feet of tree trunks.
- N.** In landscaped areas adjacent to parking spaces or street curbs, no plant material with the potential to reach over six inches in height may be located within twelve inches of the curb or other protective barrier. This is intended to protect planted materials from damage by car bumpers and car doors.
- O.** The Zoning Administrator will conduct inspections as needed to determine that required landscaping is properly installed and maintained as provided in this Article.
- P.** The Zoning Administrator may require changes to any planting schedule or plant size requirement and may require plant substitution when, in their opinion, the size, nature, and/or spacing of plantings will compromise the safety and security of the public.
- Q.** The Zoning Administrator may approve revisions to landscaping in an approved site plan in order to accommodate seasonal planting problems or a lack of plant availability as long as:
1. There is no significant reduction in the quantity of plant material.
  2. There is no significant change in the size or location of plant materials.
  3. The plant substitutions are of the same general category and have the same general design characteristics as the materials being replaced.

**Staff Recommendation:** The reorganization and reformatting of this ordinance section makes it easier to read, and understand. The change in language also makes it more apparent that the Approved Tree Species List is an administrative document maintained and updated by the Zoning Administrator, and specifically identifies that document alone, whereas before it could be interpreted that there are two documents. The conditions for palmetto trees allow for a business to, at most, have a palmetto tree adjacent to their street sign, adjacent to any front entrances, and adjacent to any landscaped areas where they have erected a flag pole or poles. This recognizes the cultural relevance palmetto trees have in our state, and allows for their expression, without implementing landscaping that is not indicative to our native species and functional in all the ways that landscaping trees are meant to be. These conditions should also enforce the proper installation of palmetto trees. Staff recommends that the Planning Commission recommend Town Council to adopt these changes to Ordinance 702.1.

## MEMORANDUM

**To:** Town Council  
**From:** Kevin Singletary, Zoning Administrator  
**Date:** September 16, 2021  
**Re:** Draft Amendment to Ordinance 703.8 Table 2.

**Background:** There has been confusion and difficulty in reading and understanding the Table 2 Buffer requirements. The current table also has inconsistent requirements. This creates issues for property owners, developers, Town staff, and the Planning Commission. There has been discussion on resolving this issue. This draft amendment was reviewed at the last Planning Commission meeting on June 22, 2021 and was tabled for further review and so that descriptions of some uses could be provided.

### Amendment to Ordinance 703.8 Table 2

Current Ordinance:

Table 2: Property Buffer by Adjacent Use									
Proposed Adjacent Land Uses		RS-1 and RS-2	RS-3 and RG	Multi-Family	Mobile Homes	Mixed Uses	Religious, Educational, Recreational, Institutional, NC and OC	GC and IC	LM
RS-1 and RS-2		N/A	N/A	B	B	C	C	E	E
RS-3 and RG		N/A	N/A	B	B	B	B	D	E
Multi-family		C	B	A	A	B	B	C	E
Mobile Homes		B	B	B	N/A	C	C	C	E
Mixed Uses		C	B	A	B	A	B	B	D
Religious, Educational, Recreational, Institutional, NC and OC		C	B	B	B	B	A	C	D
GC and IC		E	E	D	C	C	C/D	A/B	C/D
LM		E	E	E	D	D/E	D/E	C/D	A/B



Amended Ordinance:

Table 2: Required Property Buffer Yard Types by Adjacent Use

Proposed Adjacent Land Uses	Existing Adjacent Use									
	<u>Vacant Land</u>	<u>Agricultural Land</u>	<u>RS-1 and RS-2 Single family Detached</u>	<u>RS-3 and RG Two Family Detached, Duplex, Patio Home</u>	<u>Multi-Family</u>	<u>Mobile Homes, Manufactured Housing</u>	<u>Mixed Uses Commercial</u>	<u>Religious, Educational, Recreation, Institutional, NC and OC</u>	<u>GC and IC Non-Effluent Industrial</u>	<u>LM Effluent Industrial</u>
<u>RS-1 and RS-2 Single family Detached</u>	<u>A</u>	<u>A</u>	N/A	N/A	<u>BA</u>	<u>BA</u>	C	C	E	E
<u>RS-3 and RG Two Family Detached, Duplex, Patio Home</u>	<u>A</u>	<u>A</u>	N/A	N/A	<u>BA</u>	<u>BA</u>	B	B	<u>DE</u>	E
<u>Multi-Family</u>	<u>A</u>	<u>A</u>	C	B	<u>AN/A</u>	A	<u>B N/A</u>	B	<u>CE</u>	E
<u>Mobile Homes, Manufactured Housing</u>	<u>A</u>	<u>A</u>	B	B	B	N/A	C	C	<u>CE</u>	E
<u>Mixed Uses Commercial</u>	<u>A</u>	<u>A</u>	C	B	A	<u>BA</u>	<u>AN/A</u>	B	<u>BD</u>	D
<u>Religious, Educational, Recreational, Institutional, NC and OC</u>	<u>A</u>	<u>A</u>	C	B	<u>BA</u>	<u>BA</u>	B	<u>AN/A</u>	<u>CD</u>	D
<u>GC and IC Non-Effluent Industrial</u>	<u>C</u>	<u>D</u>	E	E	<u>DE</u>	<u>CD</u>	<u>CD</u>	C/D	<u>A/B N/A</u>	<u>C/D</u>
<u>LM Effluent Industrial</u>	<u>D</u>	<u>E</u>	E	E	E	<u>DE</u>	<u>D/E</u>	<u>D/E</u>	<u>C/D</u>	<u>A/B N/A</u>

Use Descriptions: (Uses not defined in Article 2 Definitions are defined below)

- Vacant Land: Property with no buildings on it, that is not used, or contains unoccupied structures that are no longer habitable.
- Agricultural Land: Property that is used for the production of crops, timber, or the rearing of livestock.
- Commercial: Property that is used for the purposes of engaging in commerce (goods or services), or provision of workspace. This does not include home occupations.
- Non-Effluent Industrial: The processing or manufacturing of raw materials or goods.
- Effluent Industrial: The processing or manufacturing of raw materials or goods that results in an offput liquid or gas of organic or inorganic nature, that must be treated before being discharged.

Amended Ordinance without shown changes:

Table 2: Required Buffer Yard Types

Proposed Use	Existing Adjacent Use									
	Vacant Land	Agricultural Land	Single family Detached	Two Family Detached, Duplex, Patio Home	Multi-Family	Mobile Homes, Manufactured Housing	Commercial	Religious, Educational, Recreation, Institutional	Non-Effluent Industrial	Effluent Industrial
Single family Detached	A	A	N/A	N/A	A	A	C	C	E	E
Two Family Detached, Duplex, Patio Home	A	A	N/A	N/A	A	A	B	B	E	E
Multi-Family	A	A	C	B	N/A	A	N/A	B	E	E
Mobile Homes, Manufactured Housing	A	A	B	B	B	N/A	C	C	E	E
Commercial	A	A	C	B	A	A	N/A	B	D	D
Religious, Educational, Recreational, Institutional	A	A	C	B	A	A	B	N/A	D	D
Non-Effluent Industrial	C	D	E	E	E	D	D	D	N/A	C
Effluent Industrial	D	E	E	E	E	E	E	E	C	N/A

Use Descriptions: (Uses not defined in Article 2 Definitions are defined below)

Vacant Land:	Property with no buildings on it, that is not used, or contains unoccupied structures that are no longer habitable.
Agricultural Land:	Property that is used for the production of crops, timber, or the rearing of livestock.
Commercial:	Property that is used for the purposes of engaging in commerce (goods or services), or provision of workspace. This does not include home occupations.
Non-Effluent Industrial:	The processing or manufacturing of raw materials or goods.
Effluent Industrial:	The processing or manufacturing of raw materials or goods that results in an offput liquid or gas of organic or inorganic nature, that must be treated before being discharged.

**Staff Recommendation:** The amended ordinance's major change is solely the emphases of property use. The table is established to have two measurable values, the proposed use for a property, and its existing adjacent use. This makes reading the chart simple and straight forward, identify the proposed use in the leftmost column, and then go across the row to identify what buffer type is required per the use on adjacent property. Uses were identified by assessing what is currently present in the Town's Ordinance, broad use categories, and transitions in use that have meaningful impact to adjacent property. Two uses are shown as existing adjacent uses, but not as proposed uses, vacant land and agricultural land. For vacant land, undeveloped land is not an active use, and therefore cannot be proposed. For non-industrial agricultural uses there is no developmental review. There are two secondary changes. The first is that a proposed use that is the same as an adjacent use does not require a buffer. The second is that the buffer requirement for a proposed use and an adjacent use are typically consistent to the reverse situation, however not always. In some cases when a proposed use is less dense and impactful to an adjacent use, it's required buffer is less than it would be in the inverse situation. A description of use categories not already defined in Article 2 of the ordinance is at the bottom of the table. Staff believe the adoption of these changes will resolve the confusion and difficulty with the buffer table that is currently present. Staff also sees this as an interim solution, and that more time and thought should be put into development standards to improve the retention, health, and appearance of natural and landscaped areas in the Town. Staff recommends that the Planning Commission recommend that Town Council adopt the above ordinances change.