

**CHAPIN UNIFIED ZONING & DEVELOPMENT ORDINANCE
STEERING COMMITTEE MEETING
Council Chambers, Chapin Town Hall**

**October 3, 2023
3:00 P.M.**

AGENDA

Call to order

Freedom of Information Act Compliance

Approval of Minutes

1. September 21, 2023 Meeting Minutes

Discussion Items

2. Brief discussion of outstanding items from UDO Committee Meeting, September 21, 2023
3. Unified Zoning and Development Ordinance draft review
 - a. Article 8: Parking and Loading
 - b. Article 9: Signs
 - c. Article 10: Development Review Procedures
 - d. Article 11: Nonconformities
 - e. Article 12: Violations and Enforcement

Adjourn

**TOWN OF CHAPIN
UNIFIED DEVELOPMENT ORDINANCE COMMITTEE
MEETING MINUTES**

**Thursday September 21, 2023
3:00 P.M.**

Town Hall

Members Present: Planning Commission Members Rae Davis, Caleb Pozsik, Clay Cannon

Members Absent: Yvonne Hudson, Josh Edwards

Staff Present: Planning and Zoning Manager Kevin Singletary, Town Clerk Shannon Bowers, Town Administrator Nicholle Burroughs

Staff Absent: Mayor Al Koon

Call to Order: Chair Davis called the meeting to order at 3:02 p.m. She then determined there was a quorum and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Approval of Minutes: Member Cannon moved to approve the August 24, 2023 meeting minutes as presented. Vice Chair Pozsik seconded the motion. No further discussion, motion passed unanimously.

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|--------------------------|-----|
| Chair Rae Davis: | Yes |
| Vice Chair Caleb Pozsik: | Yes |
| Member Clay Cannon: | Yes |

New Business

Unified Zoning and Development Ordinance Draft Review, Article 5: Land Development Standards: The committee discussed including language to give the Town authority to require further planning infrastructure, including the ability for the Town to grant approval for utility lines, reference instances where Lexington County policies are adopted by the town or where Lexington County is the entity responsible, materials for development of crosswalks, including specifications to allow emergency vehicles a turnaround area (such as a cul de sac) in subdivisions, making sure there is an appropriate amount of open space for multi-family developments within corresponding zoning districts, changes to the amenity requirements (minimum amenities required), density requirements, and including town required infrastructure upgrades in addition to a traffic impact study.

7: Landscaping, Buffers, and Tree Preservation: The committee discussed requiring landscaping provisions, buffer requirements as they pertain to natural vegetation vs. landscaped buffers, and street buffers (subdivision entry as it relates to street buffers and location of street buffers).

8: Parking and Loading: The committee discussed including language for special event permit, language for pervious parking materials (limiting to parking areas/spaces), and parking space requirements as it relates to short term rentals/multifamily options.

Before adjournment, Administrator Burroughs went over the items that will need more review to be briefly discussed at the next meeting. Items included applicability of land development standards, where to allow ground utilities, street improvements, street classification table, sidewalks in commercial and multifamily districts, open space requirements for multifamily developments, and town required infrastructure upgrades.

Adjournment: Vice Chair Pozsik moved to adjourn the meeting. Member Cannon seconded the motion. Meeting was adjourned at 5:17 p.m.

UDO COMMITTEE APPROVED (Date): _____

Rae Davis, PC Chair

ATTEST: _____

Shannon Bowers, Town Clerk

DRAFT

Article 5 Land Development Standards

5. Land Development Standards

5.1. Purpose

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly and progressive development of land within the Town of Chapin. In furtherance of this general intent, the regulation of land development by the Town of Chapin is adopted for the following purposes, among others:

- To encourage the development of an economically sound and stable community;
- To ensure the timely provision of required streets, utilities, other facilities and services to new land developments;
- To ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- To ensure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation and other public purposes; and
- To ensure, in general, the wise and timely development of new areas or redevelopment of areas in harmony with the adopted Town of Chapin Comprehensive Plan.

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5.2. **Applicability**

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5.2.1. The following development shall comply with the improvement requirements in this article:

- a. The developer, owner, or applicant shall be responsible for the improvements required with all new, significantly improved, or expansion of development that require Minor (Section 10.8) or Major Subdivision Review (Section 10.9).
- b. New development and significantly improved as required for Major Architectural Review (Section 10.6)

5.2.2. The applicant shall be responsible for the installation and construction of required improvements according to the provisions of this ordinance, except as may otherwise be specifically provided herein or by Town policy or agreement.

5.2.3. Approval of a final plan and/or plat shall be subject to the applicant having installed the improvements designated in this article, or having Improvements Guarantee to the satisfaction of the Town and Lexington County for installation of said improvement(s).

5.3. General Requirements

5.3.1. Street Improvements: Land designated for public or private streets shall be cleared and filled in accordance with the latest edition of the "South Carolina Standard Specifications for Highway Construction", South Carolina State Highway Department, or as determined appropriate by Lexington County or authority having jurisdiction.

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- 5.3.2. Water and Sewer Facilities: Water and sewer facilities shall be provided in accordance with the standard procedures and policies of the Town, the Department of Health and Environmental Control (DHEC) and by the water and sewer provider, if different from above.
- 5.3.3. Utility Lines: All utility lines within a development site shall be installed underground, ~~In some instances utility lines may be permitted above ground by the Administrator such as; development in Rural Zoning Districts (RA and RR),...~~ When it is found to be necessary and desirable to locate public utility lines in a location other than street right-of-way, easements shall be shown on the plat for such purposes. When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced. Such easements shall be not less than twenty (20) feet along rear property lines and fifteen (15) feet alongside property line, subject to the approval of the authority having jurisdiction, and, where possible, shall be centered on rear and side lot lines.
- 5.3.4. Natural Gas: When gas lines are located in a street right-of-way, where possible, such lines shall be located outside the portion of the street to be surfaced to prevent cutting into the paved surface to serve abutting properties.
- 5.3.5. Improvement of Existing Substandard Conditions: Where the existing right of way is substandard, the developer shall be required to dedicate the appropriate amount of right-of-way (as measured from the centerline of the existing street) as well as install all noted sidewalk zone improvements including expanded sidewalks and street trees, lighting, storm drain improvements and street furniture as a part of the development process.
- 5.3.6. Flood Hazard Areas: In accordance with the Lexington County Flood Prevention Ordinance, any development that contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed development of the land, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin. In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches, or impounding basins are made to prevent any appreciable expansion of flood hazard area.
- 5.3.7. Storm Drainage: An adequate drainage system, including necessary improved open channels, pipes, culverts, storm sewers, intersection drains, drop inlet, bridges, and other necessary appurtenances shall be installed by the developer and shall be according to plans and specifications approved by the Lexington County Stormwater Management Division.

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- 5.3.8. Surveying and Engineering
 - a. Installation of Permanent Reference Points: Permanent reference points shall be placed in accordance with the following requirements:

1. General Standards: Boundary surveys shall be performed, in accordance with the state minimum standards published by the State Board of Registration for Professional Engineers and Land Surveyors, unless more stringent requirements are specified. A minimum of two points in any survey must be tied to the state plane coordinate system. The survey may be done on the horizontal ground distance and tied back to the state plane coordinates.
2. Control Monuments: Vertical control monuments shall be placed in or near the centerline of pavement of subdivision streets at a minimum of 1 per 4 acres. Where practical, control monuments shall be placed at points of curvature and points of tangency of curves. The control monument may be poured on the job or be a concrete marker of the type commonly used in the area: at least 3 feet long and tapered with a 12-inch long, 1/4-inch diameter brass or bronze rod embedded in the top. Control monuments shall be placed in a cast iron water main valve type box with a cover flush with the pavement.
3. Property Marker: A steel or wrought iron pipe, rebar, or the equivalent, not less than 0.5 inches in diameter and at least 24 inches in length shall be set at all property corners and points of curves, except those located by monuments. They shall be flush with the ground.
4. Accuracy: Land surveys within the Town limits shall be Class A surveys, set at an accuracy of at least 1:10000.

5.3.9. Improvement Guarantees

- a. Types Allowed: Prior to approval of a Final Subdivision Plat the applicant shall provide a performance guarantee to ensure the completion of required improvements within a period of time as agreed upon by the Administrator and/or Lexington County Engineer and the applicant. The period of time shall be expressed in the guarantee. Such guarantee may be in the form of a performance bond, a surety bond, a cash deposit, or a letter of credit. A performance guarantee shall be posted in the amount of 125% of the total cost of improvements, or in an amount otherwise approved by the Administrator and/or Lexington County Engineer.

1. Performance / Surety Bonds and Letters of Credit: The performance or surety bond, or letter of credit, shall be in a form acceptable to the Town. It shall include a pledge by the bank, insurance company or other bonding/lending institution that the funds necessary to carry out the terms of the agreement are guaranteed for payment, and will be released only upon receipt of written instruction from the Town.
2. Cash Deposits: If surety is in the form of a cash deposit with the Town of Chapin, proportional parts thereof shall be refundable in relation to progress payments less retainage, subject to approval of the Town and subject to a minimum deposit balance of 25% of the project cost.
3. Maintenance Guarantees for Private Streets: If the applicant completes all required improvements and complies with all conditions of the

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subdivision agreement as determined by Lexington County, the remainder of monies retained by a financial institution may be released to the applicant or his successor in title. Prior to release, the applicant shall provide Lexington County, prior to the issuance of any building permit, a performance bond, a surety bond, or a cash deposit equal to the amount determined by Lexington County that would ensure the repair of any damage to the existing improvements during the course of any construction, but in no case will the amount of the security be less than \$1,000 for each individual building lot. Prior to the issuance of any certificate of occupancy, Lexington County shall determine whether any breakage or damage has occurred. If no damage to any off-site improvements has occurred, then Lexington County may release the security to the applicant or his successor in title. If any damage has occurred, all such damages shall be repaired, the County may draw on the security before it is released.

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5.3.10. Street Layout Standards

a. **General Standards:** All streets, which shall hereafter be established in connection with the development of a subdivision, shall comply with the following design standards:

1. The layout of the streets as to arrangement, character, width, grade, and location may be required to conform to the Town's Master Plan, Official Maps, Comprehensive Plan, and other adopted plans involving transportation infrastructure.
2. Connectivity between compatible uses and adjoining street systems to reduce curb cuts on major thoroughfares and encourage local traffic to use alternative routes on local streets. Compatible uses are uses of similar intensity and characteristics permitted in similar zoning districts, as determined by the Administrator.
3. Where a subdivision abuts or contains an existing or proposed collector or through street, the Planning Commission may require marginal access streets, reverse frontage with screen planting, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to create separation of through and local traffic.
4. Roads of an existing subdivision shall not be used as the sole means of ingress and egress in developing any new subdivision, minor or major, or extending an existing one unless granted by the Planning Commission. If, in the judgement of the Planning Commission, the increased traffic and noise would create a safety hazard or otherwise be detrimental to residents of the existing subdivision, additional access shall be provided.

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b. Continuation of Existing Street Pattern

Wherever topography will permit, the arrangements of streets in a subdivision shall provide for the alignment and continuation or projection of existing streets in adjoining areas. This [requirement](#) is to mean [to enhance the interconnectivity of adjacent subdivision developments and existing street networks, to promote alternative routes to local traffic.](#)

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c. Block Sizes

[All subdivisions shall be in](#) compliance with the following provisions:

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

2. **Residential Blocks:** the length of residential blocks hereafter shall not exceed fourteen hundred (1400) feet or be less than **five** hundred (500) feet from corner to corner. Provided, however, such length requirements may be modified when appropriate due to the topography or physical shape of the property being subdivided. The width of any residential block shall be sufficient to permit two (2) tiers of lots, where topography and land ownership permits, except as otherwise provided in these regulations.

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3. **Crosswalks:** When any type of block exceeds **five** hundred (500) feet, crosswalks for pedestrians shall be required. The Planning Commission may grant relief to this requirement if there are sufficient crosswalks and alternate routes for pedestrian circulations within the site. When required, such right-of-way shall not be less than ten (10) feet wide and improved to include a concrete, asphalt or other approved surface sidewalk six (6) feet wide and four (4) inches thick.

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d. Connectivity to Adjacent Properties

New developments shall connect to any existing street stubs from adjacent properties and stub to all adjacent properties. Street stubs shall continue the existing street pattern if applicable.

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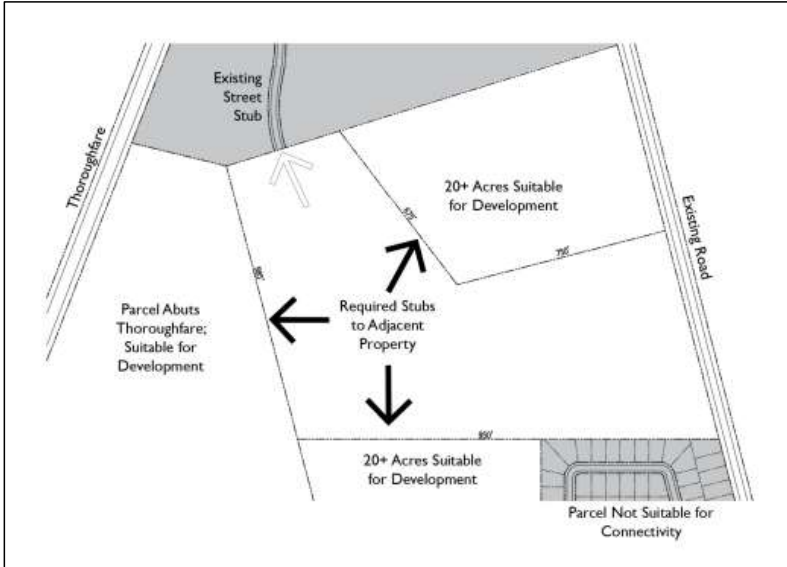
1. Exemptions: Street stubs shall not be required where the conditions listed below would prevent connections:

- a. Topographical conditions (pre-development slopes of 18% or greater)
- b. Environmental conditions (marshes, floodplains, etc.)
- c. Property shape
- d. Property accessibility (existing platted subdivision with no stubs)
- e. Incompatible adjacent land uses

2. Location: Where multiple connection opportunities exist, street stub connections shall be prioritized in the site design as follows:

- a. Adjacent parcels 20 acres or greater in size.

- b. Adjacent parcels that abut or are traversed by existing or proposed streets.
- c. To minimize overall access points along an arterial or collector street.



*Source: Summerville, SC Unified Development Code.

- 3. Design: Stub streets and streets intended for extension during future phases shall be constructed to extend to the property line or as close to the line as practical. It shall be the responsibility of the second development to construct the connection to an existing stub street. Stub streets shall not exceed 150 feet in length without a paved turnaround (permanent or temporary)
- 4. Adjacent Parking Areas: Where most feasible, parking areas that are adjacent to each other shall be connected to limit curb cuts and access points along the public right-of-way. This connection shall have a maximum width of 24', with two 12' wide travel lanes.

e. Cul-de-sacs and Dead-End Streets

~~As they can restrict opportunities for interconnectivity for local vehicular and pedestrian traffic, dead end Streets and Cul-de-sacs~~ are strongly discouraged ~~from being~~ a dominant feature within a development site. Dead end street and Cul-de-sacs shall be considered and approved by the

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Planning Commission during the preliminary plat stage. If a dead-end street or cul-de-sac is proposed, it shall be subject to the following:

1. Permanent dead-end streets shall be no longer than 500 feet and shall be provided with a turnaround such as a cul-de-sac or "T" turnaround.
 - a. Cul-de-sacs and "T" turnarounds shall be designed to accommodate the turn radius of emergency vehicles.
 - b. "T" turnarounds shall be used when adjacent to another property to permit future interconnectivity. No structure, driveway, or the like shall be positioned so as to inhibit connectivity to the "T" turnaround stub.
2. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal.
3. Half streets are prohibited along property lines, entire street right-of-way shall be platted within the proposed subdivision.
4. The Planning Commission may require the reservation of an access easement at the terminus of a cul-de-sac so that connections to existing or future pedestrian trails or street stubs may be established, if not possible elsewhere on the site.

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5.3.11. Street Design Standards

a. General

When a development creates new streets, they shall be subject to the street design standards of this section. The Planning Commission, in coordination with Lexington County and SCDOT when applicable, shall approve the street design, location, and classification during the review of the preliminary plat in the Subdivision process (Section 10.9). The following are general standards for the design of roadways:

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1. SCDOT Standards: Intersection sight distance on major thoroughfares shall be determined by the SCDOT. Grades on major thoroughfares shall be established by the SCDOT. On major thoroughfares, the centerline radius of a curvature shall be determined by the SCDOT. In the event of any conflicts or contradictions, Administrator shall use the ARMS Manual by SCDOT, or defer to Lexington County Engineer, or authorized representative from SCDOT, as appropriate.
2. Traffic Control devices: Signs and/or signals, shall be installed by the Developer as deemed appropriate by Lexington County, its agencies and/or SCDOT. The authority to require traffic control devices may be exercised by the Town at any time during the approval process.
3. Street Jogs: Street jogs shall be avoided, unless approved or recommended by SCDOT or Lexington County.
4. Naming of Streets: Streets that are extensions of, or obviously in alignment with existing named streets, shall be a continuation of that street, and bear that name. The name of new streets shall be subject to

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the approval of the Planning Commission and shall comply with the Lexington County Addressing and Road Naming Ordinances. Street name signs shall be installed at all intersections. The location and design of such signs shall be approved by the Planning Commission and Lexington County.

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5. Split Level Streets: Streets which are constructed to have two traffic ways, each at different levels within the same right-of-way, shall provide a paved traffic surface of at least twenty (20) feet on each level and a slope between the two traffic ways of three to one (3:1) or flatter

6. Intersections: The centerline of no more than two (2) streets shall intersect at any one point. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than sixty (60) degrees (angles of intersection to be measured at the intersection of street centerline). Curved streets shall have a minimum tangent of one hundred (100) feet at intersections.

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7. Nonconforming Right-of-ways: Proposed developments which include an existing platted street that does not conform to the minimum right of way requirements of these regulations shall provide additional width along one or both sides of such street so that the minimum right of way required by these regulations is established. Developments abutting only one side of such street shall provide a minimum of one half, measured from the centerline of the existing right of way, of the right of way required by these regulations.

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b. Street Sections

During review of the sketch plan/preliminary Plat, the applicant shall identify all proposed streets and existing street classifications on the site plan. The applicant will be required to install all improvements within the development site. All private and public streets are subject to the requirements within this section and the requirements for Lexington County.

| Street Classifications | Right-Of-Way (Min/Max)* | Travel Lane Width (Min/Max) | On-street parking** | Planting Strip (both sides of street) | Sidewalk |
|--|-------------------------|-----------------------------|---------------------|---------------------------------------|----------|
| 1. Residential or Light Commercial Collector | 50'/66' | 12/16.5' | N/A | 4' | 4' |
| 2. Residential Local | 50'/60' | 11/12'' | Determined by PC | 4' | 4' |
| 3. Private Commercial | 50'/60' | 11'/12' | Determined by PC | 4' | |

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|------------------------------------|---------|-------|------------------|-----|-----|
| 4. Private Residential | 50' | 10.6' | Determined by PC | 4' | |
| 5. Downtown Street | 50'/60' | 24' | Required | 4' | 10' |
| 6. Private Rear lane (Residential) | 20' | 10' | Determined by PC | N/A | N/A |
| 7. Private Alley (Commercial) | 24' | 12' | N/A | N/A | N/A |

*Right-of-way widths shall not conflict with SCDOT standards

**All parking spaces shall comply with parking space dimensions in Parking Section.

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*Example Street Section, Source: City of Buffalo, NY - Unified Development Ordinance

1. **Additional Standards for Streets:** The intent of the Town’s street design standards within the UDO is to not conflict with the street design requirements of the Lexington County Public Works Department. In addition to the above table, private, local, and collector streets as described in the above table shall comply with street grade, horizontal curves, and intersection sight distance as required by SCDOT or Lexington County.

c. Sidewalks

1. **General Standards:** Sidewalks shall be installed and shall be constructed on both sides of streets and to the specifications of Section 5.3.11.b. Sidewalks shall be constructed within the street right-of-way or public access easement, as reviewed and approved by the Town and Lexington County. Sidewalks shall be a minimum of 4 feet wide unless otherwise noted.
2. **Timing of Sidewalk Construction:** To ensure that all street improvements are constructed prior to the completion of a project, Sidewalk as required by Section 5.3.11.b, must be constructed before each house or structure receives a final Certificate of Occupancy or, if the street is already constructed, prior to acceptance or approval of all

improvements. This intent of this section is not to require the construction of a sidewalk at a time where permitted activities damage or otherwise impact the sidewalk. This does not apply to pedestrian paths or trails that will be provided outside of the normal right-of-way.

3. **Existing Sidewalks:** Where existing sidewalk abuts an area where new sidewalk is to be developed, the new sidewalk shall be the same width as the existing sidewalk if the existing sidewalk exceeds the standards in Section 5.3.11.b. In cases where it is appropriate, a new sidewalk may be permitted to taper down to the minimum width in Section 5.3.11.b. over a distance determined and approved by the Planning Commission.
4. **Commercial and Multi-Family Developments:** Within commercial areas and places with high pedestrian volumes, sidewalks should be designed to meet the anticipated pedestrian/traffic volume as well as accommodate outdoor seating. Multi-family and commercial developments shall provide sidewalks for interior movement of pedestrians and for interior to connect to public sidewalk system, as required by [Section 8.6](#).

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d. Street Tree Planting Requirements

1. **Planting Areas:** Planting strips in accordance with cross sections in Section 5.3.11.b.
2. **Location and Number:** Street trees shall be planted at forty (40) foot intervals within five (5) feet of the street right-of-way on both sides of the street, but must be outside the right-of-way. Street trees shall be installed within the planting strip between the sidewalk and the curb of a street to ensure that the trees provide adequate shade and protection from vehicular traffic. Street trees may also be located in other locations, such as within public access easements, where practical and as determined by the Planning Commission during the review of the Preliminary Plat
3. **Applicable to TC and VC:** Street trees may be installed within tree wells, and shall be installed to replicate existing spacing patterns of street trees. The Administrator, in coordination with Lexington County or SCDOT, shall determine the appropriate spacing of street trees.
4. **Tree Species:** Diverse species of street trees from the [canopy category of the Town's Approved Tree Species List](#) shall be used. The [local conditions including but not limited to](#), soil, and irrigation [shall be used to inform the species planted](#).
5. **Minimum Tree Size:** At the time of planting, small maturing trees should be 2.5-inch caliper, with the lower side of the crown a minimum of 6 feet above grade to avoid hazards to pedestrians.
6. **Tree Wells:** Tree size and longevity is directly related to soil volume and quality; projects where tree wells are utilized will be evaluated on an individual basis to determine the ideal size of the tree well for the

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application and context in an attempt to maximize volume. Where possible with new construction, a continuous trench of soil (even underneath hardscape) should be provided for root growth.

- 7. **Root Barriers:** To ensure the protection of the street ~~trees'~~ root system, as well as utility lines and paved surfaces, all street trees shall be installed with root ~~barriers.~~

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e. Street Lighting

- 1. **General Standards:** It is the intent of the town to have well-lit streets for cars and most importantly for the safety and comfort of pedestrians. Lighting shall be placed such that it is well coordinated with the expected canopy of street trees. Standard 15,000 lumen H.P.S street lights shall be installed, and appropriately shielded to prevent light spillover to adjacent properties ~~and light pollution.~~ The Town of Chapin will require street lights to be installed at a minimum ratio of one light for every six units or 200' whichever is less in residential developments. In nonresidential developments, ~~one light per 175'~~ as measured by street length. The maximum height for street lights is 25'. Lighting plans with fixture designs and schematics shall be submitted and approved prior to installation.

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- 2. **Maintenance and Ownership:** The developer shall be responsible for the operating cost of said lights at the standard rate subject to the rate and class of service approved by the South Carolina Public Service Commission.

f. Exceptions

- 1. The Town recognizes that the required street sections and streetscape may not always be constructed as prescribed in this article. Reasonable relief may be granted by the Planning Commission if the connection to an existing right-of-way or construction of a new right-of-way encounters any of the following constraints:
 - a. Insufficient existing street right-of-way
 - b. Topographic features
 - c. Conflict with SCDOT or County road project
 - d. Legal constraints

5.3.12. Street Access Standards

- a. **Applicability:** Any development that requires an access point (rear alley/lane or driveway) for purposes of ingress and/or egress shall be subject to the provisions of this section. All new accesses must be approved by the appropriate permitting authority. The Town encourages developments that limit and/or combine access points to prevent high concentrations of access points along main roads.
- b. **Maximum Number:** For single-family, two- and three-family dwellings, only one driveway shall be permitted per lot. In Rural Districts (RA, RR) and Suburban Residential Districts (SR), circular driveways may be permitted on lots greater than 100 feet in width. The maximum width for driveways in

residential areas is 16'. Commercial driveways may have two lanes, ingress and egress, each 12' in width, unless otherwise required by SCDOT. For double frontage lots, one curb cut per street may be permitted. For all other building types, the maximum number of driveways allowed for any property is outlined in the table below:

| Table 5.3.12.b | |
|------------------|---|
| Frontage Width | Maximum Permitted Driveways per Street Frontage |
| Up to 150 feet | 1 driveway |
| 150 feet or more | 2 driveways |

c. Locations and Spacing

1. **Street Intersections:** No curb or other access point shall be located closer than 20 feet from the intersecting point of the 2 street right-of-way property lines involved. No curb or other access point shall be closer than 25 feet from the intersection of the 2 curb lines involved.
2. **Spacing:** All access points shall have a minimum separation from certain features as follows:

| Table 5.3.12.c.2 Access Point Locations and Spacing | |
|---|--------------------|
| Feature | Minimum Separation |
| Adjacent Property Line (except shared driveways) | 5ft* |
| Another curb cut on local street | 25ft** |
| Less than 35 mph | 200ft** |
| 40 mph | 250ft** |
| 45 mph | 300ft** |
| 50 mph | 400ft** |
| 55+ mph | 500ft** |
| *May be waived or reduced by the Planning Commission in certain cases during preliminary plat review if not in conflict with a required buffer as described in Article 7. | |
| ** As measured from centerline of the driveway or street | |

5.4. Open Space

5.4.1. General Standards

The Planning Commission shall require that open space be reserved for active or passive recreation where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography and general access for the particular purposes envisioned by the Planning Commission. These areas shall be shown on the Plat and marked "reserved for recreation open space".

To ensure the orderly development of the community, the subdivider may be required by Town Officials or the Planning Commission to reserve and negotiate to sell needed spaces for parks, schools, fire stations and playgrounds, as required by local governmental units, for a period not to exceed thirty (30) days

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from the date of submission of the Sketch Plan. The reservation period may be extended for one (1) additional thirty (30) day period if a governmental unit files with the Planning Commission a written statement indicating a desire to negotiate.

5.4.2. Amount of Open Space Required

Development subject to these standards shall provide open space set-asides in an amount that meets or exceeds the minimum area in Table 5.4.2.a: Required Open Space, based on the use and the zoning district where the development is proposed. Open space requirements are calculated based on the acreage of the entire property involved in a development application. If there is a conflict with the requirements herein, this article shall govern.

a. Required Open Space

| Table 5.4.2.a: Required Open Space | | | |
|---|-------------------------|-------------|-----------------------|
| Size of Development* | Minimum Open Space Area | | |
| | Less than 10 acres | 10-15 acres | Greater than 15 acres |
| District | | | |
| Agricultural (RA or RR) | 50% | 50% | 50% |
| Suburban Residential (SR1, SR2, & SR3) | 20% | 20% | 25% |
| Town Residential 1-2 (TR1 and TR2) | 10% | 10% | 15% |
| Town Residential 3 (TR3) | 10% | 20% | 25% |
| Village Commercial (VC) | 5%** | 5%** | 10%** |
| Town Center (TC) | Exempt | 5%** | 10%** |
| Commercial (CC, IC, OC) | Exempt | Exempt | Exempt |
| Public or Institutional (PI) | 5% | 5% | 5% |
| Industrial (LI) | Exempt | Exempt | Exempt |
| <p><i>*This shall include the total area of a development, including properties involved in future phases (i.e. The entirety of all property(s)) Example: A 10-acre property that is being subdivided for a residential development within an SR1 Zoning District must allocated 20% or (2 acres) to one or more of the open space types in Section 5.4.3.</i></p> <p><i>**Shall consist of public, or quasi-public, spaces for either pedestrian connections, plazas, or other on-site amenities as determined by the Planning Commission.</i></p> | | | |

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b. Specific Requirements for Major Subdivisions

1. Amenity Centers: It is the intent of this section to provide residents of sizable residential subdivisions with quality amenities that add to the livability and quality of life. Depending on how many lots are within a residential subdivision, an amenity center shall be required. The amount of area allocated to open space shall comply with the percentages in Table 5.4.2.a. The Town classifies four types of amenity centers, the requirements for each and their applicability are as follows:

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- a. Basic Amenity Area
 - i. Number of Lots: 10 to 49
 - ii. Open Space Type: Each development shall include a walking trail (pervious or impervious), or connection to existing trail. A covered picnic area with a minimum of 2 tables and a designated area for recreation.
- b. Standard Amenity Areas
 - i. Number of Lots: 50 to 149
 - ii. Open Space Type: A park of a naturally beautiful space and/or landscaped environment, including sitting areas, picnic tables, and potentially covered spaces, and/or a play area within a park setting including swings, jungle gym, or other similar features. Specific features shall be determined by Planning Commission during preliminary plat review. Shall have an improved trail within the development and connect to adjacent trails if applicable.
 - iii. Recreation Facility: One type of sport court or field is required. Examples include basketball, tennis, volleyball, pickleball or tennis court, disc golf course, or other outdoor sport court or field greater than 1,743 sq. ft.
 - iv. Gated Boat Storage: If the development has water access to Lake Murray, sufficient space shall be provided for the dry storage of boats and boat trailers. The structure or area dedicated to boat storage shall have sufficient landscaping around the perimeter of the gated area, to be determined by the Planning Commission. Additionally, this area shall have a Type B buffer, as described in Section 7.5 when adjacent to a residential lot.
 - v. Covered school bus pick up
 - vi. Mail Kiosk: [If required by the United States Postal Service, cluster-style mailbox kiosk's shall be subject to the design standards of the USPS.](#)
- c. Enhanced Amenity Areas
 - i. Number of lots: 150 - 299
 - ii. Open Space Type: Two (2) play areas within a park setting, including swings, jungle gym, or other similar features, as determined by Planning Commission during preliminary plat review. Play areas shall be equally spaced and should be no more than 1,200' linear feet from each other. Shall have an improved trail within the development and connect to adjacent trails if applicable.
 - iii. Recreation Facility: One type of sport court or field is required. Examples include basketball or tennis court, disc golf course,

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- volleyball, ~~pickleball or tennis court, disc golf course, or other outdoor sport court or filed greater than 1,743 sq. ft.~~
- iv. Clubhouse: Minimum of 1600 square feet, including an indoor amenity such as a gym, sauna, and bathrooms or other similar community amenities.
- v. Swimming Pool: Minimum of 1800 square feet. Perimeter of the pool area shall be landscaped and included in the overall landscape plan.
- vi. Covered Bus Stop: (replicated from above)
- vii. Mail Kiosk: (replicated from above)
- d. Major Amenity Areas
 - i. Number of lots: 300 or more
 - ii. Open Space Type: One play area per 150 lots that are not separated by 1,200' as measured by walking distance along a sidewalk or trail. Play areas shall be developed within a park setting, including swings, jungle gym, or other similar feature as determined by Planning Commission during preliminary plat review. Shall have an improved trail within the development and connect to adjacent trails if applicable.
 - iii. Recreation Facility: Two types of sport court or field ~~are~~ required per 300 lots. Examples include basketball or tennis court, disc golf course, volleyball, ~~pickleball or tennis court, disc golf course, or other outdoor sport court or filed greater than 1,743 sq. ft.~~
 - iv. Clubhouse: Minimum of 1600 square feet, including an indoor amenity such as a gym, sauna, and bathrooms or other similar community amenities
 - v. Community Facilities: The applicant shall consider space for community facilities such as police and sheriff stations, fire stations, schools, libraries, and other community services due to the size of the development. The Planning Commission may request that the applicant provide correspondence as part of the record to ensure that these community services have been contacted.
 - vi. Covered Bus Stop: (replicated from above)
 - vii. Mail Kiosk: (replicated from above)
 - viii.
- e. Exceptions
 - i. Additional or Non-Listed Amenities: Other types of amenities may be submitted to the planning commission for consideration to replace one of the required amenities listed above. Any open space types in Table 5.4.3.a may be substituted for a similar feature within this section if approved by the Planning Commission.

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- ii. Extensive Single-Type Amenities: An open space amenity of greatly significant size, of a single type, or combination thereof, may be considered by the PC for meeting the entirety of the open space requirements for a development. Such as; a golf course country club, a tennis complex, a large park and trails system.
- iii. Conflicts: Any conflicts with other regulations within this ordinance shall be resolved by the Planning Commission. If there are conflicts with existing topographical features, utilities, easements, or other type of hardship, a variance to these requirements may be submitted.

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5.4.3. Areas Counted Toward Open Space Requirement

- a. The features and areas identified as counting toward open space shall be credited towards compliance with the amount of open space required in accordance with Section 5.4.2.a above.

Deleted: Variances to these provisions shall have a recommendation by the Planning Commission first prior to the hearing by the Zoning Board of Appeals.

| Open Space Type | Description |
|----------------------------|--|
| Parks | A large public green area <u>dedicated for use recreation or gatherings. Area is designed and landscaped.</u> |
| Plaza | An open space that may be improved, landscaped, or paved, usually surrounded by buildings or streets. |
| Square | Open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscaping consisting of paved walks, lawns, trees, and civic buildings |
| Playground | A land use designed principally to offer recreation, passive or active, to the public, <u>particularly children, with the use of structures and or equipment.</u> |
| Community Garden | A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by the surrounding community. |
| Pedestrian Passageway | A publicly accessible path that navigates between buildings or developments to encourage pedestrian movement. |
| Greenway | A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas. |
| Trail, or Trail Connection | A way designed for and used by equestrians, pedestrians, and cyclists using nonmotorized bicycles, sometimes a part of a local or regional system, <u>through a natural space(s) and/or landscaped area.</u> |

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- b. The following areas shall not be counted as open space set-aside areas:
 - 1. Private yards not subject to an open space or conservation easement;
 - 2. Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements,

3. Required buffer that is inaccessible to all residents and not intergrated with an accessory to open space features of Table, 5.4.3.a.
 4. Open parking areas and driveways including parking lot landscaping;
 5. Land covered by structures, unless accessory to open space features of Table 5.4.3.a;
 6. Outdoor storage areas, boat storage facilities; and,
 7. Stormwater ponds not located and designed as a site amenity (e.g., with low fencing, trails, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating) and surrounding areas.
- 5.4.4. Location
Open space shall be located within the development site and be easily accessible and useable by occupants and users of the development. Where possible, a portion of the open space should provide focal points for the development through prominent placement or easy visual access from streets.
- 5.4.5. Configuration
- a. Open space shall be compact and contiguous unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features.
 - b. If the development site is adjacent to existing or planned public trails, parks, or other public open space area, consideration should be given to adjoining, extending, and enlarging the trail, park, or other public open space area.
- 5.4.6. Ownership and Management
- a. All open space areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.
 - b. Responsibility for managing and maintaining open space rests with the owner of the land. Failure to maintain open space in accordance with this Section and the development approval shall be a violation of this Ordinance.
 - c. Open space areas may be considered by the Town for rezoning to as Parks & Open Space (PO).
- 5.4.7. Exemptions
The following development is exempted from the standards in this Section:
- a. Residential development that creates fewer than 10 dwelling units;
 - b. Utility Uses;
 - c. Agricultural Uses; and
 - d. Industrial Uses
- 5.5. Alternative Development Patterns

5.5.1. Purpose: The alternative development options of this section allow for variety in development standards while maintaining the overall character of a neighborhood. These options have several public benefits such as:

- a. ~~A~~llow for development that is more sensitive to the environment;
- b. ~~A~~llow for the preservation of open and natural areas;
- c. ~~P~~romote better site layout and opportunities for private recreational areas;
- d. ~~P~~romote opportunities for workforce housing by allowing for a mixture of lot and building sizes, and
- e. ~~P~~romote energy-efficient development.

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5.5.2. Applicability: The developer or applicant desiring to use these alternative development patterns within this section shall comply with the Major Subdivision application requirements.

5.5.3. Conflict With Other Regulations: If there is a conflict between the requirements for alternative development patterns and any other requirement of this Ordinance, the standards of this section take precedence, otherwise these alternative development patterns are subject to all other applicable requirements of this Ordinance.

5.5.4. Conservation Subdivision

a. Purpose: The use of conservation subdivision design seeks to optimize land use in and around the Town of Chapin, while maintaining a balance between the preservation of agriculturally, environmentally and historically significant areas and allowing reasonable and sustainable growth to continue in the Town. New development shall avoid disturbance of areas or elements defined as "sensitive" or "significant". The use of conservation subdivision design shall not be required, but is encouraged for use on residential subdivisions:

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- 1. Located in areas where conservation of undeveloped and/or agricultural land is desirable, feasible, and meaningful to the preservation of natural, rural, and agricultural places.

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b. Application: The developer/applicant shall supply a completed subdivision application (Section 10.9, Major Subdivision) to the Administrator which shall include a draft of the conservation easement for the portion of the property that will remain as permanent open space or agricultural land and a fully dimensioned site plan, drawn to scale, which shall demonstrate, delineate, and label all of the following:

- 1. Topography, including areas to be graded, earth movements, drainage provisions, existing contour lines and any proposed new contour lines and any other significant topographical features.
- 2. The location and type of sensitive areas deemed to be of agricultural, environmental, or historical significance, as defined in Appendix I: Definitions of this Ordinance. All construction contracts shall include

language protecting sensitive areas, agricultural land, areas of conservation, and areas containing sensitive elements.

3. The location and type of all proposed areas to be preserved as open space or agricultural land, including areas of mitigation and preservation. These areas shall be marked for identification upon site inspection.
4. Existing zoning, land use(s), and approximate density of residential uses.
5. Septic or waste water provisions as provided by SCDHEC.
6. For areas of agricultural preservation, a buffer strip of at least seventy-five (75) feet must be delineated. When possible, existing woodlands should be used, if not, a variety of rapidly growing indigenous trees and shrubs should be planted thickly in the buffer strip.
7. Any other provisions not specifically required or excluded herein, as required by this Ordinance.

c. Density: The Town of Chapin Planning Commission may modify the minimum lot sizes required by that zoning district per conservation subdivision, to allow for a higher density of units in the development, in order to conserve open space.

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d. Open Space Requirements: A minimum of fifty percent (50%) of the land development area must be designated as permanent open space.

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1. Ownership of Open Space: Shall be protected by a conservation easement held by the homeowner's association, local conservation commission, land trust, or Town of Chapin that is approved by the Town Council, and duly recorded in the office of the County Registrar of Deeds. The owners of the open space are responsible for the payment of any taxes, upkeep, insurance, and any other responsibilities associated with "ownership" of the land.

Deleted: <#>Density Bonuses: Density bonuses may be awarded to developers who dedicate land for public use, such as trails and parks. Additionally, density bonuses may be awarded for the provision of affordable or workforce housing for low to moderate income families. ¶

Deleted: <#>Density bonuses up to an extra 4 du/ac per 10% of open space over the requirement. ¶

2. Usable Open Space: At least half of the required open space shall be useable for agricultural or passive, low-impact recreational purposes, as determined by the Planning Commission. Open space shall be in such location that it allows for connection to adjacent undeveloped properties, and/or open spaces.

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e. Final Plat Requirements

1. In addition to the final plat requirements conditioned by subdivision approval by the Planning Commission, and requirements in Article 10. Included with the final plat, the subdivider shall submit a Developers Agreement regarding the liability for and maintenance of the open space. In addition, the developer must include a conservation easement/open space covenant protecting the open space from any further development.

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5.5.5. Commercial or Industrial Subdivision
a. Purpose and Intent

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Any appeals to the decision regarding this section shall follow the appeal process outlined for subdivision applications (Article 10). ¶

In order to prevent creation of traffic hazards, insure the provision of off-street parking and provision of necessary utilities, plans for Commercial Subdivisions such as shopping centers, industrial parks, and mixed-use areas where the site is, ~~or is~~ not, subdivided into lots and public streets, ~~is, or is not~~, retained in one ownership, the site plan shall be submitted to the Planning commission for review and approval. ▼

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b. Types of Commercial Subdivisions

Commercial subdivisions shall be considered Major Subdivisions and shall be review by the Planning Commission. Commercial subdivisions typically involve, but are not limited to, the following:

1. Group commercial or industrial developments consist of more than one commercial or industrial structure erected on a single lot ~~or property~~.
2. Commercial or industrial developments that plan to combine and redevelop existing parcels for multiple or future building sites.
3. Commercial development involving the dedication of private easements, outparcels, shared access, and other common ownership or maintenance.

c. Application Process: The developer/applicant shall supply a completed subdivision application (Section 10.9) to the Town of Chapin. In addition, the following shall be required, unless otherwise determined by the administrator:

1. Site Analysis consistent Section 10.3.1.a
2. Site Plan consistent with all relevant information detailed in Section 10.3.1.c.
3. Traffic Impact Study consistent with the requirements of Section 5.6
4. Construction Documents consistent with Section 10.3.1.d.

d. General Standards for Commercial Subdivisions: In addition to other requirements within this Section, the applicant shall demonstrate compliance with the following:

1. Conformance with Ordinance: The submitted applications shall be compliance with standards and requirements for parking, signage, setbacks, spacing between buildings, residential area requirements, screening, buffers, and landscaping for Commercial Subdivisions.
2. Water, Sewer, and Drainage: Adequate provisions for water supply, sanitary sewerage, and storm drainage shall be installed by the developer according to the plans and specifications approved by the proper authorities.
3. Access and Egress: shall conform to the Driveway Regulation of the South Carolina Department of Transportation, the Town of Chapin's

Unified Development Ordinance (UDO), and the Traffic Impact Study findings.

4. **Enforcement:** No building permits shall be issued and no connection to a public water system or public sewer system shall be made until the construction drawings for the Commercial Subdivision are approved by the Planning Commission and indicated on prints of the development plan.

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5.5.6. Planned Developments (PD)

- a. **Purpose and Intent:** The PD is intended to encourage innovative land planning and site design concepts that cannot be achieved by other mechanisms provided by this Ordinance. PDs should achieve a high level of environmental sensitivity, aesthetics, high quality development and other community goals by:
 1. Allowing greater freedom and creativity in selecting the means to provide access, open space and design amenities.
 2. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special and unique site characteristics, locations, building types and land uses.
 3. Provide mixed-use spaces that would not have otherwise been possible per existing zoning districts.

b. Process and Applicability

1. PDs are executed as two different process. First, is a Rezoning which follow the general procedures of Article 10. Second, Plat and/or plan approvals, per Article 10, A complete master plan and written report shall be developed and submitted for approval as part of the rezoning process in order to determine the desired standards and design of the project. Those documents shall be submitted in accordance with the following standards:
 - a. **Master Plan:** Applicants shall first develop and present a master plan, complying with the Sketch Plan requirements in Article 10, for the entire parcel(s) which includes, but is not limited to:
 - i. **Size:** Size, in acres, shall be listed on the master plan. PDs shall have a minimum of 5 acres. If the project is intended to be developed in phases, the master plan shall include all potential phases.
 - ii. **Districts:** Land allocations by land use, including specific modifications to the Ordinance requirements of those districts clearly highlighted.

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- iii. Street Layout and Regulating Plan: The design and location of the streets shall be provided. Streets shall conform with the street sections in Article 5 of this Ordinance. Additional bicycle and pedestrian circulation shall also be indicated.
- iv. Lot Layout: Proposed subdivisions of property, required open space, street regulating plan, neighborhood structure(s). The PD shall have provisions to allow for a systematic methodology to provide a variety of lot sizes.
- v. Open Space: The design, location, descriptions, and utilizations of open spaces shall be specified in detail on the master plan.
- vi. Stormwater Requirements: Stormwater shall be considered on a PD-wide basis and the general locations shall be indicated. Floodplain information shall also be included on the master plan.
- vii. Resources: The general location of all historic, cultural, and environmentally sensitive resources shall be depicted on the master plan.
- b. Written Report: A written report shall be submitted to explain the type, nature, intent and characteristics of the proposed development, and shall specifically include:
 - i. Site Description: A general description of the proposal, including a detailed description of the site, location, context, and any cultural, environmental and/or historical resources.
 - ii. Vision Statement: The goals, tenets, and any special initiatives which the development intends to achieve shall be clearly identified for review and discussion.
 - iii. Rationale: A detailed description of the provisions of the Ordinance which prevent the development, as desired, shall be provided. This shall include analysis showing how the general Land Development standards in Article 5, Permitted Use Table in Article 4, and Zoning Districts in Article 3 limit the intended development. Specific descriptions of all amenities, building types, or land uses that are not defined in the Ordinance shall be required.
 - iv. Modification to Ordinance: A detailed description of exceptions or variations from the requirements of this Ordinance, per the incompatibilities listed above. All items not explicitly listed as modifications will be subject to the requirements of this Ordinance.
 - v. Land Allocation: Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including open spaces, recreation areas, public facilities, wetlands and wetland impacts. This should be coordinated with the Districts as shown in the master

Deleted: Subject to Open Space requirements in table. These should be clearly indicated on the master plan.

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- plan. If the development is intended to be phased, the phasing plan shall be indicated on the tables.
- vi. Program: A complete development program, including number of residential units and proposed densities, building types, minimum and maximum lot sizes, and square feet and identification of other nonresidential uses.
 - vii. Building Design Standards: Guidelines to achieve aesthetics and high-quality development shall be included. These may be further detailed in the covenants after all Town approvals have been secured.
 - viii. Compatibility Statement: A statement of how the proposed development is consistent with adopted plans and documents of the Town of Chapin or Lexington County.
 - ix. Traffic Impact Study (TIS): A Traffic Impact Study to be performed as outlined in Section 5.6.
 - x. Interconnectivity: [The master plan shall show how the development will enhance interconnectivity within the development, as well as adjacent sites, as aligned with the regulations in Section 5.3.10.d.](#)
 - xi. Other: Additional relevant information as requested by the Administrator.
- c. Performance Guarantee: Before approval of a PD, the Town Council may require a contract with safeguards satisfactory to the Town guaranteeing completion of the development plan in a period to be specified by the Town, but which period shall not exceed 5 years unless extended by the Town for due cause show. Such a guarantee may include the submission of a performance bond in an amount set by the Town.
 - d. Final Plat: Upon approval of the Rezoning (inclusive of the master plan), the applicant shall proceed towards approval of a Final Plat per Article 10.
2. Expiration of Approval: The Town shall have the right to review a concept plan approved as part of a PD when no building permits have been issued in the past 2 years, and may choose not to issue further permits within the PD until a revised concept plan has been approved.
- 5.5.7. Previously Approved Planned Developments
- a. Purpose: The intent of this section is to be utilized only for the continuation of previously established and approved Planned Developments before the enactment of this Ordinance.
 - b. Minor Plan Amendments Permitted by the Administrator: The amendment of previously approved PDs shall be approved by the Administrator, if the amendment results in a development intensity that is no greater than the previously approved intensity in terms of total square feet, total number of

units, height, and build-upon area. Additionally, a minor plan amendment shall be limited to technical considerations that could not be reasonably anticipated during the approval process, or any other change that has no material effect on the character of the approved PD development or any of its approved terms or conditions.

- c. Major Plan Amendments Permitted by Town Council Approval Only: All major changes not subject to the section above, shall be reviewed by the PC and approved by Town Council in accordance with the procedures outlined in Section 5.5.6.b.
- d. Any existing PD may choose to rezone to a standard Town zoning district by going through the rezoning process in accordance with the procedures outlined in Article 10.

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5.6. Traffic Impact Study

5.6.1. Applicability

An impact study shall be required if a proposed project:

- a. Produces 50 peak hour (AM, PM, or Midday) two-way trips or more; or
- b. Produces 500 daily (24 hour) two-way trips or more; or
- c. Expansion of existing development that would produce additional traffic, meeting or exceeding the thresholds within this section. When determining whether the project meets the threshold, trips from the existing land use shall be included in the trips that are considered "produced" by the project.

5.6.2. Application Process

A TIS shall be completed as the first step of the project approval process. The TIS is the responsibility of the applicant. All traffic studies must be prepared under the supervision of, and signed, stamped and dated by, a professional Civil Engineer registered in South Carolina. Coordination with other entities in the county government or South Carolina Department of Transportation (SCDOT) shall be the responsibility of the applicant. All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis.

Deleted: Prior to the submission of any TIS and preliminary plat, the applicant shall complete and submit a Traffic Impact Study Requirement Evaluation form obtained from the Administrative Official's office. The Town will evaluate the request and determine whether a TIS is required.

Deleted: The TIS shall be prepared in accordance with the Traffic Impact Study Guidelines adopted by the Town of Chapin and obtained from the Administrative Official's office.

5.6.3. Contents Traffic Impact Study (TIS)

- a. Study Contents: At minimum a TIS shall include the following:
 - 1. Introduction: A written narrative describing the proposed land use(s), size, and projected opening date of the project and all subsequent phases.
 - 2. Existing Land Use
 - 3. Proposed Land Uses
 - a. Location and context
 - b. Description of development

- c. Zoning Characteristics
- d. Site Plan
- 4. Recently approved developments that fit within the following criteria:
 - a. Previously approved wthin the last 12 months of application submittal, or still in the process of development by evidence of active building permits.
 - b. Previously approved developments that are located along the same arterial or collector right-of-way, as defined by SCDOT or Lexington County.
- 5. Analysis
 - a. Existing traffic volumes on all roads to be accessed using current SCDOT Annual Average Daily Trip (AADT) counts where possible.
 - b. Infrastructure Analysis
 - c. Trip generation tables
 - d. Trip distribution patterns
 - e. Turning movement diagrams for peak hours
 - f. Access analysis
 - g. Traffic Control Devices
 - h. Mitigation and Alternatives
 - i. Summary
 - b. Responsibility for Costs of Improvements: The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless the provisions of the TIA are met.

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Article 8 – Off-Street Parking Standards

8. Off-Street Parking Standards

8.1. Purpose and Intent

Parking lots and similar facilities are necessary elements in the urban environment. However, the provision of parking facilities must be regulated to avoid negative impacts such as increased stormwater volumes, heat islands, reduced traffic efficiency, interruption of a vibrant streetscape and other recognized externalities of parking lots.

The purpose of this section is to ensure the adequate provision of parking in Chapin without degrading the built or natural environment, and to provide clear regulations regarding the location, sizing, and screening of off-street parking facilities. It is intended that these standards will ensure the development of parking in a manner consistent with the desired character and development patterns of the community.

8.2. Applicability

8.2.1. New Development

All new development shall provide off-street parking and loading areas in accordance with the standards of this Section

8.2.2. Existing Development

a. Change in Use

Additional off-street parking or loading facilities are not required when a building's use changes from one conforming use to another conforming that is similar in nature and need for parking and loading. This is also applicable when a non-conforming use is converted to a conforming use that is similar in nature and need for parking and loading.

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8.2.3. Building Expansion

This section applies to existing structures that are expanded or enlarged in terms of the number of dwelling units, more than 20% of its floor area, or is otherwise significantly improved as defined by Article 11. Any additional off-street parking and loading spaces that may be required due to the improvement shall be provided in accordance with the requirements of this Section, and applied only to the expanded or enlarged part of the structure.

8.2.4. Historic Buildings

A designated building on the National Register of Historic Places, recorded with the State SCDAH or NPS that undergoes expansions under 20% of the number of dwelling units, floor area, or other work requiring Minor Architectural Review shall not require additional off-street parking or loading facilities.

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8.2.5. Timing of Review

Review for compliance with the standards of this Article shall occur during review of a development application in accordance with Article 10 Development Review Procedures.

8.2.6. Parking Plan Required

All development applications subject to review for compliance with the standards of this Article shall include a parking plan which shall accurately convey compliance with this section.

8.3. General Standards

8.3.1. Use of Parking

Off-street parking areas required by this Section shall be used solely for the parking of licensed motorized vehicles in operating condition. Required parking spaces shall not be used for the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies except for farmer’s markets and food trucks on a temporary basis.

8.3.2. Identified as to Purpose

Off-street parking areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and distinguishing such spaces or berths from an aisle.

8.3.3. Surfacing

- a. Except as provided for in section 8.3.3.b and 8.3.3.c below, all off-street parking areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.
- b. The use of pervious or semi-pervious parking lot surfacing materials—including, but not limited to—pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids may be approved for off-street parking and loading areas, provided such surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming).
- c. Off-street parking spaces and driveways for single-family detached, two-family, and townhouse dwellings may utilize pervious material when located on a privately maintained roads, such as crushed stone or gravel. This shall not include major subdivision unless specifically approved or conditioned by the Planning Commission.

8.3.4. Maneuvering

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Off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.

8.3.5. Parking in Front of a Residential Structure

Except within a driveway surfaced as provided in Subsection 8.3.3.c, the parking of any vehicle is prohibited in the front yard. For the purposes of this section the front yard shall be considered any areas between the principal building and the right-of-way that is not specifically designated for parking. Parking of vehicles in the side or rear yard not within a driveway or parking area, must be screened from the public right-of-way, as determined by the Administrator.

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8.3.6. Parking of Recreation, Commercial, and Unlicensed Vehicles

- a. No recreational 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 Rural Agricultural and Rural Residential zoning districts are exempt from these requirements.](#)
- 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 district; and the vehicle shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized mobile home park.
 1. Exception: In Rural Agricultural (RA) or Rural Residential (RR) the Administrator may grant temporary stays of camping or recreational vehicle in the form of a **temporary use** permit. Temporary stays shall not exceed more than 120 total calendar days within a 12-month period, [unless there is a conflict with the Ordinances of Lexington County.](#)
- d. Vehicles that have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater. This includes front- and rear-end loaders, or any kind of commercial, industrial, agricultural and transportation vehicles/equipment used primarily for business purposes, shall not be parked or stored on or adjacent to any parcel in residential district for purposes other than unloading, loading, or delivery services. This excludes vehicles or trailers approved under the Home Occupation requirements.

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8.3.7. Americans with Disabilities Act

All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically

designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal American with Disabilities Act (ADA) and or ICC A117.1.

8.4. Minimum Off-Street Parking Requirements

8.4.1. Except as otherwise expressly stated, off-street motor vehicle parking spaces shall be provided in accordance with the following table:

| Table 8.4.1: Minimum Number of Off-Street Vehicle Parking Spaces | |
|--|---|
| Principal Use | Parking Standards |
| Residential Uses | |
| Accessory Dwelling Unit | 1 space per unit, in addition to principal use standards |
| Bed and Breakfasts | 1 space per unit, in addition 1 off-street space shall be reserved for the owner and 1 for staff (such as a housekeeper) |
| Day Care Home | 2 space per unit, in addition 1 space shall be reserved for each employee on shift |
| Dwelling, Detached Single Family | 3 spaces per unit |
| Dwelling, Attached Single Family | 3 spaces per unit |
| Dwelling, Two-Family | 2 space per unit |
| Dwelling, Three-Family | 1 space per unit |
| Dwelling, Multi-Family | 1.5 per unit |
| Rowhome | 1 space per unit |
| Group Home, Small and Large | 1 space per 3 beds, with 1 space for each employee or supervisor on shift |
| Manufactured Home | 2 space per unit |
| Nursing Homes | 1 parking space per 6 beds, in addition to 1 space per employee during peak-hour shift. |
| Short Term Rental | 1 independently accessible parking space per unit, no tandem parking allowed. |
| Commercial | |
| Automobile Service Station | 1 space per 2 employees at peak shift, in addition 1 space per 150 square feet of the automobile repair space. |
| Automobile, ATV, Motorcycle or Boat Sales | 1 space per 2 employees at peak shift, in addition 1 space per 150 square feet of the automobile repair space (if applicable) All vehicles for sale shall be located on paved surfaces. |
| Automotive Parts Store | 1 space per 400 square feet of gross floor area |
| Bars and Nightclubs | 1 space per two seats or 1 space for every 75 sq. ft. of bar area, including outdoor areas, whichever is greater |
| Car Wash | 1 space per peak hour employee, and 1 space per bay. |
| Catering Service | 1 space per 400 square feet of gross floor area |
| Check Cashing | 1 space per 400 square feet of gross floor area |
| Commercial Day Care Center | 2 spaces per peak shift employee |
| Convenience Store | 1 space per 400 square feet of gross floor area |
| Drive-In Movie Theaters | 1 space per speaker outlet |

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| Dry Cleaning | 1 space per 600 square feet of gross floor area |
| Financial Institutions | 1 space per 400 square feet of gross floor area |
| Funeral Homes | 1 space per 4 seats within the sanctuary (if applicable) and/or 1 space per 2 employees, whichever is greater |
| Garden Centers | 1 space per 400 square feet of gross floor area |
| General Retail | 1 space per 200 square feet of gross floor area |
| Hardware Store | 1 space per 400 square feet of gross floor area |
| Hotels/Motels | 1 space for each room to be rented, in addition to 1 space per 2 employees at peak shift |
| Indoor Storage | 1 space per peak employee and 1 space per 5 leasable units. |
| Liquor Stores | 1 space per 400 square feet of gross floor area |
| Microbrewery, Micro-Distillery, or Micro-Winery | 1 space per 300 square feet or 1 space per two seats, whichever is greater |
| Miniature Golf | 4 spaces per course hole, plus 1 space for every 2 employees on peak shift |
| Mixed-Use Building | 2 spaces per residential unit in addition to parking requirement for other associated use |
| Office Building | 2 spaces for each 1,000 square feet of leasable floor area, plus 1 space for each 2 employees |
| Office, Medical | 1 space per 400 square feet of gross floor area |
| Office, Non-medical | 1 space per 400 square feet of gross floor area |
| Personal Service | 1 space per 400 square feet of gross floor area |
| Pet Boarding | 1 space per 400 square feet of gross floor area |
| Restaurant, Full-Service | 1 space per two seats or 1 space for every 75 sq. ft. of dining area, including outdoor areas, whichever is greater |
| Sexually Oriented Businesses | 1 space per 400 square feet of gross floor area |
| Specialty Retail | 1 space per 400 square feet of gross floor area |
| Tattoo Parlor | 1 space per 400 square feet of gross floor area |
| Vape or E-Cig Store and Lounge | 1 space per 400 square feet of gross floor area |
| Veterinarian | 1 space per 400 square feet of gross floor area |
| Institutional, Civic, or Public | |
| Amphitheaters | 1 space per 4 seats |
| Cemetery and Mausoleums | 4 spaces per acre, plus 2 spaces per employee on shift |
| Civic and Social Organizations | 1 space per 600 square feet of gross floor area |
| Colleges, Universities, and Vocational Schools | 1 space per 4 students at maximum capacity in addition to requirements for associated uses |
| Elementary Schools | 1 space for each vehicle owned and operated by school staff and 2 spaces per classroom or administrative office |
| Farmers Market, Indoor | 2 spaces per booth or vendor or 1 space per 400 square feet of gross floor area, whichever is less |
| Farmers Market, Outdoor | 2 spaces per booth or vendor or 1 space per 400 square feet of gross floor area, whichever is less |
| Golf Course | 4 spaces per course hole, plus 1 space for every 2 employees on peak shift |
| Government Building or Facility | 1 space per 400 square feet of gross floor area |

| | |
|--|---|
| Hospital | 1 space per 2 beds intended for patients, and 1 space for each 3 employees during peak shift |
| Kindergarten or Preschool | 1 space for each vehicle owned and operated by school staff and 2 spaces per classroom or administrative office |
| Public Utility Stations | 1 space per employee per shift |
| Recreational Facilities | 10 spaces per athletic field or 4 spaces per .25 acre of areas dedicated to use, whichever is greater |
| Religious Assembly | 1 space per 4 seats in the main assembly room |
| Secondary Schools | 1 space for each vehicle owned and operated by school staff and 2 spaces per classroom or administrative office |
| Sports Stadium | 1 space per 4 seats in addition to 1 space per peak hour employee |
| Theater | 1 space per 4 seats |
| Transportation Terminal (Bus and Rail) | 1 space per 2 passenger of a peak hour for departures and arrivals, including accounting for multiple buses or trains |
| Industrial | |
| Animal Shelters | 1 space per 400 square feet of gross floor area |
| Correctional Facility | 2 spaces per peak hour employee in addition to 1 space for every vehicle owned and operated by the facility |
| Crematory | 1 space per 600 square feet of gross floor area |
| Heavy Equipment Rental | 1 space per 2 employees at peak shift, in addition 1 space per 150 square feet of the automobile repair space (if applicable) All vehicles and equipment for rent shall be located on paved surfaces. |
| Indoor Shooting Range | 1 space per 400 square feet of gross floor area |
| Junk Yard or Scrap Yard | 2 spaces per employee at peak shift |
| Manufacturing or Production Facility | 1 space per 1,000 square feet of gross floor area in addition to 1 space per employee at peak shift |
| Outdoor Shooting Range | 2 spaces per shooting bay, in addition to 1 space per employee at peak shift |
| Outdoor Storage | 1 space per 400 square feet of gross floor area, in addition to 1 space per employee at peak shift |
| Repossession Services | 1 space per 400 square feet of gross floor area, in addition to 1 space per employee at peak shift |
| Truck Sales and Service | 1 space per 2 employees at peak shift, in addition 1 space per 150 square feet of the automobile repair space (if applicable) All vehicles for sale shall be located on paved surfaces. |
| Warehouse | 1 space per 1,000 square feet of gross floor area in addition to 1 space per employee at peak shift |
| Wholesale Trade | 1 space per 1,000 square feet of gross floor area in addition to 1 space per employee at peak shift |

8.4.2. Districts Excluded

There shall be no minimum off-street parking spaces required within the Town Center.

- 8.4.3. **Planned and Negotiated Development Districts**
Within Planned Development Districts, required off-street parking standards shall be determined during review of the application.
- 8.4.4. **Unlisted uses**
An applicant proposing to develop a principal use that is unlisted in Section 8.4.1, Minimum Number of Off-Street Parking Spaces shall propose the amount of required parking by one of the methods outlined below:
- a. Apply the minimum off-street parking space requirement specified in Section 8.4.1 for the listed use that is deemed most similar to the proposed use; or
 - b. Conduct a parking demand study by a transportation or traffic engineer or other experienced professional to demonstrate the appropriate off-street parking space requirement. The study shall estimate parking demand based on the recommendations of the ITE, ULI or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.
- 8.4.5. **Maximum Number of Off-Street Parking Spaces**
Except as otherwise stated within this Article, the maximum number of off-street parking spaces provided shall not exceed 125 percent of the minimum provided in Table 8.4.1. unless the need for more can be justified by a parking demand study as described in 8.4.4.b.
- 8.4.6. **On-Street Parking**
Uses may count on-street parking spaces that are within the frontage of the lot, on public street rights-of-way abutting the subject property towards the off-street motor vehicle parking minimums. If a development creates on-street parking spaces, one (1) created on-street parking space equals two (2) off-street parking spaces required by this ordinance.
- 8.4.7. **Alternate Compliance**
The parking ratios of this section are not intended to prevent development or to make development economically impractical. To allow for flexibility in addressing the expected parking demand, alternative off-street parking requirements may be approved by the Board of Zoning Appeals under the Special Exception proceedings in Section 10.11. The applicant shall provide a parking study or a parking demand management plan demonstrating that the parking requirements in Table 8.4.1 do not accurately reflect the parking demand that can reasonably be anticipated for the proposed use.

8.4.8. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half is rounded down to the next lower whole number, and any fraction of one-half or more is rounded up to the next higher whole number.

8.4.9. Bicycle Parking

A minimum of five (5) bicycle parking spaces is required for all uses requiring at least twenty-five (25) parking spaces. Thereafter, an additional two (2) bicycle parking spaces is required for each additional twenty-five (25) parking spaces. 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.

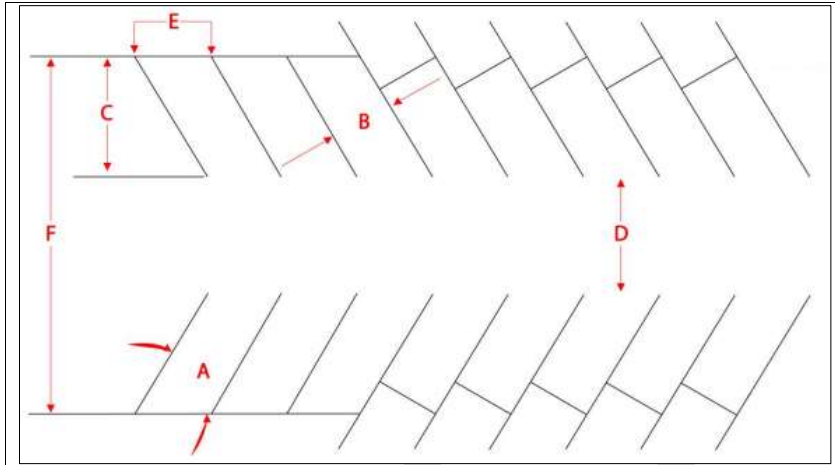
8.5. Design Standards for Parking Lots

8.5.1. Dimensional Standards for Parking Spaces and Aisles

Except as otherwise provided, or determined by the Lexington County, standard vehicle parking spaces and aisles shall comply with the minimum dimensional requirements established in Table 8.5.1: Dimensional Standards for Parking Spaces and Aisles.

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| Parking Angle | Stall Width | Stall Depth | Drive Aisle Width | Stall Length Along Curb | Double Row + Aisle, Curb to Curb |
|---------------|-------------|-------------|-------------------|-------------------------|----------------------------------|
| A | B | C | D | E | F |
| 0 | 8' | 8' | 12' | 20' | 48' |
| 30 | 9' | 16.8' | 12' | 18' | 45.6' |
| 45 | 9' | 19.1' | 12' | 12.7 | 50.2 |
| 60 | 9' | 20.1' | 14.5' | 10.4' | 54.7' |
| 90 | 9' | 18' | 24' | 9' | 60' |



8.5.2. Parking Area Location

- a. The below table regulates the location of parking areas in respect to the principal building and use. The front, side, and rear of the building shall be in respect to the primary building frontage, or where the use derives its address.

| Table 8.5.2.a Parking Area Location | | |
|-------------------------------------|-----------------------|--|
| Zoning District | Location | Additional Requirements |
| RA and RR | N/A | |
| SR1, SR2, and SR3 | Side or Rear | Unless a circular driveway is present or installed per code |
| TR1 and TR2 | Side or Rear | |
| TR3 | Side or Rear | |
| TC | Rear | |
| VC | Side or rear | |
| OC | Front, side, and rear | Shall be located in the side or rear when located within 1000' linear feet of a TC or VC District. Additionally, see note* |
| PI | Front, side, and rear | See note* |
| CC and IC | Front, side, and rear | See note* |
| LI | N/A | |
| PO | N/A | |

*No more than 2 rows (one drive aisle) or 20% of the number of required parking, whichever is smaller, is permitted between the principal building and road.

- b. Parking Location for Double frontage or Corner lots
 - 1. Except in the IC and LI District, no property shall have more than 2 rows (with aisle) between any one building and abutting public streets.

8.5.3. Off-Site (Satellite) Parking

Except for spaces provided subject to the Americans with Disabilities Act, required Off-Street Parking spaces may be provided on a separate lot which does not contain the proposed use or structure subject to the following standards:

- a. New off-Site parking areas must comply with all applicable parking area design and accessibility standards.
- b. Off-site parking areas must be located within a 1,200-foot publicly accessible and established walking distance of the entrance of the use served by such parking.
- c. The walking distance between the off-site parking areas and the primary pedestrian entrances to the uses shall consist of a walkway protected by landscape buffer or a curb separation and elevation from the street grade. Periodic crossings at established crosswalks are allowable.
- d. The right to use the off-site parking must be evidenced by a deed, lease, easement, or similar written instrument establishing such use, for the duration of the use.
- e. Off- Site Parking shall not be provided within Residential Zoning Districts.

8.5.4. Shared Parking and Parking Reductions

When two or more uses share common parking facilities, the minimum amount of required parking may be reduced. The minimum amount of required parking shall be calculated as the sum of the required parking for the 2 uses separately, divided by the factor listed in the table below. The Administrator will classify the uses in the categories in the table prior to the calculation of off-street parking requirements. In all cases, the burden to demonstrate that a reduction in parking requirements is warranted shall rest with the applicant.

| Shared Parking Reductions | | | | |
|---------------------------|-------------|---------|--------|-------------------|
| | Residential | Lodging | Office | Retail/Restaurant |
| Residential | 1.0 | 1.1 | 1.4 | 1.2 |
| Lodging | 1.1 | 1.0 | 1.7 | 1.3 |
| Office | 1.4 | 1.7 | 1.0 | 1.2 |
| Retail/Restaurant | 1.2 | 1.3 | 1.2 | 1.0 |

8.5.5. Additional Parking Reductions

The Administrator may grant a reduction in the parking requirements set forth in this section in the following cases:

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- a. Where uses in the same or adjoining development, having different peak hour demand, seek to share parking, the applicant must submit to the administrator an analysis and substantiated projections of peak parking demand — based on historic data from other locations or a similar use or a parking study — for the entire development to justify the shared use of parking spaces for separate uses.
- b. Where the special nature of a certain development (e.g., special types of housing projects inhabited by persons with low or no automobile ownership) does not require the amount of parking listed in Table 8.4.1
- c. Where fewer parking spaces are needed due to location and use — e.g., if there is a high concentration of residential units adjacent to a neighborhood-serving use, a parking reduction may be warranted.

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- 8.5.6. The Administrator shall consider the following in determining whether a reduction is warranted and make the following findings in writing:
 - a. The likelihood that the reduced number of parking spaces can satisfy demand;
 - b. The amount of time during the year when the number of spaces provided may be insufficient and the amount of resulting parking overflow;
 - c. The impact of periodic overflows upon the public streets and other parking facilities;
 - d. The nature of surrounding land uses, character of surrounding road system, and nearby circulation pattern.
- 8.5.7. Service and Loading Areas
 - a. Service areas and any new parking shall be located in the rear. Screened from view and not visible from adjacent sidewalks, and public roads. Service areas, truck delivery, loading and waste collection routes shall be located at the rear. Service areas are encouraged to be shared with adjacent uses and properties, these aspects shall be considered during site plan evaluation.
- 8.5.8. Terraced Parking Bays
 - a. When slopes over five percent exist, parking bays shall be terraced and landscaped between changes in level. The landscaping shall be:
 - 1. Equal to one three-gallon evergreen shrub for every three linear feet of the width of the adjacent parking bay.
 - 2. Equal to one three-gallon evergreen shrub for every three linear feet of the width of the adjacent parking bay.
 - 3. Planted in an area of minimum five feet in depth.

8.6. Pedestrian Access

In parking areas with more than 40 spaces, an on-site circulation system for pedestrian and non-motorized travel must be provided in accordance with the following requirements.

8.6.1. Connection to the Street

The on-site pedestrian circulation system shall connect all adjacent public rights-of-way, adjacent sidewalks, multi-use paths, public spaces to any main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users.

8.6.2. Connection to Abutting Properties

The on-site pedestrian circulation system must provide connection to existing paths and sidewalks on abutting properties or to the likely location of future paths or sidewalks on those properties. When the Zoning Administrator determines that no paths or sidewalks exist on a neighboring property or it is not possible to determine the likely location of future path or sidewalk connections or extending a connection would create a safety hazard on either property, no such connection is required.

8.6.3. Internal Connections

The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians and non-motorized travel, such as parking areas, bicycle parking, recreational areas, common outdoor areas, plazas, and similar amenity features. The Planning Commission may require additional pedestrian pathways within the parking area.

8.6.4. Design

Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:

- a. The on-site pedestrian circulation system must be paved and be at least five feet in width.
- b. An appropriately sized planting strip, dependent on proposed tree species, shall be provided on both sides of the pedestrian circulation system to accommodate the planting of canopy or understory trees for the purpose of providing shade. One canopy tree shall be planted every 40' or one understory tree every 20', or combination thereof.
- c. When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of elevation changes, a different paving material, or other equally effective methods. Striping does not meet this requirement.
- d. When the on-site pedestrian circulation system is parallel and adjacent to a motor vehicle travel lane, it must be a raised path at least six inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.

- e. The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting shall meet the requirements of Section 8.8.

8.6.5. Parking Lot Connections

Applicability: Adjoining parking lots serving non-residential and multifamily uses shall be interconnected when feasible according to the following requirements:

- a. At least one connection shall be provided at all common lot lines that share a boundary of at least 60 feet.
- b. Where feasible, the connection shall align with any previously established connection on an adjacent property.
- c. An easement for ingress and egress to adjacent lots through the connection(s) shall be recorded in the form of an easement and documentation submitted to Town Staff.
- d. In the event these conditions cannot be met without undue hardship, the Zoning Administrator may waive or adjust the connection requirements as appropriate.

8.7. Lighting

8.7.1. Applicability: All parking lots serving non-residential and multifamily uses shall be required to adhere to the following standards. Additionally, all newly installed lighting fixtures shall adhere to the following standards, unless installed by a state or federal agency.

8.7.2. Standards and Design Requirements

- a. Height: Lighting standards in parking lots shall not exceed a maximum of 25 feet in height.
- b. Shielding: Lighting shall have a cutoff angle of 90° or less (full cutoff) and be shielded from the sky and adjacent properties and structures through shielding.
- c. Light trespassing: The maximum light trespass at the property line shall be 0.5 foot-candle.
- d. Design: The design of site lighting structures and fixtures shall be evaluated by the Administrator, or Planning Commission when applicable. All lighting fixtures that are affixed to a building shall be approved by the applicable design review authority.

Article 9 – Signs

9. Signs

9.1. Purpose and Intent

The purpose of the regulations, here in, is to establish requirements for the placement, installation, and maintenance of business and/or advertising signage, and to aid in the preservation, protection, health, welfare, safety, and general well-being of the Community and its Citizens.

This Ordinance will promote, authorize and enforce the use of on-premises signage which are, but not limited to:

- Compatible with their surroundings;
- Materials and colors used in the sign assembly shall be the same as or similar to those used at the principal building for a cohesive design.
- Appropriate for the type of activity to which they pertain;
- Tastefully expressive of the identity of the owner, occupant, and/or individual proprietors or of the community as a whole;
- Designed to convey a desired message and/or image regarding the Owner, Occupant, or individual proprietor of a specific property, while protecting the aesthetic and attractive qualities of the community;
- Minimize interference, obstruction, distraction, and/or unsafe conditions to the motoring public; and,
- Conserve the value of the subject property and encourage the most appropriate use of land throughout the municipality.

9.2. Applicability

Except as otherwise noted, the regulations of this article shall apply to all zoning districts, and a sign permit shall be required for the erection, placement, alteration, or reconstruction of any sign.

9.3. General Provisions

9.3.1. Placement

Signs shall not be posted, placed, or erected within any public rights-of-way or on any fixed or immovable object, such as, trees, utility poles, traffic signs, and street signs, except as permitted within this article or where encroachments have been specifically permitted by the authority having jurisdiction.

9.3.2. Construction

Signs shall be permanently attached or affixed to the ground, building, or other structure by direct attachment to a rigid wall, frame, or supporting structure. Portable and/or temporary signs.

9.3.3. Materials

Sign structures shall be constructed of durable, weather-resistant materials such as treated lumber, concrete, metal, brick, or other similar substitute or

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composite materials as determined by the Architectural Overlay. Unfinished wood, cardboard, polystyrene foam, and similar materials are not permitted.

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9.3.4. Design

The design, color, location, and illumination of signage shall be compatible and complimentary of the overall design of the development and surrounding parcels.

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9.3.5. Sign Illumination

- a. Internal Illumination: The background of internally illuminated cabinet signs shall be completely opaque. This provision does not apply to internally illuminated channel letters. Internally illuminated signs shall be fully encapsulated and shall not allow the light intensity or brightness of the sign to interfere with the safe vision of motorists or bicyclists. LED lighting that is greater than 5001 degrees Kelvin is prohibited within the Town.
- b. Shielding: Unless otherwise expressly prohibited, signs may be externally illuminated provided that lighting used illuminates the surface area of the sign only, and is shaded, shielded, or directed so that the light intensity or brightness does not interfere with the safe vision of motorists or bicyclists. Around external lighting, landscaping shall be designed to conceal the base of the light fixture to the extent feasible.
- c. Proximity to Residential Property: No commercial sign within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 10:00 p.m. 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. This does not include residences in mixed use buildings in the Town Center, Village Commercial, nor does it include multi-family buildings.

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9.3.6. Computation of Sign Area

The area of a sign shall be the area of the sign face formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. Signs that are composed of individual symbols, letters, figures, illustrations, message, forms, or panels, the sign area shall be considered to include all lettering, wording, and accompanying designs and symbols. Sign area shall also include any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface, or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face, provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on, or designed as part of, the sign structure.

9.3.7. Computation of Sign Height

Height shall be determined and measured from the edge of the adjoining sidewalk, street, or the natural grade to the highest point on the sign. If the natural grade is at 2’ or higher than the adjoining street or sidewalk, then the sign height shall be measured from the sidewalk or adjoining street. Regardless of grade, a signs height shall never exceed the maximum height establish per district, as measured from sidewalk or street level.

9.3.8. Maintenance Requirements

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, including temporary signs or exempt signs, which are determined by the 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.

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9.3.9. District Classifications

- a. Rural: Rural Agricultural (RA), Rural Residential (RR),
- b. Where this sections references “residential” uses or districts, it shall mean the following: Suburban Residential 1 (SR1), Suburban Residential 2 (SR2), Suburban Residential 3 (SR3), Town Residential 1 (TR1), and Town Residential 2 (TR2).
- c. Where this sections references “commercial” uses or districts, it shall mean the following: Town Residential 3 (TR3), Village Commercial (VC), Town Center (TC), Public and Institutional (PI), Corridor Commercial (CC), Interstate Commercial (IC), and Office Commercial (OC).
- d. Light Industrial (LI).

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9.3.10. Number of Signs Allowed

Unless otherwise regulated, each parcel is allowed one (1) free-standing sign, and one of each attached sign.

9.4. Freestanding Signs


9.4.1. Applicability

9.4.2. The following chart applies to all types of development as stated except for individual single-family or 2-3 unit building lots, or subdivisions containing fewer than 30 units.

| Sign Type | Zoning District | Max Area | Max Height | Min Height | Additional Requirements/Description |
|-----------|-----------------|----------|------------|------------|-------------------------------------|
|-----------|-----------------|----------|------------|------------|-------------------------------------|

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| | | | | | |
|--|--|-------------------|--------------|--------------|--|
| <p>a. Monument Signs</p>  | <p>VC, CC, IC, OC, PI, OP, and TR3</p> | <p>32 sq. ft.</p> | <p>8 ft.</p> | <p>3 ft.</p> | <p>A sign that is mounted on a foundation and accompanied by landscaping.</p> <ol style="list-style-type: none"> 1. Maximum number: 1 per street frontage. A second is allowed if spaced more than 300 linear feet away and reduced by 50%. 2. Landscaping, not including grass, shall be required for all monument signs. Such landscaping shall equal the total surface area of the sign face. 3. Foundation of monument signs shall be of stucco coated CMU, brick, or other similar material. |
| <p>b. Post and Arm Sign</p>  | <p>TC, VC, CC, IC, OC, PI, and TR3</p> | <p>10 sq. ft.</p> | <p>6 ft.</p> | <p>3 ft.</p> | <p>A sign supported by a single post</p> |
| <p>c. Sandwich Board Signs</p>  | <p>TC, VC</p> | <p>6 sq. ft</p> | <p>4 ft</p> | | <p>A portable sign shaped like an A-frame with a sign panel on one or both sides, where the sign panel is integral to the structure of the sign. Shall only be placed on a sidewalk. Shall not impede access to pedestrian. Shall not be left overnight.</p> |
| <p>d. Easel Sign</p>  | <p>TC, VC</p> | <p>6 sq. ft</p> | <p>4ft</p> | | <p>A sign or message board displayed on a portable, open frame, such as a tripod. Shall only be placed on a sidewalk. Shall not impede access to pedestrian. Shall not be left overnight.</p> |



| | | | | |
|--|----------------|--------------------|------------|--|
| <p>e. Pole Mounted Signs</p>  | <p>IC only</p> | <p>100 sq. ft.</p> | <p>30'</p> | <p>Shall be located on premise. Maximum base width of 10'. Landscaping, not including grass, shall be required for all pole signs. Such landscaping shall equal the total surface area of the sign face.</p> |
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9.5. Attached Signs



9.5.1. Applicability

9.5.2. The following chart applies to all types of developments as stated except for individual single-family or 2-3 unit building lots, or subdivisions containing fewer than 30 units

| Sign Type | Permitted Location | Max Area | Additional Requirements/Description |
|---|---|---|---|
| <p>1. Wall</p>  | <p><u>TC, VC, CC, IC, OC, PI, and TR3</u></p> | <p>10% of area of primary building frontage of the first floor.</p> | <p>A sign mounted parallel to or painted on a building facade or other vertical building surface.</p> <ul style="list-style-type: none"> a. Maximum Number – 1 per street frontage. Signs on secondary frontages may be ½ the size of the primary sign. b. No sign or sign structure shall extend above the roof line. c. No sign shall project from the façade more than 18”. d. Not permitted for residential uses, other than multi-family buildings exceeding 10 units |
| <p>2. Canopy/Awning</p>  | <p><u>TC, VC, CC, IC, OC, PI, and TR3</u></p> | <p>50% of canopy valance area</p> | <ul style="list-style-type: none"> a. Maximum Number: 1 per building frontage or tenant space, per street frontage b. Must allow a minimum of 8 feet clearance above sidewalk c. Shall not be placed above 2nd floor window sill or cornice of building, whichever is higher d. May encroach over sidewalk area no closer than 18 inches from curb e. Only the valance area of the awning/canopy may be used as a message area. The valance shall be a maximum of 1ft tall with lettering a maximum of 9 inches tall. The valance shall be made of the same material and shall be the same color as the awning/canopy. |

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| | | | |
|---|--|---|---|
| <p>3. Window/Door</p>  | <p><u>TC, VC, CC,</u> <u>IC, OC, PI,</u> <u>and TR3,</u></p> | <p>25% of transparent areas of windows or doors</p> | <p>Applied plastic or vinyl cut letters are prohibited. A temporary sign permit is required for promotional signs posted on the interior side of the glass; these signs shall count toward the 25% maximum window coverage.</p> |
| <p>4. Projecting/Suspended</p>  | <p><u>TC, VC, CC,</u> <u>IC, OC, PI,</u> <u>and TR3,</u></p> | <p>8 square feet, to include multiple tenants within same building.</p> | <ol style="list-style-type: none"> 1. Maximum Number: 1 per building frontage or tenant space, per street frontage 2. Must allow a minimum of 8 feet clearance above sidewalk 3. May project no more than 4 feet from building face and no closer than 18 inches from curb 4. Not permitted for residences with 3 or fewer dwelling units 5. Projecting signs shall not be higher than the fascia and/or cornice and shall not extend above the eave line. 6. For multi-story buildings, sign brackets shall be mounted no higher than the sill of the second-floor window. |
| <p><i>*The total area of all attached signs for a business shall be no more than 1.5 times the linear frontage of the building, or in the case of multi-tenant buildings, than the individual tenant space.</i></p> | | | |

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9.6. Other Signs that Require a Sign Permit

9.6.1. Tenant Directory Signs

- a. Applicability: Tenant directory signs listing only the name and address of the business shall be permitted in multi-building, multi-tenant professional, office, and/or business centers
- b. Maximum Area: 32 square feet in surface area shall be permitted per street frontage
- c. Maximum Height: 8 feet
- d. Maximum Number: 1 per lot — lots with more than 1,000 feet of street frontage and more than one Department of Transportation-approved driveway or street entrance shall be permitted an additional directory sign on the condition that such driveways are spaced at least 1,000 feet apart.
- e. Location: Tenant directory signs shall be located within the buildable area and outside of any required buffer. The tenant directory sign must be located at least 25 feet away from any adjacent right-of-way.

9.6.2. Multi-Tenant Free-Standing Signs

- a. Applicability: Multi-Tenant signs are required for multi-building developments with 4 or more occupiable spaces, or three (3) or more uses

that are connected by common walls, except within the Town Center (TC) district. Multi-tenant signs are encouraged for uses to consolidate signage.

- b. Design: The design, material, color, location, and illumination of signage shall be compatible with the overall design of the development. Multi-tenant signs shall follow the same regulations as monument signs with regard to landscaped areas around the foundation of the sign.
- c. Size: The size of a multi-tenant sign shall not exceed 125 sq. ft. If there are more than 10 occupiable spaces in one site, a 125% increase in sign area is permitted.
- d. Height: The height of such signs shall not exceed 8’.
- e. Number Allowed: Only one multi-tenant sign is allowed per development. No individual tenant free-standing signs are permitted. A second multi-tenant sign, equaling 50% of the total size of the first, may be permitted if the property if the following is true:
 - 1. The individual street frontage is greater than 500 feet.
 - 2. The property is located on a corner or intersection.
 - 3. The second sign shall be composed of the same materials and design as the first.

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9.6.3. Residential Neighborhood Identification Signs

- a. Applicability: Residential neighborhoods with 5 or more lots on a non-private street.
- b. Number Allowed: One per entrance
- c. Max Area: 32 square feet
- d. Max Height: 8 feet
- e. Design: Shall meet landscaping requirements specified for monument signs in

9.6.4. On-premise Directional Signs

- a. Applicability: A directional sign has a directional message in symbols or words and may be a private, unofficial traffic signs, designate private parking, or be placed at a site entrance to warn the public against trespassing. It may also contain the name of a business on the site, and/or its address.
- b. Permitted Location: All commercial or industrial districts
- c. Maximum Number: 1 per entrance
- d. Maximum Area: 2 square feet
- e. Maximum Height: 2.5 Feet; Parking stall signs are allowed to be 5’ in height
- f. Off-Premise Signs: Off-premise are not permitted.

9.7. Temporary Signs

9.7.1. Types of Temporary Signs

- a. Promotional and Grand Opening Banners
 - 1. Maximum Number: 1 per tenant

2. Maximum Area: 30 square feet, with a vertical dimension no greater than 3 feet.
 3. Minimum Height: Must be placed a minimum of 8 feet above sidewalk grade
 4. Location: Attached to building (must be secured along all 4 sides of banner)
 5. Time Period: Maximum of 30 days
 6. Additional Requirements: Application for a permit for promotional banners may be made only 4 times during any calendar year by an applicant or entity, with no permits being approved consecutively. A minimum of 30 days shall expire before an application for a permit for a promotional banner can be accepted.
 7. Special Event Signs: Governmental, nonprofit, school, church or civic club-sponsored signs related to special events shall meet the following standards:
 - a. Signs shall be permitted 14 days prior to a function and shall be removed within 3 days after the function.
 - b. Signs shall be located on private property
- b. Construction Signs:
1. Maximum Number: 1 per street frontage
 2. Maximum Area: 32 square feet
 3. Maximum Height: 6 feet
 4. Location: Minimum of 10 feet from the street right of way.
 5. Time Period: The sign permit shall be only valid, as long as the contractor permit is valid. For residential subdivisions, construction signs are permitted for a period of 12-months from permit issuance.
 - a. Real Estate Signs advertising sale or lease of the premises subject to the following standards: Other signs for the purposes of real estate, such as for open houses, agent tours or events, grand openings, and similar, shall abide by the same rules as described in 9.8.8 addressing the use of Temporary signage.
 - c. Temporary municipal, school, recreational and civic club sponsored signs, schedule of events, rules and regulations signs. Such signs shall not include identification signs.

9.7.2. Exempt Signs

- a. No sign permit is required within the following section:
 1. Government Signs including signs required by any law, order or governmental regulation.
 2. Property Address Signs
 3. Private Residence Signs
 - a. One personal identification sign not exceeding 2 square feet in area

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- b. One non-illuminated "For Sale" or "For Rent" sign not exceeding 6 square feet in area.
- 4. Historical markers, historical monuments or signs as recognized by local, state, or federal authorities.
- 5. Signs denoting the location of underground utilities
- 6. Holiday decorations
- 7. Signs on interior windows that are not permanently affixed to the glass and do not exceed 25% of the gross glass area.
- 8. "Warning", "No Trespassing" and similar informational signs.
- 9. Any sign inside a building and not intended to be viewed from the exterior.
- 10. 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.
- 11. Memorial signs, plaques or grave markers which are noncommercial in nature.
- 12. 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.
- b. Political Signs
 - 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. No sign shall be placed in any right-of-way, on any telephone pole or street sign, trees, or on any public property; and
 - 3. Signs are permitted to be erected within sixty (60) days prior to an election and must be removed within 7 days after an election.

9.7.3. Prohibited Signs

The following signs are prohibited:

- a. Off-premise signs, with the exception of flags of a sovereign nation, and banners erected by the city, county, or state government.
- b. Signs within the public rights-of-way, except those posted by a public agency
- c. Signs placed In any manner or location that constitutes a hazard to pedestrian or vehicular traffic
- d. In a manner that obstructs free ingress to_z or egress from_z a required door, window, fire escape, or other required exit.

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- e. Electric letter signs are signs that change, blink, scroll, rotate, change height or intensity, or other illuminated signs which change due to electronic messaging.
- f. Off-premise commercial signage affixed to a private residence or dwelling, or displayed upon the grounds thereof.
- g. Attached to or painted onto the following:
 - 1. Trees, rocks or other natural features
 - 2. Fence posts, telephone or utility poles
 - 3. Roofs signs, or attached signs that project above the building height.
- h. Moving, Flashing, or Audible Signs
 - 1. Signs that move by any means regardless of whether they contain written messages.
 - 2. Signs set in motion by movement of the atmosphere or by mechanical, electrical, or other means, including, but not limited to: flags, adversails, feathers, pennants, posters, propellers, discs, ribbons, balloons, streamers, strings of light bulbs, and spinners.
 - 3. Flashing signs or devices displaying intermittent lights or lights of changing intensity.
 - 4. Signs that emit audible sound or visible matter.
- i. Movable or Towed Signs: Signs constructed to be used as a conveyance upon public streets, and usually parked in public places or private property primarily for the purpose of public display.
 - 1. Exception: Commercial vehicles, including standard passenger vehicles, that are fully operable may bear a permanently-adhered commercial message. They must be parked in a typical parking space and may not be located on landscaped areas or at angles to the street so as to increase visibility.
- j. 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) consecutive calendar days.
- k. Sign Content Limitations
 - 1. Signs copying or imitating official government signs, or that purport to have official government status
 - 2. Any sign and/or sign structure that obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign.
 - 3. Signs containing statements, words, or pictures of obscene, pornographic, or immoral character that is not considered protected speech
- l. Impermanent and Unsubstantial Sign Types: Signs that are constructed of impermanent and unsubstantial materials including but not limited to inflatable signs, snipe signs, and feather signs/banners.
- m. Abandoned or Deteriorated Signs or Businesses:

1. Sign structures no longer containing signs.
 2. Signs made structurally sound by unsightly bracing.
 3. Abandoned or dilapidated sign.
 4. Signs referencing businesses which have been out of business for more than 30 days.
- n. Billboards: Billboards are prohibited.

9.8. Violations

9.8.1. Impoundment of Signs

- a. If any sign requiring a permit or temporary permit is erected without a permit, or if any sign is erected in violation of these regulations, the Administrator shall have the authority to give the owner thereof written notice of such violation. The notice shall include a brief statement of the particulars in which the violation is to be remedied. If the sign has been permitted, notice to the person receiving the permit shall be sufficient. If the sign owner cannot be found, the duty to perform corrections or removal of the sign will be upon the property owner on whose property the sign is located.
- b. If within ten (10) days the owner of the sign fails to contact the Administrator, bring the sign into conformance with these regulations, and obtain a sign permit, the Building Official shall have the authority to have the sign removed and impounded without further notice and the cost of removal shall constitute a lien against the property on which the sign is located. The Town shall not be liable for any damage to the sign or property as a result of such removal.
- c. The Administrator shall have the authority to remove and impound, without notice to the owners thereof, any signs placed within any street right-of-way, signs attached to trees, rocks or other natural features, and signs attached to telephone and utility poles.
- d. If the impounded sign is not claimed within 5 days, then the administrator shall have authority to dispose of such sign.

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Article 10 – Development Review Procedures

10. Development Review Procedures

10.1. Purpose and General Standards

The purpose of the Development Review Procedures Article is to provide a clear, transparent, and comprehensive development process that is fair and equitable to all interested Parties, effected neighbors, Town Officials, related Agencies, and Town Council. This Article will establish an orderly process for the responsible growth, development, revitalization, and expansion of property, lands, and areas within jurisdictional control of the Town of Chapin.

10.1.1. Applicability

The provisions of this Article shall be applicable to all development activities under the jurisdiction of the Town of Chapin.

10.1.2. Conformity with Ordinance

The Administrator shall not issue a Permit or License for any Occupant Use, Structure, or Intended Purpose that conflicts with any provision of this Ordinance. Any Permit, License or Certificate of Occupancy issued found to be in conflict with the provisions of this Ordinance, whether intentionally or unintentionally, shall be null and void.

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10.1.3. Public Notice

In accordance with all applicable State of South Carolina Laws, all applications requiring a Public Hearing before the Planning Commission (PC), Board of Zoning Appeals (BZA), Architectural Review Board (ARB), and/ or Town Council (TC), shall adhere to the following requirements:

- a. Advertised Notice: All meetings of the Planning Commission (PC), Board of Zoning Appeals (BZA), and Architectural Review Board (ARB) shall be published in a newspaper of general circulation within the Town and/or public notice medium and shall be posted on, or adjacent to, the property affected, with at least one (1) notice visible from each public street abutting or adjoining the property fifteen (15)-calendar days prior to the Public Hearing. Posted notice(s) shall contain the property address, parcel number, type of application, and contact phone number.
- b. Posted Notice: Agendas for regularly scheduled meetings must be conspicuously posted on a bulletin board in a publicly accessible place at the office or meeting place of the public body and on a public website maintained by the governing body and/or Town at least 24 hours prior to said meetings.

10.1.4. Written Notice of Decisions

Written copies of all final judgments and/or determinations made by any Board and/or Zoning Administrator shall be mailed via United State Postal Service to the Applicant or Appellant within ten (10)-calendar days following the date a

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judgment and/or determination was rendered. Copies of all judgments and/or determinations shall be filed within Town Offices and available for public viewing during normal business hours.

10.1.5. Time Limits for Resubmission of Application

If an application is denied or disapproved as a result of this/ an Ordinance for any reason, an application for similar and/or identical requests shall not be refiled for a period of one (1) calendar year from the advertised Public Hearing date. Upon petition by the Applicant or Appellant, the Administrator may permit a refiling of an application no sooner than six (6) months from the original Public Hearing date. Where Public Hearings are not required, applications shall not be refiled for a period of one (1) calendar year from the date of the Notice of Denial.

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10.2. Application Procedures

10.2.1. Pre-Application Conference

A mandatory pre-application conference with the Administrator shall be conducted prior to the filing of any application requiring review by the PC, BZA, ARB, or TC.

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10.2.2. Application Forms and Fees

Prior to application processing, an application provided by the Town must be completed and accompanied with all required fees, payable to the "Town of Chapin", and accompanied by any required documentation, information, and/or plans. An application may be considered incomplete by the Administrator if any of the above have not been provided. The Administrator may not process any applications that are incomplete. Fees for applications are set by the Town Council and are subject to change by resolution adopted by Town Council.

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10.2.3. Application Deadline

All applications shall be completed and submitted to the Administrator in accordance with schedules as determined by the Town.

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10.3. Application Requirements

The following general standards for various applications are intended to require only that data/information that is necessary to render an informed decision by the reviewing agency.

10.3.1. Application Elements Descriptions

- a. Site Analysis: A site analysis is intended to identify the existing conditions of the property in the form of a survey prepared by a licensed South Carolina surveyor. Depending on the application and determination of the Administrator, a site analysis may include the following, tree survey to include the species and diameter at breast height (DBH) of existing trees and their location, vegetative boundaries, clear and open areas, topography, existing watercourses, floodplains, federal or state recognized endangered species habitats, and areas of historic, cultural, or archeological significance. This requirement provides the Town and the applicant the ability to

evaluate the proposed development in order to preserve existing resources and to improve the appearance of the development proposed. It is the expectation that readily available spatial data, including GIS information, will be sufficient for this survey.

- b. Sketch Plan: The sketch plan shall show in simple line drawing (at a scale of not less than one-inch equals one mile) form the proposed layout of streets, lots, buildings, civic spaces, tree coverage, and other features in relation to existing conditions, based upon the size of the tract proposed for development.
- c. Development Phase Plan: The Development Phase Plan or Plans shall show the different section of the development that are planned for phasal construction. Phase Plans shall use either Arabic numerals, roman numerals, or the English alphabet to denote different phases. Phases should be listed in numerical or alphabetical order in correspondence with the order of planned phase development. If a development has multiple types of phase plans, such as utility/infrastructure phase plan, and lot development phase plan, and the phases do not correspond to the same areas, then a different denotation shall be used for each.
- d. Site Plan (syn. Preliminary Plat): The site plan is intended to provide a detailed two dimensional drawing that illustrates all of the required site features, including buildings*, parking areas*, street locations, street sections, rights-of-way, property lines and setbacks, required or proposed Critical Area buffers, trees proposed to remain and to be removed and tree protection zones, site landscaping and lighting* (in conceptual form), and all related development calculations (e.g., density, proposed building areas, number of parking spaces, estimated impervious surface, proposed tree coverage, percentage of open space, and Traffic Impact Study) in sufficient detail to show compliance with this Ordinance. *When a Site Plan is being used as a Preliminary Plat for a Subdivision, these elements are not required to be shown.
- e. Construction Documents: The construction documents for development design review and subdivision plans shall constitute a full and complete set of engineered drawings necessary for final permitting and horizontal and vertical construction. This includes detailed landscaping plans, lighting plans, road specifications, cross-section of street pavements, grading and drainage plans, utility plans, and stormwater calculations. Review of these documents shall be conducted by the authorized entity and agent having jurisdiction.
- f. Final Plat: The final plat shall be prepared by a registered land surveyor licensed to practice in the State of South Carolina, and shall meet the requirements of the Beaufort County Register of Deeds Office. The Final Plat shall constitute an accurate survey of the entire phase as shown on the approved site plan and shall include all the relevant notes and certifications.

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- g. As-Built Drawings: The as-built drawings shall show the final installed conditions and specifications for all public infrastructure. The designer of the infrastructure shall certify, under seal, that the installed infrastructure is in compliance with the approved plans and designs and with the requirements of this Ordinance and receives approval from other agencies having jurisdiction.
- h. Building Elevations For Design Review: For certain applications, it may be necessary to submit scaled drawings of each elevation visible from a public street, civic space, property lines, cardinal directions, or any orientation of the building(s). These drawings shall be in color and shall accurately represent the building heights, floor levels, and building materials, and shall include written identification of building materials and colors. In addition, the Administrator may require a physical model, material boards, and/or up to three drawings from different perspectives that show how the building fits into the context of the block.

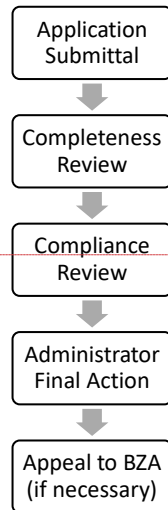
10.4. Zoning Permit

10.4.1. Applicability

- a. No building, sign and/or structure shall be erected, moved, relocated, enlarged, altered or demolished in the jurisdiction of the Town of Chapin without a zoning permit issued by the Administrator. No occupation of an existing structure by a new user and/or change in use type (regardless of use) is permitted without a zoning permit issued by the Administrator. No permit shall be issued by the Administrator except for a use which is in conformity with the provision of this Ordinance.
- b. Home Occupations
- c. Converting a residential building to a non-residential use
- d. Approval of permitted temporary uses
- e. New Construction, additions, alterations, and modifications to existing buildings and sites, with applicable approvals from all authorities having jurisdiction.
- f. Expansion of use

10.4.2. Process and Approval

- a. Process Type: Administrative
- b. Pre-Application Procedure: Encouraged
- c. Required Application Information: Property and applicant address, zoning information, property authorization, survey, scope of project, and/or other documents required by the administrator.
- d. Public Notification: None
- e. Appeals: Appeals of zoning permit applications denied by the Administrator shall be submitted



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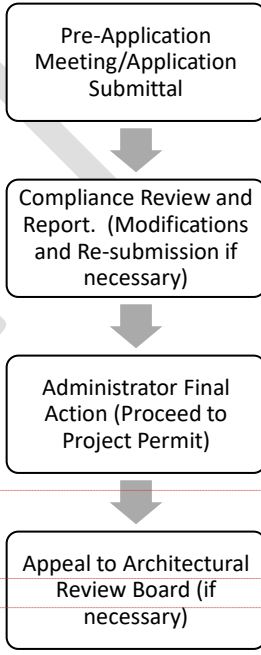
to the Board of Zoning Appeals within 30 days of the decision (Section 10.13)

- f. **Permit Validity:** Upon the approval of the zoning permit, the applicant shall have 6 months act on the approval. If no action is taken, the permit becomes null and void, and the applicant shall resubmit.
- g. **Permit Extension:** The Administrator may grant a single extension of up to 6 months upon submittal by the applicant of sufficient justification for the extension.

10.5. Architectural Review, Minor

10.5.1. Applicability: A Certificate of Appropriateness (Minor) from the Administrator shall be required for the following construction activities:

- a. Repairs, replacements, or renovations of existing buildings, as long as there is no change in exterior materials or does not involve modification of architectural features.
- b. Expansions of existing buildings of less than 20 percent of the building's gross floor area
- c. New construction of non-residential accessory uses, except for those provided in this Section (10.5.1.).
- d. Demolitions of any structure
- e. New construction of fences or walls for non-residential or multi-family uses
- f. Any color change to the exterior of a building within an Architectural Overlay Districts. (See Appendix III for Approved Colors)



10.5.2. Process and Approval

- a. **Process Type:** Administrative
- b. **Pre-Application Procedure:** Encouraged
- c. **Required Information:** Site Analysis, Site Plan, and Building Elevations for Design Review (See Section 10.3.1) – these may be waived by Administrator as appropriate. The Administrator may require additional documents.
- d. **Public Notification:** None
- e. **Issuance of COA:** After the Administrator has determined that the application conforms with the Ordinance, a Minor Certificate of Appropriateness will be issued to the applicant.
- f. **Appeals:** Appeals of the Administrator shall be heard by the Architectural Review Board. Application for appeal shall be made within 30 days of the decision.

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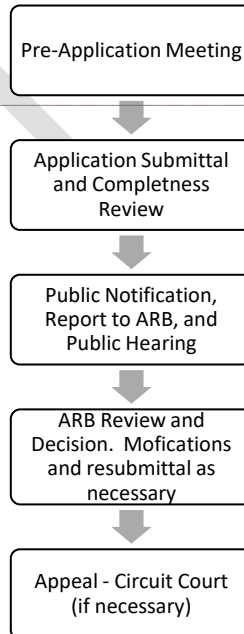
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- g. Permit Validity: Upon the approval of the Minor Certificate of Appropriateness application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure Project Permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the Minor Certificate of Appropriateness and any subsequent Project Permits.
- h. Permit Extension: The Administrator may grant up to one (1), one-year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 45 days prior to the expiration date of the vested rights period in Section 10.15.

10.6. Architectural Review (Major)

10.6.1. Applicability: In the areas designated as Architectural Overlays Districts, a Certificate of Appropriateness issued by the Architectural Review Board, (Section 6.2.1 – Overlay District Map) shall review the following applicable development:

- a. Any new construction of a nonresidential, mixed-use, three-family, or multi-family building or any structure exceeding 10,000 sq.ft. in gross floor area within the overlay districts established in Article 6.
- b. Any modification, addition, or demolition to a building on the National Register of Historic Places.
- c. Any new construction, or conversion of an existing building, to a drive-thru establishment.
- d. Expansion of non-residential or multi-family buildings by 20 percent or more of the building’s area or floor space. Except in the Light Industrial District (LI).
- e. Any modifications to the building exterior of a non-residential or multi-family building.
- f. Any residential building models to be used in a proposed major subdivision (Section 10.9).
- g. Any application not specifically described as “minor” by Section 10.6.1.
- h. Any application that the Administrator deems significant, requiring Approval by the Architectural Review Board.



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Deleted: <#>Any new or converted multi-family residential building

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10.6.2. Process Type: Board Review

10.6.3. Pre-Application Procedure: Required. Every applicant for a Major Architectural Review is required to meet with the Administrator prior to the submittal of an application. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plat for approval. It is recommended that the applicant provide a Sketch Plan (Section 10.3.1.b) to the Administrator prior to or at the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Site Plan.

10.6.4. Required Application Information: Site Analysis, Sketch Plan, Site Plan, Construction Documents, As-Built Drawings, Building Elevations for Design Review. A digital copy in a Portable Document Format (PDF) of the plat are required upon submission, the administrator may also request for physical copies for the purposes of distribution to the applicable review entity. The Administrator may also require the submittal of a letter from a licensed traffic engineer certifying that the proposed subdivision complies with SCDOT, County, and Local (Section 5.6) regulations regarding a Traffic Impact Study (TIS).

10.6.5. Determination of Completeness: The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for review by the Architectural Review Board.

10.6.6. Public Meeting: The Architectural Review Board shall hold a public meeting on the proposal. The applicant may present the proposal to the Board.

10.6.7. Decisions/Findings of Fact: Following review, the Architectural Review Board may approve, deny, or approve with conditions the application for a Certificate of Appropriateness. No Certificate of Appropriateness shall be issued unless the following findings of fact can be made:

- a. The plan and design of the proposed is consistent with the adopted plans and policies of the Town, and complies with all applicable requirements of Article 6 within this Ordinance.
- b. Scale, location, form, line, color, texture and other design elements of building structures, and signs are in harmony with the character of the district;
- c. Proposed development does not adversely impacts surrounding property values by reason of factors subject to architectural review.

10.6.8. Time Frame for Review: Major Architectural Review applications shall be acted upon within 60 calendar days after filing; otherwise, the application shall be deemed approved, and a COA shall be issued by the Administrator. An extension of time may be granted by mutual consent of the Architectural

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Deleted: <#>Public Notification: 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.¶

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Review Board and the applicant. At the time of approval, the applicant shall be directed to prepare detailed Construction Documents compliant with the terms of approval and submitted to the agency having the authority to issue the applicable permits.

Issuance of a COA: After the ARB has determined that the application makes the findings in compliance with Section 10.6.8 above, they will grant an approval of the application, with or without conditions, and direct the Administrator to issue a Major Certificate of Appropriateness.

- 10.6.9. Appeals: Any party aggrieved by the decisions of the Architectural Review Board may appeal to the Circuit Court of Lexington County within 30 days of the decision.
- 10.6.10. Permit Validity: Upon the approval of the Major Architectural Review application, the applicant shall have 2 years to obtain a construction permit from the agency having authority and jurisdiction. Failure to secure a permit for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the design approval, and any subsequent building permits.
- 10.6.11. Permit Extension: The ARB may grant up to one (1), one-year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 45 days prior to the expiration date.

10.7. Subdivision Review

- 10.7.1. Applicable to all subdivisions: All development that involves the subdivision of one or more parcels shall be subject to the subdivision approval requirements of this Article, with the following exceptions:
 - a. Subdivision of land into parcels having existing access of less than 5,000 square feet in area when they are exclusively for the provision of local utilities such as pump stations.
 - b. The combination or recombination of entire lots of record where no new street or change to existing streets is involved.
 - c. Combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the ordinance standards.
- 10.7.2. Land Development Standards: See Article 5 for applicability of land development standards.
- 10.7.3. Unlawful to Record Plat without Town Approval: It shall be unlawful to offer and cause to be recorded any plan, plat, or replat of land within the jurisdictional authority of the Town of Chapin with the appropriate County Register of Deeds office having jurisdiction, unless the same bears the endorsement and approval of the Town.

Deleted: <#>The division of land into parcels of 5 acres or more where no new street is necessitated and/or created.

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10.7.4. Appeals

- a. Subdivision Plat decisions made by the Planning Commission (PC) may be appealed to the circuit court within 30 days of the decision.
- b. Subdivision Plat decisions made by the Administrator may be appealed to the PC within 30 days of the decision. The PC shall review the Subdivision Plat within 60 days and shall have all of the same authority as the Administrator in such review. The decision of the PC shall be final.

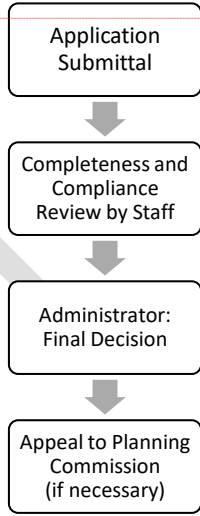
10.7.5. Permit Validity: After approval of a subdivision, the applicant shall record the approved final plat with at the Lexington County Register of Deeds Office prior to the expiration of the vested rights period (Section 10.15)

10.7.6. Subdivision in Phases: Whenever part of a tract is proposed for platting, and it is intended to subdivide additional parts in the future, or abutting land is in the same ownership, a sketch plan for the entire tract shall be submitted with the plat.

10.8. Minor Subdivision

10.8.1. Applicability: The Minor Subdivision review process is allowed for those divisions of land that:

- a. Combine or recombine portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this code. A nonconforming lot may be included in a lot recombination if the resultant lot becomes closer to conformity.
- b. Subdivide parcels less than 5 acres in size.
- c. Create no new streets nor require the extension or new installation of public utilities.
- d. Does not involve any other conditions that require any additional approval(s) from any Town board or commission, as determined by the Administrator.



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- e. Subdivisions resulting in four or less total lots, unless it requires the creation of a new street to establish access, and is not part of a phased development.
- f. Subdivisions affecting property that have been created within the last calendar year from the date the original date record.

10.8.2. Process Type: Administrative

10.8.3. Required Application Information: A preliminary plat as described in Section 10.3.1.C. A digital copy in a Portable Document Format (PDF) of the plat are required upon submission, the administrator may also request for physical copies for the purposes of distribution to the applicable review entity. The Administrator may also require the submittal of a letter from a licensed traffic engineer certifying that the proposed subdivision complies with SCDOT, County, and Local (Section 5.6) regulations regarding a Traffic Impact Study (TIS). The Administrator may require additional documents.

10.9. Major Subdivision

10.9.1. Applicability: Any division of land that does not meet all of the requirements for Minor Subdivision (Section 10.7.2.a). The following types of development, include but are not limited to, require Major Subdivision Approval:

- a. Commercial subdivisions requiring new streets, infrastructure, and other development applications referenced in Section 5.2.1.
- b. Conservation Subdivision
- c. Manufactured Home Park
- d. Planned Developments
- e. Commercial or Industrial Subdivisions
- f. All subdivision applications may be elevated to review by the Planning Commission as determined by the Administrator.
- g. Not listed as “Minor” in Section 10.8.1 or otherwise reference as needing Major Subdivision Approval within this Ordinance.

10.9.2. Process Type: Commission Review, for Sketch Plan approval, followed by review by the Planning Commission for preliminary plat approval

10.9.3. Public Notification: None



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10.9.4. Sketch Plan Review

- a. Procedure: The subdivider shall submit to the Administrator, a completed application, a digital copy in a Portable Document Format (PDF) of the plat are required upon submission, the administrator may also request for physical copies for the purposes of distribution to the applicable review entity.
- b. Review By Staff: The Administrator shall review the submitted sketch plan to determine conformance with this Ordinance. The Administrator may also require the submittal of a letter from a licensed traffic engineer certifying that the proposed subdivision complies with SCDOT, County, and Local (Section 5.6) regulations regarding a Traffic Impact Study (TIS).
- c. Approval of Sketch Plan: After reviewing the Sketch Plan, the Administrator will advise the applicant within thirty (30) days after application that the Sketch Plan is approved, disapproved, or approved with certain modifications. If approved, said approval shall constitute authorization to prepare and submit a Preliminary Plat. Approval *does not* authorize the developer to begin the proposed construction or improvements. If the Administrator fails to act on the Sketch Plan within thirty (30) days after application, the Sketch Plan shall be deemed approved and a certificate, to that effect, shall be issued by the Planning Commission upon demand; provided, however, that the subdivider may waive this requirement and consent in writing to extension of such period.

10.9.5. Preliminary Plat

- a. Procedure: Upon approval of the Sketch Plan (Section 10.7.3.D), the subdivider shall submit to the Administrator one (1) physical copy and a digital copy in a Portable Document Format (PDF) of the plat are required for the preliminary plat along with an application available at the office of the Administrator. The Administrator may also require the submittal of a letter from a licensed traffic engineer certifying that the proposed subdivision complies with SCDOT, County, and Local (Section 5.6) regulations regarding a Traffic Impact Study (TIS). Additional physical copies of the plat or any supplemental information may be requested.
- b. Review by Outside Agencies: Upon determination by the Administrator that the Preliminary Plat and construction documents conforms with the approved Sketch Plan, the Administrator shall submit an appropriate number of copies of the preliminary plat and construction documents to applicable outside agencies for review and approval:
 - 1. Director of Utilities or Appropriate Utility AHJ
 - 2. Appropriate soil & erosion control agency
 - 3. South Carolina Department of Health & Environmental Control
 - 4. Appropriate Road AHJ

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- c. Review by Planning Commission: The PC shall approve, approve with conditions, or disapprove the preliminary plat within sixty (60) days of receipt of preliminary plat. Unless this time limit is extended by mutual agreement, failing to act within the time limit constitutes approval of the preliminary plat. If a proposed Site Plan (preliminary plat) is determined by the PC to be in conformance with the sketch plan and all applicable provisions of this Ordinance, the PC shall approve the Site Plan, and shall advise the applicant in writing of:
 1. The conditions of such approval, if any;
 2. Approval of Preliminary Plat by the Town; and
 3. The date on which the PC granted approval.

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10.9.6. Final Plat

- a. Procedure: Following the approval of the Preliminary Plat and completion of all required improvements, if the improvements are not going to be bonded, the applicant shall file with the Administrator as application for final approval of a subdivision plat. If improvements are going to be bonded, the requirements of Section 5.3.3 shall be met prior to the issuance of a final plat.
- b. Application Requirements: Submittal of final plat application forms accompanied by at least two (2) physical copies and a digital copy in a Portable Document Format (PDF) of the Final Plat with all applicable documentation. The Final Plat shall contain as-built drawings compliant with Section 10.3.1.6. The final plat shall be compliant with the Preliminary Plat.
- c. Review by Staff: Upon determination by the Administrator that the Final Plat is in conformity with the Preliminary Plat as approved, the Administrator shall submit an appropriate number of copies of the Final Plat and As-Built Drawings to the same agencies and Town departments which reviewed and approved the Preliminary Plat (Section 10.9.5.2). A report from applicable agencies, as determined by the Administrator and applicable laws, approving the as-built drawings shall be required prior to approval.
- d. Compliance with Ordinance: Land development standards (Article 5) including performance bonds if required, in a form satisfactory to the local government attorney and in an amount established by the Planning Commission upon recommendation of the Administrator. The bond shall include a provision that the principal of the bond shall comply with all the terms of the resolution of Final Plat approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.

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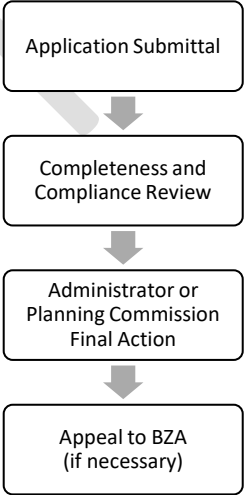
- e. Review by Planning Commission: If the Administrator determines that the submitted final plat is an alteration from the approved preliminary plat, such as a change of density, lots, street configuration, or other significant change, the Planning Commission shall review and act on a Final Plat within sixty (60) calendar days after the submittal of the Final Plat, unless otherwise agreed upon by the Administrator and the applicant. No plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of time and place of which shall be sent by registered or certified mail to the address provided by the applicant not less than five (5) days before the time of the hearing.
- f. Approval: Upon approval of the Final Plat by the Administrator, a statement will be placed on the Final Plat by the Administrator and two (2) copies of the plat returned to the subdivider stating that the subdivision plat as shown has complied with the requirements of the Town, and have been approved for recording in the Office of the Registrar of Deeds in Lexington County.
- g. Changes to Final Plat: If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the Administrator prior to final recording to determine if the revision requires Planning Commission review.

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10.10. Administrative Adjustment

- 10.10.1. Purpose: Administrative Adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:
 - a. Compatible with surrounding land uses;
 - b. Harmonious with the public interest; and
 - c. Consistent with the purposes of this Ordinance.

- 10.10.2. Adjustment of Numerical Standard: For administrative level applications, or those not requiring Planning Commission and/or Town Council Review, the Administrator shall have the authority to authorize modification of up to 10% from any numerical standard set forth in Article 3 (District Development Standards), Article 6 (Design Standards), Article 7 (Landscaping and Tree Preservation), or Article 8 (Parking) of this Ordinance. For those cases before the Planning Commission or the Architectural Review Board, the PC and ARB may have the authority to grant a modification up to 10% for those sections reference in within this Section 10.10.2. Any request greater than 10% shall constitute a need for a variance request, handled by the Board of Zoning Appeals (BZA), and subject to the requirements of Section 10.12. No



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adjustments are permitted to sign standards. The Administrator is not obligated to allow modification from any numerical standards.

10.10.3. Permission of Flag Lot: When the applicant is proposing flag lots or other irregular lots as defined in this Ordinance (Article 3), the Administrator may permit the irregular or flag lot as an Administrative Adjustment, making written findings in accordance with Section 10.10.5.5.

10.10.4. Process and Approval

a. Process Type: Administrative

b. Public Notification: None

c. Required Application Information: An application for an Administrative Adjustment shall include a brief description of the requirement to be adjusted and any other material necessary to ensure the criteria in this section are met.

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d. Administrator Review: The Administrator shall review the application and approve, approve with conditions, or deny the application, based upon the criteria in Section 10.10.4.e. A written decision including affirmative findings on the criteria set forth below shall be transmitted to the applicant.

e. Administrative Adjustment Criteria: To approve an application for an Administrative Adjustment, the Administrator shall make an affirmative finding that the following criteria are met:

1. Granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards.
2. Granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks, and other land use considerations.
3. Granting the Administrative Adjustment will not adversely affect property values in any material way.
4. Granting the Administrative Adjustment will be generally consistent with the purposes and intent of this Ordinance.
5. Granting the Administrative Adjustment shall not establish a precedent that would generally result in the relaxing of the requirements of this ordinance.
6. The purpose of the adjustment request is to lessen/reduce the cost of development solely.

f. Appeals: A decision denying an Administrative Adjustment may be appealed to the BZA within 30 days of the Administrator's decision in accordance with Section 10.13 (Administrative Appeals).

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g. Expiration and Lapse of Approval: Property owners shall have 6 months from the date of approval of an Administrative Adjustment to secure a Necessary Permit(s) and/or approval(s) to carry out the proposed improvements. It is the responsibility to notify the Zoning Administrator in writing, when they have obtained any necessary permit(s) and/or

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approval(s) from the jurisdiction having authority, proving they are acting upon the Administrative Adjustment within 6 months. If a complete Permit and/or approval application(s) have not been filed within 6 months of the date of approval of adjustment, the approval shall be void.

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10.11. Special Exception

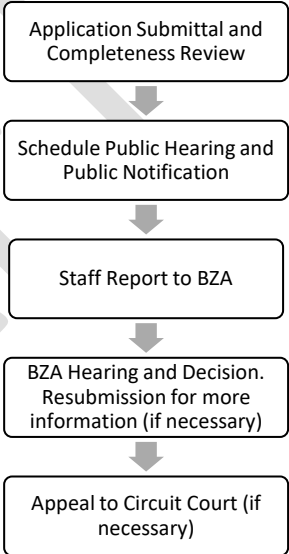
10.11.1. Applicability

Special Exceptions may be made for situations in which proposed land uses are generally compatible with the land uses permitted by-right in a district but require individual review of their location, design, configuration, and other criteria to evaluate the potential for adverse impacts on adjacent property and uses. The Special Exception process ensures the appropriateness of the use at a particular location within a given District.

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10.11.2. Process and Approval

- a. Process Type: Public Hearing by Board of Zoning Appeals
- b. Required Application Information: All applicable forms as determined by the Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 10.11.3.
- c. Public Notification: 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.
- d. Staff Review and Report: The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this Code. A copy of the report shall be provided to the Board of Zoning Appeals (BZA) and the applicant before the scheduled hearing.
- e. BZA Hearing
 1. The BZA shall hold a public hearing on the Special Exception application.
 2. After review of the application and the public hearing, the BZA shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
 3. If approval, or approval with modifications or conditions, is granted, the decision shall be communicated in writing within 15 days to the



applicant, and the applicant shall then be authorized to submit any necessary permit(s) and/or application(s) consistent with this Ordinance.

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10.11.3. Special Exception Review Criteria: The BZA may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The BZA shall consider the following criteria in its review:

- a. The proposed uses compatibility with existing land uses in the surrounding area;
- b. The harmony of the proposed site plan, circulation plan, and character of the surrounding area;
- c. The likely impact on public infrastructure — such as roads, parking facilities, and water and sewer systems — and on public services — such as police and fire protection and solid waste collection— and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the Town;
- d. The general conformity of the proposed use and designs with the Town’s Comprehensive Plan, and any other plans officially adopted by the Town;
- e. The likely impact on public health and safety;
- f. The potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.

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10.11.4. Conditions: The BZA may impose such conditions and restrictions upon the application as may be necessary to minimize, mitigate, or remove any potential adverse impacts of the proposed use.

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10.11.5. Appeal: Any party aggrieved by the decisions of the BZA may appeal to the circuit court within 30 days of the decision.

10.12. Variance

10.12.1. Variances to all ordinance standards may be requested with the following exceptions:

- a. No variances to the Table of Permitted Uses shall be permitted.
- b. No variances to sign regulations shall be permitted
- c. Design Exceptions (Article 6) shall be considered by the Architectural Review Board for recommendation prior to appearing before the BZA for a variance.

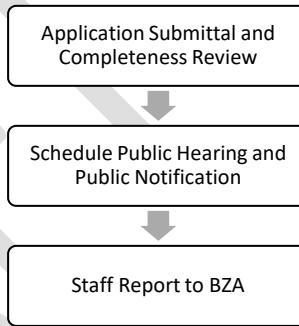
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10.12.2. Process and Approval

- a. Process Type: Public Hearing by the Board of Zoning Appeals (BZA).
- b. Application Requirements: All applicable forms as determined by Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 10.12.4.
- c. Staff Review and Report: The Administrator shall prepare a staff report that shall be provided to the applicant or appellant and the BZA before the scheduled hearing.
- d. Public Notification: 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.

10.12.3. BZA Hearing

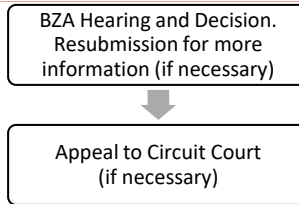
- a. After review of the variance application and the public hearing, the BZA shall approve, approve with conditions, or deny the application.
- b. If approval or approval with conditions is granted, the decision shall be communicated in writing to the applicant within 15 days, and the applicant shall be authorized to submit ~~any necessary permit(s) and/or application(s)~~.



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10.12.4. Criteria for Approval of Variances
 Required Findings: A variance may be granted by the BZA if it concludes that the strict enforcement of any design and performance standard set forth in this Code would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of this Code will be observed, public welfare and safety will not be diminished, and substantial justice will be done. A variance may be granted in an individual case of unnecessary hardship only when the BZA makes, and explains in writing, all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
- b. These conditions do not generally apply to other property in the vicinity.
- c. The conditions are not the result of the applicant's own actions.
- d. Granting of the variance would not substantially conflict with the Comprehensive Plan, other adopted regional plans, and the purposes and intent of this Ordinance.



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- e. Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- f. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed by the granting of the variance.

10.12.5. Limitations: The BZA may not grant a variance if it would do any of the following:

- a. Allow the establishment of a use not otherwise permitted in the applicable district.
- b. Increase the density of a use above which is permitted in the applicable district.
- c. Physically extend a nonconforming use of land.
- d. Change the zone boundaries shown on the Official Zoning Map.

10.12.6. Profitability Not to Be Considered: Profitability shall not be considered grounds for a variance. Nor shall inconvenience or financial disadvantage.

10.12.7. Conditions: In granting a variance, the BZA may attach to it conditions regarding the location, character, or other features of the proposed building, structure, or use as the BZA considers advisable to protect established property values in the surrounding area, or to promote public health, safety, or general welfare.

10.12.8. Appeal: Any party aggrieved by the decisions of the BZA may appeal to the circuit court within 30 days of the decision.

10.13. Administrative Appeals

10.13.1. Applicability

Any person aggrieved by a decision, interpretation, or determination of the Administrator may appeal to the BZA. Upon receipt of any Administrative Appeal application. The Administrator shall immediately transmit to the BZA all papers constituting the record of the appealed action.

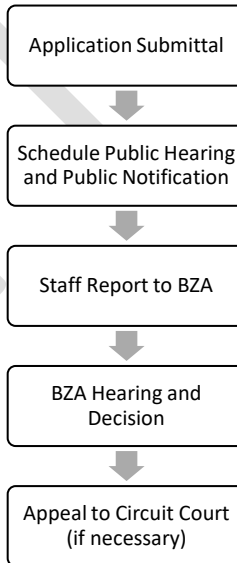
10.13.2. Process and Approval

- a. Process Type: Public Hearing by the Board of Zoning Appeals (BZA).
- b. Required Application Information: Within 30 days of a decision or order of the Administrator, an application for appeal shall be filed with the Administrator and the BZA specifying the grounds of the appeal.

- c. Public Notification: Public notice of all hearings shall be published in a newspaper of general circulation within the Town within fifteen (15) days prior to the public hearing.
- d. Effect of Appeal: An appeal stays all legal proceedings in furtherance of the action in question (except enforcement proceedings), unless the Administrator certifies to the BZA that a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order that the BZA or by a court of record may grant.

10.13.3. BZA Hearing: The BZA shall schedule the matter for a hearing at its next regularly-scheduled meeting. At the hearing, any party may appear in person, by agent, or by attorney. Following the hearing, the BZA shall take one of the following actions, consistent with the provisions of this Ordinance:

- a. Affirm the action of the Administrator;
- b. Modify the action of the Administrator, and to that end, the BZA shall have all the powers of the officer, board, or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued; or
- c. Reverse the action of the Administrator, and to that end, the BZA shall have all the powers of the officer, board or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued.



10.13.4. Findings of Fact: The BZA, in its execution of the duties specified in this section, may subpoena witnesses, and in case of contempt, may certify such fact to the circuit court that has jurisdiction.

10.13.5. Decision: All final decisions and orders of the ZBOA shall be in writing and shall be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law shall be separately stated in final decisions or orders of the BZA, which shall be delivered to parties of interest within 15 days by certified mail.

10.13.6. Contempt Penalty: In case of contempt by a party, witness, or other person before the BZA, the BZA may certify this fact to the circuit court of the county

in which the contempt occurs, and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

10.13.7. Appeals: Any party aggrieved by the decisions of the BZA may appeal to the circuit court within 30 days of the decision.

10.14. Amendments and Rezonings

10.14.1. Applicability

- a. When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission (PC), the Town Council may undertake the necessary steps to amend this Ordinance, and its accompanying map.

10.14.2. Initiation of Amendments

A proposed amendment to this Ordinance may be initiated by any member of the Town Council, the PC, the Administrator, or by any person owning property within the Town limits, by filing an application with the Administrator.

10.14.3. Approval Process

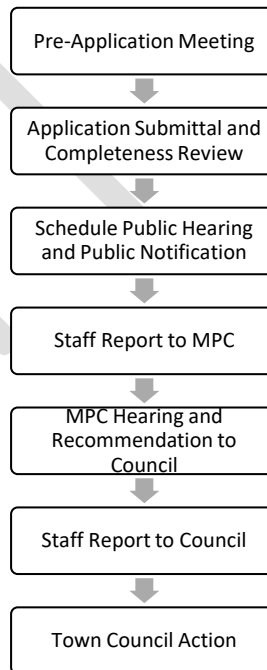
Requests to amend this Code shall be processed in accordance with the following requirements:

- a. Application Procedure: Application forms for code amendment requests shall be obtained from the Administrator. Completed forms, together with an application fee, plus any additional information the applicant deems pertinent, shall be filed with the Administrator. Applications for zoning map amendments (rezoning) shall also include:
 1. Boundary map of the subject property that is prepared and sealed by a registered land surveyor.
 2. Where applicable, a copy of correspondence illustrating that the applicant has solicited written comments from the appropriate property owners' association regarding the requested amendment. Such correspondence shall encourage the association to direct any comments in writing to the Administrator and the applicant within 15 calendar days of receipt of the notification.
 3. Written consent from the owner of the property that is being considered for an amendment. This is required if the applicant is not the Town of Chapin.
- b. Staff Review and Report
 1. The Administrator shall prepare a staff report that reviews the proposed amendment in light of the Comprehensive Plan and the general requirements of this Code. A copy shall be provided to the PC and the applicant before the scheduled public meeting.

2. For amendments where the most intense permitted use in the proposed district would generate more than 50 external trips during the peak hour, a TIS (Section 5.6) may be required; all road improvements needed to maintain the current level of service shall be identified (based on that analysis), and assurances shall be provided so that all road improvements will be in place so the impacts of the development are accommodated, and the current level of service is maintained.

c. Planning Commission Recommendation

1. Public Notification: Public notice of all hearings shall be published in a newspaper of general circulation within the Town within fifteen (15) days prior to the public hearing. In the case of an amendment to the zoning map, the property shall be posted within fifteen (15) days prior to the public hearing.
2. Hearing by PC: All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the PC. The PC, at regular meetings, shall review and prepare a recommendation for transmittal to the Town Council. At such meeting(s), any party may appear in person, by agent, or by attorney. Following action by the PC, all papers and data pertinent to the application shall be transmitted to the Town Council for final action. The PC shall study the proposed amendment, taking into account all factors that it may deem relevant, including, but not limited to:
 - a. Consistency (or lack thereof) with the Comprehensive Plan and other adopted plans of the Town or Lexington County;
 - b. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood;
 - c. Suitability of the property that would be affected by the amendment;
 - d. Compatibility with the natural features of — and any archaeological or cultural resources on — the property;
 - e. Marketability of the property that would be affected by the amendment;and
3. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property. At the close of the public meeting, the PC shall recommend approval, modified approval, or denial of the amendment.
 4. Upon receipt of a recommendation from the PC, the staff shall have 30 days within which to submit its report of the PC's deliberations and



recommendation Town Council. If the PC or its staff fail to submit a report within the 30-day period, it shall be deemed to have recommended approval of the proposed amendment.

5. If, after three PC meetings, no recommendation has been made (e.g., each meeting has resulted in the request being tabled), the item will proceed to Town Council. Staff will prepare a report of the PC deliberations within 30 days of the third PC meeting.

d. Town Council Hearing

1. Public Notification: Public notice of all hearings shall be published in a newspaper of general circulation within the Town within fifteen (15) days prior to the public hearing. In the case of an amendment to the zoning map, the property shall be posted within fifteen (15) days prior to the public hearing.
2. Timing: Town Council shall consider the proposed map or text amendment at the earliest reasonable date and shall consider the report of the PC in making a decision.
3. Decision: Town Council shall act to approve, approve with modifications, or deny the proposed amendment.
4. Notification of Result: The applicant shall be notified in writing within 15 days of Town Council's action.

10.14.4. Update of Zoning Map

Following Town Council's final action, any necessary changes shall be made to this Ordinance, or to the Official Zoning Map within seven (7) days. A written record of the type and date of such change shall be maintained by the Administrator. After seven (7) days of the official action, the action by City Council shall be considered official even if the Administrator fails to make the written change to the appropriate document.

10.14.5. Appeals

An applicant aggrieved by the amendment decisions of the Town Council may appeal to the circuit court within 30 days of the decision.

10.15. Vested Rights and Expiration of Approvals

10.15.1. General: A vested right pursuant to this ordinance or the Vested Rights Act is not a personal right, but attaches to and runs with the applicable real property. All applicable ordinances, municipal code sections, and regulations relating to zoning, planning and land development within the municipality are subject to this section.

10.15.2. Definition: "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.

10.15.3. Establishment and Conditions of Vested Rights: A vested right is established for 2 years upon the final approval of a site-specific development plan (e.g., site plan or subdivision plan) or phased development plan (e.g., PUD) that authorizes the developer or 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. An applicant shall have 2 years from final approval to receive a final plat, building permit, or, if no building permit is required, to obtain a Zoning Permit, or other similar plan approval. The following are additional conditions for vested rights.

- a. A vested right in a development plan, plat, or phased development plan shall not attach to the property until all plans have been received, approved and all fees paid in accordance with this ordinance.
- b. A vested right is subject to revocation by the Town Council, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.
- c. A vested plan is subject to later local development regulations that impose additional site plan related requirements, but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses.
- d. A vested right may receive up to 5 one-year extensions for good cause upon written request by the landowner to the Zoning Administrator and no later than one month prior to expiration.
- e. Phased development plans remain subject to review and approval of all phases prior to any portion of the project being vested.
- f. In case of projects where more than one building is to be built, the applicant may submit a series of Building Permit applications, if deemed acceptable by the Building Official of Lexington County. The first application must be submitted within two years from the date the development plan approval is granted. Each subsequent application must be submitted within 180 days from the date of issuance of a Certificate of Occupancy for the previous building, whichever shall occur first. The lapse of more than 180 days may cause the expiration of the Development Plan approval unless an extension is approved, upon a showing of good cause for the delay.
- g. A vested site-specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure

and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.

- h. The Board of Zoning Appeals does not have the authority to grant a vested right and no such right shall accrue as a result of their decision
- i. If real property having a vested site-specific development plan or vested phased development plan is annexed by the Town of Chapin, the Town Council must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after the annexation.
- j. The Town may not require that a landowner waive his vested rights as a condition of approval or conditional approval of a site-specific development plan or a phased development plan.

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Article 11 - Nonconformities

11. Nonconformities

11.1. Purpose and Intent

11.1.1. The Town of Chapin recognizes that there are parcels, structures, uses, and other site features within its jurisdiction that do not conform to the requirements of this Ordinance but were lawfully established prior to the Ordinance's adoption. This article shall regulate the continued existence of these features that do not conform to the provisions of this Ordinance.

11.1.2. As this Ordinance establishes the necessary rules to attain the vision of the adopted comprehensive plan, nonconformities are declared to be incompatible with permitted development. It is the intent of this Article to allow nonconformities to continue until they are removed but not to encourage their survival except under the limited circumstances established in this Article.

11.2. Authority to Continue

Nonconformities are allowed to continue subject to the requirements of this Article.

11.3. Determination of Nonconformity Status

The burden shall be on the landowner or developer to establish an entitlement to continue a nonconformity or to complete a nonconforming project. The Administrator may issue a Zoning Permit upon acceptance of reasonable proof (i.e. business license, utility bills, tax documents) that the nonconformity was lawfully in existence at the time of the effective date of this ordinance.

11.4. Change of Tenancy or Ownership

Changes of tenancy, ownership, or management of an existing nonconformity are permitted within, and in such cases the nonconformity shall continue to be subject to the Permitted Use Table and requirements of this Article.

11.5. Minor Repairs and Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, signs, and other site features in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, or sign.

11.6. Historic Buildings

Buildings on the National Register of Historic Places shall be considered conforming to this Ordinance as hereinafter provided. This conforming status shall only apply to height, setback, yard, area, and other dimensional requirements. Such finding shall supersede any conflicting standard set forth in the zoning district in which the building is located and shall be applied to the building and the site in making future determinations

of conformity as to the existing building or any changes consistent with an approved Certificate of Appropriateness. Notwithstanding anything to the contrary herein, alteration or removal of architectural features and/or historic fabric considered instrumental in the original National Register designation by the Architectural Review Board may, at the option of the Board, result in the loss of historic designation and conforming status.

11.7. Legal Nonconforming Uses

Legal nonconforming uses are uses that were lawfully established and maintained, but do not comply with the current use regulations applicable to new uses in the zoning district in which it is located. This section sets forth the requirements for the extension and/or enlargement, the conditions whereby a change in an existing nonconforming use may be permitted, and the loss of legal nonconforming use status.

11.7.1. Change of Use

A legal nonconforming use shall not be changed to any other nonconforming use unless the requirements in Article 4 lists are met.

11.7.2. Abandonment

11.7.2.1. A nonconforming use shall be considered abandoned when:

11.7.2.1.1. The nonconforming use has been discontinued upon lapse of business license, disconnection from utilities, cessation of waste services... for a period of twelve (12) consecutive months or more.

11.7.2.1.2. The Nonconforming Use has been replaced by a conforming use.

11.7.2.2. Once a Nonconforming Use is abandoned, the use's legal nonconforming status shall be terminated and any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.

11.7.2.3. Exceptions: Nonconforming residential uses are exempted from the abandonment provisions.

11.7.3. Expansion and Enlargement

11.7.3.1. A Nonconforming Use shall not be expanded.

11.7.3.2. A Nonconforming Use may not be extended to any portion of a completed building that was not occupied by that use when it became nonconforming.

11.7.3.3. A Nonconforming Use may not be extended to additional buildings, land outside the original building, additional patron space, or additional outdoor space.

11.7.3.4. A Nonconforming Use of land or outdoor space may not be extended to cover more land or outdoor space than was occupied by that use when it became nonconforming.

11.7.3.5. The extent, degree, intensity, or frequency of a Nonconforming Use may not be increased.

11.7.3.6. Where a nonconforming use exists, new equipment and processes may be utilized in order to modernize the operation but not to change the use.

11.7.4. Damage or Destruction of a Nonconforming Use

11.7.4.1. When a building or structure containing a Nonconforming Use is damaged by intent or by neglect, not caused by natural disaster or uncontrollable act, the use shall not be reestablished except in conformity with the regulations this Zoning Ordinance.

11.7.4.2. When a building or structure containing a Nonconforming Use is damaged by natural disaster or uncontrollable act the use may be restored in as close to conformity with the regulations of this Zoning Ordinance as possible. A Zoning Permit and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage.

11.8. Nonconforming Lots of Record

A Nonconforming Lot is a duly recorded lot of record established prior to adoption of this Ordinance that does not comply with the minimum Lot Area, lot width, or other requirements of this Ordinance.

11.8.1. Changes to Nonconforming Lots

No action shall be taken that increases the degree of nonconformance of a Nonconforming Lot.

11.8.2. Use of Nonconforming Lots

11.8.2.1. A nonconforming Lot may be developed to the extent that the development can be accomplished in accordance with the standards set out in this Zoning Ordinance.

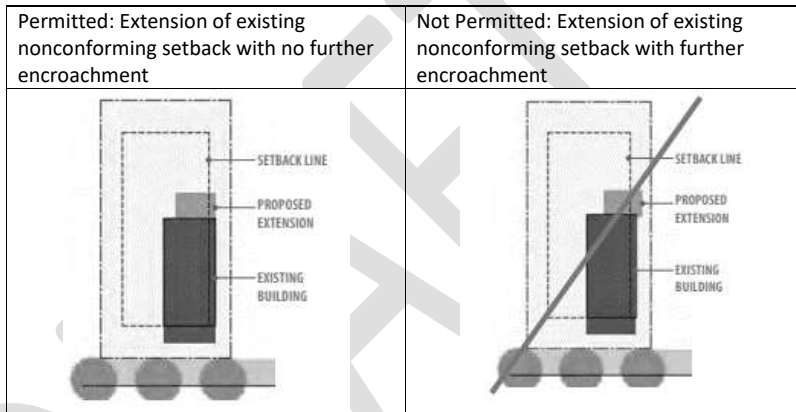
11.8.2.2. This Article shall not protect nonconforming lots that do not have access to a street, or are without street frontage. Owners of such lots shall replat such lots in conformity with the applicable regulations of this Ordinance.

11.9. Nonconforming Structures

A Nonconforming Structure is any building or structure that was legally established but no longer complies with the density, lot coverage, floor area, height, architectural, and/or other dimensional standards of this Ordinance.

11.9.1. Modification to Nonconforming Structures

A nonconforming structure shall not be expanded in any way, except in conformity with this Ordinance, except in cases where the primary building on a lot is nonconforming solely as a result of a setback encroachment, additions to the structure can be allowed, provided the new addition does not project into the setback. If a proposed addition would encroach into the same setback that already had been encroached upon, the addition can be allowed, provided it projects no further into the setback than the existing structure. In cases where the renovations, repairs, additions, or other improvements evidenced by a building permit, exceed 150% of the appraised value the applicant shall compliance with architectural requirements (Article 6) and site features as described in Section 11.11.



*Source, City of Beaufort – Beaufort Code

11.9.2. Use of a Nonconforming Structure

This Section shall not be construed as prohibiting the conversion of a nonconforming structure which does not meet the minimum dimensional or architectural requirements of this ordinance to another permitted use, so long as the degree of nonconformity is not increased.

11.9.3. Reestablishment after Demolition, Damage, or Destruction

11.9.3.1. If a nonconforming structure is destroyed by fire, explosion, act of God, or the public enemy, the structure may be replaced with a structure identical in size, shape (building footprint), and height, provided it meets all applicable building code requirements. Repairs may be made to any nonconforming structure so long as the extent of any original nonconformity is not increased. In cases where the repairs exceed 150% of the appraised value, the applicant shall compliance with architectural requirements (Article 6) and site features as described in

Section 11.11 to the furthest extent practical as determined by the Administrator.

11.9.3.2. A nonconforming structure shall not be intentionally demolished and rebuilt as a nonconforming structure.

11.9.3.3. Time period: shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage.

11.10. Nonconforming Signs

A Nonconforming Sign is any sign that was legally established but no longer complies with the size, setback, or other dimensional standards of this Ordinance. The Administrator shall keep and maintain a record of all nonconforming signs in the Town, at the time of adoption of this ordinance, however a nonconforming sign excluded from this record shall not exempt the sign from conformance with this ordinance.

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11.10.1. General

11.10.1.1. A nonconforming sign may continue in operation and maintenance, provided a nonconforming sign shall not be:

11.10.1.1.1. Changed to or replaced with another nonconforming sign (this provision shall not prohibit a change in copy or graphics on the sign face of the sign);

11.10.1.1.2. Modified in a way that increases the degree of nonconformity;

11.10.1.1.3. Relocated, except in compliance with this Article; or

11.10.1.1.4. Reestablished after damage or destruction of more than 50 percent of the replacement value of the same type of sign at the time of such damage or destruction above which the sign shall not be restored except in conformity with the regulations this Ordinance.

11.10.1.2. With the exceptions noted above, this section shall not prevent repairing or restoring to a safe condition any part of a nonconforming sign or sign structure, or normal maintenance operations performed on a nonconforming sign or sign structure.

11.11. Nonconforming Site Features

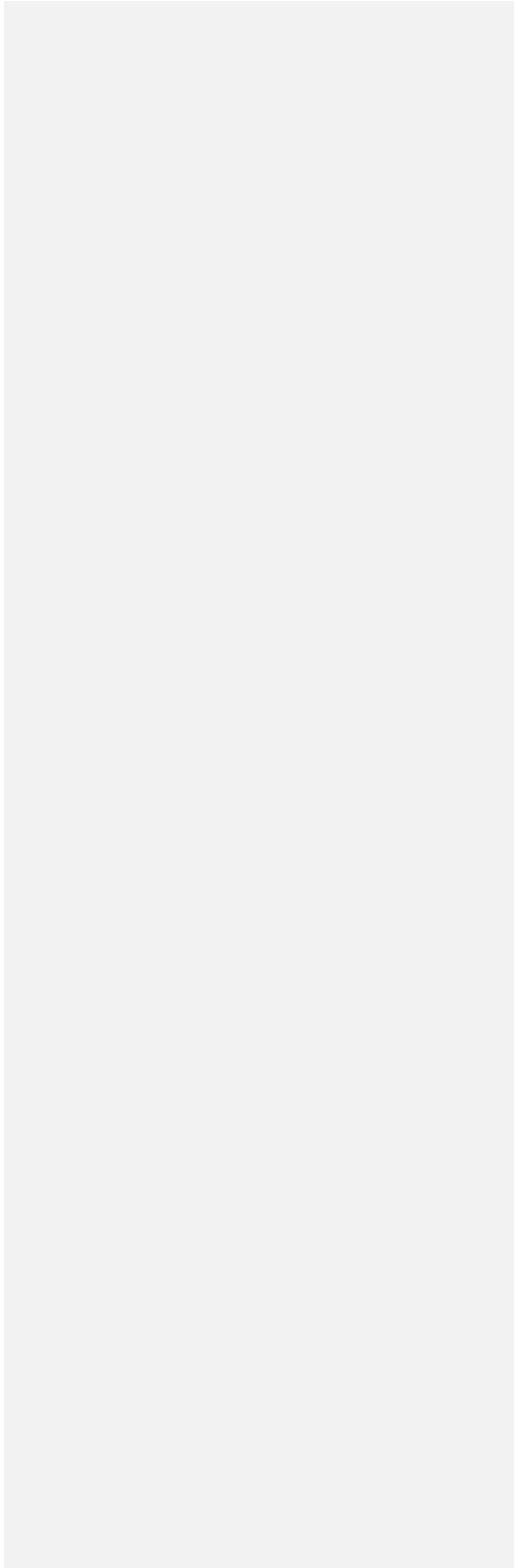
Nonconforming site features are elements of site development such as off-street parking, landscaping, lighting, open space, buffers, or connectivity of compatible uses

11.11.1. General

11.11.1.1. Alterations of Buildings or Structures: For purposes of this article, the term “alteration of a building or structure” means any alteration, as defined in the Building Code, of a structure lawfully erected.

11.11.1.2. If an application for a building permit is submitted for the alteration or renovations of a building or structure on a site that has one or more nonconforming site features, and if the cost of the proposed alteration exceeds 100 percent of the current Fair Market Value or an expansion of 20% of the gross floor area of the building or structure, the applicant shall allot 5% to bring the nonconforming site features into compliance as much as feasible, as determined by the Administrator. The Administrator will determine the priority of the investment of the 5% based on the severity of each nonconforming feature (off-street parking, landscaping, lighting, pedestrian amenities, and connectivity).

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Article 12 – Violations and Enforcement

12.1 Violations Generally

12.1.1 Purpose and Intent

The purpose and intent of this article is to establish appropriate and fair procedures and penalties for violations of this Unified Development Ordinance (UDO) which will lead to correction of existing violations and deterrence of future violations, whether intentional or otherwise.

12.1.2 Applicability

1. This Article shall apply to all development which does not comply with the UDO including any standards, prohibitions, approvals or permits and shall be punishable as provided herein.
2. This article shall not apply to a legally established nonconformity as provided in Article 11, except that modifications to nonconformities which do not comply with Article 11 shall be subject to this Article.
3. Unless otherwise provided, permits or development approvals issued on the basis of applications and pursuant to procedures established in Article 10 authorize only the use, arrangement, location, design, density/intensity, and development set forth in such permits or development approvals, and no other development.
4. Violations of the UDO shall be applicable to the property where the violation occurred, and shall not be voided by sale or transfer.

12.2 Enforcement

12.2.1 Responsible Officer

The Administrator or any other staff member who is authorized by Town Council shall have the authority to enforce the provisions of this Article.

12.2.2 Complaints

Whenever a violation of the UDO occurs or is alleged to have occurred, any person may file a complaint. Such complaint shall state fully the alleged violation, the basis for the allegation, provide any supporting evidence if any, and shall be filed with Town Staff, who shall maintain a record of the complaint. The complaint shall be investigated promptly, or as reasonably and practicable, by the Administrator and the findings documented.

12.2.3 Notice of Violation

Should the responsible officer determine that a violation of the UDO exists, the responsible officer shall notify, in writing, the owner, the owner's authorized agent, and any other person's responsible for the violation. It shall be served by personal delivery or certified mail, return receipt requested. The notice shall be mailed to the property

address indicated on the County's official tax notice address of record. Such notification shall serve as a warning notice of a violation. The Notice of Violation shall state the following:

1. The address and TMS number of the land, structure, or sign that is in violation of this Ordinance; and,
2. The nature of the violation, the provisions of the UDO being violated, and the necessary action to remove or abate the violation; and,
3. The date by which the violation should be removed or abated (The time period shall be no less than 10 or no more than 30 days, except in emergency cases); and,
4. The penalty for failing to remove or abate the violation, stating that if the nuisance recurs, the authorized code enforcement officer shall issue a violation without further notice.

12.2.4 Failure to Correct

1. If the person(s) to whom a Notice of Violation has been provided, in accordance with this Section, fails to remove or abate the violation in the time specified in the notice, the responsible officer shall fill out and sign, as the complainant, a "complaint and information" form and a "notice to appear" in the appropriate court. The notice to appear shall include the following:
 - a. The name of the owner of the land subject to the violation, any occupants, and any other person(s) responsible for the violation(s).
 - b. The address or legal description of the land on which the violation is occurring.
 - c. The nature of the violation.
 - d. The provision(s) of this Code being violated.
 - e. The date on which the case will be on the court docket for hearing.
 - f. Any other information deemed pertinent by the administrator.
2. The original copy of the notice to appear shall be forwarded to the clerk of the court for inclusion on the court's docket for the date indicated on the notice.
3. The notice to appear shall be provided to all owners and/or occupants of the land who are in violation of this Code or where violation is occurring. The notice shall be provided by personal delivery or certified or registered mail, return receipt requested.

12.2.5 Remedies and Penalties

1. General
Any person violating this Code shall be guilty of a misdemeanor and, upon conviction, shall pay such penalties as the court may decide, as prescribed by state law. Each day such conduct continues shall subject the offender to the liability prescribed in this article.
2. Additional Remedies
In addition, the Town may use any combination of the following enforcement actions, remedies, and penalties in any order to correct, stop, abate, or enjoin a violation of this Code:
 - a. Stop Order

The responsible officer may issue and serve upon a person violating this UDO a “stop order” requiring the person to stop all actions in violation of this UDO, including illegal occupation of a building or structure, performing illegal work, or any other action in violation of this UDO.

b. Permit Revocation

Any permit, development approval, or other form of authorization required under this UDO may be revoked if the responsible officer determines that:

- i. There is a failure to comply with the approved permit, development approval, plans, specifications, or terms or conditions required under the permit or development approval.
- ii. The permit or development approval was procured by false representation.
- iii. The permit or development approval was issued in error. Written notice of revocation shall be served upon the landowner, the landowner’s agent, or others to whom the permit or development approval was issued, and such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.

c. Civil Remedies

In addition to all other remedies and penalties outlined in this article, the administrator may institute an action or proceeding for injunction or mandamus or other appropriate action or proceeding to prevent, abate, or correct a violation of this Code or to prevent the occupancy of a structure or land that is in violation of this Code. Each day a person violates this Code shall be considered a separate offense.

3. Remedies Cumulative

The remedies provided herein for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

4. Costs

All costs and expenses incurred by the Town in removing or abating any violation under this Code may be assessed against the land on which the violation occurs as a lien on the property. Alternatively, the cost of removing or abating the violation may be made part of the judgment, in addition to any other penalties and costs imposed if the person or people charged either pleads guilty or is found guilty of causing, creating, or maintaining a violation

5. Appeals

As provided in Article 10, the determination of the responsible officer in finding a violation may be appealed to the BZA for an interpretation within 30 days of the date of official notice of the alleged violation.