

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

**October 19, 2023
3:00 P.M.**

AGENDA

Call to order

Freedom of Information Act Compliance

Approval of Minutes

1. October 3, 2023 Meeting Minutes

Discussion Items

2. Brief discussion of outstanding items from UDO Committee Meeting, October 3, 2023
3. UDO Draft Report
4. Unified Zoning and Development Ordinance draft review
 - a. Article 10: Development Review Procedures
 - b. Article 11: Nonconformities
 - c. Zoning Map

Adjourn

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

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

Town Hall

Members Present: Planning Commission Members Rae Davis, Caleb Pozsik (arrived at 3:11 p.m.), Clay Cannon, Josh Edwards

Members Absent: Yvonne Hudson

Staff Present: Planning and Zoning Manager Kevin Singletary, Town Clerk Shannon Bowers, Town Administrator Nicholle Burroughs (arrived at 3:12 p.m.)

Staff Absent: Mayor Al Koon

Call to Order: Chair Davis called the meeting to order at 3:04 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 September 21, 2023 meeting minutes as presented. Member Edwards seconded the motion. No further discussion, motion passed unanimously.

Chair Rae Davis:	Yes
Member Clay Cannon:	Yes
Member Josh Edwards:	Yes

Discussion Items

Outstanding items from UDO Committee Meeting, September 21, 2023:

The UDO Committee addressed several outstanding items from the previous meeting, which included articles 5, 7, and part of 8: where to allow above ground utilities, crosswalks (materials and PC review), street section table (to include Lexington County/SCDOT standards in addition to what the Town requires), separating requirements for multi-family developments for clarity, access points and spacing to reflect authority holding jurisdiction standards, open space percentages in each zoning district, and traffic analysis language to set groundwork for future planning mechanisms. Mr. Singletary, Administrator Burroughs, and Mr. Gianni will discuss specific details and bring back to the UDO Committee for review.

Unified Zoning and Development Ordinance Review: Article 8: Parking and Loading:

The UDO Committee then continued discussion on article 8. Items discussed were: off street parking, language to allow Town to review on street parking, internal connections, and administrator authority.

Article 9: Signs:

The UDO Committee discussed making sign requirements more restrictive; sign materials (removing cabinet signs and internal illumination), including external illumination, and permitting for temporary signs/banners, and violations for unauthorized signs.

Article 12: Violations and Enforcement:

The UDO Committee discussed amending language in article 12 to be clear and consistent throughout the document. Administrator Burroughs suggested an attorney review for correct language of this article.

Before adjournment, Mr. Singletary noted that the next UDO Committee meeting would be on October 19, 2023 and that he will be leaving employment with the Town by the end of the month. Administrator Burroughs stated that the next steps forward would include a full review and recommendation to the Planning Commission.

Adjournment: Member Cannon moved to adjourn the meeting. Vice Chair Pozsik seconded the motion. Meeting was adjourned at 5:02 p.m.

UDO COMMITTEE APPROVED (Date): _____
Rae Davis, PC Chair

ATTEST: _____
Shannon Bowers, Town Clerk

DRAFT

October 17, 2023

Nicholle Burroughs
Town Administrator
157 Columbia Avenue
Chapin, SC 29036

**RE: UDO FINAL DRAFT
UDO DEVELOPMENT — TOWN OF CHAPIN
MRB GROUP PROJECT NO. 3950.220015.000**

Dear Ms. Burroughs:

After a draft UDO was submitted to the Town earlier this year, the Town conducted a full review of the UDO and provided us with valuable feedback, comments, and concerns. This report will highlight the most significant changes and edits to the UDO since receiving comments from the Town regarding the final draft.

I. Highlights of Edits

This section will go through each section in order to highlight the most notable comment. Where applicable, the section number or section will be cited.

- Article 3
 - All mentions of flag poles have been moved to Article 9 (Section 9.7.2.a.12), signs, as it was felt that a central location was needed that listed all the requirements for flag poles. Permitted flag heights depend on the location in which the flag is located.
- Article 4
 - An important concern was stated regarding multi-family uses. It is important to be inclusionary of all uses to comply with state and federal law, but also important to recognize the existing scale and compatibility with neighborhoods. The conditional use standards for multi-family uses (Section 4.4.2.f) have been modified to reflect the vision for the town. Each zoning district that allows multi-family now has a density cap within each zoning district, as suggested by the Town.

- Article 5
 - Clarified language around the “applicability” section. Added specific language in the comment section clarifying what all will be captured by article 5.
 - Eliminated language pertaining to specific right-of-way and lane widths as it was causing confusion, and was a direct copy from the Lexington County engineering standards. All new roads will be reviewed and approved by either Lexington County or SCDOT, as the Town does not have a road department or the intent to start accepting roads.
 - A comment was received regarding off-site improvements within the Traffic Impact Study section. Since the Town does not have a traffic engineer, nor will be accepting the maintenance of new roads, it is not within the Town's power to control off-site improvements to a street. SCDOT (and potentially Lexington County) have trip generation thresholds when off-site improvements are required.
 - Open space standards have been revised to reflect developments that are more feasible in Chapin. For example, a new column states the open space requirements for projects that affect less than an acre. In addition, in those areas where the greatest density of housing and commercial uses are located (in TC, VC, TR3, and TR2), open spaces are required. Further down in the article is a section that defines different open space types that are acceptable.

- Article 7
 - Revised the buffer table to reflect zoning district as well as use categories (from Article 4 Use Table) to ensure that the most sensitive uses (residential) are buffered from those zoning districts or use categories that can have the most negative affect.
 - Relocated tree coverage requirements and fixed references

- Article 9
 - In addition to the change to flags and flag poles. Several standards from around the state were used to verify that the existing standards for temporary political signage conform to SC State Code. There is not a size threshold for political signs
 - For internally illuminated cabinet and letter signs, we have provided alternate language in the illumination section at the beginning of this section, that would prohibit this type of signage. Whichever direction the Town chooses, we can reflect those changes within the document.

- Article 10
 - Clarified what “actual notice” of decisions and re-hearings within section.
 - Differentiated between published and posted notices, as legal ads and signage respectively.
 - Several comments were made stating that the application processes should be formatted in similar manner, as subsections between subdivision, architectural review, and text amendment differ. After a couple of tries troubleshooting, these subsections do not align in a replicable format as they are substantially different processes that require different review documents at different stages. For example, the ARB would require preliminary elevations or construction documents, rather than a preliminary plan, which the Planning Commission reviews first in subdivision applications.

These comments and revisions are reflected in the documents and have been provided to the Town so that the final draft can continue move towards the Planning Commission review, and the eventual adoption by Town Council. We hope that these revisions are clear and understandable so that the community can work to achieve the goals within the Comprehensive Plan.

Sincerely,

Riccardo Giani
Senior Planning Associate

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

Deleted: <#>Property Posting: Notice of Application signage shall be posted on subject property in a clearly visible/ conspicuous location that can be viewed from each street adjacent to the subject property. Signage will be posted by the Zoning Administrator and/ or Town Staff.¶

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 refile 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.

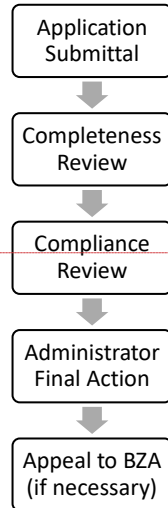
10.4. Zoning Permit

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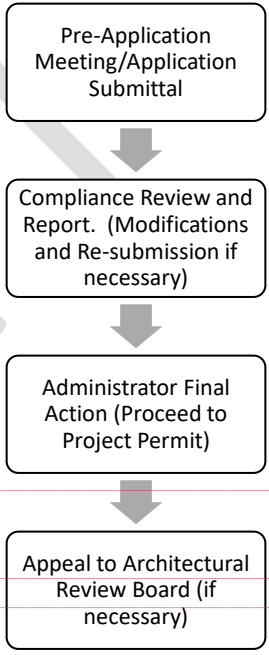
to the Board of Zoning Appeals within 30 days of the decision (Section 10.13)

- 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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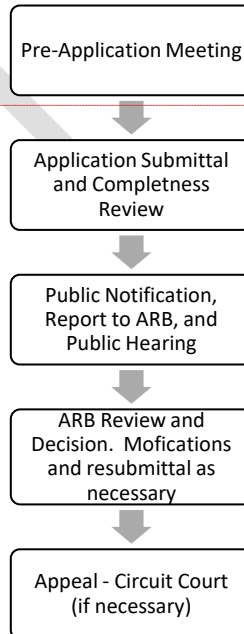
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- g. Permit Validity: Upon the approval of the Minor Certificate of Appropriateness application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure Project Permits for the permitted work within this time shall render the 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.

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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.

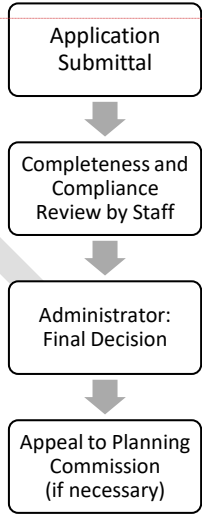
10.7.5. Permit Validity: After approval of a subdivision, the applicant shall record the approved final plat with at the Lexington County Register of Deeds Office prior to the expiration of the vested rights period (Section 10.15)

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.

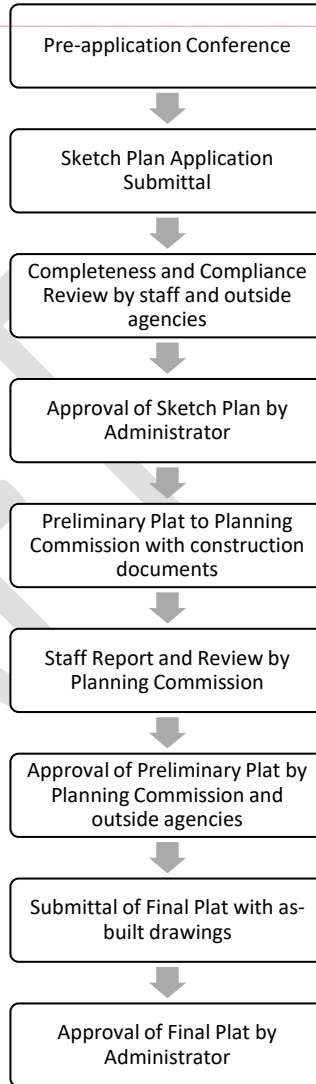
10.9. Major Subdivision

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.

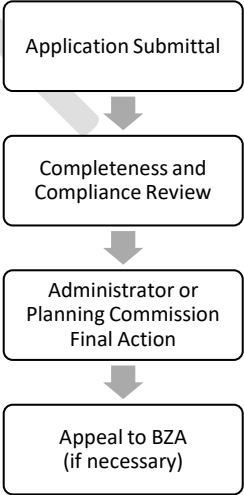
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10.10. Administrative Adjustment

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

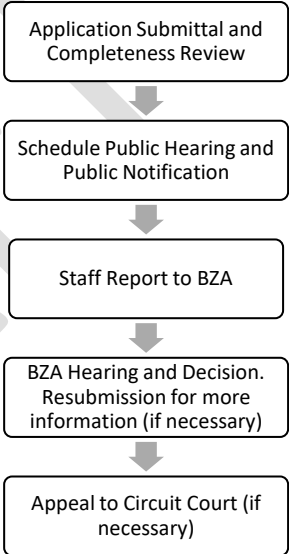
10.11.1. Applicability

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.

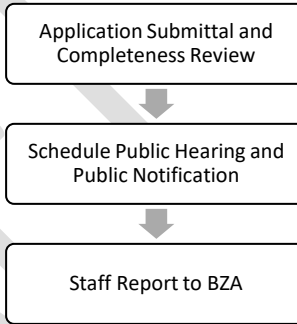
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10.12.2. Process and Approval

- 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

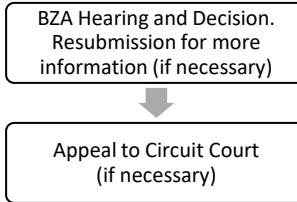
- a. After review of the variance application and the public hearing, the BZA shall approve, approve with conditions, or deny the application.
- b. If approval or approval with conditions is granted, the decision shall be communicated in writing to the applicant within 15 days, and the applicant shall 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.



Deleted: For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.

- 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.

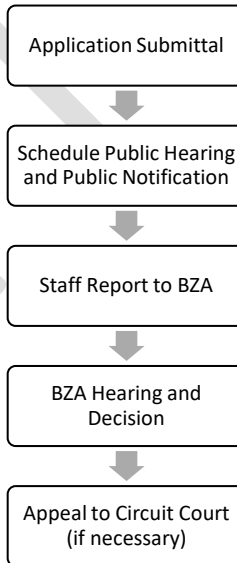
10.13.2. Process and Approval

- 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

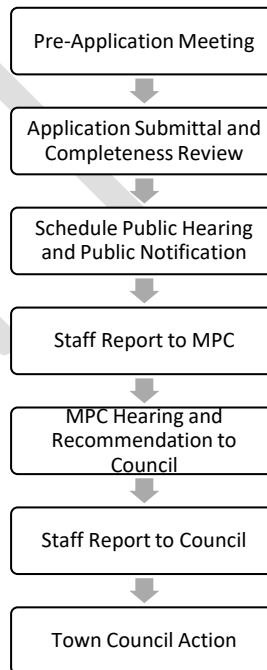
Requests to amend this Code shall be processed in accordance with the following requirements:

- 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.

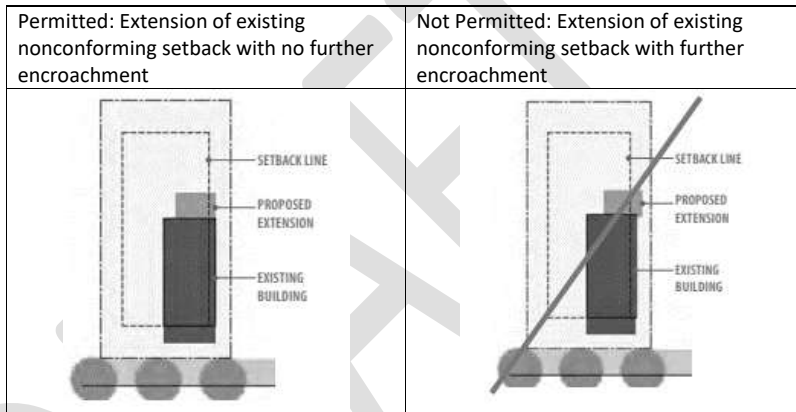
11.8.2.2. This Article shall not protect nonconforming lots that do not have access to a street, or are without street frontage. Owners of such lots shall replat such lots in conformity with the applicable regulations of this Ordinance.

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

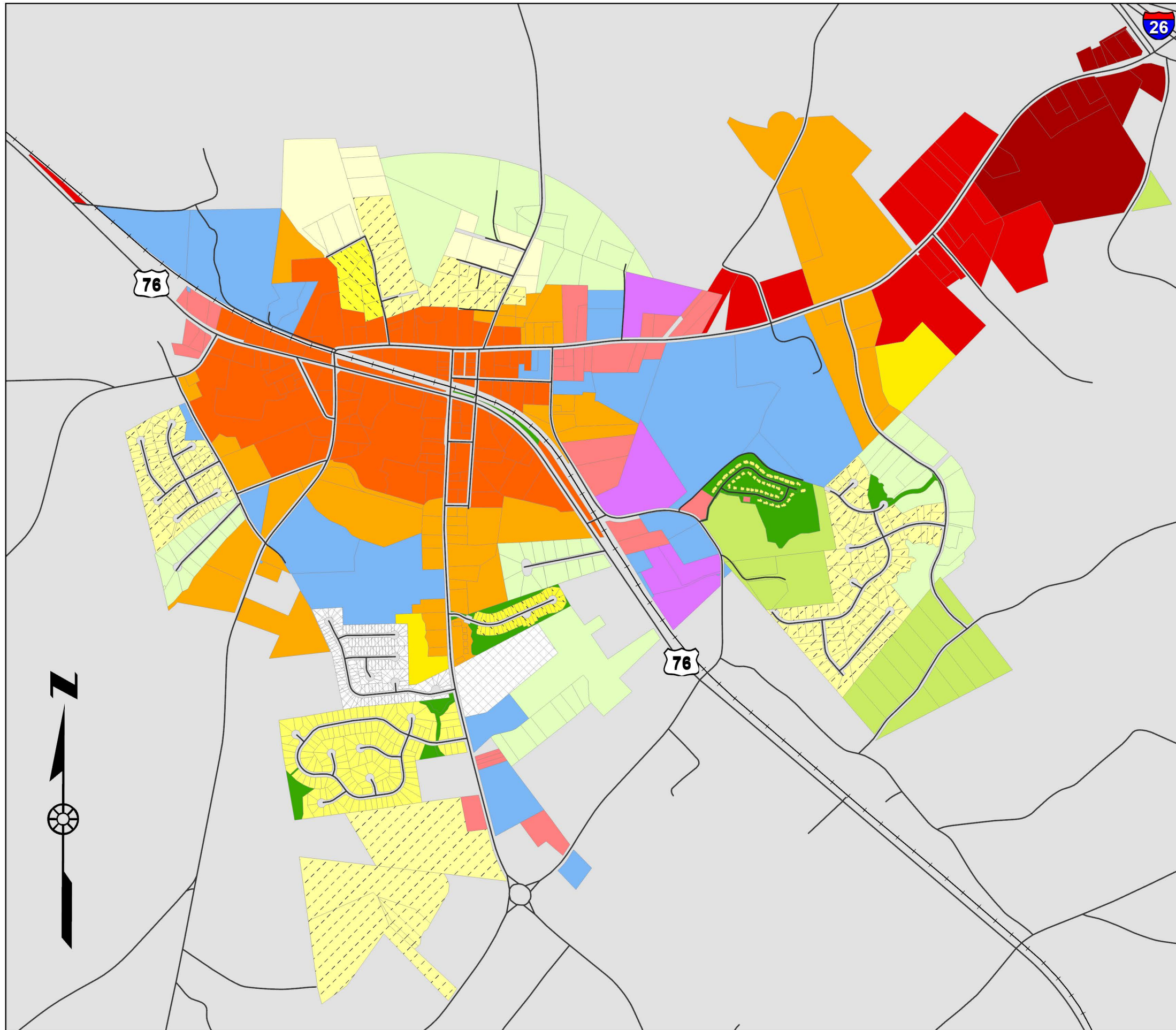
Nonconforming site features are elements of site development such as off-street parking, landscaping, lighting, open space, buffers, or connectivity of compatible uses

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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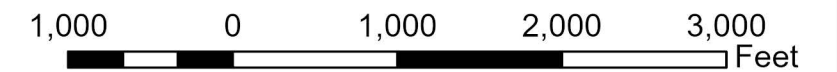
Legend

- | | |
|------------------------------|----------------------------|
| RA - Rural Agriculture | TC - Town Center |
| RR - Rural Residential | OC - Office Commercial |
| SR1 - Suburban Residential 1 | CC - Corridor Commercial |
| SR2 - Suburban Residential 2 | IC - Interstate Commercial |
| SR3 - Suburban Residential 3 | LI - Light Industrial |
| TR1 - Town Residential 1 | PI - Public Institutional |
| TR2 - Town Residential 2 | PO - Parks & Open Space |
| TR3 - Town Residential 3 | PD - Planned Development |
| VC - Village Commercial | |

Note:
 Areas shown in grey are not zoned by the Town of Chapin and may be subject to the zoning rules of Lexington County or another authority having jurisdiction.

ZONING MAP

TOWN OF CHAPIN LEXINGTON COUNTY, SC



Date: September 2023
 MRB Project #3950.22015.000

Mapping Prepared By:



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