

As of: November 2015

**TOWN OF CHAPIN,
SOUTH CAROLINA
ZONING ORDINANCE**

Adopted January 2002
Revised August 2006
Revised December 2012
Revised November 2015

PREPARED BY THE TOWN OF CHAPIN PLANNING COMMISSION
with assistance from the Staff of
Central Midlands Council of Governments

TABLE OF CONTENTS	1-5
ARTICLE 1 ENACTMENT AND JURISDICTION	6
100 Zoning Ordinance Published Separately	6
101 Authority and Title	6
102 Jurisdiction and Purposes	6
ARTICLE 2 DEFINITIONS	7-19
200 Interpretations	7
201 Definitions	8-19
ARTICLE 3 ESTABLISHMENT OF DISTRICTS AND ZONING MAP	20-23
300 Establishment of Districts	20
301 District Purposes	20-22
302 District Boundaries on Map	22
303 Official Zoning Map	22
304 Interpretations of District Boundaries	22, 23
305 Lot Divided by District Boundaries	23
306 Existing Land Use Map as of Dec. 2012	24
307 Future Land Use Map as of 2002	25
ARTICLE 4 GENERAL REGULATIONS	26-31
400 Application of Regulations	26
401 Street Access Required	26
401.1 Sidewalks	26
402 Structures Required to be on Lots of Record	26
403 Reduction of Lots Area Prohibited	26
404 Annexation	27
405 Nonconforming Structures or Uses	27, 28
406 Nonconforming Lots of Record	28
407 Temporary Nonconforming Uses	28
408 Structures in Minimum Required Yards	29
409 Orientation of Required Yards	29, 30
410 Erection of Structures Only Upon Lots of Record	30
411 Lot Coverage	30
412 Determination of Solar Skyspace Easement	30
ARTICLE 5 DISTRICT REGULATIONS	31-77
500 District Use Classifications	31
501 RS-1 Single Family Residential District Permitted Uses	31
501 RS-1 Single Family Residential Conditional Uses	32
501 RS-1 Single Family Residential Special Exceptions	33, 34
502 RS-1 Single Family Residential District Regulations	35

503	RS-2 Single Family Residential District Permitted Uses	36
503	RS-2 Single Family Residential Conditional Uses	37
503	RS-2 Single Family Residential Special Exceptions	38
504	RS-2 Single Family Residential District Regulations	39
505	RG General Residential District Permitted Uses	40
505	RG General Residential District Conditional Uses	41
505	RG General Residential District Special Exceptions	42, 43
506	RG General Residential District Regulations	44
507	NC Neighborhood Commercial District Permitted Uses	45, 46
507	NC Neighborhood Commercial District Conditional Uses	47
507	NC Neighborhood Commercial District Special Exceptions	48
508	NC Neighborhood Commercial District Regulations	49
509	OC Office Commercial District Permitted Uses	50-52
509	OC Office Commercial District Conditional Uses	53
509	OC Office Commercial District Special Exceptions	54
510	OC Office Commercial District Regulations	55
511	TC Town Center District Permitted Uses	56, 57
511	TC Town Center District Conditional Uses	58
511	TC Town Center District Special Exceptions	59
512	TC Town Center District Regulations	60
513	IC Interstate Commercial District Permitted Uses	61
513	IC Interstate Commercial District Conditional Uses	62
513	IC Interstate Commercial District Special Exceptions	62
514	IC Interstate Commercial District Regulations	63
515	GC General Commercial District Permitted Uses	64, 65
515	GC General Commercial District Conditional Uses	66
515	GC General Commercial District Special Exceptions	67
516	GC General Commercial District Regulations	68
517	LM Light Manufacturing District Permitted Uses	69, 70
517	LM Light Manufacturing District Conditional Uses	71
517	LM Light Manufacturing District Special Exceptions	72
518	LM Light Manufacturing District Regulations	73
519	PD Planned Development District Uses	74
520	PD Planned Development District Regulations	74
521	PD Planned Development District Application and Review Procedures	74-76
522	O-S Open Space District Uses	76
523	Historic Preservation Regulations	77
ARTICLE 6	SUPPLEMENTAL REGULATIONS	78-96
600	Sexually-Oriented Businesses	78-90
601	Communication Towers	91-95
602	Private Swimming Pools	95
603	Prohibited Uses and Structures	95
604	Manufactured Home Parks	95

Town of Chapin Zoning Ordinance

605	Reserved	95
606	Child Day-Care Centers	95, 96
607	Reserved	95
608	Reserved	95
609	Reserved	95
610	Reserved	95
611	Bed and Breakfast Inns	96, 97
612	Garage Sales	96
ARTICLE 7	LANDSCAPING	97-106
700	Landscape Requirements	98
701	Landscape Plan Requirements	98
702	Standards	99, 101
703	Landscaped Yards	101
704	Parking Lots	102, 103
705	Landscape Maintenance	103
706	Service/Utility Areas	103
707	Buffer Yards	103-105
708	Enforcement of Landscape Requirements	106
709	Definitions	107
ARTICLE 8	PARKING	108-110
800	Off-Street Parking	108
801	Parking Space Requirements	108, 109
802	Off-Street Loading and Unloading Spaces	109
803	Parking of Recreation, Commercial, and Unlicensed Vehicles	109, 110
ARTICLE 9	SIGNS	110-118
900	General Provisions – Purpose and Intent	110-112
901	Prohibited Signs	112, 113
902	Signs Not Requiring Permit	113-116
903	General Requirements	116, 117
904	Sign Standards	117, 118
905	Enforcement of Sign Ordinance, Penalties, Appeals	118-120
906	Prohibited signs; Removal & Penalties	119
907	Sign Permit Fees, Contact information	119,120
ARTICLE 10	ARCHITECTURAL REVIEW STANDARDS	121
1000	General	121
1000.2	Applicability	121
1001	Non-Residential Design Standards	126-127
1002	Outdoor Lighting	126-127
	Arch. Rev. Submission Guideline	128
ARTICLE 11	ADMINISTRATION	129
1100	Zoning Administrator	129

Town of Chapin Zoning Ordinance

1101	Zoning Permits	129
1102	Certificates of Zoning Compliance	130
1103	Violations	130-131
1104	Planning Commission Establishment	131-132
1105	Architectural Review Board Establishment	132-133
ARTICLE 12 APPEALS		134
1200	Board of Zoning Appeals Establishment	134
1201	Powers and Duties of Board of Zoning Appeals	134-135
1202	Appeals from Decisions of the Board	135-136
ARTICLE 13 AMENDMENT		137
1300	Initiation of Amendment	137
1301	Minimum District Size	137
1302	Amendment Procedure	137-138
ARTICLE 14 VESTED RIGHTS		
1400	Scope and Title	139
1401	Definitions	139
1402	Establishment and Conditions of Vested Rights	139-140
1403	Severability	140
1404	Effective Date	140
ARTICLE 15 APPENDICES		
Appendix 1	Zoning Districts Summary Chart	142
Appendix 2	Sign Rates	143
	Sign Permit Form	144
	Zoning Permit Fees	145
	Ground Disturbance Fees	145
Appendix 3	Midlands Plant Palette	146
	Planting Tips	147
	Midlands Tree Palette	148,149

**ARTICLE 1
ENACTMENT AND JURISDICTION**

100. Zoning Ordinance Published Separately

The Zoning Ordinance shall be published in a separate volume, a copy of which shall be filed with the Town Clerk.

101. Authority and Title

This Zoning Ordinance is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310, et seq. (1994 Supp.). This Ordinance may be cited as “Town of Chapin Zoning Ordinance, Adopted January 2002, Revised December 2005, and revised December 2012.”

102. Jurisdiction and Purposes

The provisions of this Ordinance shall apply to all land and improvements within the corporate limits of the Town of Chapin, South Carolina. The purposes of the Zoning Ordinance are to implement the land use element of the comprehensive plan and for those purposes set forth in S.C. Code § 6-29-710.

Zoning ordinances must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. To these ends, zoning ordinances must be made with reasonable consideration of the following purposes, where applicable:

- A. To provide for adequate light, air, and open space;
- B. To prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
- C. To facilitate the creation of a convenient, attractive, and harmonious community;
- D. To protect and preserve scenic, historic, or ecologically sensitive areas;
- E. To regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
- F. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements. “Other public requirements” which the local governing body intends to address by a particular ordinance or action must be specified in the preamble or some other part of the ordinance or action;
- G. To secure safety from fire, flood, and other dangers; and
- H. To further the public welfare in any other regard specified by a local governing body.

**ARTICLE 2
DEFINITIONS**

200. Interpretations

- A.** The words and phrases used in this Ordinance shall have their customary and ordinary meanings as defined in a standard dictionary, except for the specific words and phrases as defined in this Ordinance.
- B.** The present tense includes the past and future tenses. Singular words shall include the plural, and plural words include the singular.
- C.** The word “person” includes a firm, association, partnership, trust, company, corporation, or any other entity.
- D.** The word “shall” is mandatory, the word “may” is discretionary.
- E.** The word “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”
- F.** The word “lot” includes the words “plot or parcel.”
- G.** The word “structure” includes the word “building,” and includes swimming pools.
- H.** References to NAICS codes shall mean those codes assigned to businesses in the latest standard Industrial Classification Manual published by the Office of Management and Budget. NAICS Codes are listed in the tables of uses for each district as an aid in interpretation and determination of those specific uses included in a general class of uses.
- I.** Interpretation of “contiguous” as applied to lots or districts: The word “contiguous” as applied to lots or districts shall be interpreted as meaning “sharing a common boundary of ten (10) or more feet in length.”
- J.** Interpretation of “on the premises of”: The phrase “on the premises of,” as applied to accessory uses or structures shall be interpreted to mean “on the same lot or on a contiguous lot in the same ownership.”

201. Definitions

1. **ACCESSORY STRUCTURE:** A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. Swimming Pools are considered accessory structures.
2. **ACCESSORY USE:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
3. **ADULT DAYCARE CENTER:** A facility that provides supervision, therapy, and social development activities for impaired adults, licensed according to regulations by DHEC.
4. **ALLEY:** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.
5. **AUTHORITY, HORTICULTURAL/LANDSCAPE:** Any individual or source, licensed, registered, decreed or otherwise acknowledged as capable of providing expert information and reference in horticultural science and/or landscape design and maintenance.
6. **AUTOMOBILE SERVICE STATION:** (See NAICS Code 4471) Use involving the sale of gasoline, lubricating oils, merchandise such as tires, batteries, auto parts, minor repairs, and may include limited sale of groceries or carwashes, but may not include storage of dismantled or wrecked vehicles for parts
7. **BAR:** Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.
8. **BED AND BREAKFAST:** An owner-occupied house or portion thereof, where short-term (no more than a week at a time) lodging rooms and meals are provided. No more than four (4) guest rooms can be available for accommodations and breakfast service in such an establishment at any one time.
9. **BERM:** Any hill or slope which represents a change of elevation of at least two (2) feet at a slope of between twenty-five (25%) and fifty (50%) percent and which is covered with an appropriate stabilizing vegetation.
10. **BOARDING HOUSES:** Same as “Rooming and Boarding Houses.”
11. **BUFFER:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
12. **BUFFER YARD:** A strip of land, improved by landscaping or fences, or both, designed to mitigate the extent of higher intensity land uses on neighboring lower intensity uses.

13. **BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
14. **CHANGE OF USE:** Any use that substantially differs from the previous use of a building or land.
15. **CHILD DAY CARE CENTER:** Any agency, institution, center, or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days, one or more children not related to the persons providing such temporary custodial care.
16. **CHURCH:** Any building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
17. **CIVIC ORGANIZATION:** See “Club, lodge . . .”
18. **CLUB, LODGE, CIVIC OR FRATERNAL ORGANIZATION, FRATERNITY, SORORITY:** An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, or like activities, operated for the benefit of its members and not open to the general public.
19. **CONDITIONAL USE:** A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the Zoning Ordinance and authorized by the approving agency.
20. **CORNER LOT:** See “Lot, corner.”
21. **CURB CUT:** The opening along the curb line at which point vehicles may enter or leave the roadway.
22. **DECORATIVE CURBING:** Parking or storage lot pavement curbing usually constructed of stone or unit masonry and designed to control surface drainage and serve as a barrier to vehicular traffic.
23. **DEVELOPED LOT:** Any lot which has been developed with buildings or other improvements, or for which development approval, such as a final plat approval, a zoning permit, or a certificate of occupancy, had been issued before the effective date of this Ordinance.
24. **DISPLAY AREA OR LOT:** Any unenclosed area used for the display of merchandise.

25. **DISTRICT:** A part, zone, or geographic area within which the provisions and regulations of this Ordinance apply uniformly to each class or kind of structure or land.
26. **DRINKING PLACE** (See NAICS Code 7224) Establishment primarily engaged in retail sale of alcoholic drinks for consumption on premises. Sale of food may account for a substantial portion of receipts.
27. **DRIVE-THRU RESTAURANT:** Any eating or drinking establishment which, by its structural design, site characteristics or manner of food service encourages consumption of food or beverages in automobiles on the premises or upon public streets adjacent thereto.
28. **DWELLING:** A structure or portion thereof that is used exclusively for human habitation.
29. **DWELLING, MULTIFAMILY:** A building containing three (3) or more dwelling units, including units that are located one over the other.
30. **DWELLING, SINGLE FAMILY DETACHED:** A building containing not more than one (1) dwelling unit, not physically attached to any other principal structure, and specifically excluding mobile homes.
31. **DWELLING, TWO FAMILY DETACHED:** A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. This Two Family Detached Dwelling is not physically attached to any other principal structure.
32. **DWELLING UNIT:** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.
33. **EASEMENT:** A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
34. **ENLARGEMENT:** An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.
35. **FAMILY:** One (1) or more persons living together as a single housekeeping unit.
36. **FENCE:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
37. **FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

38. **FOOTCANDLE:** The unit of illumination when the foot is the unit of length.
39. **FOSTER HOMES:** A foster home provides substitute family care for a child or children by a family group consisting of a male and female foster parent other than the child's own parents, blood relatives or legal guardian, in return for a monetary remuneration for such care. A foster home must be authorized or licensed by the Lexington County Department of Social Services, Alston Wilkes, church sponsored homes, and others to be considered as a foster home under the provisions of this Ordinance, and any unauthorized or unlicensed use shall be prohibited. In no case shall more than two (2) foster children be housed in a single bedroom or room designated for sleeping purposes.
40. **FRATERNAL ORGANIZATION, FRATERNITY:** See "Club, lodge . . .".
41. **FREESTANDING SIGN:** See "Sign, Freestanding."
42. **GARAGE:** A deck, building, or parking structure, or part thereof, used, or intended to be used for the parking and storage of vehicles.
43. **GRADING:** Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.
44. **GROUND COVER:** Any plant material which serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond twelve (12) inches in height.
45. **GROUP HOME:** A nonprofit or for-profit boarding home for the sheltered care of four (4) or more persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation, unless otherwise specified with another definition in this Ordinance.
46. **GROUP HOUSING DEVELOPMENT:** A single lot of record upon which is erected more than one (1) building containing dwelling units, and all the structures thereon; or a single lot upon which is erected a single structure designed to contain more than four (4) dwelling units on the first floor level thereof or designed to contain more than eight (8) dwelling units throughout; except that high rise apartments are not defined as group housing developments.
47. **GROSS FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.
48. **HISTORIC TREES:** Any tree having a tree circumference greater than 75 inches.
49. **HOME OCCUPATION:** An accessory use of a dwelling unit for gainful employment by providing for or selling a profession/occupation offering the sale of services and/or goods

created and/or assembled on the premises or repair of goods. A home occupation is incidental to the primary use of the building as a residence.

50. **HOTEL:** (See NAICS Code 72111) A building in which lodging for pay is offered to public, with or without meals, for transient or permanent guests, including motel or tourist court containing five (5) or more guest rooms.
51. **IN-HOME CHILD DAY CARE CENTER:** An in the home child day care center, which is operated by a resident of the home and in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days, up to six (6) children, not related to the persons providing such temporary custodial care.
52. **IN-HOME ADULT DAYCARE CENTER:** A facility that provides supervision, therapy, and social development activities for no more than (six) 6 impaired adults, in the home of the proprietor, licensed according to regulations by DHEC.
53. **INTENSITY OF USE:** The number of dwelling units per acre for a residential development and the amount or degree of activity for commercial and manufacturing development.
54. **JUNK:** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.
55. **JUNK, SALVAGE, SCRAP, OR WRECKING YARDS:** (See NAICS Code 31-33) Any use involving storage or processing of inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, manufacturing wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials.
56. **KENNEL:** A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
57. **LOT:** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.
58. **LOT, CORNER:** Any lot which is bounded on two or more consecutive sides by road rights of way which intersect at an angle of 135 degrees or less.
59. **LOT FRONTAGE:** The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided upon that basis. The phrase “street frontage” shall be interpreted to have the same meaning as the phrase “lot frontage.”

60. **LOT OF RECORD:** A lot defined by plat or described by metes and bounds which has been duly recorded with the County.
61. **LOT, INTERIOR:** A lot other than a corner lot, with only one (1) frontage on a street.
62. **LOT, REVERSE FRONTAGE:** A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.
63. **LOT, THROUGH:** A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.
64. **LOT AREA:** The total area within the lot lines of a lot, excluding any street right-of-way.
65. **LOT LINE:** A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.
66. **LOT LINE, REAR:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
67. **LOT WIDTH:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width; in the case of lots fronting on a cul-de-sac, the width between side lot lines at their foremost points shall not be less than twenty (20) feet.
68. **MANUFACTURED HOME:** Factory-built, single-family structures that meets the National Manufactured Home Construction and Safety Standard Act. (42 U.S.C. Section 5401), commonly known as the HUD Code.
69. **MANUFACTURED HOME PARK:** A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sale or storage lots for unoccupied units are not manufactured home parks.
70. **MINIWAREHOUSE** (See NAICS Code 531130) A building or group of buildings on a fenced, controlled access lot which contain individual locked compartments for storage of personal property.
71. **MOBILE HOME:** A structure manufactured prior to June 15, 1976 or manufactured after June 15, 1976 without certification of compliance with HUD standards pursuant to S.C. Code §40-29-70, which is movable or portable dwelling unit over thirty (30) feet in length constructed to be towed on its own chassis, without permanent foundation, consisting of a single or two or more connected components. The term does not included prefabricated,

modular or unitized dwelling on a permanent foundation, travel trailer, camper or similar recreation unit.

72. **MODULAR BUILDING.** A structure consisting of two or more prefabricated components designed to be transported to a lot and placed on a permanent foundation, and which is certified by the South Carolina Building Codes Council as conforming to the Southern Building Code standards for site built units. A mobile home, house trailer, or manufactured home is not a modular building.
73. **MOTEL:** (See NAICS Code 72111) A building or buildings in which lodging, with or without meals, is offered to the public for consumption, including a hotel, tourist court, or inn.
74. **MULTI-FAMILY DWELLING:** See “Dwelling, Multi-family.”
75. **MULTI-TENANT SIGN:** A freestanding sign, having one (1) to four (4) faces, designated to provide identification (name and nature only) of more than (2) activities of businesses identified located on a single premise. All such signs shall be compatible and aligned.
76. **NONCONFORMING:** A term applied to lots, structures, uses of land or structures, and characteristics or use of land or structures which were lawful before the passage or amendment of this Ordinance, but which are prohibited by this Ordinance or which are not in compliance with the requirements of this Ordinance. For more details see Section 405.
77. **OFF-PREMISES SIGN:** See “Sign, Advertising.”
78. **OFF-STREET LOADING:** Designated areas located adjacent to buildings where trucks may load and unload cargo.
79. **OFF-STREET PARKING:** 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 not be on any public street and so that an automobile may be parked or not parked therein without moving any other automobile.
80. **OPEN SPACE:** Unless otherwise defined in this Ordinance, open space is any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.
81. **OUTPARCEL:** A parcel of land designed on an approved commercial group development site plan or determined as such by the Zoning Administrator. An out-parcel shall be secondary in nature to the primary commercial development. It shall contain one or two buildings, and be independent of the total development in that its parking requirement shall

meet the standard of the zoning district in which the outparcel is located, and its driveways, walkways, landscaping, and lighting are also unique to the building on the site.

82. **OVERLAY DISTRICT:** A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.
83. **OWNER:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.
84. **PARCEL:** A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.
85. **PARK:** An area or facility intended to be used for recreation, exercise, sports, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty, but specifically excluding commercially operated amusement parks.
86. **PARKING AREA:** Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.
87. **PARKING LOT:** A public or private open lot for parking motor vehicles as a principal use or as an accessory use to a commercial use.
88. **PERMITTED USE:** A use permitted outright by district regulations.
89. **PERSONAL SERVICES:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. These include the following: laundries, beauty and barber shops, shoe repair, and health clubs.
90. **PLANNED DEVELOPMENT DISTRICT:** An area of land, in which a variety of housing types and/or related commercial and manufacturing facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans. See Section 519, 520, & 521 for more details.
91. **PLAT:** (1) A map representing a tract of land showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.
92. **PRINCIPAL STRUCTURE OR USE:** A structure or use which is significant or primary rather than accessory.
93. **PROHIBITED USE:** A use that is not permitted in a zone district.

94. **PUBLIC HEARING:** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.
95. **RESIDENCE:** A dwelling.
96. **RESTAURANT:** An establishment where food and drink are prepared, served, and consumed primarily within the principal building.
97. **RETAIL SALES:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
98. **RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.
99. **ROAD FRONTAGE:** Any strip of land adjacent to a public road right-of-way.
100. **ROOMING AND BOARDING HOUSE:** (See NAICS Code 721310) Any dwelling, other than a hotel or motel, in which three (3) or more persons who are not members of the owner's or operator's family are housed or lodged in rooms used or intended to be used for living and sleeping but not for cooking or eating purposes, for compensation, with or without meals being provided. Any dwelling in which such accommodations are offered in four (4) or more rooms shall be considered to be a hotel or motel.
101. **SALVAGE YARD:** Same as "Junk Yard."
102. **SATELLITE DISH ANTENNA:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, television reception only satellite dish antennas, and satellite microwave antennas.
103. **SCRAP YARD:** Same as "Junk Yard."
104. **SCREEN FENCE OR WALL:** For the purposes of the landscaping requirements, any structure which stands at least six (6) feet high at its lowest point, is between sixty-seven percent (67%) and one hundred percent (100%) opaque, and is designed and constructed as a permanent improvement for the purpose of blocking view.
105. **SCREENING:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

- 106.**SETBACK LINE:** The setback line is the same as the depth or width of any required yard. Note that such line defines the Minimum distance between any structure and an adjacent lot boundary and is not necessarily the same as the building line, which is the distance between the actual structure and an adjacent lot boundary.
107. **SEXUALLY-ORIENTED BUSINESS:** See Section 600 for definitions and regulations.
- 108.**SHOPPING CENTER:** A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.
- 109.**SHRUB:** Any hard-wooded perennial plant of a species which normally reaches a height between twelve (12) inches and eight (8) feet, and which is between eighty (80%) and one hundred percent (100%) opaque, at maturity.
- 110.**SIGN:** Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images, with certain exceptions as enumerated in Section 900.
- 111.**SIGN, OFF-PREMISES ADVERTISING:** Any sign which relates in its subject matter to products, accommodations, services, or activities sold or offered elsewhere than upon the premises on which such sign is located, and as further defined in Section 900.
- 112.**SIGN, BUSINESS:** A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured or to an entertainment offered on the premises where the sign is located, and as further defined in Section 900.
- 113.**SIGN, DIRECTORY:** A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.
- 114.**SIGN, FREESTANDING:** A sign which is permanently affixed to the ground and which is not a part of a building or other structure.
- 115.**SIGN, GROUND OR MONUMENT-TYPE:** A freestanding sign which extends from the ground or is attached directly to the ground generally for the entire length of its bottom sign face dimension or which has a support which places the bottom of the sign twelve (12) inches or less from the ground.
- 116.**SIGN, NONCONFORMING:** Any sign that was legally in existence prior to this Ordinance and made illegal by this Ordinance.
- 117.**SIGN, PORTABLE:** A sign that is not permanent, affixed to a building, structure, or the ground.

- 118.**SIGN, PYLON:** A freestanding sign supported by one or more structures or poles that are placed on, or anchored in, the ground, or other surface and otherwise separated from the ground more than twelve (12) inches by air, generally over seven (7) feet in height, and that is independent from any building or other structure.
- 119.**SITE PLAN:** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.
- 120.**SOLAR ENERGY SYSTEM:** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition.
- 121.**SOLAR SKY SPACE:** The space between a solar energy collector and the sun that must be free of obstructions that shade the collector to an extent which precludes its cost effective operation.
- 122.**SOLAR SKY SPACE EASEMENT:** A right, expressed as an easement, covenant, condition, or other property interest in any land or other instrument executed by, or on behalf of any landowner that protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.
- 123.**SPECIAL EXCEPTION:** A use permitted in a particular zoning district upon showing to the Board of Appeals that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in this Ordinance and authorized by the Board of Appeals.
- 124.**STREET:** A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.
- 125.**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including for purposes of this Ordinance: buildings, mobile homes, travel trailers, signs, swimming pools, fences, and antenna, but excluding from definition as structures minor landscaping features such as ornamental pools, planting boxes, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.

126. **THOROUGHFARE:** Any major arterial road; one of the principal routes into and through the community.
127. **TRAVEL OR CAMPING VEHICLE:** A vehicular portable structure designed as a temporary dwelling for travel or recreational use.
128. **TRUCK STOP:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuels or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.
129. **YARD:** A required open space unoccupied and unobstructed by structures except those specifically permitted.
130. **YARD, FRONT:** A yard situated between the front building line and the front lot line extending the full width of the lot.
131. **YARD, REAR:** A yard situated between the rear building line and the rear lot line and extending the full width of the lot.
132. **YARD, SIDE:** A yard situated between the side building line and the side lot line and extending for the front yard to the rear yard.
133. **ZONE:** A specifically delineated area or district within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.
134. **ZONING ADMINISTRATOR:** The person designated by Town Council to administer this Ordinance. This person may or may not be an employee of the Town.

**ARTICLE 3
ESTABLISHMENT OF DISTRICTS AND ZONING MAP**

300. Establishment of Districts

The following zoning districts are hereby established.

DISTRICT	USES	MINIMUM LOT
RS-1	Single Family Residential	12,500 sq ft.
RS-2	Single Family Residential	7,500 sq ft.
RG	General Residential	6,000 sq ft.
NC	Neighborhood Commercial	Commercial use: none Residential use: 6,000 sq ft.
OC	Office Commercial	Commercial use: none Residential use: 6,000 sq ft.
TC	Town Center	Commercial use: none Residential use: 6,000 sq ft.
GC	General Commercial	none
IC	Interstate Commercial	none
LM	Light Manufacturing	none
PD	Planned Development District	None
OS	Open Space	None

No amendment shall be initiated which would create a new zoning district with an area of less than two (2) acres. The minimum requirement does not apply to extension of an existing district, or addition of any commercial district adjacent to another commercial district.. A minimum of four (4) acres is necessary to establish a Planned Development (PD) District.

301. District Purposes

The zoning districts established in this Ordinance are for the purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, and all of the purposes set forth in S.C. Code § 6-29-710. The following statement of intent shall be used in interpretation and application of the district regulations.

The residential district regulations are designed to encourage a stable and healthy environment for residential purposes, and to discourage encroachment by commercial, manufacturing, or other uses adversely affecting the residential character of the district.

RS-1 Single Family Residential District: RS-1 districts are intended to be single family residential areas with detached units and medium population densities. Use regulations allow limited nonresidential uses which are compatible with the character of the district. Certain uses to serve governmental, recreational and religious needs are permitted.

RS-2 Single Family Residential District: RS-2 districts are intended to be single family residential areas with detached units and medium population densities. Use regulations allow limited nonresidential uses which are compatible with the character of the district. Certain uses to serve governmental, recreational and religious needs are permitted.

RG General Residential District: RG districts are intended for high density residential purposes, including single family detached units, duplexes, and multi-family units. Manufactured home parks are permitted as special exceptions upon approval of the Board of Zoning Appeals. Certain uses to serve governmental, recreational and religious needs are permitted.

NC Neighborhood Commercial/Mixed Use District: NC districts are intended for commercial and service uses oriented primarily to serving needs of persons who live or work in nearby areas. RG residential uses are permitted. Commercial uses permitted are intended to be relatively small in size and service area.

OC Office Commercial: OC districts are intended to accommodate a variety of commercial and nonresidential uses characterized primarily by retail, wholesale, office and service establishments not in the central business area. RG residential uses are permitted.

TC Town Center District: TC districts are intended to accommodate a variety of commercial and nonresidential uses characterized primarily by retail, wholesale, office and service establishments in the central business area. RG residential uses are permitted.

GC General Commercial District: GC districts are intended to accommodate business uses along outlying traffic arteries primarily engaged in sale of durable goods, equipment, services, and recreational facilities. Residential uses are permitted.

IC Interstate Commercial District: IC districts are intended to provided businesses that serve the traveling public along I-26 such as restaurants, gas stations and hotels/motels, as well as large scale retail and service establishments. Residential uses are permitted.

LM Light Manufacturing District: LM districts are intended to permit light manufacturing and commercial uses which do not create nuisances by noise or emissions beyond the premises. Residential uses are permitted

PD Planned Development District: PD districts designate an area for which an approved development plan constitutes the district regulations. It is intended to utilize the factors of efficiency, economy, flexibility, creative site design, improved appearance, compatibility of mixed uses, maximum benefits from open space, safe and efficient vehicular and pedestrian access for a development characterized by a unified site design for mixed uses. A planned development district may be predominately residential or predominately commercial.

O-S Open Space District: The open space district is established as a district in which the primary use of the land is predominantly reserved for flood control, future thoroughfare right-of-way, public recreation, community facility sites, airport approaches, natural or man-made bodies of water, forests, and other similar open space uses. In promoting the general purpose of this Ordinance, the specific intent of this subsection is:

- A. To encourage the preservation of, and continued use of, the land for conservation purposes;
- B. To prohibit residential, commercial, and manufacturing use of the land, and to prohibit any other use which would substantially interfere with the preservation of this district; and
- C. To encourage the discontinuance of uses that would not be permitted as uses in the district.

302. District Boundaries on Map

The boundaries of the zoning districts established by this Ordinance are hereby established on a map entitled “Zoning Map of the Town of Chapin, S.C.,” which is declared to be a part of this Ordinance and located on page 24.

303. Official Zoning Map

The Official Zoning Map shall be maintained in the Office of the Zoning Administrator. A duplicate official Zoning Map shall be kept in the office of the Town Clerk. All zoning district boundaries shall be clearly shown on the Zoning Map, and amendments shall be recorded immediately after adoption. The official copies of the Zoning Map shall be dated and attested by the Town Clerk, and shall be available for public inspection. The official Zoning Map and any amendments adopted by Town Council shall constitute the final authority for determination of zoning district boundaries. It shall be unlawful for any person to make unauthorized changes to the Zoning Map.

304. Interpretation of District Boundaries

It is the duty of the Zoning Administrator to interpret the location of zoning district boundaries. An appeal from an interpretation of finding of the Zoning Administrator may be taken to the Zoning Board of Appeals as specified in Article 12. Where uncertainty exists as to the boundaries of any zoning district, the following general rules of interpretation shall apply:

- A. District boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
- B. District boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

- C. District boundaries indicated as approximately following Town limits shall be construed as following such Town limits;
- D. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. District boundaries indicated as following center lines of stream beds or other bodies of water shall be construed to follow such center lines;
- F. Supplementary floodplain and floodway boundaries indicated as following the U.S. Army Corps of Engineers 100 year floodplain line or the floodway line shall be construed to follow such lines;
- G. District boundaries indicated as approximately parallel to, or extensions of features indicated in subsections above shall be so construed and at such distance there from as indicated on the official copy of the Zoning Map. Distances not specifically indicated on the official copy of the Zoning Map shall be determined by the scale of the map; and
- H. Where a district boundary line as appearing on the Zoning Map divides a lot in single ownership at the time of adoption of this Ordinance or subsequent amendment into two different zoning districts, the district least restrictive in the opinion of the owner shall be deemed to apply to the whole thereof. Provided however, that in no case shall a zoning district boundary line dividing said lot be extended into either district in excess of fifty (50) feet beyond the district boundary line dividing said lot.

305. Lot Divided by District Boundaries

No structure or accessory use may be placed, structurally altered, or have a change in use where the structure or use is or would be included within two or more zoning districts unless such structure or use conforms to the requirements of all applicable district regulations.

**ARTICLE 4
GENERAL REGULATIONS**

400. Application of Regulations

Within each district, the regulations set forth by this Ordinance shall apply uniformly to each class or kind of structure or land.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Unless deed restrictions, covenants, or other contracts directly involve the Town as a party in interest, the Town shall have no administrative responsibility for enforcing such deed restrictions or covenants.

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the regulations specified in this Ordinance for the district in which it is located.

401. Street Access Required

Except as otherwise specifically provided, no building shall be located, used or occupied on a lot without direct vehicular and pedestrian access to a public street.

DOT determines points of access

401.1 Sidewalks

The Town of Chapin has a goal of having a sidewalk on at least one side of every street in Town. Sidewalks shall be installed and where possible should be constructed within the street right-of way. A four (4) foot sidewalk shall be provided on at least one side of all minor streets, and a five(5) foot sidewalk shall be provided on both sides of collector streets and major thoroughfares. In situations where this is not possible, a fee of \$50. per linear foot shall be assessed and be held in a fund used for future sidewalk and trail projects. Sidewalks are required for major renovation projects as well as new construction.

402. Structures Required to be on Lots of Record

Any new structure erected after the effective date of this Ordinance shall be on a lot of record.

403. Reduction of Lot Area Prohibited

No yard or lot existing on the effective date of this Ordinance shall be reduced in dimension or area below the applicable district minimum requirements. New lots or yards shall meet the applicable district minimum requirements.

404. Annexation

The zoning district shall be designated for property annexed by ordinance as follows:

- A.** Town Council, after receiving a recommendation from the Planning Commission, shall specify an interim zoning district classification or classifications in the annexation ordinance. Such classification or classifications shall become effective upon the effective date of the annexation and permits for permitted uses may be issued;
- B.** If the zoning district classification recommended by the Planning Commission for the annexed area is different in character and standards from the existing county zoning district of the area, the Planning Commission report shall contain the reasons for the recommendation, and Town Council shall hold a public hearing on the proposed annexation and proposed interim zoning of the property to be annexed;
- C.** Notice of public hearing shall be published in the same manner as required for rezoning; and
- D.** Immediately after the effective date of the annexation, the Zoning Administrator shall initiate zoning amendment procedures to confirm or establish the appropriate zoning classification for the annexed area.

405. Nonconforming Structures or Uses

Nonconforming structures or land uses are declared to be incompatible with permitted uses in the districts established by this Ordinance. It is the intent of this Ordinance to allow nonconformities to continue until they are removed, but not to encourage their survival. The lawful use of any structure or land on the effective date of this Ordinance may be continued subject to the following regulations:

- A.** A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure, or characteristic of use unless the Zoning Board of Appeals finds that the new use, structure or activity is more in character with the uses permitted in the district, in which case the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose of this Ordinance. The board shall make its finding after holding a public hearing that is advertised in a paper of general circulation in the community 15 days prior to the hearing and the property is posted 15 days prior to the hearing;
- B.** The minimum yard requirements of this Ordinance shall not be construed as prohibiting the conversion of an existing building which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards;
- C.** A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure;
- D.** A nonconforming use, structure or characteristic of use shall not be extended, enlarged, or intensified except in conformity with this Ordinance, provided however, that any

nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;

- E.** A nonconforming use, or characteristic of use, shall not be reestablished after vacancy, abandonment, or discontinuance for any period of six (6) consecutive months, except where Section 405(G) applies;
- F.** A nonconforming structure shall not be rebuilt, altered, or repaired except in conformity with this Ordinance after sustaining damage or necessitating repair exceeding fifty (50) percent of the replacement cost of the structure at the time of damage or wear, provided that any permitted reconstruction shall begin within six (6) months from the time of damage or notice of wear and shall be completed within twelve (12) months after the issuance of a building permit. Structures identified by the town as being historically significant are exempt from this provision; and
- G.** On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

406. Nonconforming Lots of Record

- A. Single Lots:** In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this Ordinance, provided that setback requirements of the district are met.
- B. Adjoining Lots:** If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption or amendment of this Ordinance and such lots individually are too small to meet the yard, width, or area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this Ordinance.

407. Temporary Nonconforming Uses

A temporary use permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed twelve (12) month increments for nonconforming buildings, structures or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of such temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

408. Structures in Minimum Required Yards

The general definition of “yards” as set forth in Section 2 states that yards are unoccupied and unobstructed by a structure or portion of a structure from 30 inches above the finished grade level of the ground upward. However, the general definition shall be construed subject to the following exceptions and interpretations:

- A.** Those objects which are excluded from the definition of a “structure” under Article 2, Section 201 (Definitions), shall not be subject to regulation under interpretation of the definition of “yard”;
- B.** Steps and open porches without roofs shall be allowed in any required yard;
- C.** Screening walls and fences over thirty (30) inches in height that substantially impede vision may be permitted in a required yard as a special exception, however, screening walls and fences not over seven (7) feet in height are permitted outright in side and rear yards;
- D.** Eaves, cornices, gutters, and other minor architectural features projecting less than eighteen (18) inches from the main portion of a building shall be allowed to project into any yard;
- E.** In GC, IC, and LM districts, structures and devices incidental to servicing, and roofs over such structures and devices are permitted within required front yards, provided that they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of traffic hazards, and further provided that servicing operations in connection therewith can be conducted so as not to interfere with public use of adjacent sidewalks or public streets;
- F.** Retaining walls in excess of thirty (30) inches in height may be permitted as a special exception in any yard; however, retaining walls that do not project more than thirty (30) inches above the grade level at the property lines of adjoining lots are permitted outright;
- G.** Signs are permitted to encroach upon required yards in certain instances as set forth in Article 9 “Signs”;
- H.** Screening between commercial or Manufacturing uses and lots zoned residentially, as required by this Ordinance; and
- I.** Apparatus needed for the operation of active and passive solar energy systems, including but not limited to overhangs, movable insulating walls and roofs, the attached solar collectors, reflectors, and piping.

409. Orientation of Required Yards

In interpretation of requirements related to establishment of required yards, the Zoning Administrator shall apply the following interpretation to the orientation of such yards:

- A. Through Lots:** In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards existing on adjacent lots;
- B. Corner Lots With Two Frontages:** In the case of corner lots with two frontages, a front yard of the required depth shall be provided on the frontage of the street having the higher traffic volumes. Where the traffic volumes on both streets are approximately equal, the required depth shall be provided on the street frontage having the minimum lot width. A second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage;
- C. Corner Lots With More Than Two Frontages:** In the case of corner lots with more than two frontages, the Zoning Administrator shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having full depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally; and
- D. Appropriateness of Orientation:** Notwithstanding the above, the Zoning Administrator may determine that the most appropriate orientation for any required yard is different from the orientation as set forth above in such instances that it appears that such different orientation will further the intent of this Ordinance. When a structure is to be built which will contain more than one dwelling unit, the orientation of required yards shall be based upon both the orientation of the lot and the orientation of the structure. The Zoning Administrator may impose an orientation of yards different from the orientation set forth in this Section and elsewhere in this Ordinance subject only to appeal of such decision to the Board of Appeals as an appeal from an administrative decision of the Zoning Administrator.

410. Erection of Structures Only Upon Lots of Record

Any new structure erected after the effective date of this Ordinance shall be erected only upon a lot of record

411. Lot Coverage

The area of the lot, which when viewed directly from above, would be covered by all principal accessory buildings and structures. A portion of the principal or accessory building, or any terrace, balcony, breeze way, porch or portion thereof, or any solar collection device or related apparatus, not included as floor area of the building, by definition shall not be included in computing lot coverage.

412. Determination of Solar Skyspace Easement

The solar skyspace easement defined in Article 2 may be computed by using the designated minimum yard requirement in each zoning district in coordination with the information on skyspace and shadow data in Appendix 1 of Protecting Solar Access for Residential Development, Department of Housing and Urban Development, 1979.

**ARTICLE 5
DISTRICT REGULATIONS**

500. District Use Classifications

General Regulations in Article 4, District Regulations in Article 5, and Supplemental Regulations in Article 6 are applicable in all of the following classes of uses:

- A. Permitted Uses.** Permitted uses listed in the district use tables in this Division are permitted outright;
- B. Conditional Uses.** Conditional uses in the district use tables are permitted by the Zoning Administrator without further review upon compliance with conditions specified in the tables; and
- C. Special Exceptions.** Special exceptions are permitted after review and approval by the Board of Zoning Appeals upon compliance with general conditions in the regulations.

501. RS-1 Single-Family Residential District Uses

RS-1 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. <u>Single family dwelling</u> (other than mobile home or manufactured home)	814	Private households	two (2) per dwelling unit
b. <u>Government building or facility</u>	92	Public administration	One (1) per 200 square feet of gross floor area
c. <u>Public and private elementary and secondary schools</u>	61	Educational services	School: 4 per class-room or office, plus 2 spaces per office, 1 for each 5 seats for public assembly in senior high school.
d. <u>Non-commercial horticulture or agriculture</u> , not including the keeping of poultry or animals	111	Crop production	None
e. <u>Accessory uses on same lot with principal use, as follows:</u>			
<ul style="list-style-type: none"> (1) private garage for vehicles; (2) open parking area for two motor vehicles per dwelling unit may be used for one (1) commercial vehicle up to one (1) ton in capacity per dwelling unit, 24 feet or less, no more than two axles,; (3) Shed for storage of building or lot maintenance equipment; (4) private kennel for not more than three (3) dogs or three (3) cats four (4) months of age or older, with minimum six (6) foot fence for exterior kennel; (5) private swimming pool(fencing required) including deck, bath house or cabana; boat dock; (6) disaster shelter; (7) private garden; greenhouse or bathhouse up to eight (8) feet high; (8) private tennis, outdoor recreation and picnic facilities; (9) Garage sales, according to the provisions of Section 612. 			

RS-1 CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTIO N	PARKING SPACES REQUIRED
<p>a. <u>Church, synagogue, temple, or place of worship</u>, including religious education building, parsonage or parish office, off-street parking for members and visitors without pay, and recreation facilities, provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). use is conducted in a permanent structure; (2). minimum 20,000 square foot lot; (3). building setback 25 ft. from residential property; (4). Civic, social & fraternal organizations. 	8131	Religious organizations	One (1) space for each four (4) seats in main assembly room
<p>b. <u>Civic and social organizations</u>: establishments primarily engaged in promoting the civic and social interests of their members</p>	8134	Civic and social organizations	One (1) space for each four (4) seats in main assembly room
<p>c. <u>Utilities, including water towers</u> (for communication tower, see special exceptions) provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). structures are enclosed by six (6) foot fence; (2). no office, commercial operation, or storage of vehicles or equipment is permitted; (3). Type A buffer yard. See section 707. 	22	Electric, gas, water, sanitary services	One (1) space
<p>d. <u>Cemetery</u>, provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). minimum five (5) acre lot; (2). no crematorium or dwelling except caretaker; (3). front yard setback of seventy (70) feet from center of street or ten (10) feet from street right-of-way line, whichever is greater; (4). non-illuminated sign not over thirty-two (32) square feet in area and eight (8) feet in height. 	812220	Cemetery	None
<p>e. <u>Temporary contractor office & equipment shed</u>, provided that all following conditions are met:</p> <ul style="list-style-type: none"> (1). used in connections with construction on premises; (2). must not cause traffic congestion or nuisance; (3). for term up to one (1) year, may be renewed once. 	23321	General contractor, single-family houses	One (1) for each 300 square feet of office area

RS-1 SPECIAL EXCEPTIONS (approved by the Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTIO N	PARKING SPACES REQUIRED
<p>a. <u>Unlighted, regulation-size or par three golf course</u>, provided the Board of Zoning Appeals determines;</p> <ol style="list-style-type: none"> (1). adequate off street parking is provided; (2). no building permitted except maintenance shed, clubhouse (including limited eating facility & pro shop), cart storage, restrooms, rain shelters, & gate house; (3). no permitted building or parking facility shall be within 300 feet of a dwelling; (4). adequate provisions for access & traffic safety; (5). the use is compatible with the district 	<p>71391</p>	<p>Golf courses and country clubs</p>	<p>Number and location set by Board; minimum: one (1) for each 200 square feet of building area, plus two (2) for each golf hole</p>
<p>b. <u>Private kindergarten or pre-school nursery</u>, provided the Board of Zoning Appeals determines:</p> <ol style="list-style-type: none"> (1). applicable State regulations are met; (2). minimum 20,000 square foot lot; (3). structures minimum 25 feet from residential property; (4). conditions imposed for safety, traffic, impact on district; (5). the use is compatible with the district 	<p>61111 624410</p>	<p>Kindergarten (with academic program) Child day care services</p>	<p>One (1) for each employee</p>
<p>c. <u>Cluster single-family development</u>, provided that the Board of Zoning Appeals determines:</p> <ol style="list-style-type: none"> (1). detached single-family units on minimum of 2 acres for the entire development (2). not exceed density per entire tract; may exceed density per acre; (3). lot requirements per house may be waived (4). subdivision Regulations are met; (5). adequate provisions for access and traffic safety; (6). the use is compatible with the district (7). Adequate provisions for the preservation and use of the open-space 	<p>814</p>	<p>Private households</p>	<p>Two (2) for each dwelling unit</p>

Town of Chapin Zoning Ordinance

d. <u>Conversion of existing dwelling to Bed and Breakfast</u> , with provisions outlined in Section 611.	721191	Bed and Breakfast	Location set by Board; minimum: one (1) for each guest room plus two (2) for resident innkeeper
e. <u>Colleges, Universities, and Professional Schools</u> <ul style="list-style-type: none"> (1) A master plan for the school is presented (2) Adequate provisions for access, traffic and pedestrian safety (3) The use is compatible with the district (4) Provision for pres. & use of open space 	6113	Colleges, Universities, Professional Schools	
RS-1 SPECIAL EXCEPTIONS (approved by the Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
f. <u>Communication tower</u> , see Section 601	5172	Wireless telecommunication carriers	One (1) space
g. <u>Extended care facilities or adult day care centers</u> ; provided the Board of Zoning Appeals determines: applicable State regulations are met; <ul style="list-style-type: none"> (1). minimum 20,000 square foot lot; (2). structures minimum of 25 feet from residential property; (3). conditions imposed for safety, traffic, impact on district; (4). the use is compatible with the district. (5). Sign not to exceed those permitted in the NC district 	6233 624120	Community care facilities for the elderly Adult day care centers	Extended care facility: One space for each 2 beds Adult day care center: One for each employee

502. RS-1 Single-Family Residential District Regulations

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

Minimum lot area:	12,500 square feet
Minimum land area per dwelling unit:	12,500 square feet
Maximum dwelling units per net acre:	three (3) dwelling units
Minimum lot width at front building line:	Seventy-five (75) feet
Minimum lot depth:	One hundred (100) feet
Minimum front yard depth:	Lots fronting on S-48: 30 feet All other lots: Twenty-five (25) feet, or average of existing setbacks from same street in same block in district, but not less than twenty (20) feet.
Minimum setback from second street frontage:	Side street on corner lot: Twelve and one half (12 ½) feet Rear street on double frontage lot: twenty-five (25) feet
Minimum side yard:	Principal structure: ten (10) feet from interior side lot line; Accessory structure: same as principal structure; Open carport: seven (7) feet from interior side lot line.
Minimum rear yard:	Principal structure: Fifteen (15) feet from interior rear lot line; Accessory structure: Four (4) feet from interior rear lot line
Maximum lot coverage:	Residential units and their accessory structures shall not exceed a total of 25% lot coverage Other permitted and permissible buildings and their accessory structures shall not exceed a maximum of 35% lot coverage
Maximum structure height:	Thirty-five (35) feet to the roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna)
Visibility requirements:	Corner lot: no obstruction between heights of 3 and 10 feet above finished street level within 25 feet of intersection of street rights-of-way lines. Private drive: no obstruction over height of 30 inches within 10 feet of street.
Off-street parking area requirements:	See Article 8
Signs:	See Article 9
Supplemental regulations:	See Article 6

503. RS-2 Single-Family Residential District Uses

RS-2 PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. <u>Single-family dwelling</u> ; (other than manufactured or mobile home)	814	Private household	Two (2) for each dwelling unit
b. <u>Government building or facility</u>	92	Public administration	One (1) per 200 sq. ft. gross area
c. <u>Non-commercial horticulture or agriculture</u>	111	Crop production	None
d. <u>Public and private elementary and secondary schools</u>	61	Educational services	School: 4 per class-room or office, plus 2 spaces per office, 1 for each 5 seats for public assembly in senior high school.
<p>e. <u>Accessory uses on same lot with principal use</u>, as follows:</p> <ol style="list-style-type: none"> (1). private garage for motor vehicles (2). open parking area for two motor vehicles per dwelling unit, may be used for one (1) commercial vehicle up to one (1) ton in capacity per dwelling unit, 24 feet or less, no more than two axles; (3). shed for storage of building or lot maintenance; (4). private kennel for not more than three (3) dogs or three (3) cats, four (4) months of age or older, with minimum 6 foot fence for exterior kennel; (5). private swimming pool,(fencing required) including deck; bath house or cabana; boat dock; (6). disaster shelter; (7). private garden; greenhouse or bathhouse up to eight (8) feet high; (8). private tennis; outdoor recreation and picnic facilities (9). Garage sales, based on the provision of Section 612. 			

RS-2 CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTIO N	PARKING SPACES REQUIRED
<p>a. <u>Church, synagogue, temple, or place of worship</u>, including religious education building, parsonage or parish office, off-street parking for members and visitors without pay, and recreation facilities, provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). use is conducted in a permanent structure; (2). minimum 20,000 square foot lot; (3). building setback 25 ft. from residential property 	8131	Religious organizations	One (1) space for each four (4) seats in main assembly room
<p>b. <u>Utilities, including water towers</u>, (for communication tower, see Special Exception) provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). structure enclosed by six (6) foot fence; (2). no office, commercial operation, or storage of vehicles or equipment permitted; (3). Type A buffer yard. See section 707 	22	Electric, gas, water, sanitary services	One (1) space
<p>c. <u>Cemetery</u>, provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). minimum one (1) acre lot; (2). no crematorium or dwelling except for caretaker; (3). front yard setback of seventy (70) feet from center of street or ten (10) feet from street right of way line, whichever is greater; and (4). non-illuminated sign not over thirty-two (32) square feet in area or eight (8) feet in height. 	812220	Cemetery	None
<p>d. <u>Temporary contractor office and equipment shed</u>, provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). used in connection with construction on premises; (2). must not cause traffic congestion or nuisance; and (3). for term up to one (1) year; may be renewed once. 	23321	General contractors, single-family houses	One (1) for each 300 square feet of office area
<p>e. <u>Customary home occupation in single-family dwelling</u>; provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). conducted inside dwelling by resident family members; (2). utilizes not more than 25% of total dwelling floor area; (3). no change in exterior appearance of dwelling; (4). no outside display of products; (5). no sale of products except those made on premises or consumables incidental to a service; (6). creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly conditions or nuisance; and (7). activity is not visibly evident outside dwelling, except for a wall-mounted sign not over four (4) square feet in area. 			
<p>For Bed and Breakfast see Special Exceptions</p>			

504. RS-2 Single-Family Residential District Regulations

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

Minimum Residential lot area:	Seven-thousand, five hundred (7,500) square feet
Minimum lot area per dwelling unit:	Seven-thousand, five hundred (7,500) square feet
Maximum units per net acre:	Five (5) units per acre
Minimum lot width at front building line:	Fifty (50) feet
Minimum front yard depth:	Lots fronting on S-48: thirty (30) feet All other lots: Twenty-five (25) feet or average of existing setbacks from same street in same block in district, but not less than 20 feet
Minimum setback from second street frontage:	Side street on corner lot- 12 ½ feet Rear street on double frontage lot- 25 feet
Minimum side yard:	Principal structure- Combined side yard shall total 15 feet or 20% of lot width (whichever is less), provided however that no individual side yard shall be less than 6 feet in width Accessory structure- Same as principal structure
Minimum rear yard:	Principal structure: Fifteen (15) feet Accessory structure: Four (4) feet
Maximum lot coverage:	Residential units and their accessory structures shall not exceed a total of 25% lot coverage Other permitted and permissible buildings and their accessory structures shall not exceed a maximum of 35% lot coverage
Maximum structure height:	Principal structures- Thirty (30) feet from roof line (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna) Accessory structures- In no circumstance may an accessory structure exceed the height of the principal structure. If the principal structure is taller than twenty (20) feet, the accessory structure may be a maximum of twenty (20) feet.
Visibility requirements:	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finish street level within 25 feet of intersection of street right-of-way lines Private drive: no obstruction over 30 inches high within ten (10) feet of street.
Off-street parking requirements:	See Article 8.
Signs:	See Article 9
Supplemental regulations:	See Article 6

505. General Residential District Uses

RG PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACE REQUIRED
a. <u>Single-family, two-family and multi-family dwellings (as defined in Article 2)</u>	814	Private households	Two (2) for each dwelling unit
b. <u>Government building facility</u>	92	Public administration	One (1) space per 200 feet of gross floor area
c. <u>Non-commercial horticulture or agriculture</u>	111	Crop production	None
d. <u>Public and private elementary and secondary schools</u>	61	Educational services	School: 4 per class-room or office, plus 2 spaces per office, 1 for each 5 seats for public assembly in senior high school.
e. <u>Recreational facilities, such as playground, tennis court, ball field, swimming pool, (must be fenced), or golf course</u>	71391 71394	Golf courses and country clubs, Fitness and recreation sports centers	One (1) per 200 sq. ft. of building area plus two (2) for each golf hole

RG CONDITIONAL USES (approved by the Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>a. <u>Church, synagogue, temple, or place of worship</u>, including religious education building, parsonage or parish office, off-street parking for members and visitors without pay, and recreation facilities, provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). use is conducted in a permanent structure; (2). minimum 20,000 square foot lot; and (3). building setback 25 ft. from residential property. 	<p>8131</p>	<p>Religious organizations</p>	<p>One (1) space for each four (4) seats in main assembly room</p>
<p>b. <u>Utilities, including water towers</u>, (for communication tower, see Special Exceptions) provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). structure enclosed by six (6) foot fence; (2). no office, commercial operation, or storage of vehicles or equipment permitted; and (3). a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines. 	<p>22</p>	<p>Electric, gas, water, sanitary services</p>	<p>One (1) space</p>
<p>c. <u>Temporary contractor office and equipment shed</u>, provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). used in connection with construction on the premises; (2). must not cause traffic congestion or nuisance; and (3). for term up to one (1) year; may be renewed once. 	<p>23321</p>	<p>General contractors, single-family houses</p>	<p>One (1) for each 300 square feet of office area</p>
<p>d. <u>Customary home occupation in single-family dwelling</u>; provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). conducted inside dwelling by resident family members; (2). utilizes not more than 25% of total dwelling floor area; (3). no change in exterior appearance of dwelling; (4). no outside display of products; (5). no sale of products except those made on premises or consumables incidental to a service; (6). creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly conditions or nuisance; and (7). activity is not visibly evident outside dwelling, except for a wall-mounted sign not over four (4) square feet in area. 			

Town of Chapin Zoning Ordinance

RG SPECIAL EXCEPTIONS (approved by the Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTIO N	PARKING SPACES REQUIRED
<p>e. Extended care facilities or adult day care centers, provided the Board of Zoning Appeals determines applicable State regulations are met:</p> <ul style="list-style-type: none"> (1). minimum 20,000 square foot lot; (2). structures minimum of 25 feet from residential property; (3). conditions imposed for safety, traffic, impact on district; (4). the use is compatible with the district; and (5). the sign does not exceed those permitted in the NC district. 	<p>6233 624120</p>	<p>Community care facilities for the elderly Adult day care centers</p>	<p>Extended care facility: One space for each 2 beds Adult day care center: One for each employee</p>
<p>f. Conversion of existing dwelling to Bed and Breakfast, with provisions outlined in Section 611.</p>	<p>721191</p>	<p>Location set by Board; minimum: one (1) for each guest room plus two (2) for resident innkeeper</p>	
<p>g. <u>Manufactured home park</u>, see Section 604.</p>			

506. General Residential District Regulations

The following regulations apply to all uses in RG Districts:

Minimum land area (square feet) per dwelling unit and maximum units per net acre for multi-family dwelling:								
Multi-family	1 story		2 stories		3 stories		4 stories	
Unit type	Min. Area	Units/ net acre						
Efficiency (studio)	2,000	18	1,435	26	1,410	26	1,240	30
1 Bedroom	2,000	18	1,775	21	1,625	23	1,438	26
2 Bedroom	2,650	14	2,475	15	2,215	17	1,825	20
3 Bedrooms	3,525	10	3,175	11	2,653	14	2,200	17
4 or more Bedrooms	4,375	8	3,975	9	3,492	10	2,725	13

Minimum lot area:	Six thousand (6,000) square feet for first unit, plus minimum area for additional units required in the above table for minimum land area and maximum units per net acre.
Minimum land area per single-family dwelling unit:	Six thousand (6,000) square feet
Minimum lot width at building line:	Sixty (60) feet
Minimum front yard depth:	Lots on S-48: Thirty (30) feet All other lots: Twenty five (25) feet from street right of way line or average of adjacent parcels, but no less than twenty (20) feet.
Minimum setback from second street frontage:	Side street on corner lot: twelve and one half (12 ½) feet Rear street on double frontage lot: twenty-five (25) feet
Minimum side yard:	Principal structure: Combined side yard of interior lot lines shall total 18 feet or 20% of lot width (whichever is less), provided that no individual side yard shall be less than 6 feet in width Accessory structure: same as principal structure
Minimum rear yard:	Principal structure: Fifteen (15) feet from interior rear lot line Accessory structure: Four (4) feet from interior rear lot line
Maximum lot coverage:	Permitted and permissible buildings and their accessory structures shall not exceed a maximum of 40% lot coverage
Maximum structure height:	Multi-family dwelling: sixty (60) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna)
Visibility requirements:	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finish street level within twenty five (25) feet of intersection of street right-of-way lines Private drive: no obstruction over thirty (30) inches high within ten (10) feet of street.
Off-street parking requirements:	See Article 8.
Signs:	See Article 9.
Supplemental regulations:	See Article 6.

507. NC Neighborhood Commercial District Uses

NC PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>a. <u>Retail business</u> - sale of merchandise on premises not to exceed 12,000 square feet of gross floor area.: (excluding check cashing and tattoo parlors)</p>	<p>444120 444220 44512 4452 448 442 44611 453310 451 453 448</p>	<p>Paint and wallpaper store Nursery, garden center and farm supply stores Convenience stores Specialty food stores Clothing and clothing accessories stores Furniture and home furnishing stores Pharmacies and drug stores Used merchandise stores Sporting goods, hobby, book, and music stores Miscellaneous store retailers Clothing and clothing accessories stores</p>	<p>One (1) for each 200 square feet of retail floor space</p>
<p>b. <u>Personal services,</u></p>	<p>52 531 55 541921 812112 812113 812111 811430 541213 532220 812191 541 621 712</p>	<p>Finance and insurance Real Estate Management of companies and enterprises Photography studios, portrait Beauty salons Nail salons Barber Shops Footwear and leather goods repair Tax return preparation services Formal wear rental Diet and weight reducing services Professional, scientific and technical services Health care services Museums, historical sites and similar institutions</p>	<p>One (1) space for each 300 square feet of gross floor area</p>
<p>c. <u>Religious, grantmaking, civic, professional and similar organizations</u></p>	<p>813</p>		<p>One (1) for each four (4) seats in assembly room</p>
<p>d. <u>Government building or facility, and schools</u></p>	<p>61, 92</p>	<p>Educational services, public administration</p>	<p>School: 4 per class-room or office, plus 2 spaces per office, 1 for each 5 seats for public assembly in senior high school.</p>

Town of Chapin Zoning Ordinance

NC PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
e. <u>Residential uses permitted as in RG</u>	814	Private households	Two (2) per unit
f. <u>Accessory uses on same lot with principal use, as follows:</u> <ol style="list-style-type: none"> 1. Off-street parking or storage area for vehicles owned by members, customers or employees of business 2. Completely enclosed building for storage of supplies or merchandise for use in principal business 			

Town of Chapin Zoning Ordinance

NC CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTIO N	PARKING SPACES REQUIRED
<p>a. <u>School of dance, art, music, drama, martial arts, etc.</u> provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). not more than 100 students will be enrolled; (2). instruction is limited to art, music, dancing, drama, martial arts, or similar cultural activity. 	<p>6116</p>	<p>Other schools and instruction</p>	<p>One (1) per employee plus one (1) per 300 square feet of floor space for instruction.</p>
<p>b. <u>Contractor’s office</u>, provided there will be no storage of vehicles, equipment or materials on the premises</p>	<p>236</p>	<p>Contractor – office only</p>	<p>One (1) for each 300 square feet of floor space</p>
<p>c. <u>Utilities, including water towers</u>, (for communication tower, see Special Exception)</p> <ul style="list-style-type: none"> (1). provided all following conditions are met: (2). structure enclosed by six (6) foot fence; (3). no office, commercial operation, or storage of vehicles or equipment permitted; (4). a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines. 	<p>22</p>	<p>Utilities</p>	<p>One (1) space</p>
<p>d. <u>Temporary uses</u>, provided all following conditions are met</p> <ul style="list-style-type: none"> (1). Christmas tree sales on vacant lots for a period not to exceed 45 days (2). Contractor’s office & equipment shed, <ul style="list-style-type: none"> a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; c. for term up to one (1) year; may be renewed once; and (3) Religious meeting, in tent or temporary structure for a period not to exceed 60 days. 			<p>One (1) for each 300 square feet of office area</p>
<p>e. <u>Delicatessen, restaurant, soda fountain or other eating/drinking establishment</u>, provided the following conditions are met;</p> <ul style="list-style-type: none"> (1). no outside loud speaker is allowed; (2). exterior and vehicle lights will be directed away from residential property; (3). Landscaping requirements are met; (4). adequate provisions are made for access and traffic safety; and (5). hours of operation are limited to prevent late night noise. 	<p>7221 7222</p>	<p>Full-service restaurants Limited-service eating places</p>	<p>One (1) for each four (4) seats, plus one (1) for each two (2) employees on shift with maximum employment</p>

Town of Chapin Zoning Ordinance

NC SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>a. <u>Automobile service station</u>, including limited sale of groceries, provided the Board of Appeals determines:</p> <ol style="list-style-type: none"> (1). the use is compatible with the district; (2). Landscaping requirements are met; (3). no major repairs or sale of vehicles to be conducted on premises; (4). adequate provisions are made for access and traffic safety; (5). conditions are imposed to protect adjacent property for adverse impact; and (6). fuel pumps must comply with State regulations 	<p>447110 447190</p>	<p>Gasoline stations with convenience stores Gasoline stations without convenience stores</p>	<p>Two (2) for each fuel pumps, plus three (3) for each service bay or wash rack</p>
<p>b. <u>Car wash, either automatic or self-service</u>, provided the Board of Appeals determines:</p> <ol style="list-style-type: none"> (1). the use is compatible with the district; (2). adequate spaces for vehicles awaiting entry are required; more than minimum may be required; (3). the area is required to be adequately screened from adjoining residential property; (4). adequate provisions are made for access and traffic safety; and (5). hours of operation are limited to prevent late night noise. 	<p>811192</p>	<p>Carwashes</p>	<p>Self-service wash: three (3) Automatic wash: set by board, minimum six (6).</p>
<p>c. <u>Communication tower</u>, see Section 601</p>	<p>5172</p>	<p>Wireless telecommunications carriers</p>	<p>One (1) space</p>
<p>d. <u>Colleges, Universities, Professional Schools</u></p> <ol style="list-style-type: none"> (1). A master plan for the school is presented; (2). Adequate provisions for access, traffic and pedestrian safety; (3). The use is compatible with the district; and (4). Adequate provisions for the preservation and use of open space 	<p>6113</p>	<p>Colleges, Universities, Professional Schools</p>	
<p>e. <u>Convenience food store</u></p> <ol style="list-style-type: none"> (1). No gasoline sales; and (2). Hours of operation limited to prevent late night noise. 	<p>445120</p>	<p>Convenience food store, retail</p>	<p>One (1) for each 200 square feet of retail floor space</p>
<p>f. <u>Conversion of existing dwelling to Bed and Breakfast</u>, with provisions outlined in Section 611.</p>	<p>721191</p>	<p>Bed and Breakfast Inn</p>	<p>Location set by Board; minimum: one (1) for each guest room plus two (2) for resident innkeeper</p>

508. Neighborhood Commercial District Regulations

The following regulations apply to all uses in NC district:

Minimum lot area:	Commercial uses: None Residential uses: single-family- six thousand (6,000) square feet duplex - nine thousand (9,000) square feet Multifamily – six thousand (6,000) square feet for the first unit and three thousand (3,000) square feet for each additional unit.
Minimum lot width at building line:	Commercial uses: none Residential uses: fifty (50) feet
Maximum dwelling units:	Thirteen (13) dwelling units per acre
Minimum front yard depth:	Lots on S-48: thirty (30) feet All other lots: Twenty five (25) feet from street right of way line
Minimum setback from second street frontage:	Side street on corner lot: twelve & one-half (12 ½) feet; Rear street on double frontage lot: twenty-five (25) feet.
Minimum side yard:	Principal structure: ten (10) feet from interior side lot line; provided the total of both side yards must be at least 30% of lot width Accessory structure: five (5) feet from interior side lot line.
Minimum rear yard:	Principal structure: fifteen (15) feet from interior rear lot line; Accessory structure: five (5) feet from interior rear lot line.
Maximum lot coverage:	No limitation except as needed to meet other requirements herein
Maximum structure height:	Forty (40) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna);
Visibility requirements:	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finished street level within twenty-five (25) feet of intersection of street right-of-way lines. Private drive: no obstruction over height of thirty (30) inches within ten (10) feet of street.
Off street parking area requirements:	See Article 8.
Screening:	See landscaping, supplemental regulations, Article 7
Signs:	See Article 9
Subdivision regulations:	Applicable regulations must be met
Supplemental regulations:	See Article 6.
Site design standards:	Any commercial development must meet the design guidelines listed in Article 10.

509. . OC Office Commercial District Uses

OC OFFICE COMMERICAL PERMITTED USES	NAICS S CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. <u>Telephone, telegraph, radio, television services</u> (except communication towers - see special exceptions)	517	Telecommunications	None
b. <u>Public utility, including water tower, substation</u>	22	Electric, gas, water, sewer	One (1) space
c. <u>Wholesale trade, durable and non-durable goods</u>	421/422	Wholesale trade (durable/nondurable goods)	None
d. <u>Retail trade, involving sale of merchandise on premises</u> not to exceed 10,000 square feet in gross floor area (except NAICS 4471 - automobile service station - see special exceptions)	444120 444220 445 448 442 44611 445310 453310	Paint and wallpaper store Nursery, garden center and farm supply stores Food and beverage Clothing and clothing accessories stores Furniture and home furnishing stores Drug stores Pharmacies and drug stores Beer, wine and liquor stores Used merchandise	One (1) for each 200 square feet of retail floor space

Town of Chapin Zoning Ordinance

<p>e. <u>Services to individuals, business, and government institutions</u> (except: carwash or automobile repair garage - see conditional uses and special exceptions; and excluding check cashing and tattoo parlors)</p>	<p>52 531 55 541921 812112 812113 812111 811430 541213 532220 812191 54 621 712</p>	<p>Finance and insurance Real Estate Management of companies and enterprises Photography studios, portrait Beauty salons Nail salons Barber Shops Footwear and leather goods repair Tax return preparation services Formal wear rental Diet and weight reducing services Professional, scientific and technical services Health care services Museums, historical sites and similar institutions</p>	<p>One (1) space for each 300 square feet of gross floor area</p>
<p>f. <u>Religious, grantmaking, civic, professional and similar organizations</u></p>	<p>813</p>		<p>One (1) for each four (4) seats in assembly room</p>
<p>g. <u>Government building or facility including postal facility</u></p>	<p>491, 61, 92</p>	<p>Postal Service; Educational services, Public administration</p>	<p>School: 4 per class-room or office, plus 2 spaces per office, 1 for each 5 seats for public assembly in senior high school. Other: one (1) per 200 sq. ft. of area</p>
<p>h. <u>Residential uses permitted as in the RG district</u></p>	<p>814</p>	<p>Dwelling units</p>	<p>Two (2) per unit</p>

i. Accessory uses on same lot with principal uses, as follows:

- (1). Off-street parking or storage area for vehicles owned by members, customers or employees of business;
- (2). Completely enclosed building for storage of supplies or merchandise for use in principal business

OC OFFICE COMMERCIAL CONDITIONAL USE (approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. <u>School of dance, art, music, drama, martial arts, etc.</u> provided all following conditions are met: (1). not more than 100 students will be enrolled; (2). instruction is limited to art, music, dancing, drama, martial arts, or similar cultural activity.	611610 611620	Dance schools Martial arts schools	One (1) per employee plus one (1) per 300 square feet of floor space for instruction.
b. <u>Contractor’s office</u> , provided there will be no storage of vehicles, equipment or materials on the premises	23321	General contractor, single-family houses	One (1) for each 300 square feet of floor space
c. <u>Dry cleaning or laundry pickup agency</u> , provided laundering, cleaning or pressing on premises involving only articles delivered to premises by individual customers	7212. 7213	Garment pressing, & agents for laundries & drycleaners	One (1) space for each 250 square feet of floor area not for storage
d. <u>Utilities, including water towers</u> , (for communication tower, see Special Exception) (1). provided all following conditions are met: (2). structure enclosed by six (6) foot fence; (3). no office, commercial operation, or storage of vehicles or equipment permitted; and (4). a landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines.	22	Utilities	One (1) space
e <u>Temporary uses</u> , provided all following conditions are met: (1). Christmas tree sales on vacant lots for a period not to exceed 45 days (2). Contractor’s office & equipment shed, a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; and c. for a term of up to one (1) year; may be renewed once. (3). Religious meeting, in tent or temporary structure for a period not to exceed 60 days.			One (1) for each 300 square feet of office area
f. <u>Delicatessen, restaurant, soda fountain or other eating/drinking establishment</u> , provided the following conditions are met; (1). no outside loud speaker is allowed; (2). exterior and vehicle lights will be directed away from residential property; (3). Landscaping requirements are met; (4). adequate provisions are made for access and traffic safety; and (5). hours of operation are limited to prevent late night noise.	7221 7222	Full-service restaurants Limited-service eating places	One (1) for each four (4) seats, plus one (1) for each two (2) employees on shift with maximum employment

Town of Chapin Zoning Ordinance

OC OFFICE COMMERCIAL SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRE D
a. <u>Automobile service station</u> , including sale of groceries, provided the Board of Appeals determines: <ol style="list-style-type: none"> (1). the uses is compatible with the district; (2). parking & service areas are separated from adjoining; residential property by planting screen, fence or wall at least 6 feet high; (3). no major repairs or vehicle sales conducted on premises; (4). adequate provisions are made for access and traffic safety; (5). conditions are imposed to protect adjacent property from adverse impact; and (6). fuel pumps must comply with State regulations. 	447110 447190	Gasoline stations with convenience stores Gasoline stations without convenience stores	Two (2) for each fuel pump, plus three (3) for each service bay or wash rack
b. <u>Transportation terminals for bus and railroad service</u> , provided the Board of Appeals determines: <ol style="list-style-type: none"> (1). repair facilities and truck terminals are not permitted; (2). adequate maneuvering and parking spaces are set; (3). adequate provisions are made for access and traffic safety; (4). the area is adequately screened from residential areas; and (5). the use is compatible with the district. 	482 488490	Railroad transportation Terminal for motor vehicle passenger transportation	Set by Board; minimum: one (1) for each 200 square feet of gross floor space
c. Communication tower, see Section 601	5172	Wireless telecommunications carriers	One (1) space

510. fice Commercial District Regulations

The following regulations apply to all uses in OC districts

Minimum lot area:	Commercial uses: None Residential uses: single-family- six thousand (6,000) square feet duplex - nine thousand (9,000) square feet Multifamily – six thousand (6,000) square feet for the first unit and three thousand (3,000) square feet for each additional unit.
Minimum lot width at building line:	Commercial uses: none Residential uses: fifty (50) feet
Maximum dwelling units:	Thirteen (13) dwelling units per acre
Minimum front yard depth:	Lots on S-48: Thirty (30) feet All other lots: Twenty five (25) feet from street right of way line
Minimum setback from second street frontage:	Side street on corner lot: twelve & one-half (12 ½) feet; Rear street on double frontage lot: twenty-five (25) feet.
Minimum side yard:	Principal structure: Combined side yard width of at least 30% of the total lot width, with both side yards each having a minimum of 10 feet in width. Accessory structure: five (5) feet from interior side lot line.
Minimum rear yard:	Principal structure: fifteen (15) feet from interior rear lot line; Accessory structure: five (5) feet from interior rear lot line.
Maximum lot coverage:	No limitation except as needed to meet other requirements herein
Maximum structure height:	Forty (40) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna);
Visibility requirements:	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finished street level within twenty-five (25) feet of intersection of street right-of-way lines. Private drive: no obstruction over height of thirty (30) inches within ten (10) feet of street.
Off street parking area requirements:	See Article 8.
Screening:	See landscaping, supplemental regulations, Article 7
Signs:	See Article 9
Subdivision regulations:	Applicable regulations must be met
Supplemental regulations:	See Article 6.
Site design standards	Any commercial development must meet the design guidelines listed in Article 10.

511. enter District Uses

TC PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. <u>Telephone, telegraph, radio, television services</u> (except communication towers - see special exceptions)	517	Telecommunications	None
b. <u>Public utility, including water tower, substation</u>	22	Electric, gas, water, sewer	One (1) space
c. <u>Wholesale trade, durable and non-durable goods</u>	421/422	Wholesale trade (durable/nondurable goods)	None
d. <u>Retail trade, involving sale of merchandise on premises</u> not to exceed 10,000 square feet in gross floor area (except NAICS 4471 - automobile service station - see special exceptions)	44413 452 44512 4452 448 442 7221 7222 44611 445310 453310	Hardware stores only, General merchandise Convenience stores Specialty food stores Clothing and clothing accessories Furniture and home furnishing stores Full-service restaurants Limited-service eating places Pharmacies and drug stores Beer, wine and liquor stores Used merchandise	One (1) for each 200 square feet of retail floor space
e. <u>Finance, insurance, and real estate</u>	52 531 55	Finance and insurance Real estate Management of companies and enterprises	One (1) space for each 300 square feet of gross floor area
f. <u>Services to individuals, business, and government institutions</u> (except: carwash or automobile repair garage - see conditional uses and special exceptions; and excluding check cashing and tattoo parlors)	72111 721310 541921 812112 812113 812111 811430 541213 532220 812191 541 53211 812930 811111	Hotels, motels, Rooming & boarding houses; Photography studios, portrait Beauty salons Nail salons Barber Shops Footwear and leather goods repair Tax return preparation services Formal wear rental Diet and weight reducing services Business services; Passenger car rental Automobile parking General automotive repair Carwashes Indoor motion pictures; Video tape rental; Arts, entertainment and recreation (excluding gambling)	One (1) space for each 300 square feet of gross floor area

Town of Chapin Zoning Ordinance

	811192 512131 532230 71 621 541110 611 514120 624 712110 813 541	Health services (except hospitals) Legal services Schools Libraries Social assistance Museum & gardens Religious, civic, professional & similar organizations Professional, scientific and technical services	
g. <u>Church, synagogue, temple, or place of worship</u> , including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, and recreation facilities	8131	Religious organizations	One (1) for each (4) seats in assembly
h. <u>Government building or facility including postal facility</u>	491, 92	Postal Service, Public administration	Other: one (1) per 200 sq. ft. of area
i. <u>Residential uses permitted as in the RG district</u>	814	Dwelling units	Two (2) per unit
j. <u>Accessory uses on same lot with principal uses</u> , as follows: (1). Off-street parking or storage area for vehicles owned by members, customers or employees of business; and (2). Completely enclosed building for storage of supplies or merchandise for use in principal business.			

TC CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>a. <u>Temporary use</u>, provided all following conditions are met</p> <ul style="list-style-type: none"> (1). Christmas tree sales, on vacant lots for a period not to exceed 45 days; (2). Contractor’s office & equipment shed, <ul style="list-style-type: none"> a. used in connection with construction on premises b. must not cause traffic congestion or nuisance; and c. for a term of up to one (1) year; may be renewed once. (3). Religious meeting, in tent or temporary structure for a period not to exceed 60 days. 	<p>N/A</p>		<p>One (1) for each 300 square feet of office area</p>

Town of Chapin Zoning Ordinance

TC SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>a. <u>Automobile service station</u>, including sale of groceries, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> (1). the uses is compatible with the district; (2). parking & service areas are separated from adjoining residential property by planting screen, fence or wall at least 6 feet high; (3). no major repairs or vehicle sales conducted on premises; (4). adequate provisions are made for access and traffic safety; (5). conditions are imposed to protect adjacent property from adverse impact; and (6). fuel pumps must comply with State regulations. 	<p>447110 447190</p>	<p>Gasoline stations with convenience stores Gasoline stations without convenience stores</p>	<p>Two (2) for each fuel pump, plus three (3) for each service bay or wash rack</p>
<p>b. <u>Transportation terminals for bus and railroad service</u>, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> (1). repair facilities and truck terminals are not permitted; (2). adequate maneuvering and parking spaces are set; (3). adequate provisions are made for access and traffic safety; (4). the area is adequately screened from residential areas; and (5). the use is compatible with the district. 	<p>482 488490</p>	<p>Railroad Transportation</p>	<p>Set by Board; minimum: one (1) for each 200 square feet of gross floor space</p>
<p>c. Communication tower, see Section 601</p>	<p>5172</p>	<p>Wireless telecommunications carriers</p>	<p>One (1) space</p>

512. . TC Town Center District Regulations

The following regulations apply to all uses in TC districts

Minimum lot area:	No minimum except that to meet the requirements of the Ordinance
Minimum lot width at building line:	Fifteen (15) feet
Front setback:	Lots on S-48: Thirty (30) feet All other lots: Minimum front: 0 ft. Maximum front: 10 ft.
Setback from second street frontage:	Minimum front: 0 ft. Maximum front: 10 ft.
Minimum side setback	0 ft. Except as otherwise required in Article 7
Minimum rear setback	Fifty percent (50%) of the lot depth (except buildings which abut alleys: minimum 0 ft.)
Maximum lot coverage:	Permitted and permissible buildings and their accessory structures: No maximum except as needed to meet other requirements herein
Maximum structure height:	Sixty (60) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna);
Off street parking area requirements:	See parking, supplemental regulations, Article 8. Parking and maneuvering space shall be located behind the plane established by the primary building facade facing the street.
Screening:	See landscaping, supplemental regulations, Article 7 Open sales yards: Yards used for sale, rental, or storage of materials or equipment must be screened from adjoining residential property or other zoning districts by planting screen, fence, or wall at least 6 feet high;
Signs:	See Article 9
Subdivision regulations:	Applicable regulations must be met
Supplemental regulations:	See Article 6.
Site design standards:	Any commercial development must meet the design guidelines listed in Article 10.

Town of Chapin Zoning Ordinance

g. <u>Government building or facility including postal facility</u>	491, 92	Postal Service, Public admin.	One (1) for each 200 square feet of floor area
h. Multifamily residential	814	Private household	Two (2) per unit

IC CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. <u>Temporary use</u> , provided all following conditions are met (1). Christmas tree sales, on vacant lots for a period not to exceed 45 days; (2). Contractor's office & equipment shed, a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; and c. for a term of up to one (1) year; may be renewed once. (3). Religious meeting, in tent or temporary structure for a period not to exceed 60 days.	N/A		One (1) for each 300 square feet of office area
b. <u>Communication tower</u> , see Section 601	5172	Wireless telecommunications carriers	One (1) space

IC SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals)	NAICS CODE	NAICS DESCRIPTIO	PARKING SPACES REQUIRED
TBD IF ZONING DEVELOPES			

514. . IC Interstate Commercial District Regulations

Minimum lot area:	Commercial - None Multifamily residential – six thousand (6,000) square feet for the first unit and three thousand (3,000) square feet for each additional unit.
Minimum lot width at building line:	Fifty (50) feet
Minimum front yard depth:	Lots on S-48: thirty (30) feet All other lots: Fifteen (15) feet
Maximum dwelling units:	Thirteen (13) dwelling units per acre
Minimum setback from second street frontage:	Side street on corner lot: seven (7) feet Rear street on double frontage lot: fifteen (15) feet
Minimum side yard:	No minimum except that required to meet the requirements of this Ordinance
Minimum rear yard:	No minimum except that required to meet the requirements of this Ordinance
Maximum lot coverage:	Permitted and permissible buildings and their accessory structures: No maximum except as needed to meet other requirements herein
Maximum structure height:	Sixty (60) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna);
Visibility requirements:	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finished street level within twenty-five (25) feet of intersection of street right-of-way lines. Private drive: no obstruction over height of thirty (30) inches within ten (10) feet of street.
Off street parking area and loading area requirements:	See Article 8.
Screening:	See landscaping, supplemental regulations, Article 7 Planting screen, fence or wall at least six (6) feet high is required along all interior lot lines abutting a residential district.
Shopping centers:	Two or more stores or businesses located on the same parcel of land constitute a shopping center. Site plan approval required.
Signs:	See Article 9.
Subdivision regulations:	Applicable regulations must be met. Site plan approval is required for shopping centers prior to issuance of zoning and building permits.
Supplemental regulations:	See Article 6.
Site design standards:	Any commercial development must meet the design guidelines listed in Article 10.

515. General Commercial District Uses

GC PERMITTED USES	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. <u>Telephone, telegraph, radio, television services, (except communication towers - see conditional uses)</u>	517	Telecommunications	One (1) per 300 sq. ft. gross floor area
b. <u>Public utility, including water tower, substation</u>	22	Electric, gas, water, sewer	One (1) per 300 sq. ft. gross floor area
c. <u>Wholesale trade, durable and nondurable goods</u>	421/422	Wholesale trade (durable/nondurable goods)	One (1) per 300 sq. ft. gross floor area.
d. <u>Retail trade, no limit in square footage per store, including shopping centers, involving sale of merchandise on premises except:</u> NAICS 447110 automobile service station - see conditional uses NAICS 453930 Mobile home dealers not permitted	444 452 445 4411/441222 448 442 7221 7222 44611 445310 453310	Building material and garden equipment and supplies dealers General merchandise Food and beverage Motor vehicle & boat dealers (except 447110); Clothing and clothing accessories Furniture and home furnishing stores Full-service restaurants Limited-service eating places Pharmacies and drug stores Beer, wine and liquor stores Used merchandise	One (1) per 200 square feet of retail floor area
e. <u>Finance, insurance, and real estate</u>	52 531 55	Finance and insurance Real estate Management of companies and enterprises	One (1) per 300 square feet of gross floor area
f. <u>Services to individuals, business and government establishments, except tattoo</u>	54194	Pet veterinary services (without outside boarding of animals) Hotels, motels, Rooming & boarding	Hotel, Motel: One (1) for each guest room.

Town of Chapin Zoning Ordinance

<p>parlors (7299) see special exceptions</p>	<p>72111 721310 541921 812112 812113 812111 811430 541213 532220 812191 541 53211 812930 811111 811192 512131 532230 71 621 622 541110 611 514120 624 712110 813 541 61</p>	<p>houses; Photography studios, portrait Beauty salons Nail salons Barber Shops Footwear and leather goods repair Tax return preparation services Formal wear rental Diet and weight reducing services Business services; Passenger car rental Automobile parking General auto repair Carwashes Indoor motion pictures Video tape rental Arts, entertainment and recreation (excluding gambling) Health services Hospitals Legal services Schools Libraries Social assistance Museums & gardens Religious, civic, professional & similar organizations Professional, scientific and technical services Educational Services</p>	<p>Service & repair: One (1) per 250 sq. ft. of work area. Club, library, funeral home, theater: One (1) for each 4 seats. Hospital: One (1) for each 2 beds. School: One (1) for each classroom and admin. office. All other: One (1) per 300 square feet of gross floor area.</p>
<p>g. <u>Church, synagogue, temple or place of worship</u>, including religious education building, parsonage or parish house, off-street parking for members and visitors without pay, and recreation facility</p>	<p>8131</p>	<p>Religious organizations</p>	<p>One (1) for each two employees & one (1) for each four (4) seats in assembly room.</p>
<p>h. <u>Government building or facility</u>, including postal facility</p>	<p>491, 92, 922160 Fire Station</p>	<p>Postal Service, Public admin</p>	<p>One (1) for each 200 square feet floor area</p>

Town of Chapin Zoning Ordinance

i. <u>Miniwarehouses</u>	4225	Warehouses & storage	One (1) per 200 sq. ft. of office space
j. <u>Contractor's office</u>	23321	General contractor, single-family houses	One (1) for each 300 square feet floor space
k. Multifamily residential	814	Private household	Two (2) per unit

GC CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
a. <u>Automobile service station</u> , including limited sale of groceries, provided that: <ol style="list-style-type: none"> (1). the use is compatible with the district; (2). parking & service areas are separated from adjoining residential property by planting screen, fence or wall at least 6 feet high; (3). no vehicle sales conducted on premises; (4). adequate provisions are made for access & traffic safety; (5). conditions are imposed to protect adjacent property for adverse impact; (6). fuel pumps must comply with State regulations; and (7). is not a truck stop as defined in Article 2. 	447110	Gasoline stations with convenience stores	Two (2) for each fuel pump, plus three (3) for each service bay or wash rack
	447190	Gasoline stations without convenience stores	
b. <u>Temporary use</u> , provided all following conditions are met: <ol style="list-style-type: none"> (1). Christmas tree sales, on vacant lots for a period not to exceed 45 days; (2). Contractor's office & equipment shed, <ol style="list-style-type: none"> a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; and c. for a term of up to one (1) year; may be renewed once. (3) Religious meeting, in tent or temporary structure for a period not to exceed 60 days. 	N/A		One (1) for each 300 square feet of office area.

GC SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTIO N	PARKING SPACES REQUIRED
a. <u>Communication tower</u> , see Section 601	5172	Wireless telecommunications carriers	One (1) space
b. <u>Tattoo parlors</u> , provided the Board of Appeals determines: <ol style="list-style-type: none"> (1). Building is at least 1,000 feet from the lot of: <ul style="list-style-type: none"> ▪ A church; ▪ A public or private elementary or secondary school; ▪ A boundary of any residential district; ▪ A public park adjacent of any residential use; ▪ A day care center; and ▪ The property line of a lot devoted to residential use. (2). All applicable state regulations are met; (3). Adequate provisions are made for traffic access and safety; and (4). The use is compatible with the other uses in the area. 	7299	Tattoo parlors	One (1) per 300 square feet of gross floor area.

516. GC General Commercial District Regulations

The following regulations apply to all uses in GC districts:

Minimum lot area:	Commercial - None Multifamily residential – six thousand (6,000) square feet for the first unit and three thousand (3,000) square feet for each additional unit.
Minimum lot width at building line:	Fifty (50) feet
Maximum dwelling units:	Thirteen (13) dwelling units per acre
Minimum front yard depth:	Lots on S-48: Thirty (30) feet All other lots: Fifteen (15) feet
Minimum setback from second street frontage:	Side street on corner lot: seven (7) feet Rear street on double frontage lot: fifteen (15) feet
Minimum side yard:	No minimum except that required to meet the requirements of this Ordinance
Minimum rear yard:	No minimum except that required to meet the requirements of this Ordinance
Maximum lot coverage:	Permitted and permissible buildings and their accessory structures: No maximum except as needed to meet other requirements herein
Maximum structure height:	Sixty (60) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna);
Visibility requirements:	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finished street level within twenty-five (25) feet of intersection of street right-of-way lines. Private drive: no obstruction over height of thirty (30) inches within ten (10) feet of street.
Off street parking area and loading area requirements:	See Article 8.
Screening:	See landscaping, supplemental regulations, Article 7
Shopping centers:	Two or more stores or businesses located on the same parcel of land constitute a shopping center. Site plan approval required.
Signs:	See Article 9.
Subdivision regulations:	Applicable regulations must be met. Site plan approval is required for shopping centers prior to issuance of zoning and building permits.
Supplemental regulations:	See Article 6.
Site design standards:	Any commercial development must meet the design guidelines listed in Article 10.

517. . LM Light Manufacturing District Uses

LM PERMITTED USES	NAICS CODE	NAICS DESCRIPTIO	PARKING SPACES REQUIRED
a. <u>Horticultural nursery</u>	1114	Greenhouse, nursery and floriculture production	One (1) per 200 sq. ft. of office area
b. <u>Manufacturing, processing, and packing</u> limited to the NAICS classes listed:	311 315 33711 5111 32311 325620 315992 316991 316992/993 316999 327111	Food manufacturing Apparel manufacturing Wood kitchen cabinets Newspaper publishing Printing Perfumes & cosmetics Leather gloves and mittens Luggage Handbags; personal goods All other leather goods. Pottery & related products	One (1) space per employee for the largest shift, plus 10%
c. <u>Transportation terminal and storage</u> , including miniwarehouses.	482 484110/121 531130	Railroad transportation General freight trucking Miniwarehouses	One (1) per 200 square feet of gross floor area
d. <u>Telephone, telegraph, radio, television services</u> (except communication towers - see conditional uses)	517	Telecommunication	One (1) per 200 square feet of gross floor space
e. <u>Public utility</u> , including water tower, substation, Exclude land fill	22	Electric, gas, water, sewer	One (1) per 300 sq. ft. of floor area
f. <u>Wholesale trade, durable and non-durable goods</u>	421/422	Wholesale trade (durable/nondurable goods)	One (1) per 300 sq. ft. of sales area
g. <u>Retail trade</u> , involving sale of merchandise on premises (except NAICS 447110 automobile service station - see conditional uses)	444 452 445 4411 448 442 7221 7222 44611 445310 453310	Building material and garden equipment and supplies dealers General Merchandise Food and beverage Automobile dealers Clothing and clothing accessories Furniture and home furnishing stores Full-service restaurants Limited-service eating places Pharmacies and drug stores Beer, wine and liquor stores Used merchandise	Eating & drinking places; One (1) for each four seats; All other: One (1) per 200 square feet of gross sales area
h. <u>Finance, insurance, and real estate</u>	52 531 55	Finance and insurance Real estate Management of companies and	One (1) per 300 square feet of gross floor area

Town of Chapin Zoning Ordinance

		enterprises	
i. <u>Service to individuals, business and government establishments:</u>	54194	Pet veterinary services	Service & repair: One (1) per 250 sq. ft. of work area.
	532111	Passenger car rental Automobile parking	
	812930	General automotive repair	Hospital: One (1) for each 2 beds.
	811111	Carwashes	
	811192	Arts, entertainment and recreation (excluding gambling)	School: One (1) for each classroom and admin. office.
	71	Health services	
	621	Hospitals	All other: One (1) per 300 square feet of gross floor area.
	622	Legal services	
	541110	Schools	
	611	Libraries	
	514120	Social assistance	
624	Professional, scientific and technical services		
541			
j. <u>Government building or facility, including postal facility</u>	491, 92	Postal Service, Public administration	One (1) for each 200 square feet of floor area.

LM CONDITIONAL USES (approved by Zoning Administrator if all conditions are met)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>a. <u>One-family dwelling for watchman or caretaker</u>, provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). dwelling is located on premises of permitted use; and (2). head of household is employed in a permitted use as watchman or caretaker. 	N/A		One (1) space
<p>b. <u>Garage for repair & servicing of motor vehicles</u>, provided all following conditions are met:</p> <ul style="list-style-type: none"> (1). operations are in a fully enclosed building; and (2). no open storage of wrecked vehicles or dismantled parts, or visible beyond premises. 	811111	General automotive repair	Three (3) for each service bay.
<p>c. <u>Communication tower</u>. See Section 601</p>	5172	Wireless telecommunications carriers	One (1) space
<p>d. <u>Temporary uses</u>, provided all following conditions are met;</p> <ul style="list-style-type: none"> (1). Christmas tree sale, on vacant lots not to exceed 45 days; (2). Contractor's office & equipment shed, <ul style="list-style-type: none"> a. used in connection with construction on premises; b. must not cause traffic congestion or nuisance; and c. for a term of up to one (1); may be renewed once. (3). Religious meeting, in tent or temporary structure for a period not to exceed 60 days. 	N/A		One (1) for each 300 square feet of office area
<p>e. <u>Automobile service station</u>, including limited sale of groceries, provided that:</p> <ul style="list-style-type: none"> (1). parking & service areas are separated from residential property by planting screen, fence, wall at least 6 feet high; (2). adequate provisions are made for access and traffic safety; and (3). conditions are imposed to protect adjacent property from adverse impact. 	447110 447190	Gasoline stations with convenience stores Gasoline stations without convenience stores	Two (2) for each fuel pump, plus three (3) for each service bay or wash rack

LM SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>a. <u>Manufacturing, industry, processing, assembly, and storage</u>, provided the Board of Appeals determines:</p> <ul style="list-style-type: none"> (1). the use is compatible with the district; (2). adequate parking for employees & customers is provided; (3). adequate provisions are made for access and traffic safety; (4). no outside storage of junk or salvage is permitted; (5). no nuisance will be created beyond the premises by noise, vibrations, smoke, gas, fumes, odor, dust, etc.; (6). conditions are imposed to protect adjacent property from adverse impact; and (7). applicable environmental regulations are met. 	<p>31-33</p>	<p>Manufacturing</p>	<p>Set by Board</p>

518. . LM Light Manufacturing District Regulations

The following regulations apply to all uses in LM districts

Minimum lot area:	One-half (½) acre
Minimum lot width at building line:	One hundred (100) feet
Minimum front yard depth:	Lots on S-48: Thirty (30) Feet All other lots: Twenty-five (25) feet
Minimum setback from second street frontage:	Side street on corner lot; Twenty-five (25) feet Rear street on double frontage lot: Twenty-five (25) feet
Minimum side yard:	No minimum except that which is required to meet the requirements of this Ordinance
Minimum rear yard:	No minimum except that which is required to meet the requirements of this Ordinance
Maximum lot coverage:	All permitted and permissible buildings and structures and their accessory buildings and structures shall not exceed a total of 60% of lot coverage
Maximum structure height:	Fifty (50) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna)
Visibility requirements:	Corner lot: no obstruction between heights of three (3) and ten (10) feet above finished street level within fourteen (14) feet of intersection of street right-of-way lines. Private drive: no obstruction over height of thirty (30) inches within ten (10) feet of street.
Off street parking area and loading area requirements:	See Article 8. Truck Terminal: paved acceleration and deceleration lanes at least ten (10) feet wide and one hundred (100) feet long are required at entrance and exit of terminal site which must have access to and from major street.
Screening:	See landscaping, supplemental regulations, Article 7 Planting screen, fence or wall at least six (6) feet high is required along all interior lot lines abutting any district not separated by a street.
Signs:	See Article 9
Storage:	No open storage of junk or salvage materials is permitted with any use in the district
Subdivision regulations:	Applicable regulations must be met
Supplemental regulations:	See Article 6.
Site design standards:	Any commercial development must meet the design guidelines listed in Article 10.

519. PD Planned Development District Uses

Planned Development Districts may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks and other mixed used developments. Flexibility in design, character and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a particular planned development.

520. PD Planned Development Districts Regulations

The following regulations shall apply to all uses in PD districts, other provisions in this Ordinance to the contrary withstanding:

Minimum site area	Four (4) acres
Minimum lot area for structure	Set in approved plan
Minimum lot width, yards, setbacks	Set in approved plan
Maximum lot coverage:	Set in approved plan
Maximum structure height	Sixty (60) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna)
Off street parking and loading requirements	Set in approved plan
Screening	Set in approved plan, but not less than landscaping required Article 7
Signs	Set in approved plan, but not greater than signs allowed in Article 9
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See Article 6
Site Design Standards	Any commercial development must meet the design guidelines listed Land Development Plan

521. PD Planned Development District Application and Review Procedures

The following procedures shall apply to establishment of a PD district, other provisions in this Ordinance to the contrary notwithstanding.

a. Zoning amendment required:	PD districts are established by amendment to the Zoning Ordinance in the manner prescribed for rezoning
b. District regulations	The applicable regulations in § 517, Article 6, and those in an approved plan and descriptive statement shall constitute the PD district regulations for the site.

Town of Chapin Zoning Ordinance

<p>c. Preapplication conference optional</p>	<p>An applicant for PD zoning is encouraged, but not required, to contact the Planning Commission prior to submission of the application for information and review of the regulations and procedures applicable to the proposed plan and descriptive statement.</p>
<p>d. Amendment application required</p>	<p>Initiation of a PD amendment shall be by submission of an application form provided by the Zoning Administrator with required attachments.</p>
<p>e. Development plan required</p>	<p>A site development plan is a required attachment to application for PD amendment. The site development plan shall be prepared according to the Town of Chapin Land Development Regulations</p>
<p>f. Descriptive statement required</p>	<p>A descriptive statement is a required attachment to the application for PD amendment. The descriptive statement shall indicate the characteristics and standards to be used for development of the site, and shall include at least the following items:</p> <ol style="list-style-type: none"> (1). Legal description of site boundaries , and total area of the site; (2). Area and location of each type of use; (3). Number and density of dwelling units by type; (4). Description of open space location, uses and proposed dedication for public use; (5). Ownership and maintenance of streets, and proposed dedication to public; (6). Methods of dealing with parking and the impact of projected traffic on the uses on the site and adjacent distorts, and streets; (7). Steps proposed to comply with sediment control and storm drainage regulations; (8). Steps proposed to comply with landscaping regulations; (9). Details of association or organization involved in ownership and maintenance, including procedures and methods of operation; (10). Outline for development phasing with anticipated time frames; (11). Design standards, procedures and methods demonstrating that development will result in integrated use district, functional and compatible with the area & article10 architectural review (12). Proposed restrictive covenants to be recorded to assure future compliance with the standards in the plan; and (13). Such other information as may be appropriate for Planning Commission review.
<p>g. Planning Commission review</p>	<p>Upon determination that the application meets above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to Town Council as required for zoning amendments.</p>
<p>h. Town Council action</p>	<p>Upon receipt of the Planning Commission recommendation, Town Council shall, conduct a public hearing as required for zoning amendments, and may approve, or approve with modifications accepted by applicant, or disapprove the proposed amendment.</p>

<p>i. Zoning and building permits</p>	<p>Zoning and building permits shall not be issued until the zoning is approved by Town Council, and approved plats, the approved descriptive statement and all required restrictive covenants are filed for record with the Municipal Clerk and the Clerk of Court for Lexington County, and all required bounds are posted with the Municipal Clerk.</p>
<p>j. District map</p>	<p>The site development plan approve by Town Council shall be the zoning district map for the PD and shall be the basis for issuance for zoning and building permits.</p>
<p>k. Changes to plan:</p>	<p>(1). Minor changes: Changes proposed in writing by the applicant which do not alter district boundaries and which involve revision of minor characteristics of the PD such as relocation of driveways, revision of floor plans, facades, landscaping, relocation of required parking, drainage structures, and features which do not materially affect the approve plan concept or violate any applicable regulations may be approved by the Zoning Administrator. Approval or rejection of the change is subject to review and final determination by the Planning Commission if the applicant or any party whose property is adversely affected files a written objection with the Planning Commission within ten (10) days after action by the Zoning Administrator. An applicant may submit a rejected change as an amendment to the plan under the normal zoning amendment procedures.</p> <p>(2). Major changes: Changes proposed in writing by the applicant which alter district boundaries or which materially affect the characteristics of the PD shall be submitted under normal zoning amendment procedures applicable to the establishment of the PD.</p> <p>(3). Permits: No zoning or building permits involving a minor or major change of the PD descriptive statement or map shall be issued until the written change is filed with the Municipal Clerk and recorded in the office of the Clerk of Court for Lexington County.</p>
<p>l. Failure to begin; failure to progress; failure to complete</p>	<p>If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement, Town Council may charge the developer with violation of the Zoning Ordinance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within two years of its establishment, the Planning Commission shall initiate the rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.</p>

522. . OS Open Space District Uses

The open space district is established as a district in which the primary use of the land is predominantly reserved for flood control, future thoroughfare right-of-way, public recreation, community facility sites, airport approaches, natural or man-made bodies of water, forests, and other similar open space uses. In promoting the general purpose of this Ordinance, the specific intent of this subsection is:

- A. To encourage the preservation of, and continued use of, the land for conservation purposes;
- B. To prohibit residential, commercial, and manufacturing use of the land, and to prohibit any other use which would substantially interfere with the preservation of this district; and
- C. To encourage the discontinuance of uses that would not be permitted as uses in the district.

523. . Historic Preservation Regulations

Historic Preservation Ordinance TBD . Any questions or decisions on Historic Preservation Issues will be determined by the Planning Commission at this time.

ARTICLE 6
SUPPLEMENTAL REGULATIONS

600. Sexually-Oriented Businesses

It is the purpose of this section to regulate sexually-oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town of Chapin, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually-oriented businesses within the town. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually-oriented materials. Similarly, it is not the intent or effect of this Ordinance to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

600.1. . Definitions

- A. Adult arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “certain sexual activities” or “specified anatomical areas”.
- B. Adult bookstore or adult video store** means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or
 2. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.” A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as adult bookstore or adult video store.

Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas”.

C. Adult cabaret means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

D. Adult motel means a hotel, motel or similar commercial establishment:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type or photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

E. Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

F. Adult theater means a theater concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

G. Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

H. Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

I. Establishment means and includes any of the following:

1. The opening or commencement of any sexually-oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business;
3. The additions of any sexually-oriented business to any other existing sexually-oriented business; or
4. The relocation of any sexually-oriented business.

J. Permittee and/or licensee means a person in whose name a permit and/or license to operate a sexually-oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

K. Nude Model Studio means any place where a person who appears in a state of nudity or displays “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

L. Nudity or a state of nudity means the appearance of a person’s genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any simulation thereof; or any portion of a female breast below the horizontal line across the top of the areola at its highest point or any simulation thereof. The definition shall include the appearance of any portion of the entire lower portion of the female breast.

M. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

N. Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

O. Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

P. Sexually-oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Q. Specified anatomical areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

R. Specified sexual activities means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. The fondling, erotic touching, or other such contact with an animal by a human being; or
5. Excretory functions as part of or in connection with any of the activities set forth in 1 through 4 above.

S. Substantial enlargement of a sexually-oriented business means the increase in floor areas occupied by the business by more than twenty five (25) percent, as the floor areas exist.

T. Transfer of ownership or control of a sexually-oriented business means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer or securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business.

600.2. . Classification

Sexually-oriented businesses are classified as follows:

- A.** Adult arcades;
- B.** Adult bookstores or adult video stores;
- C.** Adult cabarets;

- D.** Adult motels;
- E.** Adult motion picture theaters;
- F.** Adult theaters;
- G.** Escort agencies;
- H.** Nude model studios; and
- I.** Sexual encounter centers.

600.3. . Permit Required

600.3.1. A person commits a misdemeanor if he operates a sexually-oriented business without a valid permit and/or license issued by the Town of Chapin for the particular type of business.

600.3.2. An application for a permit and/or license must be made on a form provided by the Town of Chapin zoning department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

600.3.3. The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official. The health department, fire department and building office shall complete their inspections and certify same to the Zoning Administrator within twenty-one (21) days of receipt of the application by said Zoning Administrator.

600.3.4. If a person who wishes to operate a sexually-oriented business is an individual, he must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually-oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually-oriented business or as the entity which wishes to operate such a business, each individual having a (10) percent or greater interest in the corporation must sign the application for a permit and/or license as applicant.

600.3.5. The fact that a person possesses other types of state, or Town of Chapin permits and/or licenses does not exempt that person from the requirement of obtaining a sexually-oriented business permit and/or license.

600.4. uance of Permit and Fee

600.4.1. The Town Zoning Administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless any one or more of the following is found to be true:

- a. An applicant is under eighteen (18) years of age;
- b. An applicant or an applicant's spouse is overdue payment to the Town of Chapin for taxes, fees, fines, or penalties assessed or imposed in relation to a sexually-oriented business;
- c. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application;
- d. An applicant is residing with a person who has been denied a permit and/or license by the Town of Chapin to operate a sexually-oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually-oriented business has been revoked within the preceding twelve (12) months, or residing with a person whose license to operate a sexually-oriented business has been revoked within the preceding twelve (12) months;
- e. The premises to be used for the sexually-oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances;
- f. The permit and/or license fee required by this Ordinance has not been paid;
- g. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Ordinance; or
- h. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually-oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually-oriented business so that it may be easily read at any time.

600.4.2. The annual fee for a sexually-oriented business permit and/or license is five hundred dollars (\$500) dollars.

600.5. ection

600.5.1. An application of permittee shall permit representatives of the law enforcement department, health department, fire department, zoning department or any other Town of Chapin departments or agencies to inspect the premises of a sexually-oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

600.5.2. A person who operates a sexually-oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

600.6. tion of Permit

600.6.1. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 600.3. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than (30) days before the expiration date, the expiration of the permit and/or license will not be affected.

600.6.2. When the Zoning Administrator denies renewal of a permit and/or license, the applicant shall not be issued a permit and/or license for one (1) year from the date of denial. If subsequent to denial, the Zoning Administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date of denial became final.

600.7. ension of Permit

The Zoning Administrator may suspend a permit for a period not to exceed thirty (30) days if it is determined that a permittee and/or licensee or an employee of a permittee and/or licensee has:

600.7.1. Violated, or is not in compliance with any section of this Ordinance; or

600.7.2. Engaged in excessive use of alcoholic beverages while on the sexually-oriented business premises; or

600.7.3. Refused to allow an inspection of the sexually-oriented business premises as authorized by this chapter; or

600.7.4. Knowingly permitted gambling by any person on the sexually-oriented business premises.

600.8. evocation of Permit

600.8.1 The Zoning Administrator shall revoke a permit if a cause for suspension in Section 600.7 occurs and the permit and/or license has been suspended within the preceding twelve (12) months.

600.8.2 The Zoning Administrator shall revoke a permit and/or license if it is determined that:

- a. A permittee and/or his licensee knowingly gave false or misleading information in the material submitted to the zoning department during the application process; or
- b. A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises; or
- c. A permittee and/or licensee or an employee has knowingly allowed prostitution on the premise; or
- d. A permittee and/or licensee or an employee knowingly operated the sexually-oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended; or
- e. A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the permitted and/or license premises; or
- f. A permittee and/or licensee is delinquent in payments to the Town of Chapin or state for any taxes of fees past due.

600.8.3 When the Zoning Administrator revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually-oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the Zoning Administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.

600.9. transfer of Permit

A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually-oriented business under the authority

of a permit and/or license at any place other than the address designated in the application.

600.10. cation of Sexually-Oriented Businesses

600.10.1 A sexually-oriented business may be located only within the Light Manufacturing District.

600.10.2 A person commits a misdemeanor when operating or causes to be operated, a sexually-oriented business outside of a designated Light Manufacturing District.

600.10.3 A person commits a misdemeanor when operating, or causes to be operated, a sexually-oriented business within one thousand (1,000) feet of:

- a. A church;
- b. A public or private elementary or secondary school;
- c. A boundary of any residential district;
- d. A public park adjacent of any residential use;
- e. A day care center; or
- f. The property line of a lot devoted to residential use.

600.10.4 A person commits a misdemeanor if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually-oriented business within one thousand (1,000) feet of another sexually-oriented business.

600.10.5 A person commits a misdemeanor if he causes or permits the operation, establishment or maintenance of more than one (1) sexually-oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually-oriented business in any building, structure, or portion thereof containing another sexually business.

600.10.6 For the purpose of this Ordinance, measurement shall be made in a straight line, without regard of intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-oriented business is conducted, to the nearest property line of the premises of a church, day care center, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

600.10.7 For purposes of subsection (4) of this section, the distance between any two (2) sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

600.10.8 Any currently operating sexually-oriented business in violation of subsection (1) through (7) of this section shall be deemed to be a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually-oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually-oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

600.10.9 A sexually-oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually-oriented business permit and/or license, of a church, public or private elementary or secondary school, public park, day care center residential district, or a residential lot with one thousand (1,000) feet of the sexually-oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

600.11. Additional Regulations for Adult Motels

600.11.1 Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

600.11.2 A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually-oriented permit and/or license, he rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

600.11.3 For purposes of this section, the terms “rent” or “subrent” mean the act of permitting a room to be occupied for any form of consideration.

600.12. Regulations for Exhibition of Sexually Explicit Films or Videos

600.12.1 A person who operates or causes to be operated, a sexually-oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts “specified sexual activities” or specified anatomical areas, shall comply with the following requirements:

- a. Upon application for a sexually-oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit and/or license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Town of Chapin Zoning Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;
- b. The application shall be sworn to be true and correct by the applicant;
- c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Administrator or his designee;
- d. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises;
- e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station;
- f. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will to be permitted in application filed pursuant to subsection (1) of this section;
- g. No viewing room may be occupied by more than one (1) person at any time;

- h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level; and
- i. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

600.12.2 A person having a duty under subsection (1) through (9) of subsection 600.12.1 above commits a misdemeanor if he knowingly fails to fulfill that duty.

600.13. exemptions

It is a defense to prosecution under sections 600.4 and 600.10 that a person appearing in a state of nudity did so in a modeling class operated:

600.13.1 By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation;

600.13.2 By a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

600.13.3 In a structure:

- a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- b. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
- c. Where no more than one (1) nude model is on the premises at any one (1) time.

600.14. ctionA person who operates or causes to be operated a sexually-oriented business without a valid permit and/or license or in violation of section 600.10 of this chapter is subject to a suit for injunction as well as prosecution for criminal violation as outlined in Article 11 of this Ordinance.

601. Communications Tower & Antenna

A communications tower and/or antenna may be permitted as follows:

601.1. ricts in Which Special Exception and Conditional Uses Are Permitted and Height Limitations of Free-standing or Guyed Towers:

- A. In residential districts RS-1, RS-2, and RG and commercial districts NC, OC, GC and TC, Free-standing pole with height not exceeding 100 feet is a permitted special exception pursuant to Section 601.5;
- B. In commercial district IC, free-standing or guying towers with height not exceeding 180 feet are a permitted conditional use; height exceeding 180 feet requires special exception;
- C. In the LM manufacturing districts, free-standing or guyed towers with height not exceeding 200 feet are a permitted conditional use; height exceeding 200 feet requires special exception;
- D. In planned development districts, towers with height specified in approved plan are permitted under conditions set forth in the plan;
- E. In permissible districts, towers and/or antennas mounted on buildings, water tanks or structures other than a free-standing or guyed communications tower must not extend more than 30 feet above the highest part of the structure;
- F. In districts in which communication towers and antennas are permitted, free-standing or guyed and/or antenna exceeding height limitations may be permitted by the Zoning Board of Appeals as a special exception. (See requirements for special exception in Section 601.5.); and
- G. In all districts, variances from conditions imposed by this section may not be granted by the Zoning Board of Appeals. Variances from other general district regulations may be granted under standards in S. C. Code 6-29-800.

601.2. Application Requirements

The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the Zoning Administrator an application accompanied by a fee of \$200.00 and the following documents, if applicable:

- A. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material;
- B. A site plan, drawn to scale, showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property;
- C. A current map, or update for an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the Town of Chapin;

- D.** A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIAMA 222 (latest version) standards;
- E.** Identification of the owners of all antenna and equipment to be located on the site;
- F.** Written authorization from the site owner for the application;
- G.** Evidence that a valid FCC license for the proposed activity has been issued;
- H.** A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;
- I.** A written agreement to remove the tower and/or antenna within 90 days after cessation of use;
- J.** Evidence that applicable conditions in Subsection 601.3 are met; and
- K.** Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.

601.3. ditions

Applicant must show that all applicable conditions are met:

- A.** The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements;
- B.** Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements, without unreasonable modifications on any existing structure or tower under the control of applicant;
- C.** Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons;
- D.** Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements;

- E.** Applicant must show that a new tower is designed to accommodate additional antenna equal in number to applicant's present and future requirements;
- F.** Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met;
- G.** A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations;
- H.** A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained;
- I.** Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipality attorney;
- J.** Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply;
- K.** A tower must be a minimum distance- equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater; and
- L.** Prior to issuing a permit, the Zoning Administrator may consult with a communications expert for technical review to determine that the standards in Sections 601.3 (2), (3), (4), (5), (7), and (8) are met.

601.4. Appeal to Board

Applicant may appeal to the Board of Zoning Appeals as follows:

- A.** Failure of the Zoning Administrator to act on an application which is determined to be complete under this section within 45 days, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the Board of Zoning Appeals;

- B.** Applicant may appeal to the Board for a variance from general zoning district regulations and setbacks requirements in this section, but not from any other conditions in this section. Towers exceeding height limitations may be permitted only by special exception pursuant to Section 601.5; or
- C.** Applicant may apply directly to the Board for a permit for any tower as a special exception pursuant to Section 601.5.

601.5. Special Exceptions

A tower, pole, or antenna may be permitted by special exception granted by the Board of Zoning Appeals after public hearing and findings of fact based on the following criteria:

- A.** All application requirements and conditions imposed in section 601.1 through 601.4 of this Ordinance are met;
- B.** If additional tower height is requested, total tower height will not exceed 150% of the maximum height permitted in the district as a conditional use;
- C.** Applicant has demonstrated that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the municipality;
- D.** Setback requirements and such additional conditions are established by the Board as is deemed necessary to remove danger to health and safety, and to protect adjacent property;
- E.** Prior to approving a permit by special exception or on appeal from action of the Zoning Administrator on an application for a conditional use, the Board may consult with a communication expert for technical review to determine that the standards in subsections 601.3 (1), (2), (3), (4), (5), (7), and (8) are met;
- F.** The Telecommunications Act of 1996 requires that a denial of permit be supported by substantial evidence; and
- G.** The Board may not grant a variance from the standards imposed for a communication tower or antenna in connection with granting a special exception, except as permitted by Sections 601.1 through 601.4.

602. PRIVATE SWIMMING POOLS:

It is the purpose of this section to establish aesthetic and safety guidelines for the development of private swimming pools in RS-1, RS-2, RG, NC, OC, IC and GC zoning districts. Private swimming pools are allowed as an accessory use within these districts as specified in Articles 501, 503, 505, 507, 509, 511, 513, and 515 of the Zoning ordinance. The supplementary regulations for this accessory use are as follows:

- A. All private swimming pools whether in ground or above ground, shall be enclosed with an adequate and secure fence at least 44 inches above the adjoining grade to prevent straying into the pool area.
- B. Required fences shall be constructed to prevent passage of a 4 inch sphere between or under fence members.
- C. Any gates installed shall be provided with self-closing and self-latching devices, which shall be on the inside of the gate at least 30 inches above ground level.
- D. A pool dome or pool top fence attached to the pool must extend at least 44 inches above the ground or a pool cover capable of supporting 100 pounds per square foot of area are acceptable substitutes for fencing. The pool cover shall be securely in place at all times when the pool is not supervised by a responsible adult.
- E. Stairways, ladders or other accesses to pools, whether above ground or otherwise, shall be secured, removed or blocked off to prevent access when the pool is not in use.
- F. Above ground pools with walls at least 44 inches at all points around pool or have platforms and railings that are 44 inches or more in height above ground are not required to be enclosed.
- G. Pools shall not be located within any front yard of a property.
- H. Pools must meet all district regulations for accessory structures in their zoning categories.

603. Prohibited Principal & Accessory Uses and Structures

- A. Mobile or Manufactured Building(s) or Structures(s) which by design, construction or character is for a temporary use, not permanently affixed to the ground and to be place on-site for more than thirty days.
- B. Business cannot be conducted from approved Accessory buildings with the exception of temporary Firework Stands which must adhere to State Law.

604. Manufactured Home Parks

- A. Prohibited in the Town Limits of Chapin

605. Reserved

606. Child Day-Care Centers

Before granting a special exception for establishment of a Child Day Care Center or an In-Home Child Day Care Center, the Board of Appeals shall determine that such facility meets the requirements set in the South Carolina Department of Social Services “Rules and Regulations Relating to Licensing Day Care Facilities and Child Care Centers.” Child day care facilities are divided into the following categories based upon the number of children served:

- A. In-Home Child Day Care Center- one (1) to six (6) children; or
- B. Child Day Care Center- seven (7) children and greater.

The Fire Inspector and Building Official may inspect the facilities semi-annually to ensure adequate compliance with regulations

606.1. A fenced play area of not less than four thousand (4,000) square feet shall be provided for twenty (20) children or less, with two hundred (200) additional square feet for each additional child. No play area shall be closer than twenty (20) feet to any residential lot line. No fence shall be less than 5 feet in height or greater than 7 feet in height.

606.2. An area adequate for loading and unloading children to be accommodated shall be provided and such area shall not be located within any public right-of- way.

606.3. Signs shall conform to the regulations of Article 9.

606.4. Facilities, operations and maintenance shall meet the requirements of the health department.

606.5. Additional Conditions: The Board shall determine if additional safeguards and conditions are appropriate in order to protect children accommodated from detrimental characteristics of use of adjacent areas, or to protect adjacent uses from potential incompatible characteristics arising from such child day-care centers and in-home child day-care centers.

607. Reserved

608. Reserved

609. Reserved

610. Reserved

611. . Bed and Breakfast Inns

Bed and breakfast shall be allowed in RS-1, RS-2, RG and NC zoning district as a special exception subject to the following conditions:

A. Inspection and approval by the ex-officio State Fire Marshall, the Chapin Area Fire Service and the Building and Zoning Department of the Town of Chapin, South Carolina;

B. All units of rental occupancy shall meet the requirements of the Standard Housing Code;

C. If the Bed and Breakfast Inn locates guest rooms above the first floor, at least two exit stairways must be provided for egress from the upper floors;

D. Where and when structural changes to guest room walls and ceilings are to be affected, one (1) hour or greater fire separation between guest rooms will be required;

E. All electric convenience outlets located in bathrooms for guests must be a GFI type;

F. Smoke Detectors (HWW/BATTBU) must be installed in all guest rooms and emergency lights must be provided in the emergency egress pathway (corridor) from each guest room;

G. Fire extinguishers must be placed as determined by the Town Fire Department and/or Building Official;

H. No unvented heating devices shall be installed or used in or near guest rooms;

I. Bed and Breakfast Inns will be subject to random compliance inspections by the Town Fire Department and Building Officials;

J. Meals may be served only to registered guests their visitors, and private contracted gatherings. (example. Womans clubs, Rotary ect.)

K. The resident owner shall maintain a guest register to include names, addresses, and dates of occupancy of all guests;

L. Off-street parking shall be provided by the resident owner with at least one parking space per rental unit (room, cottage, etc.);

M. The principal use of a Bed and Breakfast dwelling shall remain residential; and

N. In residential districts, only one freestanding or one wall mounted sign, not to exceed four square feet in area, non-illuminated, may be located on the premises of a Bed and Breakfast.

612. Garage Sales

Garage sales are permitted in all zoning districts provided that: Town Hall is notified for each sale and advised of the dates and times. The maximum period for each sale is two (2) days. The maximum number of Garage Sales allowed per year is four (4) per family and civic groups;

A. No new or used merchandise is purchased or brought in for the sale; A family garage sale for profit may not be conducted off premise or on a commercial site.

B. All merchandise is that of the family, families or civic groups conducting the sale;

C. The provisions of Article 9 regarding signs are followed; and
No public address system is used.

ARTICLE 7 LANDSCAPING, BUFFER AND OPEN SPACE

700 Intent

In order to maintain and enhance the existing tree coverage in Chapin, promote careful landscaping of outdoor areas, soften and enhance the manmade environment, reduce summer heat and provide shade, and to assist with stormwater drainage, the following minimum standards shall apply in all zoning districts unless otherwise noted.

701 Landscaping Plan Requirements

In addition to the site plan requirements from the appropriate land development regulation sections, the following standards shall apply:

- A. North arrow and scale;
- B. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection;
- C. The location and contours, at one (1) foot intervals, of all proposed berms;
- D. The location and dimensions of all existing (to remain) and proposed structures, setback line and required buffer yards, parking lots, driveways, landscaped islands and strips, sidewalks, service areas, screening, fences, walls, berms, above or underground utilities and storm drainage systems, freestanding electrical equipment, recreational facilities, and other freestanding structural features as determined necessary by the Town;
- E. Location of plant material, including name of plants (botanical and common), installation size, spread at time of planting and at maturity, quantities of plants, and other remarks as appropriate to describe plant selection (lawns and beds of annual or perennial plants may be designated by common names only);
- F. Onsite and abutting land use features [within 50 feet], and use(s) of adjacent parcel(s);
- G. Protection plan for existing trees that are to be saved; and

H. Location of irrigation system, if any, to landscaped areas.

Such other information as may be deemed necessary because of the landscaping requirements or physical characteristics peculiar to the particular development.

702 Landscaping Standards

The landscaping standards included in this section shall apply, as appropriate, to all required landscaped areas in this article.

702.1 General Standards

- A. Commercial outparcels shall be vegetated and maintained by the property owner while vacant to maintain an attractive appearance. Vegetation shall consist of turf grass, shrubs, trees, live ground cover, annuals, perennials, ornamental grasses or other vegetative cover that will secure the soil and create an attractive appearance.
- B. All required plantings installed shall be:
 - 1. Nursery grown stock that is free from pests or growth problems, and
 - 2. Installed and maintained according to best management practices and standards set forth by the American Nursery and Landscape Association, ANSI Z60.1-2004, as amended; and
 - 3. Selected from the List of Approved Plant Species for the Town of Chapin and List of Approved Tree Species for the Town of Chapin as provided by the Zoning Administrator.
- C. All required landscaping shall be included in the required site plan
- D. All required plantings shall be installed in a manner that insures the availability of sufficient soil and water for healthy growth and that is not intrusive to above and below ground utilities.
- E. Only landscaping and approved fences, berms and walls shall be permitted within a required buffer or street buffer area, except that sidewalks and other pedestrian walkways, bicycle paths, aboveground utilities, drainage ways, and approved signs shall be permitted where they do not comprise of more than twenty percent of the total area of the required buffer or street buffer or compromise the ability of the site to meet the intent and planting requirements herein. Underground utilities are permitted wherever they do not interfere with the ability to provide the required buffer or street buffer area and landscaping.
- F. Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape, except where uniformity is required for opaque screening.

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

702.2 Tree Size

The following standards shall apply to all required trees at the time of planting.

<u>Type</u>	<u>Minimum Caliper¹ at Planting (Inches)</u>
Large Maturing Tree	1.5"
Medium Maturing Tree	1.5"
Small Maturing Tree	1.0"

¹Caliper shall be measured six inches above the ground.

702.3 Existing Vegetation

During the building process, not less than 25% of existing trees shall be saved or replaced, excluding gums and pines. All historic trees (any tree having a trunk circumference greater than 75 inches) shall be saved during the building process. The only exception to this would be if an historic tree is situated such that the project would not be feasible. The Zoning Administrator shall make this determination. Use of existing trees or shrubs to satisfy off- street landscaping is strongly encouraged. If such existing landscaping is used and consists of mature and semi-mature trees, the Zoning Administrator shall have the authority to reduce the amount of required landscaping by up to fifty (50%) percent based on the following schedule. In no instance shall any paved area within a parking area extend closer to any existing tree used for landscaping than its drip line. Any parcel that is to be developed, in any district, and for all uses, shall comply with the Town of Chapin Tree Preservation Study.

702.4 Irrigation

Except for individual single family lots, all newly-planted and relocated plant material shall be watered by permanent irrigation systems. Trees shall be watered at a rate of five gallons per inch of caliper at least one time per week or as needed based on soil and weather conditions. All other vegetation shall be watered sufficiently to ensure healthy growth and longevity in the landscape.

702.5 Landscape Installation and Maintenance Responsibility

1. To insure compliance with this section and to encourage required vegetation to be installed during the appropriate season and within the required time period as prescribed by this Article, a letter of compliance may be accepted by the Town in lieu of installation prior to the issuance of a certificate of occupancy for the site. This letter shall be in the form of an affidavit signed by the property owner and shall:
 - 1.1. Acknowledge that such owner is aware of any landscaping and/or screening requirements which apply to the property; and
 - 1.2. Stipulate that he will comply with those requirements by a specific date within the next appropriate planting season, but in no case more than nine months after the date of the affidavit, unless otherwise approved by the Zoning Administrator; and
 - 1.3. Acknowledge that failure to comply with the provisions of this section within the time frame specified in the letter shall constitute a violation of this section which shall subject the property owner to any and all enforcement actions permitted by law.
2. All landscape materials required or installed voluntarily by the developer, whether used for screening, buffering, open space, street buffers, or other required landscaping areas shall be properly maintained by the property owner. Maintenance includes all actions necessary to keep landscaping materials healthy, neat and orderly in appearance, and free of litter and debris. Any landscape material lost, stolen, vandalized, or irreparably or irreversibly damaged, to include by disease or pests; or dead shall be removed and replaced unless, in

the determination of the Zoning Administrator, the maturity of the remaining vegetation compensates for the loss of an individual shrub or tree, thereby causing the intent of the landscape standard to still be met without replacement. Maintenance of trees planted or included in landscaped areas must follow best management practices.

703 Buffers

Purpose

The purpose of a landscaped buffer is to help provide transition between different types of land uses, to break up or soften the appearance of paved surfaces, to protect significant water bodies and to provide the shade and greenery necessary to create a livable urban environment. Notwithstanding any other requirements of this section, buffers shall be required for all development as follows.

Applicability

Buffers shall be required whenever new development is approved or an existing building is expanded by more than 20 percent.

Location

Buffers shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Property buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.

Use of Buffers:

A buffer may be used for passive recreation. All other uses are prohibited, including off-street parking, however, where permitted, freestanding signs may be installed in required buffers. To prevent damage to existing trees, overhead utility lines and underground pipes cannot be installed in buffers. With approval of the Zoning Administrator, such pipes may cross, but shall not run longitudinally within, the buffer.

General Requirements

- A. Planting requirements in buffer areas may be altered on a case-by-case basis by the Zoning Administrator in locations where the required buffer is wholly or partially within an existing easement.

- B. Along areas that are scheduled for easement or right-of-way acquisition or expansion by the SC Department of Transportation in the near future, the Zoning Administrator may allow a postponement of all or a portion of the buffer planting. Whenever postponement is allowed, a letter of compliance pursuant to this section shall be required.
- C. Where the location of existing permanent buildings on an existing site reduces the area available for a buffer, buffer requirements shall be met to the maximum extent practicable.
- D. Where implementation of the buffer requirements on an existing site would require the removal of parking spaces, the Zoning Administrator may approve a reduction of up to 20 percent of the required parking spaces in order to make room for required landscaping.

Exception

In the event that unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or sub-surface condition of the site would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impractical to install and maintain the required buffer plantings, the Zoning Administrator may alter the requirements of this section as long as the existing features of the development site comply with the spirit and intent herein. Such an alteration may occur only at the request of the property owner who shall submit a plan to the Zoning Administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer the proposed use.

Street Buffers

- A. Street buffers shall be required along all streets for new development sites, except residential development with no more than four units; redevelopment sites; residential subdivisions; and expansion of a commercial building by more than 20 percent except that street buffers shall not be required in the CBD district.
- B. All required street buffers shall be no less than six feet in width at any point and average eight feet in width, as measured perpendicularly to the street, along the entire length of the property.
- C. Large maturing trees shall be planted unless overhead utility lines or other factors require the use of medium or small maturing trees, as approved by the Zoning Administrator. Fractions generated by applying the minimum number of plants to the actual linear footage of the buffer shall be rounded up to the nearest whole number. (For example, 125 feet of buffer length would be required to have two large trees or three medium trees or four small trees.) The planting schedule for street buffers shall be as follows:

<u>Type</u>	<u>Minimum Number (Per Linear Foot)</u>
Large Maturing Trees	.015
Medium Maturing Trees	.040
Small Maturing Trees	.060

- D. In addition to the tree planting requirements, a minimum of 30 percent of the buffer area shall be planted in a combination of approved shrubs, perennials, ornamental grasses, live ground cover, or turfgrass, except that additional plantings may not be required in significant natural forested areas maintained within the street buffer if so approved by the Zoning Administrator. All other areas, including bare ground under trees, shall be covered in a minimum of three inches of mulch. Spacing and arrangement of plant material must be primarily based on the mature dimensions of the plants.
- E. Berms shall be allowed to augment required street buffer plantings as long as a minimum of 50 percent of all required trees and plantings shall be planted along the street front portion of the berm.

Property Buffers

- A. The purpose of a property buffer is to minimize the potential negative impact between adjacent land uses and streets, and to promote land use compatibility.
- B. Property buffers shall be required along all applicable property boundaries for new development sites, redevelopment sites, major subdivisions, and whenever an existing nonresidential use is expanded by more than 20 percent except that property buffers shall only be required in the CBD district when a proposed nonresidential development is adjacent to an existing residential unit.
- C. The property buffer width shall be established for new development as follows:
- D. The total number of trees required shall be determined by the size in square feet of the required buffer, divided by the area needed for each tree. Only one size tree will be required for the buffer area (for example, a buffer area 600 square feet in size would be required to have 3 large trees or 4 medium trees or 6 small trees.) The use of evergreen trees and plans are strongly encouraged. Large maturing trees shall be planted unless factors such as overhead utility lines or buffer size require the planting of smaller trees. Such substitutions must be approved by the Zoning Administrator. In addition to the tree planting requirements, a minimum of 40 percent of the buffer area shall be planted in a combination of approved shrubs, annuals perennials, live ground cover, ornamental grasses, or turfgrass. All areas shall be maintained in a minimum of three inches of mulch. Plant materials shall be designed and installed in a manner that provides variability of height at maturity. Spacing and arrangement of plant material must be primarily based on the mature dimensions of the plants. The property buffer planting schedule shall be as follows:

- E. The width of a property buffer may be reduced up to 50% if a fence or wall is included.

Riparian Buffers: RESERVED

Parking Lot Landscaping

The following standards shall apply to all new parking areas with 10 or more spaces and all expansions to existing parking areas which add 10 or more spaces, unless otherwise noted. In an expansion, only the area of expansion is required to be included in the calculation; however, the landscaping may be provided anywhere within the parking area.

- A. Plant material shall be selected and arranged to insure the maximum safety of the public. No landscaping area shall be designed, installed or maintained in such a way that it provides cover or refuge for criminal activities.
- B. Plant material is required along 10 percent of the length of exterior building walls and structures to provide separation between the building and the vehicular surface area.
- C. Landscaped islands at least 200 square feet in size and a minimum of five feet on any side shall be placed at the ends of each row of parking spaces. Intermediate islands at least 200 square feet in size and a minimum of five feet on any side shall be placed throughout the parking lot so that no parking space is further than 60 feet from a tree, as measured from the end or edge of the parking space. One tree is required at the end of every row of parking, even if the row terminates at a buffer area.
 - 1. Each landscaped island shall include one large maturing tree unless there is an overhead utility line or street light present, in which case a small or medium maturing tree shall be planted.
 - 2. In addition to the tree planting requirement, a minimum of 20 percent of each landscaped island shall be planted in a combination of small maturing shrubs, perennials, annuals, ornamental grasses, and/or live ground cover. All other areas shall be maintained in a minimum of three inches of mulch wherever plant material is placed.
- D. Landscaped areas within or adjacent to parking areas must be protected from vehicular damage by a raised curb, wheel stops or approved equivalent barrier of at least six inches in height.
- E. Alternative, creative landscaping plans that incorporate larger islands or different spacing of landscaped areas than required in this section may be approved by the Zoning Administrator, as long as the minimum area of landscaping and minimum number of trees is provided.

704 Screening

Purpose:

The purpose of screening is to provide a visual barrier between an unsightly or out of scale feature and the view from public streets and abutting properties.

Opaque Screening Required:

Unless otherwise specified in this section, all required screening shall be opaque. An opaque screen is intended to exclude all visual contact with the screened feature from an adjacent property, public street, or right-of-way. An opaque screen may be composed of a wall, fence, building, or berm; planted vegetation; existing vegetation; or a combination thereof; as approved by the Zoning Administrator. A wall, fence, or building, or combination thereof, must be used to screen dumpsters and loading and delivery areas.

Structural Screens

If structural materials are used for screening, such as for walls or fences, such structure must be augmented with vegetation to soften the appearance of the structure. Plants required for buffer landscaping per the provisions of this chapter may be incorporated to satisfy these requirements, per approval by the Zoning Administrator. Such vegetation shall be planted or in the case of incorporation of existing vegetation shall exist on the side of the fence or wall that faces away from the land use or feature that requires screening.

Height of Required Screening

The height of required screening shall be sufficient to block the view of the feature for which the screening is required from the adjoining property that is to be provided such protection. All required screening shall be opaque to a height of at least six feet above grade at maturity.

Length of Required Screening

The length of a required screen shall be that which is necessary to totally visually screen the feature from protected properties, streets, and rights-of-way as provided in this section. The Zoning Administrator may approve accommodations for reasonable access and use, as necessary.

Screening Required for Features

Screening to minimize views from adjacent existing residential properties, properties in residential zoning districts, roads and public rights-of-way shall be required for the following features. To maximize site line obstruction, a screen shall be placed immediately adjacent to the feature to be screened except as otherwise approved by the Zoning Administrator. The Zoning Administrator may approve accommodations for reasonable access, use, and maintenance of the

Town of Chapin Zoning Ordinance
features and equipment, as necessary.

- A. Mechanical equipment for all non-residential uses at ground level and mounted on roofs, including, but not limited to HVAC equipment, transformers and generators;
 - 1. Roof mounted mechanical equipment shall not be visible in any direction from any adjacent existing residential properties, properties in residential zoning districts, roads and public rights-of-way. Where it can be clearly demonstrated that such equipment is not visible from any adjacent existing residential properties, properties in residential zoning districts, roads and public rights-of-way, the Zoning Administrator may waive screening requirements.
 - 2. Screening of roof-mounted equipment shall be accomplished by solid and permanent roof-mounted screens, compatible with the architectural style, materials and color of the building upon which the equipment is located.
- B. Garbage and Trash Collection Areas, including dumpsters;
- C. Delivery and Loading Areas; and
- D. Open storage areas accessory to non-residential uses must be totally screened from public view.

704.7 Fences and Walls

All fences and walls shall meet the requirements of outlined in the Zoning Ordinance.

704.8 Berms

The following standards shall apply to all berms:

- A. No structures, including fences, shall be placed on a berm unless approved by the Zoning Administrator as part of the landscaping requirements for a development site.
- B. Berms shall not be used for the display of vehicles or other merchandise.
- C. If included in the landscape design, berms shall:
 - 1. Have a minimum height of eighteen inches, a minimum crown width of two feet, and a side slope with a width to height ratio of no greater than three to one (3:1). No berm shall exceed four feet in height once the soil settles.
 - 2. Be designed and constructed with an undulating appearance which mimics, as much as is practicable, a natural topographical feature of the site.
 - 3. Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material.

4. Be fully installed, planted, stabilized and maintained prior to certification of zoning compliance.
 5. Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.
- D. Berm Soil: The following standards shall apply to soil to be used as a planting berm.
1. The soil shall be imported topsoil or manufactured topsoil from off-site sources.
 2. The soil should be obtained from naturally well-drained sites where topsoil occurs at least four inches deep, but shall not be obtained from agricultural land, bogs or marshes.
 3. Berm soil shall be free of stones of one inch or larger in any dimension; roots, plants, sod, clods, clay lumps, or pockets of coarse sand; contaminants such as chemicals, construction materials and building debris, fuels, and other extraneous materials harmful to plant growth; and obnoxious weeds and invasive plants, including but not limited to quack grass, Johnson grass, poison ivy, nutsedge, nimblewill, Canada thistle, bindweed, bentgrass, wild garlic, ground ivy, perennial sorrel, and brome grass.
 4. The soil shall not be infested with nematodes, grubs, other pests, pest eggs, or other undesirable organisms and disease-causing plant pathogens.
 5. Soil for berms shall be friable and with sufficient structure to give good tilth and aeration. Soil shall be within a pH range of 6.2 to 6.8.

705 Open Space

705.1 In General

In order to continue the development of a system of quality open spaces and recreation areas throughout the town's jurisdiction, the following standards shall apply to all developments and all open space and recreation areas in all zoning districts unless otherwise noted.

- A. In developments with 20 or more multi-family residential units (including townhouses and patio homes) or manufactured home parks with more than nine manufactured homes, open space shall account for a minimum of 20 percent of the total land area of the site. In developments with 20 or more single-family detached residential units, open space shall account for a minimum of 10 percent of the total land area of the site.
 1. No existing development, building or structure meeting the criteria above shall be expanded or enlarged unless the minimum open space requirements of this section are met.
 2. In single-family detached developments, open space may not include any required yard, setback or buffer area for individual residential lots or parcels.

3. In multi-family developments and manufactured home parks, required buffer areas may be included in open space if held in common ownership.
- B. Public open space and recreation areas, except environmental open space, shall:
 1. Have direct access from public streets;
 2. Be visible and easily accessible; and
 3. Have multiple points of entry.
- C. All open space and recreation areas, except environmental open space, shall be well separated from moving vehicles by vegetation, fencing, walls, sidewalks or a combination of those elements.
- D. Open space not meeting the criteria of environmental open space shall be substantially clustered around the edges of the development to buffer the development against adjacent tracts of land, especially land used for agriculture and low density residential development.
- E. The land used for required open space and recreation areas, except environmental open space, shall have an average slope of five percent or less with no portion of the land exceeding a 15 percent slope.
- F. Required open space and recreation areas may be public or private. The planning, construction, and maintenance of privately owned facilities shall adhere to the following:
 1. Private open space intended to count towards the open space requirements of this section shall be held and maintained by a legally constituted homeowner's association or corporation. Land designated as open space may not be separately sold, subdivided or developed.
 2. High maintenance cost facilities such as swimming pools shall not be counted in determining compliance with the minimum open space and recreation area requirements of this section. Bridges along pedestrian and bicycle paths and similar high cost facilities shall not be permitted as an integral part of any required open space or recreational area unless no feasible alternative exists.
 3. Each phase of a phased development shall meet the minimum requirements for open space and recreational areas. All plans for such developments shall demonstrate compliance for each phase. No certificates of occupancy shall be issued until all such required facilities have been installed or bonded by the developer and approved by the Town.
 4. The responsibility for the perpetual maintenance of open space shall be with the owner. Maintenance for required open spaces shall include ensuring that no hazards, nuisances or unhealthy conditions exist; and keeping the property neat and orderly in appearance and free of litter and debris. Failure to adequately maintain open space shall constitute a violation of this ordinance and shall subject the owner to any and all remedies permitted herein.

706 TREE CONSERVATION

706.1 Purpose

The Tree Conservation requirements for the Town of Chapin are intended to promote the conservation of healthy and structurally sound trees for the purpose of protecting the public safety, health and welfare through benefits of such trees, including, but not limited to the following.

1. Improving air quality through the reduction of carbon dioxide and provision of oxygen.
2. Reducing air pollution by filtering dust and other unwanted airborne particles.
3. Filtering and purifying of stormwater passing through the ground to drinking water aquifers.
4. Stabilizing soil as an effective component of soil conservation, and erosion and flood control.
5. Providing shade, which reduces ambient temperatures and makes outdoor areas more habitable during warmer months.
6. Assisting in the reduction of noise levels and glare.
7. Assisting in the retention and improvement of the character and appearance of the Town, which increases the desirability of the area and consequently has a positive impact on residential and economic growth and property values.

706.2 Unlawful to Remove, Cut or Damage Significant Trees

Unless authorized by the terms of this section or approved by the Zoning Administrator during site plan review, no person shall cut down, remove, irreparably or irreversibly damage or destroy any significant tree located within a public right-of-way, or required buffer, setback, yard, landscaped area or open space, except when necessary to provide access to a site or insure the safety and security of people and property or when located on a single-family property. Violations of this ordinance are subject to any and all remedies, fines and fees as specified herein and in § 706.11—Penalties for Landscape, Tree Conservation and Buffer Violations.

706.3 Platting of Subdivisions

Developers shall design projects so that buildable areas exist on lots to minimize the need for future builders to remove significant trees to achieve a reasonable use of an individual lot.

706.4 Tree Conservation on Undeveloped or Redeveloped Properties

1. Removal of significant trees on all properties, except for single-family residential properties, shall be prohibited prior to any land disturbance on the site and prior to securing a grading permit, land development permit and/or building permit for new construction or development, redevelopment, or expansions to buildings or site elements such as parking lots or service areas. However, on parcels of 20 acres or more that are

designated as tree plantations , trees internal to the property may be removed prior to development as long as a 50 foot wide undisturbed tree protection zone is defined on the perimeter of the property, as identified on the site plan and approved by the Zoning Administrator. Within such specified tree protection zone, no trees or other vegetation may be removed without the approval of the Zoning Administrator, except to accommodate permitted driveways and new roads.

2. All significant trees must be identified on the site plan and reviewed by the Zoning Administrator prior to any land disturbance on the site, and to securing a grading permit, land development and/or building permit. Notwithstanding this requirement, on parcels of 20 acres or more that are designated as tree plantations, the applicant will not be required to identify individual significant trees. It is required that applicants for grading, land development and/or building permits request a preliminary review of the site plan by the Zoning Administrator to maximize protection of significant trees while enabling efficient use of the property before finalizing all site, development and construction plans.
3. Replacement is required for the removal of significant trees identified on the site plan and approved by the Zoning Administrator, except as exempted in §706.6(4). One tree of appropriate caliper at the time of planting, as provided in §702.2 - Tree Size, selected from the List of Approved Tree Species for the Town of Chapin and approved by the Zoning Administrator, is required to be planted in a suitable location on the property to replace each tree removed. Replacement trees must be planted according to the §702 as provided by the Zoning Administrator. Trees included as part of required buffer areas and parking lot landscaping may be counted as replacement trees. A tree replacement plan, including the location, genus and size (DBH) of the tree to be removed; and the species and proposed locations and caliper at the time of planting (as provided in § 702.2- Tree Size) of replacement trees, must be approved by the Zoning Administrator prior to site plan approval.
4. On parcels of 20 acres or more in size that are designated as tree plantations, where trees internal to the property are to be removed prior to development as provided in § 706.5(1) above, required tree replacement shall be 15 large maturing trees per acre for each area that is cleared. Such trees shall be selected from the List of Approved Tree Species for the Town of Chapin and planted according to the §702 as approved by the Zoning Administrator. Trees included as part of required buffer areas and parking lot landscaping may be counted as replacement trees.
5. If replacement of significant trees to be removed is not possible due to factors including, but not limited to, the inability of the site to accommodate the required replacement trees, or site or development constraints, at a minimum, a fee in an amount established by the Town of Chapin Fee Schedule shall be assessed for each significant tree removed, which shall be deposited into the Town of Chapin Tree Fund.

6. In order to ensure the replacement of trees according to this section, where it is determined that trees can be replaced, a bond, letter of credit, or other surety satisfactory to the Town shall be deposited with the Zoning Administrator in an amount and of a term satisfactory to the Zoning Administrator prior to issuance of a certificate of occupancy or any use of the property. Trees shall be replaced, in compliance with this section, within the term of any such surety. In the event that adequate replacement trees have not been planted within 30 days of the expiration of any such surety, the Town shall be granted the ability to draw upon the funds of any such surety in order to fund the planting of replacement trees as shown on the approved site plan.
7. Individual single family residential lots shall contain a minimum of 4 trees of which at least one shall be required to be in the front yard. A minimum of 1 tree shall be a large maturing tree. Newly planted trees shall meet the minimum size in § 702.2.

706.5 Tree Protection

Before and during any land disturbance, construction or development, the following measures shall be utilized to protect significant trees, including tree crowns and roots, designated for retention and protection per the site plan as approved by the Zoning Administrator.

1. Prior to clearing/grading/land disturbance, construction and/or development of a property, the owner shall be responsible for any and all tree and root protection necessary to protect identified significant trees from damage before, during and after construction. All significant trees, as well as other existing and newly planted vegetation that is required by the landscaping and buffer provisions, shall be protected with a sturdy and visible fence before any land disturbance begins. At a minimum, such Tree Protection Zone (TPZ) shall be established and be equal to a one foot radius on the ground for every inch of Diameter at Breast Height (DBH) of each significant tree to be protected.
2. The location of the TPZ fencing and method of construction shall be noted on the site plan. Tree protection fencing shall be installed and remain in place and in good condition until all clearing/grading/land disturbance, development and construction activities are completed. The tree protection fencing shall be constructed from any material substantial enough to prohibit and keep out vehicles, people, and all other activities associated with the clearing/grading/land disturbance, development and construction process, as approved by the Zoning Administrator. Examples include wood posts and rails, chain link fencing, wire fencing and posts, and other substantial materials. Tree protection fencing shall be a minimum of four feet high.
3. All Tree Protection Zones shall be designated as such with "Tree Protection Zone – Caution Do Not Enter" signs posted visibly on all sides of the fenced protection area, with lettering and colors that provide maximum readability in terms of distance and contrast.

4. No soil disturbance or compaction, stock piling of soil or other construction, paving or landscaping materials, vehicular traffic, or storage of heavy equipment is allowed in the tree protection zones of trees to be retained.
5. In situations where strict adherence to the provision of tree protection zones is not possible due to factors including, but not limited to, site conditions, overlapping tree protection zones, or grade changes, the Zoning Administrator may, through field determination and consultation, allow modifications to the required tree protection zone based on accepted best practices and procedures.

706.6 Tree Removal Permit Required for Existing Developed Properties

1. Permit Required. Except for single-family residential properties, a permit shall be required for the removal of any significant tree.
2. Responsible Party. The property owner will be held responsible for all actions related to tree damage and removal.
3. Acceptable Reasons for Tree Removal. Removal of significant trees shall be permitted for the following reasons.
 - a. The tree is dead.
 - b. The tree is affected by a pest or disease problem that is untreatable or treatment is impractical and will result in rapidly declining tree health or a hazardous condition.
 - c. The tree is in irreversible decline due to mechanical damage, poor maintenance or environmental stresses or a combination thereof and its condition cannot be improved with standard maintenance techniques.
 - d. The tree has an uncorrectable structural defect that results in an increased risk of whole or partial tree failure.
 - e. The tree is reducing existing or proposed site visibility of traffic signs/signals, intersections or other situations, which may endanger life or property and the correction of the problem, will result in crown reduction encompassing more than 50 percent of the normal canopy.
 - f. The tree is in an existing or proposed restricted growth space resulting in conflict with the surrounding hardscape or infrastructure and the conflict cannot be resolved.
 - g. The tree is in conflict with overhead utility lines and proper pruning cannot adequately reduce the conflict without severely disfiguring the tree or will result in crown reduction encompassing more than 50 percent of the normal crown.
 - h. The tree is in conflict with proposed site reconfiguration/improvements or above/below ground utility upgrades and the conflict cannot be resolved or the correction of the problem will result in severe disfigurement of the tree or severe

root damage which compromises structural stability or will result in crown reduction encompassing more than 50 percent of the normal crown.

4. Replacement of Trees Removed. All trees removed per an approved tree removal permit shall be replaced within 90 days after removal unless a longer period of time is approved by the Zoning Administrator after determining that construction activities or weather conditions warrant an extension. Trees that have been removed shall be replaced by a tree of comparable size at maturity and of appropriate caliper at the time of planting, as provided in § 702.2- Tree Size, selected from the List of Approved Tree Species for the Town of Chapin and approved by the Zoning Administrator. All replacement trees shall be planted in suitable locations on the property as approved by the Zoning Administrator. Replacement trees must be planted according to the Tree Installation Specifications for the Town of Chapin as provided by the Zoning Administrator.
5. Tree Replacement Not Possible. If tree replacement on the property is not possible for reasons approved by the Zoning Administrator including, but not limited to, unique site conditions, safety concerns, and/or limitations of reasonable use of the property, the property owner may submit a request in writing to the Zoning Administrator to pay a fee to the Town of Chapin Tree Fund in lieu of replacing the tree(s). The request shall include information that demonstrates why the on-site planting of replacement tree(s) is not possible. A fee in an amount established by the Town of Chapin Fee Schedule shall be assessed for each significant tree removed, which shall be deposited into the Town of Chapin Tree Fund as provided in § 706.11(E) – Establishment of Town of Chapin Tree Fund.

706.7 Exemption for the Removal of Significant Trees

In the event that a tree poses a severe or imminent threat to public safety or property, such as a result of a catastrophic event or when a tree is irreparably damaged, the Zoning Administrator may waive the requirements of this section. Written and photographic documentation must later be submitted to the Zoning Administrator, describing the threat which initiated the removal. The Zoning Administrator may require replacement of any trees which are removed where it is determined that the threat resulted from negligence.

706.8 Tree Maintenance

Maintenance of significant trees protected before and during development, planted as replacements for significant trees that were removed during development, or otherwise planted or protected by the provisions of the Tree Conservation Section, must be maintained using Best Management Practices included and referenced in the Town of Chapin Tree Maintenance Requirements as provided by the Zoning Administrator.

706.9 Forestry Activity

1. Permitted Forestry Activity. Pursuant to the provisions of the South Carolina Forestry Management Act Section 48-23-205, forestry activities are permitted on all forestland parcels within the Town of Chapin.
2. “Forestland” means land supporting a stand or potential stand of tree valuable for timber products, watershed or wildlife protection, recreational use, or for other purposes.
3. “Forestry Activities” include, but are not limited to, timber harvest, site preparation, controlled burning, tree planting, application of fertilizers, herbicides, pesticides, weed control, animal damage control, fire control, insect and disease control, forest road construction, and any other generally accepted forestry practices.
4. “Stand” means a contiguous group of trees sufficiently uniform in age-class distribution, composition and structure and growing on a site of sufficiently uniform quality, to be a distinguishable unit. A mixed stand is composed of a mixture of species, a pure stand is composed of essentially a single species and in a stratified mixed stand different species occupy different strata of the total crown canopy.
5. All Forestry Activities are permitted on Forestland that is:
 - a. Taxed on the basis of its present value as forestland under S.C. Code of Laws Section 12-43-220(d); or
 - b. Managed in accordance with a forest management plan that is prepared or approved by a South Carolina Registered Forester; or
 - c. Certified under the Sustainable Forestry Initiative, the Forest Stewardship Council, the American Forest Foundations Tree Farm System, or any other nationally recognized forest certification system; or
 - d. Subject to a legally binding conservation easement under which the owner limits the right to develop or subdivide the land; or
 - e. Managed and harvested in accordance with the best management practices established by the State Forestry Commission pursuant to S.C. Code of Laws Section 48-36-30 as determined by the Zoning Administrator.
6. Time Restrictions on Permit Issuance after Completion of Certain Forestry Activities. In the event that the Zoning Administrator determines that any Forestry Activity on Forestland, that is otherwise permitted pursuant to subsection 5(a)-(e) above, has resulted in a change in the land from Forestland to nonforest or nonagricultural use, the Zoning Administrator may deny a grading permit, building permit or land development permit for a period of either:
 - a. One year after the completion of a timber harvest if the activity results in the removal of all or substantially all of the trees from the parcel.

- b. Five years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees from the parcel and the harvest was a willful violation of Town regulations.

706.10 Site Monitoring and Inspections

The Zoning Administrator shall have access to all active and recently completed development, redevelopment and construction sites and all sites upon which land disturbance is planned or is occurring, to make sure that the requirements of § 706 – Tree Conservation, including any modifications approved by the Zoning Administrator, are being met.

706.11 Penalties for Landscape, Tree Conservation and Buffer Violations

(1) Where any landscaping, buffering, tree conservation or open space violation has occurred or is proposed to occur, the Zoning Administrator may, in accordance with the provisions of S.C. Code § 56-7-80, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful action, or to correct or abate the violation or to prevent the occupancy of any building, structure or land associated with the violation. In addition to any other remedies for penalties in general specified herein, the following remedies shall apply for these types of violations:

(a) If a significant tree is approved for removal and if the planting of a replacement tree is not possible per the provisions of § 706-Tree Conservation, a fee in an amount of no less than \$250 per tree as established by the Town of Chapin Fee Schedule shall be assessed against the property owner for each tree not planted.

(b) Failure to plant replacement trees in accordance with this Zoning Ordinance as required by the provisions of § 706-Tree Conservation shall be subject to a fee in an amount of no less than \$500 as established by the Town of Chapin Fee Schedule for each tree not planted. No fine shall be assessed until the person or entity alleged to be in violation has been notified of the violation. Such notification shall identify the nature of the violation and shall set forth the measures necessary to achieve compliance; shall specify a date by which the person or entity must comply; and shall advise that failure to correct the violation within the time specified will subject that person or entity to any and all remedies including fines as outlined in this Zoning Ordinance. If the site is not brought into compliance within the time specified in the notice of violation, a fine may be assessed from the date the notice of violation is received. The failure to plant each individual tree shall constitute a separate, daily and continuing violation.

(c) The willful, purposeful or negligent removal of a significant tree before, during or after development shall be assessed in accordance with generally accepted industry evaluation methods such as those in the Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture. However, the

maximum fine for each tree removed shall not exceed \$20,000. No notice of violation is needed prior to the assessment of a fine issued pursuant to this division.

(d) Irreparable injury or damage to, or destruction of trees protected by § 706 -Tree Conservation that result in the total loss of the tree shall be assessed in accordance with generally accepted industry evaluation methods such as those in the Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture. However, the maximum fine for each tree irreparably injured, damaged or destroyed shall not exceed \$20,000. No notice of violation is needed prior to the assessment of a fine issued pursuant to this division.

(e) Injury or damage to trees protected by § 706 -Tree Conservation that do not result in the total loss of the tree(s) shall be assessed for each tree in accordance with generally accepted industry evaluation methods such as those in the Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture. However, the maximum fine shall not exceed \$1,000. No notice of violation is needed prior to the assessment of a fine issued pursuant to this division.

(f) The fine for failure to install or maintain required tree protection measures in accordance with § 706-Tree Conservation shall not exceed \$1,000. No fine shall be assessed until the person or entity alleged to be in violation has been notified of the violation. Such notification shall identify the nature of the violation and shall set forth the measures necessary to achieve compliance; shall specify a date by which the person or entity must comply; and shall advise that failure to correct the violation within the time specified will subject that person to any and all remedies including fines as outlined in this Zoning Ordinance. If the site is not brought into compliance within the time specified in the notice of violation, a fine may be assessed from the date the notice of violation is received. The failure to install the required tree protection measures shall constitute a separate, daily and continuing violation. Injury or damage to, or destruction of, significant trees required to be protected resulting from inadequate or omitted tree protection measures constitute a separate violation which may subject the violator to penalties and fines as well.

(2) Issuance of a fine or penalty does not relieve any party of complying with the mitigation requirements set forth in this subchapter.

(3) All fees collected shall be deposited into the Town of Chapin Tree Fund.

(E) Establishment of the Town of Chapin Tree Fund. All fines and fees collected pursuant to the provisions of division (D) of this section shall be recorded and maintained in a special account to be known as the Town of Chapin Tree Fund. All such funds and accrued interest shall be used only for the purpose of funding the installation, maintenance and management of trees on public

property within the town. The town shall maintain financial records of the Tree Fund including revenues and disbursements from the Fund.

ARTICLE 8 PARKING

800. Off-Street Parking

- A. Off-street parking spaces required by district regulations shall be located on the same lot as the principal use, or on a lot within 400 feet of the main entrance to the principal use which under the same ownership as the principal use or has been legally restricted for parking in connection with the principal use, and shall have required buffer and landscape areas.

- B. Required off-street parking for a commercial or manufacturing use may extend up to 120 feet into a residential zoning district provided: (1) the parking area adjoins the property on which the principal commercial or manufacturing use is located; (2) the parking area access is to the same street as the principal use; and (3) the parking area has a Type B buffer area along residential lot lines and required landscaping.

- C. Combined parking areas serving two or more principal uses shall contain spaces equal in number to the total of spaces required for all principal uses served.

801. Parking Space Requirements

Off-street parking spaces shall meet the following design standards.

Parking space dimensions	Angle parking: 9 feet by 19 feet; provided, 10% may be 8.5 feet by 18 feet Parallel parking: 9 feet by 24 feet; Handicapped: 12 feet by 20 feet, or 8 feet by 20 feet, with 8 foot isle.
Minimum isle widths:	90 degree parking - 25 feet; 60 degree parking - 18feet 45 degree parking - 13 feet; parallel parking - 10 feet; Street rights-of-way may not be considered as aisles for adjacent off-street parking
Paving and marking requirements	A parking area, including driveways containing 10 or more parking spaces shall be surfaced with an all weather impervious material, and spaces shall be marked with painted lines.
Lighting requirements	A parking area open for night use shall have a minimum for one 9000 lumen overhead light for each twenty five (25) parking spaces or major portion thereof
Parking spaces for handicapped persons	One parking space for handicapped persons shall be provided for each twenty five (25) parking spaces, or fraction thereof, except for dwellings of less than twenty (20) units, meeting federal and State requirements, with access to ramps, walkways, and entrances without moving behind parked vehicles.

Bicycle facilities	Bicycle parking shall be required for all uses requiring over twenty-five (25) parking spaces. A minimum of five (5) bicycle parking spaces is required. Bicycle parking facilities shall be standard bicycle racks or other secured lockable facilities. When feasible, the bicycle facilities shall be located near the entrance to the building.
Pedestrian walkways	Pedestrian walkways must be provided in all parking areas for new developments. It is encouraged that walkways all be provided to adjacent developments.

802. Off-street Loading and Unloading Spaces

Except the TC - Town Center District, each lot used for commercial or manufacturing purposes, or multifamily residences with more than 10 units, shall provide off-street space for loading and unloading as follows:

Access	Each space shall have access from an alley or public street																										
Dimensions	Each space shall be a minimum of 12 feet by 40 feet, clear of obstructions																										
Space required:	<table border="0"> <tr> <td>Use Gross Floor Area (square feet) No. of spaces</td> <td></td> </tr> <tr> <td>Retail business for each 5,000</td> <td>1</td> </tr> <tr> <td> </td> <td></td> </tr> <tr> <td>Wholesale, manufacturing</td> <td></td> </tr> <tr> <td>governmental, institutional</td> <td></td> </tr> <tr> <td>educational, medical, assembly 25,000</td> <td>1</td> </tr> <tr> <td>25,001 - 99,999</td> <td>2</td> </tr> <tr> <td>100,000 - 159,000</td> <td>3</td> </tr> <tr> <td>160,000 - 239,999</td> <td>4</td> </tr> <tr> <td>240,000 - 349,000</td> <td>5</td> </tr> <tr> <td>each additional 100,000 or fraction</td> <td>1</td> </tr> <tr> <td> </td> <td></td> </tr> <tr> <td>Multifamily residence with 10 or more units</td> <td>1</td> </tr> </table>	Use Gross Floor Area (square feet) No. of spaces		Retail business for each 5,000	1	 		Wholesale, manufacturing		governmental, institutional		educational, medical, assembly 25,000	1	25,001 - 99,999	2	100,000 - 159,000	3	160,000 - 239,999	4	240,000 - 349,000	5	each additional 100,000 or fraction	1	 		Multifamily residence with 10 or more units	1
Use Gross Floor Area (square feet) No. of spaces																											
Retail business for each 5,000	1																										
Wholesale, manufacturing																											
governmental, institutional																											
educational, medical, assembly 25,000	1																										
25,001 - 99,999	2																										
100,000 - 159,000	3																										
160,000 - 239,999	4																										
240,000 - 349,000	5																										
each additional 100,000 or fraction	1																										
Multifamily residence with 10 or more units	1																										

803. Parking of Recreation, Commercial, and Unlicensed Vehicles

- A. No mobile recreational equipment or vehicle shall be parked or stored on any lot in a residential district for more than twenty-four (24) hours, other than in a carport, enclosed building, or rear yard. The Board of Zoning Appeals may grant a variance in case of unnecessary hardship.
- B. No vehicle or trailer subject to State licensing which does not display a current license plate shall be parked or stored on any lot in a residential district, except in an enclosed building or in the rear yard.
- C. No more than one travel or camping vehicle per family living on the premises shall be permitted to be parked on a lot in any residential zone; and the vehicle shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized mobile home park.

ARTICLE 9 SIGNS

900 General Provisions

Statement of Purpose and Intent

The intent of these sign regulations is to establish requirements for placement, installation and maintenance of business and advertising signs, in order to preserve and protect the health, safety, welfare and general well-being of the community's citizens. As regulation of placement, construction and maintenance of buildings and structures is a valid use of the police power, so too is regulation of placement, installation and maintenance of signs, since such signs in the literal sense must ordinarily be considered structures, and in a practical sense are capable of producing many of the same nuisances as are produced by buildings.

Regulation of placement, installation and maintenance of signs is further justified by their purpose which is to draw mental attention to them, potentially to the detriment of sound driving practices and to the safety of the motoring public to which a majority of signs are oriented. Therefore, it is the intent of the Ordinance to regulate the size and location of business and advertising signs so that their purpose can be served without unduly interfering with motorists and causing unsafe conditions.

Finally, it is the objective of these sign regulations to protect and preserve the aesthetic qualities of the community by regulating placement, installation and maintenance of signs. The fact that such signs are intended to command visual contact grants to business and advertising signs a proportionately greater role than other structures in determining the overall aesthetic quality of the community. The aesthetic impact of business and advertising signs is an economic fact which may bear heavily upon the enjoyment and value of property; therefore the regulation of signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the municipality. It is contended that it is not irrational for a community's citizens to plan their physical surroundings in such a way that unsightliness is minimized.

With this purpose in mind, it is the intent of the Ordinance to authorize the use of on-premises business signs which are:

- A.** Compatible with their surroundings;
- B.** Appropriate to the type of activity to which they pertain;
- C.** Expressive of the identify of the individual proprietors or of the community as a whole; and
- D.** Large enough to convey a message about the owner or occupants of a particular property, the products or services available on such property, or the business activities conducted on

such property, yet small enough to preserve and protect the natural beauty of the town and limit distractions to motorists.

District Classifications

For the purposes of this chapter the following shall apply:

A. Residential shall include the following districts:

1. Single Family Residential (RS-1 and RS-2)
2. General Residential (RG)

B. Commercial shall include the following districts:

1. Neighborhood Commercial (NC)
2. Office Commercial (OC)
3. Town Center (TC)
4. General Commercial (GC)
5. Interstate Commercial (IC)
6. Planned Development (PD)

C. Manufacturing shall include the following district: Light Manufacturing (LM)

Permit Required

A permit shall be required for a new business making any change on any existing sign. Except as otherwise provided in these sign regulations, it shall be unlawful for any person to erect or construct any new sign, or to enlarge, move or replace any existing sign, without first having obtained a sign permit for such sign from the Zoning Administrator as required by these sign regulations. A fee, in accordance with a fee schedule adopted by the Town Council, shall be charged for each sign permit issued. Upon receipt of all necessary information, sign permit requests will be approved or disapproved within two (2) weeks.

Sign Illumination

- A.** All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. All lighted signs shall meet all applicable Electrical Codes.
- B.** Electric letter signs, (LED, & such), must maintain message 6 seconds before changing, and can not blink, scroll, rotate, change height or intensity. Such signs electrical connections must be inspected by Lexington County and along with the sign permit, a Zoning Permit must be obtained.
- C.** No commercial sign within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this provision.

Maintenance and Upkeep of Signs

All signs and all components thereof, including supports, braces, anchors, etc., shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of these sign regulations. Any sign which is determined by the Zoning Administrator as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of these sign regulations.

Sign Area and Height

- A. Sign Surface Area.** The area of a geometric shape enclosing any message, logo, symbol, name, photograph, or display face.
- B. Sign Frame Area.** The dimensions of a geometric shape formed by all supports, frames, braces, borderings, and embellishments which extend beyond the sign surface area, and that enclose the sign surface area.

All area provisions in these sign regulations are calculated from the sign surface area dimensions as defined above.

In the case of signs mounted back-to-back, only one side of the sign is to be used for computation of the area. Back-to-back signs shall be defined as double-faced signs with faces 12 inches apart or less. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in computations of area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

- C. Sign Height.** The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps and spires are not included in this measurement. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

901. Prohibited Signs

- A.** Any sign which the Zoning Administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.
- B.** Illuminated, highly reflective signs or spot lights which hamper the vision of motorists or bicyclists.
- C.** Signs which contain lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", etc.

- D.** Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- E.** Any sign, banner or display placed on any curb, sidewalk, light post, utility pole, hydrant, bridge, tree, stop signs, traffic lights or other surface located on, over, or across any public street or right-of-way, or any banner, placed on stakes on a property, unless otherwise permitted. Banners shall be permitted on buildings and existing signs only.
- F.** Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
- G.** Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages.
- H.** Pole signs.
- I.** Portable signs.
- J.** Rotating signs, other than on-premise rotating identification names which contain a logo and/or business name on it.
- K.** Roof signs.
- L.** Signs placed on a piece of property without permission of its owners or agent.
- M.** Other signs not expressly permitted in these sign regulations.
- N.** Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "free-standing" sign as herein defined.
- O.** Vehicle signs parked in the required yards.

902. Signs Not Requiring Permit

The following types of signs are exempt from permit requirements of Section 900.2 of these sign regulations and may be placed in any zoning district subject to the provisions of these sign regulations. Such signs shall otherwise be in conformance with all applicable requirements contained in these sign regulations. There shall be no limit as to the number of such signs on any lot, except as herein prescribed. All such signs (except government signs) shall be located outside a street right-of-way. These are as follows:

- A.** Government signs and logo signs;
- B.** Memorial signs, plaques or grave markers which are noncommercial in nature;

- C.** Flags, pennants, insignia, or religious symbols of any government, non-profit or not-for-profit organization when not displayed in connection with a commercial promotion or as an advertising device. No such flag pole shall exceed 40 ft in height. Flags shall not exceed 60 square feet;
- D.** Integral decorative or architectural features of buildings; works of art; so long as such features or works do not contain letters, trademarks, moving parts or lights;
- E.** Public interest signs;
- F.** On-premise directional and instructional signs not exceeding four (4) square feet in area apiece;
- G.** Political signs provided that:
 - 1. Each sign shall not exceed ten (10) square feet in area in residential districts and thirty-six (36) square feet in commercial and manufacturing districts;
 - 2. The property owner upon whose land the sign is placed shall give written permission for the placement of said signs and will be held responsible for violations;
 - 3. No sign shall be placed in any right-of-way, on any telephone pole or street sign, or on any public property; and
 - 4. Signs are permitted to be erected within sixty (60) days prior to an election and must be removed within 7 days after an election.
- H.** Temporary special event signs and banners for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:
 - 1. Signs shall be erected no sooner than thirty (30) days prior and removed no later than five (5) days after the event;
 - 2. No such sign shall exceed thirty-two (32) square feet;
 - 3. No such sign shall be illuminated; and
 - 4. All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town of Chapin or SCDOT. In no case may any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (government signs, telephone poles, etc.).
- I.** Directional signs (for civic uses only) provided that:
 - 1. No more than one (1) directional sign per principal use may be erected;

2. All such signs shall be located off the road right-of-way;
 3. All such signs greater than three (3) feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight triangle as defined by these sign regulations;
 4. All such signs shall not be illuminated;
 5. All directional signs shall be free-standing signs. Portable signs shall be prohibited;
 6. There shall be no greater than four (4) directional signs on separate supports at the intersection of any two (2) roads;
 7. A maximum of four (4) signs may be placed on the same supports; and
 8. The maximum area of any directional sign shall be six (6) square feet.
 9. Window Signs (restricted to advertising business conducted on the premise.)Windows shall not be completely “skinned” or covered with advertising. If the Zoning Administrator deems the window signs a visual blight to the appearance of the Town they must be removed.
- J.** "Warning", "No Trespassing" and similar informational signs.
- K.** Signs located within a stadium intended to be read only by persons seated within the stadium.
- L.** Permanent municipal, school, recreational and civic club sponsored signs, schedule of events, rules and regulations signs. Such signs shall not include identification signs.
- M.** Any sign inside a building, not attached to or placed within an external window or piece of glass that is not legible more than three (3) feet beyond the building in which it is located.
- N.** Signs placed on newspaper boxes designed for placement of delivered newspaper to a particular location.
- O.** Historical plaques mounted in accordance with the United States Secretary of the Interior’s Standards for Rehabilitation.
- P.** Banners and flags for special events and grand openings, used in conjunction with a commercial building, project, or enterprise are permitted for a period not to exceed thirty (30) days provided that:
1. All banners shall be attached to front wall of a principal structure.
 2. No such banner shall be attached to a roof structure or above the second floor level.

3. No such banner shall be attached to any existing signs, placed within a right-of-way, attached to any fences, strung between posts, or in any other method except as outlined in (1).

Q. Sandwich Board signs (or A-Frame Signs) used in conjunction with a conforming building in the Office Commercial, Neighborhood commercial and Town Center Districts provided the total area of each sign face does not exceed eight (8) square feet. Such signs may be placed on the sidewalk provided they do not impede with normal pedestrian traffic. Each building or shop front is permitted a maximum of one (1) sandwich board sign.

R. Inflatable signs [including inflated balloons having a diameter of greater than two (2) feet] for special events and grand openings, used in conjunction with a commercial building, project, or enterprise are permitted for a period not to exceed fourteen (14) days.

S. On residentially zoned lots, one unlighted freestanding sign not more than three (3) square feet in area and not more than 4 feet in height from the ground to the top of the sign. The sign may be used to advertise a home occupation, garage sale, temporary construction or as a “for sale/rent” sign, etc. The sign shall not advertise any commercial enterprise not conducted on the same zone lot.

903. General Requirements

Commercial property with a business located on the property is entitled to the signs in accordance with the zoning district the property is located. The sign(s) may be used to advertise business on or off the premises, temporary construction signs, as “for sale/lease” signs, etc.

All signs erected within the Town of Chapin shall conform to the following building codes and general requirements:

CIVIC USES

Ground Mounted

Max Area: 32 sq ft

Max Height: 8 ft

*Wall signs do not require a permit

**Signs that blink, scroll or change intensity are not permitted in any district

NC, OC and TC Districts

Wall

Max. Area: 10%

or

Ground Mounted (All Yard Lots Only)

Max. Area: 32 sq ft

Max. Height: 8 ft

GC, IC, and LM

Wall

Max. Wall Area: 10%

and

Ground Mounted

Max. Ground Mounted Area: 32 sq ft

Max. Height: 8 ft

1 per street frontage - no closer than 250 ft - max. 3

or

Wall Only

Max. Wall Area: 15% of Wall Face

Multi-Tenant Identification

1 per street frontage - no closer than 1000 ft - max. 2

Max. Area: 64 sq ft

Max. Height: 8 ft

(includes shopping centers, office complexes, etc)

No individual tenant ground mounted signs permitted

Residential Neighborhood Identification

1 per entrance

Max. Area: 32 sq ft

Max. Height: 8 ft

904. Sign Standards

A. Wall Signs

1. The maximum permitted aggregate area of wall signs excludes the area of any windows or doorways.
2. No wall sign shall project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window, nor shall it extend beyond the highest point of a roof line, parapet, or mansard roof.
3. Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning. Canopies and awnings may only be illuminated externally (exception: Service Station canopies).
4. Principal building walls and service station canopies may have signage on all faces which front on a public street. Such signage shall not exceed 10% of the building wall or canopy face.
5. Wall signs should reflect the proportional and dimensional relationships of the structure.

H. Ground Mounted Signs

1. All ground mounted signs shall be located a minimum of five (5) feet behind the street right-of-way.
2. No ground mounted sign greater than five (5) square feet in area shall be located closer than ten (10) feet to any adjacent lot line. A fifteen (15) foot side-yard setback shall be required if the side lot line abuts a Residential district.

905. ENFORCEMENT OF SIGN ORDINANCE, PENALTIES, APPEALS

When any violation of this Article 9 is found to exist, the Zoning Administrator or the Code Enforcement Officer is authorized to institute legal or equitable action to enforce this Ordinance, including injunctive relief, in the Lexington County Court of Common Pleas, after notice as provided herein.

If the Zoning Administrator or the Code Enforcement Officer finds any violation of this Article 9 (except Illegal signs and prohibited signs as described in section 906.1), s/he shall notify by Certified Mail, or personal delivery, the person determined to be responsible, indicating the nature of the violation and the action necessary to correct same. In the notice, the Zoning Administrator or Code Enforcement Officer may order the removal of any sign which appears to be a hazard to public safety, or which is in such disrepair that it fails to perform its intended purpose.

After Notice, the owner of the sign, or owner of the property on which it is located, shall have (30) days to correct the violation, or to appeal the Notice to the Board of Zoning Appeals. This Thirty day period may be reduced if the violation appears to be a clear and present danger to the public.

Any person aggrieved by an Order of the Zoning Administrator or Code Enforcement Officer may appeal the Order to the Board of Zoning Appeals. Within Thirty (30) days of receipt or mailing of the Order. The Board may grant a variance (temporary or permanent) from the Sign Ordinance if full compliance with the Order would work an undue hardship upon the owner.

Any person aggrieved by an Order of the Board of Zoning Appeals may appeal such decision to the Lexington County Court of Common Pleas. Notice of Appeal shall be served upon the Zoning Administrator and filed with the Clerk of Court within Ten (10) days of receipt of the Order appealed from. A Petition setting forth the grounds for appeal and the relief requested, shall be served and filed within Thirty (30) days of the filing of the Notice of Appeal, otherwise the appeal shall be vacated.

Any person who fails to correct a violation after notice, and either fails to perfect his Appeal, or whose appeal is denied by the Board of Zoning Appeals or the Court of Common Pleas, may be summoned to appear before the Municipal Court, and if found guilty, shall be fined up to \$500. per offense. Each day a violation constitutes, and each non- conforming sign, shall constitute a separate offense.

906. PROHIBITED SIGNS; REMOVAL AND PENALTIES.

Removal of Signs from Trees, Utility Poles or Highway Rights-of Way, or removal of multiple illegal signs or signs erected without obtaining a proper Sign Permit from the Zoning Administrator: The Zoning Administrator, Code Enforcement Officer, or other Town Agent,

Town of Chapin Zoning Ordinance

may, without notice, remove any Signs (including political signs) found upon trees, utility poles, or Highway Right-of way, or any sign which has not been properly permitted, within the Town Limits. Town Authorities may also request the signs owner remove the Sign(s) within a specific time frame. Should the owner of the offending signs Not remove the sign(s) or if they replace the signs at any location in the Town Limits, they shall be subject to a Summons for appearance in Municipal Court And if found guilty, shall be subject to the same fines as stated in Section 905.6.

**PLEASE VERIFY THE ZONING CATEGORY TO DETERMINE WHAT SIGNAGE IS PERMITTED IN YOUR CATEGORY. YOU CAN VERIFY YOUR CATEGORY WITH THE ZONING ADMINISTRATOR. chapinsc@chapinsc.com 803-345-2444 X 101 P.O. Box 183 Chapin, SC 29036
SIGN PERMIT FORM IS ON WEBSITE: chapinsc.com (scroll to bottom of home page)**

MAXIMUM SIGN HEIGHT IN CHAPIN IS 8 (EIGHT) FEET.

907. SIGN PERMIT FEES

EACH SIGN UP TO TWELVE (12) SQUARE FEET	\$10.00
EACH SIGN FACE BETWEEN TWELVE & FIFTY SQ. FT.	\$25.00
EACH ADDITIONAL SQ. FT. OF SIGN AREA OVER 50 SQ. FT.	\$1.00

AT THE DISCRETION OF THE ZONING ADMINISTRATOR THE FEE MAY BE WAIVED FOR TEMPORARY SIGNS THAT ARE NOT INTENDED TO ADVERTISE OR PROMOTE ANY CONTINUING COMMERCIAL ENTERPRISE.

CHURCHES AND CIVIC EVENTS OR ORGANIZATIONS ARE EXEMPT, HOWEVER, THESE SIGNS MUST HAVE APPROVAL OF THE ZONING ADMINISTRATOR, AND THE PERMIT MUST BE SUBMITTED.

ALL SIGNS PLACED IN CHAPIN MUST HAVE APPROVAL

ELECTRONIC SIGNS MUST BE INSPECTED BY LEXINGTON COUNTY

ARTICLE 10
ARCHITECTURAL REVIEW STANDARDS

1000 Purpose and Intent

The purpose of this section is to preserve and enhance the rural, cultural, economic and historic character of the Town of Chapin, by providing detailed review of the design, layout and appearance of commercial and industrial developments which have a substantial impact upon the character of the Town and upon traffic, utilities and services therein. The intent of the review process is to:

- A. Promote new construction, additions and or major alterations that are compatible with older, existing building styles and are similar in quality or appearance;
- B. Promote conservation of buildings and groups of buildings that have aesthetic or historic significance; and
- C. Enhance historical, social and economic viability of the town by preserving property values and promoting visual attractiveness.

1001 Application of Regulations; Certificate of Appropriateness

- A. The standards of this chapter shall apply to the following types of development within the Town limits of Chapin:
 - 1. Any new non-residential building or structure;
 - 2. Converting a residential building to a non-residential use; and
 - 3. Expansion of non-residential buildings by 20 percent or more of the building's area or floor space.
- B. In the Architectural Review (AR) Districts and all applicable development, a Certificate of Appropriateness is required before any permit for a particular project can be issued. The certificate of appropriateness is based entirely upon the approval of, and any conditions established by, the Architectural Review Board.
- C. When AR District Standards do not provide dimensional limitations or modifications of a structure or site, the underlying district regulations shall apply.

1002 Developing Architectural Review Standards

- A. Architectural review standards shall reflect the vision statement and land use element of the Comprehensive Plan. Architectural review standards shall reflect the following objectives to:
 - A. Revitalize and protect the downtown area and other unique corridors;
 - B. Encourage commercial development which is compatible with the character of the architectural review districts;
 - C. Encourage innovative housing developments;
 - D. Utilize and preserve natural vegetation and scenic open space where possible;
 - E. Preserve the history and unique character of districts by protecting buildings and structures that contribute to the ambience and character of the community;

- F. Provide well-planned and appropriately designed approaches, gateways and corridors into the town.

1003 Establishment of Architectural Review Districts

- A. An Architectural Review District (AR) is an overlay zoning district which shall be established in accordance with zoning map amendment procedures. The standards shall be coordinated to:
 - 1. Ensure pedestrian accessibility;
 - 2. Established principles of vehicular movement and safety;
 - 3. Allow for a convergence of architectural styles that reflect the diversity of the community;
 - 4. Promote creativity.
- B. Architectural review standards shall reflect the vision statement and land use element of the Comprehensive Plan;
- C. Specific standards shall be adopted as a part of the Zoning Ordinance which establishes each AR District;
- D. The Architectural Review Board shall use the standards for evaluating each application while taking into consideration any unique attributes of the area including any historical significance, natural areas, growth patterns, and impact of any adjacent residential areas.

1004 Application of Architectural Review Standards

- A. The following general standards shall be applied in the review of applications for Certificates of Appropriateness:
 - 1. The natural terrain and landscape shall be preserved and protected where feasible. Trees and shrubs shall not be destroyed indiscriminately.
 - 2. Scale, location, form, line, color, texture and other design elements of building structures, and signs shall be in harmony with the character of the district.
 - 3. Exterior lighting shall be used for safety and design, not for advertising.
 - 4. Open space, parking, pedestrian walks, signs, illumination, and landscaping shall relate to the site and shall provide safe and efficient development with minimum impact on adjoining districts.
 - 5. Electrical and mechanical equipment, refuse, and storage areas shall be concealed or screened from view.
 - 6. Applications shall not be approved for projects which are not in harmony with existing uses in the district.
 - 7. Proposed development which adversely impacts surrounding property values by reason of factors subject to architectural review shall not be approved.
- B. The following principles shall be utilized by the ARB in interpreting and applying standards applicable to AR districts:
 - 1. *Communications*: Signs and advertising shall be restrained.
 - 2. *Diversity*: A diversity of architectural styles is encouraged. Individual buildings shall be in keeping with the dignity and character of the environment.
 - 3. *Landscape*: Nature shall be a noticeable visual characteristic of the town, even in commercial areas. Where possible, buildings shall be framed by the landscape.

Town of Chapin Zoning Ordinance

Streets shall take their character from the landscaping which frames them. At boundaries between land uses, planting shall be encouraged to provide the separation necessary to avoid conflicts.

4. *Preservation of natural areas*: Site development shall minimize impact on natural or scenic areas.
5. *Scale*: Structures shall have a scale compatible with AR district uses.

1005 Application for Certificate of Appropriateness

- A. Any development which falls under these standards shall receive a Certificate of Appropriateness before a zoning permit or building permit can be issued. To receive a Certificate of Appropriateness the applicant shall submit an Architectural Review Checklist to the Zoning Administrator. Upon ARB approval a Certificate of Appropriateness shall be issued.
- B. The following architectural review procedure is hereby established.
 1. *Conceptual review*: Applicants are encouraged to meet with the Zoning Administrator prior to the preparation of working drawings and specifications. The purpose of this meeting shall be to acquaint the applicant with the architectural review standards and guidelines. Applicants may meet with the ARB for a tentative reaction to the general design concept of the proposed project.
 2. *Preliminary review*: During preliminary review, the ARB shall provide the applicant with specific responses to the application for a certificate of appropriateness. If the materials presented with an application are sufficiently clear, the ARB, or its designee, may grant preliminary and final approval.
 3. *Final Review*: At the conclusion of final review, the ARB, or its designee, may grant, grant with conditions, or disapprove an application for a certificate of appropriateness.
- C. The ARB may delegate its authority to conduct conceptual, preliminary, and final design review regarding any one project or one or more categories of projects to the Zoning Administrator.
- D. Six full-color paper copies and one digital copy of the following shall be submitted to the Zoning Administrator, in accordance with the Architectural Review Checklist, by the application deadline.
- E. The Zoning Administrator can accept additional support materials after the deadline provided the primary information and application was received on time.
- F. After review of a delegated application and determination that all applicable architectural standards are met, the Zoning Administrator may issue a certificate of appropriateness. The Zoning Administrator may, however, defer review of questionable applications to the ARB.
- G. Decisions of the Zoning Administrator may be appealed to the ARB pursuant to the procedures set forth in this article.

1006 Procedure for Appeal of the Zoning Administrator's Decision

- A. A person aggrieved by a decision of the Zoning Administrator related to an application for an architectural review Certificate of Appropriateness, or any officer, department or board of the town may appeal the decision to the ARB, as follows:

- B. The appealing party shall file written notice of appeal with the Zoning Administrator and the ARB within 30 days after receipt of written notification of the Zoning Administrator's decision. The notice of appeal shall specify the grounds of appeal;
1. The Zoning Administrator shall provide the ARB with all documents in the record upon which the action appealed was taken;
 2. An appeal stays all proceedings to enforce the action, unless the Zoning Administrator certifies that a stay would cause imminent peril to life and property. The ARB or Circuit Court may grant a restraining order for due cause;
 3. The ARB shall hear the appeal at its next regularly scheduled meeting, provided that notification of the appeal is published in a newspaper of general circulation 15 days before the meeting;
 4. The appealing party may appear in person or by attorney at the meeting;
 5. The ARB shall hear the appeal in accordance with adopted procedure. The ARB shall provide a written decision, including findings of fact and conclusions, and
 6. The ARB shall serve a copy of its decision on parties in interest by certified mail and keep a copy as a permanent public record.

1007 Appeal of the ARB's Decision

Decisions of the ARB may be appealed to the Circuit Court within 30 days of the ARB's decision pursuant to S.C. Code 1976 6-29-900.

1008 All Non-Residential Design Standards

All non-residential buildings that are adjacent to or front on a public roadway, public park or Residential District must comply with the standards of this section, with exception of those Structures Exempt from Design Standards.

Structures Exempt from Design Standards

Expansion of commercially-zoned buildings (NC, GC, OC, PUD, LM) if the expansion is less than 20 percent of the building's area or floor space.

Design Objectives

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

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

- B. **Building Articulation.** Giving emphasis to architectural elements (including windows, balconies, porches, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces (see "Examples" on page 114–*Use varied heights with regular width*).

- C. **Building Form and Features.** The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves and with those of the surrounding area (see “Examples” on page 115 – *Reduce massive appearance of “big box” retailers . . .*).
- a. **Horizontal Scale.** No building façade shall extend for a distance greater than three times its average height without a perpendicular offset of at least 15 percent of such height. This offset shall extend laterally for a distance equal to at least 25 percent of the maximum length of either adjacent wall (see “Examples” on page 114 – *Use varied wall surfaces*).
 - b. **Vertical Articulation.** No horizontal wall shall extend for a distance greater than three times its height without a change in elevation of at least 15 percent of such height. This height change shall continue for a minimum distance equal to at least 25 percent of the maximum length of either adjacent plane (see “Examples” on page 114 – *Use stepped- back height*).
 - c. **Alternative Building Scale:**
 - i. Building fronts greater than 50 feet in length shall have offsets, stepped back heights and roofs with regular width or varied wall surfaces.
 - ii. Compliance with this guideline shall be subject to the review and approval of the Zoning Administrator.
- D. **Building Location.** Proposed buildings and structures shall be integrated as much as possible within the existing building locations, landscape and terrain. The building's location shall be orientated parallel or perpendicular to the street. Where the minimum setback cannot be maintained by the building, the applicant shall provide adequate spatial definitions through the use of walls, fences and or other elements, which will maintain the street line.
- E. **Building Design.** The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity (see “Examples” on page 115 – *The massing of the transition building . . .*).
- F. **Spatial Definition.** Define various areas both public and private with walks, plantings, walls, fences and other elements which are in keeping to the overall architectural design.
- G. **Special Features.** Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties and streets.
- H. **Lighting.** Lighting should match the architectural style of the building.
- I. **Pedestrian Furnishings.** Benches, bollards, lighting, street trees, refuse containers, flowers boxes, canopies shall be provided and shall be consistent with the character of the development.
- J. **Protection of Historic Character.** When reusing a historic building, character defining exterior elements of historic building, shall be preserved. Signage should be compatible with the historic character of the building.

- K. **Exterior Building Materials.** At least 80 percent of the primary vertical walls of all buildings (excluding doors and windows) to which these standards apply shall be finished in one or more of the following materials. Primary vertical walls are defined as those walls visible from a public street:
- a. Brick, stone, cast stone, rock, marble, granite, glass block, tile;
 - b. Stucco or plaster;
 - c. Exterior Insulation and Finish System (EIFS) or equivalent project;
 - d. Cellulose fiber-reinforced cement building board products, i.e. Hardi-Board products or other cement building products approved by a nationally recognized building products evaluation service;
 - e. Glass with less than 20 percent reflectance;
 - f. Wood horizontal lap siding; and
 - g. Logs.

- L. **Color.** All exterior color schemes must be pre-approved by the Architecture Review Board.

M. **Primary and Secondary Façade Standards:**

- a. **Primary.** All primary facades of a building (those facades that face a public street) shall be designed with consistent architectural styles and trim features.
- b. **Secondary.** All secondary facades attached to a primary façade (such as a side wall not facing a public street) shall wrap around the building by incorporating building material features of the primary façade. The balance of the material can be metal.

- N. **Outparcel Design.** Outparcels, as defined in Section 201 (Definitions), will be designed and integrated with the primary project. All exterior facades of an outparcel structure will be considered primary facades and must employ architectural site, and landscaping design elements that are integrated with and common to those used on the primary structures on site. The common design element must include building materials associated with the main structure.

O. **Roof Treatments:**

- a. Parapets will be used to conceal roof top equipment on the flat roofs; and
- b. Where overhanging eaves are used, overhangs shall not be less than 16 inches beyond the supporting walls.

P. **Roof Types and Materials:**

The following types of materials are prohibited:

- a. Mansard roofs and canopies without a minimum vertical distance of eight feet and at an angle not less than 25 degrees, and not greater than 70 degrees;
- b. Roofs less than or equal to a 2 to 12 pitch unless utilizing full parapet coverage; and
- c. Back-lit awnings used as a mansard or canopy roof.

All roofs shall be constructed in a manner in which all air conditioning units and other roof structures shall be hidden from view.

Q. Entryways/Customer Entrance Treatments, Parking Lots & Pedestrian Routes:

- a. Any front entry will be set back from the drive a minimum distance of 15 feet
- b. Single-use or multi-tenant buildings over 60,000 square feet in size must provide clearly defined, highly visible customer entrances that include an outdoor patio area, a minimum of 200 square feet in area, incorporating the following:
 - i. Benching or other seating components;
 - ii. Decorative landscaping planters or wing walls that incorporate landscaped areas;
 - iii. Structural or vegetative shading;
 - iv. Pedestrian routes between parking area and buildings; and
 - v. Sidewalks will be required for all main street frontage.

- R. Sidewalks.** Sidewalks shall be mandatory for all street frontages and access to building entrances.

Outdoor Lighting Required for Specific Uses

- A. Roads, Driveways, Sidewalks and Parking Lots. All roads, driveways, sidewalks and parking lots shall be sufficiently illuminated to ensure the security of property and safety of persons using such areas and facilities. Where such roads, driveways, sidewalks or parking lots fall on private property, the responsibility for lighting such areas shall fall upon the developer.
- B. Entrance and Exits in Non-Residential Projects. All entrances and exits in buildings used for non-residential persons and open to the general public shall be adequately lighted to ensure the safety of persons and security of the building.
- C. Commercial Parking Lot Lights. All commercial parking lots shall be required to provide lighting during nighttime hours of operation.
- D. Canopy Area Lighting. All development that incorporates a canopy area over fuel sales, automated bank machines, or similar installations shall be required to provide lighting for the canopy area. For the purposes of this Section, the canopy area shall be defined as that area immediately below the canopy.

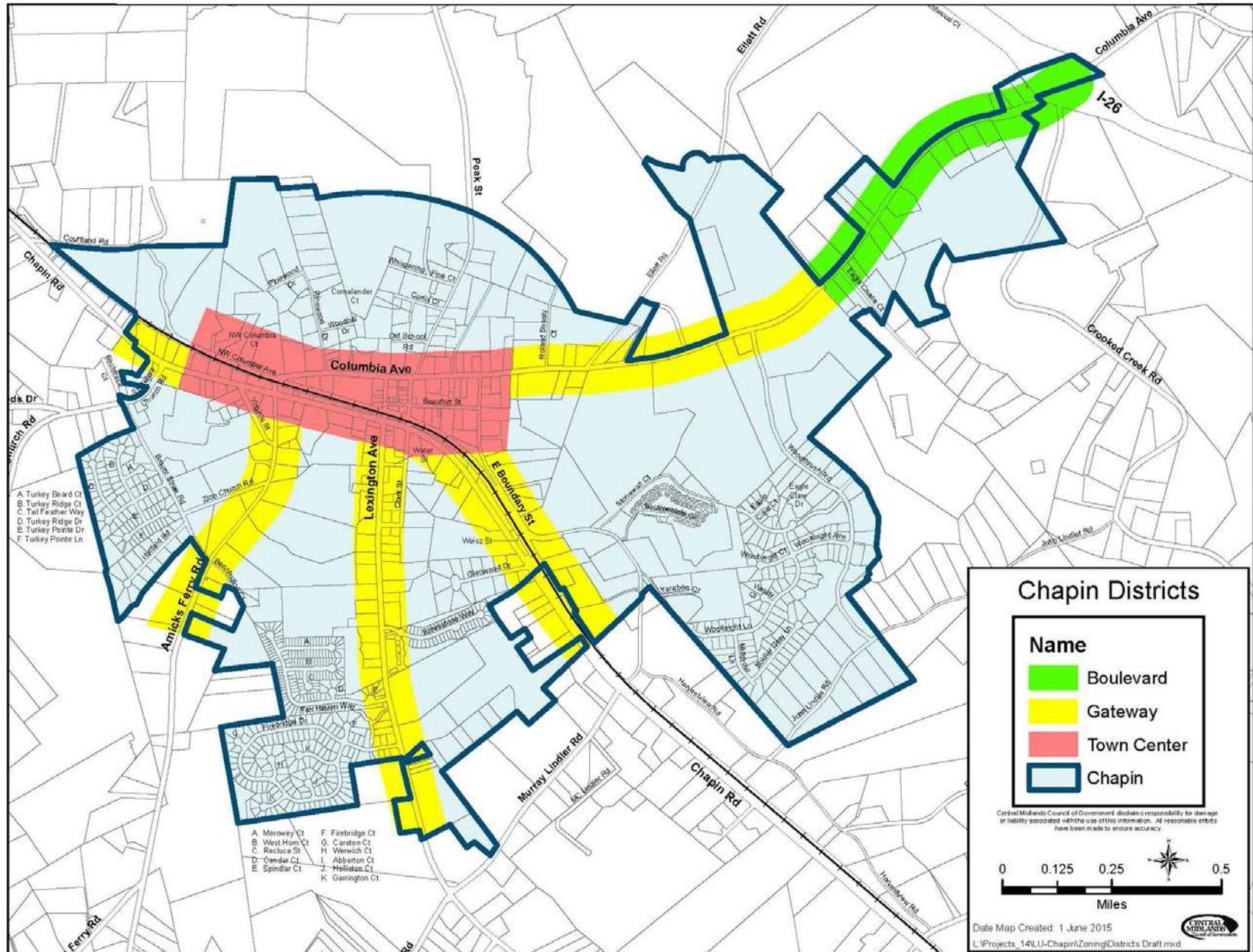
Excessive Illumination

- A. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirement of this Section, or if the standards could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.
- B. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of the drivers on such streets.

1009 Architectural Review Overlay District Standards

The boundaries of the Architectural Review Overlay Districts are established as per Figure 1.

Figure 1: Architectural Review Districts Map



Applicability

Purpose: The standards for the architectural review overlay districts are based on the vision statement and land use element of the comprehensive plan. The intent of these standards is to develop design criteria that promote the existing diversity, character, and pedestrian orientation of downtown, while encouraging individuality and flexibility in the design of new developments, redevelopments, and adaptive reuse of existing buildings and associated activities.

Boundaries: The standards in Section 1009 are applicable to commercial, office, mixed-use structures, and institutional developments in the Architectural Review Overlay District. Single-family residential developments are exempt from the requirements of this section. For the purposes of this section, the front of lots shall be defined as frontage along a public right-of-way or sidewalk.

Standards

Table 1. Architectural District Standards

ARCHITECTURAL STANDARD	AR DISTRICT		
	Boulevard	Gateway	Town Center
1. Site Relationships			
A. No off-street parking or service areas shall be allowed in front of the front building line with the exception of short-term drop-off parking to serve a porte cochere or other similar covered areas serving a hotel's main entrance.	✓	✓	✓
B. The primary entrance of each building shall accommodate pedestrian access from the street(s) and parking lots, if provided.	✓	✓	✓
C. Secondary public entrances, if provided, shall be designed in a manner consistent with primary entrances if facing public streets, parking lots, or property owned by the Town of Chapin.	✓	✓	✓
D. For sites with multiple buildings, a unified architectural design shall be incorporated into each building or development.	✓	✓	✓
E. For sites with multiple buildings, service routes shall be separated from primary customer circulation.	✓	✓	
F. Where a change in use from residential to nonresidential is proposed in an existing structure, the established setback distance from the street shall be maintained for new construction and/or additions.	✓	✓	✓

	Boulevard	Gateway	Town Center
G. Service areas and any new parking shall be located behind the front building line.	✓	✓	✓
H. Buildings and site improvements shall be designed to minimize changes to existing topography and mature vegetation.	✓	✓	✓
2. Building Frontage Requirement			
A. A minimum of 80 percent of the front façade of all principal structures shall be located within zero and ten (10) feet of the front setback.			✓
B. RESERVED			
C. RESERVED			
D. For single buildings, a minimum of 40 percent of the front façade shall be located within eight and 35 feet of the front setback.		✓	
E. For multiple buildings, a minimum of 40 percent of the linear frontage of parcel (property) shall be occupied by a building façade within front setbacks.		✓	✓
3. Vehicular and Pedestrian Access			
A. A maximum of one curb cut shall be allowed for lots with street frontage less than or equal to 250 feet.	✓	✓	✓
B. For lots with street frontage greater than 250 feet, one additional curb cut per 250 feet of street frontage shall be allowed.	✓	✓	✓
C. Sites providing separate service delivery routes may be allowed an additional driveway entrance.	✓	✓	
D. The maximum width of curb cuts shall be 12 feet for one-way drives and 24 feet for two-way drives. Additional width shall be provided to allow for safe turn radii at the point of intersection between driveway and the public street.	✓	✓	✓
E. Wider curb cuts for driveways containing a landscaped median may be allowed. <ol style="list-style-type: none"> 1) The combined width of the landscaped median and the drives shall not exceed 55 feet 2) Lanes shall be clearly marked and striped. 3) The landscaped median shall be a minimum of five feet, planted with groundcover and low-growing shrubs. 4) Ornamental trees may be placed within a landscaped median provided they do not impede the sight lines for traffic. 5) Mulch will not be allowed as an acceptable ground cover, but may be used under the plant material. 	✓	✓	✓

	Boulevard	Gateway	Town Center
F. Shared driveways that serve more than one property may be provided.	✓	✓	✓
G. Pedestrian and/or bicycle connections to the primary public entrance of the building(s) shall be provided where a public sidewalk or bikeway is adjacent to the property.	✓	✓	✓
H. Contrasting paving materials, such as brick pavers, shall be used to clearly mark pedestrian circulation areas within the parking lot.			✓
I. Pedestrian walkways, at least four feet in width, shall be provided from public sidewalks adjoin the property to a principal customer entrance.	✓	✓	✓
J. Along facades with a customer entrance and along any façade abutting public parking areas, sidewalks at least four feet in width shall be provided along the full length of the façade.			✓
K. Walkways shall incorporate at least two of the following features 1) Landscaped areas along at least 30 percent of their length 2) Use of smaller scale pavement (pavers or scoring) 3) Pedestrian scale lighting. 4) Rain protection such as an awning or arcade.			✓
L. Cross access easements shall be provided for abutting, compatible uses.			✓
4. Loading, Outdoor Storage, and Service Areas			
A. Where these areas face adjacent residential uses or public rights-of-way: 1) An earthen berm, fence or wall not less than six feet in height, shall be provided; 2) The berm shall be landscaped with evergreen trees, planted at minimum intervals of 20 feet on center; and 3) The berm shall also contain a minimum of seven evergreen shrubs per trees.	✓	✓	✓
B. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 35 feet of any public street or public sidewalk.	✓	✓	✓
C. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the principal building.	✓	✓	✓
D. Service functions shall be incorporated in the overall design of the building and landscaping, so that they are fully contained and out of view from adjacent properties and rights of way	✓	✓	✓
E. Outdoor areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences.	✓	✓	✓

	Boulevard	Gateway	Town Center
5. Off-street Parking Site Design			
A. Parking areas shall be designed as a series of smaller lots that provide space for no more than 20 cars for double-sided parking and 10 cars for single-sided parking.			✓
B. The small parking lots shall be separated by a minimum of five-foot-wide internal planting areas that features trees planted in grass or other approved landscape material.			✓
C. When slopes over five percent exist, parking bays shall be terraced and landscaped between changes in level. The landscaping shall be: <ul style="list-style-type: none"> 1) Equal to one three-gallon evergreen shrub for every three linear feet of the width of the adjacent parking bay; 2) Maintained at a height of at least 36 inches, and 3) Planted in an area of minimum five feet in depth. 	✓	✓	✓
D. In parking areas containing over 10 parking spaces, pedestrian pathways identified with smaller scale pavement (pavers or scoring) oriented toward the principal building entrance(s) shall be provided.			✓
6. Fencing and Screening Design			
A. Screening walls and fencing are allowed only in side and rear yards and behind the front building line, with the exception of outdoor eating and play areas.			✓
B. If a wall or fencing is provided in front of the building line, the opaque portion shall be limited to a height of three feet from the ground. The remainder of the wall or fencing shall be ornamental metal and see-through.		✓	
C. Fencing and wall materials shall be consistent with the site and architectural design of the principal structure.	✓	✓	✓
D. Fences and walls shall be made of masonry, ornamental metal, wood, stucco or a combination of these materials and constructed with the finished side facing the exterior property line.	✓	✓	✓
E. Fences and walls greater than 50 feet in length or six feet in height shall have a change in plane, height, material or material texture or significant landscape massing.	✓	✓	✓
7. Lighting, Excluding Lighting Elements			
A. The style of light fixtures shall be in keeping with the architectural style of the building(s).	✓	✓	✓

	Boulevard	Gateway	Town Center
<p>B. Accent lights used to call attention to signs or landscape features are permitted provided they meet all of the following conditions:</p> <ul style="list-style-type: none"> 1) They are comprised of white or clear lights; 2) They do not exceed 25 watts per fixture; 3) They are directed onto the surface of the sign or into the plant material; 4) They do not spillover beyond the plane of the building; and 5) They are not moving or animated. 	✓	✓	✓
<p>C. Low intensity architectural trim lighting intended to highlight specific features of the principal structure(s) façade is permitted provided it meets all of the following conditions:</p> <ul style="list-style-type: none"> 1) It is comprised of no more than two colors; 2) It is not a dominant feature on the building façade; and 3) It does not move and is not animated. 	✓	✓	✓
8. Trash Enclosures			
<p>A. Trash enclosures and other service areas shall be constructed of materials and finishes which are consistent with the principal building.</p>	✓	✓	✓
9. Outdoor Seating Areas			
<p>A. Outdoor seating areas supporting a drinking place shall only be permitted in the side or rear yard behind the front building line.</p>	✓	✓	
<p>B. Outdoor seating serving an eating establishment or other permitted use may be permitted between the front building line and the right-of-way provided any service areas such as bars and waitress stations are located on the side or rear of the building inside the main structure.</p>			✓
<p>C. The entry shall be clearly defined if a secondary point of ingress and egress is provided directly from the sidewalk.</p>	✓	✓	✓
<p>D. An architecturally integrated cover, awning, or second floor overhang shall be permitted to provide shade and cover during inclement weather.</p>	✓	✓	✓
<p>E. No permanent storage of containers or utility carts for food and/or beverage service shall be permitted.</p>	✓	✓	✓
<p>F. Furniture shall be of durable material such as wood or metal, designed specifically for outdoor use.</p>	✓	✓	✓
<p>G. Furnishings not in use may not be stacked or stored on the exterior of the building within view of the public right-of-way or sidewalk.</p>	✓	✓	✓

	Boulevard	Gateway	Town Center
H. Trash receptacles must be completely enclosed and made of steel, metal, alloy, wood or a combination thereof.	✓	✓	✓
I. The use of umbrellas is permitted subject to all of the following conditions: 1) They do not exceed 10 square feet in diameter. 2) No more than 20 percent of the total exterior surface of the umbrella is covered in commercial copy, corporate trademark or business logos. 3) They are constructed of color-fast, flame retardant fabric. 4) They do not encroach over the pedestrian barrier or onto any right-of-way.	✓	✓	✓
J. Outdoor dining must be separated from the right-of-way and sidewalk by a pedestrian barrier meeting all of the following conditions: 1) Pedestrian barriers must be constructed of a sturdy, stable and weatherproof material and may include plant material. 2) Pedestrian barriers must be permanently secured to the patio or pavement. 3) Pedestrian barriers must be at least 36 inches in height, but shall not exceed six feet in height. If the barrier exceed four feet in height, the upper two feet must be designed to allow clear line of sight from the sidewalk into a seating area to promote the public safety. 4) Painted surfaces must be kept free of fading, chip, and rust. 5) Barriers using chain or rope are prohibited.	✓	✓	✓
K. Planters may be permitted subject to all of the following conditions: 1) Planters may not exceed a maximum height of 36 inches above the level of the sidewalk not including the plant material. 2) Plants may not exceed a height of four feet above the level of the sidewalk. 3) Plants must be maintained in a healthy condition. 4) Empty planters or planters containing only bare dirt, mulch, straw, wood chips or non-living material and planters containing plants considered hazardous, or otherwise unsuitable for close urban areas are not permitted.	✓	✓	✓
10. Other Decorative Features			
A. Decorative features, including water features/fountains, benches, and art, may be permitted on a case-by-case basis.	✓	✓	✓
B. All decorative features shall be shown on the site plan reviewed by the ARB detailing height, location, and type of installation(s) proposed.			✓
11. Exterior Building Design-Building Materials			
A. Exterior building design shall be coordinated with regard to color, types of materials, architectural form, and detailing.	✓	✓	✓
B. Brick or stone	✓	✓	✓

	Boulevard	Gateway	Town Center
C. Mill finished aluminum metal windows or doorframes are not permitted.	✓	✓	✓
D. Accessory buildings shall use the same building materials and color schemes as the principal structure.	✓	✓	✓
E. Pavers and patio area floor materials shall be distinct from those on public sidewalks or use a different pattern, color or material.			✓
F. Stucco may only be used for accent features.	✓	✓	✓
12. Exterior Building Design-Color Schemes, Including Awnings and Canopies			
A. Color schemes shall include a maximum of four colors.	✓	✓	✓
B. Frequent changes in material or color should be avoided.	✓	✓	✓
C. The use of bold primary colors is not permitted for building facades except for accent elements.	✓	✓	✓
D. The use of bright colors, including but not limited to fluorescent, “hot” and DayGlo™ colors is prohibited.	✓	✓	✓
13. Exterior Building Design-Façade Design			
A. The façade step-back area may be used to provide upper story patios or other useable outdoor areas with rails and safety barriers to integrate into the overall architectural style of the structure.		✓	✓
B. Principal entrance facades shall have at least one change of plan or significant architectural detail for each 50 feet of unbroken horizontal plane.		✓	✓
C. Secondary facades visible from public streets or parking areas shall have a change in plane or architectural details along 60 percent of their horizontal length.		✓	✓
D. Ground floor facades visible from public streets or parking areas shall have a change in plane or architectural details along 60 percent of their horizontal length.		✓	✓
E. Secondary facades shall be designed with detailing similar to the principal facades.		✓	✓
14. Exterior Building Design-Fenestration			
A. A minimum of 30 percent of the grade level façade abutting the public right-of-way or sidewalk or which fronts a parking lot shall be window surface area.		✓	✓
B. Glazing must be at least 70 percent transparent for windows abutting the sidewalk or public right-of-way.		✓	✓

	Boulevard	Gateway	Town Center
C. The maximum height of the sill above the sidewalk shall be 36 inches.			✓
15. Exterior Building Design-Rooftop Elements			
A. All rooftop amenities shall have a direct relationship to the principal building or complex regarding building materials, barriers, and other amenities.	✓	✓	✓
B. Skylights, solar panels, satellite dishes, antennas, or other attachments shall be placed so that they are screened from view at the eye level of the pedestrians on the sidewalk along the street right-of-way.	✓	✓	✓
C. Flat roofs meeting all other exterior standards are permitted.	✓		
D. Buildings less than 20,000 square feet must have a minimum 6:12 pitched roof.		✓	✓
16. Exterior Building Design-Miscellaneous			
A. Multiple buildings on the same site shall be designed to create a cohesive relationship between the buildings.	✓	✓	✓
B. Buildings shall be compatible with the scale of adjacent structures and the pattern of the surrounding area.		✓	✓
C. Balconies shall be compatible with the scale, location, and use of the structure.		✓	✓
17. Mechanical Equipment and Service			
A. Rooftop mechanical equipment shall be screened from view at street level.	✓	✓	✓
B. Utility equipment may be located within the area between the right-of-way and building façade provided it is entirely enclosed by a structure of same or similar material as the building.	✓	✓	✓
C. Ductwork, plumbing or other mechanical additions installed to the sides of the buildings that are visible from the sidewalk or public right-of-way shall be integrated into the overall architectural style of the structure by the use of similar materials and color schemes.	✓	✓	✓
18. Awnings and Canopies			
A. The size, scale, color and materials of the awnings shall be compatible with the rest of the building.		✓	✓
B. An awning shall not be the predominant element of the façade.	✓	✓	✓
C. Ground level awnings may display the business name and logo provided they do not cover more than 25 percent of the surface area of the awning.	✓	✓	✓

	Boulevard	Gateway	Town Center
D. Awnings on the ground level shall be a minimum of nine feet and maximum of 12 feet above the finished grade and may project over the public sidewalk.		✓	✓
E. If the awning runs the entire length of the ground floor, it shall be on the same plan as any awning that abuts it on neighboring buildings.		✓	✓
F. Awnings over any windows on the second or above floors, shall be centered over the window,		✓	✓
G. Awnings may not be internally lit.	✓	✓	✓
H. Awnings over windows may not be continuous	✓	✓	✓
19. Other Design Features			
A. Establishments with drive-through windows 1) Drive-through elements shall be architecturally integrated into the principal building. 2) Drive through elements shall not be located on the street side of the building or in front of the front building line. 3) Drive-through elements shall be constructed of materials and finishes which are consistent with the principal building.	✓	✓	✓
B. Automobile repair and/or oil change and lubrication shops and gasoline service stations with convenience stores: 1) All structures, including canopies over gasoline pumps, and car wash structures, shall be compatible in scale, proportion, detail, materials, color, site planning and landscaping. 2) Canopies designed as dominant architectural features are not permitted.	✓	✓	✓
20. Signs			
A. LED signs are prohibited			✓
B. Materials and/or colors used in the sign assembly shall be the same as or similar to those used at the principal building.	✓	✓	✓

ARTICLE 11 ADMINISTRATION

1100. Zoning Administrator

This Ordinance shall be administered and enforced by the Zoning Administrator who shall have all powers and duties authorized by statute or ordinance for a zoning administrator. The duties of the Zoning Administrator shall include:

- A.** Interpretation of terms and provisions of this Ordinance;
- B.** Administration of this Ordinance by the issuance of permits and certificates, including the collection of authorized fees;
- C.** Processing applications for appeals to the Board of Zoning Appeals from the decision of the Zoning Administrator, variances and special exceptions;
- D.** Preparation of the record for appeal to the circuit court from the decisions of the Board of Zoning Appeals;
- E.** Maintenance of a current zoning map, amendments to the Zoning Ordinance, and all public records related to zoning and planning;
- F.** Enforcement of the Zoning Ordinance, investigation and resolution of zoning complaints;
- G.** Administrative assistance to the Board of Zoning Appeals and Architectural Review Board when authorized; and
- H.** Such other duties as may be authorized by Town Council.

1101. Zoning Permits

- A. Permits Required.** No building, sign or structure shall be erected, moved, enlarged, altered or demolished without a zoning permit issued by the Zoning Administrator. No permit shall be issued by the Zoning Administrator except for a use which is in conformity with the provision of this Ordinance or for a use authorized by order of the Board of Zoning Appeals.
- B. Fees for Permits.** A fee established by regulation of Town Council shall be paid for each zoning permit or certificate of zoning compliance issued by the Zoning Administrator.

- C. Applications for Permits.** Applications for zoning permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be used, the sizes and locations of existing structures on the lot, the location and dimensions of the proposed structure or alteration. The application shall include such other information as may be required by the Zoning Administrator to determine conformance with this Ordinance, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, number of families, housekeeping units, rental units, existing conditions on adjacent property. One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the Zoning Administrator noted on the copy within a reasonable time.
- D. Expiration of Permits.** If the work described in a zoning permit has not begun within six (6) months from the date of the permit, or within the time specified in a special exception, the permit shall expire and be void upon written notice by the Zoning Administrator.

1102. Certificates of Zoning Compliance

- A. Certificates required:** It shall be unlawful for any person to use occupy or permit the use or occupancy of any building or property created, erected, changed, converted, altered or enlarged, in whole or in part, until a certificate of zoning compliance has been issued by the Zoning Administrator stating the proposed use conforms to the requirements of this Ordinance.
- B. Temporary uses:** Certificates of zoning compliance may be issued and renewed by the Zoning Administrator for permitted temporary uses for the times permitted by the zoning district regulations.

1103. Violations

- A. Misdemeanor Penalties.** It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without a permit or permits required by this Ordinance. Conviction for violation of this Ordinance is punishable as a misdemeanor under the general penalty provisions of the Town Code.
- B. Withholdings Permits.** The Zoning Administrator shall deny a zoning permit for any use or work which fails to comply with this Ordinance. The Zoning Administrator or other appropriate official shall withhold all other Town permits for work which violates this Ordinance.
- C. Complaints.** A written complaint specifying facts showing a violation of this Ordinance filed by any person shall be investigated by the Zoning Administrator. Upon determination that a violation has occurred, the Zoning Administrator shall take appropriate enforcement action authorized by this Ordinance.
- D. Stop Work Orders.** The Zoning Administrator is authorized to issue a stop work order pursuant to S.C. Code, Section 6-29-950(A) requiring work to cease until specific code

violations are corrected. Failure to comply with a stop work order of the Zoning Administrator is a misdemeanor punishable under the general provisions of the Town Code. Issuance of a stop work may be appealed to the Board of Zoning Appeals.

- E. Ordinance Summons.** The Zoning Administrator is authorized to issue an ordinance summons pursuant to Town Code provisions for violations of this Ordinance.
- F. Arrest Warrant.** The Zoning Administrator, with concurrence of the Town Attorney, is authorized to request the issuance of an arrest of warrant for violations of this Ordinance.
- G. Injunction.** The Zoning Administrator shall submit a request to the Town Attorney for institution of a civil action seeking an injunction prohibiting violation of this Ordinance when appropriate.

1104. Planning Commission

Function and Duties: The Planning Commission has a duty to engage in a continuing planning program for the physical, social and economic growth, development and redevelopment of the Town of Chapin.

Specific Planning Activities: In carrying out its responsibilities under the 1994 Comprehensive Planning Act, the Chapin Planning Commission has authority to do all of the following things:

- A. Comprehensive Plan.** Prepare and revise periodically plans and programs for development and redevelopment of the Town of Chapin.
- B. Implementation.** Prepare and recommend measures for implementation of the plan for adoption by the Town of Chapin, including the following measures:
 1. Zoning ordinances, including zoning district maps and necessary revisions;
 2. Regulations for the subdivision or development of land. The Planning Commission is responsible for overseeing the administration of land development regulations adopted by the Town;
 3. An official map, and appropriate revisions showing the exact location of existing or proposed public streets, highways, utility rights-of-way and public building sites, with regulations and procedures for administering the official map ordinance;
 4. A landscaping ordinance providing required planting, tree preservation and other aesthetic considerations;
 5. A capital improvements program listing projects required to implement adopted plans. The Planning Commission must submit an annual list of priority projects to the

appropriate governmental bodies for consideration when they prepare annual capital budgets; and

6. Policies and procedures to implement comprehensive plan elements. These policies and procedures could cover such things as expansion of corporate limits, extension of public water and sewer systems, dedication of streets and drainage easements, and offering economic development incentive packages.

Organization: The organization, membership and operation of the Planning Commission is set forth in the 1994 Act under S.C. Code, Section 6-29-350. The Chapin Planning Commission also uses the S.C. Municipal Association Comprehensive Planning Guide as a resource of operation.

1105. Architectural Review Board

1105.1. Board Established

An Architectural Review Board (ARB) is hereby established which shall consist of five (5) members appointed by Town Council for staggered terms of three (3) years. Four of the five Board members must have professional backgrounds related to this field, with one representative of each of the following professions sitting on the Board: registered architect, real estate professional, engineer or member of the building trades, and a Chapin business owner. The fifth seat is open to members of the general public. A vacancy shall be filled for the unexpired term in the same manner as the original appointment. Members of the board serve at the pleasure of the Town Council.

Officers

The ARB shall elect or reelect one of its members as Chairperson for a term of one year. An Alternative Chairperson shall be elected as well, to serve in the absence of the Chairperson. The ARB shall appoint a secretary who may be an officer of the Town approved by the Mayor or a member of the ARB.

Rules of Procedure

The ARB shall adopt rules of procedure for the conduct of its meetings and hearings. A majority of the ARB shall constitute a quorum. Meetings of the ARB shall be held at the call of the chairperson or at such times as the ARB may determine. All meetings of the ARB shall be open to the public. Public notice of all hearings shall be published in a newspaper of general circulation within the Town and shall be posted on, or adjacent to, the property affected, with at least one notice visible from each public street abutting the property fifteen (15) days prior to the public hearing. The chairperson may administer oaths and compel attendance of witnesses by subpoena. The ARB shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote by reason of conflict, and shall keep records of its examinations and other official actions filed in the office of the secretary of the ARB as public records.

A. Power

The ARB shall review and approve or deny building/site plans, based on conformance with the requirements above.

B. Appeals

A person or party who is disputing the actions or recommendations of the ARB may file an appeal with the Board of Zoning Appeals, as discussed in Article 12.

ARTICLE 12 APPEALS

1200. Board of Zoning Appeals

- A. Board Established.** A board of zoning appeals is hereby established which shall consist of five (5) members appointed by Town Council for staggered terms of three (3) years. A vacancy shall be filled for the unexpired term in the same manner as the original appointment. Members of the board may be removed by Council for cause.
- B. Officers.** The Board shall elect or reelect one of its members as chairperson for a term of one (1) year. The Board may elect other officers as provided by its rules of procedure. The Board shall appoint a secretary who may be an officer of the Town approved by the Mayor or a member of the Board.
- C. Rules of Procedure.** The Board shall adopt rules of procedure for the conduct of its meetings and hearings. A majority of the Board shall constitute a quorum. Meetings of the Board shall be held at the call of the chairperson or at such times as the Board may determine. Public notice of all hearings shall be published in a newspaper of general circulation the Town and shall be posted on, or adjacent to, the property affected, with at least one notice visible from each public street abutting the property fifteen (15) days prior to the meeting. The chairperson may administer oaths and compel attendance of witnesses by subpoena. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote by reason of conflict, and shall keep records of its examinations and other official actions filed in the office of the secretary of the Board as public records.

1201. Powers and Duties of Board of Zoning Appeals

The Board of Zoning Appeals has the following powers:

- A. Appeal from Zoning Administrator.** Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the Board of Zoning Appeals in writing on a form provided by the Zoning Administrator within fifteen (15) days after actual notice of the decision. An appeal stays the implementation of the decision of the Zoning Administrator unless he or she certifies to the Board that a stay would cause imminent peril to life or property. The Board may affirm or reverse, wholly or in part, or may modify the decision by a written order separately stating findings of fact and conclusion of law.
- B. Variances.** An owner or authorized agent may appeal to the Board on a form provided by the Zoning Administrator for a variance from the requirements of the Zoning Ordinance

when the district application of regulations would result in unnecessary hardship. A variance may be granted if the Board makes all of the following findings and conclusions in a written order:

1. There are extraordinary and exceptional conditions pertaining to a particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the Ordinance to particular piece of property would effectively prohibit or unreasonably restrict utilization of the property;
4. The authorization of the variance will not be substantial detriment to adjacent property or to public good, and the character of the district will not be harmed by the granting of the variance; and
5. The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map.

The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the Board may consider advisable to protect establish property values in the surrounding area, or to promote the public health, safety, or general welfare. Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

- C. Special exceptions:** An owner or authorized agent may appeal to the Board on a form provided by the Zoning Administrator for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria. The Board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations: (1) traffic impact; (2) vehicle and pedestrian safety; (3) potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property; (4) adverse impact of proposed use on aesthetic character of the area; and (5) orientation and spacing of improvements of structures. The Board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

1202. Appeals from Decisions of the Board

- A. 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.

B. 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 in subsection **a.** (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 (30) days after the decision of the board is postmarked.

ARTICLE 13 AMENDMENT

1300. Initiation of Amendment

- A.** An amendment to the Zoning Ordinance text or zoning map may be initiated by adopted motion of Town council, adopted motion of the Planning Commission, or the Zoning Administrator. An amendment of the zoning map for changing a zoning district designation of property may be initiated by the owner of the property affected, or by an agent authorized, in writing, by the owner. Requests for amendments shall be submitted in writing to the Zoning Administrator whose duty it shall be to present such amendments to the Planning Commission for review and Town Council for determination.
- B.** The Planning Commission shall have not more than thirty (30) days within which to submit its report and recommendation on the request to Town Council from the date that the proposed amendment is referred to it. If the Planning Commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure, and Town Council may proceed to act on the amendment.
- C.** An identical amendment to the district designation of the same or a portion of the same property for which a rezoning has been denied shall not be initiated more often than once in each twelve (12) month period after denial unless the Planning Commission determines either (1) there has been a substantial change in the character of the area, or (2) evidence or factors exist which were not considered in the previous deliberations which might substantially alter the basis for the Planning Commission recommendation
- D.** A zoning map amendment shall be initiated by an owner or agent on an application form provided by the Zoning Administrator, accompanied by required documents and information, and a filing fee established by resolution of Town Council.
- E.** A complete application for amendment must be received at least two (2) weeks prior to the Planning Commission meeting in order to be considered at the meeting.

1301. Minimum District Size

No amendment shall be initiated which would create a new zoning district with an area of less than two (2) acres; provided, the minimum area for a PD (Planned Development) district shall be four (4) acres. The minimum requirement does not apply to extension of an existing district, or addition of any commercial district adjacent to another commercial district.

1302. Amendment Procedure

The following procedural steps are required for adoption of a text or map amendment:

- A.** Amendment shall be initiated pursuant to Section 1300;
- B.** Amendment ordinance shall be prepared in written form required by Town Code;
- C.** Proposed amendment shall be referred to Planning Commission for review and recommendation. The Planning Commission shall not conduct a public hearing, but the property owner may be allowed to present oral or written comments. If oral or written comments are taken, the commission shall give other interested members of the public ten (10) days notice and allow them to comment in the same fashion. Review shall include a determination of whether the proposed amendment is in conformity with the comprehensive plan. Planning Commission shall file with Town Council its report and recommendation on the proposed amendment within thirty (30) days after receipt;
- D.** Newspaper notice of public hearing before Town Council shall be published at least fifteen (15) days prior to the hearing. The public hearing shall be scheduled for a date after the Planning Commission recommendation is due;
- E.** Notices of public hearing shall be posted on or adjacent to property to be rezoned, with one notice visible from each street bordering the property. Posted notices shall contain letters not less than one (1) inch in height;
- F.** Notice of public hearing shall be mailed to adjacent landowners and groups which have filed a written request for notices;
- G.** Town Council may introduce an amendment ordinance for first reading and hold public hearing on the same date. Planning Commission recommendation shall be reviewed and considered, but it shall not be binding on Town Council;
- H.** Town Council may adopt or reject the amendment ordinance on second reading at least six (6) days after first reading. Map amendments may be adopted or rejected for all or any portion of the property; however, a zoning district designation which was not included in the public notices shall not be adopted. An amendment may be withdrawn in writing by the initiator at any time prior to final action by Town Council. A withdrawn amendment is not subject to the twelve (12) month limitation in Section 1300-B; and
- I.** All amendments shall be noted and placed in the copy of the Zoning Ordinance maintained by the Zoning Administrator and in the official copy of the Town Code maintained by the Municipal Clerk. Map amendment shall be reflected on the official zoning map.

ARTICLE 14 VESTED RIGHTS

1400. Scope and Title

All applicable ordinances, municipal code sections, and regulations relating to zoning, planning and land development within the municipality are subject to this Ordinance, which shall be known as the Vested Rights to Develop Property Ordinance.

1401. Definitions

- A. Except as hereinafter set forth, the words, terms and phrases when used in this Ordinance shall have the meaning as set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004.
- B. “Site specific development plan”, in addition and as a supplement to the definition set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004, is further defined to mean those documents that comprise a complete application for a zoning permit, certificate of zoning compliance, variance, special exception, planned unit development, sketch plat or sketch plan, or other similar approval that authorizes the landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit.

1402. Establishment and Conditions of Vested Rights

- A. A vested right to develop property in accord with a site specific development plan is triggered upon the final approval of the site specific development plan by the final official or body of the municipality authorized to approve a site specific development plan and the payment to the municipality of all applicable established fees.
- B. Except as hereinafter set forth, a vested right established by this Ordinance is subject to the conditions and limitations as set out in Sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004.
- C. A vested right for an approved site specific development plan expires two (2) years after the date of final approval by the final official or body authorized to approve a site specific development plan.

- D.** No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and including phased development plans applicable to property proposed for annexation. An approved or conditionally approved site specific development plan is required prior to approval with respect to each phase of a phased development plan.
- E.** A vested site specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the then current provisions of the municipal zoning, planning, and land development ordinances, municipal code sections or regulations. Approval or conditional approval of an amendment does not re-set or re-start the expiration period of a vested right.
- F.** No sooner than three (3) months, and no later than forty-five (45) days prior to the expiration of the two (2) year vested right period for an approved site specific development plan, the landowner of property with a vested right in a site specific development plan may apply to the authorized official or body for an annual extension of the vested right. The authorized official or body must approve an application for an annual extension of the vested right unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval. No more than five (5) annual extensions of the vested right may be approved.

1403. Severability

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

1404. Effective Date

This Ordinance shall be effective upon the date of final reading approval.

**ARTICLE 15
APPENDICES**

Appendix 1 – Zoning Permit Fees

When an amendment to this ordinance is requested by an individual or parties other than the Town Council or the Planning Commission, a fee as indicated below shall be paid by the applicant or his representative for each application at the time the application is filed to cover administration and advertising expenses.

Fences, residential garages and residential outbuildings with an estimated value of less than

\$25,000 - \$10.00 ; greater than \$25,000 - \$20.00

Homes, commercial and/or industrial buildings or structures with a a contract price of less than \$100,000. - \$20.00; and \$20 per \$100,000. Thereafter.

Churches, schools, government or non-profit buildings - \$20.00

Zoning Map Amendment. A fee of fifty (\$50.00) dollars will be paid for the first lot of record or acre, and five (\$5.00) dollars for each additional lot or acre, whichever is greater, not to exceed one hundred (\$100.) dollars.

Text Amendment. A fee of fifty (\$50.00) dollars shall be charged for requested text amendments.

Special Exception. A fee of fifty (\$50.00) shall be charged for requests for special exceptions.

Variance. A fee of fifty (\$50.00) dollars shall be charged for requests for variances.

Appeals. A fee of fifty (\$50.00) shall be charged for all administrative appeals to the Zoning Board of Appeals.

– Ground Disturbance Fees

Collected by Lexington County – see County regulations