

**CHAPIN UNIFIED ZONING & DEVELOPMENT ORDINANCE
STEERING COMMITTEE MEETING**

Town Hall

April 20, 2023

2:00 P.M.

AGENDA

Call to order

Freedom of Information Act Compliance

Approval of Minutes

1. March 16, 2023 UDO Committee Minutes
2. March 29, 2023 UDO Committee Minutes
3. April 4, 2023 UDO Committee Minutes

New Business

4. Draft Reviews
 - a. Article 10: Development Review Procedures
 - b. Article 11: Preexisting Nonconformities
 - c. Article 12: Violations and Enforcement
5. Discussion of UDO schedule

Adjourn

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

**Thursday March 16, 2023
2:00 P.M.**

Town Hall

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

Members Absent: Yvonne Hudson

Staff Present: Planning and Zoning Manager Kevin Singletary, Mayor Al Koon, Town Clerk Shannon Bowers, Town Administrator Nicholle Burroughs (via Zoom)

Guests: Riccardo Giani - MRB Group (via Zoom)

Call to Order: Chair Davis called the meeting to order at 2:06 p.m. and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Approval of Minutes: Member C. Cannon moved to accept the February 14, 2023 meeting minutes as presented. Member L. Cannon seconded the motion. No further discussion, motion passed unanimously.

Chair Rae Davis:	Yes
Vice Chair Caleb Pozsik:	Yes
Member Clay Cannon:	Yes
Member Laura Cannon:	Yes

Vice Chair Caleb Pozsik moved to accept the February 16, 2023 minutes as presented. Member L. Cannon seconded the motion. Member C. Cannon noted a change for the minutes to include “several items discussed” to a blank space in the Draft Article 4 review. No further changes and no further discussion. Motion passed unanimously.

Chair Rae Davis:	Yes
Vice Chair Caleb Pozsik:	Yes
Member Clay Cannon:	Yes
Member Laura Cannon:	Yes

Old Business

Draft Article 4 Review: Mr. Singletary briefly update the committee on the Article 4 draft, including changes from the last committee meeting. Mr. Gianni added that some design elements were moved to the overlay district article and explained some formatting changes.

The committee continued to discuss the conditional use and special exception standards. Some changes were made to the following categories: check cashing, microbrewery/micro distillery/micro winery, outdoor sales, and theaters (outdoor theaters, amphitheater, drive-in, etc.). Other discussions included infrastructure requirements throughout these regulations. The committee needed further clarification on tobacco/hookah/vape stores before making or suggesting any changes to that category.

The committee took a break at 3:38 p.m. and returned at 3:47 p.m.

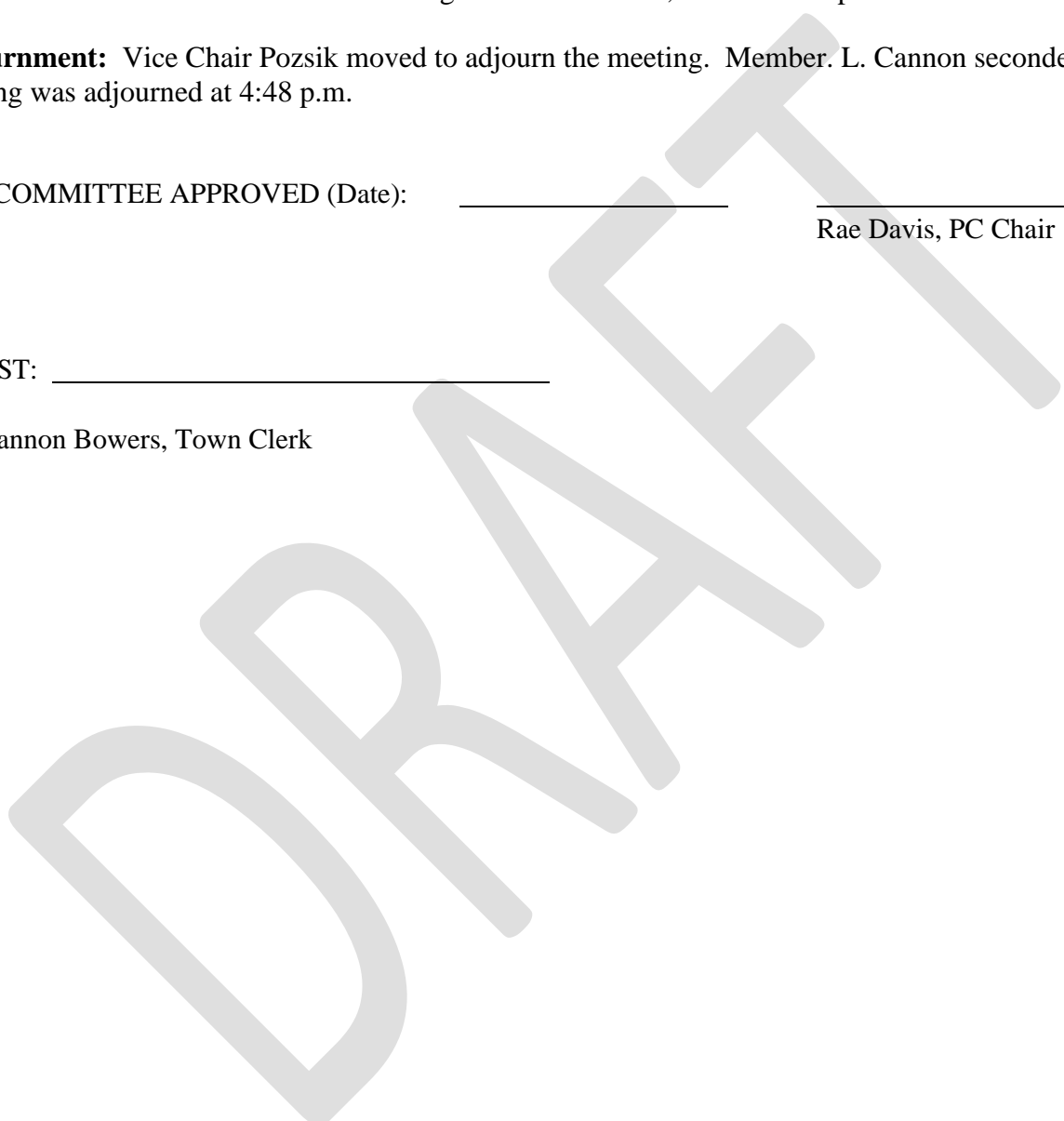
Mr. Gianni then explained the necessity and desire for an accessory use table. He stated that an accessory use table is beneficial in clarifying accessory uses and structures as they pertain to zoning districts and their principal use. The committee then discussed the accessory use standards and temporary uses and how/where they will be used.

Mr. Singletary noted that staff has developed a schedule for the committee to review the full draft document in sections. The next UDO committee meeting will be March 29, 2023 at 2:30 p.m.

Adjournment: Vice Chair Pozsik moved to adjourn the meeting. Member. L. Cannon seconded the motion. Meeting was adjourned at 4:48 p.m.

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

ATTEST: _____
Shannon Bowers, Town Clerk



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

**Thursday March 29, 2023
2:30 P.M.**

Town Hall

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

Members Absent: Yvonne Hudson, Clay Cannon

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

Staff Absent: Town Administrator Nicholle Burroughs, Mayor Al Koon

Guests: Riccardo Giani - MRB Group (via Zoom)

Call to Order: Chair Davis called the meeting to order at 2:36 p.m. and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

New Business

Draft Reviews: Mr. Singletary began the discussions by stating that the reviews the Unified Zoning and Development Ordinance (UDO) Committee will be doing moving forward will be in sections leading up to a full draft review in the coming months. He stated the discussion today would be on the section that opens the document which include: Article Descriptions, How to Use This Guide, Table of Contents, General Provisions, and Definitions. Mr. Gianni stated this was a technical document, but wrote the descriptions in a way that best describes the purpose and intent for this code.

The UDO Committee members reviewed the articles and submitted any changes/comments to Mr. Singletary to include in the discussions.

Article A – Article Descriptions: Many of the edits discussed by the committee were grammatical in nature or format related. Mr. Singletary noted that he and Mr. Gianni will review this edit to incorporate into the final draft document for the committee to review. The UDO Committee did not have any changes to the content in this section.

Article B – How to Use This Code: Most edits to this section were grammatical in nature or format related. The UDO Committee did not have any changes to the content in this section. Mr. Singletary suggested the addition of a statement explaining that this document is a living document that will change over time.

Article C – Table of Contents: Mr. Singletary noted there were no major changes to this section since this portion of the document will likely change as the document continues to develop.

Article 1: General Provisions: The committee discussed potential changes to the general provisions as it relates to conflicts with covenants (HOA/Neighborhood associations, etc.) and the purpose and intent. Most edits to this section were grammatical in nature or format related.

Definitions: Most edits to this section were grammatical in nature or format related.

Before adjourning, Mr. Singletary stated there were no topics for the Planning Commission to discuss at the next scheduled meeting. He suggested the UDO Committee take that time to review the next section of the document. Hearing no objection, Mr. Singletary stated that the UDO Committee will plan to meet at 3:00 p.m. on April 4, 2023.

Adjournment: Member L. Cannon moved to adjourn the meeting. Vice Chair Pozsik seconded the motion. Meeting was adjourned at 4:05 p.m.

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

ATTEST: _____
Shannon Bowers, Town Clerk

DRAFT

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

**Thursday April 4, 2023
3:00 P.M.**

Town Hall

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

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

Staff Absent: Town Administrator Nicholle Burroughs, Mayor Al Koon

Guests: Riccardo Giani - MRB Group (via Zoom)

Call to Order: Chair Davis called the meeting to order at 3:5 p.m. and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

New Business

Draft Review – Article 2: Mr. Singletary began the discussions by stating Mr. Gianni noted that language in this article was standard language setting up the procedures and powers of the Town boards.

The Unified Zoning and Development Ordinance (UDO) Committee members reviewed the article and submitted any changes/comments to Mr. Singletary to include in the discussions. They briefly reviewed each section in Article 2 and discussed potential changes to each section. Most changes to this article were grammatical in nature or format related. The committee discussed including annexations and architectural overlay districts in section 2.1, including capital improvements and state law references, where applicable in section 2.2, and memberships, terms, compensation, and rules of proceedings.

Based on these discussions, Mr. Singletary suggested adding definitions for Administrator, Administrative Official, and Town Staff to better clarify each title throughout the document. He also suggested moving section 2.4 : Building Official to the end of the article and moving section 2.6: Architectural Review Board closer to the sections on the Planning Commission and Board of Zoning Appeals for ease of reference.

Before adjourning, Chair Davis suggested that all members should review Articles 10, 11, and 12 for the next meeting, but prioritize specific articles for review by individual members. Chair Davis and Vice Chair Pozsik volunteered to prioritize the review of Articles 10, 11, and 12. Member C. Cannon volunteered to prioritize the review of Article 10, Member Hudson volunteered to prioritize the review of Article 11, and Member L. Cannon volunteered to prioritize the review of Article 12. Mr. Singletary reminded the committee members to send any notes or comments to him to include in the draft reviews. The next UDO committee meeting is scheduled for April 20, 2023 at 2:00 p.m.

Adjournment: Member L. Cannon moved to adjourn the meeting. Vice Chair Pozsik seconded the motion. Meeting was adjourned at 4:40 p.m.

UDO COMMITTEE APPROVED (Date): _____

Rae Davis, PC Chair

ATTEST: _____

Shannon Bowers, Town Clerk

DRAFT

Article 10 – Development Review Procedures

10.1 Purpose and General Provisions

In order to establish an orderly process to develop land within the jurisdiction of the Town of Chapin, the purpose of this article is to provide a clear and comprehensible development process that is fair and equitable to all interests, including the applicants, affected neighbors, town staff and related agencies, and the Town Council.

1. Applicability

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

2. Conformity with Ordinance

The Zoning Administrator shall not issue a permit or license for any use, building, or purpose that conflicts with any provision of this Ordinance. Any permit, license or certificate issued in conflict with the provisions of this Ordinance, whether intentionally or unintentionally, shall be null and void.

3. Public Notice

In accordance with South Carolina State all, all applications requiring a public hearing before the Planning Commission, Zoning Board of Appeals, Architectural Review Board, and Town Council shall adhere to the following posting requirements:

1. **Advertised Notice:** All meetings of the Planning Commission, Zoning Board of Appeals, and Architectural Review Board 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. This notice shall contain the address and parcel number of the subject property, type of application, and a phone number to contact the city.
2. **Posted Notice:** An agenda for regularly scheduled meetings must be 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 body, if the public body has one, at least 24 hours prior to such meetings.
3. **Property Posting:** A notice of application sign shall be posted by the Administrator. The sign shall be posted on the subject property in a location clearly visible from each street adjacent to the property
4. **Mailed Notice:** Mailed notice shall be sent to all property owners that are within a 200' radius, taken by the subject property's boundaries, within 15 days of the public hearing.

4. Written Notice of Decisions

Within 10 calendar days after a final decision is made by any board or by the Zoning Administrator under the requirements of this Ordinance, a copy of the written decision shall be sent to the applicant or appellant. A copy of the decision shall be filed in the office of the Administrator, where it shall be available for public inspection during regular office hours.

5. Time Limits for Resubmission of Applications

In the event that any application required under this Ordinance is denied or disapproved, an application for exactly the same request shall not be refiled for one year from the advertised public hearing date. Where no public hearing is required, time shall run from the date of mailing of the notice of denial. The Administrator, upon petition by the applicant, may permit a refiling of said application after 6 months from the original public hearing date.

10.2 Application Procedures

1. Pre-Application Conference

A pre-application conference with the Administrator shall be required prior to filing an application for an application requiring a public hearing. For all other applications, pre-application meetings are recommended.

2. Application Forms and Fees

Prior to the processing of applications, an application provided by the Town must be completed and accompanied with all required fees payable to the "Town of Chapin. Fees for applications are set by the Town Council and are subject to change by resolution adopted by Town Council.

3. Application Deadline

All applications shall be completed and submitted to the Zoning Administrator according to schedules as determined by the Town.

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. A narrative explaining the scope of the project will be required for all applications.

1. Application Elements

1. Site Analysis: A site analysis is intended to identify forest stands or trees of a uniform size and species, specimen trees of varying sizes and species, particularly free standing or opengrown or field grown trees, a distinctive tree line or forest edge, existing watercourses and floodplains, previously documented federal- or state-recognized endangered species habitats, and areas of historic, cultural, or

archeological significance. This requirement provides the city 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.

2. 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. Sketch Plans shall be reviewed as binding documents for Certificates of Compliance, and for any other permits or approvals for which the Administrator requires only a Sketch Plan to be submitted with the application. Sketch Plans shall be used for non-binding review for all other development application processes in which they are required.
3. 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) 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.
4. 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. (Per Lexington County/Town Engineering?)
5. 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.
6. 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. (Lexington County)
7. Building Elevations For Design Review: For certain applications, it may be necessary to submit scaled drawings of each elevation visible from a public street or civic space. 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. In addition, the Administrator may require a physical model or up to three drawings from different perspectives that show how the building fits into the context of the block.

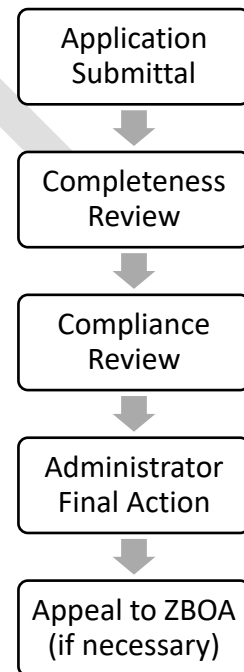
10.4 Zoning Permit

1. Applicability

1. No building, sign or structure shall be erected, moved, enlarged, altered or demolished without a zoning permit issued by the Zoning Administrator. No permit shall be issued by the Zoning Administrator except for a use which is in conformity with the provision of this Ordinance or for a use authorized by order of the Board of Zoning Appeals.
2. **Tree Removal**
3. **Home Occupations**
4. **Converting a residential building to a non-residential use**
5. Approval of permitted **temporary uses**
6. New Construction, additions, and modifications to existing buildings and sites.
7. **Expansion of use**

2. Process and Approval

1. Process Type: Administrative
2. Pre-Application Procedure: Encouraged
3. Required Application Information: See Administrator
4. Public Notification: None
5. Appeals: Appeals of zoning permit applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision (**SectionXX**)
6. 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.
7. 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 Certificate of Zoning Compliance

1. Applicability

1. A Certificate of Zoning Compliance shall be required prior to any issuance of a Certificate of Occupancy, for the following activities:
 - a. Conditional Uses as identified by the permitted use table (**Section XX**)
 - b. Change, expansion, or modification of any use.
 - c. Certification of completion for all projects requiring, including applications reviewed by the Planning Commission or Architectural Review Board.

2. Process and Approval

1. Process Type: Administrative
2. Pre-Application Procedure: Encouraged
3. Required Application Information: See Administrator
4. Public Notification: None
5. Appeals: Appeals of zoning permit applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision (**SectionXX**)
6. 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.
7. 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.



10.6 Certificate of Appropriateness, Minor and Major

1. Certificate of Appropriateness (Minor)

1. Applicability: A Certificate of Appropriateness (Minor) from Town Staff 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.
- d. Demolitions of any structure.
- e. New construction of fences or walls for non-residential or multi-family uses.
- f. **New non-residential construction outside of overlay districts or within Light Industrial (LI) zoning districts.**
- g. **Any application that the Administrator deems significant, requiring approval by the Architectural Review Board.**

2. Pre-Application Procedure: Encouraged

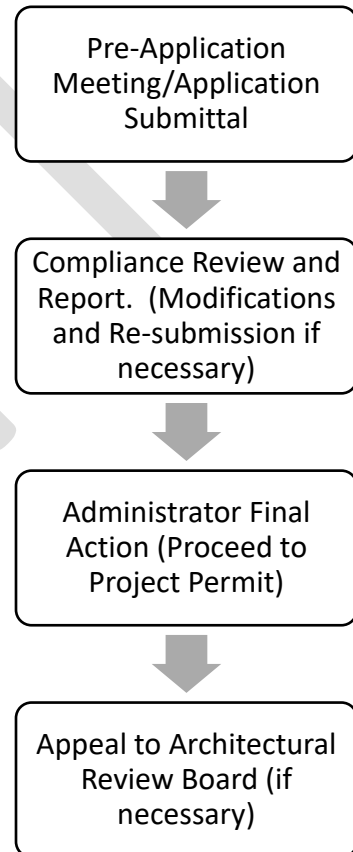
3. Required Information: Site Analysis, Site Plan, and Building Elevations for Design Review (See Section 10.3.1) – these may be waived by Administrator as appropriate.

4. Public Notification: None

5. 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.

6. 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.

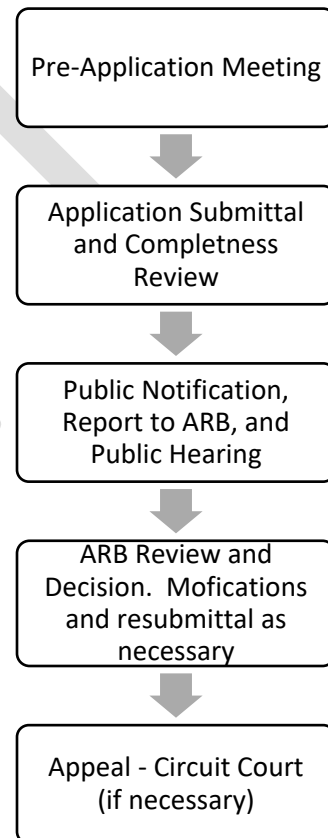
7. Permit Extension: The Administrator may grant up to 5 one-year extensions of this time period upon submittal by the applicant of sufficient justification for the



extension. Extensions shall be submitted at least 45 days prior to the expiration date.

10.6.2 Certificate of Appropriateness (Major)

1. **Applicability:** In the areas designated as 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 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 LI, Light Industrial District.**
 - e. Any modifications to the building façade of a non-residential or multi-family building.
 - f. Any color change to the exterior of the building.
 - g. **Any new or converted multi-family residential building.**
 - h. Any application not specifically described as "minor" by Section 10.6.1.
2. **Process Type:** Public Hearing
3. **Pre-Application Procedure:** Every applicant for a Major Certificate of Appropriateness 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.
4. **Site Analysis, Sketch Plan, Site Plan, Construction Documents, As-Built Drawings, Building Elevations for Design Review.** A Traffic Impact Study (Section 5.6.1) may also be necessary.



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 a public review before the Architectural Review Board.
6. **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.
7. **Public Meeting:** The Architectural Review Board shall hold a public meeting on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
8. **Decisions/Findings of Fact:** Following the public meeting, the Design Review Board may approve, deny, or approve with conditions the application for a Major Certificate of Appropriateness. No Major Certificate of Appropriateness shall be approved 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 City, and complies with all applicable requirements of the Ordinance.
 - b. The natural terrain and landscape shall be preserved and protected where feasible. Trees and shrubs shall not be destroyed indiscriminately;
 - c. Scale, location, form, line, color, texture and other design elements of building structures, and signs shall be in harmony with the character of the district;
 - d. Exterior lighting shall be used for safety and design, not for advertising and electrical and mechanical equipment, refuse and/or dumpster, and storage areas shall be concealed or screened from view;
 - e. Open space, parking, pedestrian walks, signs, illumination, and landscaping shall relate to the site and shall provide safe and efficient development with minimum impact on adjoining districts;
 - f. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed;
 - g. Applications shall not be approved for projects which are not in harmony with existing uses in the district; and
 - h. Proposed development which adversely impacts surrounding property values by reason of factors subject to architectural review shall not be approved.
9. **Time Frame for Review:** Major Development Design applications shall be acted upon within 90 days after filing; otherwise, the application shall be deemed approved, and a permit shall be issued. An extension of time may be granted by mutual consent of the Design 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 Lexington County for project permits.**
10. **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.

11. Permit Validity: Upon the approval of the Major Certificate of Appropriateness application, the applicant shall have 2 years to obtain a Project Permit **from Lexington County**. 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.
12. Permit Extension: The Administrator may grant up to 5 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

1. Provisions for all Subdivisions

1. Applicability: All development that involves the subdivision of one or more parcels shall be subject to the subdivision approval requirements of this division, with the following exceptions:
 - a. The division of land into parcels of 5 acres or more where no new street is involved.
 - b. Subdivision of land into parcels of less than 5,000 square feet in area when they are exclusively for the provision of local utilities such as pump stations.
 - c. The combination or recombination of entire lots of record where no new street or change to existing streets is involved.
 - d. 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.
2. Land Development Standards: **See Article Land Development Standards**
3. Unlawful to Record Plat without City Approval: It shall be unlawful to offer and cause to be recorded any plan, plat, or replat of land within the Town limits of Beaufort with the Beaufort County Register of Deeds office unless the same bears the endorsement and approval of the city
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 Zoning 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 Zoning Administrator in such review. The decision of the PC shall be final
5. Permit Validity: A subdivision approval shall expire as set out in **(Section Vested Rights)** of this Code unless a Certificate of Compliance is obtained, or it is recorded at the Lexington County Register of Deeds office.

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.

2. Minor Subdivision

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.

Application Submittal

Completeness and Compliance Review by Staff

Administrator: Final Decision

Appeal to Planning Commission (if necessary)

2. Process Type: Administrative
3. Required Application Information: A preliminary plat as described in Section 10.3.1.C. **Eight (8) copies** of the plat are required upon submission. Additionally, the applicant shall complete and submit a Traffic Impact Study Requirement Evaluation form obtained from the Administrative Official's office. The Town's Transportation Engineer will evaluate the request and determine whether a TIS is required. TIS requirements are found in **Section (Land development standards – TIS)**

3. Major Subdivision

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. Group Development
 - b. Conservation Subdivision
 - c. Mobile Home Park
 - d. Planned Developments
2. Process Type: Administrative for Sketch Plan approval, followed by a public Hearing by the Planning Commission for preliminary and final plat approval
3. Public Notification: Sketch Plan approval does not require public notification. Review of the Preliminary and Final Plat by the Planning Commission requires a public notice and a public hearing. 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.

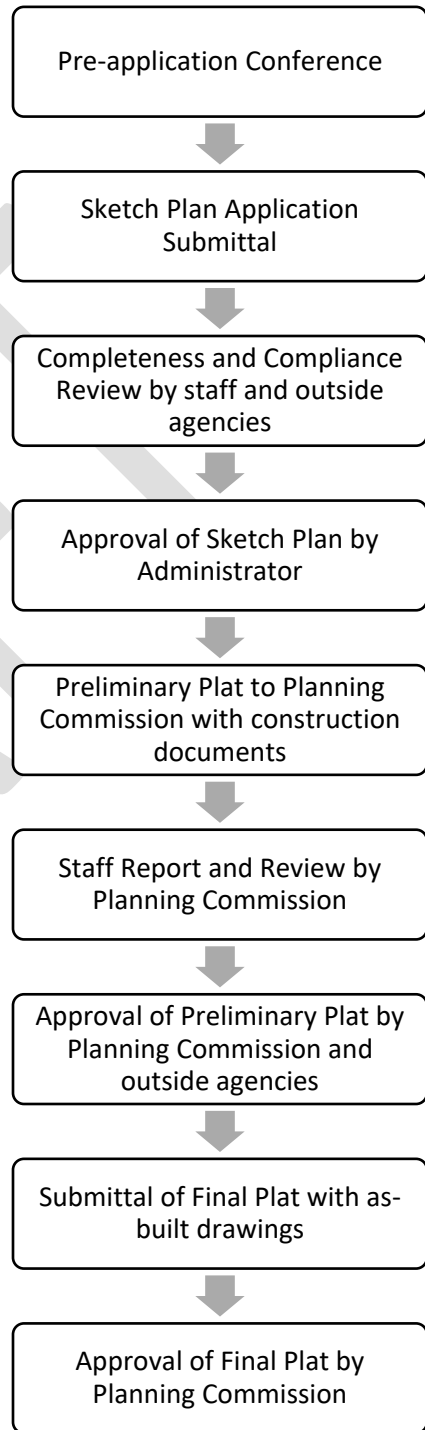
4. Sketch Plan Review

a. Procedure: The subdivider shall submit to the Zoning Administrator, not less than seven (7) copies of the sketch plan, with the appropriate application available in the office of the Zoning Administrator. Additional copies of the plat or any supplemental information may be requested.

b. Review By Staff: Zoning Administrator shall review the submitted preliminary plat to determine conformance with this Ordinance. The applicant shall complete and submit a Traffic Impact Study Requirement Evaluation form obtained from the Administrative Official's office. The Town's Transportation Engineer will evaluate the request and determine whether a TIS is required. Additionally, the Zoning Administrator will distribute the sketch plan to the following agencies:

- i. SC Department of Health and Environmental Control.
- ii. Director of Engineering and Planning (Lexington County?)
- iii. Director of Utilities
- iv. Director of Parks, Streets, and Sanitation
- v. Central Midlands Council of Governments
- vi. Appropriate soil & erosion control agency.

3. Approval of Sketch Plan: After reviewing the Sketch Plan, the Administrative Official will advise the applicant within thirty (30) days after application that the Sketch Plan is approved, disapproved, or approved with certain modifications. If approved, said approval shall constitute authorization to prepare and submit a Preliminary Plat. Approval *does not* authorize the developer to begin the proposed construction or improvements.



If the Administrative Official to the Planning Commission fails to act on the Sketch Plan within thirty (30) days after application, the Sketch Plan shall be deemed approved and a certificate to that effect shall be issued by the Planning Commission upon demand; provided, however, that the subdivider may waive this requirement and consent in writing to extension of such period.

5. Preliminary Plat

1. Procedure: Upon approval of the Sketch Plan (Section 10.7.3.D), the subdivider shall submit to the Administrator, not less than eight (8) copies of the preliminary plat and construction documents (Section 10.3.1.D) along with an application available at the office of the Zoning Administrator. The documents shall be received within the requisite number of days prior to the regularly scheduled meeting date of the PC. Additional copies of the plat or any supplemental information may be requested.
2. 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
3. Review by Outside Agencies: Upon determination by the Administrative Official that the Preliminary Plat and construction documents conforms with the approved Sketch Plan, the Administrative Official shall submit an appropriate number of copies of the preliminary plat and construction documents to outside agencies for review and approval. The following agencies shall report their findings within thirty (30) days to the Planning Commission:
 - a. Director of Engineering and Planning
 - b. Director of Utilities
 - c. Director of Parks, Streets, and Sanitation
 - d. Appropriate soil & erosion control agency
 - e. South Carolina Department of Health & Environmental Control
 - f. Central Midlands Council of Governments
4. Review by Planning Commission: The PC shall approve, approve with conditions, or disapprove the Sketch Plan within sixty (60) days after submission of the preliminary plat. Unless this time limit is extended by mutual agreement, failing to act within the time limit constitutes approval of the Sketch Plan. If a proposed Site Plan is determined by the PC to be in conformance with all applicable provisions of this Ordinance, the PC shall approve the Site Plan, and shall advise the applicant in writing of:
 - a. the conditions of such approval, if any
 - b. Certification of the plan by the Town
 - c. The date on which the PC granted approval.

6. Final Plat

1. 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 Administrative Official as application for final approval of a subdivision plat.
2. Application Requirements: Submittal of forms available at the Office of the Administrative Official and be accompanied by a minimum of eight (8) prints and one reproducible copy of the Final Plat. The Final Plat shall contain as-built drawings compliant with Section 10.3.1.F. The final plat shall be compliant with the Preliminary Plat.
3. Review by Staff: Upon determination by the Administrative Official to the Planning Commission that the Final Plat is in conformity with the Preliminary Plat as approved, the Administrative Official shall submit an appropriate number of copies of the Final Plat and As-Built Drawings to the same agencies and Town departments which reviewed and approved the Preliminary Plat (Section 10.7.3.E.3). A report from applicable agencies, as determined by the Zoning Administrator and applicable laws, approving the as-built drawings shall be required prior to approval.
4. Compliance with Ordinance: Land development standards (Section XX) 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 Town Engineer shall include a provision that the principal of the bond shall comply with all the terms of the resolution of Final Plat approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.
5. Review by Planning Commission: In each case the Planning Commission shall act on a Final Plat within sixty (60) days after the date of application, unless otherwise agreed upon by the Town staff 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.
6. Approval: Upon approval of the Final Plat by the Planning Commission, a statement will be placed on the Final Plat by the Administrative Official 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.

7. 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 Town Clerk for final recording after the Planning Commission has approved and signed the revised plat.

10.8 Administrative Adjustment

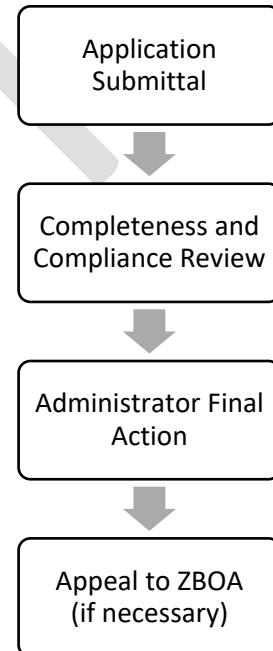
1. Purpose and Applicability

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.

2. Adjustment of Numerical Standard: The Administrator shall have the authority to authorize modification of up to 10% from any numerical standard set forth in **DIMENSIONAL STANDARDS, DESIGN STANDARDS, PARKING STANDARDS ARTICLES** of this Code. Any request greater than 10% shall be treated as a variance handled by the Zoning Board of Appeals (ZBOA), and subject to the requirements of Section **VARIANCE**. No adjustments are permitted to sign standards in **ARTICLE SIGNS**

3. Permission of Flag Lot: Where conditions set forth in Section **IRREGULAR LOTS** are met, the Administrator may permit a flag lot. When a flag lot is proposed in conjunction with a Major Subdivision, it shall be incorporated into the process laid out in Section **10.7.3**.

4. Adjustment of Building Design Standards: Where an existing condition (e.g., utility easement, restrictive covenant, tree or natural feature) prohibits strict compliance with the building design standards in **DESIGN STANDARDS**, the Administrator may waive or adjust the standard as appropriate to assure compliance to the extent practical. This adjustment shall be as small possible in order to accommodate the existing conditions. Any adjustment in relation to a project needing Architectural Review Board approval shall be approved by the ARB.



10.8.2 Process and Approval

1. Process Type: Administrative
2. Public Notification: None

3. Required Application Information: An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in this section are met.
4. Administrator Review: The Administrator shall review the application and approve, approve with conditions, or deny the application, based upon the criteria in Section 10.8.2.E. A written decision including affirmative findings on the criteria set forth below shall be transmitted to the applicant.
5. Administrative Adjustment Criteria: To approve an application for an Administrative Adjustment, the Administrator shall make an affirmative finding that the following criteria are met:
 - a. Granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards.
 - b. 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.
 - c. Granting the Administrative Adjustment will not adversely affect property values in any material way.
 - d. Granting the Administrative Adjustment will be generally consistent with the purposes and intent of this Ordinance.
6. Appeals: A decision denying an Administrative Adjustment may be appealed to the ZBOA within 30 days of the mailing of the Administrator's decision in accordance with Section 10.11 (Administrative Appeals).
7. Expiration and Lapse of Approval: Property owners shall have 6 months from the date of approval of an Administrative Adjustment to secure a Building Permit to carry out the proposed improvements. It is the responsibility to notify the Zoning Administrator in writing, when they have obtained a building permit from Lexington County, proving they are acting upon the Administrative Adjustment within 6 months. If a complete Building Permit application has not been filed within 6 months of the date of approval, the approval shall be void.

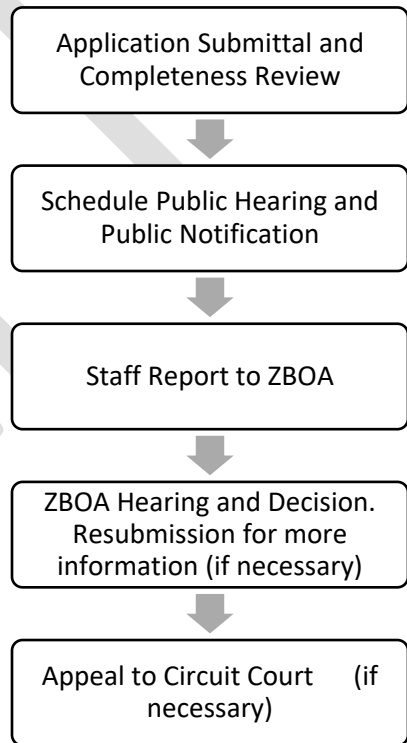
10.9 Special Exception

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 (per Section ## Table of Permitted Uses) but require individual review of their location, design, and configuration 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.

2. Process and Approval

1. Process Type: Public Hearing by Zoning Board of Appeals
2. 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 9.12.2.E.
3. 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.
4. Staff Review and Report: The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, Civic Master Plan, the review criteria listed below, and the requirements of this Code. A copy of the report shall be provided to the Zoning Board of Appeals (ZBOA) and the applicant before the scheduled hearing.
5. ZBOA Hearing
 - a. The ZBOA shall hold a public hearing on the Special Exception application.
 - b. After review of the application and the public hearing, the ZBOA shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
 - c. 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 a development permit application consistent with this Ordinance.
6. Special Exception Review Criteria: The ZBOA 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 ZBOA 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 schematic architectural designs with the 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 City (a traffic impact analysis shall be required per **TIS DEVELOPMENT SECTION.**;

- d. The general conformity of the proposed use and designs with the city’s Civic Master Plan, Comprehensive Plan, and any other plans officially adopted by the City;
- 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.

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

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

10.10 Variance

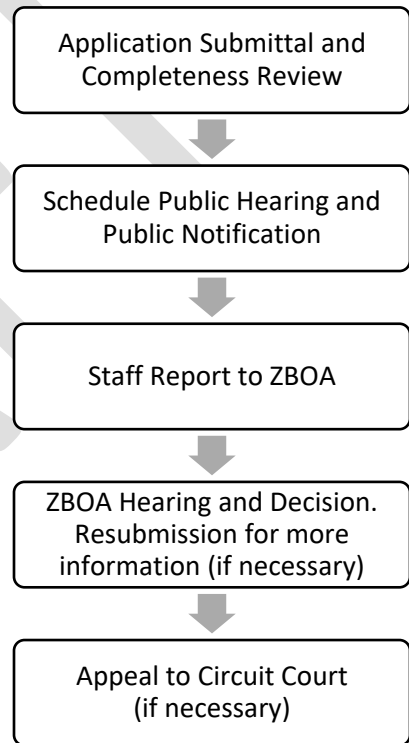
1. Variance

Variations to all ordinance standards may be requested with the following exceptions

- 1. No variances to the Table of Permitted Uses (**Permitted Use Table**) shall be permitted.
- 2. No variances to sign regulations (**Article Signs**) shall be permitted
- 3. Design Exceptions (Section 10.8.1.D) shall be approved by the Architectural Review Board

2. Process and Approval

- 1. Process Type: Public Hearing by the Zoning Board of Appeals (ZBOA).
- 2. 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 **10.10.2.F**.
- 3. Staff Review and Report: The Administrator shall prepare a staff report that shall be provided to the applicant or appellant and the ZBOA before the scheduled hearing.
- 4. 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.
- 5. ZBOA Hearing:
 - a. After review of the variance application and the public hearing, the ZBOA 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 a development permit application.
6. Criteria for Approval of Variances
- a. Required Findings: A variance may be granted by the ZBOA 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 ZBOA makes, and explains in writing, all of the following findings:
 - i. There are extraordinary and exceptional conditions pertaining to the particular piece of property. 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.
 - ii. These conditions do not generally apply to other property in the vicinity.
 - iii. The conditions are not the result of the applicant's own actions.
 - iv. Granting of the variance would not substantially conflict with the Comprehensive Plan, other adopted regional plans, and the purposes and intent of this Ordinance.
 - v. 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.
 - vi. 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.
 - b. Limitations: The ZBOA may not grant a variance if it would do any of the following:
 - i. Allow the establishment of a use not otherwise permitted in the applicable district.
 - ii. Increase the density of a use above which is permitted in the applicable district.
 - iii. Physically extend a nonconforming use of land.
 - iv. Change the zone boundaries shown on the Official Zoning Map.
 - c. Profitability Not to Be Considered: Profitability shall not be considered grounds for a variance.
 - d. Conditions: In granting a variance, the ZBOA may attach to it conditions regarding the location, character, or other features of the proposed building, structure, or use as the ZBOA considers advisable to protect established property values in the surrounding area, or to promote public health, safety, or general welfare.
7. Appeal: Any party aggrieved by the decisions of the ZBOA may appeal to the circuit court within 30 days of the decision.

1. Applicability

Any person aggrieved by a decision, interpretation or determination of the Administrator may appeal to the ZBOA. The Administrator shall immediately transmit to the ZBOA all papers constituting the record of the appealed action.

2. Process and Approval

1. Process Type: Public Hearing by the Zoning Board of Appeals (ZBOA).

2. 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 ZBOA specifying the grounds of the appeal.

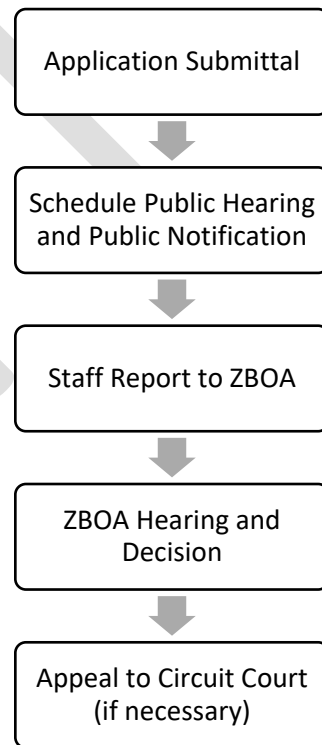
3. Public Notification: Public notice of all hearings shall be published in a newspaper of general circulation within the Town within fifteen (15) days prior to the public hearing.

4. 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 ZBOA 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 ZBOA or by a court of record may grant.

5. ZBOA Hearing: The ZBOA 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 ZBOA 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 ZBOA 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 ZBOA 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.

6. Findings of Fact: The ZBOA, 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.



7. 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 ZBOA, which shall be delivered to parties of interest within 15 days by certified mail.
8. Contempt Penalty: In case of contempt by a party, witness, or other person before the ZBOA, the ZBOA 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.
9. Appeals: Any party aggrieved by the decisions of the ZBOA may appeal to the circuit court within 30 days of the decision.

10.12 Amendments and Rezonings

1. Applicability

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.

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 town resident or business owner filing an application with the Administrator.

3. Approval Process

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

1. 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.
 - a. Applications for zoning map amendments (rezoning) shall also include:
 - i. Boundary map of the subject property that is prepared and sealed by a registered land surveyor.
 - ii. 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

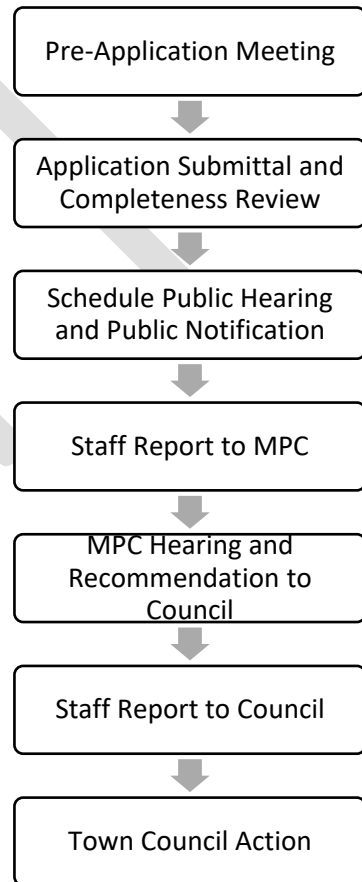
Administrator and the applicant within 15 calendar days of receipt of the notification.

- iii. 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.

2. Staff Review and Report:

- a. 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.

- b. 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 (**TIS DEVELOPMENT STANDARD SECTION**) 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.



3. Planning Commission Recommendation

- a. 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.

- b. 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:
 - i. Consistency (or lack thereof) with the Comprehensive Plan and other adopted plans of the Town or Lexington County;
 - ii. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood;

- iii. Suitability of the property that would be affected by the amendment;
 - iv. Compatibility with the natural features of — and any archaeological or cultural resources on — the property;
 - v. Marketability of the property that would be affected by the amendment; and
 - vi. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.
- c. At the close of the public meeting, the PC shall recommend approval, modified approval, or denial of the amendment.
 - d. 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 to the 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.
 - e. 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 the Town Council. Staff will prepare a report of the PC deliberations within 30 days of the third PC meeting.
4. Town Council Hearing
- a. 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.
 - b. 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.
 - c. Decision: Town Council shall act to approve, approve with modifications, or deny the proposed amendment.
 - d. Notification of Result: The applicant shall be notified in writing within 15 days of the Town Council's action.
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.
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.

10.13 Vested Rights and Expiration of Approvals

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.
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.
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 certificate of compliance, or other similar plan approval. The following are additional conditions for vested rights.
 1. 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.
 2. 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.
 3. 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.
 4. A vested right may receive up to 5 one-year extensions for good cause upon written request by the landowner to Town Staff no later than one month prior to expiration.
 5. Phased development plans remain subject to review and approval of all phases prior to any portion of the project being vested.
 6. 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 Compliance or 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.

7. 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.
8. 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
9. 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.
10. 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.

Article 11 - Nonconformities

11.1 General

1. Purpose and Intent

1. The Town of Chapin recognizes that there exist within its boundaries parcels, structures, uses, and other site features 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.
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.

2. Authority to Continue

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

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 Certificate of Zoning Compliance upon acceptance of reasonable proof that the nonconformity was lawfully in existence at the time of the effective date of this ordinance.

4. Change of Tenancy or Ownership

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

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.

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.

11.2 Nonconforming Uses

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.

1. Change of Use

A nonconforming use shall not be changed to any other nonconforming use unless the permitted use table in Article 4 lists the use as permitted in that district. In the case the proposed use is permitted by special exception, the applicant may apply for a special exception to the Zoning Board of Appeals, following the procedure in Article 10.

2. Abandonment

1. A nonconforming use shall be considered abandoned when:

- a. The nonconforming use has been discontinued for a period of twelve (12) consecutive months or more.
- b. The Nonconforming Use has been replaced by a conforming use.

2. Once a Nonconforming Use is abandoned, the use's 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.

3. Expansion and Enlargement

1. A Nonconforming Use shall not be expanded.
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.
3. A Nonconforming Use may not be extended to additional buildings, land outside the original building, additional patron space, or additional outdoor space.
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.
5. The extent, degree, intensity, or frequency of a Nonconforming Use may not be increased.
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.

4. Damage or Destruction of a Nonconforming Use

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.
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 conformity with the regulations of this Zoning Ordinance as possible. A Certificate of Zoning Compliance 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.

11.3 Nonconforming Lots of Record

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

1. Changes to Nonconforming Lots

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

2. Use of Nonconforming Lots

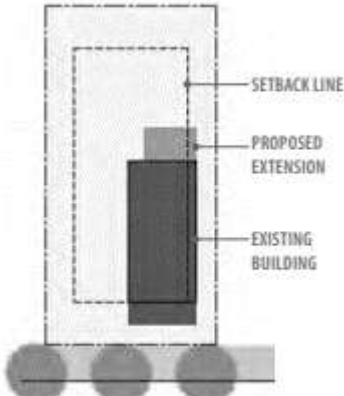
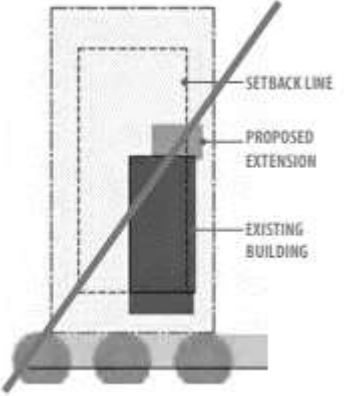
1. A Nonconforming Lot may be developed to the extent that the development can be accomplished in accordance with the standards set out in this Zoning Ordinance.
2. This Article shall not protect Nonconforming Lots do not have access to a street, or without street frontage. Owners of such lots shall replat such lots in conformity with the subdivision regulations and the applicable regulations of this Zoning Ordinance before seeking a Certificate of Zoning Compliance and a Zoning Permit or otherwise seeking to use one or more of such lots.

11.4 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, and/or other dimensional standards of this Zoning Ordinance.

1. Modification to Nonconforming Structures

A nonconforming structure shall not be expanded in any way, except in conformity with this Code, 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.

Permitted: Extension of existing nonconforming setback with no further encroachment	Not Permitted: Extension of existing nonconforming setback with further encroachment
	

*Source, City of Beaufort – Beaufort Code

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.

3. Reestablishment after Demolition, Damage, or Destruction

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

11.5 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 Zoning Ordinance.

1. General

1. A nonconforming sign may continue in operation and maintenance, provided a nonconforming sign shall not be:
 - a. 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);
 - b. Modified in a way that increases the degree of nonconformity;

- c. Relocated, except in compliance with this Article; or
 - d. 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 Zoning Ordinance.
2. With the exception of [Section 11.5.1.1](#) 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.

11.6 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.

1. General

1. Alterations of Buildings or Structures: For purposes of Section 11.6, the term “alteration of a building or structure” means any alteration, as defined in the Building Code, of a structure lawfully erected, excluding any reestablishment of a nonconforming structure in accordance with Section 11.4.3, Reestablishment after Demolition, Damage, or Destruction.
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)

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 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 XX**, except that modifications to nonconformities which do not comply with **Article XX** 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 XX** 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 run with the land where the violation occurred, and shall not be voided by sale or transfer.

12.2 Enforcement

12.2.1 Responsible Officer

The Zoning 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 by Town Staff 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 the UDO; 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, a notice to appear in the appropriate court will be issued 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 city 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 city 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 ZBOA for an interpretation.