

**TOWN OF CHAPIN, SOUTH CAROLINA
SUBDIVISION REGULATIONS**

ADOPTED: April, 1999

REVISED: March, 2005

PREPARED BY THE CHAPIN TOWN PLANNING COMMISSION

**TOWN OF CHAPIN, SOUTH CAROLINA
SUBDIVISION REGULATIONS**

**Prepared by the Chapin Town Planning Commission
with assistance from the staff of
Central Midlands Council of Governments**

TABLE OF CONTENTS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
1	General Provisions	1
2	Definitions	3
3	Procedures for Plat Approval	12
4	Plat Requirements	23
5	Minimum Design Standards	33
6	Required Improvements	41
7	Group Development	44
8	Planned Development	50
9	Conservation Subdivision Design	54
10	Extraordinary Development	62
11	Land Surveying Standards	64
12	Intent, Authority to Modify Standards, Maintenance of Spirit of Regulations	68
13	Surety in Lieu of Completion of Improvements	69
14	Application of Regulations	71
15	Violation and Penalty	72
16	Vested Rights	73
17	Mediation	79
18	Legal Status	80

1-2 Short Title

This ordinance shall be known as and may be cited as the Town of Chapin Land Development Regulations.

1-3 Authority

These regulations are adopted under authority granted by the General Assembly of South Carolina, pursuant to authority conferred by the 1994 “South Carolina Local Government Comprehensive Planning Enabling Act”, SC Code Sections 6-29-310 through 6-29-1200.

1-4 Jurisdiction

These land development regulations shall apply to all development of land within the incorporated area of the Town of Chapin.

1-5 Types of Development

For the purpose of proper regulation, developments have been divided into types and separate regulations developed for each type. These types and the applicable sections of this ordinance are:

- A. Traditional Subdivisions – specifically articles one through six and ten through fifteen apply to this type of development.
- B. Group Developments – specifically articles one through seven and eleven through fifteen apply to this type of development.
- C. Planned Developments
- D. Conservation Subdivisions – specifically articles one through six, eight, and ten through fifteen apply.
- E. Extraordinary Development – Article nine.

ARTICLE 2 DEFINITIONS

2-1 Usage

A. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense: words used in the plural number include the singular: the word "herein" means "in these regulations": word "regulations" means "these regulations".

B. Words used in the singular number include the plural and words used in the plural include the singular.

C. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club: "shall" is always mandatory: "may" is discretionary: a "building" includes a structure: a "building" or "structure" includes any part thereof: "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

2-2 Words and Terms Defined

For the purpose of these regulations, the following words and terms are defined as follows:

2-2.1 Administrative Official: The Zoning Administrator or other person duly designated to act in his behalf.

2-2.2 Applicant: The owner of land proposed to be subdivided or his representative.

2-2.3 Application for Exemption: An application to be made with the Administrative Official on which basis a finding of applicability of these regulations is to be made. See the definition of "subdivision" for standards of applicability.

2-2.4 Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-ways, shorelines of waterways, or boundary lines of municipalities or counties.

2-2.5 Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Government Body. All bonds shall be approved by the Governing Body wherever a bond is required by these regulations. A bond can be a performance bond, surety bond, or an irrevocable letter of credit. The amount must equal at

least 150% of the cost of the required improvement.

- 2-2.6 Building:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- 2-2.7 Building Line:** A line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang and the subsurface projection of footings.
- 2-2.8 Central Water System:** A private water company not owned and operated by a public agency, serving new community development in an outlying area. It includes water treatment and distribution facilities.
- 2-2.9 Central Sewerage System:** A community sewer system, including collection and treatment facilities, not owned and operated by a public agency serving a new subdivision in an outlying area.
- 2-2.10 Construction Plan:** The maps of drawings accompany a subdivision plat or plan and showing specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat or plan.
- 2-2.11 Crosswalk:** A right-of-way within a block dedicated to public use, intended primarily for pedestrian use designed to provide access to adjacent roads.
- 2-2.12 Developer:** The owner or owners (or their representative) of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.
- 2-2.13 Easement:** A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.
- 2-2.14 Extraordinary Developments:** Any artificial impoundment, such as a lake, created through the use of dams or other means.
- 2-2.15 Final Plat or Plan:** The final map of all or a portion of a subdivision that is presented for final approval.
- 2-2.16 Frontage:** That side of a lot abutting on a street or way ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
- 2-2.17 Grade:** The slope of a road, street, or other public way, specified in percentage (%) terms from the horizontal.

- 2-2.18 Group Development:** All divisions of a tract or parcel of land into two or more building sites for the purpose, whether immediate or future, of building development. Group developments would include apartment complexes, office parks, shopping centers or other commercial structures or complexes containing two or more business establishments, mobile home parks, industrial parks, or other developments where the site is not subdivided into lots and public streets but is divided into two or more building sites.
- 2-2.19 Health Department:** The public health department having jurisdiction over the land area in which the proposed subdivision is located, or the South Carolina Department of Health and Environmental Control.
- 2-2.20 Individual Sewage Disposal System:** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.
- 2-2.21 Reserved**
- 2-2.22 Land Development:** A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks or similar developments for sale, lease or any combination of owner and rental characteristics.
- 2-2.23 Lot:** The basic development unit - an area with fixed boundaries, used or intended to be used by one building and its accessory building(s) and not divided by any public highway or alley.
- 2-2.24 Lot Area:** Means the total area of the lot including easements.
- 2-2.25 Lot, Corner:** A lot situated at the intersection of two (2) streets. (The interior angle of such intersection not exceeding 135 degrees.)
- 2-2.26 Lot Depth:** The mean horizontal distance between the front and rear lot lines.
- 2-2.27 Lot, Double Frontage:** A lot having frontage and access of two or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets.

2-2.28 Lot Improvement: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

2-2.29 Lot, Interior: A lot other than a corner lot.

2-2.30 Lot, Reversed Frontage: A lot having frontage on two or more public streets, the access of which is restricted to one street.

2-2.31 Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building line), especially on irregularly shaped lots.

2-2.32 Manufactured Home: A single-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 (42. U.S.C Sec. 501), which became effective June 15, 1976.

2-2.33 Mobile Home: A movable or portable residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, over thirty-two (32) feet in length and eight (8) feet or more in width, constructed to be towed on its own chassis and designed without a permanent foundation for long-term occupancy, which includes a double wide or expandable mobile home as defined below, as well as a portable dwelling composed of a single unit, which may or may not be in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974. The term "mobile home" as used in this Ordinance shall not include prefabricated, manufactured, modular or unitized dwellings placed on permanent foundations, nor shall it refer to travel trailers, campers or similar units designed for recreation or other short term uses. A Mobile Home may or may not be permanently attached to the ground, and its transport features may or may not be removed. Mobile Home activity shall be permitted only in a Mobile Home Park. A Mobile Home Park must meet the requirements of the Mobile Home Park Ordinance.

(a) Doublewide Mobile Home: A doublewide mobile home is a mobile home with two or more units separately towable, but designed to be joined into one integral unit at the site.

(b) Expandable Mobile Home: An expandable mobile home is a mobile home with one or more sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

- 2-2.34 Modular Home:** A structure intended for residential use and manufactured off-site in accord with the Southern Building Code and BOCA Basic Building Code.
- 2-2.35 Off-Site:** Any premises not located within the area of the property to be subdivided whether or not in the same ownership of the applicant for subdivision approval.
- 2-2.36 Ordinance:** Any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal of any ordinance.
- 2-2.37 Owner:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
- 2-2.38 Parking, Off-Street:** An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or moved therein without moving any other automobiles.
- 2-2.39 Planning Commission:** The Town of Chapin Planning Commission.
- 2-2.40 Preliminary Plat or Plan:** The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.
- 2-2.41 Public Improvement:** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
- 2-2.42 Registered Engineer:** An engineer properly licensed and registered in the State of South Carolina.
- 2-2.43 Registered Land Surveyor:** A land surveyor properly licensed and registered in the State of South Carolina.
- 2-2.44 Re-subdivision:** A change in a map of any approved or recorded subdivision plat if such change affects any street layout on such map or area reserved there for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

- 2-2.45 Right-of-Way:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- 2-2.46 Sale or Lease:** Any immediate or future transfer of ownership, on any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other written instrument.
- 2-2.47 Setback:** The required distance between a structure and the lot lines on the lot in which it is located. Lot lines can be the property lines or the edge of a street right-of-way.
- 2-2.48 Reserve Strip:** A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way.
- 2-2.49 Screening:** Either (A) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high: or (B) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Any requirements herein contrary to the Landscape Ordinance shall mean to meet those of the Landscape Ordinance.
- 2-2.50 Single-Family Dwelling:** A permanent structure placed on a permanent foundation, having one or more rooms, with provisions for living, sanitary, and sleeping facilities arranged for the use of one or more individuals of the same family. These dwellings shall include site-built, manufactured, and modular homes.
- 2-2.51 Sketch Plan or Site Plan:** A sketch plan or plat is a generalized map prepared by the developer that shows the development concept. Its purpose is to serve as a basis for discussion without either the planning commission or the developer making commitments. This phase of the subdivision process precedes the preparation of the preliminary plat or plan (or final plat in the case of minor subdivisions).
- 2-2.52 Streets:** The word means, relates to, and includes the entire right-of-way of streets, avenues, boulevards, roads, highway, freeways, lanes, alleys, courts,

thoroughfares, collectors, minor streets, cul-de-sacs, and other ways.

2-2.53 Street Classifications: Streets may be classified as follows:

Alley: a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Arterial (Major Thoroughfare): A freeway, expressway or a street or highway which is used or intended to be used for moving either heavy vehicular traffic volumes or high-speed traffic, or both, or which was designated as a major thoroughfare in the Comprehensive Plan.

Collector: A street which is used or intended to be used for moving traffic from minor streets to major thoroughfares, including the principal entrance and circulation street or streets of a development. Types of collector streets include:

1. Urban residential - collector streets which serve minor urban residential streets:
2. Rural residential - collector streets which serve only minor rural residential lots which meet the lot size requirements of a minor residential street:
3. Commercial or Industrial - collector streets that serve minor commercial or industrial streets.

Local (Minor Street): A street that is used or intended to be used to provide access to other streets from individual properties. Types of minor streets include:

1. Urban residential - minor streets serving residential lots in incorporated areas;
2. Rural residential - minor streets serving residential lots;
3. Commercial or Industrial - minor streets serving commercial or industrial uses;
4. Marginal access - minor streets located parallel and adjacent to a limited access street or highway which provide access to abutting properties and protection from through traffic;
5. Cul-de-sac - minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic

movement.

Private Streets: Private streets shall not be permitted in the Town of **Chapin** for the purpose of subdivision. **EXCEPTION:** Streets existing prior to the adoption of this provision shall be grandfathered and shall continue to be maintained by their owners and not by the Town of **Chapin**.

2-2.54 Street Perimeter: Any existing street to which the parcel of land to be subdivided abuts one (1) side.

2-2.55 Subdivider: Any person who (1) having an interest in land, causes it, directly or indirectly to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or who (3) engages directly or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development, a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

2-2.56 Subdivision: The division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions. The land is divided for sale, lease or building development, whether immediately or in the future. This includes all land divisions involving a new street or change in existing streets. It includes re-subdivisions involving the further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision. This covers the alteration of any streets or the establishment of any new streets within any previously approved or recorded subdivision as well as combinations of lots of record. The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions.

- A. Combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the ordinance standards.
- B. Dividing land into parcels of five acres or more where no new street is involved. The planning commission must receive plats of these exceptions as information and indicate that fact on the plats.
- C. Combination or recombining entire lots of record where no new street or change in existing streets is involved.

2-2.57 Subdivision Types:

- A. Nonresidential Subdivision:** A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.
- B. Traditional Subdivision:** All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, to the process of subdivision or to the land or area subdivided: provided however, that the following exceptions are included within this definition only for the purpose of requiring that an Application for Exemption be filed with the Administrative Official.
1. All exceptions stated in the definition of *subdivision*.
- C. Planned Development:** The intent of the Planned Development is to better bridge the inherent difference between residential and nonresidential uses; and to better accommodate change within those areas of the Town of Chapin where due to economics or other factors responsible for change, potentially incompatible development could compromise property values or adversely impact existing land use, transportation facilities, or infrastructure.
- Through the Planned Development advocated by these Regulations, it is possible to ameliorate differences between potentially incompatible uses by exacting concessions and conditions as necessary to achieve "land use compatibility." One popular version of a PD is the neo-Traditional Neighborhood Development.
- D. Conservation Subdivision:** A residential development where fifty percent or more of the developable land area is designated as undivided, permanent open space; thereby permanently protecting agriculturally, environmentally, or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots.

2-2.58 Use: The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

ARTICLE 3

PROCEDURE FOR PLAT APPROVAL

3-1 General Procedure

Whenever any subdivision of land is proposed, before any contract is made for sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure. They then must proceed through the following four (4) separate steps:

3-1.1 Review of Traffic Impact Study Requirement Evaluation form;

3-1.2 Review of Traffic Impact Study (if applicable) and Sketch Plan - (Step 2a, Project Coordination Guidelines);

3-1.3 Review and approval of Preliminary Plat, and

3-1.4 Review and approval of Final Plat.

Steps 3-1.1, 3-1.2 and 3-1.3 shall be completed prior to making any street improvements and installing any utilities. Step 3-1.4 shall be completed prior to sale of any lots recording any portion of the plat of the proposed subdivision, or issuance of a building permit for construction of buildings, except as provided in Section 12.3 of these regulations.

3-2 Procedures

The following procedures shall be followed in the submission, review, and action upon all subdivision plats:

3-2.1 Traffic Impact Study Requirement Evaluation: Prior to the submission of any TIS and/or sketch plan, the applicant shall complete and submit a Traffic Impact Study Requirement Evaluation form obtained from the Administrative Official's office. The Town's Transportation Engineer will evaluate the request and determine whether a TIS is required. A written response will be issued to the applicant within seven working (7) days of receipt of the TISRE. If a TIS is required, a copy of the Town's Traffic Impact Study Guidelines and a list of qualified consulting firms will be included in the Developer's Packet.

3-2.2 Traffic Impact Study: An impact study shall be required if a proposed project:

1. produces 50 peak hour (AM, PM, or Midday) two-way trips or more; or
2. produces 500 daily (24 hour) two-way trips or more; or
3. is an expansion of an existing project. When determining whether the project meets the threshold, trips from the existing land use shall be included in the trips that are considered “produced” by the project.

A TIS shall be completed and submitted for review, if required, as the second step of the project approval process. The TIS is the responsibility of the applicant. The TIS shall be prepared in accordance with the Traffic Impact Study Guidelines adopted by the Town of Chapin and obtained from the Administrative Official’s office. All traffic studies must be prepared under the supervision of, and signed, stamped and dated by, a professional Civil Engineer registered in South Carolina. The applicant will be required to use a Town approved firm to complete the TIS. A list of approved consulting firms will be provided upon the determination that a TIS is required.

Sketch Plan:

- A. **Discussion of Requirements.** Before preparing the sketch plan for a subdivision, the applicant should discuss with the Administrative Official the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, extraordinary development (Article 9) and other similar matters, as well as the availability of existing services. The Administrative Official shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction.
- B. **Application Procedure and Requirements.** Prior to subdividing land, an owner of the land, or his representative, shall file an application for approval of a sketch plan. The application shall:
 1. Be made on forms available at the office of the Administrative Official.
 2. Include all contiguous holdings of the owner including land in the same ownership, as defined herein, with an indication of the portion that is proposed to be subdivided, accompanied by an affidavit of ownership.
 3. Be accompanied by a minimum of seven (7) copies of the Sketch Plan as described in these regulations and complying in all respects

with these regulations.

- C. Approval of Sketch Plan.** After reviewing the Sketch Plan, the Administrative Official will advise the applicant within thirty (30) days after application that the Sketch Plan is approved, disapproved, or approved with certain modifications. If approved, said approval shall constitute authorization to prepare and submit a Preliminary Plat. Approval *does not* authorize the developer to begin the proposed construction or improvements. If the Administrative Official to the Planning Commission fails to act on the Sketch Plan within thirty (30) days after application, the Sketch Plan shall be deemed approved and a certificate to that effect shall be issued by the Planning Commission upon demand; provided, however, that the subdivider may waive this requirement and consent in writing to extension of such period.
- D. Appeals of the Decisions of the Administrative Official.** If an applicant disagrees with the disapproval or approval with modifications of his Sketch Plan by the Administrative Official, he may submit the Sketch Plan to the Planning Commission at its next regular meeting. The Planning Commission shall review the Sketch Plan at the meeting, at which it is presented, and act on the appeal with pertinent comments and recommendations noted in the minutes of the Planning Commission meeting.
- E. Distribution of Sketch Plan.** Sketch Plans shall be distributed for purposes of notification to the following agencies and departments when appropriate:
1. Administrative Official/Planning Commission (file copy);
 2. SC Department of Health and Environmental Control;
 3. Director of Engineering and Planning;
 4. Director of Utilities;
 5. Director of Parks, Streets, and Sanitation;
 6. Central Midlands Council of Governments;
 7. Appropriate soil & erosion control agency.

In addition, one copy shall be returned to the applicant showing any modifications needed.

3-2.3 Preliminary Plat (Step 8 Project Coordination Guidelines).

- A. Application Procedure and Requirements.** Based upon the approval of the Sketch Plan, the applicant should file with the Administrative Official an application for approval of a Preliminary Plat. The application shall:
1. Be made on forms available at the office of the Administrative Official to the Planning commission together with a fee as set forth in Article 13 of these regulations.
 2. Be accompanied by a minimum of eight (8) copies of the Preliminary Plat as described in these regulations.
 3. Be accompanied by a minimum of eight (8) copies of Construction Plans as described in these regulations.
 4. Conform in all respects with the Sketch Plan as approved.
- B. Approval of Preliminary Plat.** Upon determination by the Administrative Official that the Preliminary Plat conforms with the approved Sketch Plan, the Administrative Official shall submit an appropriate number of copies of the Preliminary Plat and construction Plans to the following agencies for review and approval:
1. Administrative Official/Planning Commission (file copy);
 2. Director of Engineering and Planning;
 3. Director of Utilities;
 4. Director of Parks, Streets, and Sanitation;
 5. Appropriate soil & erosion control agency;
 6. South Carolina Department of Health & Environmental Control;
 7. Central Midlands Council of Governments;
 8. County Assessor's Office

These reviewing agencies shall report their findings to the Planning Commission within thirty (30) days after receipt of Preliminary Plat. Upon receipt of reports from these reviewing agencies the Planning

Commission shall give approval, approval with certain modifications, or disapproval of the Preliminary Plat, but in each case their action shall be taken within sixty (60) days after submission of the Preliminary Plat: otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand: provided, however, that the applicant for Planning Commission's approval may waive this requirement and consent in writing to an extension of such period. The grounds of disapproval of any Preliminary Plat shall be stated in the records of the Planning Commission.

It is expressly understood that the Planning Commission shall not act to override the requirements of other agencies or Town Departments. It may, however, seek to bring agreement in case of conflicts between the various reviewing agencies, or a reviewing agency and the subdivider.

Any plat submitted to the Planning Commission shall contain the name and address of a person to whom notice of hearing may be sent: and no plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of time and place of which shall be sent by certified mail to said address not less than five (5) days before the date fixed therefore.

Any appeal shall be made to the Circuit Court of Appeals who shall at its discretion hear the appeal and make their decision known to the appellant and the Planning Commission. Any appeal to Circuit Court of Appeals must be in writing and filed with the Circuit Court of Appeals within thirty (30) days after the notice of the decision of the Planning Commission has been delivered to the subdivider.

Approval of the Preliminary Plat shall be noted on the plat and certified by the Administrative Official to the Planning Commission on authorization by the Planning Commission. Also noted shall be the date on which the Planning Commission granted approval and the date of written notification to the subdivider or his authorized agent. *Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat.* Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met. Upon approval of the preliminary subdivision plat by the Planning Commission, the subdivider may proceed with compliance of the other requirements of these regulations, construction of proposed improvements, and the preparation of the final subdivision plat.

C. Effective Period of Preliminary Approval. The approval of Preliminary

Plat shall be effective for a period of two (2) years at the end of which time final approval on the subdivision must have been obtained from the Planning Commission although the plat need not yet be signed and filed with the Registrar of Deeds. Any plat not receiving final approval within the period of time set forth therein shall be required to resubmit a new plat for preliminary approval subject to all new land development regulations.

Model Homes. For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission at its discretion may permit a portion of a subdivision involving not more than two (2) lots to be created in accordance with the procedures for exempted subdivisions, provided said portion derives access from an existing city, county or state highway, and provided no future road or other improvement is anticipated where said lots are proposed. Subsequent to approval of exemption, the model may be constructed, subject to such additional requirements that the Planning Commission may require.

- D. Major Subdivision.** All subdivisions not classified as minor subdivisions, requiring any new street or extension of supporting governmental or private utilities.
- E. Minor Subdivision.** Any subdivision with lots fronting on an existing street, not involving any new street or road, the extension of public utilities, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, official map, zoning ordinance or this ordinance.

3-2.4 Final Plat

- A. Application Procedure and Requirements.** Following the approval of the Preliminary Plat and completion of all required improvements, if the improvements are not going to be bonded, the applicant shall file with the Administrative Official as application for final approval of a subdivision plat. The application shall:
 - 1. Be made on forms available at the Office of the Administrative Official.
 - 2. Be accompanied by a minimum of eight (8) prints and one reproducible copy of the Final Plat, and
 - a. As-built drawing of sanitary sewers (if applicable) with grade, pipe sizes, and points of discharge.

- b. As-built drawing of storm sewer system with grade, pipe sizes, and location of outlets.
 - c. As-built drawing of water system with pipe sizes and location of hydrants and valves.
3. Comply in all respects with the Preliminary Plat as approved.
 4. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, park, and easements, in approved by the local government attorney; and the Final Plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to the local government all the streets, local government uses, easements, parks and required utilities shown in the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated _____, and recorded in the Registrar of Deeds' Office.

By _____
(Owner or Representative)

Date _____

The applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording.

5. Be accompanied by the performance bond, if required, in a form satisfactory to the local government attorney and in an amount established by the Planning Commission upon recommendation of the Town Engineer shall include a provision that the principal of the bond shall comply with all the terms of the resolution of Final Plat approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.
6. Be accompanied by the following certificate signed by a registered South Carolina Engineer covering all required improvements

which are not bonded:

I hereby certify that the streets, drainage system, sewer system, and water system in _____ Subdivision as shown on the Record Drawings dated _____, prepared by _____ have been installed in accordance with the Preliminary Plat and Construction Plans approved by the Town of Chapin Planning Commission on _____, 19_____.

SEAL

Registered Engineer

- B. Minor subdivisions,** which do not involve the construction or opening of new streets, water or sewer facilities, storm drainage systems, or improvement to existing streets may be accepted for review by the planning commission in the form of a final plat. Sketch plans and preliminary plats are not required in such cases. However, a service connection plan for utilities and a grading plan may be required.
- C. Final Plat Approval.** Upon determination by the Administrative Official to the Planning Commission that the Final Plat is in conformity with the Preliminary Plat as approved, the Administrative Official shall submit an appropriate number of copies of the Final Plat and As-Built Drawings to the same agencies and Town departments which reviewed and approved the Preliminary Plat.

These reviewing agencies shall report their findings to the Planning Commission within thirty (30) days after receipt of the Final Plat.

Upon Receipt of:

1. A report from the SC Department of Health and Environmental Control that all lots are acceptable for installation of wells or a report from the City Engineer/Public Service District and the South Carolina Department of Health and Environmental Control Water Division that the water system is acceptable for operation:
2. A report from the SC Department of Health and Environmental Control that all lots are acceptable for installation of an individual

sewage disposal system or a report from the Town Engineer/Public Service District and the South Carolina Department of Health and Environmental Control Waste Water Division that the waste water system is acceptable for operation: and

3. A report from the Town Engineer that all streets and drainage facilities have been properly installed in accordance with the Preliminary Plat:

Or upon approval of a bond for completion of improvements by the Town Council, the Planning Commission shall give approval, approval with modifications, or disapproval of the Final Plat. When bond is used in lieu of completion of improvements, the Planning Commission shall stipulate the period of time within when all of the required improvements shall be installed and approved by the appropriate agencies. In no event shall this time be longer than two (2) years. *Final acceptance will be based on a satisfactory on-site inspection by the Town Engineer and reported in writing to this Planning Commission.*

In each case the Planning Commission shall act on a Final Plat within sixty (60) days after the date of application; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant may waive this requirement and consent in writing to the extension of such period. The grounds of disapproval of any plat shall be stated upon the records of the Planning Commission. No plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of time and place of which shall be sent by registered or certified mail to the address provided by the applicant not less than five (5) days before the time of the hearing.

It is expressly understood that the Planning commission shall not act to override the requirements of other agencies or Town Departments. It may however, seek to bring agreement in cases of conflict between the various reviewing agencies, or a reviewing agency and the subdivider. In no case shall the Planning Commission disapprove a Final Plat of a subdivision which:

1. Meets the requirements of a Final Plat as set forth in the regulations, and
2. Conforms to an approved Preliminary Plat, and
3. Has all the required improvements installed and approved.

- C. Certificate of Approval for Recording.** Upon approval of the Final Plat by the Planning Commission, the following statement will be placed on the Final Plat by the Administrative Official and two (2) copies of the plat returned to the subdivider:

The subdivision plat shown hereon has been found to comply with the Town of Chapin Land Development Regulations and has been approved for recording in the Office of the Registrar of Deeds of County of Lexington, South Carolina.

19_____

Title

- D. Recording of Final Plat.** It shall be the responsibility of the applicant to file the plat with the County Registrar of Deeds.
- E. Staging of Major Subdivisions.** The Planning Commission may grant Final Plat approval to sections of a subdivision shown on an approved Preliminary Plat which meet all the previously mentioned requirements of this ordinance if such sections, in the opinion of the Planning Commission, are adequately served by all utilities, a storm drainage system and street system, even if no other sections of the subdivision are developed.
- F. Final Plat Revision.** If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the Town Clerk for final recording after the Planning Commission has approved and signed the revised plat.

3-3 South Carolina Department of Health & Environmental Control (DHEC) Approval

It shall be the developer's responsibility to obtain any required permits and approval from DHEC.

3-4 Federal Housing Administration or Farmers Home Administration Approval

In the event the subdivider plans to secure approval of his subdivision design by the Federal Housing Administration and/or the Farmers Home Administration, it is suggested that such approval be secured prior to submission of a preliminary plat to the Planning Commission.

3-5 Flood Plain Restrictions

Refer to the Town's Flood Prevention Ordinance.

3-6 Wetlands

No portion of a subdivision shall be approved for construction which is in a designated wetland without prior approval from, and subject to the restrictions of, the U.S. Army Corps of Engineers.

3-7 Prohibition

No public official shall accept, file, or record any subdivision plat, plat of a group development, planned development, or any other type development unless such plat has been duly approved by the Town of Chapin Planning Commission. Should any public official violate the provisions of this section he shall, in each instance, be subject to the penalties stated in Article 13 of these regulations.

3-8 Street Naming

The Town of Chapin Planning Commission shall approve and authorize the name of any street or road laid out within the Town of Chapin on any subdivision plat or group development subject to review and approval by said Planning Commission. Streets that are extensions of, or obviously in alignment with existing streets, shall bear that name. The name of new streets shall not duplicate or be similar in sound to existing names in Lexington County, irrespective of the use of the suffix street, avenue, circle, way boulevard, drive, place, court or the like. It shall be unlawful for any person, in laying out any new street or road, to name such street or road on any plat, by any marking, or in any deed or instrument without first getting the approval of the Planning Commission. Any person violating this provision shall be guilty of a misdemeanor punishable by the terms of Article 12 of these regulations.

ARTICLE 4

PLAT REQUIREMENTS

4-1 **Sketch Plan** - The Sketch Plan shall be prepared in accordance with the following requirements:

A. Sketch Plans submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not less than 200 feet to one inch (depending upon the lot sizes and total acreage to be subdivided) and shall show the following information:

1. Name

- a.** Name of subdivision if property is within an existing subdivision.
- b.** Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
- c.** Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

2. Ownership

- a.** Name and address, including telephone number, of legal owner or agent of the property involved in the subdivision.
- b.** Name and address, including telephone number, of the professional person(s), if any, responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.

3. Location

A vicinity map at a scale of not less than one inch equals one mile showing the relationship of the proposed subdivision to surrounding development. The scale of the vicinity map should be shown, as well as a north arrow.

4. Features

- a.** Total acreage in the tract to be subdivided.
- b.** Location of property lines, existing easements, railroad right-of-ways, watercourses and existing buildings.
- c.** Location of all existing or platted streets or other public ways within or adjacent to the tract.
- d.** Names of any adjoining subdivision.
- e.** Approximate location, widths, and classification of proposed streets, including width of right-of-ways.
- f.** Approximate location, dimensions, and area of all proposed or existing lots.
- g.** Existing and proposed uses of land throughout the subdivision.
- h.** Existing uses of land surrounding the subdivision.
- i.** The approximate location and dimensions of any parcel of land proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof.
- j.** Location of lakes, swamps, and land subject to flood, based on a one hundred-year frequency flood.
- k.** Topography in terms of mean sea level by contours at vertical intervals of not more than five (5) feet (The Planning Commission's Administrative Official may accept vertical intervals of not more than ten (10) feet or waive the requirement where existing topographic mapping is not available at five (5) feet contours and the terrain of the proposed subdivision is not of major significance.), and extending at least one hundred (100) feet outside the subdivision.
- l.** Location of city limit lines and county lines, if applicable.

- B. The subdivider may, and is encouraged to, submit a sketch plan of the entire tract he plans to ultimately develop, although his present plans call for the actual development of only a part of the property.
- C. A site evaluation of the development, including a soil survey and interpretations conducted or approved by the County Soil and Water Conservation District as described herein, shall be submitted as an integral component of the Sketch Plan.

The developer of the subdivision shall apply to the Soil and Water Conservation District to do the required site evaluation and soil survey and interpretations. If the staff of the Conservation District determines that it cannot perform the site evaluation within 30 days of the application, then the developer may contract with a registered engineer, landscape architect or professional soil conservationist to perform the site evaluation. This site evaluation must then be submitted to the staff of the Conservation District for approval. The staff shall review the site evaluation within 15 days of its submission.

It is suggested that the subdivider obtain a site evaluation, including a soil survey and interpretations, and use it as an aid in the development of his Sketch Plan.

4-2 Preliminary Plat - The Preliminary Plat shall meet the minimum standards of design set forth in these regulations and shall include the following information:

- A. The Preliminary Plat shall be prepared by a South Carolina Registered Land Surveyor at a convenient scale of not less than one inch equals 100 feet; adjustable depending upon lot sizes and total acreage.
- B. The Preliminary Plat shall include the following:
 - 1. **Name**
 - a. Name of subdivision if property is within an existing subdivision.
 - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
 - 2. **Ownership**
 - a. Name and address, including telephone number of legal owner or agent of the property involved in the subdivision.

- b. Name and address, including telephone number of the professional person(s) responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.

3. Location

A vicinity map at a scale of not less than one inch equals two miles showing the relationship of the proposed subdivision to surrounding development. The scale of the vicinity map should be shown, as well as a north arrow.

4. Features

- a. Total acreage in the tract to be subdivided.
- b. Graphic scale, north point and date. The north point shall be identified as magnetic, true or grid north.
- c. Boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy that the error of closure is no greater than 1:2,500.
- d. The following conditions:
 - 1. Topography by contours at vertical intervals of not more than five (5) feet and extending at least one hundred (100) feet outside the subdivision.
 - 2. Deed record names of adjoining property owners.
 - 3. Names of any adjoining subdivision.
 - 4. Property lines within and adjoining the subdivision.
 - 5. Location and right-of-way of all existing or platted streets or other public ways, railroads, easements, water courses and buildings either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or right-of-ways and show location of poles or towers.
 - 6. Location of town limits.

7. Location of streams, lakes swamps, and land subject to flood, based on a one hundred-year frequency flood. Those lots so affected shall be identified and noted on the plat.
8. Location of existing adjoining property lines.
9. In case of re-subdivisions, a copy of existing plat with proposed re-subdivisions superimposed thereon.
10. Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.
11. The acreage of each drainage area affecting the proposed subdivision.
12. All elevations shall refer to Mean Sea Level Datum (if available) where public water and/or public sewers are to be installed.

e. The following proposed conditions:

1. The location, width, classification and proposed name of all proposed streets, alleys, and other public ways. This should include the width of both the paved surface and the right-of-way.
2. The location and width of all utility and other types of easements.
3. The location, dimensions and building setback lines of all proposed lots.
4. The location and dimensions of all property proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
5. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground: the

location of all proposed monuments.

6. Indication of the use of all lots (single family, two family, multi-family, townhouse, offices, commercial, warehousing, industrial, etc.)
 7. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
 8. All lots in each block shall be consecutively numbered.
 9. Total number of lots and total length of new streets.
 10. Sidewalk locations.
- C. The Preliminary Plat shall be presented in a similar format to the one on the accompanying sheet. All dimensions shall be shown to the nearest one-tenth of a foot and angles to the nearest minute.

4-3 Construction Plans

- A. **General** - Construction plans shall be prepared for all required improvements by a registered South Carolina Engineer at a convenient scale of not less than one inch equals 100 feet.
- B. The Construction Plans shall include the following if such an improvement is proposed in the subdivision.
1. Profiles showing existing and proposed elevations along the centerlines of all new roads. The elevation along the centerlines of existing roads shall be shown within one hundred (100) feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
 2. Where steep slopes exist, the Town Engineer may require that cross-sections of all proposed streets at one-hundred foot stations shall be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said evaluation points shall be at the center of the street, each property line, and points twenty-five (25) feet inside each property line.
 3. Plans and profiles showing the locations and typical cross-section of street

pavements including curbs and gutters, sidewalks, drainage easements, rights-of-ways, manholes, and catch basins: the locations of street trees, street lighting standards, and street signs: the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any exact location and size of all water, gas, or other underground utilities or structures.

4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drain, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams at the date of the survey and the approximate 100-year flood elevations of such lakes or streams. All elevations shall be referred to the Mean Sea Level Datum where public water and/or public sewers are to be installed.
5. The acreage of each drainage area affecting the proposed subdivision.
6. Topography at a contour interval of two (2) feet, referred to sea level datum when public water and/or public sewers are to be installed or portions(s) of the subdivision would be inundated by a 100-year frequency flood.
7. All specifications and references required by the construction standards and specifications of the Town of Chapin, any other local government providing any utility, and the Department of Health and Environmental Control or the County Health Department.
8. A site grading plan showing proposed finished contours when any major contour changes or filling for flood protection is proposed in the subdivision.
9. Title, name and address, telephone and signature of the South Carolina Registered Engineer and Surveyor responsible for the plans and date, including revision dates.

4-4 **Final Plat:** **General** - The Final Plat shall be prepared by a South Carolina Registered Land Surveyor at the same scale and containing the same information, except for any changes or additions required by the Planning Commission, as shown on the Preliminary Plat, except that final finished contours and the resultant areas subject to inundation by a 100 year flood shall be shown. The Preliminary Plat may be used as the Final Plat if it meets these requirements and is revised in accordance with the requirements of the Planning Commission.

4-4.1 Scale of Plat - The Final Plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet.

4-4.2 Plat Information - All revision dates must be shown as well as the following:

1. Name of owner of record.
2. Name of subdivision, date, north point, and graphic scale. The north point shall be identified as magnetic, true or grid north.
3. Name, registration number, and seal of registered surveyor or civil engineer.
4. Name of municipality and/or county in which the subdivision is located and location map.
5. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street centerline, lot line, easement, boundary line, and building line whether curved or straight. This shall include the radius, point of tangent, and other data for curved property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice.
6. Names of owners of record of all adjoining land and all property boundaries, water courses, streets, easements, utilities and other such improvements, which cross or form any boundary line of the tract being subdivided.
7. Exact boundaries of the tract of land being subdivided shown with bearing and distances.
8. Streets, alleys, rights-of-way, percent of grades, and street names.
9. Rights-of-way or easement: location, widths and purposes.
10. Lot lines, minimum building setback lines, and lot and block numbers.
11. Parks, school sites, or other public open spaces, if any.
12. All dimensions shall be to the nearest one-tenth (0.1) of a foot and angles to the nearest minute or as required by "Minimum Standards for the Practice of Land Surveying in South Carolina", whichever is stricter.

13. Accurate description of the location of all monuments and markers.
14. Areas to be used for purposes other than single-family residential and public, if any, with the purpose, location, and dimensions of each indicated.
15. One copy of the final plat, which shall be retained by the Town of Chapin, shall include an overlay showing the type, number, and location of all streetlights.

4-4.3 Certification - The following signed certificates shall appear on the Final Plat that is submitted to the Planning Commission by the subdivider:

A. Certificate of Accuracy

I hereby certify that the plan shown and described hereon is true, correct, and accurate survey required by the Land Development Regulations of the Town of Chapin and that the monuments shown were placed to the specifications set forth in said regulations.

Date

Registered Land Surveyor or Engineer

SEAL

S. C. Registration Number _____

B. Certification of Ownership and Dedication

It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all streets, alleys, walks, parks, and other sites to public or private use as noted.

Date

Owner

C. Information to Accompany Final Plat when not using a Bond:

1. Final plan of sanitary sewer system with grade, pipe sizes, points of discharge, and pipe invert elevation.
2. Final plans of storm-water sewer system with grade, pipe size and location of outlets, and pipe invert elevations.
3. Final plan of water system with pipe sizes and location of hydrants

and valves.

4. The following signed certificate:

I hereby certify that the streets, drainage system, sewer system and water system in _____ subdivision as shown on the Plat dated _____, prepared by _____ has been installed in accordance with the Preliminary Plat (construction drawings) approved _____.

Date

Registered Engineer

SEAL

S.C. Registration Number _____

ARTICLE 5

MINIMUM DESIGN STANDARDS

5-1 General - In considering any Preliminary Plat, the Planning Commission shall give consideration to any Comprehensive Plan, or segments thereof, affecting the area in which the subdivision is located.

5-2 Streets - All streets, which shall hereafter be established in connection with the development of a subdivision, shall comply with the following design standards:

The layout of the streets as to arrangement, character, width, grade, and location may be required to conform to the Town's Master Plan, Official Map, Comprehensive Plan, to adjoining street systems or adjoining properties, and to the topography, natural features and drainage systems provided.

Minor streets shall be so laid out so that their use by through traffic will be discouraged, but to encourage use by local traffic.

Where a subdivision abuts or contains an existing or proposed collector or through street, the Planning Commission may require marginal access streets, reverse frontage with screen planting, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Roads of an existing subdivision shall not be used as the sole means of ingress and egress in developing a new subdivision or extending an existing one unless granted by the Planning Commission. If, in judgement of the Planning Commission, the increased traffic and noise would create a safety hazard or otherwise be detrimental to residents of the existing subdivision, additional access shall be provided.

5-2.1 Continuation of Existing Street Pattern - Whenever topography will permit, the arrangements of streets in a subdivision shall provide for the alignment and continuation or projection of existing streets in adjoining areas. This is to mean the interconnectivity of subdivision developments.

5-2.2 Cul-de-sacs - Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of at least one hundred (100) feet in a diameter and a paved turnaround with a minimum outside diameter eighty (80) feet or other approved type of turnaround. Maximum length shall not exceed eight hundred (800) feet unless unusual circumstances require a greater length.

5-2.3 Temporary Dead-End Streets - Temporary dead-end streets, which extend for a

greater distance than the depth of one abutting lot, shall be provided with a temporary turnaround having a diameter of eighty (80) feet, or other suitable turnaround.

- 5-2.4 Half Streets** - Half streets are prohibited along property lines. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.
- 5-2.5 Intersections** - The centerline of no more than two (2) streets shall intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than sixty (60) degrees (angles of intersection to be measured at the intersection of street centerline). Curved streets shall have a minimum tangent of one hundred (100) feet at intersections.
- 5-2.6 Reverse Curves** - Where practical, a tangent of at least two hundred (200) feet on minor streets and three hundred (300) feet on collector streets shall be provided between reverse curves. On major thoroughfares, tangent distances shall be determined by the State Highway Department.
- 5-2.7 Street Access** - Where it is essential to the development of a logical street pattern, street right-of-way shall be extended to the boundary of adjoining property. Incompatible characteristics of adjoining property shall be given due consideration in making a determination of what shall constitute a logical street pattern.
- 5-2.8 Street Jogs** - Street jogs should be avoided. Where unavoidable, street jogs at intersections shall have a centerline offset of not less than one hundred fifty (150) feet.
- 5-2.9 Street Names** - Streets that are extensions of, or obviously in alignment with existing named streets, shall bear that name. The name of new streets shall be subject to the approval of the Town Planning Commission and shall not duplicate or be similar in sound to existing names in Lexington County, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, or court or the like.
- 5-2.10 Additional right-of-way** - Subdivisions which include an existing platted street that does not conform to the minimum right-of-way requirements of these regulations shall provide additional width along one or both sides of such street so that the minimum right-of-way required by these regulations is established. Subdivisions abutting only one side of such street shall provide a minimum of one-half, measured from the centerline of the existing right-of-way, of the right-of-way required by these regulations.

5-2.11 Right-of-Way and Pavement Widths - Minimum right-of way and pavement widths shall be as follows:

Street Classifications	**ROW (feet)	*Pavement (feet)
Arterial	80	50
Collector	66	28
Local (Minor)	50	24

*Measured from (1) back-to-back of curbs or (2) low point of the valley to low point of the valley.

**As shown on the Major Thoroughfare Plan. Right-of-Way usually reserved or dedicated by subdivider and improved by others.

5-2.12 Street Grades - Grades on major thoroughfares shall be established by the State Highway Department. Grades on collector streets shall not exceed eight (8%) percent unless topographic conditions make this impractical. Grades on minor residential streets shall not exceed fifteen (15%) percent. All streets shall have a minimum grade of not less than one-half (0.5%) percent.

5-2.13 Horizontal Curves - Where a deflection angle of more than ten (10) degrees occurs in the alignment of a minor street, a curve of reasonable radius shall be introduced. A curve shall be introduced at any change in direction of a Collector Street or major thoroughfare. On major thoroughfares, the centerline radius of a curvature shall be determined by the State Highway Department. On collector streets the centerline radius of curvature shall not be less than three hundred and fifty (350) feet. On minor streets, the centerline radius of a curvature shall not be less than one hundred and fifty (150) feet.

5-2.14 Vertical Curves - Minimum stopping sight distance on major thoroughfares shall be determined by the State Highway Department. On collector streets minimum stopping sight distance shall be two hundred and seventy-five (275) feet (40 mph), and on minor streets one hundred and sixty (160) feet (25 mph). Stopping sight distances shall be measured from height of eye of three (3) feet nine (9) inches to an object with a height of six (6) inches. Both distances measured above the centerline of the street. Stopping sight distance standards of the American Association of State Highway Officials.

5-2.15 Split Level Streets - Streets which are constructed so as to have two traffic ways, each at different levels within the same right-of-way, shall provide a paved traffic

surface of at least twenty (20) feet on each level and a slope between the two traffic ways of three to one (3:1) or flatter.

5-3 **Blocks** - The Planning Commission shall examine every proposed subdivision as to its compliance with the following provisions:

5-3.1 **Non-residential Blocks** - Non-residential blocks shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking and service.

5-3.2 **Residential Block Length** - In order to insure convenient access between various parts of a subdivision and between the subdivision and surrounding areas, and in order to help prevent traffic congestion and undue inconvenience, the length of residential blocks hereafter shall not exceed fourteen hundred (1400) feet or be less than six hundred (600) feet from corner to corner. Provided, however, such length requirements may be modified when such shall be appropriate due to the topography or physical shape of the property being subdivided. The width of any residential block shall be sufficient to permit two (2) tiers of lots, where topography and land ownership permits, except as otherwise provided in these regulations.

5-3.3 **Crosswalks** - Where a subdivision design involves unusually long blocks, public right-of-way for pedestrian crosswalks shall be provided where such are necessary for the convenience of pedestrians. Such right-of-way shall not be less than ten (10) feet wide and improved to include a concrete, asphalt or other approved surface sidewalks six (6) feet wide and four (4) inches thick.

5-4 **Lots** - All lots, which shall hereafter be established in connection with the development of a subdivision, shall comply with the requirements set forth in the Zoning Ordinance of the Town of Chapin, South Carolina or as shown below, whichever are more restrictive.

5-4.1 **Authority of Health Department** - Nothing contained in these regulations shall be construed as preventing the Health Department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in these regulations are inadequate and must be increased to insure the protection of the public health.

5-4.2 **Setback Lines - Residential** - Building setback lines shall be in accordance with the zoning ordinance. Minimum side and rear setback lines shall also be in accordance with the zoning ordinance. Driveways shall be at least 4 feet from the property line except at the point of entry and exit.

5-4.3 **Lot Lines and Town Limit or County Lines** - Insofar as practical, lots should

not be divided by Town Limit or County boundary lines.

5-4.4 Lot Lines - Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.

5-4.5 Minimum Lot Dimensions and Area - The minimum lot width at the front building line and minimum lot area shall be designed in the Town of Chapin zoning ordinance.

5-4.6 Corner Lots

(1) Corner lots shall be at least five (5) feet wider than interior lots; provided however, the maximum required width of corner lots shall be one hundred (100) feet.

(2) The minimum side building setback distances shall be at least the minimum front building setback distance for the side adjacent to the street.

5-4.7 Double Frontage - Double frontage lots (i.e., lots having street frontage both in front and rear) shall be avoided except in commercial zones, where essential to provide separation of residential development from railroad or major street right-of-way or from non-residential uses or where necessary due to topography. Where a railroad or major thoroughfare right-of-way, as shown on the major thoroughfare plan, abuts or runs through any portion of the subdivision, the subdivision plat shall provide for either a minor street or lots backing onto said right-of-way having a minimum depth of two hundred (200) feet.

5-4.8 Street Access - Every lot hereafter established shall front or abut on a street which conforms to the requirements of these regulations.

5-4.9 Flag Logs - The use of flag lots in residential subdivisions shall be permitted only if dictated by the terrain. Flat lots shall not be permitted to solely allow an increase in the number of lots. The access drive to a flag lot shall have a minimum width of 30 feet and shall be a deeded part of the lot so accessed. No two flag lots may abut or converge at the (poles) street right-of-way.

5-5 Easements - Easements shall be required in subdivisions for the following purposes:

5-5.1 Utility Easements - When it is found to be necessary and desirable to locate public utility lines in other than street right-of-way, easements shall be shown on the plat for such purposes. All above ground utilities shall be provided along rear property lines except where site conditions make this impractical. Such easements shall be not less than twenty (20) feet along rear property lines and ten (10) feet alongside property line and, where possible, shall be centered on rear and side lot lines.

5-5.2 Water Course and Drainage Easements - Where a proposed subdivision is traversed by a water course, drainage way, or stream, appropriate provisions shall be made to accommodate storm water and drainage through and from the proposed subdivision. The area so improved shall conform substantially with the lines of said water course and be of a sufficient width for construction, or both, as to be adequate for the purpose, provided however, such public easement shall be not less than twelve (12) feet in width.

5-6 Reservation of Public Sites - To insure the orderly development of the community, the subdivider shall be required to reserve and negotiate to sell needed spaces for parks, schools, fire stations and playgrounds, as required by local governmental units, for a period not to exceed thirty (30) days from the date of submission of the Sketch Plan. The reservation period may be extended for one (1) additional thirty (30) day period if a governmental unit files with the Planning Commission a written statement indicating a desire to negotiate.

5-7 Flood Protection – Refer to the Town’s Flood Prevention Ordinance.

5-9 Manufactured Homes

Where permissible for use by the Zoning Ordinance, manufactured homes shall meet all building setbacks, parking, lot coverage, height, width and sign requirements of the zoning district shall apply. Unless otherwise specified, the design of the structure shall be similar in character and appearance to other dwellings in the area with regard to unit size, roof overhangs, roof materials, roof pitch, and exterior materials.

5-9.1 Mobile Home Parks – Manufactured Homes in a certified and licensed Mobile Park shall be exempt from the requirements of Section 5-9, but shall meet all other regulations, including the Federal Manufactured Home Construction and Safety Standards Act of 1974, Town of Chapin Mobile Home Park Ordinance, and any other applicable federal, state, or local regulations.

5-9.2 Manufactured Home Subdivision – Manufactured Home Subdivisions are defined as single family residential neighborhoods in which permanent dwelling units on individually platted lots are manufactured homes meeting the 1974 Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code, not previously lived in prior to date of installation, meeting the “Foundations, Skirting and Additions” standards in paragraph 5-9.2, and the “Appearance Standards” in paragraph 5-9.3.

- A. **Lots** – There shall be a minimum of 20 lots and 3.4 acres per development, lots shall be a minimum of 7,350 square feet, and shall be individually platted and deeded.
- B. **Requirements** – Manufactured Home Subdivisions shall meet all other applicable requirements of these regulations and of the zoning ordinance.

5.9.3 Foundations, Skirting and Additions - All manufactured homes shall be placed on a permanent foundation that meets applicable building code requirements of the Town of Chapin where the crawl space beneath each unit and perimeter wall are enclosed with brick and mortar from the ground to the home itself, such that the floor elevation of the proposed dwelling is reasonably compatible with those of surrounding dwelling units. All additions, including but not limited to steps, porches and decks, must meet the requirements of the Southern Building Code and CABO.

5.9.4 Appearance Standards – The design of the structure shall be similar in characteristic and appearance to other dwelling units in the area with regard to unit size, roof overhangs, roof materials, roof pitch, and exterior materials. All Manufactured Homes shall meet the following standards of Acceptable Similarity and Design of Structure:

- (1) Minimum Width of Structure: Minimum width of the manufactured home as assembled on the site shall not be less than 20 feet, as measured across the narrowest portion.
- (2) Minimum Roof Pitch, Minimum Eave Overhang, Roofing Materials: The pitch of the main roof shall not be less than 3:12. Minimum over hang of eaves shall be twelve (12) inches. Roofing materials shall consist of one of the following categories: wood, shingle, wood shake, synthetic composite shingle, concrete tile, or any other material may be used that is generally acceptable for site-built housing, if applied in such a manner as to be similar in appearance. Metallic roofing surfaces shall not be permitted on the residential structure or on any garage or carport unless approved by the Town’s Building Official/Engineer.

- (3) Exterior Siding: Exterior siding shall be made of nonreflective, nonglossy, and nonmetallic materials unless approved by the Town's Building Official / Engineer. Acceptable siding materials include: vinyl, brick, wood, stucco, stone, or other masonry materials or any combination of these materials, or any material that the Town's Building Official / Engineer deems to meet the intent of this regulation, and which is compatible with surrounding development shall be used.

5-9.5 Unless specifically noted above, Manufactured Homes shall meet all other provisions of these Land Development Regulations and the Zoning Ordinance.

5-10 Size Homes to be built - Any person, developer or corporation desiring to create and develop any residential subdivision within the Town of **Chapin** or which is to be annexed into the Town of **Chapin** shall declare in writing at the time of submitting the sketch plan to the Town, the minimum heated square foot size homes to be built in the subdivision.

ARTICLE 6

REQUIRED IMPROVEMENTS

The subdivider shall install and/or pay for the improvements required by these regulations necessary to serve his subdivision prior to the approval of the Final Plat.

- 6-1 Monuments** - All lot corners, street corners, and points of change of direction in exterior boundaries of the subdivision shall be marked with an iron pipe at least twenty four (24) inches long and driven to within four (4) inches of the finishing grade or flush as conditions may require.
- 6-2 Natural Gas** - When gas lines are located in a street right-of-way, where possible, such lines shall be located outside the portion of the street to be surfaced to prevent cutting into the paved surface to serve abutting properties.
- 6-3 Water Supply** - A public water system shall be installed in all subdivisions. When a water system is installed in a subdivision, water mains, valves, and fire hydrants shall be installed according to plans and specifications approved by the town engineer and the Health Department. When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.
- 6-4 Sanitary Sewerage** - If a sanitary sewer system is installed in a subdivision, sanitary sewers shall be installed to the plans and specifications approved by the appropriate Town Engineer and the Health Department. When the sewer main is located in the street right-of-way, and it will be necessary to cut into the street surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.
- 6-5 Sewerage Disposal Systems** - Prior to the construction of any sewerage disposal system such as an oxidation pond or other facility, the location, size, plans, and specifications of such a facility shall be approved by the Town Engineer and the Health Department.
- 6-6 Curbs and Gutters** - Concrete curbs or paved valley-type gutters shall be installed and shall be in accordance with plans and specifications of the State Highway Department and the Town Engineer.
- 6-7 Street Grading and Surfacing** - Street grading, base preparation, and surfacing shall be carried out by the subdivider according to plans and specifications of the State Highway Department, and the Town Engineer.

- 6-8 Storm Drainage** - An adequate drainage system, including necessary improved open channels, pipes, culverts, storm sewers, intersection drains, drop inlet, bridges, and other necessary appurtenances shall be installed by the subdivider and shall be according to plans and specifications approved by the Town Engineer.
- 6-9 Street Name Signs** - Street name signs shall be installed at all intersections within a subdivision. The location and design of such signs shall be approved by the proper town authority.
- 6-10 Sidewalks** - Sidewalks shall be installed and shall be constructed within the street right-of-way, and approved by the Town Engineer. A four (4) foot sidewalk shall be provided on at least one side of all minor streets. Five (5) foot sidewalks shall be provided on both sides of collector streets and major thoroughfares.
- 6-11 Trees** - It is the intent of the Town of Chapin to preserve trees within its corporate limits. In keeping with this intent, street trees should be planted at forty (40) foot intervals within five (5) feet of the street right-of-way on both sides of the street, but must be outside the right-of-way. Existing trees should be preserved whenever possible, and the plans and specifications for tree planting and tree preservation should meet the approval of the Planning Commission.
- 6-12 Open Space Recreation Requirements** - The Planning Commission shall require that open space be reserved for active or passive recreation where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography and general access for the particular purposes envisioned by the Planning Commission. These areas shall be shown on the Plat and marked “reserved for recreation open space”. The number of acres to be reserved shall be determined in accordance with the following table, which has been prepared on the basis of providing three (3) acres for every one-hundred (100) dwelling units.

a. SINGLE FAMILY LOTS SIZE OF LOTS	MINIMUM PERCENTAGE OF TOTAL LAND IN SUBDIVISION TO BE RESERVED FOR RECREATION PURPOSES
80,000 SF & GREATER	1.5 PERCENT
50,000 SF	2.5 PERCENT
40,000 SF	3.0 PERCENT
25,000 SF	5.0 PERCENT
10,000 SF	13.0 PERCENT

- b. **Multifamily and High-Density Residential.** The Planning Commission shall determine the acreage for reservation based on the number of dwelling units per acre to occupy the site as permitted by the Ordinance.

6-13 Traffic Control Devices - Traffic Control devices whether signs or signals, shall be installed by the Developer as deemed appropriate by the Town of Chapin, its agencies and/or the South Carolina Department of Highways and Public Transportation. The authority to require traffic control devices may be exercised by the Town at anytime during the approval process.

6-14 Street Lights - RESIDENTIAL Standard 15,000 lumen H.P.S street lights shall be installed at a rate of not less than one street light per six (6) lots. Said street lights shall follow the criteria set by council on January 7, 1986 and which is made a part hereof by reference. The developer shall be responsible for the operating cost of said lights at the standard rate subject to the rate and class of service approved by the South Carolina Public Service Commission until the Town accepts title to the effected subdivisions road infrastructure, at which time the Town will assume responsibility for said operating costs. If the developer elects to install more than one street light per six (6) lots, then the operating costs for all such additional street lights shall be borne by the developer or the residents of the effected subdivision.

6-15 Traffic Impact Study - An impact study shall be required if a proposed project:

1. produces 50 peak hour (AM, PM, or Midday) two-way trips or more; or
2. produces 500 daily (24 hour) two-way trips or more; or
3. is an expansion of an existing project. When determining whether the project meets the threshold, trips from the existing land use shall be included in the trips that are considered “produced” by the project.

A TIS shall be completed as the first step of the project approval process. Prior to the submission of any TIS and preliminary plat, the applicant shall complete and submit a Traffic Impact Study Requirement Evaluation form obtained from the Administrative Official’s office. The Town’s Transportation Engineer will evaluate the request and determine whether a TIS is required.

The TIS is the responsibility of the applicant. The TIS shall be prepared in accordance with the Traffic Impact Study Guidelines adopted by the Town of Chapin and obtained from the Administrative Official’s office. All traffic studies must be prepared under the supervision of, and signed, stamped and dated by, a professional Civil Engineer registered in South Carolina. The applicant will be required to use a Town approved firm to complete the TIS. A list of approved consulting firms will be provided upon the determination that a TIS is required.

ARTICLE 7

GROUP DEVELOPMENT

7-1 General

7-1.1 In order to prevent creation of traffic hazards, insure the provision of off-street parking and provision of necessary utilities, plans for group developments such as shopping centers, industrial parks, mobile home parks, apartment complexes, and motels where the site is not subdivided into lots and public streets, but is retained in one ownership, the site plan shall be submitted to the Planning commission for review and approval.

7-1.2 These regulations are considered minimum and may be superseded by more restrictive regulations such as the zoning ordinance.

7-1.3 Types of Group Developments

- (1) Group commercial or industrial developments consist of more than one commercial or industrial structure erected on a single lot.
- (2) Group housing developments consist of:
 - A. Any structure containing more than four dwelling units on the first floor level thereof or containing more than eight dwelling units throughout, except that high rise apartments are not considered to be group housing developments.
 - B. More than one structure containing dwelling units erected on a single lot.

7-2 Procedures for Group Development Approval

The following procedures shall be followed in the submission, review, and action upon all group development plats:

7-2.1 Traffic Impact Study Requirement Evaluation: Prior to the submission of any TIS and/or site plan, the applicant shall complete and submit a Traffic Impact Study Requirement Evaluation form obtained from the Administrative Official's office. The Town's Transportation Engineer will evaluate the request and determine whether a TIS is required. A written response will be issued to the applicant within seven working (7) days of receipt of the TISRE. If a TIS is required, a copy of the Town's Traffic Impact Study Guidelines and a list of qualified consulting firms will be included in the Developer's Packet.

7-2.2 Traffic Impact Study: An impact study shall be required if a proposed project:

- a. produces 50 peak hour (AM, PM, or Midday) two-way trips or more; or
- b. produces 500 daily (24 hour) two-way trips or more; or
- c. is an expansion of an existing project. When determining whether the project meets the threshold, trips from the existing land use shall be included in the trips that are considered “produced” by the project.

A TIS shall be completed and submitted for review, if required, as the second step of the project approval process. The TIS is the responsibility of the applicant. The TIS shall be prepared in accordance with the Traffic Impact Study Guidelines adopted by the Town of Chapin and obtained from the Administrative Official’s office. All traffic studies must be prepared under the supervision of, and signed, stamped and dated by, a professional Civil Engineer registered in South Carolina. The applicant will be required to use a Town approved firm to complete the TIS. A list of approved consulting firms will be provided upon the determination that a TIS is required.

The Town’s Transportation Engineer will review, comment, and approve or disapprove the TIS and mitigation within thirty (30) days of receipt.

If the TIS is disapproved by the Transportation Engineer or if the Transportation Engineer requires any change or mitigation with which the developer does not concur, the developer may submit the TIS and Site Plan to the Planning Commission at its next regular meeting. The Planning Commission shall review and approve, disapprove, or approve with modifications the TIS and Site Plan at the meeting at which it is presented. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission meeting. The developer/applicant is responsible for obtaining all permits from SCDOT necessary to complete any mitigation required by the town.

7-2.3 Site Plan

- a. The developer shall submit along with the TIS at least seven (7) copies of a Site Plan to the staff of the Planning Commission for review. The staff shall recommend approval, disapproval, or approval with modification the Site Plan within thirty (30) days to the Planning Commission. The Planning Commission shall approve, disapprove, or approve with modification the site plan at its next regularly scheduled meeting. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission meeting.
- b. If the Site Plan is disapproved by the Planning Commission or if the Planning Commission requires changes with which the developer does not

concur, the developer may appeal to the Circuit Court of Appeals within thirty (30) days of being notified of the Planning Commission's decision.

- c. If the Planning Commission fails to act within thirty (30) days after submission of the Site Plan, the Planning Commission must inform the developer of the date on which action shall be taken but such extension of time shall not exceed thirty (30) days. Failure of the Planning Commission to act within these time limits shall be deemed to constitute Site Plan approval and a certificate to that effect shall be issued by the Planning Commission upon demand.

7-2.4 Construction Drawings

- a. The developer shall submit at least five (5) copies of the Construction Drawings along with the necessary supporting data to the staff of the Planning Commission.
- b. Upon determination that the Construction Drawings conform to the approved Site Plan, the staff shall submit these plans to the following agencies (as appropriate) for review and approval.
 - (1) Building Department
 - (2) Director of Utilities
 - (3) Director of Planning and Engineering
- c. Upon receipt of the reports from the above agencies, the staff of the Planning Commission shall approve, disapprove or approve with modifications the Construction Drawings within thirty (30) days after submission of the plans.
- d. The developer shall obtain all required DHEC approvals.
- e. If the Construction Drawings are disapproved by the staff or if the staff requires changes with which the developer does not concur, the developer may submit the Construction Drawings to the Planning Commission at its next regular meeting. The Planning Commission shall review and approve, disapprove or approve with modifications the Construction Drawings at the next regular meeting at which it is presented. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission.
- f. If the staff of the Planning Commission fails to act within thirty (30) days after submission of the Construction Drawings, the plans shall be automatically approved and a certificate to that effect shall be issued by

the Planning Commission upon demand.

- g. The Planning Commission shall not act to override the requirements of other agencies. The Commission may seek to bring agreement in cases of conflict between the various reviewing agencies and the developer.

7-2.5 Final Approval: Upon completion of all construction, no final approvals are required by the Planning Commission, but approvals may be required by other agencies.

7-3 General Plat Information

7-3.1 Site Plan

1. Total acreage in the tract proposed for Group Development and a statement of total contiguous acreage owned by the developer.
2. Tentative access and/or street layout.
3. Approximate rights-of-ways of existing and proposed buildings and structures.
4. Typical arrangement of existing and proposed buildings and structures.
5. Existing and proposed uses of land throughout the tract.
6. Existing uses of land and all existing street intersections surrounding the tract.
7. The location and size of all proposed utilities and storm drainage easements.
8. Topography in terms of mean sea level by contours at vertical intervals of not more than five (5) feet and extending at least one hundred (100) feet outside the tract (if access to adjoining land can be obtained).
9. Name, date, north point, and graphic scale of not less than one hundred (100) feet to one (1) inch.
10. A vicinity map at a scale of not less than one (1) inch equals one (1) mile showing the relationship of the proposed Group Development to surrounding development, especially schools, parks and shopping areas. The scale of the vicinity map should be shown on the Site Plan Drawing.

11. A site evaluation shall be submitted with the Site Plan. For developments exceeding five (5) acres in size, the elevation data for a one hundred (100) year flood shall be included.
12. Certification (*see Section 4-3.3*).
13. Such other information as the Planning Commission may deem necessary because of the physical characteristics peculiar to the particular development.

7-3.2 Construction Drawings

1. A plat of the property drawn to a scale of at least one hundred (100) feet to one (1) inch, and shall include the name of the development, north point, graphic scale, and date.
2. A location map at a scale of one (1) inch to one thousand (1000) feet showing the parcel of land, the location of all buildings, parking areas, and roadways, and all adjacent road rights-of-way. The scale of the location map should be shown on the construction drawings.
3. The shape, dimensions and location of all buildings and property lines, existing and proposed, on said parcel.
4. The nature (commercial, industrial, etc.) of the proposed uses of the buildings and/or land.
5. Topography in terms of mean sea level by contours at vertical intervals of not more than five (5) feet.
6. The location and dimensions of off-street parking and loading spaces and the means of ingress and egress to and from such space.
7. The location and size of all proposed utilities and storm drainage facilities.
8. A statement of variances requested from any section or subsection of Article 7-4 of these regulations.
9. Such other information as the Planning Commission may deem necessary because of the physical characteristics peculiar to the particular development.

10. Construction Drawing should be presented in a similar format to the accompanying sheet.

7-4 Standards

7-4.1 Requirements

Standards and requirements for parking, signage, setbacks, spacing between buildings, residential area requirements, screening, buffers, and landscaping for group developments shall be as specified in the Town of Chapin Zoning Ordinance, Sign Ordinance, and Landscape Ordinance.

7-4.2 Water, Sewerage and Drainage

Adequate provisions for water supply, sanitary sewerage, and storm drainage shall be installed by the developer according to the plans and specifications approved by the proper authorities.

7-4.3 Access and Egress – shall conform to the Driveway Regulation of the South Carolina Department of Transportation, the Zoning Ordinance, the Landscape Ordinance, and the Traffic Impact Study findings.

7-4.4 Mobile Home Parks - shall conform to the minimum standards set forth in the regulations: “Mobile Home Park Ordinance of the Town of Chapin, S.C.” and the Town of Chapin Zoning Ordinance.

7-4.5 Enforcement No building permits shall be issued and no connection to a public water system or public sewer system shall be made until the construction drawings for the group development are approved by the Planning Commission staff and so noted on prints of the development plan.

ARTICLE 8 PLANNED DEVELOPMENTS

8-1 **Intent**

The intent of the Planned Development is to better bridge the inherent difference between residential and nonresidential uses; and to better accommodate change within those areas of the Town of Chapin where due to economics or other factors responsible for change, potentially incompatible development could compromise property values or adversely impact existing land use, transportation facilities, or infrastructure.

Through the Planned Development advocated by this Article, it is possible to ameliorate differences between potentially incompatible uses by exacting concessions and conditions as necessary to achieve "land use compatibility."

8-2 **Minimum Site Requirements:** Minimum area requirements for a Planned Development shall be 2 acres.

8-3 **Permitted Principal Uses:** Any use proposed by the developer and considered by the planning commission as being compatible to other nearby uses within and beyond the district may be permitted in such district, upon approval by the Planning Commission and Town Council.

8-4 **Residential Density Permitted:** Residential density shall not exceed the average of 16 dwelling units per acre. The acreage devoted to residential use shall be used to determine density.

8-5 **Minimum Lot Area:** The minimum lot area for any portion of the Planned Development shall conform to the requirements of the applicable zoning district standards for the density approved in the general development plan.

8-6 **Minimum Lot Width, Minimum Setback Requirements, Maximum Lot Coverage, Maximum Height of Structures:** The minimum lot width, minimum setback requirements, maximum lot coverage and maximum height of structures for all or any one portion of the Planned Development shall conform to the requirements of the applicable zoning district standards for the density approved in the general development plan.

8-7 **Minimum Off-Street Parking and Loading Requirements:** Off-street parking and loading requirements as set forth in the Zoning Ordinance shall be met for each specified use.

8-8 **Signs:** Signs permitted in Planned Developments only in accordance with provision of the Sign Ordinance.

8-9 Landscaping and Buffer Yard Requirements: A minimum screen which meets the requirements of the Landscape Ordinance must be provided. The planning commission may require additional screening between uses and densities of development as a condition of plat approval.

8-10 Procedures

The following procedures shall be followed in the submission, review, and action upon all Planned Development plats:

8-10.1 Traffic Impact Study Requirement Evaluation: Prior to the submission of any TIS and/or general development plan, the applicant shall complete and submit a Traffic Impact Study Requirement Evaluation form obtained from the Administrative Official's office. The Town's Transportation Engineer will evaluate the request and determine whether a TIS is required. A written response will be issued to the applicant within seven working (7) days of receipt of the TISRE. If a TIS is required, a copy of the Town's Traffic Impact Study Guidelines and a list of qualified consulting firms will be included in the Developer's Packet.

8-10.2 Traffic Impact Study: An impact study shall be required if a proposed project:

- (1) produces 50 peak hour (AM, PM, or Midday) two-way trips or more; or
- (2) produces 500 daily (24 hour) two-way trips or more; or
- (3) is an expansion of an existing project. When determining whether the project meets the threshold, trips from the existing land use shall be included in the trips that are considered "produced" by the project.

A TIS shall be completed and submitted for review, if required, as the second step of the project approval process. The TIS is the responsibility of the applicant. The TIS shall be prepared in accordance with the Traffic Impact Study Guidelines adopted by the Town of Chapin and obtained from the Administrative Official's office. All traffic studies must be prepared under the supervision of, and signed, stamped and dated by, a professional Civil Engineer registered in South Carolina. The applicant will be required to use a Town approved firm to complete the TIS. A list of approved consulting firms will be provided upon the determination that a TIS is required.

8-10.3 General Development Plan Requirements: A general development plan shall contain the following information:

- (1) The proposed title of the project and the name of the engineer, architect, designer, or a landscape architect, and the developer;

- (2) The northpoint scale and date. The scale of the site plan shall be not more than 50 feet to 1 inch for projects less than 100 acres or 100 feet to 1 inch for those over 100 acres;
- (3) Existing zoning and zoning district boundaries and proposed changes in zoning, if any;
- (4) The boundaries of the property involved, the location of all existing easements, property lines, existing streets, buildings and other existing physical features on and immediately adjacent to the project;
- (5) The location and dimensions of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas (including number of parking spaces);
- (6) The location of proposed lots, setback lines, easements and land use;
- (7) The proposed location and approximate heights of all multifamily and nonresidential buildings and dimensions of structures drawn to scale;
- (8) The proposed location and description of all fences, walls, screens, buffers, plantings, and landscaping;
- (9) The proposed location and number of dwelling units (by bedroom type) for multifamily project;
- (10) The proposed location, character, size and height of all signs;
- (11) A location map showing the position of the proposed development in relation to the community;
- (12) A tabulation of total number of acres in the project to be devoted to public and/or private reservation;
- (13) The planning commission may establish additional requirements for site plan approval, and in cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper assessment of the project.

8-11 Actions by Planning Commission and Town Council

Actions by the Planning Commission and Town Council shall be as provided for zoning amendments, generally. Said bodies may approve the application, may include specific modifications of the proposal or other applicable regulations or may deny the application.

If the amendment is granted, Town Council shall, in its amending action, approve the application as it may have been changed during earlier procedures, or indicate required modifications, and be binding on the applicant. If modifications are required, council shall officially state its reasons for the record.

If the amendment is granted, the developer shall be required to proceed in accord with the approved planned development, as supplemental or modified by council in the particular case, and shall conform to any time or prior limitations established by council for initiation and/or completing the development in whole or in specific stages.

In taking action to amend the zoning map to establish the approved Planned Development, council shall pass upon the adequacy of the application, in form and substance relative to any agreements, contract, sureties, or other instruments involved, and before development may proceed, such instruments shall be approved by appropriate officers and agencies.

8-12 Preliminary Plats, Construction Plans, and Final Plats

The developer of a Planned Development is required to submit six (6) copies of a Preliminary Plat, Construction Plans, and Final Plat for each phase to be approved by the Planning Commission staff. Preliminary Plats, Construction Plans and Final Plats shall meet all requirements as defined in Article 4.

8-13 Administrative Action on Approved Planned Development

Once a Planned Development is established on the official zoning map, no zoning or building permit shall be issued therein, unless in compliance with the general development plan and other documents approved by council, and approval of preliminary plat and construction drawings by the Planning Commission staff. Except as provided below, all plans and reports approved by council shall be binding on the applicant and any successors in title so long as the planned development district zoning is applicable.

8-14 Changes in Approved Plans

Changes in approved final plans and reports may be approved by the planning commission only upon findings that such changes will not increase the density of the project, amount of traffic generated, reduce screening or off-street parking requirements, or substantially alter the composition of the project. Any such change to the contrary shall be approved subject to further study by the planning commission and amendatory action by Town Council in regards to zoning.

ARTICLE 9

CONSERVATION SUBDIVISION DESIGN

9-1 Purpose – It is the intent of this article to allow development that will meet future growth projections while preserving and protecting agriculturally, environmentally and historically significant features of the Town and County. In seeking to achieve this and the goals defined in the Town of Chapin Comprehensive Plan the purpose of this article shall be to:

- A.** Complement the environmental, agricultural, and historical preservation goals outlined in the Town’s comprehensive plan and Historic Preservation Ordinance.
- B.** Preserve the unique agricultural character of the Town and County.
- C.** Permit reasonable development that is in accordance with the principles of open space conservation.
- D.** Accommodate the development of sustainable communities while protecting and preserving areas of agricultural, environmental and historic significance.
- E.** Maintain separation of non-compatible land uses.
- F.** Preserve the scenic and natural character of the Town and County.
- G.** Create an interconnected network of open space that promotes livable, sustainable subdivision development and wildlife habitat and corridors.
- H.** Economize in the installation of infrastructure and the provision of public services.

9-2 Definition of Terms – For the purpose of this article, certain terms and words are hereby defined.

Agriculturally Significant: Generally, any land with an average Corn Suitability Rating (CSR) of 65 or higher is considered prime agricultural land, and, therefore, deemed to be agriculturally significant for the purpose of this article.

Clustering: A subdivision design method that concentrates development in specific areas on the proposed site. The purpose of clustering is to allow increased density on a portion of the parcel, while preserving the rest as permanent open space. The density of the entire parcel will not exceed the original density of the parcel, the houses will just be grouped together in one or more areas on the parcel, unless a density bonus is granted by the Planning Commission, which will allow increased building density on the parcel. The concept of clustering provides for a flexibility in subdivision design that fits the natural characteristics of the land and permits more useable open space and the preservation of prime agricultural land and land containing one or more sensitive area.

Conservation Subdivision Design: A residential development where fifty percent or more of the developable land area is designated as undivided, permanent open space; thereby permanently protecting agriculturally, environmentally or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots.

Corn Suitability Rating: The suitability of a soil is determined by a number of characteristics including: soil quality, growing season and moisture. A ranking is then assigned to the area.

Developer/Applicant: One proposing to undertake the action.

Environmentally Significant: Any tract of land that contains one or more of the following sensitive areas as defined by the S.C. Department of Natural Resources: critical wildlife habitats, erodable land, flood hazard areas, natural prairies, stream corridors, wetlands or woodlands, or that contains a scenic natural area.

Historically Significant: Any tract of land that contains an archaeological or historical resource as defined by the Historic Preservation Ordinance of the Town of Chapin, the Office of State Archaeologist of South Carolina and/or the S.C. Department of Archives and History, or that is considered by the State Historic Preservation Officer to be eligible for the National Register of Historic Places is defined as historically significant. In addition, any contiguous pieces of property of no greater area than one hundred sixty acres under diverse ownership which: a.) Are significant in American history, architecture, archaeology and culture, and b.) Possess integrity of location, design, setting, materials, skill, feeling and association, and c.) Are associated with events that have been a significant contribution to the broad patterns of our history, or d.) Are associated with the lives of persons significant in our past, or e.) Embody the distinctive characteristics of a type, period, method of construction, represent the work of a master, possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction, or f.) Have yielded, or may be likely to yield, information important to prehistory or history.

Hydric Soils: Soils susceptible to saturation by water, as defined by the USDA Natural Resources Conservation Service.

Scenic Natural Areas: Any tract of land which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hill crests, mature tree stands, and/or any other feature deemed to be significant by the Town of Chapin Planning Commission.

Sensitive Areas: Areas containing one or more of the following unique or locally significant resources: archaeological resources, critical wildlife habitats, erodible land, flood hazard areas, natural prairies, stream corridors, wetlands, or woodlands.

Site Map: A document identifying: location of the parcel, legal description of the parcel, proposed area of development, potential sensitive areas, septic provisions, and topography of the parcel.

9-3 Areas - Those areas deemed to be of agricultural, environmental, or historical significance, as defined above, shall, for the purposes of this ordinance, be referred to as “significant”. The specific characteristics of these areas are defined as follows:

- A. Agricultural Land:** Any land used to produce food and/or fiber, including, but not limited to, the production of row crops, small grains, forages, animals and timber. Land not devoted to urban uses, wildlife sanctuaries, or a native ecosystem is considered agricultural land.
 - 1. Prime agricultural land: Land with the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and which is available for these uses. These characteristics include soil quality, growing season, and moisture sufficient to sustain high yield crops when managed according to acceptable farming methods. The key indicator for prime agricultural land is an average Corn Suitability Rating (CSR) of 65 or higher.
- B. Agriculturally Significant Area:** Any tract of land which is considered prime agricultural land with a CSR of 65 or higher.
- C. Archaeological or Historic Resource (known):** Areas containing important information regarding the history or prehistory of the United States of America, the State of South Carolina, Lexington County, and/or the Town of Chapin. Areas containing suspected archaeologically or historically significant resources will be subject to review by the Office of the State Archaeologist of South Carolina, the South Carolina Historical Society, and/or the Lexington County Historic Preservation Society.
 - 1. Object – Distinguished from buildings and structures, constructions that are primarily artistic in nature or are relatively small in scale. These items also must bear an association with a specific location, setting, or environment. Objects include, but are not limited to, fountains, boundary markers, sculptures, monuments, and statuary.
 - 2. Site – The location of a prehistoric or historic occupation or activity, or a building or structure, standing, ruined or vanished, where the location possesses historic, cultural, or archaeological value. Sites include, but are

not limited to, battlefields, campsites, cemeteries, ceremonial sites, habitation sites, petroglyphs, rock carvings, trails, and village sites.

3. District – An area containing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

- D. Critical Wildlife Habitat:** Areas containing elements vital to the survival of endangered or threatened species including but not limited to, food sources and cover.
- E. Erodeable Lands:** Areas of incline, whether natural or man made, lacking sufficient vegetation to prevent instability, erosion or downstream siltation. The key indicator for erodeable lands is a slope of five percent (5%) or greater. Areas with a 5% slope or greater are subject to review by the USDA Natural Resources Conservation Service (NRCS). The NRCS will make the final determination regarding the area's erodability.
- F. Environmentally Significant Area**
- G. Flood Hazard Area:** Areas at high risk of inundation by water as a result of a flood. Known areas of flood hazard are indicated on the Flood Insurance Rate Map.
- H. Historically Significant Area:** Any tract of land that contains an archaeological or historical resource as defined by the Town of Chapin Historic Preservation Ordinance, the Office of the State Archaeologist of South Carolina and/or the South Carolina Department of Archives and History, or that is considered by the State Historic Preservation Officer to be eligible for the National Register of Historic Places. In addition, historical significance is defined as: contiguous pieces of property of no greater area than one hundred sixty acres under diverse ownership which: a.) Are significant in American history, architecture, archaeology and culture, and b.) Possess integrity of location, design, setting, materials, skill, feeling and association, and c.) Are associated with events that have been a significant contribution to the broad patterns of our history, or d.) Are associated with the lives of persons significant in our past, or e.) Embody the distinctive characteristics of a type, period, method of construction, represent the work of a master, possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction, or f.) Have yielded, or may be likely to yield, information important to prehistory or history. The certified local government or state government preservation program will review all proposed subdivisions that include or have a potential to include an area of historical significance.
- I. Natural Prairies(including but not limited to, roadside prairies, restored**

prairies, and prairie remnants): An area of significant size, containing a rich diversity of native flora species in associations typical of pre-settlement ecosystems, or areas with rare, threatened, endangered or special species.

- J. Scenic Natural Areas:** Any area which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hill crests, mature tree stands, and/or any other feature deemed to be significant by the Chapin Town Planning Commission.
- K. Stream Corridors:** The primary channel of a river or stream and any portions of the floodplain adjoining the channel that are reasonably required to carry and discharge its water.
- L. Wetlands:** An area saturated by surface water or ground water such that it supports the growth and existence of vegetation suited to such areas. The key indicator for wetlands is the presence of hydric soils. Areas containing hydric soils will be subject to review by the USDA Natural Resources Conservation Service. The United States Army Corps of Engineers will make the final determination regarding the existence of a wetland.
- M. Woodlands:** An area containing contiguous wooded parcels of significant size, containing a rich diversity of native flora species in associations typical of pre-settlement ecosystems, areas with rare, threatened, endangered or special species, or with ancient individuals, when in combination with understory species typical of pre-settlement ecosystems.

9-4 Process – The use of conservation subdivision design seeks to optimize land use in and around the Town of Chapin, while maintaining a balance between the preservation of agriculturally, environmentally and historically significant areas and allowing reasonable and sustainable growth to continue in the Town. New development shall avoid disturbance of areas or elements defined as “sensitive” or “significant”. The use of conservation subdivision design may be required of all residential subdivisions:

- Of 20 or more lots,
- Of 15 or more acres,
- Located in certain identified areas of conservation (sensitive area overlay zones/districts),
- With fifty percent (50%) or more of the parcel identified as agriculturally, environmentally or historically significant, and
- Of all commercial subdivisions if an area of agricultural, environmental or historical significance is deemed to be located on the site proposed for development.

The town encourages the use of conservation subdivision design on all suitable land in and around the town. All landowners and developers are encouraged to work closely

with the Town of Chapin Planning and Zoning staff in the design and platting process.

Density of conservation subdivisions shall be determined by dividing the total land area of the development by the total number of family dwelling units, which provides an average land area per family dwelling unit. Total land area of the development shall include all open space, including agricultural land, common ground, recreation areas, and land set aside for ponds and lakes, but shall not include the traffic surface area of subdivision roads. The density allowed by the parcel's zoning unless a density bonus is awarded to the developer by the Town of Chapin Planning Commission.

Density bonuses may (at the discretion of the Town of Chapin Planning Commission) be rewarded to developers who:

- Dedicate land for public use. Any land dedicated for public use including, but not limited to, trails, parks and other active recreation facilities, shall, at the discretion of the Town of Chapin Planning Commission, be eligible for a density bonus.
- Build affordable housing. A density increase shall be permitted for developments/subdivisions who provide affordable housing opportunities for low and moderate income families.

A minimum of fifty percent (50%) of the parcel must be designated as permanent open space. The portion of the parcel designated as permanent open space shall not be further subdivided and must be protected by a conservation easement held by the homeowners association, local conservation commission, land trust, or Town of Chapin that is recorded in the office of the County Registrar of Deeds. At least half of the land that is to be conserved must be shaped in a manner to be useable for agricultural or recreational purposes.

The homeowners association, local conservation commission, land trust, or Town of Chapin shall administer the permanent open space and is responsible for the payment of any taxes, upkeep, insurance, and any other responsibilities associated with "ownership" of the land.

The developer/applicant shall supply a completed application to the Town of Chapin Department of Building and Zoning which includes a draft of the conservation easement for the portion of the property that will remain as permanent open space or agricultural land and a fully dimensioned site plan, drawn to scale, which shall demonstrate, delineate, and label all of the following:

1. Topography, including areas to be graded, earth movements, drainage provisions, existing contour lines and any proposed new contour lines and any other significant topographical features.
2. The location and type of sensitive areas deemed to be of agricultural, environmental, or historical significance, as defined in Section 9-2 of this ordinance.
3. The location and type of all proposed areas to be preserved as open space or

- agricultural land, including areas of mitigation and preservation.
4. Existing zoning, land use(s), and approximate density of residential uses.
 5. Septic or waste water provisions as provided by SCDHEC.
 6. For areas of agricultural preservation, a buffer strip of at least seventy-five (75) feet must be delineated. When possible existing woodlands should be used, if not, a variety of rapidly growing indigenous trees and shrubs should be planted thickly in the buffer strip.
 7. Any other provisions not specifically required or excluded herein, as required by the Town of Chapin Land Development Regulations.

In addition, the applicant must abide by all applicable provisions of the Town of Chapin's Zoning Ordinance, not specifically excluded in this ordinance. The applicant must also ensure that:

1. All elements of the Site Plan shall be readily evident upon site inspection.
2. Elements not readily evident shall be marked for identification upon site inspection.
3. Areas designated to remain as open space or agricultural land, or areas of conservation shall be marked for identification upon site inspection.
4. All construction contracts shall include language protecting sensitive areas, agricultural land, areas of conservation, and areas containing sensitive elements.

Upon receipt of the application, the review process for the conservation subdivisions shall be the same as outlined in Article 3, Procedure for Plat Approval, of this ordinance. Included with the final plat, the subdivider shall submit a subdivider's agreement regarding the liability for and maintenance of the open space. In addition, the subdivider must include a conservation easement/open space covenant protecting the open space from any further development.

9-5 Exemptions – The use of conservation subdivision design shall not be required, but is encouraged for use on residential subdivisions:

- Of less than 20 lots,
- Of less than 15 acres,
- Not located in certain identified areas of conservation (sensitive area overlay zones/districts)
- With less than fifty percent (50%) of the parcel identified as agriculturally, environmentally or historically significant.

9-6 Compliance – Failure to comply with the requirements of the Conservation Subdivision Design shall be cause for a “Stop Work” order on applicable permits. New permits or “Resume Work” orders shall not be issued until all requirements of this ordinance are met and the required fines are paid to the town.

9-7 Appeals – Appeal of the requirements of this ordinance shall be processed in accordance with State Law.

ARTICLE 10

EXTRAORDINARY DEVELOPMENT

10-1 Purpose

With certain types of development, extraordinary safeguards may be necessary to protect the health, safety and general welfare of the citizens of the Town of Chapin. Developers are encouraged to work with the Planning Commission to avoid delays in project approvals.

10-2 Artificial Impoundments

Although aesthetically pleasing, the creation of artificial lakes or impoundments can result in significant water quality problems and dam safety issues.

10-2.1 Water Quality

1. Framework

Altering the natural flow of water can lead to eutrophication - a process by which a standing body of water becomes enriched with excess plant nutrients such as phosphorus and nitrogen, which results in excess algal production. This condition leads to lower dissolved oxygen (DO) levels which can have a detrimental effect on fish species and water quality. Artificial impoundments also lead to higher water temperatures and excess sedimentation, also harmful to aquatic species. Artificial lakes in the Town of Chapin should be planned carefully with a view towards ecological consequences.

2. Recommendation

Developers should take appropriate steps to maintain good water quality in artificial lakes. Developing a long term strategy for maintaining water quality is recommended. This strategy may include the use of greater setbacks for principal structures and associated buildings with impermeable surfaces from the normal high water mark of the water body, vegetative buffers along the edge of the water body, or the installation of an aeration system to maintain a healthy level of DO in the water body.

10-2.2 Dams

1. Framework

A dam breach can be a significant threat to the safety of homeowners, and motorists (in the event that a road is constructed on a dam). For this reason, all dams must meet either requirements of the South Carolina Department of Dam Safety, the U.S. Corps of Engineers or Section 9-2.B.2 of this ordinance, whichever is applicable.

2. Requirements

Any dam construction not covered under the requirements of the South Carolina Department of Dam Safety and for the purpose of creating an artificial impoundment for the benefit of a residential subdivision, including subdivisions not yet proposed, shall conform with the following requirements:

- a. The developer must provide dam construction drawings and plans *certified by a Professional Engineer* to the Planning Commission prior to beginning any site work.
- b. Upon concurrence by the Planning Commission and the Town Engineer that the proposed dam construction will not cause unreasonable harm to the health, safety, and general welfare of the residents of the Town, the developer may proceed with construction.
- c. Dam construction shall be periodically inspected by the developer's engineer to ensure conformance with the approved drawings and plans. The developer shall be responsible for notifying the Planning Commission and the Town Engineer during a minimum of three (3) phases of dam construction (see below). The Town Engineer may inspect the construction at their discretion.

Phase 1 - Coring, backfilling and setting of invert.
Phase 2 - Mid-construction of fill.
Phase 3 - Top fill and grading.
- d. Dams existing prior to the adoption of this ordinance must meet the requirements of this ordinance before a road is constructed on the dam.

10-3 Reserved

ARTICLE 11
LAND SURVEYING STANDARDS:
Connecting Surveys to State Plane Coordinate System

Purpose

The purpose of this section is to require certain land parcels, located within reasonable distance from monumented control points, to be referenced by field survey to geodetic control points which are defined by state plane coordinates. In cases where monumented control points are not within a reasonable distance as defined in this document the requirement will be to reference the survey to points which are identifiable on the county orthophoto maps. Property surveys affected by this section will be referenced to its accurate geographical locations, and therefore can be plotted in their correct position on the state plane coordinate based county mapping system. These positions can be reproduced to the same accuracy as the original determination, even if all physically platted corners or supporting evidence, or both has been destroyed.

This will improve greatly county land records by allowing ground surveys to be easily and accurately translated to county maps – hard-copy or electronic. In addition, land owners will benefit in that property corners tied directly to monumented geodetic control by field surveys are defined by mathematical references which cannot be destroyed; therefore in the future, missing or destroyed property corners can be more easily re-established with a high level of confidence.

This concept has existed for many years, but it has not been practical to apply on the county level until recent developments in technology allowed the cost-effective production of accurate mapping systems and the placement of closely-spaced geodetic control monuments defined by very accurate coordinates. In addition the recent development of the satellite based Global Positioning System (GPS) is revolutionizing control surveys.

Surveys Requiring Tie To Geodetic Control Monument

The following surveys require ties to geodetic control monuments:

Any subdivision of five (5) or more lots within a one mile traverse distance of geodetic control.

Any tract of five (5) or more acres within a one mile traverse distance of geodetic control.

Any subdivision of 25 or more lots or non-agricultural industrial/commercial development of 25 or more acres regardless of distance from geodetic control.

Surveys Exempt from Geodetic Control Monument Tie

It is considered very desirable for surveyors to tie all surveys, whenever possible, to the

state plane coordinate system. Nothing in these exemptions is intended to discourage surveyors from tying surveys to the state plane coordinate system.

The following surveys are exempted from geodetic control monument tie:

Mortgage surveys of residential property in existing subdivisions.

Any survey not specified in Section 11-2.

Surveys Requiring Orthophoto Locator Tie

With the exception of mortgage surveys, all surveys not tied to geodetic control shall have a “locator tie”. A locator tie is defined as a bearing and distance tie from a property corner to a point identifiable on the orthophoto map such as a building corner, a road intersection with a driveway or other point that can be accurately spotted on the orthophoto.

To support this requirement, the county will make copies of the county orthophoto maps available to licensed surveyors at a reasonable cost. Special pricing to surveyors will be contingent upon these maps being for the surveyors use only.

Survey Requirements

Survey requirements specified in this document are only for control survey connections between geodetic survey monuments and land parcels. Boundary surveys shall be performed in accordance with the State Minimum Standards published by the State Board of Registration for Professional Engineers and Land Surveyors unless requirements that are more stringent are specified herein. In so far as possible, Control surveys between geodetic monuments and property boundaries shall be extended from the nearest geodetic control monuments (s). County specifications for horizontal control are as follows:

Terrestrial Surveys:

If control is extended no more than 1/2 mile from control monument to property boundary third-order, class I (1/10,000) specifications shall be followed.

If control is extended more than 1/2 mile from the control monument to the property boundary second –order class II specifications shall be followed.

Global Positioning System (GPS) Surveys:

1. If GPS is used, procedures shall be followed to insure compatibility with the nearest geodetic control monuments to an accuracy of at least 5 cm + 2ppm. Only survey grade GPS receivers shall be used for boundary control.

Plat Requirements:

State plane coordinates shall be shown on the plat for at least two property corners. The geodetic monument(s) used for control will be noted on the plat with the grid distance and azimuth shown to at least one of the coordinated property corners.

Horizontal ground distances (not grid distance) will be shown on the plat for all segments of the boundary survey. A combined state plane coordinate – sea level reduction factor will be noted on the plat. Area will be based on horizontal ground distances.

All bearings will be referenced to state plane coordinate grid north.

Survey caps identifying the surveyor shall be placed on all new corners set on surveys covered by this ordinance.

Electronic Data Files

If the parcel or subdivision is generated with computer-aided drafting procedures, the town may request a copy of the electronic file to be copied on town-supplied medium.

ARTICLE 12
INTENT, AUTHORITY TO MODIFY, AND MAINTENANCE

- 12-1** **Intent** - These regulations do not intend to freeze new developments into any single type of design, but to insure that all new developments shall contribute to the building of economically sound and desirable living areas within the community with all necessary services and facilities.
- 12-2** **Authority to Modify Standards** - In order to provide the subdivider with maximum flexibility in the design and character of new residential developments, the Planning Commission is hereby authorized to modify the standards and requirements of these regulations in the case of a plan for an experimental subdivision or planned development, which in the judgement of the Planning Commission provides adequate public spaces for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.
- 12-3** **Maintenance of Spirit of Regulations** - Any Development or Subdivision approved under this section shall maintain the objectives, purposes and intent of these regulations and the comprehensive plan.

ARTICLE 13

SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS

13-1 General

In Lieu of completion of the physical development and installation of the required improvements previous to the approval of a Final Plat, the Chapin Town Council may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the Town of Chapin, the actual construction and installation of such improvements and utilities within a period specified and expressed in the bond.

13-2 Information

Necessary information to accompany the posing of a Bond.

13-2.1 Bond to equal one and a half (1 1/2) times face value of all improvements.

13-2.2 Improvements to be determined by the total cost of the following improvements where applicable:

- a. Water
- b. Sewer
- c. Paving of roads
- d. Storm drainage
- e. Sidewalks

13-2.3 Contract bids on above improvements of the development must be submitted with the Bond. These Bids or other positive assessments must be signed by a South Carolina registered engineer.

13-3 Procedures

13-3.1 The required information shall be submitted to the staff of the Planning Commission.

- 13-3.2** The staff shall submit these materials to the Town Attorney for review and comment.
- 13-3.3** The Town Attorney shall submit the materials to the Town Council for approval.
- 13-3.4** If the Town Council approves the Bond, then the Preliminary Plat shall be given “BONDED PLAT APPROVAL” which authorizes the plat to be recorded by the Registrar of Deeds of Lexington County, S.C.
- 13-3.5** Upon completion of all requirements of these Land Development Regulations the subdivider shall submit the Final Plat (as-built drawings) as provided in Section 4-4.
- 13-3.6** After the subdivider fulfills his obligations as required by the Subdivision Regulations and Bond, the Planning Commission shall approve the Final Plat and the Town Council shall release the Bond.

ARTICLE 14

APPLICATION OF REGULATIONS

From and after the adoption of these regulations and notification of the County Registrar of Deeds.

- 14-1 Recording of Final Plat** - No subdivision plat shall be filed with or recorded by the County Registrar of Deeds until such Final Plat has received Final Approval or Final Approval under bond.
- 14-2 Streets** - No streets right-of-way shall be accepted, opened, or maintained in any subdivision established hereafter which does not meet the requirements of these regulations.
- 14-3 Permits** - No building or zoning permit shall be issued for any subdivision established hereafter unless a Final Plat of such subdivision is approved by the Planning Commission and/or a Bond of improvements is accepted by Town Council.

ARTICLE 15

VIOLATION AND PENALTY

- 15-1 Violation by Subdivider** - Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of plat of a subdivision, before such plat has been approved by the Planning Commission and recorded in the office of the County Registrar of Deeds, shall be guilty of a misdemeanor, and upon conviction, forfeit and pay a minimum penalty of five hundred (500) dollars to the Town, for each lot so transferred or sold or agreed or negotiated to be sold. The description of any such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring such lot or parcel shall not exempt the transaction from such penalties or from the remedies herein provided. The Town Council may enjoin such transfer, sale or agreement by action for injunction brought in any court competent jurisdiction and may also recover such penalty by civil action in any court of competent jurisdiction.
- 15-2 Violation by Recording Official** - The Lexington County official whose duty it is to accept and record plats of real estate shall not accept, file or record any subdivision plat in such office without the approval of the Planning Commission. If the recording official violates the provisions of this section, he shall in each instance be subject to the same penalty as provided in the above section and the Town Council shall have the same rights and remedies as to enforcement or collection as therein provided and may enjoin any violations thereof.
- 15-3 Enforcement** - Whenever it shall come to the attention of the Town Council that any provision of these regulations have been or is being violated, the Town Council may immediately institute suit and prosecute the same to final judgement.

ARTICLE 16

VESTED RIGHTS

1600 Establishment of Vested Right

- a. A vested right as defined herein is established for two years upon the approval of a site specific development plan.
- b. The landowner of real property with a vested right may apply before the end of the vesting period but not thereafter to the Town of Chapin Planning Commission for an annual one-year extension of the vested right. The Town of Chapin Planning Commission must approve applications for at least five annual extensions of the vested right if a timely application has been filed with the Planning Commission unless an amendment to land development ordinances or regulations has been adopted that prohibits approval. If no timely application is made by the landowner to the Town of Chapin Planning Commission for an annual extension, the vesting period or annual extension applicable to such real property shall expire at the end of the vesting period or the annual extension thereof.
- c. The Town of Chapin Planning Commission may, but is not required, to provide for the establishment of a two-year vested right in a conditionally-approved site specific development plan. No two-year vested right is established in a conditionally approved site specific development plan unless such vested right is specifically and expressly approved by the Town of Chapin Planning Commission in writing when a site specific development is conditionally approved.
- d. The Town of Chapin Planning Commission may, but shall not be required, to approve the establishment of a vested right in an approved or conditionally approved phased development plan for a period not to exceed five years.
- e. No vested right in a site specific development plan shall attach or be established until plans have been received, all required approvals have been given or granted, and all fees have been paid, in accordance with the procedures outlined in this code. No vested right attaches or is established until a final decision has been rendered favorable to the applicant on all administrative appeals.
- f. The Town of Chapin Zoning Board of Appeals is not authorized to grant or approve a vested right and no vested right shall be established, created or accrue as a result of any decision of the Zoning Board of Appeals.

1601 Conditions and Limitations of Vested Right

- a. A vested right established by this ordinance and in accordance with the standards and procedures in the Town of Chapin zoning, land development and land-use ordinances and regulations is subject to the following conditions and limitations:

(1) the form and content of a site specific development plan submitted by a landowner must conform and comply with Town of Chapin zoning, planning, stormwater management and sediment control, building, electrical, mechanical, life safety, fire and other land-use codes, ordinances and regulations;

(2) no vested right in a site specific development plan shall be established except in conformity with Town of Chapin zoning, planning, stormwater management and sediment control, building, electrical, mechanical, life safety, fire and other land-use codes, ordinances and regulations;

(3) if the Town of Chapin Planning Commission approves a vested right for a phased development plan, a site specific development plan shall be required for approval with respect to each phase in accordance with regulations in effect at the time of vesting;

(4) a vested right established under a conditionally approved site specific development plan or conditionally approved phased development plan may be terminated by the Town of Chapin Planning Commission upon its determination, following notice and a public hearing, that the landowner has failed to meet the terms of the conditional approval;

(5) a vested right established in accordance with the provisions of this ordinance shall be vested upon approval by the Town of Chapin Planning Commission of the site specific development plan or phased development plan that authorizes the developer or landowner to proceed with investment in grading, installation of utilities, streets and other infrastructure and to undertake other specific expenditures necessary to prepare for application for a building permit. No developer or landowner shall proceed with investment in grading, installation of utilities, streets or other infrastructure, or shall undertake other significant expenditures necessary to prepare for application for a building permit before a site specific development plan or phased development plan authorizing such improvements and expenditures has been approved by the Town of Chapin Planning Commission. No investment in grading, installation of utilities, streets or other infrastructure, or other significant expenditures shall give rise to or establish a vested right until the Town of Chapin Planning Commission has approved the site specific development plan or phased development plan that authorizes the developer or landowner to proceed with improvements or undertake other significant expenditures on the real property which is proposed for development.

b. A site specific development plan for which a variance, regulation or special exception is necessary, does not qualify and may not claim or receive vested right status unless and until the variance, regulation or special exception is obtained. A phased development plan for which a variance, regulation or special exception is necessary does not qualify and may not obtain a vested right until the variance, regulation or special exception is obtained.

c. A vested right for a site specific development plan expires two years after vesting; provided, however, that the landowner of real property with a vested right may apply to the Town of

Chapin Planning Commission before the end of the vesting period for an annual extension of the vested right for a period of one year. If a timely application is made, the Planning Commission must approve applications for no more than five successive annual extensions unless an amendment to land development ordinances or regulations has been adopted that prohibits approval of such annual extension applications. The Town of Chapin Planning Commission shall designate the vesting point for a phased development plan as the date of approval of the phased development plan. The Town of Chapin Planning Commission may extend the time for a vested site specific development plan to a total of five years upon a determination that there is just cause for the extension and that the public interest is not adversely affected. Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development ordinances and regulations.

d. A vested site specific development plan or a vested phased development plan which has been approved by the Town of Chapin Planning Commission may be amended if the amendments are approved by the Town of Chapin Planning Commission pursuant to the provisions of applicable Town of Chapin land development ordinances and regulations.

e. A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.

f. A vested right to a site specific development plan or phased development plan may be revoked by the Town of Chapin Planning Commission upon its determination, after notice and a public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

g. A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws or ordinances adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.

h. A vested site specific development plan or vested phased development plan is subject to later local governmental overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses.

i. A change in the zoning district designation or land-use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner.

j. If real property having a vested site specific development plan or vested phased development plan is annexed, the governing body of the municipality to which the real property has been

annexed must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after the annexation.

k. The Chapin Town Council, the Town of Chapin Planning Commission and local zoning, planning and codes officials must not require a landowner to waive his vested rights as a condition of approval or conditional approval of a site specific development plan or a phased development plan.

1602 Nature of Vested Right

A vested right pursuant to this ordinance or the Vested Rights Act is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to the Vested Rights Act or this ordinance may rely upon and exercise the vested right for its duration, subject, however, to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. Nothing contained herein shall preclude judicial determination that a vested right exists pursuant to other statutory provisions.

1603 Landowner Rights Deemed Vested

a. The landowner's rights are considered vested in the types of land use and density or intensity of uses defined in the development plan, and the vesting is not affected by later amendments to a zoning ordinance or land-use or development regulation if the landowner:

(1) obtains or is the beneficiary of a significant affirmative government act that remains in effect allowing development of a specific project;

(2) relies in good faith on the significant affirmative government act; and

(3) incurs significant obligations and expenses in diligent pursuit of the specific project in reliance on the significant affirmative government act.

b. For the purposes of this section, the following are significant affirmative governmental acts allowing development of a specific project:

(1) the local governing body has accepted exactions or issued conditions that specify a use related to a zoning amendment;

(2) the local governing body has approved an application for a rezoning for a specific use;

(3) the local governing body has approved an application for a density or intensity of use;

(4) the local governing body or board of appeals has granted a special exception or use permit with conditions;

- (5) the local governing body has approved a variance;
- (6) the local governing body or its designated agent has approved a preliminary subdivision plat, site plan, or plan of phased development for the landowner's property and the applicant diligently pursued approval of the final plat or plan within a reasonable period of time under the circumstances; or
- (7) the local governing body or its designated agent has approved a final subdivision plat, site plan, or plan of phased development for the landowner's property.

ARTICLE 17

MEDIATION

1700 Pre-Litigation Mediation

A property owner whose land is the subject of a decision of the Board of Zoning Appeals may appeal either:

- (1) As provided below (Appeal to the Circuit Court); or
- (2) By filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-825 of the South Carolina Code of Laws (S.C. Local Government Comprehensive Planning Enabling Act of 1994). Any notice of appeal and request for pre-litigation mediation must be filed within thirty days after the decision of the board is postmarked.

1701 Appeal to the Circuit Court

A person having a substantial interest in a decision of the Board of Zoning Appeals, or an officer of the Town authorized by Town Council, may appeal to circuit court by petition for review on grounds that the decision is contrary to law, filed with the clerk of court and secretary of the Board within thirty (30) days after the decision of the Board is mailed. Within thirty (30) days after receipt of the notice of filing a petition, the Zoning Administrator or secretary of the Board, with assistance of the Town Attorney, shall file with clerk of court a certified copy of the Board proceedings, including a transcript of evidence and findings and conclusions of the Board.

ARTICLE 18

LEGAL STATUS

18-1 Conflict with Other Laws - Whenever the provisions of these regulations impose

more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance requires more restrictive standards than are required herein the requirements of such regulations shall prevail.

18-2 Repeal of Conflicting Regulations - All ordinances and resolutions regulating the subdivision and development of land adopted prior to these regulations are hereby repealed.

18-3 Separability Clause - If any section, clause or portion of these regulations shall be held by a court of competent jurisdiction to be invalid or unconstitutional, such finding shall not effect any other section, clause or portion of these regulations.

18-4 Effective Date - These regulations shall become effective and enforced after **date**.

18-5 Amendment - These regulations may be amended after notice and public hearing in the same manner or prescribed by Law for their original adoption.

18-6 Adoption Clause - The Town Council of the Town of Chapin, South Carolina hereby adopts the foregoing regulations governing the subdivision and development of land within the Town of Chapin, South Carolina as the “Land Development Regulations for the Town of Chapin, South Carolina” and directs that a copy of this action be transmitted to the Lexington County Registrar of Deeds.

Adopted this .

First Reading:

Second Reading:

Mayor Stanley Shealy

Attest:

Adrienne Thompson
Town Clerk