

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

**December 5, 2023
3:00 P.M.**

AGENDA

Call to order

Freedom of Information Act Compliance

Approval of Minutes

1. November 7, 2023 Meeting Minutes

Discussion Items

2. Unified Zoning and Development Ordinance draft review

Adjourn

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

**Tuesday November 7, 2023
3:00 P.M.**

Town Hall

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

Members Absent: Josh Edwards

Staff Present: Town Clerk Shannon Bowers, Town Administrator Nicholle Burroughs

Staff Absent: Mayor Al Koon

Call to Order: Vice Chair Pozsik called the meeting to order at 3:05 p.m. He then determined there was a quorum and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

The committee reviewed the October 19, 2023 meeting minutes and Member Cannon moved to approve the meeting minutes as presented. Member Edwards seconded the motion. No further discussion, motion passed unanimously.

Chair Rae Davis:	Yes
Member Clay Cannon:	Yes
Vice Chair Caleb Pozsik:	Yes
Member Josh Edwards:	Yes

Discussion Items

UDO Draft Report: Mr. Gianni began the discussion by giving a brief overview of changes to articles 3, 4, 5, and 10. The UDO Committee discussed acreage as it relates to lot sizes in rural districts, amenity and open space requirements, appeals and variance processes and how those rules are applied, and application requirements. The committee expressed their concern that the amenity requirements were not clear how they would be applied to a development. The committee suggested including language to ensure the planning commission has the level of review to include amenities that make sense for each proposed development. The committee also suggested clarifying language to include “net area” in the calculation of open spaces.

Zoning Map Discussion

The committee discussed the draft zoning map. Discussion centered around making sure the zoning that is proposed will be compatible to properties currently in town limits and surrounding properties. The committee also discussed different parcels to determine which zoning would be most appropriate for each parcel.

Administrator Burroughs briefly updated the committee on progress of the Architectural Review Board review of article 6 and the timeline of upcoming meetings. She instructed the committee to provide examples to make sure the document can be applied consistently.

Adjournment: Vice Chair Pozsik moved to adjourn the meeting. Member Cannon seconded the motion. Meeting was adjourned at 5:13 p.m.

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

ATTEST: _____

Shannon Bowers, Town Clerk

(RESERVED FOR TITLE PAGE)

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Article A: Article Descriptions

Article B: How to Use This Code

A “how to use this code” section lays out a general process of how readers should use the document by outlining common examples seen at the administrative level of planning. Examples such as expanded an existing use, starting a business, subdividing a property, or submitting a text amendment are summarized in this section to give the reader a basic understand of procedure.

Article C: Table of Contents

A table of contents is a section that provides a guide to the organization and structure of a document. The table of contents lists the titles, sections, and subsections in the order in which they appear within this Unified Development Ordinance (UDO).

Article 1: General Provisions

As this Unified Development Ordinance (UDO) pertains to all properties within the municipal boundary, and that the Town has the authority to enforce its own code within the Town limits, this section details the “big picture” of zoning and land use regulations. Additionally, this section describes the intent of the code, to have regulations that result in quality development, and establishment of responsible planning; all while maintaining the vision of the Community and the Town of Chapin Comprehensive Plan. These regulations are not meant or intended to conflict with higher regulatory bodies such as State or Federal laws. Please note, there is a subsection which outlines the procedure for previously approved applications under the former code, and explains that uses or structures that do not comply with this code are considered legal nonconforming uses and structures.

Article 2: Decision Making Bodies

This section describes all decision-making entities and persons within the Town that have powers, duties, and responsibilities to uphold the regulations within this document. For each decision-making body or person, there are regulations that dictate the composition, powers, duties, appointment procedure, and term of office for the applicable review body. Additionally, this section shall give the Administrator of the UDO and/or the Town Planning and Zoning Manager, full power and autonomy within the limits of this document and legal authority, to enforce, interpret, and process applications relevant to the physical development and use of land within the Town.

Article 3: Zoning Map and Districts

The core of Planning for any jurisdiction is the division of Land Uses by the implementation of zoning regulations. Land use categories are segregated according to their operational and physical characteristics. Each Zoning District that the Town has defined and/or identified is described within this section. The district definitions are supplemented by descriptions of the intent of each Zoning District to ensure that development within the respective district conforms to the unique character of each Zoning District, regardless of residential, commercial, institutional, or industrial in nature. This section will also briefly describe the general lot and building standards applicable to this section. It will indicate how lot(s) shall be accessed by vehicles and Utilities, illustrate or dictate road frontage dimensional standards, discuss geometrical shapes and layout of property or lot(s), and describe the minimal property or lot size that may be developed.

Article 4: Land Use Provisions

The previous section establishes the various Zoning Districts within the Town. This section will detail the Land Use Provisions specific to each Zoning District and provide a Table of Permitted Uses within in the section that will list all defined land uses permitted within the Town and provide details for its use. The nomenclature and categories are as follows:

- Permitted (P), within the applicable Zoning District
- Conditional (C), with additional standards or requirements based on end use
- Special Exception (SE), granted by the Board of Zoning Appeals
- Permitted in Existing Buildings Only (E)
- Blank (-) cell indicates the use is not permitted within the zoning district.

If the Permitted Use Table indicates a desired use is allowed only with Conditional (C) or by Special Exception (SE), the user will find details in the subsequent sections regarding additional specific standards required compliance prior to approval. These standards may or may not, but are not limited to, the appearance, operation, or location of use.

In addition to the Permitted Use Table, the UDO recognizes uses and structures that are an accessory to the principal use. An example of an accessory use is a residential garage, backyard chicken coop, home-based business, or a drive-thru window at a bank or restaurant. The Accessory Use Table details in what zoning district these accessory uses and structures are permitted, and applicable regulations for each type of accessory use and structure.

Article 5: Land Development Standards

This section specifies the improvements required for a development site, including but not limited to, underground utilities, connection(s) to public utilities, street design requirements, streetscape requirements, provisions for driveways, open space allotment(s), and regulations for subdivision conservation. The/ These infrastructure and site requirements are typically prompted when a development is proposed, such as a new residential subdivision, multi-family complex, commercial building, or commercial shopping center.

Article 6: Architectural Review/Design Standards

The Town of Chapin has three (3) architectural Overlay Districts; the Town Center, Boulevard, and Gateway. An Overlay District is an additional District which is applied over one or more previously established Zoning Districts, establishing additional or stricter standard(s) and/ or criteria for applicable properties, in addition to those of the underlying zoning district. The regulations crafted for each Overlay District(s) are unique to each district and dictate how each is to retain and perpetuate the unique characteristics of that Overlay District. For example, the purpose of the Town Center Overlay District is to have buildings that have a walkable relationship to the street, facilitate a mixture of uses, and encourage the development of environments that individuals can “live, work, and play.”

Article 7: Tree Preservation, Buffers, and Landscaping

A tree preservation, buffer, and landscaping section is a set of regulations, guidelines, and policies that aim to protect trees, vegetation, and natural areas within a community. This section aims to ensure that the development, construction, and landscaping activities in the area are in harmony with the natural environment and the community's aesthetic values. This includes protecting trees from damage during construction projects, requiring permits for tree removal, and implementing measures to protect trees during maintenance activities.

The buffer aspect of this section requires creating a buffer zone between natural areas and development areas. This buffer zone serves as a transition area between the two areas and helps to minimize the impact of development on the natural environment. Landscaping requirements may require property owners to design and maintain their landscape in a way that complements the natural environment. This includes planting native plants, trees, and vegetation that are suitable for the local climate and soil conditions.

Article 8: Parking and Lighting Standards

The purpose of parking and lighting regulations is to ensure safe and efficient use of parking spaces and lighting within a community. This section outlines rules for parking lot design, interior landscaping, number of parking spaces required, as well as requirements for lighting levels, placement, and maintenance. The goal of these parking and lighting regulations is to promote public safety, reduce traffic congestion, and enhance the overall aesthetic of the community.

Article 9: Signs

The primary form of physical advertisement for businesses, institutions, and other uses is by on-premise signage. On-premise signage is contained within the property of the use, and is either attached to the primary building or a free-standing sign supported by a small structure. This section regulates the number, size, location, and content of signs. These sign standards have been carefully crafted to allow uses to have visibility to vehicular and pedestrian traffic, but also to prevent the proliferation of signs that could pose a traffic hazard, not to mention the negative aesthetic effects of sign pollution.

Article 10: Development Review Procedures

This section compiles all development review procedures referenced within this code. Various approvals require decisions by Town Staff and/or other Decision-Making Entity/ Body/ Person(s) that may require additional review(s). Other sections may reference to this section to inform the reader as to what kind of approval is required. Each development review procedure details the application requirements, review procedure, and appeal procedure, if necessary. This article details the vested rights and regulations adopted by the Town.

Article 11: Nonconformities

This code recognizes that there are existing legal nonconformities and that there will be additional legal nonconformities created with this code. A nonconformity is a feature regarding a property (land use, structure, setback, parking, landscaping, building material, sign, etc.) that currently does not comply with the requirements of this code. The adoption of this code does not insinuate or imply that the Town will retroactively attempt to correct every nonconforming feature and/or property(ies) within the Town. This section is intended to regulate when nonconforming properties are improved, expanded, and/or cease operations conducted prior to the adoption of this code.

Article 12: Violations and Enforcement

A zoning violation is characterized as a property that does not meet the minimum regulation as governed within this UDO. The most common zoning violations can be characterized as inoperable vehicles, off-premise signs, and operating a use that is not permitted in a specific Zoning District. If cited, and violations are not corrected and/or attempts to correct, are not completed in a timely manner, they may result in a fine or misdemeanor charge.

Appendices

The Appendix section of this document is for supplementary documentation to this Ordinance. You will find the list of defined terms used in this ordinance, the Town of Chapin's Approved Tree Species List, the approved color palette, and applicable fee schedule. The relevant section will indicate the use of these appendices, such as when tree species are proposed during a development project, and/or a building is under review by the Town.

Article B: How to use this Code

The Town of Chapin Unified Development Ordinance (UDO) is a compilation and library of rules and regulations that govern how Real Property and/or Land can be used in a particular area. Using this UDO requires careful review of the regulations and requirements for any improvement.

It is important to follow the process and obtain any necessary approvals to ensure compliance with local zoning laws. Below are steps that should be followed prior to consideration of a development application:

1. Identify the appropriate Zoning District: The first step in using a UDO is to determine the Zoning District of the property you are interested in. The Zoning District is typically illustrated on a zoning map, which is available from your local government or planning department.
2. Examine the Permitted Uses: Once you have determined the appropriate Zoning District and examined the Permitted Uses for that District, the UDO will attempt to provide a complete list of allowable uses for that Zoning District such as residential, commercial, or industrial. Make sure the intended use of the property is allowed in that zoning district.
3. Acknowledge and comply with special requirements: Various Zoning Districts may dictate special requirements, such as minimum lot size, setbacks from property lines, or maximum building height(s). Make sure to review these requirements to ensure compliance.
4. Identify and Review Zoning Variances or Special Permits: If the intended use of a property is not allowed and/or permitted in a specific Zoning District, it may be possible to obtain a variance or special permit. These are typically characterized as exceptions to the UDO and allow certain uses under certain conditions. Applicants will be required to review all requirements for obtaining a Variance or Special Permit prior to application submission.
5. Application Submission: Applicants will submit an application to their local government or planning department and will briefly describe the intended use of what is being applied for, plans or improvements to be made on the property, and remit payment for associated fees. If a Variance or Special Permit is required, additional application documents may be required.
6. Public Hearing Attendance: Contingent upon what has been applied for and/or due to a request for Zoning Variance or Special Exception, Applicants may be required to attend Public Hearings established by the appropriate Decision-Making Entity or Commission. Public hearing attendance will serve as an opportunity for Applicants to present their application request and will facilitate an opportunity to provide responses to questions derived from the applicable decision-making body.
7. Obtain approval: Once an application has been reviewed, and any or all necessary or required hearings have been held, a decision will be rendered. If approved, an applicant will then be

authorized to use or improve the property for the applied purpose. If denied, applicants are advised and encouraged to consider minor and/ or substantive revisions to their application, planned use, and/or planned improvement(s) or to simply seek alternative options.

SPECIFIC APPLICATION INFORMATION

A. IF YOU WANT TO SUBDIVIDE YOUR PROPERTY

1. Find your zoning district and any overlay districts by looking at the Official Zoning Map
2. Determine the development standards — minimum lot sizes, setbacks, etc. — as described in Article 3.
3. Determine approved uses, and any conditions and special exceptions that may apply — Article 4.
4. Determine the subdivision and infrastructure standards for the proposed development of the property - Article 5.
5. Determine the process for moving forward, as described in development review procedures – Article 10.

B. IF YOU ARE OPENING A BUSINESS

1. Find your zoning district and any overlay districts by looking at the Official Zoning Map.
2. Determine approved uses, and any conditions and special exceptions that may apply — Article 4.
3. Contact the Planning Department for a zoning permit.
4. Contact Lexington County for building inspections.
5. Apply for a Sign Permit and Business License at the Town of Chapin.

C. IF YOU WANT TO CHANGE YOUR ZONING DISTRICT

A rezoning application must be submitted to the Zoning Administrator. The application must go to the Planning Commission for a recommendation prior to being reviewed and determined by Town Council. See Article development review procedures for application requirements and criteria for rezoning requests.

D. IF YOU WANT TO CHANGE THE TEXT IN THIS DOCUMENT

Any citizen of the Town can initiate a code change to this document. Other entities, such as the Planning Commission and Town Council also share the power to initiate a code change, or formally known as a text amendment. A text amendment is initiated by submitting an application to the Administrator (Planning and Zoning Manager)

Code Formatting

1.1. Level 2

1.1.1. Level 3

a. Level 4 (1.1.1.a)

1. Level 5 (1.1.1.a.1)

a. Level 6 (1.1.1.a.1.a)

i. Level 7 (1.1.1.a.1.a.i)

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1.0 Article 1: General Provisions

1.1. Title

1.1.1. This document is to be known as the “Town of Chapin Unified Zoning & Development Ordinance (UDO).” It should be read in conjunction with the official zoning map noted in Section 3.2.

1.2. Authority

1.2.1. The development regulations contained in the UDO have been adopted pursuant to the authority conferred by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq.

1.2.2. The enumeration of these sections of the General Statutes is not intended to exclude any other section of the General Statutes which grants or confirms authority to municipalities to promulgate ordinances, rules, or regulations similar or identical to those set forth in the Unified Development Ordinance.

1.3. Jurisdiction

1.3.1. Pursuant to the general health, safety and welfare of the community, the articles and sections of the UDO apply as relevant to all development within the corporate limits of Chapin in their current form and in all future extensions and configurations as shown on the official zoning map and its periodic updates.

1.3.2. Conflicting Provisions

a. Whenever the requirements made under authority of these regulations impose stricter standards than are required in any other statute or local ordinance or regulation, the provisions of this Code shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose stricter standards than are required by this Code, the provisions of such statute or local ordinance or regulations shall apply.

b. Conflict with Covenants

1. The Town does not enforce private covenants; however, the Town may require approval from formalized neighborhood associations before projects are approved. When there is a dispute as to the interpretation of covenants, the Town reserves the right to issue permits that are otherwise in compliance with this Code. Whenever the requirements of formally adopted covenants impose stricter standards than the provisions of this Code, the covenants shall govern. This code does not alleviate an applicant’s responsibility to conform with restrictive covenants. The Town may delay an application when it is understood that a covenant exists for the property in question. However, in case of a conflict in which this Code is stricter than the covenants, this Code shall govern.

2. Per Section 6-29-1145. (B) of South Carolina law, the Town shall not issue a permit if the request or activity is expressly prohibited in recorded covenants

1.4. Purpose and Intent

1.4.1. In accordance with SCCL Section 6-29-710, this Code is adopted for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, convenience, order, appearance, prosperity, and general welfare. To these ends, this Code is adopted with reasonable consideration of the following purposes, where applicable:

- a. To provide for adequate light, air, and open space
- b. To facilitate the creation of a convenient, attractive, and harmonious community
- c. To protect and preserve scenic, historic, or ecologically sensitive areas
- d. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements
- e. To secure safety from fire, flood, and other dangers
- f. To further the public welfare in any other regard specified by a local governing body

Specifically, the regulations contained in the UDO and other relevant adopted plans and policies are designed to implement the following planning principles:

- g. Embrace the Greater Chapin Community while preserving cultural heritage and small-town feel
- h. Work with regional partners to facilitate well-planned growth
- i. Protect scenic and critical natural resources including areas surrounding Lake Murray
- j. Enhance transportation infrastructure by promoting connectivity
- k. Preserve and create open spaces for public gathering and enjoyment
- l. Develop and enhance the Town Center as a central gathering place
- m. Expand the availability of quality housing options
- n. Promote the local economy
- o. Enhance quality of life through quality design

1.5. Consistency With Comprehensive Plan

1.5.1. IMPLEMENTATION OF ADOPTED PLANS AND POLICIES

In accordance with S.C. Code 1976, § 6-29-310 et seq., the UDO is intended to implement the various development-related plans and policies adopted by the Town Council. As such, all development plans submitted shall be in

conformance with the Comprehensive Plan and other plans and policies adopted by the Town.

1.6. Conformity With All Standards

- 1.6.1. No land, structure or parts thereof shall be used, occupied, constructed, erected, altered or moved, unless in conformity with all of the regulations herein specified for the zoning district in which it is located, and with all other applicable local, state and federal laws.

1.7. Transitional Provisions

1.7.1. Existing Buildings

- a. Existing buildings and appurtenances that do not conform to the provisions of the UDO at the time of its adoption may continue in use as they are until a substantial improvement is requested, at which time the Administrator shall determine the provisions of the UDO that shall apply to achieve the highest degree of conformity subject to practical limitations. Such changes shall be subject to the provisions of Article 11, Nonconformities.
- b. The modification of existing buildings is permitted subject to approval by the Administrator if such changes result in greater conformance with the specifications of the UDO

1.7.2. Development Subject to a Planned Development (PD) or Development Agreement

- a. Any application that has received approval for a PD district and/or development agreement before the effective date of the UDO or any amendment thereto may be carried out in accordance with the master plan for the PD and its terms and conditions of approval, and the terms and conditions of the development agreement, provided the PD and development agreement does not expire and otherwise remains valid. If the PD approval or development agreement expires, is revoked (e.g., for failure to comply with time limits or the terms and conditions of approval), or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of the UDO.

1.7.3. Other Approved Development Permits and Approvals

- a. Any other development that has received approval of a development permit or similar approval before the effective date of this chapter or any amendment thereto may be carried out in accordance with the terms and conditions of the development permit or approval and the procedures and standards in effect at the time of approval, provided the permit or approval does not expire and otherwise remains valid. If the development permit or approval expires, is revoked (e.g., for failure to comply with time limits or the terms and conditions), or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of the UDO.

b. Pending Applications

Any development application submitted and accepted as complete before the effective date of this Ordinance, but still pending final action as of that date, shall be reviewed and decided, in accordance with the regulations in effect when the application was accepted, provided that the permit or approval does not expire, is revoked, or otherwise becomes invalid.

1.7.4. Photographs and Drawings

Photographs and drawings in this ordinance are for illustrative purposes only and shall not be considered as part of the text of this ordinance.

1.8. Severability

In the event of any portion of the UDO being declared unconstitutional or invalid, such decision does not affect the remainder of the ordinance.

1.9. Effective Date

The date of adoption of this Unified Development Ordinance is recorded as of [DATE OF ADOPTION].

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2.0 Development Review Bodies

2.1. Town Council

2.1.1. Powers and Duties

- a. Comprehensive Plan Amendments: To initiate, modify, and adopt a Comprehensive Plan after receiving recommendations from the Planning Commission.
- b. Text Amendments: The Town Council shall entertain and approve, approve with conditions, or deny proposed text amendments to this Ordinance.
- c. Map Amendments: The Town Council shall entertain and approve, approve with conditions, or deny proposed amendments to the Official Zoning Map.
- d. Appointments: The Town Council shall appoint members to the Planning Commission (PC), Board of Zoning Appeals (BZA), and Architectural Review Board (ARB).
- e. Development Improvements: Upon approval of a final plat, when applicable, the Town Council shall determine the acceptance or non-acceptance of all dedicated streets, easements, rights-of-way, public parks, and other public lands as shown on the plat.
- f. Annexations: The Town Council shall review and act on all annexations and have final authority on the zoning designation of the annexed parcel(s).

2.2. Planning Commission

2.2.1. Powers and Duties

- a. Authority: Pursuant to S.C. Code 1976, § 6-29, et seq., as amended, there is hereby established a Planning Commission, referred to herein as the PC, for the Town, which shall perform all planning functions in the areas of jurisdictional control for the Town of Chapin.
- b. Territorial Jurisdiction: The PC may exercise the power set forth in Title 6, Chapter 29 of the South Carolina Code of Laws, as amended, within the municipal boundary in the Town of Chapin.
- c. Specific Planning Activities: The PC has a duty to engage in a continuing planning program for the physical, social and economic growth, development and redevelopment of the Town of Chapin. The Chapin Town Council designates to the Planning Commission the following duties:
 1. Prepare and recommend revisions to the Comprehensive Plan to Town Council for adoption.
 2. Review and provide recommendations regarding public projects.
 3. Review and approve, approve with conditions, or deny all applicable subdivision applications.
 4. Site Plan (Preliminary Plat) and Final Subdivision Plat review and approval in coordination with the Administrator.
 5. Review and provide recommendations to the Town Council regarding amendments to the text of this Ordinance.
 6. Review and provide recommendations to the Town Council regarding amendments to the Official Zoning Map

7. Review and provide recommendations to the Town Council regarding Annexations.

2.2.2. Membership, Terms, and Compensation

- a. Number: All commission members shall be appointed by the Mayor and Town Council. The Planning Commission shall consist of five (5) members.
- b. Appointment: Planning Commissioners shall reside within the Town of Chapin, Lexington County, or surrounding area. Members shall serve until their successors are deemed qualified and appointed, and shall meet all the requirements for appointment as outlined within the Town of Chapin's ordinances and per applicable State Law. No member of the Planning Commission shall be the holder of an Elected Public Office of the Town. All appointed members of the Planning Commission shall have demonstrated independent judgment and shall be able to prepare for and attend board meetings.
- c. Terms: All terms shall be for three (3) years and shall be staggered with no more than two commissioners with the same term period, unless otherwise noted. All terms shall expire on December 31st of the applicable calendar year.
- d. Vacancies: A vacancy, for any reason, shall be filled for the unexpired term.
- e. Removal: The Town Council may remove any town-appointed member of the PC for cause by majority vote of the Council.
- f. Compensation: Any and/or All members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

2.2.3. Officers, Meetings, and Quorum

- a. Officers: Pursuant to State Statute § 6-29 of the South Carolina Code of Laws, 1976, as amended, shall organize a local Planning Commission. The Planning Commission shall elect a chairperson and a vice-chairperson from its members who shall serve a one (1) calendar year appointment or until re-elected; or until a successor is elected.
- b. Meetings: Meetings of the Planning Commission shall be convened each month within a calendar year, at the request of the Chairperson, and/or at such other times as the majority of the Planning Commission Members or Town Officials may determine. All meetings of the Planning Commission shall be open to the public.
- c. Quorum: A majority of the members appointed shall constitute a quorum.
- d. Rules of Proceeding:
 1. The Planning Commission shall adopt rules of organizational procedure (Robert's Rules of Order).
 - a. The PC shall adopt and retain bylaws and rules of procedure.

2. Commissioners that may have a conflict of interest, either perceived or proven through the SC Ethics Commission, shall abstain from voting on the matter that is causing the conflict.
3. In the case of an abstention where there is no conflict of interest, an abstention from voting shall be considered a vote to approve the motion.
- e. Minutes: The Planning Commission shall keep a publicly accessible record of its resolutions, findings, determinations, and minutes of its proceedings, illustrating the vote of each member upon each question, or indicating absence or failure to vote.
- f. Staff: The Planning Commission shall work with Town Officials for all applicable projects within the Town.

2.3. Board of Zoning Appeals

2.3.1. Powers and Duties

- a. Authority: The Board of Zoning Appeals (BZA) is hereby established, pursuant to the authority of § 6-29, et seq., of the South Carolina Code of Laws, as amended, and shall hereafter be referred to as the BZA.
- b. Territorial Jurisdiction: The BZA may exercise the power set forth in Title 6, Chapter 29 of the South Carolina Code of Laws, as amended, within the municipal boundary in the Town of Chapin. The Town Council may expand the jurisdiction of the BZA by ordinance and/or intergovernmental agreement, in accordance with the provisions of § 6-29 of the South Carolina Code of Laws.
- c. Appeals: The BZA shall entertain and determine appropriate appeals action where it is alleged there is an error in an order, requirement, decision, or determination made by an Administrative Official in the enforcement of this Code.
- d. Variances: The BZA shall hear and decide requests for Variance from the requirements of this Code when strict application of the provisions of the Ordinance would result in unnecessary hardship.
- e. Special Exception: The BZA shall permit uses by Special Exception subject to the terms and conditions set forth for such uses in this Ordinance.

2.3.2. Membership, Terms, and Compensation

- a. Appointment: All BZA members shall be appointed by the Mayor and Town Council. The BZA shall consist of five (5) members. The BZA Commissioners shall reside within the Town of Chapin, Lexington County, or surrounding area. Members shall serve until their successors are deemed qualified and appointed, and shall meet all the requirements for appointment as outlined within the Town of Chapin's ordinances and per applicable State Law. No member of the BZA shall be the holder of an Elected Public Office of the Town. All appointed members of the BZA shall have demonstrated

independent judgment and shall be able to prepare for and attend board meetings.

- b. Terms: All terms shall be for three (3) years and shall be staggered with no more than two commissioners with the same term period. All terms shall end on December 31st of the applicable calendar year, and members must continue to serve until their successors are appointed.
- c. Vacancies: Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- d. Removal: The Town Council may remove any member of the BZA for cause.
- e. Compensation: Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

2.3.3. Officers, Meetings, and Quorum

- a. Officers: The BZA shall elect a chairperson and a vice-chairperson from its members who shall serve a one (1) calendar year appointment or until re-elected; or until a successor is elected.
- b. Meetings: Meetings of the BZA shall be held at the request of the chairperson, by a majority of the BZA, and at such other times as the BZA may determine. All meetings of the BZA shall be open to the public.
- c. Quorum: A majority of the members appointed shall constitute a quorum.
- d. Witnesses: The chairperson, or in his or her absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses by subpoena.
- e. Rules of Proceeding
 - 1. The BZA shall adopt rules of organizational procedure (Robert's Rules of Order)..
 - a. The BZA shall retain and adopt bylaws.
 - 2. Commissioners that may have a conflict of interest, either perceived or proven through the SC Ethics Commission, shall abstain from voting on the matter that is causing the conflict.
 - 3. In the case of an abstention where there is no conflict of interest, an abstention from voting shall be considered a vote to approve the motion.
- f. Decisions: The concurring vote of three (3) members of the BZA shall be necessary to: reverse any order, requirement, decision, or determination of the Administrator or Building Official, or to determine in favor of an applicant on any matter upon which it is required to pass judgement, or to affect any variation of this Code. On all appeals, applications and matters brought before the BZA, the BZA shall inform in writing all Parties involved of its decisions and the resolutions, findings, or determinations thereof.
- g. Contempt Penalty: In case of contempt by a Party, Witness, or other person before the BZA, it may certify the action to the Circuit Court, and the Judge

of the Court, in open Court or in chambers; after hearing, may impose a penalty as authorized by Law.

- h. Minutes: The BZA shall keep a record of its findings, determinations, and minutes of its proceedings, illustrating the vote of each member upon each question, or indicating absence or failure to vote. The Board shall keep records of its examinations and other Official Actions, all of which shall be immediately filed in the Office of the Zoning Administrator and shall be a public record
- i. Staff: The BZA shall work with the Zoning Administrator for all projects within the Town.

2.4. Architectural Review Board

2.4.1. Powers and Duties

- a. Territorial Jurisdiction: The Architectural Review Board, referred to herein as the ARB, shall perform all functions defined herein within the area of jurisdictional control within the Town of Chapin.
- b. Powers and Duties: Review, approve, or deny, all applications subject to Major Architectural Review as outlined in Section 10.6.

2.4.2. Membership, Terms, and Compensation

- a. Appointment: Members of the ARB shall be appointed by the Town Council. The ARB shall consist of five (5) members appointed by Town Council. Four (4) of the five (5) Board members must have professional backgrounds related to this field, with one representative of each of the following professions sitting on the Board: registered architect, real estate professional, engineer or member of the building trades, and a Chapin business owner. The fifth seat is open to members of the general public.
- b. Terms: All terms shall be for three (3) years and shall be staggered with no more than two commissioners with the same term period. All terms shall expire on December 31st of the applicable calendar year and members must continue to serve until their successors are appointed.
- c. Officers: The ARB shall elect a chairperson and a vice-chairperson from its members who shall serve a one (1) calendar year appointment or until re-elected; or until a successor is elected
- d. Rules of Proceeding:
 - 1. The ARB shall adopt rules of organizational procedure (Robert's Rules of Order).
 - a. The ARB shall adopt and retain bylaws and rules of procedure.
 - 2. Board members that may have a conflict of interest, either perceived or proven through the SC Ethics Commission, shall abstain from voting on the matter that is causing the conflict.
 - 3. In the case of an abstention where there is no conflict of interest, an abstention from voting shall be considered a vote to approve the motion

- e. Vacancies: Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
 - f. Removal: The Town Council may remove any member of the ARB for cause.
- 2.4.3. Compensation: Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.
- 2.5. Building Official
- 2.5.1. Designation
Lexington County shall designate and empower the Building Official.
- 2.5.2. Powers and Duties
- a. Responsibility: The Building Official shall be responsible for all duties specified in Section 14-241 of the Lexington Code of Ordinances.
 - b. Powers and Duties: The Building Official shall follow the powers and duties within Section 14-241 and other applicable code sections.
- 2.5.3. Appeals
Appeals for decisions made by the Building Official shall be reviewed by the Lexington County Community Development Building Codes Board of Appeals, in accordance with Section 14-412 of the Code of Ordinances for Lexington County.
- 2.6. Planning and Zoning Manager
- 2.6.1. Designation
The Planning and Zoning Manager will be referred to as the “Zoning Administrator” within this Ordinance. The Zoning Administrator shall be defined as any person or persons designated by the Town to fulfill the duties herein.
- 2.6.2. Powers and Duties
The Zoning Administrator shall:
- a. Administer and enforce the provisions of this Ordinance
 - b. Make written interpretations of this Ordinance
 - c. Review and make recommendations on Project Permits where the Building Official has authority
 - d. Review and process Zoning Permits
 - e. Review and process Certificates of Zoning Compliance
 - f. Review and make recommendations on Certificates of Occupancy
 - g. Process applications for Variances and Special Exceptions
 - h. Issue all permits, exception for Project Permits where the Building Official has authority
 - i. Review and act on Administrative Adjustments
 - j. Review and act on Minor Development Design Review applications

- k. Review and make recommendations to the Architectural Review Board on Major Development Design Review applications
 - l. Review and make recommendations on preliminary plats, site plans, and final plats
- 2.7. Coordination with Other Governing Bodies
 - 2.7.1. General: Approvals granted by the Town of Chapin are contingent upon the approval, authorization, permit, or acceptance required of the proposal by any other organization or agency. A copy of the required approval, authorization, permit, or acceptance must be submitted to the Administrator, prior to approval of the construction plans, issuance of a final plat approval, or issuance of a Building Permit.

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3.0 Zoning Districts and Boundaries

3.1. Purpose and Intent

For the purposes of this Ordinance, the various districts have been categorized as Zoning Districts. Each district is established as a specific and exclusive zoning district, and only those uses that are listed as permitted are allowed. If a particular use of the land is not mentioned for a certain district, that use shall be prohibited for that district unless the change is by official amendment approved by Town Council.

3.2. Official Zoning Map

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

3.3. Interpretation of District Boundaries

When there is any uncertainty as to the intended locations of any zoning district boundary on the Zoning Map, the Town Staff shall make an interpretation of such map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Board of Zoning Appeals (BZA). The Town Staff, and the BZA, in interpreting the Zoning Map or deciding any appeal shall apply the following standards:

- 3.3.1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed as following such centerlines;
- 3.3.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3.3.3. Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries;
- 3.3.4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks or to follow the centerline of single tracks;
- 3.3.5. Boundaries indicated as following the centerlines of waterways, marshes or ditches shall be construed as following such lines;
- 3.3.6. Boundaries indicated as parallel to or extensions of features shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and
- 3.3.7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by this section, the Board of Zoning Appeals shall interpret the district boundaries.

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

- 3.5. Changes
 - 3.5.1. Changes made to zone boundaries or other matters portrayed on the Zoning Map shall be made in accordance with Article 10, Amendments and Rezoning.
 - 3.5.2. The Administrator shall enter changes onto the Zoning Map within a reasonable period of time after a map amendment is approved by the Town Council. Where the ordinance enacting a zone boundary change contains wording explaining or clarifying the location of the new boundary, the Administrator may enter notations on the Zoning Map reflecting the ordinance wording.
 - 3.5.3. No changes of any nature shall be made to the Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law.
 - 3.5.4. Regardless of the existence of purported copies of the Zoning Map that may from time to time be made or published, the Zoning Map which shall be located in the Department of Planning, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Town, except in the case of proven errors.
 - 3.5.5. The Administrator shall maintain copies of superseded versions of the Zoning Map for historical reference.
 - 3.5.6. Where Town limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:
 - a. Areas to be annexed into the incorporated limits of Chapin shall be assigned zoning classifications by the Town Council.
 - b. In all cases where additions to the Town’s total area require adjustments in the zoning district boundaries, the adjustment shall be made to the Zoning Map.
 - c. When reductions are made in the Town’s total incorporated area the provisions of this Ordinance shall no longer apply to that area.

- 3.6. Establishment of Zoning Districts
 - 3.6.1. The following zoning districts are hereby established:

Table 3.6.1. Establishment of Zoning Districts

Description	Illustration
--------------------	---------------------

(RA) Rural Agricultural District: The intent of the RA district is to establish and preserve areas primarily for agriculture and rural dwellings, conservation subdivisions, forest management and various other very low density (.2 d.u./acre) uses on large sites, and to encourage preservation of natural resources and guard against the premature or unreasonable alteration of land resources. This district may be utilized for areas annexed by the Town to preserve the existing rural characteristics, and to prevent urban sprawl.



RR, Rural Residential District: RR districts are intended to limit high density development, encourage low-impact developments such as conservation subdivisions, and to protect natural and agricultural areas by limiting and regulating commercial development.



SR1, Suburban Residential District 1: SR1 districts are intended to be single family residential areas with detached units and low population densities. Conservation subdivisions are permitted as a conditional use.



SR2, Suburban Family Residential District 2: SR2 districts are intended to be single family residential areas with detached units and low population densities. Conservation subdivisions are permitted as a conditional use.



SR3, Suburban Family Residential District 3:

SFR3 districts are intended to be the medium density single family residential areas with detached units. Conservation subdivisions are permitted as a conditional use.



TR1, Town Residential District 1: TFR districts are intended for medium density residential purposes, including single family detached units, duplexes, and triplexes. These uses shall be compatible in size and scale with surrounding residential development.



TR2, Town Residential District 2: The purpose of this district is to provide for a mixture of single-family, two-family, triplexes, and other residential uses, except multifamily, on smaller lots with a variety of setbacks as well as the location of higher density dwellings such as zero lot line homes and rowhome developments.



TR3, Town Residential District 3: The purpose of the TR3 district is to establish and preserve multifamily residential uses designed to encourage and continue a stable and healthy environment for residential uses and to exclude uses which are not compatible with such residential uses.



VC, Village Commercial District: VC districts are intended for commercial and service uses oriented primarily to serving needs of persons who live or work in nearby areas. A variety of mixed-density residential uses are permitted when paired with commercial uses.



TC, Town Center District: The intent of the Town Center (TC) zoning district is to provide an area for development of an attractive, compact, walkable, mixed-use town center that creates a live/work/play environment for the community. Denser residential uses are permitted when paired with commercial uses



PI, Public/Institutional District: The PI district supports generally non-residential institutions and employment areas that are designed in a campus-like setting, such as hospitals, universities, research facilities, and offices. It is intended to ensure that these unique institutions are designed to be compatible with their surroundings and the rest of the Town.



CC, Corridor Commercial: It is the intent of this section that the CC zoning district be developed and reserved primarily as a retail service and commercial area, serving surrounding neighborhoods and larger community or town-wide clientele with a wide range of commercial services, including retail, offices and business support services located in areas which are well served by collector and arterial street facilities as well as pedestrian access facilities where appropriate.



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



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



LI, Light Industrial District: LI districts are intended to permit light manufacturing, industrial, wholesale commercial uses which do not create nuisances by noise or emissions beyond the premises.



PD, Planned Development District: PD districts designate an area for which an approved development plan constitutes the district regulations. It is intended to utilize the factors of efficiency, economy, flexibility, creative site design, improved appearance, compatibility of mixed uses, maximum benefits from open space, safe and efficient vehicular and pedestrian access for a development characterized by a unified site design for mixed uses where existing zoning district cannot permit. A planned development district may be predominantly residential or predominately commercial.



Source: Laurel Island PUD, Charleston, SC

PO, Parks/Open Space District: The open space district is established as a district in which the primary use of the land is predominantly reserved for flood control, future thoroughfare right-of-way, public recreation, community facility sites, airport approaches, natural or man-made bodies of water, forests, and other similar open space uses.



3.7. District Development Standards

(ON NEXT PAGE)

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Table 3.7.1: District Dimensional Standards

ZONING DISTRICTS LOT CONFIGURATION	RA	RR	SR1	SR2	SR3	TR1	TR2	TR3	VC	TC	PI	CC	IC	OC	LI	PO
Lot Width, Minimum	200'	100'	75'	60'	50'	40'	40'	50'	40'	None	50'	50'	50'	50'	75'	None
Lot Size, Minimum	5 acres	2.5 acres	1 acre	.5 acre	.25 acre	8,750 sq. ft.	6,500 sq. ft.	5,500 sq. ft.	4,000 sq. ft.	None	None	None	None	None	10,000 sq. ft.	None
Maximum Lot Coverage	25%	25%	25%	30%	45%	50%	65%	75%	None	None	None	70%	70%	70%	None	None
PRINCIPAL BUILDING PLACEMENT¹																
Front Setback, minimum	50'	50'	25'	25'	25'	15'	10'	0'	0'	0'	25	15	15	25	15	None
Front Setback, maximum ²	None	None	None	None	None	25'	25'	25'	15'	10'	None	None	None	None	None	None
Side Setback (Corner)	20'	20'	10'	10'	10'	10'	10'	10'	None	None	10'	15'	15'	15'	None	None
Side Setback	20'	20'	10'	10'	10'	10'	10'	10'	None	None	10'	15'	15'	15'	None	None
Rear Setback	20'	20'	20'	20'	20'	15'	15'	10'	10'	None	25'	25'	25'	25'	25'	None
Building Height	50'	50'	35'	35'	35'	35'	35'	50'	35'	50'	65'	65'	65'	50'	50'	N/A
S-48 (Columbia Avenue) <i>From New Bridge to New Road 2 (Heelsplitter Boulevard)</i> ³	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'
US 76 (Chapin Road) <i>From Town Boundary traveling west to S-49 (Clark Street)</i> ³	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'
US 76 (Chapin Road) <i>From S-49 (Clark Street) to S-29 (Saint Peters Church Road)</i> ³	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'	45'
US 76 (Chapin Road) <i>From S-29 (Saint Peters Church Road) to Town Boundary traveling west</i> ³	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'
ACCESSORY BUILDING PLACEMENT																
Front Setback ⁴	None	None	0'	0'	0'	5'	5'	5'	10'	10'	0'	10'	10'	10'	None	None
Side Setback (Corner)	10'	10'	5'	5'	5'	5'	5'	5'	5'	None	5'	5'	5'	5'	5'	5'
Side Setback	10'	10'	5'	5'	5'	5'	5'	5'	5'	None	5'	5'	5'	5'	5'	5'
Rear Setback	10'	10'	5'	5'	5'	5'	5'	5'	5'	None	5'	5'	5'	5'	5'	5'
Height ⁵																

¹ See Section 3.8.4.d for Corner lots.

² A minimum of 80 percent of the front façade must be located within the maximum front setbacks, unless otherwise regulated within Article 6

³ Based on the plans provided in the SCDOT S-48 (Columbia Avenue) Corridor Improvement Project and on plans by SCDOT to perform a feasibility study, potentially resulting in the widening of US 76 (Chapin Road)

⁴ The front setback for accessory buildings shall start at the principal façade of the principal use.

⁵ The height of an accessory building shall not be greater than the height of the principal building, unless located in a Public Institutional (PI) or Light Industrial (LI) zoning district.

3.8. General Lot and Building Standards

3.8.1. Standards Not Exclusive

In addition to the lot and building provisions in this article, standards for lots and buildings in related building and fire codes may also apply.

3.8.2. Interpretation of Fractional Measurements

When any requirement of this ordinance results in a fraction of a unit, a fraction of $\frac{1}{2}$ or more shall be considered a whole unit and rounded up to the nearest whole number.

3.8.3. General Lot Standards

- a. Lot Occupancy: No building shall hereafter be erected, altered or moved to occupy a greater percentage of lot area than is permitted within the zoning district in which it is or will be located.
- b. Lot Reduction: No lot shall be reduced in size which will not maintain the total lot area, lot width, necessary yards, courts or other open space, lot area per dwelling unit or other requirements of this article.
- c. Yard Use Limitations: No part of a yard, court or other open space or off-street parking required in connection with any building for the purpose of complying with the regulations of this article shall be included as part or all of the required yard, court, or other open space or off-street parking for another building or structure, except as provided in this article.

3.8.4. Lot Setbacks

- a. Irregular Lots: The location of required setbacks on irregularly shaped lots shall be determined by the Administrator in accordance with the following provisions:
 1. Irregular Lot Lines: Generally, side lot lines shall be perpendicular or radial to the street right-of-way, and rear lines should be approximately parallel to fronting right-of-way lines. Irregularly shaped lots shall be permitted at the discretion of the Administrator when unique site conditions exist.
 2. Irregular Lot Setbacks: The location of required front, side, and rear yards (or setbacks) on irregularly shaped lots shall be determined by the Administrator, based on the prevailing spacing of buildings on the adjacent parcels. Where questions arise as to appropriateness, the applicant may be requested to provide additional design information.
- b. Double- and Triple-Frontage Lots: On lots with two street frontages, not located at a corner, or with three frontages and located at a corner, the front setback will apply to both the street that the building derives its address from, in addition to the opposite, parallel street. This does not apply to lots located on a corner with a rear alley. Double- and Triple Frontage lots shall base their setback regulations based on the street that it derives its address from. Double frontage lots shall be avoided except in commercial zones, where essential to provide separation of residential development from railroad or major street right-of-way or from non-residential uses or where necessary due to topography. Where a railroad or major thoroughfare right-of-way, as shown on the major thoroughfare plan, abuts or runs through any portion of the subdivision, the subdivision plat shall provide for either a minor street or lots backing onto said right-of-way having a minimum depth of two hundred (200) feet
- c. Flag Lots: The use of flag lots in residential subdivisions shall be permitted only if dictated by the terrain. Flag lots shall not be permitted to solely allow an increase in the number of lots.

The access drive to a flag lot shall have a minimum width of 30 feet and shall be a deeded part of the lot so accessed. No two flag lots may abut or converge at the (poles) street right-of-way

- d. Corner Lots: Corner lots shall be at least five (5) feet wider than interior lots; provided however, the maximum required width of corner lots shall be one hundred (100) feet. The minimum side building setback distances shall be at least the minimum front building setback distance for the side adjacent to the street.
- e. Setbacks from Designated Corridors: It shall be the responsibility of the applicant to ensure that setbacks within a development site are measured from any potential future right-of-ways planned by the State, County, or Town. If there are plans to establish specifically-designated streets in an adopted corridor plan or subdivision if the adopted plan shows, at a minimum, the applicant shall work with the applicable entity to propose a compatible connection or improvement in terms horizontal alignment of the future roadway, pedestrian and bicycle amenities, streetscape improvements and necessary right-of-way, and other applicable requirements.
- f. Residential variances and restrictive covenants: The Administrator shall only grant an Administrative Adjustment (Section 10.10) for a lot size or setback requirement that conforms to the restrictive covenants of a subdivision existing at the time of the adoption of this chapter or at the time of annexation into the town.

3.8.5. Infill Lot Setbacks

In certain neighborhoods, historic setbacks do not conform to current standards. It is the intent of the UDO to create predictability within blocks and not reduce or enlarge setbacks where existing precedents are present. The Administrator shall have the authority to determine setback for infill lots to ensure compatibility with adjacent structures unless superseded by an adopted plan

3.8.6. Encroachments

The features listed below shall be permitted to encroach into a required yard or right-of-way, as applicable. Nothing in this section shall be misconstrued to conflict with any other portion of this Ordinance.

- a. Encroachment over Sidewalks: With approval of the City, County or SCDOT (whichever has authority over a ROW), awnings, arcades, canopies, and galleries, may encroach over the sidewalk to within 2 feet of the curb, but they shall provide a vertical clearance of at least 8 feet from any sidewalk. This encroachment is only permitted in the Town Center (TC), Village Commercial (VC), and Town Residential Districts (TR1, TR2, and TR3).
- b. Upper Story Encroachments: Bay windows, balconies, and similar features projecting from the principal building may encroach up to 50% of the depth of the front and street side setback. With approval of the City, County or SCDOT (whichever has authority over a ROW), upper-story balconies or bay windows may encroach over the right-of-way a maximum of 3 feet, but they shall provide a vertical clearance of at least 8 feet from any sidewalk. This encroachment is only permitted in the Town Center (TC), Village Commercial (VC), and Town Residential Districts (TR1, TR2, and TR3).
- c. Lower Story Encroachments: Cornices, eave overhangs, chimneys, flues, bay windows, and similar projections (including gutters) may encroach up to 2 feet into any required yard.

- d. Covered Porches: Covered porches may encroach a maximum of 8 feet into any required front yard or street side yard setback and to within 5 feet of any interior side or rear yard property line.
 - e. Uncovered Porches, Decks, Patios, Steps and Stairs: Uncovered and unenclosed porches, decks, patios, steps and stairs, and other similar features may encroach to within 5 feet of any interior side and rear property line. Steps and stairs may encroach up to 100% of the depth of any required street yard setback, but may not encroach upon any public sidewalk.
 - f. Walkways and Driveways: Uncovered and unenclosed walkways, and driveways may encroach up to 100% of the depth of any required setback, unless a buffer (Section 7.5) is required.
 - g. Handicap Ramps and Lifts: Ramps, lifts, fire escapes, or other required accessibility structure by the fire or building code that is attached to the exterior of a building may encroach into any required yard but may not be closer to any property line than 5 feet. Such features shall not be located in a front yard if it is possible to accommodate them in a side or rear yard.
 - h. Mechanical Equipment: Mechanical equipment such as pool pumps, ventilation systems, heating and air conditioning units, tv antennas, and satellite dishes, and other similar equipment determined by the Administrator, may encroach up to 25% into a required side or rear yard. Mechanical Equipment shall comply with screening requirements in Section 7.3.9.
 - i. Fences and Garden Walls: Fences and garden/yard walls may encroach into required setbacks. The support structures for fences shall be located on the inside of the fence, and no fence, wall or hedge shall exceed the following dimensions:
 - 1. In all districts fences within the front or street side setback shall be a maximum of 4' in height to ensure that the sight triangle or visual clearance is not obstructed.
 - a. In the Light Industrial (LI) zoning district parcels fronting a Primary Street may have fences or walls up to 6 feet in height when not within the sight triangle or visual clearance area as regulated by Lexington County or SCDOT. Parcels fronting all other streets may be up to 10 feet in height.
 - b. When residential uses are adjacent to commercial, industrial, or other nonresidential use, the Administrator may increase this height requirement to 8'.
 - 2. Side or rear setback of residential districts: Privacy fences or walls may be a maximum of 6' in height.
 - 3. Side or rear setbacks of nonresidential and industrial: Fences or walls may be a maximum of 10' in height.
 - j. Mailboxes: Mailboxes may encroach into a front setback area.
- 3.8.7. Measurement of Height
- a. Building Height: Building height is measured as the vertical distance from the mean grade elevation taken at the fronting street side of a structure to the roof line of a flat roof, the ridge of a pitched roof, or the deck line of a mansard roof.
 - b. Flag Poles shall conform to the height requirements in Section 9.7.2.a.12.
 - c. Under-roof areas with dormers shall be counted as half-stories.
 - d. Exemptions from Building Height Requirements: Unless specifically stated otherwise elsewhere in this ordinance, the height requirements established in this ordinance shall not apply to:
 - 1. Building elements (such as church spires, towers, cupolas, domes, etc.) not intended for human occupancy;

2. Structures that are an accessory to institutional uses (such stadium press boxes);
 3. Water towers, transmission towers, and observation towers, unless otherwise regulated in this ordinance;
 4. Masts and antennas; and
 5. Mechanical penthouses not exceeding 15 feet in height which are set back at least 20 feet from the front elevation of the building, and not visible from view from the public right-of-way.
- e. Other Height Requirements: Height requirements for signs, lighting, landscape screens, and all other structures or objects for which a dimensional height requirement is established by this ordinance shall be measured as the vertical distance from the highest ground level at the structure or object's foundation to its highest point.

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4.0 Land Use Provisions

4.1. Purpose and Intent

The use provisions in this chapter indicate which uses and activities are permitted by right, permitted with conditions, permitted by special exception, and prohibited. The provisions are intended to produce the desired development outcomes for each district as set forth in the Comprehensive Plan and in Article 3 – Zoning Map and Districts.

4.2. Applicability

No land, building or structure, including signs, shall be used or occupied, and no building or sign shall be constructed, altered or moved, unless in conformity with the regulations herein specified for the particular zoning district.

4.3. Table of Permitted Uses

4.3.1. Use Permissions Defined

The Table of Permitted Uses (Table 4.3.2) assigns one of the following permissions to each use in each district:

a. Permitted Use (P)

The use is permitted by-right, with no additional conditions or requirements.

b. Existing Buildings Only (E)

The use is permitted in existing buildings only and is considered a legal nonconforming use. Any expansions over 20% to the gross floor area, or renovations exceeding parameters in regulated by Article 11.

c. Conditional Use (C)

The use is permitted, provided that the additional use conditions set forth in this article are met.

1. The specified conditions are intended to ensure that these uses are compatible with other development permitted within the districts.

2. Approval procedures for conditional uses are in Section 10.4, Zoning Permit.

d. Special Exception (SE)

The use is permitted only when a Special Exception has been approved.

1. Special Exceptions are required for uses that may be compatible with other uses permitted in a district, but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the Town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.

2. All applications for Special Exceptions shall, at a minimum, meet the standards for the district in which they are located and the additional standards set forth in this article for that use. There may also be specific building design standards that must be met (Article 6).

3. Approval procedures for Special Exceptions are found in Section 10.11.

e. Prohibited Uses (*blank*)

The use is prohibited in the specified district

4.3.2. Table of Permitted Uses

(Continued on next Page)

Table 4.3.2 – Table of Permitted of Uses																	
Type of Use	RA	RR	SR1	SR2	SR3	TR1	TR2	TR3	VC	TC	PI	CC	IC	OC	LI	PO	Code Section
AGRICULTURAL																	4.4.1
Horticultural nursery	C	C	C													C	4.4.1.a
Agricultural Uses or Animal Production	C	C															4.4.1.b
CAFO	SE																4.4.1.c
Campground	C	C														C	4.4.1.d
RV Park	SE	SE															4.4.1.e
RESIDENTIAL USES																	4.4.2
Accessory Dwelling Unit	C	C	C	C	C	C	C										4.4.2.a
Bed and Breakfast	C	C				C	C	C						C			4.4.2.b
Bed and Breakfasts with commercial meeting privileges	C	C				C	C	C						C			4.4.2.c
Conservation Subdivision	C	C	C	C	C												4.4.2.d
Day Care Home - Large (6-10)	C	C	SE	SE	SE	SE	SE					P	P	P			4.4.2.e
Day Care Home - Small (5 or less)	P	P	C	C	SE	SE	SE		SE	SE		C	C	C			
Dwelling, Attached Single Family						P	P	P	C	C							
Dwelling, Detached Single Family	P	P	P	P	P	P	P	E	C					E			
Dwelling, Multi-Family								C	C	C							4.4.2.f
Dwelling, Two-Family	P					P	P	E	C					E			
Dwelling, Three-Family						C	P	P	C	C							4.4.2.g
Group Home - Large (8 or more)	SE			SE	SE	SE	SE	SE				SE		SE			4.4.2.h
Group Home - Small (7 or less)	C	C	C	C	C	C	C	C									4.4.2.h
Manufactured Home	C	C	C														4.4.2.i
Manufactured Home Park			SE														
Nursing Homes	SE	SE			P	P	P	P				P	P				
Short Term Rental	C	C	C			C	C	C	C	C				C			
COMMERCIAL																	4.4.3
Automobile Service Station, Major												C	C				4.4.3.a
Automobile Service Station, Minor												C	C				4.4.3.a
Automobile, ATV, Motorcycle, or Boat Sales												C	C		P		4.4.3.b
Automotive Parts Stores												P	P				
Bar or Night Club	SE	SE							C	C		C	C				4.4.3.c
Car Wash												C	P				4.4.3.d
Catering Service									C	C		P		C			4.4.3.e
Check Cashing												SE					4.4.3.f
Commercial Day Care Center	C	C	SE	SE	SE				SE	SE		P		P			4.4.3.g
Convenience Store	C								C	C		P	P				4.4.3.h
Drive-In Theater	P	P										P					
Dry Cleaning										C		P	P				4.4.3.j
Financial Institutions									C	P		P	P	P			
Funeral Homes	C	C							P			P					4.4.3.k
Garden Centers									SE			P	P				
General Retail	C	C							C	C		P	P				4.4.3.l
Hardware Stores									C			P	P				4.4.3.m

Type of Use	RA	RR	SR1	SR2	SR3	TR1	TR2	TR3	VC	TC	PI	CC	IC	OC	LI	PO	Code Section
Hotels/Motels	C								C	P		P	P				4.4.3.n
Indoor Storage													P		P		
Liquor Stores									C	C		P	P				4.4.3.o
Microbrewery, Micro-Distillery, Micro-Winery	C	C	C	C	C				C	C		P	P	SE	C		4.4.3.p
Miniature Golf												C					4.4.3.q
Mixed-Use Building									P	P							
Office Building	C								SE	SE		C	C	P			4.4.3.s
Office, Medical	C					C	C	C	P	P		P	P	P			4.4.3.r
Office, Non-medical	C						C	C	P	P		P	P	P			
Outside Display/Sales	C	C										P	P				4.4.3.t
Parking Lots									C	C		C	C	C			4.4.3.u
Personal Service	C								P	P		P	P	C			4.4.3.v
Pet Boarding	C								SE	SE		P	P				4.4.3.w
Restaurant, Full Service	C	C							P	P		P	P				4.4.3.x
Sexually Oriented Businesses												SE	SE				
Specialty Retail	C								P	P		P	P				4.4.3.y
Tattoo Parlor										SE							4.4.3.z
Tobacco Stores									C	P		C					4.4.3.aa
Vape, E-Cig, store and lounges										SE		SE	SE				4.4.3.bb
Veterinarian	C								C	C		P	P	P			4.4.3.cc
INSTITUTIONAL, CIVIC, OR PUBLIC																	4.4.4
Amphitheaters									SE	C	P	C		C		C	4.4.4.a
Cemetery and Mausoleums	P	P							C		P	SE	SE	SE		SE	4.4.4.b
Civic and Social Organizations	C				SE	SE	SE	SE	P	P	P	P	P	P			4.4.4.c
Colleges, Universities, and Vocational Schools	C								SE	SE	P	P		P	C		4.4.4.d
Elementary Schools	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE			
Farmers Market, Indoor	C	C							C	C	P	P		P	C		4.4.4.e
Farmers Market, Outdoor	C	C			C	C	C	C	C	C	P	P	P	P	C	P	4.4.4.e
Golf Course	P	P	SE	SE	SE						SE					SE	
Government Building or Facility	C	C	C						P	P	P	P	P	P	P		4.4.4.f
Hospital	C									SE	P	P	P	P			4.4.4.g
Kindergarten or Pre-school	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE			
Parks and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Utility Stations	P	P	P	P	SE	SE	SE	SE	SE	SE	P	P	P	P	P	SE	
Recreational Facilities	P	P	SE	SE	SE	SE	SE	SE	P	P	P	P		P			
Religious Assembly	P	P	P	C	C	C	C		C	C	P	P	C	P			4.4.4.h
Secondary Schools	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE			
Sports Stadium	SE								SE		P	P		P			4.4.4.i
Theater									C	C	P	P		P			
Transportation Terminal (Bus and Rail)	SE	SE							SE	SE	P	P	SE	P	SE		

INDUSTRIAL																	4.4.5
Animal Shelters	P	P							SE		SE	P	P				
Correctional Facility	SE	SE									SE		SE		SE		
Crematory	SE	SE									SE				P		
Heavy Equipment Rental	SE											C	C		P		4.4.5.a
Indoor Shooting Range	SE	SE										SE	SE		SE		
Type of Use	RA	RR	SR1	SR2	SR3	TR1	TR2	TR3	VC	TC	PI	CC	IC	OC	LI	PO	Code Section
Junk Yard or Scrap yard	SE														SE		
Manufacturing or Production Facility															P		
Outdoor Shooting Range	SE	SE													SE		
Outdoor Storage	SE											SE	SE		C		
Repossession Services												C	C		P		4.4.5.b
Telecommunication Tower	SE	SE									SE	SE	SE		SE		4.4.5.c
Truck Sales and Service												SE	C		P		4.4.5.d
Warehouse	SE												C		P		4.4.5.e
Wholesale Trade	SE												P		P		

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4.3.3. Multiple Principal Buildings or Uses Per Lot

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category. Properties shall be constrained to one principal use per lot, with the exception of mixed-use buildings and multi-building sites approved by the Town. Exceptions are also given to properties located within RR and RA zoning district, where 2 total detached residential dwelling units per lot is permitted.

4.3.4. Unlisted Uses

Where proposed development contains a use not listed within the Use Table in Section 4.3.2, the Administrator shall determine the most similar listed use and to apply the standards of such use. This determination shall be based on the definitions contained in this Ordinance, the purpose and intent of the respective zoning district, characteristics of the use including hours of operation, employees, required floor area, building or site arrangement, and any commonly accepted use-based guides (e.g., North American Industrial Classification System (NAICS), Institute of Transportation Engineers (ITS) Trip Generation Guide), and may be appealed using the process identified in Section 10.13.

4.4. Conditional Use and Special Exception Standards

The uses listed in this section are either permitted with certain conditions, or must be approved by the Board of Zoning Appeals by Special Exception. However, the conditions in this section apply to all uses permitted with conditions and special exception.

4.4.1. Agricultural Uses

a. Horticultural Nursery

1. Lot Size: Minimum 2 acres
2. Sale of Produce: Produce stands shall be setback at least 25 feet from the edge of pavement or the back of curb, and shall be located entirely within private property. If the applicant is not the owner of the property in which the produce stand is located, they must have written authorization to use the site. The Administrator may request additional information to ensure health and safety measures are met.
3. Animals: Any use under this classification shall not butcher or otherwise prepare meat for individual sale on-site. All sale of livestock and agricultural products shall adhere to all applicable local, state, and federal regulations.

b. Agricultural Uses or Animal Production

1. Lot Size: Minimum 2 acres
2. Sale of Produce: Produce stands shall be setback at least 25' from the edge of pavement or the back of curb, and shall be located entirely within private property. If the applicant is not the owner of the property in which the produce stand is located, they must have written authorization to use the site. The Administrator may request additional information to ensure health and safety measures are met.
3. Animals: Any use under this classification shall not butcher or otherwise prepare meat for individual sale on-site. All sale of livestock shall adhere to all applicable local, state, and federal regulations.

c. CAFOs

1. Location: No structure or other facility of a CAFO for swine shall be located closer than one thousand (1,000) feet to the adjoining property line, unless the titleholder of the adjoining land executes a waiver with the titleholder of the land where the CAFO for swine is established or proposed to be established, under terms and conditions that the parties negotiate. However, if the CAFO for swine is located on the adjoining property or within one thousand (1,000) feet of a proposed facility, the property line setback applicable to the proposed facility cannot be reduced by consent of the adjoining property owner. CAFOs for swine shall be located no closer than two thousand (2,000) feet from the outer edge of a lake, river or stream, including ephemeral, intermittent, and perennial streams as defined by the SC Forestry Commission. CAFOs for swine containing one million (1,000,000) pounds (normal production live weight) or more shall be separated a distance of twenty-five (25) miles. CAFOs for swine containing more than five hundred thousand (500,000) pounds but less than one million (1,000,000) pounds shall be separated a distance of not less than two (2) miles
 2. Setbacks: Setback and separation standards for CAFOs for animals other than swine shall be as required by the regulations of the state department of health and environmental control.
 3. Health Risk, Environmental, and Quality of Life Studies: The Administrator and/or BZA may require a wide variety of studies to be completed, as it relates to the potential health risk, environmental impact, and quality of life of the surrounding properties and the community at large, that the proposed CAFO would impact. All required studies would be completed by certified professionals with experience with conducting said studies, to ensure that nearby properties and the community at large are not negatively affected by the proposed use.
- d. Campground
1. Lot Size: Minimum of 5 acres
 2. Maximum Density: For permanent, habitable, structures, 4 units are permitted per acre. Individual campsites may not exceed 8 campsites per acre. All permanent structures shall be required to have a valid certificate of occupancy.
 3. Maximum Stay: No person or tent may occupy the campground for a period in excess of 30 calendar days in a 90-calendar day period.
 4. Operation: A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained by the on-site manager.
 5. Recreation: All campgrounds shall have a recreational element such as access to trails, horse riding, hunting, fishing, kayaking or other similar activity commonly associated with outdoor activities. All activities shall have the proper state and federal licenses, when required.
 6. Infrastructure: A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the Plumbing Code, as amended, shall be provided.
 - a. Cabins: If a campground only contains cabins, as described within this section, the requirement for a central service building may be waived by the Administrator.
 7. Buffer: All spaces for camping and recreational vehicles shall be located at least 150 feet from any nearest property line.

8. Dumpster: The site shall have adequate, regular trash collection from a centrally located dumpster. The dumpster shall be enclosed (per Section 7.3.9.b) and secured to prevent windblown litter or access to animals.
- e. Recreational Vehicle (RV) Parks
 1. Lot Size: Minimum of 5 acres
 2. Maximum Units: Eight (8) units per acre
 3. Maximum Stay: No RV may occupy the park for a period in excess of 90 calendar days in a 120-calendar day period.
 4. Individual lots: Each leasable lot for a RV shall be a minimum of 35feet wide.
 5. Parking: One off-street parking space per individual leasable lot.
 6. Accessory Buildings: No accessory buildings used for bathrooms, utilities or other supporting infrastructure shall be permitted for occupancy.
 - a. Bathroom: All parks shall have adequate toilet facilities
 - b. Recreation: All parks shall have a recreational element with access to trail, water feature, picnic tables, playgrounds, or similar feature.
 7. Fire Apparatus Access Road: Shall provide fire access roads per South Carolina law.
 8. Fire Hydrant: Shall provide fire hydrant systems when served by a public water system. Any requirements by the Lexington County Fire Marshal shall supersede the requirements in this section.
 9. Buffer: All RVs within the park shall be setback a minimum of 150 feet from property lines. A Type C landscape buffer, as defined in Article 7, shall be required within this setback.
 10. Dumpster: The site shall have adequate, regular trash collection from a centrally located dumpster. The dumpster shall be enclosed and secured to prevent windblown litter or access to animals.
 11. Condition of Vehicles: All RVs shall be operable and moveable. Non-operable or immovable vehicles shall be removed from the site within 10 days of non-operability or state of immovability. No RV is permitted to be added-on to, or, be permanently affixed to utilities.

4.4.2. Residential Uses

- a. Accessory Dwelling Units
 1. General Standards: Shall be subordinated in size, scale, and orientation relative to the principal use.
 2. Materials: Shall be composed of the same or similar or compatible materials as the principal use. Similar or compatible materials shall be determined by the applicable review entity.
 3. Number allowed: When located in suburban residential districts (SR1, SR2, and SR3), properties shall be limited to a single accessory dwelling unit per single-family dwelling per parcel.
- b. Bed and Breakfasts
 1. Applicability: The regulations in this section apply to both Bed and Breakfast with or without commercial meeting privileges.
 2. Operation: The use shall be owner-occupied. The owner's primary residence shall be no further than 50-miles from the Bed and Breakfast. No hourly rates shall be permitted. Overnight, weekly, or monthly rates are permitted.

3. Register: The owner shall maintain a register of guests, including name, address, and date of occupancy, including check-in and check-out.
4. Licenses: The resident owner shall obtain a business license with a valid Certificate of Occupancy.
5. Design: The principal structures shall retain its single-family character to remain compatible within the district that it is located. This condition applies when a residence is constructed or converted to become a Bed and Breakfast, and also when an existing Bed and Breakfast is expanded. The Administrator may require architectural review by the ARB, as specified in Section 10.5.1.g.
6. Accessory Structures: Short term rental units may be permitted within already approved and compliant accessory dwelling unit. Manufactured Homes may not be used for a Bed and Breakfasts.
7. Meals: The owner shall provide a meal for breakfast to all guests. Meals shall only be served to registered guests.
8. Bed and Breakfasts with Commercial Meeting Privileges: Shall adhere to all regulations in Section 4.4.2.b above. Additionally, the hosting of events such as weddings, business meetings, retreats, reunions, and other organized events shall only be permitted with the following conditions:
 - a. Location: Only permitted in Rural Agricultural (RA), Rural Residential (RR), Town Residential 1 (TR1), Town Residential 2 (TR2), and Town Residential 3 (TR3) districts.
 - b. Operation: The home's principal use is residential. The operation of the facility does not incur repeat or reoccurring violations to the Town's noise ordinance, or other Ordinances of the Town. Such repeat violations may result in suspension or revocation of the business license.
 - c. Minimum lot size: .5 acre, unless the applicant demonstrates conformance with the below parking requirement and receives the applicable approval from the Fire Marshal.
 - d. Parking: The site can accommodate at least 50 on-site parking spaces. Parking surfaces may be unimproved, however a site plan showing parking spaces, circulation patterns, and means of ingress and egress shall be required and evaluated by the Administrator prior to issuances of a permit.
- c. Conservation Subdivision
 1. See Article 5 for land development regulations for Conservation Subdivisions.
- d. Day Care Homes
 1. Applicability: The following regulations are applicable to both Small (5 persons or less) and Large Day Care Homes (6-10 persons):
 - a. Must have a playground or other outdoor recreational equipment
 - b. The playground or outdoor play area shall be enclosed by a fence or wall. All access shall be secured from the exterior. Similar methods for securing outdoor play areas may be considered by the Administrator if the applicant implements best practices for Crime Prevention Through Environmental Design (CPTED).
 - c. Shall receive all applicable Federal, State, and Local licenses, such as a license from the South Carolina Department of Social Services. Proof of approval from applicable agencies shall be provided to the Administrator at the time of application.
 2. Applicable to Large Day Care Homes (6-10 persons):
 - a. Lot Size: Minimum 20,000 square foot lot.

- e. Dwelling, Attached Single-Family
 1. Maximum Number of Attached Units: No more than 6 attached, single family units shall be permitted per building.
 2. Side Setbacks: Attached Single-Family units are exempt from side setbacks where they are otherwise permitted in this Article, and conform to any other applicable regulations.
 3. Entrances: All attached single-family dwellings (townhomes, rowhomes, etc) shall have an independent ingress and egress.
 4. Building Design: All applications for attached single-family units shall be subject to review by the ARB in the form of a Major Architectural Review application.
 5. Parking: All parking shall be located to the rear and accessed via an alley or rear lane. The design of this alley shall be subject to Lexington County.
- f. Dwelling, Detached Single-Family
 1. Applicable to Village Commercial (VC): Shall have a commercial component, and fall under the live/work use definition. Commercial components include home occupations, short term rentals, day cares or Bed and Breakfast uses. The commercial space shall front the street, the residential portion shall be either in the rear or the second story of the live/work unit. Building design shall be compatible with surrounding properties in terms of scale, orientation, massing, setback, and material composition. Access from alleys or from the rear is encouraged, when alley is already present and contiguous to the lot alley access is required.
 2. Applicable to Town Center (TC): Legally conforming detached single-family dwellings are subject to the regulations within Section 11.7, Legal Nonconforming.
- g. Dwelling, Three-Family
 1. Building Design: Subject to the residential design standards in Article 6. Requires a Major Architectural Review (Section 10.6).
- h. Dwelling, Two-Family
 1. Applicable to Village Commercial (VC): Shall have a commercial component, and fall under the live/work use definition. Commercial components include home occupations, short term rentals, day cares or Bed and Breakfast uses. The commercial space shall front the street, the residential portion shall be either in the rear or the second story of the live/work unit. Building design shall be compatible with surrounding properties in terms of scale, orientation, massing, setback, and material composition. Access from alleys or from the rear is encouraged, when alley is already present and contiguous to the lot alley access is required.
- i. Dwelling, Multi-Family
 1. Building Design: Requires a Major Architectural Review (Section 10.6).
 2. Site Design: Shall be reviewed as a Major Subdivision.
 3. Buffers: Shall comply to standards in Article 7.
 4. Mixed-Use: Multi-family units above first-floor commercial uses are required within the Town Center (TC) and Village Commercial (VC) districts.
 5. Open Space Requirements: Shall provide on-site amenities for residents such as dog parks, gyms, plazas, courtyards or other similar features as permitted by the reviewing entity and in accordance with Article 5.
 6. Density: To ensure the protection of the scale of existing development and neighborhoods, the density for any multi-family development shall be no more than 16

dwelling units per acre. The density for multi-family units shall have a maximum density in the following zoning districts:

- a. Town Residential 3 (TR3): 12 units per acre
- b. Village Commercial (VC): 14 units per acre.

j. Group Home

1. License Required: Shall be licensed and regulated by all applicable Federal, State, and Local agencies. Proof of licensure shall be provided to the Administrator.
2. Operation: Shall be well maintained inside and outside, be safe and sanitary, and not be occupied by a person who would constitute a direct threat to the health and safety of other persons. The minimum stay of each occupant, excluding employees, shall be no less than 30 days.
3. Spacing: Group Homes located within Suburban Districts (SR1, SR2, and SR3) shall not be located within a radius of three thousand (3,000) feet of another Group Home, as measured from the nearest point of the existing home property line to the property line of the proposed home. Group Homes located within all other districts shall be not be located within a radius of one thousand (1,000) feet of another Group Home.
4. Group Home Large (8 or more)
 - a. Minimum Lot: 30,000 sq. ft.
 - b. Emergency Services: Shall demonstrate that the use is serviceable by the appropriate emergency service depending on services offered by the Group Home.

k. Manufactured Homes

1. Applicability: Any manufactured home constructed before July 1, 1970, must be approved by Underwriters' Laboratories and any manufactured home constructed after that time must meet all applicable state and federal standards
2. As an Accessory: Manufactured Homes shall not be used as an accessory dwelling unit, unless within a Rural Residential (RR) and Rural Agricultural (RA).
3. Design Standards
 - a. All manufactured home shall have a permanent and continuous foundation enclosure, unpierced, except for required ventilation and access, shall be installed. The enclosure may consist of brick, or other masonry, or wood.
 - b. Any wood framing for foundation skirting shall be constructed with treated lumber. The foundation or skirt shall be in compliance with all applicable codes and regulations.
 - c. Any tongue, axles, running lights, and removable towing apparatus must be removed or screened prior to the issuance of a certificate of occupancy.
 - d. Roofs must be covered with a material that is customarily used on site-built dwellings. The pitch of the main roof shall not be less than 3:12. Minimum overhang of eaves shall be twelve (12) inches.
 - e. Exterior siding shall be wood, vinyl, metal horizontal siding, brick, fiber cement board, stucco, or similar materials. Smooth, ribbed, or corrugated metal or plastic panels, exposed plywood, and materials with a high-gloss finish are not permitted.
 - f. All such units shall be required to have adequate sanitary facilities with such facilities being properly connected to the sanitary sewer system of the town and be served by a separate electric meter. Exceptions for septic systems may be granted where no existing sanitary sewer system connections are available and approval is

granted from the South Carolina Department of Health and Environmental Control (SCDHEC).

- g. Minimum width of the manufactured home as assembled on the site shall not be less than 20 feet, as measured across the narrowest portion.

I. Manufactured Home Parks

1. Minimum Lot Size: 2 acres
2. Infrastructure: The site shall be served by public water and sewer facilities when connections are available. Exceptions for septic systems may be granted where no existing sanitary sewer system connections are available and approval is granted from the South Carolina Department of Health and Environmental Control (SCDHEC).
3. Emergency Services: Shall be within the service area of police, fire, and ambulatory services and supply a document to the Administrator stating the availability of services.
4. Security: On-site security operating 24 hours a day, 7 days a week is required.
5. Minimum Width of Leasable Lot: 40 feet.
6. Open Space: 20% of the total land shall be devoted to open space. Types of permitted open or green spaces can be found in Article 5.

m. Short Term Rental

1. Applicability: Short Term Rental is the leasing of a room and/or home for a period of 30 days or less.
2. Proximity: The applicant shall provide a list of all other short term rentals within a 300' radius at the time of application.
3. Maximum number of individual short-term rental rooms in a single home: 3 rooms
4. Maximum number of consecutive days short term rental may be rented to a renter: 30
5. Property owner required to acquire a business license with the Town of Chapin.
6. Business License number must be displayed on all advertisements and/or bookings for short term rental.
7. Property owner must provide the Town a contact number that is available 24/7 for contact and immediate response with a responsible agent that can be on site within 1 hours of contact.
8. At the time of application for business license a valid Certificate of Occupancy that is on file with Lexington County must be produced by the applicant.
9. Applicant properties may be subject to an inspection by the Town of Chapin upon application.
10. The owner or responsible agent shall maintain a guest register to include names, addresses, phone numbers, and dates of occupancy of all guests.
11. Campers, Boats, any form of recreational vehicle, mobile homes, and structures not issued a CO for habitation may not be used as short-term rentals.
12. Off-Street Parking shall be required per table (8.4.1).

4.4.3. Commercial Uses

a. Automobile Service Stations

1. Fuel Sales: Fuel pumps may be an accessory to Automobile Service Stations. Fuel sales as an accessory to Grocery Stores shall be permitted per the accessory use table in Section 4.5.2.
2. Screening of Vehicles: All vehicles being stored on the property for the purposes for repair, service, or maintenance shall be located in the rear of the building and screened from the public right-of-way, and adjacent property

3. Canopy and Fuel Pumps: Shall be oriented to the side or rear of the principal structure.
- b. Automobile, ATV, Motorcycle, or Boat Sales
 1. Parking of Vehicles: No vehicles shall be stored on an unimproved surface, required buffer, berm, or landscaping feature. No vehicle shall be elevated for the purposes of advertising, by any means, above the parking grade. Vehicles for repair shall be stored in the rear or side, screened from the public right of way, and adjacent property. No vehicle undergoing repair services, under any circumstance, should be on-site for more than 90 days.
 2. Service Bay Doors: Repair of vehicles or boats shall occur within an enclosed building. Service bay doors shall not be visible from the public right-of-way. If service bay doors face a residential property, they shall be opaquely screened from view.
- c. Bars and Nightclubs
 1. Location: Shall not be located within 250 feet, as measured from nearest property line, to a Suburban Residential (SR1, SR2, and SR3) district. Shall not be located within 500 feet of a place for religious assembly or school, unless located within the Town Center (TC) or Village Commercial (VC) district.
 2. Accessory: A bar may be considered an accessory to a primary use, such as a hotel or restaurant. When associated with a restaurant, alcohol sales may not exceed 50% of total sales within a given day. If sales exceed 50% of total sales, then the owner shall apply for a zoning permit from the Zoning Administrator as the use has changed.
- d. Car Wash
 1. Location of Service Areas: Locations of bays for vacuums and other equipment shall be placed on the side or rear of the principal building. Drying fans shall be placed so as to reduce the impact of noise audible on adjacent property as much as possible.
- e. Catering
 1. Operation: The sale of individual meals for general public shall be classified as a full-service restaurant and not a catering service.
 2. Home Occupation: If tied to a home occupation, the applicant shall adhere to all requirements of Home Occupations (Section 4.5.3.n)
- f. Check Cashing
 1. Location: Shall not be closer than 1,000 linear feet from the nearest check cashing, title loan, pawn shop, or other similar establishment, as determined by the Administrator.
- g. Commercial Day Care Center
 1. Minimum Lot Area: 20,000 square feet
 2. Indoor Area: The building shall contain a minimum of 35 square feet of floor area for each child, based on maximum enrollment.
 3. Playground: Outdoor playground equipment is required. All outdoor play areas shall be enclosed by a fence or wall no less than 4 feet in height and shall form the defined perimeter of the play area. Any access points along the fence or wall shall be locked. No play areas shall be permitted in the side or front yard.
- h. Convenience Store
 1. As an Accessory Use: Shall be permitted in Automobile Service Stations.
 2. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area.
 - b. Emergency Services: Shall demonstrate that the use is serviceable by emergency services to include ambulatory, fire, and police.

- c. Operation: May include the processing of wild game, as defined by the South Carolina Department of Natural Resources (DNR), however the area dedicated to processing shall not exceed 25% of the gross floor area of the use. This shall not be misconstrued as meat processing or food processing facility as defined by the State of South Carolina. Encouraged to sell recreational items that relate to the natural amenities of surrounding areas such as kayaks, fishing poles, camping supplies, and other similar products.
- i. Drive-in Theaters
 - 1. Lighting and Noise: The applicant shall submit documents that demonstrate that the adjacent properties will not be negatively affected by the operation of this use. These documents may be photometric or noise study conducted by a professional with experience within this field.
 - 2. Surface: The surface materials of the use may be made of a pervious material, unless otherwise prevented by the stormwater regulations of the Town.
 - 3. Concessions: Beverages and food service may be an accessory use.
 - 4. Site Plan: The applicant shall submit a site plan detailing parking, landscaping, location of utilities, vehicular and pedestrian circulation paths, and other details as requested by the Administrator.
- j. Dry Cleaning
 - 1. Storage: No outdoor storage or displays are permitted
 - 2. Truck Loading or Delivery Areas: All areas for the purposes of loading, unloading, and deliveries shall be located in the rear of the use and be screened from adjoining properties.
- k. Funeral Homes
 - 1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Accessory Use: May have an attached crematory, however it shall not be more than 25% of the gross floor area of the funeral home
 - b. Maximum Size: 10,000 sq. ft.
- l. General Retail
 - 1. Truck Loading or Delivery Areas: All areas for the purposes of loading, unloading, and deliveries shall be located in the rear of the use and be screened from adjoining properties.
 - 2. Applicable to Rural Agricultural (RA) and Rural Residential (RR)
 - a. Size: 10,000 sq. ft. maximum gross floor area
- m. Hardware Store
 - 1. Applicable to Village Center (VC): No outdoor storage of materials, equipment, or vehicles permitted. Items for sale may be permitted against the exterior walls of the use, however it shall not obstruct any pedestrian sidewalks or vehicular circulation.
- n. Hotels or Motels
 - 1. Accessory Uses: Permitted to have any accessory use that is otherwise allowed in the zoning district in which the principal use is located.
 - 2. Types of Accessory Uses: Uses accessory to Hotels shall be bars, restaurants, salons, gyms, and other compatible uses that retain the character of the district
 - 3. Location of Accessory Uses: Shall be located on the first floor and have their own separate means of ingress, unless specifically for the utilization of hotel guests. Rooftop, waterfront, or other type of accessory uses that take advantage of scenic views

or natural features shall be permitted, as long as there is no conflict with other regulations within this Ordinance.

4. Operation: No hourly rates shall be permitted. Overnight, weekly, or monthly rates are permitted.
5. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Operation: No hourly rates shall be permitted. Overnight, weekly, or monthly rates are permitted.
 - c. Emergency Services: Shall demonstrate that the use is serviceable by emergency services to include ambulatory, fire, and police.
- o. Liquor Stores
 1. Location: Shall not be located within 500 linear feet of a church or school, except when located within a Town Center (TC). Shall not be located within 1,000 linear feet of another liquor store.
- p. Microbrewery, Micro-Distillery, Micro-Winery
 1. Location: Shall not be located within 1,000 linear feet of a church or school, except within a Rural Agricultural (RA) and Rural Residential (RR) Districts.
 2. Outdoor Recreation: All play areas or outdoor seating areas shall have a defined permitted. Areas adjacent to roadways or vehicular circulation shall be protected by a fence, vegetation, or combination thereof without obstructing sight triangles.
 3. Accessory Uses: May be permitted to have a commercial kitchen that is compliant with all food safety, building, and fire codes.
 4. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Agricultural Component: At least 5% or 150 sq. ft., whichever is greater, shall be dedicated to the growing of agricultural produce such as wheat, barley, grapes, herbs, or other produce that is non-invasive.
- q. Miniature Golf Courses
 1. Operation: Shall not operate between the hours of 12:01 a.m. and 6:00 a.m. of any day.
 2. Lighting and Noise: Lighting shall comply with the requirements in Article 8. The use shall comply with the noise ordinance of the Town. Lighting within the course shall be shielded and contained to the course as to not spillover to adjacent properties or become a traffic hazard. The Administrator may require a photometric plan if deemed necessary
 3. Buffer: Shall have a street buffer in accordance with Section 7.5.5.
 4. Course Design: Structures, characters, vegetation or other decorative elements shall reflect historical or cultural elements of the Town, Region, or State. The course shall be designed with proper safety measures to include, but not limited to, perimeter fencing, barriers around water features, and appropriate interior signage.
- r. Office, Medical and Non-Medical
 1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area.
- s. Office Building
 1. Minimum Lot Size: 1 acre

2. Accessory Uses: An office building may have accessory uses, such as a salon, convenience store, electrical vehicle charging stations, restaurants and other accessory uses that serve the needs of the building's occupants.
3. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area
- t. Outdoor Display and Sales
 1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Location: Shall be setback at least 50 feet from the road, or placed behind an existing building.
 - b. Design: Shall be placed on a site that is sufficiently improved to withstand the load of stored materials and vehicles.
 - c. Site Plan: A site plan shall be required showing the areas of outdoor storage and sales to ensure pedestrian and vehicular circulation.
 - d. Operation: Outdoor storage as a principal use is not permitted.
- u. Parking Lots
 1. Design: Shall comply with all standards in Article 6.
 2. Applicable to Town Center (TC) and Village Commercial (VC): Shall not be located adjacent to an existing property utilized as a parking lot as its principal use.
 3. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: Shall not exceed 20 spaces
 - b. Storage: Shall be kept free of storage of inoperable vehicles when a parking lot is the principal use for the property. When parking lots are associated with another primary use, it may be permitted for vehicle storage, however it shall be fully enclosed and screened from view with vegetation, fencing, or combination thereof.
 - c. Design: Shall be composed of either asphalt, concrete, or pervious materials that can withstand the load of its intended use.
- v. Personal Service
 1. Applicable to Rural Agricultural (RA) and Rural Residential (RR): Permitted as an accessory use, and shall follow the regulations for Home Occupations in Section 4.5.3.n.
- w. Pet Boarding
 1. Location: All cages or kennels for animals shall be located in the rear of the building.
 2. Screening: All kennels shall be opaquely screened form the public right-of-way and adjacent properties. Areas reserved for the exercise and play of animals shall be defined by a 6 feet wall or fence.
 3. Operation: Outdoor activity is permitted during daylight hours, animals must be boarded indoors at night.
 4. Compliance with other codes and regulations: Applicant shall comply with all other Town, County, State, and Federal Regulations. (Code of Ordinances Town of Chapin, 3.102)
 5. Applicable to Town Center (TC) and Village Commercial (VC): All animals shall be within the building. Outdoor kennels are not permitted.
- x. Restaurant, Full Service
 1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Design: No flat or parapet roofs. Minimum roof pitch shall be 4:12.
- y. Specialty Retail

1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 10,000 sq. ft. maximum gross floor area
 - b. Emergency Services: Shall demonstrate that the use is serviceable by emergency services to include ambulatory, fire, and police.
 - c. Operation: May include the processing of wild game and animals to include deer, cows, pigs, chickens, fish, and fowl, however the area dedicated to processing shall not exceed 25% of the gross floor area of the use. This shall not be misconstrued as meat processing or food processing facility as defined by the State of South Carolina. Encouraged to sell recreational items that relate to the natural amenities of surrounding areas.
 - z. Tattoo Parlor
 1. Location: Shall not be located within 1,000 linear feet of a church or school, except when located within Town Center (TC) or Village Commercial (VC).
 - aa. Tobacco Stores
 1. Location: Shall not be closer than 1,000 linear feet from the nearest tobacco store.
 - bb. Vape Store
 1. Location: Shall not be located closer than 3,000 linear feet from the nearest vape store, school, or place for religious assembly.
 - cc. Veterinarian
 1. Animal Boarding: The keeping of any animals overnight shall be permitted if the animal is kept indoors.
 2. Applicable to Town Center (TC) and Village Commercial (VC): Overnight animal boarding is not permitted unless completely inside a building.
 3. Applicable to Rural Agricultural (RA) and Rural Residential (RR): Animal Boarding shall follow all Home Occupation standards in Section 4.3.2.n.
- 4.4.4. Institutional-Civic-Public Uses
- a. Amphitheaters, Outdoor
 1. Operation: The use shall only operate between 8:00am and 10:00pm unless a noise ordinance waiver is granted by the Town of Chapin.
 2. Lighting and Noise: The operation of this use shall adhere to the noise ordinance of the Town. All lighting shall be design to be sufficiently shielded and directed as to prevent spillover to adjacent properties. The Administrator may require a photometric plan if deemed necessary.
 - b. Cemetery and Mausoleums
 1. Lot Size: Minimum lot size of 1 acre.
 - c. Civic and Social Organizations
 1. Operation: Shall not disrupt the character of the district.
 2. Applicable to Suburban Residential 3 (SR3), Town Residential 1 (TR1), Town Residential 2 (TR2), and Town Residential 3 (TR3) Districts: The applicant shall demonstrate the need for the proposed use to the Administrator and Zoning Review Board with a narrative.
 - d. Colleges, Universities, Vocational Schools, and Private Schools
 1. Site Plan: A master plan for the campus is required. The use is compatible with the district, and adequate provisions for the preservation and use of open space.
 2. Need: Documentation from the local school board or other accredited educational institution or authority detailing the need for this use in its proposed location.
 - e. Farmers Market, Indoor and Outdoor

1. Permit Required: All vendors within an authorized farmer’s market shall obtain all applicable licenses to operate within the State of South Carolina and Town of Chapin.
 2. Operation: Shall operate between 6 a.m. and 10 p.m. and shall be on Saturday and Sunday unless otherwise approved by the Town.
 3. Hours of Operation: Sales shall be conducted within the property or properties, and shall not obstruct any areas intended for the circulation of pedestrians or vehicles.
- f. Government Building or Facility
1. Size: Shall be limited to a 4,000 square foot building footprint within Suburban Residential 1 (SR1) zoning district.
 2. Demonstration of Need: The applicant shall provide all necessary documentation demonstrating the need for the proposed facility as prepared by a person experienced in the same field. (Ex: Chief of Police or County Sheriff proposing new police substation)
 - a. Exemptions: Police, Fire or Ambulatory stations are exempt from these standards.
- g. Hospitals
1. Applicable to Rural Agricultural (RA) and Rural Residential (RR):
 - a. Size: 15,000 sq. ft. maximum gross floor area
 - b. Licensing: Shall have all Federal and State licenses.
 - c. Need: Shall provide documentation detailing demand or need of healthcare facilities.
- h. Religious Assembly
1. Minimum Lot Size: 20,000 sq. ft.
 2. Setbacks: Principal building at least 25 feet from adjacent residentially zoned properties.
 3. Accessory Uses: Day cares and Sunday schools are allowable accessory uses.
 4. Applicable to Town Center (TC) and Village Commercial (VC): Distance requirements from bars, tobacco stores, tattoo parlors, and other similar uses do not apply.
- i. Theater
1. Operation: The use shall only operate between 8:00am and 10:00pm unless a noise ordinance waiver is granted by the Town. Indoor shows or events are exempted from this requirement.
 2. Lighting and Noise: No speaker or lighting fixture shall negatively affect any adjacent residential property. The use shall comply with applicable lighting standards and noise ordinance. Theater search lights as a decoration may be used as long as the applicant demonstrates compliance with applicable Federal, State, and Local laws. Additionally, search lights shall not be directed at ground level, any buildings or structures, or any vehicles.
- 4.4.5. Industrial Uses
- a. Heavy Equipment Rental
 1. Parking of Vehicles: No vehicles or equipment shall be stored on an unimproved surface, required buffer, berm, or landscaping feature. No vehicle shall be elevated for the purposes of advertising, by any means, above the parking grade. Vehicles for repair shall be stored in the rear or side, screened from the public right of way, and adjacent property. No vehicle undergoing repair services, under any circumstance, should be on-site for more than 90 days.
 - a. Exceptions: The Administrator may grant a waiver to these standards when the use is located within Rural Agricultural (RA) or Rural Residential (RR) districts.

2. Service Bay Doors: Repair of vehicles or boats shall occur within an enclosed building. Service bay doors shall not be visible from the public right-of-way. If service bay doors face a residential property, they shall be opaquely screened from view
 3. Screening: All vehicles and equipment being stored overnight on-site shall be located in the rear or side and opaquely screened or located not to be visible from the public right-of-way.
- b. Repossession Services
1. Storage of Equipment and Vehicles: No storage of vehicles or equipment shall be in the front yard, or between the buildings and a public right-of-way.
 2. Screening: All vehicles and equipment being stored overnight on-site shall be opaquely screened or located not to be visible from the public right-of-way.
 3. Security: The applicant shall submit a site plan that includes the location and specification of video surveillance equipment, sufficient screening, and perimeter security. Additionally, the applicant shall be required to employ or have a contract with a license security professional 24 hours a day, seven day a week.
- c. Telecommunication Facility
1. Shall adhere to the standards in Section 4.7
- d. Truck Sales and Service
1. Storage of Equipment and Vehicles: No storage of vehicles or equipment shall be in the front yard, or between the buildings and a public right-of-way.
 2. Screening: All vehicles and equipment being stored overnight on-site shall be opaquely screened or located not to be visible from the public right-of-way.
- e. Warehouse
1. Loading Bays: All bays used for truck delivery or loading shall be on the rear of the building. In the case where this is not possible, loading areas may be oriented toward the side, however no loading area shall be visible from the public right-of-way.
 2. Outdoor Storage: All supplies, non-operable vehicles, and equipment shall be stored in the rear of the building. No storage is permitted between the building and the public right-of-way.

4.5. Accessory Uses and Structures

4.5.1. Accessory Use Permissions Defined

This Section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The Town's intent in adopting this section is to allow a broad range of accessory uses. Such uses shall be located on the same site as the principal use and shall comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.5.2. Accessory Use Table

- a. *(ACCESSORY USE TABLE ON NEXT PAGE)*

Table 4.5.2 – Accessory Use Table

Type of Accessory Use	RA	RR	SR1	SR2	SR3	TR1	TR2	TR3	VC	TC	PI	CC	IC	OC	LI	PO
Accessory Dwelling Unit	P	P	P	P	P	C	C									
Automated Teller Machine (ATM)									P	P	P	P	P	P		
Beekeeping	P	P	C	C												
Boat house and/or dock	C	C	C	C	C											C
Caretaker Dwelling												SE	SE	SE	P	
Carport	P	P	P	P	P	P	P	SE	SE							
Chicken Coop*	P	P	P	P	P	SE	SE	SE	SE							
Co-locating for antennae (on a structure)	SE	SE							SE	SE	SE	C	C	C	P	
Deck or Patio	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Drive-Through Window									SE		C	C	C	C		
Electrical Vehicle Charging Station									SE	P	P	P	P	P	P	
Garage detached	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Garage, attached	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Gazebo	P	P	P	P	P	P	P	P	P	P	P	P				P
Greenhouse	P	P	P	P	P	P	P	SE	SE							P
Home Occupation	P	P	C	C	C	C	C	C	C	C				C		
Outdoor Display/Sales									C	C	SE	C	C			
Outdoor Storage for Equipment or Materials													SE		P	
Parking Lots									SE	SE		P	P		P	

Porch	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Private Stable	P	P	SE													
Shed	P	P	C	C	C	C	C	C	C	SE	P	C	C	P	P	
Solar Energy System	P	P	P	P	P	P	C	C	C	C	C	C	C	C	C	SE
Swimming Pool	P	P	P	P	P	P	P	P	SE	SE		P	P			

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4.5.3. Accessory Use Standards

a. Accessory Dwelling Unit

1. Location: Shall be located in the rear. May be constructed above an existing attached or detached garage, if compliant with all other regulations.
2. Size: Shall not be larger than 50% of the gross floor area of the principal use, or 1,500 square feet, whichever is smaller. Shall have a minimum size of 240 square feet.

b. Automated Teller Machine (ATM)

1. Location: Shall be located within or on the exterior façade of the principal use. For pedestrian accessible machines, it is encouraged to place adjacent to existing sidewalk connection.
2. Accessory: Shall only be an accessory to a use. ATMs shall not be considered a principal use.
3. Design: The Administrator may request that the applicant demonstrate compliance with Crime Prevention Through Environmental Design (CPTED) best practices to ensure the health and safety of users.

c. Beekeeping

1. Location: Shall be located in the rear yard, and shall not create a nuisance to adjacent uses. The owner shall live on premises where bees are kept. No colony shall be within 30 feet of adjacent buildings on adjacent lots.
2. Size: Shall be a maximum of five colonies, each with one queen, except within RA or RR Zoning Districts.
3. Design: A flyway barrier of at least 6 feet in height is required, composed of a fence, wall or opaque vegetations, unless the structures containing bee hives are 80' from the nearest property line. The walls of the barrier shall be oriented towards adjacent uses and buildings. An on-site freshwater source shall be located within 15 feet of the structure.
4. Operation: Swarm management techniques shall be implemented. However, such swarm management techniques for potentially hostile hives, including elimination of the hive, shall be made by an authorized or accredited third party. The owner shall retain documentation pertaining to the elimination of a hive for inspection by the Town or applicable agency.

d. Boat House and Dock

1. Permit Required: Shall receive all relevant permits and approvals from Federal, State, or Local agencies prior to construction.

e. Caretaker Dwelling

1. Location: Shall be located on the same premises with the principal use for which it is required.
2. Number: No more than one residence on the property, and shall be occupied by owners or employees of the use for which it is required.
3. Design: Shall be constructed so that the exterior of the premises provides a style consistent with the principal structure. Manufactured homes shall not be used as a Caretaker's Dwelling, unless a special exception is granted by the Board of Zoning Appeals.

f. Carport

1. Location: Shall be located on the side or rear of the principal structure. No portion of the carport shall be placed in front of the principal structure.
 2. Design: Shall be composed of materials that are found on the principal structure. The roof of the carport may be used for a Solar Energy System. If the carport is used for storage, other than an operable vehicle, it shall be fully enclosed and not visible from the public right-of-way. No prefabricated or pre-manufactured metal structures are permitted.
 - a. Exceptions: Carports in the RR, RA, and SR1 district may be prefabricated or pre-manufactured.
- g. Chicken Coop
1. Permit Required: Requires a Zoning Permit from Administrator. The owner of the chicken coop shall live on premises. No commercial off-premise activity is permitted.
 2. Maximum Allowed: No roosters shall be permitted, except in Rural Agricultural (RA) and Rural Residential (RR). A maximum of 4 female chickens, quail, peahens, or ducks, except within RA and RR. A minimum of two square feet per domesticated female chicken shall be provided for the chicken coop. Invasive species are not permitted
 3. Coop Required: Must be confined in a coop which is fully enclosed with a solid floor and made of suitable, washable material. The coop shall be cleaned regularly with all droppings and excretions placed in a flyproof container. The chicken coop and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constricted in a manner to resist access by rodents, wild birds and predators including dogs and cats. Chicken coops shall be enclosed on all sides and shall have a roof and doors. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one-inch openings.
 4. No slaughtering of fowl is permitted on premises
 5. All stored food for the domesticated female chickens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.
- h. Deck or Patio
1. Location: Shall be located in the side or rear of the principal use. Patios or Decks associate with a commercial use may be incorporated within the front entrance, but only when approved by the Architectural Review Board.
 2. Materials: Shall be composed of materials found on the principal use.
- i. Drive-through
1. Applicability: Shall apply to all drive-through uses to include but not limited to signage, pick-up and service windows, and lane design.
 2. Location: Drive-through, pick-up, or service windows shall be located on the side or rear of the principal use, and shall not face any public right-of-way. Menus shall be located on the side, secondary frontage, or rear of the building.
 3. Drive-through lanes design: Lanes shall not be enclosed or bordered by curbs or any physical barrier as it restricts vehicular access. Lanes are encouraged to circulate behind or around the side of the principal use, however may circulate between the building and the primary frontage if adequate screening is provided in the form of a knee wall and/or an appropriate amount of landscaping to screen the lane from the public right-of-way.

4. Stacking: If a stacking lane is designed to handle 6 vehicles or more, the applicant shall provide documentation to the Administrator showing how the stacking of vehicles shall be contained on-site during peak hours.
- j. Electrical Vehicle Charging Station
 1. Applicability: Charging stations for private dwellings are exempt from these standards.
 2. Examples: EV Charging stations shall be an accessory for automobile service stations in combination with fuel pumps, commercial developments, parking lots, parking garages, and other uses determined by the Administrator.
- k. Garages
 1. Attached
 - a. Design: Shall not be composed of a prefabricated or pre-manufactured metal structure. Garages shall be composed of materials and design that complements the principal structure.
 - b. Location: Shall be located on the side or rear of the principal structure
 - c. Size: A maximum of two bays may face the public right-of-way, additional bays shall be perpendicular to the right-of-way. Garages shall not exceed the height of the principal structure.
 2. Detached
 - a. Design: Shall not be composed of a prefabricated or pre-manufactured metal structure. Garages shall be composed of materials and design that complements the principal structure. Detached garages within the RR and RA zoning district are exempt from this requirement
 - b. Location: Shall be located in the rear or side of a principal structure. Shall be setback completely behind the principal structure.
- l. Gazebo
 1. Location: Shall be located in the rear or side of a principal use.
 2. Design: Shall not be used for parking of vehicles. If used for storage, other than patio furniture or similar items, any side visible from an adjacent property shall be enclosed or opaquely screened.
- m. Greenhouse
 1. Location: Shall be located in the rear or side of the principal use, and shall be located completely behind the principal use.
 2. Storage: May not be used for storage of items or materials unrelated to the care of plants and/or flowers.
 3. Maintenance: Shall be kept in good condition and free from invasive species.
- n. Home Occupation
 1. The following uses are not permitted as home occupations:
 - a. Vehicle or Equipment Repair or Service
 - b. Restaurant or Bars
 - c. Animal Boarding facilities
 - d. Lodging, unless an approved short-term rental or bed and breakfast
 - e. Medical offices
 - f. Tattoo parlor or body piercing
 - g. Any other use determined by the Administrator that would negatively affect the surrounding neighborhood, such as noxious noise, smells, sights, or similar negative affect to the senses.

2. Operation: The following shall be requirements for all Home Occupations:
 - a. Shall be conducted inside dwelling by resident family members
 - b. Utilizes not more than 25% of total dwelling floor area
 - c. No change in exterior appearance of dwelling
 - d. No outside display of products
 - e. No sale of products conducted at the site of the home occupation
 - f. Creates no health or safety hazard, noise, offensive emission, traffic hazard, unsightly conditions or nuisance
 - g. No signage is permitted.
 - h. No commercial vehicles, as outlined in Section 8.3.6, are permitted
- o. Outdoor Display or Sales
 1. Location: Shall not obstruct any sidewalk, egress, ingress, nor areas where vehicles or pedestrian circulate.
 2. Permit Required: Shall provide information regarding to time period, location, type of products, and other information deemed necessary by Administrator prior to a Zoning Permit being issued.
- p. Outdoor Storage for Equipment or Materials
 1. Location: Storage for equipment and materials shall only be permitted in the Light Industrial (LI) district. Permitted uses conducting vehicle sales are exempt from this requirement.
 2. Design: Equipment and materials shall be stored in the rear or a non-visible side of the property. Any equipment or materials that are being stored shall not be visible from the public right-of-way.
- q. Parking Lots
 1. Location: Shall not be located between the principal façade and principal street frontage within the Village Commercial and Town Center districts.
- r. Porch
 1. Location: Shall be located on the front, side, or rear elevation of a principal use.
 2. Design: Shall be composed of materials found on the principal use. Porches shall be encouraged to have equally spaced columns and openings. Additionally, porches are encouraged to center door and window openings within the column openings.
 3. Size: The minimum width of a front porch shall not be less than 25% of the width of the front façade of the principal structure. Side and rear porch widths shall be 25% of which the porch is constructed on. Side and rear porches are exempt from this requirement if they are not visible from the public right-of-way.
- s. Private Stable
 1. Location: Only permitted in the RR or RA zoning District. Can be located in front of principal building, if compliance with all other setbacks
 2. Setback: Shall be setback at least 200 feet away from adjacent buildings on adjacent properties.
 3. Operation: Shall only be used for the housing of horses owned by the person residing on the property.
- t. Shed
 1. Location: Shall be located in the rear or non-visible side of the property.
 2. Design: Shall not be a premanufactured or prefabricated metal building. Shall be composed of materials that are present on the principal use.

- a. Exceptions: Sheds within the RR and RA zoning district are exempt from this requirement.
- u. Solar Energy System
 - 1. Location: Shall only be installed on a roof or canopy. Shall be installed on roof slopes not visible from public right of way.
- v. Swimming Pool
 - 1. Location: Shall be located within the rear or side yard. Shall be completely screened with a fence or wall from the public right-of-way and adjacent properties.

4.6. Sexually-Oriented Businesses

4.6.3. Purpose and Intent

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

4.6.1. Definitions

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

2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- d. *Adult motel* means a hotel, motel or similar commercial establishment:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type or photographic reproductions; or
 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.
- e. *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- f. *Adult theater* means a theater concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
- g. *Escort* means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- h. *Escort Agency* means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes for a fee, tip, or other consideration.
- i. *Establishment* means and includes any of the following:
1. The opening or commencement of any sexually-oriented business as a new business;
 2. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business;
 3. The additions of any sexually-oriented business to any other existing sexually-oriented business;
or
 4. The relocation of any sexually-oriented business.
- j. *Permittee and/or licensee* means a person in whose name a permit to operate a sexually-oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
- k. *Nude Model Studio* means any place where a person who appears in a state of nudity or displays “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- l. *Nudity or a state of nudity* means the appearance of a person’s genitals, pubic area, vulva, anus, anal cleft or cleavage or buttocks or any simulation thereof; or any portion of a female breast below the horizontal line across the top of the areola at its highest point or any simulation thereof. The definition shall include the appearance of any portion of the entire lower portion of the female breast.

- m. *Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- n. *Semi-nude* means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- o. *Sexual encounter center* means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - 1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- p. *Sexually-oriented business* means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- q. *Specified anatomical areas* means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
- r. *Specified sexual activities* means and includes any of the following:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - 3. Masturbation, actual or simulated;
 - 4. The fondling, erotic touching, or other such contact with an animal by a human being; or
 - 5. Excretory functions as part of or in connection with any of the activities set forth in 1 through 4 above.
- s. *Substantial enlargement of a sexually-oriented business* means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist.
- t. *Transfer of ownership or control of a sexually-oriented business* means and includes any of the following:
 - 1. The sale, lease, or sublease of the business;
 - 2. The transfer or securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - 3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business.

4.6.2. Classification

- a. Sexually-oriented businesses are classified as follows:
 - 1. Adult arcades;
 - 2. Adult bookstores or adult video stores;
 - 3. Adult cabarets;
 - 4. Adult motels;
 - 5. Adult motion picture theaters;
 - 6. Adult theaters;
 - 7. Escort agencies;
 - 8. Nude model studios; and
 - 9. Sexual encounter centers.

4.6.4. Permit Required

- a. Operation of a sexually-oriented business requires a valid permit from the Town of Chapin for the particular classification of business.
- b. An application for a permit must be made on a form provided by the Town of Chapin zoning department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- c. The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official. The health department, fire department and building office shall complete their inspections and certify same to the Administrator within twenty-one (21) days of receipt of the application by said Administrator.
- d. If a person who wishes to operate a sexually-oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually-oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually-oriented business or as the entity which wishes to operate such a business, each individual having a (10) percent or greater interest in the corporation must sign the application for a permit as applicant.
- e. The fact that a person possesses other types of state, or Town of Chapin permits and/or licenses does not exempt that person from the requirement of obtaining a sexually-oriented business permit.

4.6.5. Issuance of Permit and Fee

- a. The Town Administrator shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless any one or more of the following is found to be true:
 1. An applicant is under eighteen (18) years of age;
 2. An applicant is overdue payment to the Town of Chapin for taxes, fees, fines, or penalties assessed or imposed in relation to a sexually-oriented business;
 3. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application;
 4. An applicant is residing with a person who has been denied a permit by the Town of Chapin to operate a sexually-oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually-oriented business has been revoked within the preceding twelve (12) months;
- b. The premises to be used for the sexually-oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances;
- c. The permit fee required by this Ordinance has not been paid;
- d. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Ordinance; or
- e. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be

posted in a conspicuous place at or near the entrance to the sexually-oriented business so that it may be easily read at any time.

- f. The annual fee for a sexually-oriented business permit is five hundred dollars (\$500) dollars.

4.6.6. Inspection

- a. An application of permittee shall permit representatives of the law enforcement department, health department, fire department, zoning department or any other Town of Chapin departments or agencies to inspect the premises of a sexually-oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- b. A person who operates a sexually-oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

4.6.7. Expiration of Permit

- a. Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 4.6.4. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than (30) days before the expiration date, the expiration of the permit will not be affected.
- b. When the Administrator denies renewal of a permit, the applicant shall not be issued a permit for one (1) year from the date of denial. If subsequent to denial, the Administrator finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date of denial became final.

4.6.8. Suspension of Permit

- a. The Administrator may suspend a permit for a period not to exceed thirty (30) days if it is determined that a permittee and/or licensee or an employee of a permittee and/or licensee has:
 - 1. Violated, or is not in compliance with any section of this Ordinance; or
 - 2. Engaged in excessive use of alcoholic beverages while on the sexually- oriented business premises; or
 - 3. Refused to allow an inspection of the sexually-oriented business premises as authorized by this chapter; or
 - 4. Knowingly permitted gambling by any person on the sexually-oriented business premises.

4.6.9. Revocation of Permit

- a. The Administrator shall revoke a permit if it is determined that:
 - 1. A permittee and/or his licensee knowingly gave false or misleading information in the material submitted to the zoning department during the application process; or
 - 2. A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises; or
 - 3. A permittee and/or licensee or an employee has knowingly allowed prostitution on the premise; or
 - 4. A permittee and/or licensee or an employee knowingly operated the sexually-oriented business during a period of time when the permittee's and/or licensee's permit was suspended; or
 - 5. A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the permitted and/or license premises; or

6. A permittee and/or licensee is delinquent in payments to the Town of Chapin or state for any taxes of fees past due.
- b. When the Administrator revokes a permit, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually-oriented permit for one (1) year from the date revocation became effective. If, subsequent to revocation, the Administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.

4.6.10. Transfer of Permit

- a. A permittee and/or licensee shall not transfer his permit to another, nor shall a permittee and/or licensee operate a sexually-oriented business under the authority of a permit at any place other than the address designated in the application.

4.6.11. Location of Sexually-Oriented Businesses

- a. A sexually-oriented business may be permitted by Special Exception within the Corridor Commercial (CC) and Interstate Commercial (IC) zoning districts.
- b. A sexually-oriented business shall not be operated within one thousand (1,000) feet of:
 1. A church;
 2. A public or private elementary or secondary school;
 3. A boundary of any residential district;
 4. A public park adjacent of any residential use;
 5. A day care center; or
 6. The property line of a lot devoted to residential use.
- c. A sexually-oriented business shall not be operated within one thousand (1,000) feet of another sexually- oriented business.
- d. There shall be no more than one (1) sexually-oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually-oriented business in any building, structure, or portion thereof containing another sexually business.
- e. For the purpose of this Ordinance, measurement shall be made in a straight line, without regard of intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, day care center, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.
- f. For purposes of Section 4.6.11.b of this section, the distance between any two (2) sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- g. A sexually-oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually-oriented business permit, of a church, public or private elementary or secondary school, public park, day care center residential district, or a residential lot with one thousand (1,000) feet of the sexually-oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

4.6.12. Additional Regulations for Adult Motels

- a. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates

a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

- b. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually-oriented permit, he rents or sub rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or sub rents the same sleeping room again.
- c. For purposes of this section, the terms “rent” or “sub rent” mean the act of permitting a room to be occupied for any form of consideration.

4.6.13. Regulations for Exhibition of Sexually Explicit Films or Videos

- a. A person who operates or causes to be operated, a sexually-oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts “specified sexual activities” or specified anatomical areas, shall comply with the following requirements:
 1. Upon application for a sexually-oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Town of Chapin Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;
 2. The application shall be sworn to be true and correct by the applicant;
 3. No alteration in the configuration or location of a manager’s station may be made without the prior approval of the Administrator or his designee;
 4. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager’s station at all times that any patron is present inside the premises;
 5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager’s station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager’s stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager’s stations. The view required in this subsection must be by direct line of sight from the manager’s station;
 6. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has

been designated as an area in which patrons will to be permitted in application filed pursuant to subsection (1) of this section;

7. No viewing room may be occupied by more than one (1) person at any time;
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level; and
9. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
10. A person having a duty under the above regulations commits a misdemeanor if they knowingly fail to fulfill that duty.

4.6.14. Exemptions

- a. It is a defense to prosecution that a person appearing in a state of nudity did so in a modeling class operated:
 1. By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation;
 2. By a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- b. In a structure:
 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 2. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 3. Where no more than one (1) nude model is on the premises at any one (1) time.

4.7. Telecommunication Tower

4.7.1. Purpose

The regulations of this section are designed to site communications towers in the Town of Chapin. The regulations in this section are not meant to conflict with any regulations from a Federal or State agency. It is the intent of this article to allow for the co-existence of communications towers and other land uses balanced with reducing the overall negative impact of communications towers by:

- Reducing the number of towers by encouraging collocation; and
- Encouraging the following the mitigation actions:
 - The clustering of towers;
 - The provision of effective screening; and
 - The location of communications equipment on existing structures.

4.7.2. Dimensional Requirements

Table 4.7.2: Telecommunication Tower Dimensional Requirements

Districts	Maximum Height	Setback (from adjacent properties)
Rural Agricultural (RA)	400 feet	250 feet

Rural Residential (RR)	300 feet	250 feet
Public Institutional (PI)	400 feet	100 feet
Corridor Commercial (CC)	150 feet	100 feet
Interstate Commercial (IC)	150 feet	100 feet
Light Industrial (LI)	200 feet	50 feet

4.7.3. Exemptions

The following proposed uses shall require only a zoning permit:

4.7.3.1. Colocation. Proposed communications equipment collocating on existing towers and structures without adding to their height.

4.7.3.2. Roof-Mounted Telecommunication Equipment. Antennas mounted on buildings, water tanks or structures other than a free-standing or guyed communications tower and which do not extend more than 30 feet above the highest part of the structure.

Minor Modifications to Existing Facilities. Modifications to conforming telecommunications facilities that meet the requirements contained herein such as the addition of accessory equipment.

4.7.4. Tower abandonment and removal.

A tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such tower must notify Town staff and remove the tower within 50 days. Where an owner does not remove an abandoned tower, the Town will utilize the bond provided as part of Section 4.7.5.I.

4.7.5. Submittal requirements

All applications for telecommunications towers shall follow the applicable process as provided in this section. In addition to those requirements, every application must contain the following items:

- a. A site plan showing the location of the tower guy anchors (if any), existing or proposed buildings and structures or improvements, including parking, driveways or access roads, signage, fences and protected trees affected by the proposed construction. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any structures on surrounding properties.
- b. The site plan must show a vegetated buffer, either existing or proposed, that provides an effective screen from public rights-of-way, adjacent property owners, parks, historic properties, and across view corridors.
- c. The height and design of the tower, materials to be used, color, and lighting shall be shown on elevation drawings. The applicant shall submit documentation justifying the total height of any communications towers, facility and/or antenna.
- d. Setback to the proposed tower including the fall zone. The fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal.
- e. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIAMA 222 (latest version) standards.

- f. Evidence that a valid FCC license for the proposed activity has been issued.
- g. The distance between the proposed tower and all other telecommunication facilities serving any property within the Town of Chapin.
- h. A copy of the tower's search ring.
- i. To ensure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower and a performance bond for the amount of anticipated removal costs shall be posted. The bond must be renewed as necessary to ensure that it is maintained at all times during the existence of the tower.
- j. The applicant shall furnish a visual impact assessment which shall include:
 - 1. A zone visibility map which shall be provided to determine locations where the tower may be seen from.
 - 2. Pictorial representations of before and after view from key viewpoints both inside and outside the Town including, but not limited to, Major Highways and Road; State and Local Parks; Historic Districts' Preserves and historic sites normally open to the public; and any other location where the site is visible to a large number of visitors, travelers, or residents.
 - 3. An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets.
- k. Additional information required by the Administrator for determination that all applicable zoning regulations are met.
- l. The applicant and the owner of record of any proposed wireless telecommunications facility shall, at its cost and expense, be required to execute and file with the Town a bond or other form of security acceptable to the Town as to type of security and the form and manner of execution, in an amount of at least seventy-five thousand dollars (\$75,000.00) for a wireless telecommunications facility and twenty-five thousand dollars (\$25,000.00) for a co-location on an existing wireless telecommunications facility or other structure and with such sureties as are deemed sufficient by the Town to assure the faithful performance of this Section.

4.7.6. Conditions

Where a project may be conditionally approved, the applicant must show that all conditions below are met:

- a. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.
- b. The location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural, or historical site, officially designated scenic roads or rivers, and that the tower is designed to blend into the environment and minimize visual impact.
- c. The applicant has made every effort to build the proposed tower in such a manner as may allow other telecommunication users to collocate including designing the tower for at least two (2) additional collocations.
- d. The proposed tower is located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties.
- e. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

- f. The tower must be located no closer to a structure on a separate lot than a distance equal to 1 foot for each foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower.
- g. The proposed tower is illuminated as required by the Federal Communications Commission or Federal Aviation Administration.
- h. Towers shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the names of the owners and operators of the antennas, as well as emergency phone numbers. The sign shall be located to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any facilities, antennas, antenna supporting structures or antenna towers, unless required by law.
- i. Proposed towers may not be located within 1,000 feet of an existing tower unless the applicant certifies and submits satisfactory written evidence such as correspondence, agreements, contracts, etc., that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements, or that a collocation agreement could not be obtained at a reasonable market rate. In the event of the situation set forth in this subsection, the clustering of new towers on the same parcel near existing towers is permitted.
- j. The applicant has pursued any available publicly owned sites and privately-owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
- k. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules and must file with the Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipality attorney.
- l. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.

4.7.7. Special Exception

A tower, pole, or antenna may be permitted by special exception granted by the Board of Zoning Appeals after public hearing and find that the special exception meets all the criteria for special exception approval per Section 10.11.

4.8. Temporary Uses

4.8.1. Permits Required

Unless otherwise provided, all permitted temporary uses listed below shall require a temporary use permit that shall be reviewed and issued by the administrator, subject to the procedures outlined in Section 10.4, Zoning Permit. If a use is not on the list below, it is prohibited.

4.8.2. Standards for Temporary Uses

- a. Permanent changes to the site are prohibited, including tree removal.
- b. All other required permits must be obtained by the operator.
- c. The applicant must provide a letter of consent from the owner of record of the property on which the temporary uses are to operate.
- d. The applicant may be required to provide a site plan drawn to scale or showing measurements, which show the property boundaries, the location and dimensions of the proposed temporary use

area, existing buildings, existing parking areas and existing driveways and roads. If there will be any temporary structures, such as a tent or stand, they also need to be shown on the site plan.

- e. Setbacks: Setbacks for structures (tents, stands, etc.), items for sale, or parking areas shall be 25 feet from any adjacent property line or street right-of-way.
- f. Bond: For all structures associated with a temporary use, a performance bond, surety bond, cash deposit, or letter of credit shall be posted in the amount of 125% of the cost of the structure, trailer, or building, or amount agreed upon by the Administrator and applicant. In the event that the temporary use is not removed within the time specified on the zoning permit, this bond shall be called and the Town shall remove the temporary structure.

4.8.3. Permitted Temporary Use

- a. Open lot sale of seasonal produce and plant products including Christmas trees, pumpkin patches, or similar agricultural activity for a period not to exceed 45 consecutive calendar days. Applicant's shall obtain all appropriate Permits as well as all applicable licenses from the Town, County, or State.
- b. Temporary real estate sales offices (e.g., construction trailer, model home), in conjunction with an approved subdivision or development project, in any district, for a period not to exceed 1 year unless renewed, provided no cooking or sleeping accommodations are maintained in the structure. These may be renewed, upon written request, for periods of 6 months at a time if the subdivision has an active Project Permit. Only one (1) temporary real estate office shall be allowed per 50 residential units within the development.
- c. For new construction, a contractor's office and equipment sheds, including steel cargo storage containers, in any district districts, for a period of 1 year, provided a Project Permit has been issued for construction on the site, and such facilities are placed on the property to which it is appurtenant
- d. Temporary classroom facilities shall not be located at any school, religious institution, or other similar use, unless a plan for improvements designed to eliminate the temporary classrooms at a time certain in the future has been approved by the Administrator or appropriate zoning process. Such process shall include a review of a site plan for the temporary classrooms, and may require screening, buffering, or other standards for compliance. Extensions of up to 1-year may be permitted by the administrator, upon written request, if the units have not proven to be a nuisance and the plan for elimination is still active.
- e. Portable steel storage containers are permitted in any district for purposes of loading or unloading, for a period not to exceed 30 consecutive calendar days when located on private property, and 14 consecutive calendar days when within a right-of-way. It shall not block access to an existing entryway and points of ingress or egress. Where a container is placed within the right-of-way, prior authorization from the regulating authority shall be obtained.
- f. Fairgrounds shall obtain all required licenses, inspections, certifications from applicable local, state, and federal agencies. In addition, fairground shall be subject to the following:
 - 1. Site Plan: The applicant shall have a site plan showing the location of all amenities, aid stations, restrooms, infrastructure, parking areas, pedestrian pathways, vehicular circulations patterns, signage, lighting, and other similar features deemed necessary by the Administrator.
 - 2. Liability Insurance: The applicant shall have all applicable and required means of insurance deemed necessary by the Town's legal representative.
 - 3. Emergency Services: The applicant must provide to the applicable Police and Fire authority that all measures of health and safety are being met or exceeded.
 - 4. Access to Utilities: The applicant must demonstrate adequate access to all utilities.

- 4.5.3. Coordination: The applicant shall obtain a Special Events Permit from the Town and ensure the coordination of other applicable approvals relating to this event.

5.0 Land Development Standards

5.1. Purpose

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

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

5.2. Applicability

- 5.2.1. The following developments shall comply with the improvement requirements in this article:
 - a. The developer, owner, or applicant shall be responsible for the improvements required with all new, significantly improved, or expansion of development that require Minor (Section 10.8) or Major Subdivision Review (Section 10.9).
 - b. New development and significantly improved as required for Major Architectural Review (Section 10.6)
 - c. Minor Architectural Review or Minor Subdivision applications that have nonconforming site features or structures that are significantly improved, altered, or otherwise modified according to Article 11, Nonconformities.
- 5.2.2. The applicant shall be responsible for the installation and construction of required improvements according to the provisions of this ordinance, except as may otherwise be specifically provided herein or by Town policy or agreement.
- 5.2.3. Approval of a final plan and/or plat shall be subject to the applicant having installed the improvements designated in this article, or having Improvements Guarantee to the satisfaction of the Town and Lexington County for installation of said improvement(s).

5.3. General Requirements

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

- 5.3.2. Water and Sewer Facilities: Water and sewer facilities shall be provided in accordance with the standard procedures and policies of the Town, the Department of Health and Environmental Control (DHEC) and by the water and sewer provider, if different from above.
- 5.3.3. Utility Lines: All utility lines within a development site shall be installed underground. In some instances, utility lines may be permitted above ground by the Administrator such as; development in Rural Zoning Districts (RA and RR). When it is found to be necessary and desirable to locate public utility lines in a location other than street right-of-way, easements shall be shown on the plat for such purposes. When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced. Such easements shall be not less than twenty (20) feet along rear property lines and fifteen (15) feet alongside property line, subject to the approval of the authority having jurisdiction, and, where possible, shall be centered on rear and side lot lines.
- 5.3.4. Natural Gas: When gas lines are located in a street right-of-way, where possible, such lines shall be located outside the portion of the street to be surfaced to prevent cutting into the paved surface to serve abutting properties.
- 5.3.5. Improvement of Existing Substandard Conditions: Where the existing right of way is substandard, the developer shall be required to dedicate the appropriate amount of right-of-way (as measured from the centerline of the existing street) as well as install all noted sidewalk zone improvements including expanded sidewalks and street trees, lighting, storm drain improvements and street furniture as a part of the development process.
- 5.3.6. Flood Hazard Areas: In accordance with the Lexington County Flood Prevention Ordinance, any development that contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed development of the land, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin. In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches, or impounding basins are made to prevent any appreciable expansion of flood hazard area.
- 5.3.7. Storm Drainage: An adequate drainage system, including necessary improved open channels, pipes, culverts, storm sewers, intersection drains, drop inlet, bridges, and other necessary appurtenances shall be installed by the developer and shall be according to plans and specifications approved by the Lexington County Stormwater Management Division.
- 5.3.8. Surveying and Engineering
- a. Installation of Permanent Reference Points: Permanent reference points shall be placed in accordance with the following requirements:
1. General Standards: Boundary surveys shall be performed, in accordance with the state minimum standards published by the State Board of Registration for Professional Engineers and Land Surveyors, unless more stringent requirements are specified. A minimum of two points in any survey must be tied to the state plane coordinate system. The survey may be done on the horizontal ground distance and tied back to the state plane coordinates.
 2. Control Monuments: Vertical control monuments shall be placed in or near the centerline of pavement of subdivision streets at a minimum of 1 per 4 acres. Where practical, control monuments shall be placed at points of curvature and points of

tangency of curves. The control monument may be poured on the job or be a concrete marker of the type commonly used in the area: at least 3 feet long and tapered with a 12-inch long, 1/4-inch diameter brass or bronze rod embedded in the top. Control monuments shall be placed in a cast iron water main valve type box with a cover flush with the pavement.

3. Property Marker: A steel or wrought iron pipe, rebar, or the equivalent, not less than 0.5 inches in diameter and at least 24 inches in length shall be set at all property corners and points of curves, except those located by monuments. They shall be flush with the ground.
4. Accuracy: Land surveys within the Town limits shall be Class A surveys, set at an accuracy of at least 1:10000.

5.3.9. Improvement Guarantees

- a. Types Allowed: Prior to approval of a Final Subdivision Plat the applicant shall provide a performance guarantee to ensure the completion of required improvements within a period of time as agreed upon by the Administrator and/or Lexington County Engineer and the applicant. The period of time shall be expressed in the guarantee. Such guarantee may be in the form of a performance bond, a surety bond, a cash deposit, or a letter of credit. A performance guarantee shall be posted in the amount of 125% of the total cost of improvements, or in an amount otherwise approved by the Administrator and/or Lexington County Engineer.
 1. Performance / Surety Bonds and Letters of Credit: The performance or surety bond, or letter of credit, shall be in a form acceptable to the Town. It shall include a pledge by the bank, insurance company or other bonding/lending institution that the funds necessary to carry out the terms of the agreement are guaranteed for payment and will be released only upon receipt of written instruction from the Town.
 2. Cash Deposits: If surety is in the form of a cash deposit with the Town of Chapin, proportional parts thereof shall be refundable in relation to progress payments less retainage, subject to approval of the Town and subject to a minimum deposit balance of 25% of the project cost.
 3. Maintenance Guarantees for Private Streets: If the applicant completes all required improvements and complies with all conditions of the subdivision agreement as determined by Lexington County, the remainder of monies retained by a financial institution may be released to the applicant or his successor in title. Prior to release, the applicant shall provide Lexington County, prior to the issuance of any building permit, a performance bond, a surety bond, or a cash deposit equal to the amount determined by Lexington County that would ensure the repair of any damage to the existing improvements during the course of any construction, but in no case will the amount of the security be less than \$1,000 for each individual building lot. Prior to the issuance of any certificate of occupancy, Lexington County shall determine whether any breakage or damage has occurred. If no damage to any off-site improvements has occurred, then Lexington County may release the security to the applicant or his successor in title. If any damage has occurred, all such damages shall be repaired, the County may draw on the security before it is released to cover the costs to repair any damage that occurred. If any security remains after such draw(s), the remainder will be released (do we need a timeframe?) to applicant once damages are satisfactorily resolved.

5.3.10. Street Layout Standards

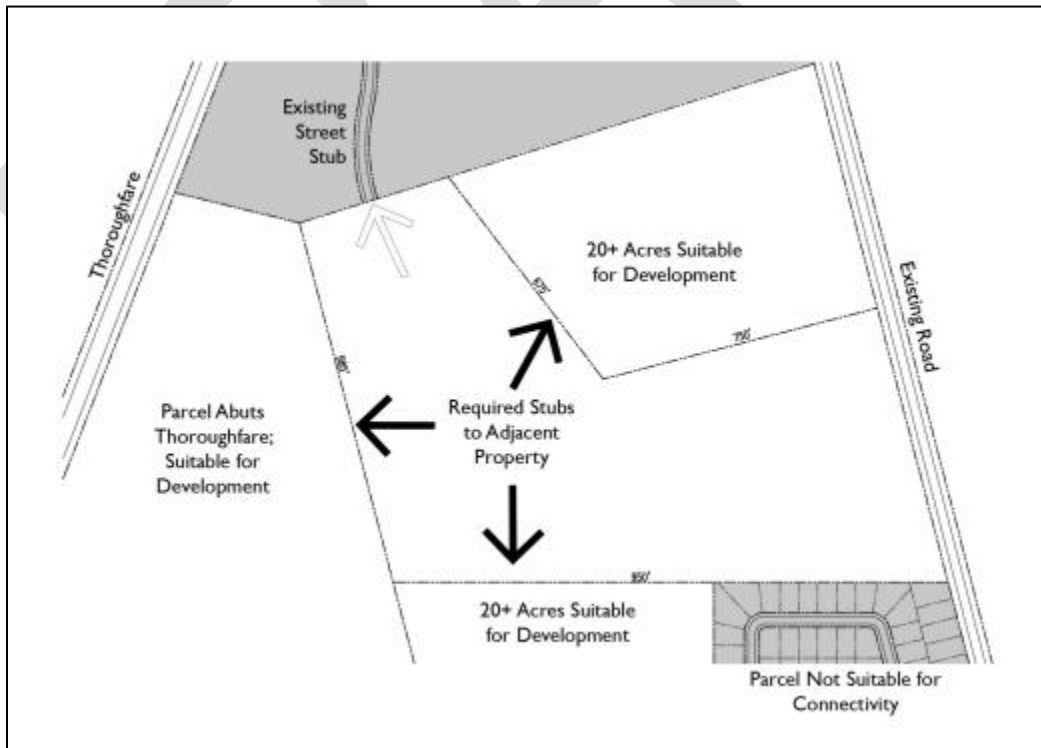
- a. General Standards: All streets, which shall hereafter be established in connection with the development of a subdivision, shall comply with the following design standards:
 1. The layout of the streets as to arrangement, character, width, grade, and location shall be required to conform to the Town's Master Plan, Official Maps, Comprehensive Plan, and other adopted plans involving transportation infrastructure.
 2. Connectivity between compatible uses and adjoining street systems will be used to reduce curb cuts on major thoroughfares and encourage local traffic to use alternative routes on local streets. Compatible uses are uses of similar intensity and characteristics permitted in similar zoning districts, as determined by the Administrator.
 3. Where a subdivision abuts or contains an existing or proposed collector or through street, the Planning Commission may require marginal access streets, reverse frontage with screen planting, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to create separation of through and local traffic.
 4. Roads of an existing subdivision shall not be used as the sole means of ingress and egress in developing any new subdivision, minor or major, or extending an existing one unless granted by the Planning Commission. If, in the judgement of the Planning Commission, the increased traffic and noise would create a safety hazard or otherwise be detrimental to residents of the existing subdivision, additional access shall be provided.
 5. Subdivisions that create or result into 30 or more lots shall have a secondary ingress and egress access in the form of a street. The design and location of the secondary access shall comply with the minimum Fire Apparatus Access Road standards within the National Fire Protection Association (NFPA).
- b. Continuation of Existing Street Pattern

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

All subdivisions shall be in compliance with the following provisions:

 1. Nonresidential Blocks: Non-residential blocks shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking, pedestrian connections, and service. Extended entryways into subdivisions encompassing the length of a whole block or more may be required to encourage separation from the commuting roadways to increase safety of residents and to preserve or develop the natural aesthetic and environment.
 2. Residential Blocks: the length of residential blocks hereafter shall not exceed fourteen hundred (1400) feet or be less than five hundred (500) feet from corner to corner, unless otherwise determined by the Planning Commission during subdivision review. Provided, however, such length requirements may be modified when appropriate due to the topography or physical shape of the property being subdivided. The width of any residential block shall be sufficient to permit two (2) tiers of lots, where topography and land ownership permits, except as otherwise provided in these regulations.

3. Crosswalks: When any type of block exceeds five hundred (500) feet, crosswalks for pedestrians shall be required. The Planning Commission may grant relief to this requirement if there are sufficient crosswalks and alternate routes for pedestrian circulations within the site. When required, such right-of-way shall not be less than six (6) feet wide and improved to include a concrete, asphalt or other approved surface sidewalk.
- d. **Connectivity to Adjacent Properties**
 New developments shall connect to any existing street stubs from adjacent properties and stub to all adjacent properties. Street stubs shall continue the existing street pattern if applicable.
1. Exemptions: Street stubs shall not be required where the conditions listed below would prevent connections:
 - a. Topographical conditions (pre-development slopes of 18% or greater)
 - b. Environmental conditions (marshes, floodplains, etc.)
 - c. Property shape
 - d. Property accessibility (existing platted subdivision with no stubs)
 - e. Incompatible adjacent land uses
 2. Location: Where multiple connection opportunities exist, street stub connections shall be prioritized in the site design as follows:
 - a. Adjacent parcels 20 acres or greater in size.
 - b. Adjacent parcels that abut or are traversed by existing or proposed streets.
 - c. To minimize overall access points along an arterial or collector street.



*Source: Summerville, SC Unified Development Code.

3. Design: Stub streets and streets intended for extension during future phases shall be constructed to extend to the property line or as close to the line as practical. It shall be the responsibility of the second development to construct the connection to an existing stub street. Stub streets shall not exceed 150 feet in length without a paved turnaround (permanent or temporary)
 4. Adjacent Parking Areas: Where most feasible, parking areas that are adjacent to each other shall be connected to limit curb cuts and access points along the public right-of-way. This connection shall have a maximum width of 24', with two 12' wide travel lanes.
- e. Cul-de-sacs and Dead-End Streets
- As they can restrict opportunities for interconnectivity for local vehicular and pedestrian traffic, dead end Streets and Cul-de-sacs are strongly discouraged from being a dominant feature within a development site. Dead end street and Cul-de-sacs shall be considered and approved by the Planning Commission during the preliminary plat stage. If a dead-end street or cul-de-sac is proposed, it shall be subject to the following:
1. Permanent dead-end streets shall be no longer than 500 feet and shall be provided with a turnaround such as a cul-de-sac or "T" turnaround.
 - a. Cul-de-sacs and "T" turnarounds shall be designed to accommodate the turn radius of emergency vehicles according to Lexington County or SCDOT standards.
 - b. "T" turnarounds shall be used when adjacent to another property to permit future interconnectivity. No structure, driveway, or the like shall be positioned so as to inhibit connectivity to the "T" turnaround stub.
 2. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal.
 3. Half streets are prohibited along property lines, entire street right-of-way shall be platted within the proposed subdivision.
 4. The Planning Commission may require the reservation of an access easement at the terminus of a cul-de-sac so that connections to existing or future pedestrian trails or street stubs may be established, if not possible elsewhere on the site.

5.3.11. Street Design Standards

a. General

When a development creates new streets, they shall be subject to the street design standards of this section. The Planning Commission, in coordination with Lexington County and SCDOT when applicable, shall approve the street design, location, and classification during the review of the preliminary plat in the Subdivision process (Section 10.7). The following are general standards for the design of roadways:

1. SCDOT Standards: Intersection sight distance on major thoroughfares shall be determined by the SCDOT. Grades on major thoroughfares shall be established by the SCDOT. On major thoroughfares, the centerline radius of a curvature shall be determined by the SCDOT. In the event of any conflicts or contradictions, Administrator shall use the ARMS Manual by SCDOT, or defer to Lexington County Engineer, or authorized representative from SCDOT, as appropriate.
2. Traffic Control devices: Signs and/or signals, shall be installed by the Developer as deemed appropriate by Lexington County, its agencies and/or SCDOT. The authority to

require traffic control devices may be exercised by the Town at any time during the approval process.

3. **Street Jogs:** Street jogs shall be avoided, unless approved or recommended by SCDOT or Lexington County.
4. **Naming of Streets:** Streets that are extensions of, or obviously in alignment with existing named streets, shall be a continuation of that street, and bear that name. The name of new streets shall be subject to the approval of the Planning Commission and shall comply with the Lexington County Addressing and Road Naming Ordinances. Street name signs shall be installed at all intersections. The location and design of such signs shall be approved by the Planning Commission and Lexington County.
5. **Split Level Streets:** Streets which are constructed to have two traffic ways, each at different levels within the same right-of-way, shall provide a paved traffic surface of at least twenty (20) feet on each level and a slope between the two traffic ways of three to one (3:1) or flatter
6. **Intersections:** The centerline of no more than two (2) streets shall intersect at any one point. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than sixty (60) degrees (angles of intersection to be measured at the intersection of street centerline). Curved streets shall have a minimum tangent of one hundred (100) feet at intersections.
7. **Nonconforming Right-of-ways:** Proposed developments which include an existing platted street that does not conform to the minimum right of way requirements of these regulations shall provide additional width along one or both sides of such street so that the minimum right of way required by these regulations is established. Developments abutting only one side of such street shall provide a minimum of one half, measured from the centerline of the existing right of way, of the right of way required by these regulations.

b. Street Sections

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

Table 5.3.11.b: Street Sections

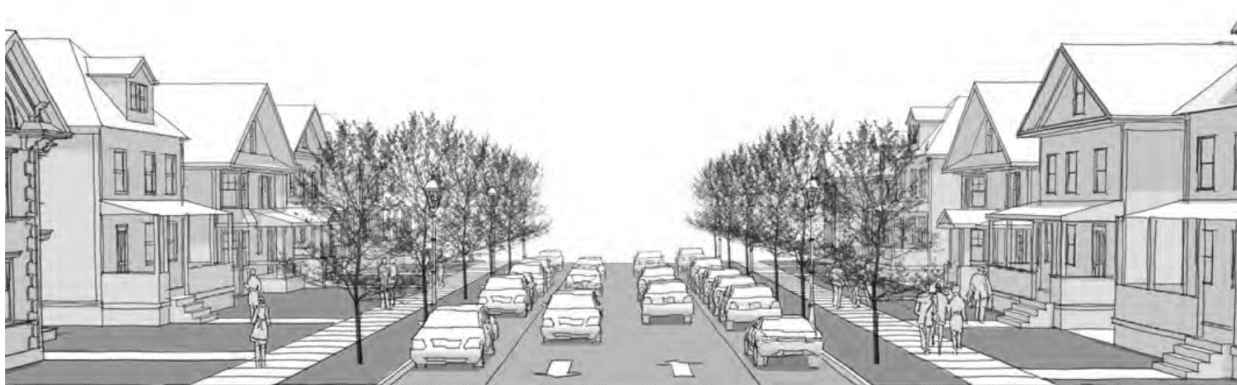
Street Classifications (As defined by Lexington County)	Right-Of-Way (Min/Max)*	Travel Lane Width (Min/Max)*	On-street parking**	Planting Strip (both sides of street)	Sidewalk
1. Residential or Light Commercial	–	–	N/A	3’	5’
2. Residential Local	–	–	Determined by PC	3’	5’
3. Private Commercial	–	–	Determined by PC	3’	5’
4. Private Residential	–	–	Determined by PC	3’	5’

5. Downtown Street***	–	–	Required in TC, Encouraged in VC	3'	5'
6. Private Rear lane (Residential)	–	–	Determined by PC	N/A	N/A
7. Private Alley (Commercial)	–	–	N/A	N/A	N/A

*Right-of-way widths or lane widths shall be in accordance with SCDOT, Lexington County, or the standards of the jurisdiction having authority. The intent is to detail the ideal split of right-of-way to account for all road users.

**All parking spaces shall comply with parking space dimensions in Article 8.

***Downtown Street is not a street section defined by Lexington County, however shall refer to new or improved streets within the Town Center (TC) Zoning District.



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

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

c. Sidewalks

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

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

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

d. Street Tree Planting Requirements

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

e. Street Lighting

1. General Standards: It is the intent of the town to have well-lit streets for cars and most importantly for the safety and comfort of pedestrians. Lighting shall be placed such that it is well coordinated with the expected canopy of street trees. Standard 15,000 lumen H.P.S street lights shall be installed, and appropriately shielded to prevent light spillover

to adjacent properties and light pollution. The Town of Chapin will require street lights to be installed at a minimum ratio of one light for every six units or 200' whichever is less in residential developments. In nonresidential developments, one light per 175' as measured by street length. The maximum height for street lights is 25'. Lighting plans with fixture designs and schematics shall be submitted and approved prior to installation.

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

f. **Exceptions**

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

5.3.12. **Street Access Standards**

- a. **Applicability:** Any development that requires an access point (rear alley/lane or driveway) for purposes of ingress and/or egress shall be subject to the provisions of this section. All new accesses must be approved by the appropriate permitting authority. The Town encourages developments that limit and/or combine access points to prevent high concentrations of access points along main roads.
- b. **Maximum Number:** For single-family, two- and three-family dwellings, only one driveway shall be permitted per lot. In Rural Districts (RA, RR) and Suburban Residential Districts (SR), circular driveways may be permitted on lots greater than 100 feet in width. The maximum width for driveways in residential areas is 16'. Commercial driveways may have two lanes, ingress and egress, each 12' in width, unless otherwise required by SCDOT. For double frontage lots, one curb cut per street may be permitted. For all other building types, the maximum number of driveways allowed for any property is outlined in the table below:

Table 5.3.12.b: Street Access

Frontage Width	Maximum Permitted Driveways per Street Frontage
Up to 150 feet	1 driveway
150 feet or more	2 driveways

c. **Locations and Spacing**

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

5.4. Open Space

5.4.1. General Standards

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

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

5.4.2. Amount of Open Space Required

Development subject to these standards shall provide open space set-asides in an amount that meets or exceeds the minimum area in Table 5.5.2.a: Required Open Space, based on the use and the zoning district where the development is proposed. Open space requirements are calculated based on the acreage of the entire property involved in a development application. If there is a conflict with the requirements herein, this article shall govern.

a. Required Open Space

Table 5.4.2.a: Required Open Space

Size of Development*	Minimum Open Space Area		
	Less than 1 acre	2-5 acres	Greater than 5 acres
District			
Agricultural (RA or RR)	50%	50%	50%
Suburban Residential (SR1, SR2, & SR3)	20%	20%	25%
Town Residential 1-2 (TR1 and TR2)	10%	10%	15%
Town Residential 3 (TR3)	10%**	20%**	25%**
Village Commercial (VC)	5%**	5%**	10%**
Town Center (TC)	5%**	5%**	10%**
Commercial (CC, IC, OC)	5%**	5%**	10%**
Public or Institutional (PI)	5%	5%	5%
Industrial (LI)	Exempt	Exempt	Exempt

**This shall include the total area of a development, including properties involved in future phases (i.e. The entirety of all property(s)) Example: A 10-acre property that is being subdivided for a residential development within an SR1 Zoning District must allocated 20% or (2 acres) to one or more of the open space types in Table 5.5.3.a.*

***Shall consist of public, or quasi-public, spaces for either pedestrian connections, plazas, or other on-site amenities as determined by the Planning Commission.*

b. Specific Requirements for Major Subdivisions

1. Amenity Centers: It is the intent of this section to provide residents of sizable residential subdivisions with quality amenities that add to the livability and quality of life. Amenities within subdivisions shall be equally distributed and connected with established or proposed circulation patterns. Depending on how many lots are within a residential subdivision, specific open spaces in the form of amenity centers shall be required. The amount of area allocated to open space shall comply with the percentages in Table 5.5.2.a. Land dedicated to amenity centers shall count toward the open space requirements in Table 5.5.2.a.
2. Definitions: For the purposes of this section, the following amenities are defined
 - a. Parks: A facility focusing on natural areas consisting mostly of vegetation, passive or active recreation areas, and having few structures. Examples include an arboretum, botanical or community gardens, or conservation areas. A dog park along shall not be considered a park, but dog parks are encouraged. Shall have an improved trail within the development and connect to adjacent trails if applicable.
 - b. Internal Trail/Sidewalk: A pervious or impervious trail with shared or independent access by all residents within a subdivision.
 - c. External Pedestrian Connection: An impervious connection to an existing or planned public sidewalk system. The Planning Commission may also require connections to adjacent community trail networks.
 - d. Playground: An area developed for active play and recreation. Examples include play apparatus such as swing sets and slides, sandboxes, or poles for nets. Shall have an improved trail within the development and connect to adjacent trails if applicable.
 - e. Pavilion or Picnic Area: An unenclosed, covered area that is accompanied by picnic tables, barbecue stands, and similar equipment or structures. Shall have an improved trail within the development and connect to adjacent trails if applicable.
 - f. Clubhouse: A private facility, with a minimum net floor area of 1,600 square feet, that provides services customarily furnished by a club, such as swimming, gym, indoor pet boarding, indoor/outdoor recreation, restaurant, or similar facility as determined by the Planning Commission.
 - g. Recreational Facility: An outdoor recreational complex with fields dedicated to organized sports that are supported by concession, restroom, or other structures. Examples include basketball or tennis court, disc golf course, volleyball, pickleball or tennis court, disc golf course, or other outdoor sport court or field greater than 1,743 sq. ft

- h. Sports Field: Outdoor sport fields such as football, soccer, 9-hole golf, 18-hole disc-golf course, or baseball. If tennis, pickleball, or basketball courts are used, then at least two courts shall count as a sport field.

- 3. **Applicability:** The Town classifies four types of amenity centers based on the amount of lots created, the requirements for each and their applicability are described in the following table:

Table 5.4.2.b.3: Amenity Centers for Major Residential Subdivisions

Amenity Type	Basic (10 to 49 lots)	Standard (50-99)	Enhanced (100-249)	Major (250+)
Parks (Passive)	■	■	■	■
Internal Trail/Sidewalk	■	■	■	■
External Pedestrian Connection	■	■	■	■
Playground(s)	□	■	■	■
Pavilion or Picnic Area(s)	■	■	■	■
Clubhouse*		□	■	■
Recreational Facility*		□	■	■
Sports Field*		■	■	■
Boat Storage**			□	□
Bus Stop**	□	□	□	□
Mail Kiosk/Cluster**	□	□	□	□

*See Section 5.4.2.b.4.g.i for alternative compliance to be approved by Planning Commission

**See Additional Provisions Section 5.4.2.b.4

(blank) = not required

□ = may be required by Planning Commission per criteria in “additional provisions”

■ = required

4. Additional Provisions

The provisions within this section are in addition to the requirements within Table 5.4.2.b.3.

- a. Standard Amenity Areas
 - i. Parks and Playground: The Planning Commission may require a an additional playground, park, or pavilion if the distance between a proposed lot and park is greater than 1200' linear feet. The distance requirement may be waived when an additional area as described is combined with a required sports field area.
- b. Enhanced Amenity Areas
 - i. Parks and Playgrounds: At least one additional park or playground for developments that are lots or greater. Play areas shall be equally spaces and should be no more than 1,200' linear feet from each other.
- c. Major Amenity Areas
 - i. Parks and Playground: One addition play area and park per 50 lots after 250. No playground or park shall separated by 1,200' as measured by walking distance along a sidewalk or trail. Play areas shall be developed within a park setting, including swings, jungle gym, or other similar feature as determined by Planning Commission during preliminary plat review.
 - ii. Recreation Facility: Two types of sport court or field are required per 300 lots.
 - iii. Community Facilities: The applicant shall consider space for community facilities such as police and sheriff stations, fire stations, schools, libraries, and other community services due to the size of the development. The Planning Commission may request that the applicant provide correspondence as part of the record to ensure that these community services have been contacted.
- d. Gated Boat Storage: If the development has water access to Lake Murray, sufficient space shall be provided for the dry storage of boats and boat trailers. The structure or area dedicated to boat storage shall have sufficient landscaping around the perimeter of the gated area, to be determined by the Planning Commission. Additionally, this area shall have a Type B buffer, as described in Table 7.5.4.a when adjacent to a residential lot.
- e. Bus Stops: The Planning Commission may require the applicant work with the Lexington County School District to locate optimal areas for school bus stops.
- f. Mail Kiosk: If required by the United States Postal Service, cluster-style mailbox kiosk's shall be subject to the design standards of the USPS.
- g. Exceptions
 - i. Additional or Non-Listed Amenities: Other types of amenities may be submitted to the planning commission for consideration to replace one of the required amenities listed above. Any open space types in Table 5.5.3.a may be substituted for a similar feature within this section if approved by the Planning Commission.
 - ii. Extensive Single-Type Amenities: An open space amenity of greatly significant size, of a single type, or combination thereof, may be considered by the PC for meeting the entirety of the open space requirements for a development. Such as; a golf course country club, a tennis complex, a large park and trails system.
 - iii. Conflicts: Any conflicts with other regulations within this ordinance shall be resolved by the Planning Commission. If there are conflicts with existing topographical features, utilities, easements, or other types of hardship, a variance to these requirements may be submitted.

5.4.3. Areas Counted Toward Open Space Requirement

- a. The features and areas identified as counting toward open space shall be credited towards compliance with the amount of open space required in accordance with Section 5.5.2.a above.

Table 5.4.3.a: Open Space Types

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

- b. The following areas shall not be counted as open space set-aside areas:
 1. Private yards not subject to an open space or conservation easement;
 2. Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements,
 3. Required buffer that is inaccessible to all residents and not integrated with an accessory to open space features of Table, 5.5.3.a,
 4. Open parking areas and driveways including parking lot landscaping;
 5. Land covered by structures, unless accessory to open space features of Table 5.5.3.a;
 6. Outdoor storage areas; and,

7. Stormwater ponds not located and designed as a site amenity (e.g., with low fencing, trails, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating) and surrounding areas.

5.4.4. Location

Open space shall be located within the development site and be easily accessible and useable by occupants and users of the development. Where possible, a portion of the open space should provide focal points for the development through prominent placement or easy visual access from streets.

5.4.5. Configuration

- a. Open space shall be compact and contiguous unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features.
- b. If the development site is adjacent to existing or planned public trails, parks, or other public open space area, consideration should be given to adjoining, extending, and enlarging the trail, park, or other public open space area.

5.4.6. Ownership and Management

- a. All open space areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.
- b. Responsibility for managing and maintaining open space rests with the owner of the land. Failure to maintain open space in accordance with this Section and the development approval shall be a violation of this Ordinance.
- c. Open space areas may be considered by the Town for rezoning to as Parks & Open Space (PO).

5.4.7. Exemptions

The following development is exempted from the standards in this Section:

- a. Residential development defined as minor subdivisions;
- b. Utility Uses;
- c. Agricultural Uses; and
- d. Industrial Uses

5.5. Alternative Development Patterns

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

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

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

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

5.5.4. Conservation Subdivision

- a. Purpose: The use of conservation subdivision design seeks to optimize land use in and around the Town of Chapin, while maintaining a balance between the preservation of agriculturally, environmentally and historically significant areas and allowing reasonable and sustainable growth to continue in the Town. New development shall avoid disturbance of areas or elements defined as “sensitive” or “significant”. The use of conservation subdivision design shall not be required, but is encouraged for use on residential subdivisions:
 1. Located in areas where conservation of undeveloped and/or agricultural land is desirable, feasible, and meaningful to the preservation of natural, rural, and agricultural places.
- b. Application: The developer/applicant shall supply a completed subdivision application (Section 10.9, Major Subdivision) to the Administrator which shall include a draft of the conservation easement for the portion of the property that will remain as permanent open space or agricultural land and a fully dimensioned site plan, drawn to scale, which shall demonstrate, delineate, and label all of the following:
 1. Topography, including areas to be graded, earth movements, drainage provisions, existing contour lines and any proposed new contour lines and any other significant topographical features.
 2. The location and type of sensitive areas deemed to be of agricultural, environmental, or historical significance, as defined in Appendix I: Definitions of this Ordinance. All construction contracts shall include language protecting sensitive areas, agricultural land, areas of conservation, and areas containing sensitive elements.
 3. The location and type of all proposed areas to be preserved as open space or agricultural land, including areas of mitigation and preservation. These areas shall be marked for identification upon site inspection.
 4. Existing zoning, land use(s), and approximate density of residential uses.
 5. Septic or waste water provisions as provided by SCDHEC.
 6. For areas of agricultural preservation, a buffer strip of at least seventy-five (75) feet must be delineated. When possible, existing woodlands should be used, if not, a variety of rapidly growing indigenous trees and shrubs should be planted thickly in the buffer strip.
 7. Any other provisions not specifically required or excluded herein, as required by this Ordinance.
- c. Density: The Town of Chapin Planning Commission may modify the minimum lot sizes required by that zoning district per conservation subdivision, to allow for a higher density of units in the development, in order to conserve open space.
- d. Open Space Requirements: A minimum of fifty percent (50%) of the land development area must be designated as permanent open space.

1. Ownership of Open Space: Shall be protected by a conservation easement held by the homeowner's association, local conservation commission, land trust, or Town of Chapin that is approved by the Town Council, and duly recorded in the office of the County Registrar of Deeds. The owners of the open space are responsible for the payment of any taxes, upkeep, insurance, and any other responsibilities associated with "ownership" of the land.
 2. Usable Open Space: At least half of the required open space shall be useable for agricultural or passive, low-impact recreational purposes, as determined by the Planning Commission. Open space shall be in such location that it allows for connection to adjacent undeveloped properties, and/or open spaces.
- e. Final Plat Requirements
1. In addition to the final plat requirements in Article 10 the subdivider shall submit a Developers Agreement regarding the liability for and maintenance of the open space. In addition, the developer must include a conservation easement/open space covenant protecting the open space from any further development.

5.5.5. Commercial or Industrial Subdivision

a. Purpose and Intent

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

b. Types of Commercial Subdivisions

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

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

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

1. Site Analysis consistent Section 10.3.1.a
2. Site Plan consistent with all relevant information detailed in Section 10.3.1.c.
3. Traffic Impact Study consistent with the requirements of Section 5.6
4. Construction Documents consistent with Section 10.3.1.d.
5. Major Architectural Review Application consistent with Section 10.6
6. Any additional applicable development review as required by Article 10.

- d. General Standards for Commercial Subdivisions: In addition to other requirements within this Section, the applicant shall demonstrate compliance with the following:
1. Conformance with Ordinance: The submitted applications shall be compliant with standards and requirements for parking, signage, setbacks, spacing between buildings, residential area requirements, screening, buffers, and landscaping for Commercial Subdivisions.
 2. Water, Sewer, and Drainage: Adequate provisions for water supply, sanitary sewerage, and storm drainage shall be installed by the developer according to the plans and specifications approved by the proper authorities.
 3. Access and Egress: shall conform to the Driveway Regulation of the South Carolina Department of Transportation, the Town of Chapin's Unified Development Ordinance (UDO), and the Traffic Impact Study findings.
 4. Enforcement: No building permits shall be issued and no connection to a public water system or public sewer system shall be made until the construction drawings for the Commercial Subdivision are approved by the Planning Commission and indicated on prints of the development plan.

5.5.6. Planned Developments (PD)

- a. Purpose and Intent: The PD is intended to encourage innovative land planning and site design concepts that cannot be achieved by other mechanisms provided by this Ordinance. PDs should achieve a high level of environmental sensitivity, aesthetics, high quality development and other community goals by:
1. Allowing greater freedom and creativity in selecting the means to provide access, open space and design amenities.
 2. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special and unique site characteristics, locations, building types and land uses.
 3. Provide mixed-use spaces that would not have otherwise been possible per existing zoning districts.
- b. Process and Applicability
1. PDs are executed as two different process. First, is a Rezoning which follow the general procedures of Article 10. Second, Plat and/or plan approvals, per Article 10. A complete master plan and written report shall be developed and submitted for approval as part of the rezoning process in order to determine the desired standards and design of the project. Those documents shall be submitted in accordance with the following standards:
 - a. Master Plan: Applicants shall first develop and present a master plan, complying with the Sketch Plan requirements in Article 10, for the entire parcel(s) which includes, but is not limited to:

- i. Size: Size, in acres, shall be listed on the master plan. PDs shall have a minimum of 5 acres. If the project is intended to be developed in phases, the master plan shall include all potential phases.
 - ii. Districts: Land allocations by land use, including specific modifications to the Ordinance requirements of those districts clearly highlighted.
 - iii. Street Layout and Regulating Plan: The design and location of the streets shall be provided. Streets shall conform with the street sections in Table 5.3.11.b of this Ordinance. Additional bicycle and pedestrian circulation shall also be indicated.
 - iv. Lot Layout: Proposed subdivisions of property, required open space, street regulating plan, neighborhood structure(s). The PD shall have provisions to allow for a systematic methodology to provide a variety of lot sizes.
 - v. Open Space: The design, location, descriptions, and utilizations of open spaces shall be specified in detail on the master plan.
 - vi. Stormwater Requirements: Stormwater shall be considered on a PD-wide basis and the general locations shall be indicated. Floodplain information shall also be included on the master plan.
 - vii. Resources: The general location of all historic, cultural, and environmentally sensitive resources shall be depicted on the master plan.
- b. Written Report: A written report shall be submitted to explain the type, nature, intent and characteristics of the proposed development, and shall specifically include:
- i. Site Description: A general description of the proposal, including a detailed description of the site, location, context, and any cultural, environmental and/or historical resources.
 - ii. Vision Statement: The goals, tenets, and any special initiatives which the development intends to achieve shall be clearly identified for review and discussion.
 - iii. Rationale: A detailed description of the provisions of the Ordinance which prevent the development, as desired, shall be provided. This shall include analysis showing how the general Land Development standards in Article 5, Permitted Use Table in Article 4, and Zoning Districts in Article 3 limit the intended development. Specific descriptions of all amenities, building types, or land uses that are not defined in the Ordinance shall be required.
 - iv. Modification to Ordinance: A detailed description of exceptions or variations from the requirements of this Ordinance, per the incompatibilities listed above. All items not explicitly listed as modifications will be subject to the requirements of this Ordinance.
 - v. Land Allocation: Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including open spaces, recreation areas, public facilities, wetlands and wetland impacts. This should be coordinated with the Districts as shown in the master plan. If the development is intended to be phased, the phasing plan shall be indicated on the tables.

- vi. Program: A complete development program, including number of residential units and proposed densities, building types, minimum and maximum lot sizes, and square feet and identification of other nonresidential uses.
- vii. Building Design Standards: Guidelines to achieve aesthetics and high-quality development shall be included. These may be further detailed in the covenants after all Town approvals have been secured.
- viii. Compatibility Statement: A statement of how the proposed development is consistent with adopted plans and documents of the Town of Chapin or Lexington County.
- ix. Traffic Impact Study (TIS): A Traffic Impact Study to be performed as outlined in Section 5.6.
- x. Interconnectivity: The master plan shall show how the development will enhance interconnectivity within the development, as well as adjacent sites, as aligned with the regulations in Section 5.4.10.d.
- xi. Other: Additional relevant information as requested by the Administrator.
- c. Performance Guarantee: Before approval of a PD, the Town Council may require a contract with safeguards satisfactory to the Town guaranteeing completion of the development plan in a period to be specified by the Town, but which period shall not exceed 5 years unless extended by the Town for due cause show. Such a guarantee may include the submission of a performance bond in an amount set by the Town.
- d. Final Plat: Upon approval of the Rezoning (inclusive of the master plan), the applicant shall proceed towards approval of a Final Plat per Article 10.
- 2. Expiration of Approval: The Town shall have the right to review a concept plan approved as part of a PD when no building permits have been issued in the past 2 years, and may choose not to issue further permits within the PD until a revised concept plan has been approved.

5.5.7. Previously Approved Planned Developments

- a. Purpose: The intent of this section is to be utilized only for the continuation of previously established and approved Planned Developments before the enactment of this Ordinance.
- b. Minor Plan Amendments Permitted by the Administrator: The amendment of previously approved PDs shall be approved by the Administrator, if the amendment results in a development intensity that is no greater than the previously approved intensity in terms of total square feet, total number of units, height, and build-upon area. Additionally, a minor plan amendment shall be limited to technical considerations that could not be reasonably anticipated during the approval process, or any other change that has no material effect on the character of the approved PD development or any of its approved terms or conditions.
- c. Major Plan Amendments Permitted by Town Council Approval Only: All major changes not subject to the section above, shall be reviewed by the PC and approved by Town Council in accordance with the procedures outlined in Section 5.6.6.b.
- d. Any existing PD may choose to rezone to a standard Town zoning district by going through the rezoning process in accordance with the procedures outlined in Article 10.

5.6. Traffic Impact Study

5.6.1. Applicability

An impact study shall be required if a proposed project:

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

5.6.2. Application Process

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

5.6.3. Contents Traffic Impact Study (TIS)

- a. Study Contents: At minimum a TIS shall include the following:
 1. Introduction: A written narrative describing the proposed land use(s), size, and projected opening date of the project and all subsequent phases.
 2. Existing Land Use
 3. Proposed Land Uses
 - a. Location and context
 - b. Description of development
 - c. Zoning Characteristics
 - d. Site Plan
 4. Recently approved developments that fit within the following criteria:
 - a. Previously approved within the last 12 months of application submittal, or still in the process of development by evidence of active building permits.
 - b. Previously approved developments that are located along the same arterial or collector right-of-way, or that will be otherwise impacted by future or proposed development. Claims of no impact shall be supported by a statement and supplemented by justifying rationale.
 5. Analysis
 - a. Existing traffic volumes on all roads to be accessed using current SCDOT Annual Average Daily Trip (AADT) counts where possible.
 - b. Traffic flows attributed to result from future developments will use TIS' from those development where available or a justified approximation when not available. Approximation will include development size and major flow patterns that will result.
 - c. Infrastructure Analysis
 - d. Trip generation tables

- e. Trip distribution patterns
- f. Turning movement diagrams for peak hours
- g. Access analysis
- h. Traffic Control Devices
- i. Mitigation and Alternatives
- j. Summary

- b. Responsibility for Costs of Improvements: The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless the provisions of the TIA are met.

6.0 Overlay Design Standards

6.1. [Placeholder]

DRAFT

7.0 Landscaping

7.1. Purpose and Intent

- 7.1.1. The Town of Chapin recognizes that healthy natural environments provide important benefits that generally promote public health, safety, order, aesthetics, prosperity, local ecology, and general welfare. In support of these objectives, this ordinance regulates and mitigates the negative impacts of the development on natural resources, such as trees and vegetation, and to

preserve and enhance the aesthetic and ecological values of landscapes. Further, this section details requirements that help promote the following:

- a. Provision of open space.
- b. Preservation of green space.
- c. Creating an attractive community.
- d. Increase general property values.
- e. Protect scenic and ecologically sensitive resources.
- f. Reduce stormwater volume and pollutants.
- g. Benefit the public health and enjoyment of residents.
- h. Eliminate heat islands.
- i. Shelter and protect habitats for wildlife.
- j. Reduce conflict between different uses and intensity of uses.

7.2. Administration

7.2.1. Applicability

Except as contained herein, the regulations within this article shall apply to the following:

- a. All new development. Redevelopment of parcels, buildings, or structures are subject to Section 11.11, Nonconforming Site Features.
- b. Development requiring Minor or Major Architectural Review (Section 10.5 and 10.6).
- c. Regulations pertaining to tree removal shall apply to all properties within the Town's jurisdiction.
- d. New parking areas or existing parking areas expanded by more than 50% or by 12 spaces or more.
- e. Other areas within this article that specifically identifies an applicable situation or development.

7.2.2. Timing

Review for compliance with the standards in this Section shall occur during the applicable development review procedures within Article 10.

7.2.3. Landscape Plan Required

A landscaping plan shall be submitted with an application for development subject to the requirements of this Section. The landscaping plan shall depict the following:

- a. North Arrow and Scale.
- b. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
- c. Tree survey to include size and species including an identifying numbering system to distinguish between individual trees; the tree number shall be on the tree itself and notated on the survey. In addition, protected trees defined as Significant, Historic, or Iconic Trees in section 7.6.3 shall be noted as such on the tree survey, or an accompanying document.
- d. The location and contours, at one (1) foot intervals, of all proposed berms as landscaped features.
- e. Property Survey showing the location and dimensions of all existing (to remain) and proposed structures, setback line and required buffer yards, parking lots, driveways, landscaped islands and strips, sidewalks, service areas, screening, fences, walls, berms, above or underground utilities and storm drainage systems, freestanding electrical

equipment, recreational facilities, and other freestanding structural features as determined necessary by the Town.

- f. Location of plant material, including name of plants (botanical and common), installation size, spread at time of planting and at maturity, quantities of plants, and other remarks as appropriate to describe plant selection. (Lawns and beds of annual or perennial plants may be designated by common names only)
- g. Onsite and abutting land use features [within 50 feet], and use(s) of adjacent parcel(s).
- h. Protection plan for existing trees that are to be saved.
- i. Location of irrigation systems.

7.2.4. All landscaping plans for nonresidential and multi-family sites having an area greater than one acre shall be prepared by a registered landscape architect.

7.2.5. Landscaping plans for sites having an area of one acre or less may be prepared by other design professionals with competency in landscape design when the design is incidental to their work.

7.2.6. The Administrator may approve revisions to landscaping in an approved site plan in order to accommodate seasonal planting problems or a lack of plant availability as long as:

- a. There is no significant reduction in the quantity of plant material.
- b. There is no significant change in the size or location of plant materials.
- c. The plant substitutions are of the same general category and have the same general design characteristics as the materials being replaced.

7.3. Landscaping Standards

7.3.1. Undeveloped Commercially Zoned Parcels

For the purposes of this Section, commercially zoned parcels shall include the Town Center (TC), Village Commercial (VC), Public Institutional (PI), Corridor Commercial (CC), Interstate Commercial (IC), Office Commercial (OC), and Light Industrial (LI) zoning districts. Undeveloped Commercially Zoned Parcels shall have planted or naturally occurring vegetation maintained by the property owner while vacant, to maintain an attractive appearance. Vegetation shall consist of topographically/geologically appropriate or native grasses, shrubs, trees, live ground cover, annuals, perennials, ornamental grasses or other vegetation that will secure the soil and create an attractive appearance, in compliance with Town property maintenance standards within Article IV. – Vacant Lots, Premises, Land – Section 10.401 of the Town Code

7.3.2. Clearing of Land, Removal, or Disturbance of Trees

It shall be unlawful for any property located within the Town limits to clear land of trees, shrubs, and natural features without receiving approval from the Administrator. Violations to this requirement shall follow the procedures in Article 12 Violations and Enforcement.

7.3.3. Installation of Required Landscaping

- a. Unless a bond is provided in accordance with the sections below, all landscaping required by this Section shall be installed prior to the issuance of a Certificate of Occupancy and/or any other required permit or approval.
- b. If the season or weather conditions prohibit planting of trees or shrubs, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to 125 percent of the cost of installing the required landscaping to guarantee the completion of the required landscaping. A zoning permit for the development shall be issued only on approval of the financial surety. All required improvements must be completed within the time period established in the development approval, or within 24 months of the date the developer provides financial surety, whichever period is shorter. The developer may request, and the Administrator may grant, for good cause shown. The financial surety shall be canceled and/or returned upon completion of the required landscaping. If the developer fails to complete all required improvements within the period for completion, as may be extended, the Administrator shall send written notice to the developer identifying the failure(s) and providing the developer a period of 30 days to complete the required improvements. If the required improvements are not completed within the 30-day period, the Town may draw on the financial surety to complete the required improvements.
- c. Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape, except where uniformity is required for opaque screening.
- d. Landscaping, including berms, shall be installed, and maintained so as not to interfere with the sight distance requirements of this ordinance or the sight distance needs of vehicular traffic in parking areas and at entrance and exit locations.
- e. Monocultures shall be avoided in formally designed parks, buffers, and screens.
- f. When there is a conflict with the quality, planting requirements, trimming, or removal of vegetation, the applicable ANSI Standards shall apply.
 - 1. ANSI Z60.1 American National Standard for Nursery Stock
 - 2. ANSI Z133.1 American National Standard for Arboricultural Operations
 - 3. ANSI A300 American National Standard for Tree Care Operations

7.3.4. Credit for Existing Vegetation

Existing vegetation in good health that meets all applicable standards in this Section may be used to satisfy any planting requirements, provided the vegetation visually enhances the aesthetic of the property and is protected before and during development.

7.3.5. Species of Vegetation

Vegetation shall be adapted to the site conditions where it will be planted. The selection of trees shall be from the Town of Chapin's Approved Tree Species List. Other trees, shrubs, and vegetations may be proposed if it is within the Urban Tree Species Guide, or other guides, maintained by the South Carolina Forestry Commission. The use of species identified as invasive plant pest species by the South Carolina Exotic Pest Plant Council is prohibited.

7.3.6. Irrigation

Except for individual single-family lots, all newly-planted and relocated plant material shall be watered by permanent irrigation systems. Trees shall be watered at a reasonable rate or as

needed based on species, size, soil type, and local weather conditions. All other vegetation shall be watered sufficiently to ensure healthy growth and longevity in the landscape.

7.3.7. Tree and Shrub Types

The following Tree and Shrub types referenced in this article are defined as follows:

- a. Canopy Tree: At least 25 feet in height or more at maturity.
 1. Minimum Caliper measurement at planting shall be 2.5" diameter or greater.
- b. Understory Tree: Less than 25 feet in height at maturity.
 1. Minimum Caliper measurement at planting shall be 2.5" diameter or greater.
- c. Shrub: Less than 10' in height at maturity
 1. Minimum Height at planting shall be 2'.

7.3.8. Tree and Shrub Spacing and Proximity to Structures and Paving

The intent of this section is to install vegetation appropriately depending on their size or characteristics, while not harming or potentially harming other plants, proposed buildings, vehicles, or pedestrians.

- a. Shrubs and trees shall be installed no closer than two feet to a curb, gutter, sidewalk or building.
- b. Understory trees shall be planted no closer than 10 feet to a building, Canopy trees no closer than 25 feet to a building, unless otherwise required.
- c. Shrubs shall not be planted within six feet of tree trunks.

7.3.9. Screening Unsightly Elements

- a. Utilities: Mechanical equipment such as ventilation systems, commercial exhaust fans, rooftop terminations, commercial cooling equipment, heating and air conditioning units, TV antennas, and satellite dishes, shall be completely screened from view at time of planting or installation by lattice, fence, brick enclosures, vegetation, or combination thereof.
- b. Waste Receptacles: Screening of waste receptacles, compactors, and dumpsters shall be accomplished with an opaque wall of masonry, rot-resistant wood, or composite material. The materials of the screen shall be complementary to the materials found on the primary building.
- c. Delivery, Service, and Loading Areas: Delivery, service, and loading areas shall be completely screened from the public right-of-way and any adjacent residential use.

7.3.10. Lighting of Landscape features

- a. Accent lights used to call attention to signs or landscape features are permitted provided they meet all of the following conditions:
 1. They are not comprised of white or clear lights.
 2. They do not exceed 25 watts per fixture.
 3. They are directed onto the surface of the sign or into the plant material.
 4. The bulb is not exposed.
 5. They do not spillover beyond the plane of the building or feature they are meant to illuminate.
 6. They are not moving or animated.

7.4. Parking Landscaping

7.4.1. Parking Lot Screening

- a. Applicability: All new or expanded parking areas shall be screened from the public right-of-way or primary vehicular access point(s) with vegetation. An opaque screen is intended to exclude all visual contact with the screened feature from an adjacent property, public street, or right-of-way. An opaque screen may be composed of a wall, fence, building, or berm; planted vegetation; existing vegetation; or a combination thereof; as approved by the Zoning Administrator. Parking lot screening is not required where property or street buffers are retained or required.
- b. Minimum Height of Screen: Shall include a hedge, dense shrub planting, masonry wall, wood fence, or combination of such features that results in a continuous visual screen along the length of its frontage. Hedges and shrubs may be installed at a height of 2', as long as the species selected grows to at least 4' in height within 4 years of installation.
 - 1. Exceptions may be granted by the Zoning Administrator where the parcel has irregular configuration, utility easements or legal constraints which prevent compliance.
- c. Minimum Length of Screen: The length of a required screen shall be that which is necessary to totally visually screen the feature from protected properties, streets, and rights-of-way as provided in this section. The Zoning Administrator may approve accommodations for reasonable access and use, as necessary.
- d. Minimum Plantings: Parking lot screens shall comply with the following landscaping standards:
 - 1. A parking lot shall contain at least one overstory tree for every 40 linear feet of street frontage, excluding portions of the frontage where driveways are located and areas necessary to avoid intrusion into clear sight triangles. Existing trees that are considered iconic, significant, or historic may count towards this requirement.
 - 2. Where there are conflicts with other planting regulations, the more stringent regulation shall apply, as determined by the Zoning Administrator.

7.4.2. Parking Area Interior Landscaping

- a. Applicability: The following shall comply with the standards in this subsection:
 - 1. Any new vehicular surface area (parking lot) whether principal or accessory use containing 10 or more parking spaces; or,
 - 2. Any new, additional, or expanded portion of an existing vehicular surface area which cumulatively would create greater than 10 parking spaces.
- b. General Standards
 - 1. No parking space shall be further than 60' linear feet from a large overstory tree.
 - 2. One large overstory tree shall be required at the end of every row of parking. This includes trees located within required landscape islands.
 - 3. Landscaped areas within or adjacent to parking areas must be protected from vehicular damage by a raised curb, wheel stops or approved equivalent barrier of at least six inches in height.
 - 4. Creative landscaping plans that incorporate larger islands or different spacing of landscaped areas than required in this section may be approved by the Zoning Administrator, as long as the minimum area of landscaping and minimum number of trees is provided.
- c. Landscape Islands

1. Landscape islands shall be provided within each row of parking spaces so that the maximum amount of uninterrupted parking spaces is no greater than ten (10).
2. No more than 10 continuous parking spaces shall be permitted in a row without an interrupting landscaped island, except in the following circumstance:
 - a. The parking lot is gravel, or covered with other soft pervious pavement materials, and spaces are not striped.
3. Landscaped islands with a planting area of at least 12 feet wide by 18 feet long area shall be established parallel to parking spaces and at the end of the parking aisle in order to separate the last space from any adjacent driveways.
4. Islands shall be curbed for traffic control and safety.
5. At least one (1) canopy tree shall be provided within each landscaped peninsula. All landscaped peninsulas and medians shall be landscaped with mulch, sod, shrubs, or ground cover vegetation. If there is a conflict with overhead utilities, two understory trees shall be provided per island.

d. Building Exterior Perimeter Plantings

1. Plant material is required along 10 percent of the length of exterior building walls and structures to provide separation between the building and the vehicular surface area.

7.5. Perimeter Buffering

Perimeter buffers are intended to provide spatial separation between uses of differing intensities. Where the buffer requirements herein are in conflict, the greater buffer width and/or plantings shall apply.

7.5.1. Purpose of Buffer Requirements

- a. To minimize the potential negative impact between adjacent land uses and streets, and to promote land use compatibility.
- b. To preserve and retain existing vegetation within required buffers to preserve natural landscapes and native plant species, unless it conflicts or does not comply with the requirements in the buffer table below.

7.5.2. Applicability

- a. Where a new use or development is established, or expanded by more than 20 percent, and a buffer is required per Table 7.5.4.a.
 1. Where a new use or redevelopment is subject to Section 11.11 Nonconforming Site Features.

7.5.3. General Standards

- a. The use of evergreen trees and plants are strongly encouraged within required buffer areas.
 1. Exception: Canopy trees shall be planted unless factors such as overhead utility lines or buffer size require the planting of smaller trees. Such substitutions must evergreen and drought-tolerant and be approved by the Administrator.
- b. In addition to the tree planting requirements, a minimum of 40 percent of the buffer area shall be planted in a combination of approved shrubs, annuals perennials, live ground cover, or ornamental grasses.
- c. All areas shall be maintained in a minimum of three inches of mulch or pine straw. Plant materials shall be designed and installed in a manner that provides variability of height at maturity

- d. Spacing and arrangement of plant material must be primarily based on the mature dimensions of the plants.
- e. The buffer yard should not result in using more than 35% of the available lot and may be reduced accordingly by the Administrator.
- f. Fences, walls, and berms, and parking area surfaces & driveways shall be maintained in good condition and appearance at all times by the owner.

7.5.4. Property Buffer Types

- a. The property buffer widths shall be established for new development based upon the following buffer types (Table 7.5.4.a):
 1. Type A: Shall apply when any use is similar to an adjacent use or has only a slight impact on the adjacent use. Type A buffers shall be planted or installed. Use of existing landscaping for credits (Section 7.3.4) to be determined by the Administrator.
 2. Type B: Shall apply when any use is somewhat different from an adjacent use or has a moderate impact on adjacent uses. Type B buffers shall be planted or installed. Use of existing landscaping for credits (Section 7.3.4) to be determined by the Administrator.
 3. Type C: Shall apply when any use is clearly different from an adjacent use or has a definite impact on adjacent uses. Use of existing landscaping for credits (Section 7.3.4) to be determined by the Administrator.
 4. Type D: Shall apply when any use is incompatible with an adjacent use or has a large impact on adjacent uses. Type D buffers shall be planted or installed. Use of existing landscaping for credits (Section 7.3.4) to be determined by the Administrator.
 5. Type E: Shall apply when any use is incompatible with or has a severe impact on adjacent uses. Type E buffers shall be planted or installed. Use of existing landscaping for credits (Section 7.3.4) to be determined by the Administrator.

	Low Impact	Medium Impact		High Impact	
	Type A	Type B	Type C	Type D	Type E
Minimum Width	5 ft	10 ft	20 ft	50 ft	100 ft
Canopy Trees per 100 linear ft.	4	6	8	10	12
Shrubs per 100 linear ft.	12	18	30	40	50

b. Required Buffer Yard Types

Using the types of buffers defined in Table 7.5.4.a, property buffers shall be required when the following uses are directly adjacent to each other or a specified zoning district:

Table 7.5.4.b: Required Buffer Yard Types

Adjacent Zoning District

Proposed Use or Zoning Category (per Article 4)	Vacant Land	RR or RA	SR1, SR2, and SR3	TR1 or TR2	TR3	Manufactured Homes or Parks	PI	TC or VC	OC	CC or IC	LI
Agricultural	N/A	N/A	B	C	C	A	B	D	D	D	C
Suburban Residential	A	C	N/A	B	C	C	B	B	B	D	E
Town Residential	A	C	C	A	N/A	C	B	B	B	E	E
Multi-family	B	C	C	B	A	C	B	B	B	C	D
Commercial	B	C	D	C	B	C	N/A	N/A	N/A	N/A	C
Manufactured Homes or Parks	B	C	D	C	B	N/A	B	D	C	E	E
(PI)	B	C	C	B	B	B	N/A	A	B	D	D
Light Industrial (LI)	B	D	E	E	E	E	D	E	D	C	N/A

c. Reduction in Buffer Width

The required width of a buffer yard may be reduced in accordance with this subsection, provided, only one width reduction is allowed along any length of a transitional buffer yard.

1. Fence or Masonry Wall Included

The width of a transitional buffer yard shown in Table 7.5.4.a may be reduced, if a fence or wall compose that is complimentary to the building in design and materials complies with the following:

- a. The minimum width may be reduced by 25% if a solid wall or fence, at least six feet in height, is constructed. The fence shall be supplemented with shrubs and Understory trees.
- b. A 50% width reduction may be granted with the installation of a solid brick wall, masonry wall faced with brick or stucco, or a berm with a minimum height of six (6) feet.

2. Conflicts with Existing Features

Where there are conflicts with overhead utilities, easements, topographic features, or other limitation determined by the administrator, one Canopy tree may be replaced by two understory trees.

d. Permitted Improvements within Perimeter Buffers

Perimeter buffers shall contain only vegetation. The following exceptions may be allowed provided the requirements in Table 7.5.4.b are met.

1. Pedestrian Coverings: If awnings, colonnades, arcades, or galleries are incorporated into the building design, landscaping may be reduced or eliminated.
2. Vehicular Access Driveways: These may encroach into buffers only if the driveway is placed approximately perpendicular to the buffer, or if the driveway is shared by adjoining parcels.
3. Sidewalks, Bicycle Paths and Bicycle Parking: These may encroach, provided that they shall not count toward meeting the required landscaped area. Encouraged to be placed on the interior of buffers, as to not directly abut roadways.
4. Stormwater Management: Stormwater and drainage facilities that permit vegetation may encroach into the buffers if the planting requirements are fulfilled.

5. Signage, lighting fixtures, and street furniture.
6. Walls, fences, open-air structures, and sculpture.
7. Utility and services lines.

7.5.5. Street Buffers

- a. Applicability: Street buffers along the public right-of-way shall be required for the following projects:
 1. New or redevelopment nonresidential or multi-family or sites requiring a major architectural review or major subdivision approval.
 2. New residential developments requiring major subdivision approval.
 3. New construction or expansion of a building by more than 20 percent within the Light Industrial (LI) zoning district.
 4. Exceptions: Street buffers shall not be required in the Town Center or Village Commercial zoning district. Development of residential dwellings on individual lots, or developments that are defined as minor subdivisions. In certain cases, the Administrator may waive or reduce requirements based on the following criteria:
 - a. Where walkability is encouraged, or visibility is appropriate.
 - b. Where the required buffer would interfere with connectivity between parcels.
 - c. Conflicts with sight distances, entrances, pedestrian facilities and other hazards to the public health or safety.
 - d. Commercial visibility for the purposes of attracted vehicular traffic shall not be considered a reason for waiver of buffer requirements.
- b. Location: All required street buffers shall be no less than a Type B Buffer, as measured perpendicularly to the street, along the entire length of the property.
- c. Tree Planting Requirements: Canopy trees shall be planted unless overhead utility lines or other factors require the use of medium or Understory trees, as approved by the Administrator. Fractions generated by applying the minimum number of plants to the actual linear footage of the buffer shall be rounded up to the nearest whole number. (For example, 125 feet of buffer length would be required to have two large trees or three medium trees or four small trees.) The planting schedule for street buffers shall be as follows:
 1. Canopy Trees: 1 per .015 linear foot of frontage.
 2. Understory Trees: 1 per .060 linear foot of frontage.
- d. Other Planting Requirements: a minimum of 30 percent of the buffer area shall be planted in a combination of approved shrubs, perennials, ornamental grasses, live ground cover, or turfgrass. Additional plantings may not be required in significant natural forested areas maintained within the street buffer if so approved by the Administrator. All other areas, including bare ground under trees, shall be covered in a minimum of three inches of mulch. Spacing and arrangement of plant material must be primarily based on the mature dimensions of the plants.
- e. Berms: Berms shall be allowed to augment required street buffer plantings as long as a minimum of 50 percent of all required trees and plantings shall be planted along the street front portion of the berm.

f. Waivers

Where an existing easement, legal restraint, or obstruction makes complying with these regulations infeasible, the Administrator is empowered to waive these requirements. The applicant shall demonstrate compliance to the extent practicable and mitigate the lack of screening.

7.5.6. Berms

- a. Applicability: Where due to topographical constraints or opportunities berms are a feasible option, the applicant may propose to use berms in coordination with other requirements of this ordinance. If included in the landscape design, berms shall:
 1. Not be used for the display of vehicles, merchandise, or storage of any kind;
 2. Have a minimum height of eighteen inches, a minimum crown width of two feet, and a side slope with a width to height ratio of no greater than three to one (3:1). No berm shall exceed four feet in height once the soil settles;
 3. Be designed and constructed with an undulating appearance which mimics, as much as is practicable, a natural topographical feature of the site;
 4. Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material;
 5. Be fully installed, planted, stabilized and maintained prior to certification of zoning compliance; and
 6. Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.

7.5.7. Berm Soil

The following shall apply to the soil to be used as a planting berm:

- a. The soil shall be imported topsoil or manufactured topsoil from off-site sources;
- b. The soil should be obtained from naturally well-drained sites where topsoil occurs at least four inches deep, but shall not be obtained from agricultural land, bogs or marshes;
- c. Berm soil shall be free of stones of one inch or larger in any dimension; roots, plants, sod, clods, clay lumps, or pockets of coarse sand; contaminants such as chemicals, construction materials and building debris, fuels, and other extraneous materials harmful to plant growth; and obnoxious weeds and invasive plants, including but not limited to quack grass, Johnson grass, poison ivy, nutsedge, nimblewill, Canada thistle, bindweed, bentgrass, wild garlic, ground ivy, perennial sorrel, and brome grass;
- d. The soil shall not be infested with nematodes, grubs, other pests, pest eggs, or other undesirable organisms and disease-causing plant pathogens; and
- e. Soil for berms shall be friable and with sufficient structure to give good tilth and aeration. Soil shall be within a pH range of 6.2 to 6.8.

7.5.8. Environmentally Sensitive Features

- a. Lots that are adjacent to or contain one or more protected waterbodies shall incorporate a 50 ft. wide natural buffer along the entire length of the waterbody and shall be calculated from the boundary of the waterbody.
- b. Waterbodies include lakes, natural ponds, rivers, streams, and wetlands.
- c. Within this buffer, there shall be no structures, land disturbance, or vegetation removal.
- d. Exceptions:
 1. Vegetation removal is allowed for the following reasons:

- a. Removing dead or dying trees
- b. Removing invasive species
- c. Providing an access corridor no wider than 15ft.
- d. Forestry Activity

7.6. Tree Protection and Preservation

7.6.1. Purpose and Intent

The purpose of this section is to retain and protect significant trees and existing natural vegetation. Additionally, when development projects need to remove existing trees and vegetation, this section lays out ways to mitigate removed trees so that the aesthetic look of the Town may be preserved within the context of natural elements.

7.6.2. Applicability

- a. The standards in this section apply to all applications for development that involve the removal, retention, protection, and replacement of trees.
- b. All other projects as defined by Section 7.2.1.

7.6.3. Protected Trees

- a. Town of Chapin Approved Tree Species List: As part of this UDO, the Town has an Approved Tree Species list to be utilized during development applications. In addition to the Approved Tree Species List, the Town of Chapin recognizes certain trees, because of their species and size, are an asset to both the Town and individual property owners and are hereby designated as “Significant”, “Historic”, and “Iconic” trees. Such trees are defined in this section.
 - 1. Significant Trees: Significant trees are any trees from the Town of Chapin Approved Tree Species List that have a diameter at breast height (DBH) at or greater than 18”.
 - 2. Historic Trees: Certain trees are deemed historic trees by the Town of Chapin. Historic trees are any trees from the Approved Tree Species List, or noninvasive hardwoods that have a circumference of 75 inches, or a diameter at breast height (DBH) at or greater than 24”.
 - 3. Iconic Trees: Certain trees are deemed iconic by the Town of Chapin. Iconic trees are any trees that have been identified by the Planning Commission or Town Council as Iconic due to their location, relation to historic events and/or property, overwhelming beauty and/or uniqueness, prominence in the visual beauty in the Town of Chapin, dedication to an individual(s) or event, or represent significant investment by the Town. A tree may be deemed iconic regardless of age, size, and/or species. The Town shall maintain a list of Iconic Trees in the Town of Chapin.

7.6.4. Unlawful to Remove, Cut, or Damage Protected Trees

- a. Unless authorized by the terms of this section or approved by the Administrator during site plan review, no person shall cut down, remove, irreparably or irreversibly damage or destroy any protected or tree with a diameter at breast height (DBH) greater than 8”.
- b. Historic trees shall not be removed, unless a credentialed arborist provides a report, finding the criteria for tree removal in Section 7.6.5.b. has been met, and that there is no reasonable means of preserving or saving the tree.

- c. Iconic Trees shall not be removed or replaced without the express permission of the Planning Commission. In the event that an Iconic tree is removed, replaced, damaged, or otherwise impacted, the Planning Commission shall determine the new location of the replacement iconic tree.
 - d. Forestry Activity Exempt
 - 1. Pursuant to the provisions of the South Carolina Forestry Management Act Section 48-23-205, forestry activities are permitted on all forestland parcels that is:
 - a. Taxed on the basis of its present value as forestland under S.C. Code of Laws Section 12-43-220(d); or
 - b. Managed in accordance with a forest management plan; or
 - c. Certified under the Sustainable Forestry Initiative, the Forest Stewardship Council, the American Forest Foundations Tree Farm System, or any other nationally recognized forest certification system; or
 - d. Subject to a legally binding conservation easement under which the owner limits the right to develop or subdivide the land; or
 - e. Managed and harvested in accordance with the best management practices established by the State Forestry Commission pursuant to S.C. Code of Laws Section 48-36-30.
 - e. Time Restrictions
 - f. In the event that the Administrator determines that any Forestry Activity on Forestland, that is otherwise permitted pursuant to subsection 7.6.4.d above, has resulted in a change in the land from Forestland to non-forest or nonagricultural use, the Administrator may deny zoning permit:
 - 1. One year after the completion of a timber harvest if the activity results in the removal of all or substantially all of the trees from the parcel.
 - 2. Five years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees from the parcel and the harvest was a willful violation of Town regulations.
 - 3. Conflicts with applicable ordinances of Lexington County.
- 7.6.5. Tree Removal Permit
- a. Permit Required

A Landscaping Permit shall be required for the removal of any tree on the Town of Chapin's Approved Tree Species List exceeding 8" DBH (Diameter at Breast Height) or protected trees as described in Section 7.6.3.
 - b. Acceptable Reasons for Tree Removal
 - 1. Removal of protected trees described in Section 7.6.3, shall be only be permitted when the applicant submits an arborist report with a landscaping permit application detailing the following findings:
 - a. The tree is dead.
 - b. The tree is affected by a pest or disease problem will result in rapidly declining tree health and a hazardous condition to other trees or safety.
 - c. The tree is in irreversible decline due to mechanical damage, poor maintenance or environmental stresses or a combination thereof and its condition cannot be improved with ANSI (Section 7.3.3.f) maintenance techniques.

- d. The tree has an uncorrectable structural defect that results in an increased risk of whole or partial tree failure.
 - e. The tree is in an existing or proposed restricted growth space resulting in conflict with the surrounding hardscape or infrastructure and the conflict cannot be resolved.
 - f. The tree is in conflict with overhead utility lines and proper pruning cannot adequately reduce the conflict without severely disfiguring the tree or will result in crown reduction encompassing more than 50 percent of the normal crown. Applicant to demonstrate the impossibility of other options that do not include tree removal.
 - g. The tree is in conflict with proposed site reconfiguration/improvements or above/below ground utility upgrades and the conflict cannot be resolved or the correction of the problem will result in severe disfigurement of the tree or severe root damage which compromises structural stability or will result in crown reduction encompassing more than 50 percent of the normal crown.
2. Removal of trees, that species are on the Town of Chapin's Approved Tree Species List, with a DBH between 8" < 18" the Administrator shall approve the landscaping permit if one of the following factors is determined;
- a. the tree is in good health,
 - b. the tree is a hazard to pedestrian, bicycle, or vehicular traffic,
 - c. the tree presents a hazard to buildings, structures, or utility lines,
 - d. the tree poses an immediate threat to health and safety of people or adjacent structures,
 - e. the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements and other relevant site development considerations.
- c. Tree Mitigation
1. Applicability: Mitigation and replacement for trees is not required for properties zoned RR, RA, SR1, SR2, SR3, TR1, TR2, and LI, unless the project falls under the "applicability" standards in Section 7.2.1. All properties shall be subject to the Tree Coverage Requirements in Table 7.6.6.
 2. Required Submittal: A tree removal and replacement plan, including the location, genus, and size (DBH) of the tree to be removed; and the species, proposed locations, and caliper at the time of planting of replacement trees. Replacement plan must be approved by the Administrator prior to issuance of a landscaping permit or any other permits.
 3. Installation of Replacement or Mitigated Trees: All trees removed in conjunction with approved tree removal permit shall be replaced within 90 days after removal. Exceptions to this timeline may be approved by the Administrator after determining that construction activities, weather conditions, or season warrant an extension. All trees shall be appropriately planted at the specified caliper (Section 7.3.7.) and spaced appropriately from buildings, paved areas, and other vegetation.
 4. Credits Toward Mitigation: Protected trees that are preserved on the property shall count towards mitigation. The type, size, and species of trees to be saved shall be included on the site plan.

5. Mitigation Schedule: Replacement trees of the same or similar species as the tree to be removed shall be planted as required in the tree replacement schedule in the table below. If tree replacement on the property is not possible because unique site conditions, safety concerns, and/or limitations of reasonable use of the property, the applicant may pay a fee to the Town in lieu of replacing trees per the schedule below:

Table 7.6.5.c.5: Tree Replacement and Mitigation Schedule

Tree Type	Replacement: % of caliper inches	Mitigation: Cost/Caliper Inch
Understory Tree	25%	\$10/inch
Canopy Tree	33%	\$50/inch
Significant	50%*	\$50/inch*
Historic Tree	50%*	\$100/inch*
Iconic	(See Section 7.6.4.c)	(See Section 7.6.4.c)

	APPROVED REPLACEMENT	APPROVED MITIGATION
EXAMPLES:	Historic Tree: A 24-inch Live Oak tree is approved to be removed. The applicant may choose to plant back (4) 3-inch Live Oaks (12") to equal 50% of the tree to be removed	Historic Tree: A 24-inch (DBH) Live Oak tree is approved to be removed. The applicant must pay \$2,400 for the removal of the tree (24" x \$100 = \$2,400)
	Canopy Tree: A 12-inch Live Oak tree is approved to be removed. The applicant may choose to plant back (1) 4-inch live oak to equal 33% of the tree to be removed.	Canopy Tree: A 12-inch tree is approved to be removed. The applicant must pay \$600 for the removal of the tree (12" x \$50 = \$600)

*Replacement location of historic or significant trees removed shall be decided by the administrator or applicable review entity.

6. Violations: Any tree removed without a permit shall be required to pay double the mitigation costs found in the above table.
- d. Exemptions
No permit is required for the following actions:
1. Removal of Hazardous Trees: In the event that a tree poses an imminent threat to public safety or property, such as a result of a catastrophic event, the Administrator may waive the requirements of this section. Depending on the nature of the conditions, the tree

may be removed prior to consultation with the Town, however written and photographic documentation must be submitted to the Administrator in all cases of hazardous tree removal, describing the threat which necessitates removal. The Administrator may require replacement of any trees which are removed where it is determined that the threat resulted from negligence.

2. Forestry Activities: Subject to the South Carolina Forestry Management Act Section 48-23-205, forestry activities on all forestland parcels shall be exempt from Tree Removal Permitting.
3. No Mitigation Required: Mitigation is not required for sweet gum, pecan trees, or pine trees not on the Town of Chapin’s Tree List.

e. Palm and Palmetto Trees

The following requirements are specific to palm trees or palmetto plants.

1. The palm or palmetto tree(s) shall be of the following species:

Table 7.6.5.e: Palm and Palmetto Trees

Common Name	Botanical Name
Needle palm	Rhapidophyllum hystrix
Dwarf or Bush Palmetto	Sabal minor
Cabbage Palm or Palmetto	Sabal palmetto
Saw Palmetto or Scrub Palm	Serenoa repens

2. Palmetto Trees or Palms are subject to the following conditions:
 - a. Palm or palmetto trees are only permitted at the entrance of a principal building, adjacent to a landscaped property entrance or sign, or part of a landscaped area featuring a flagpole(s).
 - b. Only one palm or palmetto tree may be located at an entrance of the principal building, adjacent to a landscaped property entrance or sign, or part of a landscaped area featuring a flagpole(s), unless otherwise permitted by the Architectural Review Board for the purposes of; balance or consistency with existing vegetation.
 - c. Any palm or palmetto tree shall be planted at the surface and properly supported per ANSI300 standards.
3. No palm or palmetto tree may be used as a shade tree, street tree, or as part of a buffer or landscaping requirement.

7.6.6. Tree Coverage Requirements

Applicability: In addition to the standards laid out within this Article, land or property shall maintain a minimum baseline canopy coverage area based on the zoning district and lot size. This canopy can be comprised of existing trees, new trees, or a combination of both, and shall be per the table below:

Table 7.6.6. Tree Coverage Requirements

ZONING DISTRICT	Minimum Number of Trees Required
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1 Overstory Tree Required

Agricultural (RR and RA)	N/A
Suburban (SR1 and SR2)	Per 4,000 sq. ft. of lot size
Suburban Residential 3 (SR3)	Per 6,000 sq. of lot size
Town (TR1, TR2, and TR3)	Per 6,000 sq. ft. of lot size
Town Center	N/A
Village Commercial	N/A
Commercial (CC, IC, and OC)	Per 6,000 sq. ft. of lot size
Institutional (PI)	Per 4,000 sq. ft. of lot size
Light Industrial	N/A

7.6.7. Tree Protection Zone (TPZ)

Before and during any land disturbance, construction or development, the following measures shall be utilized to protect trees, including tree crowns and roots, designated for retention per the site plan as approved by the Administrator. The location of the TPZ fencing and method of construction shall be noted on the site plan.

- a. Prior to clearing/grading/land disturbance, construction, and/or development of a property, the owner shall install all tree and root protection necessary to protect identified canopy and understory trees from damage.
- b. All trees shall be protected with a sturdy and visible fence before any land disturbance begins. At a minimum, such Tree Protection Zone (TPZ) shall be established and be equal to a one-foot radius on the ground for every inch of Diameter at Breast Height (DBH) or the extent of the drip line of each canopy and understory tree to be protected, whichever is greater.
- c. Tree protection fencing shall be installed and remain in place and in good condition until all clearing/grading/land disturbance, development and construction activities are completed.
- d. The TPZ fencing shall be constructed from any material visible and substantial enough to prohibit and keep out vehicles, people, and all other activities associated with the clearing/grading/land disturbance, development and construction process, as approved by the Administrator. Examples include wood posts and rails, chain link fencing, wire fencing and posts, and other substantial materials. Tree protection fencing shall be a minimum of four feet high.
- e. All Tree Protection Zones shall be designated as such with signs posted visibly on all sides of the fenced protection area, with lettering and colors that provide maximum readability in terms of distance and contrast.
- f. No soil disturbance or compaction, stock piling of soil or other construction, paving or landscaping materials, vehicular traffic, or storage of heavy equipment is allowed in the tree protection zones of trees to be retained.
- g. In situations where strict adherence to the provision of tree protection zones is not possible due to factors including, but not limited to, site conditions, overlapping tree protection

zones, or grade changes, the Administrator may, through field determination and consultation, allow modifications to the required tree protection zone based on accepted.

8.0 Parking

8.1. Purpose and Intent

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

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

8.2. Applicability

8.2.1. New Development

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

8.2.2. Existing Development

a. Change In use

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

8.2.3. Building Expansion

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

8.2.4. Historic Buildings

A designated building on the National Register of Historic Places, recorded with the State SCDAH or NPS that undergoes expansions under 20% of the number of dwelling units, floor area, or other

work requiring Minor Architectural Review shall not require additional off-street parking or loading facilities.

8.2.5. Timing of Review

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

8.2.6. Parking Plan Required

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

8.3. General Standards

8.3.1. Use of Parking

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

8.3.2. Identified as to purpose

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

8.3.3. Surfacing

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

8.3.4. Maneuvering

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

8.3.5. Parking in Front of a Residential Structure

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

8.3.6. Parking of Recreation, Commercial, and Unlicensed Vehicles

- a. No recreational vehicle shall be parked or stored on any lot in a residential district for more than twenty-four (24) hours, other than in a carport, enclosed building, or rear yard. The Rural Agricultural (RA) and Rural Residential (RR) zoning districts are exempt from these requirements.
- b. No vehicle or trailer subject to State licensing which does not display a current license plate shall be parked or stored on any lot in a residential district, except in an enclosed building or in the rear yard.
- c. No more than one travel or camping vehicle per family living on the premises shall be permitted to be parked on a lot in any residential district; and the vehicle shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized mobile home park.
 - 1. Exception: In Rural Agricultural (RA) or Rural Residential (RR) the Administrator may grant temporary storage of camping or recreational vehicle in the form of a temporary use permit. This shall not permit the RV to be used as a permanent or temporary dwelling unit. Temporary stays shall not exceed more than 120 total calendar days within a 12-month period. Where there is a conflict with Lexington County regarding RVs, the County’s regulations shall govern.
- d. Vehicles that have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater. This includes front- and rear-end loaders, or any kind of commercial, industrial, agricultural and transportation vehicles/equipment used primarily for business purposes, shall not be parked or stored on or adjacent to any parcel in residential district for purposes other than unloading, loading, or delivery services. This excludes vehicles or trailers approved under the Home Occupation requirements.

8.3.7. Americans with Disabilities Act

All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal American with Disabilities Act (ADA) and or ICC A117.1.

8.4. Minimum Off-Street Parking Requirements

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

Table 8.4.1: Minimum Number of Off-Street Vehicle Parking Spaces

Principal Use	Parking Standards
Residential Uses	
Accessory Dwelling Unit	1 space per unit, in addition to principal use standards
Bed and Breakfasts	1 space per unit, in addition 1 off-street space shall be reserved for the owner and 1 for staff (such as a housekeeper)

Day Care Home	2 space per unit, in addition 1 space shall be reserved for each employee on shift
Dwelling, Detached Single Family	3 spaces per unit
Dwelling, Attached Single Family	3 spaces per unit
Dwelling, Two-Family	2 space per unit
Dwelling, Three-Family	1 space per unit
Dwelling, Multi-Family	1.5 per unit
Rowhome	1 space per unit
Group Home, Small and Large	1 space per 3 beds, with 1 space for each employee or supervisor on shift
Manufactured Home	2 space per unit
Nursing Homes	1 parking space per 6 beds, in addition to 1 space per employee during peak-hour shift.
Short Term Rental	1 independently accessible on-site parking space per unit, no tandem parking allowed.

Commercial

Automobile Service Station	1 space per 2 employees at peak shift, in addition 1 space per 150 square feet of the automobile repair space.
Automobile, ATV, Motorcycle or Boat Sales	1 space per 2 employees at peak shift, in addition 1 space per 150 square feet of the automobile repair space (if applicable) All vehicles for sale shall be located on paved surfaces.
Automotive Parts Store	1 space per 400 square feet of gross floor area
Bars and Nightclubs	1 space per two seats or 1 space for every 75 sq. ft. of bar area, including outdoor areas, whichever is greater
Car Wash	1 space per peak hour employee, and 1 space per bay.
Catering Service	1 space per 400 square feet of gross floor area
Check Cashing	1 space per 400 square feet of gross floor area
Commercial Day Care Center	2 spaces per peak shift employee
Convenience Store	1 space per 400 square feet of gross floor area
Drive-In Movie Theaters	1 space per speaker outlet or audio connection
Dry Cleaning	1 space per 600 square feet of gross floor area

Financial Institutions	1 space per 400 square feet of gross floor area
Funeral Homes	1 space per 4 seats within the sanctuary (if applicable) and/or 1 space per 2 employees, whichever is greater
Garden Centers	1 space per 400 square feet of gross floor area
General Retail	1 space per 200 square feet of gross floor area
Hardware Store	1 space per 400 square feet of gross floor area
Hotels/Motels	1 space for each room to be rented, in addition to 1 space per 2 employees at peak shift
Indoor Storage	1 space per peak employee and 1 space per 5 leasable units.
Liquor Stores	1 space per 400 square feet of gross floor area
Microbrewery, Micro-Distillery, or Micro-Winery	1 space per 300 square feet or 1 space per two seats, whichever is greater
Miniature Golf	4 spaces per course hole, plus 1 space for every 2 employees on peak shift
Mixed-Use Building	2 spaces per residential unit in addition to parking requirement for other associated use
Office Building	2 spaces for each 1,000 square feet of leasable floor area, plus 1 space for each 2 employees
Office, Medical	1 space per 400 square feet of gross floor area
Office, Non-medical	1 space per 400 square feet of gross floor area
Personal Service	1 space per 400 square feet of gross floor area
Pet Boarding	1 space per 400 square feet of gross floor area
Restaurant, Full-Service	1 space per two seats or 1 space for every 75 sq. ft. of dining area, including outdoor areas, whichever is greater
Sexually Oriented Businesses	1 space per 400 square feet of gross floor area
Specialty Retail	1 space per 400 square feet of gross floor area
Tattoo Parlor	1 space per 400 square feet of gross floor area
Vape or E-Cig Store and Lounge	1 space per 400 square feet of gross floor area
Veterinarian	1 space per 400 square feet of gross floor area

Institutional, Civic, or Public

Amphitheaters	1 space per 4 seats
Cemetery and Mausoleums	4 spaces per acre, plus 2 spaces per employee on shift

Civic and Social Organizations	1 space per 600 square feet of gross floor area
Colleges, Universities, and Vocational Schools	1 space per 4 students at maximum capacity in addition to requirements for associated uses
Elementary Schools	1 space for each vehicle owned and operated by school staff and 2 spaces per classroom or administrative office
Farmers Market, Indoor	2 spaces per booth or vendor or 1 space per 400 square feet of gross floor area, whichever is less
Farmers Market, Outdoor	2 spaces per booth or vendor or 1 space per 400 square feet of gross floor area, whichever is less
Golf Course	4 spaces per course hole, plus 1 space for every 2 employees on peak shift
Government Building or Facility	1 space per 400 square feet of gross floor area
Hospital	1 space per 2 beds intended for patients, and 1 space for each 3 employees during peak shift
Kindergarten or Preschool	1 space for each vehicle owned and operated by school staff and 2 spaces per classroom or administrative office
Public Utility Stations	1 space per employee per shift
Recreational Facilities	10 spaces per athletic field or 4 spaces per .25 acre of areas dedicated to use, whichever is greater
Religious Assembly	1 space per 4 seats in the main assembly room
Secondary Schools	1 space for each vehicle owned and operated by school staff and 2 spaces per classroom or administrative office
Sports Stadium	1 space per 4 seats in addition to 1 space per peak hour employee
Theater	1 space per 4 seats
Transportation Terminal (Bus and Rail)	1 space per 2 passengers of a peak hour for departures and arrivals, including accounting for multiple buses or trains

Industrial

Animal Shelters	1 space per 400 square feet of gross floor area
Correctional Facility	2 spaces per peak hour employee in addition to 1 space for every vehicle owned and operated by the facility
Crematory	1 space per 600 square feet of gross floor area
Heavy Equipment Rental	1 space per 2 employees at peak shift, in addition 1 space per 150 square feet of the automobile repair space (if

	applicable) All vehicles and equipment for rent shall be located on paved surfaces.
Indoor Shooting Range	1 space per 400 square feet of gross floor area
Junk Yard or Scrap Yard	2 spaces per employee at peak shift
Manufacturing or Production Facility	1 space per 1,000 square feet of gross floor area in addition to 1 space per employee at peak shift
Outdoor Shooting Range	2 spaces per shooting bay, in addition to 1 space per employee at peak shift
Outdoor Storage	1 space per 400 square feet of gross floor area, in addition to 1 space per employee at peak shift
Repossession Services	1 space per 400 square feet of gross floor area, in addition to 1 space per employee at peak shift
Truck Sales and Service	1 space per 2 employees at peak shift, in addition 1 space per 150 square feet of the automobile repair space (if applicable) All vehicles for sale shall be located on paved surfaces.
Warehouse	1 space per 1,000 square feet of gross floor area in addition to 1 space per employee at peak shift
Wholesale Trade	1 space per 1,000 square feet of gross floor area in addition to 1 space per employee at peak shift

8.4.2. District Exceptions

Parking requirements for uses within the Town Center (TC) shall be reduced by 50%.

8.4.3. Planned and Negotiated Development Districts

Within Planned Development Districts, required off-street parking standards shall be determined during review of the application

8.4.4. Unlisted Uses

An applicant proposing to develop a principal use that is unlisted in Table 8.4.1, Minimum Number of Off-Street Parking Spaces shall propose the amount of required parking by one of the methods outlined below:

- a. Apply the minimum off-street parking space requirement specified in Table 8.4.1 for the listed use that is deemed most similar to the proposed use; or
- b. Conduct a parking demand study by a transportation or traffic engineer or other experienced professional to demonstrate the appropriate off-street parking space requirement. The study shall estimate parking demand based on the recommendations of the ITE, ULI or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

8.4.5. Maximum Number of Off-Street Parking Spaces

Except as otherwise stated within this Article, the maximum number of off-street parking spaces provided shall not exceed 125 percent of the minimum provided in Table 8.4.1. unless the need for more can be justified by a parking demand study as described in 8.4.4.b.

8.4.6. On-Street Parking

Uses may count on-street parking spaces that are within the frontage of the lot, on public street rights-of-way abutting the subject property towards the off-street motor vehicle parking minimums. If a development creates on-street parking spaces, one (1) created on-street parking space equals two (2) off-street parking spaces required by this ordinance. If there is a case where the creation of off-street parking is deemed infeasible due to site or legal constraints within the Town Center or Village Commercial zoning district, the applicant may pay a fee per parking space into a fund, in lieu of the parking requirements, set up by the Town for the purposes of establishing public parking. The fee shall be in the amount of \$3,000 per parking space.

8.4.7. Alternate Compliance

The parking ratios of this section are not intended to prevent development or to make development economically impractical. To allow for flexibility in addressing the expected parking demand, alternative off-street parking requirements may be approved by the Administrator. The applicant shall provide a parking study or a parking demand management plan demonstrating that the parking requirements in Table 8.4.1 do not accurately reflect the parking demand that can reasonably be anticipated for the proposed use.

8.4.8. Fractions

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

8.4.9. Bicycle Parking

A minimum of five (5) bicycle parking spaces is required for all uses requiring at least twenty-five (25) parking spaces. Thereafter, an additional two (2) bicycle parking spaces is required for each additional twenty-five (25) parking spaces. Bicycle parking facilities shall be standard bicycle racks or other secured lockable facilities. Where feasible, the bicycle facilities shall be located near the entrance to the building.

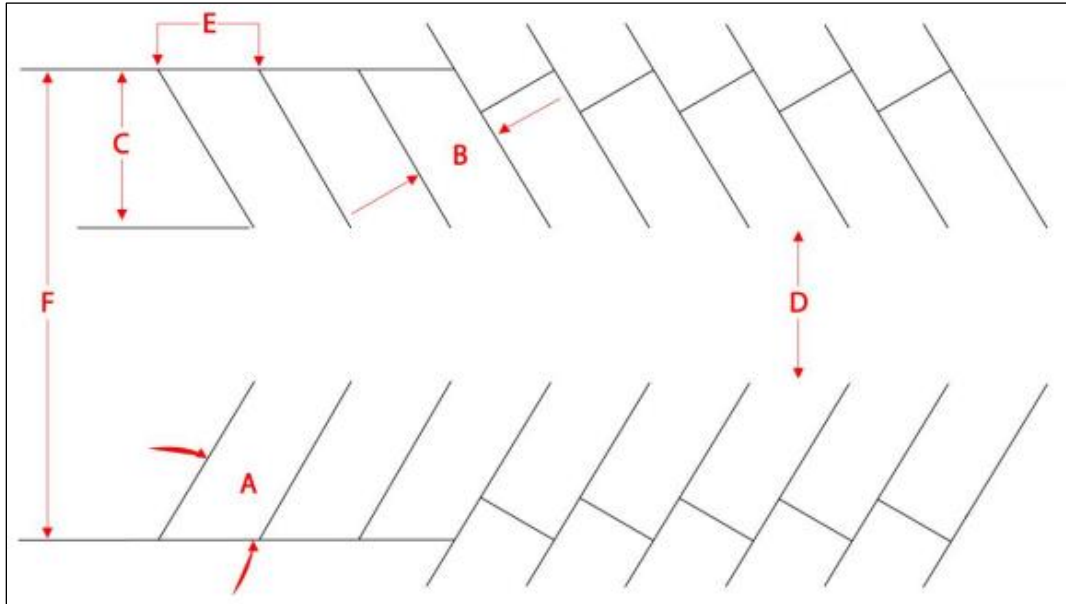
8.5. Design Standards for Parking Lots

8.5.1. Dimensional Standards for Parking Spaces and Aisles

Except as otherwise provided or determined by Lexington County, standard vehicle parking spaces and aisles shall comply with the minimum dimensional requirements established in Table 8.5.1: Dimensional Standards for Parking Spaces and Aisles. Landscaping and screening for parking lots shall conform with Section 7.4, Parking Landscaping.

Table 8.5.1: Minimum Dimensional Standards for Parking Spaces and Aisles

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



8.5.2. Parking Lot Location

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

Table 8.5.2.a Parking Area Location

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

CC and IC	Front, side, and rear	See note*
LI	N/A	
PO	N/A	

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

b. Parking Location for Double Frontage or Corner Lots

1. Except in the IC and LI District, no property shall have more than 2 rows (with aisle) between any one building and abutting public streets.

8.5.3. Off-Site (Satellite) Parking

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

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

8.5.4. Shared Parking and Parking Reductions

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

8.5.5. Additional Parking Reductions

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

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

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

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

 - 8.6.1. Connection to the Street

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

The on-site pedestrian circulation system must provide connection to existing paths and sidewalks on abutting properties or to the likely location of future paths or sidewalks on those properties. The applicant may pay the Town a fee in lieu of sidewalk improvements in certain cases where site or legal constraints prevent the construction of the sidewalk. Additionally, when the Zoning Administrator determines that no paths or sidewalks exist on a neighboring property or it is not possible to determine the likely location of future path or sidewalk connections or extending a connection would create a safety hazard on either property, no such connection is required.
 - 8.6.3. Internal Connections

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

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

 - a. The on-site pedestrian circulation system must be paved and be at least five feet in width.
 - b. An appropriately sized planting strip, dependent on proposed tree species, shall be provided on both sides of the pedestrian circulation system to accommodate the planting of canopy

or understory trees for the purpose of providing shade. One canopy tree shall be planted every 40' or one understory tree every 20', or combination thereof.

- c. When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of elevation changes, a different paving material, or other equally effective methods. Striping alone, when not combined with other mentioned or similar methods, does not meet this requirement.
- d. When the on-site pedestrian circulation system is parallel and adjacent to a motor vehicle travel lane, it must be a raised path at least six inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
- e. The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting shall meet the requirements of Section 8.7.

8.6.5. Parking Lot Connections

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

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

8.7. Lighting

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

8.7.2. Standards and Design Requirements

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

9.0 Signs

9.1. Purpose and Intent

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

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

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

9.2. Applicability

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

9.3. General Provisions

9.3.1. Placement

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

9.3.2. Constructions

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

9.3.3. Materials

Sign structures shall be constructed of durable, weather-resistant materials such as treated lumber, concrete, metal, brick, or other similar substitute or composite materials as determined by the specific Architectural Overlay defined in Article 6. Unfinished wood, cardboard, polystyrene foam, and similar materials are not permitted.

9.3.4. Design

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

9.3.5. Sign Illumination

- a. Internal Illumination: The background of internally illuminated cabinet signs shall be completely opaque. This provision does not apply to internally illuminated channel letters. Internally illuminated signs shall be fully encapsulated and shall not allow the light intensity or brightness of the sign to interfere with the safe vision of motorists or bicyclists. LED lighting that is greater than 5001 degrees Kelvin is prohibited within the Town. Internal Illumination (Alternate Wording): Sign illumination shall be external only and shall be

designed to only illuminate the sign face. Illumination can also provide for landscaping features; however, lighting shall be sufficiently shielded to prevent spillover. Cabinet signs, channel letters, or internally illuminated signs are prohibited in the Town. Cabinet signs or internally illuminated signs are only permitted in the Interstate Commercial (IC) District. Internally illuminated signs shall be fully encapsulated and shall not allow the light intensity or brightness of the sign to interfere with the safe vision of motorists or bicyclists. LED lighting that is greater than 5001 degrees Kelvin is prohibited within the Town.

- b. **Shielding:** Unless otherwise expressly prohibited, signs may be externally illuminated provided that lighting used illuminates the surface area of the sign only, and is shaded, shielded, or directed so that the light intensity or brightness does not interfere with the safe vision of motorists or bicyclists. Around external lighting, landscaping shall be designed to conceal the base of the light fixture to the extent feasible.
- c. **Proximity to Residential Property:** No commercial sign within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 10:00 p.m. and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this provision. This does not include residences in mixed use buildings in the Town Center, Village Commercial, nor does it include multi-family buildings.

9.3.6. Computation of Sign Area

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

9.3.7. Computation of Sign Height

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

9.3.8. Maintenance Requirements

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

9.3.9. District

- a. Where this section references rural zoning districts, this shall include Rural Agricultural (RA) and Rural Residential (RR).

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



9.3.10. Number of Signs Allowed

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

9.4. Freestanding Signs

9.4.1. Applicability

Table 9.4.1 Freestanding Signs

Sign Type	Zoning District	Max Area	Max Height	Min Height	Additional Requirements/Description
a. Monument Signs	VC, CC, IC, OC, PI, OP, and TR3	32 sq. ft.	8 ft.	3 ft.	A sign that is mounted on a foundation and accompanied by landscaping. 1. Maximum number: 1 per street frontage. A second is allowed if spaced more than 300 linear feet away and reduced by 50%.
	LI	48 sq. ft.	8 ft.	3 ft.	2. Landscaping, not including grass, shall be required for all monument signs. Such landscaping shall equal the total surface area of the sign face. 3. Foundation of monument signs shall be of stucco coated CMU, brick, or other similar material.
b. Post and Arm Sign	TC, VC, CC, IC, OC, PI, and TR3	10 sq. ft.	6 ft.	3 ft.	A sign supported by a single post
					

c. Sandwich Board Signs

TC, VC 6 sq. 4 ft
ft

A portable sign shaped like an A-frame with a sign panel on one or both sides, where the sign panel is integral to the structure of the sign. Shall only be placed on a sidewalk. Shall not impede access to pedestrian. Shall not be left overnight.



d. Easel Sign

TC, VC 6 sq. 4ft
ft

A sign or message board displayed on a portable, open frame, such as a tripod. Shall only be placed on a sidewalk. Shall not impede access to pedestrian. Shall not be left overnight.



e. Pole Mounted Signs

IC only 100 30'
sq. ft.

Shall be located on premise. Maximum base width of 10'. Landscaping, not including grass, shall be required for all pole signs. Such landscaping shall equal the total surface area of the sign face.



9.5. Attached Signs

9.5.1. Applicability

Table 9.5.1: Attached Signs

Sign Type	Permitted Location	Max Area	Additional Requirements/Description
a. Wall	TC, VC, CC, IC, OC, PI, and TR3	10% of area of primary building frontage of the first floor.	<p>A sign mounted parallel to or painted on a building facade or other vertical building surface.</p> <ul style="list-style-type: none"> a. Maximum Number – 1 per street frontage. Signs on secondary frontages may be ½ the size of the primary sign. b. No sign or sign structure shall extend above the roof line. c. No sign shall project from the façade more than 18".



- d. Not permitted for residential uses, other than multi-family buildings exceeding 10 units

b. Canopy/Awning



TC, VC, CC, IC, OC, PI, and TR3
50% of canopy valance area

- a. Maximum Number:1 per building frontage or tenant space, per street frontage
- b. Must allow a minimum of 8 feet clearance above sidewalk
- c. Shall not be placed above 2nd floor window sill or cornice of building, whichever is higher
- d. May encroach over sidewalk area no closer than 18 inches from curb
- e. Only the valance area of the awning/canopy may be used as a message area. The valance shall be a maximum of 1ft tall with lettering a maximum of 9 inches tall. The valance shall be made of the same material and shall be the same color as the awning/canopy.

c. Window/Door



TC, VC, CC, IC, OC, PI, and TR3
25% of transparent areas of windows or doors

Applied plastic or vinyl cut letters are prohibited.
A temporary sign permit is required for promotional signs posted on the interior side of the glass; these signs shall count toward the 25% maximum window coverage.

d. Projecting/Suspended

TC, VC, CC, IC, OC, PI, and TR3
8 square feet, to include multiple tenants within same building.

- 1. Maximum Number:1 per building frontage or tenant space, per street frontage
- 2. Must allow a minimum of 8 feet clearance above sidewalk



3. May project no more than 4 feet from building face and no closer than 18 inches from curb
4. Not permitted for residences with 3 or fewer dwelling units
5. Projecting signs shall not be higher than the fascia and/or cornice and shall not extend above the eave line.
6. For multi-story buildings, sign brackets shall be mounted no higher than the sill of the second-floor window.

**The total area of all attached signs for a business shall be no more than 1.5 times the linear frontage of the building, or in the case of multi-tenant buildings, than the individual tenant space.*

9.6. Other Signs that Require a Sign Permit

9.6.1. Tenant Directory Signs

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

9.6.2. Multi-Tenant Free-Standing Signs

- a. Applicability: Multi-Tenant signs are required for multi-building developments with 4 or more occupiable spaces, or three (3) or more uses that are connected by common walls, except within the Town Center (TC) district. Multi-tenant signs are encouraged for uses to consolidate signage.
- b. Design: The design, material, color, location, and illumination of signage shall be compatible with the overall design of the development. Multi-tenant signs shall follow the same regulations as monument signs with regard to landscaped areas around the foundation of the sign.
- c. Size: The size of a multi-tenant sign shall not exceed 125 sq. ft. If there are more than 10 occupiable spaces in one site, a 125% increase in sign area is permitted.
- d. Height: The height of such signs shall not exceed 8'.
- e. Number Allowed: Only one multi-tenant sign is allowed per development. No individual tenant free-standing signs are permitted. A second multi-tenant sign, equaling 50% of the total size of the first, may be permitted if the property if the following is true:
 1. The individual street frontage is greater than 500 feet.

2. The property is located on a corner or intersection.
3. The second sign shall be composed of the same materials and design as the first.

9.6.3. Residential Neighborhood Identification Signs

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

9.6.4. On-premise Directional Signs

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

9.7. Temporary Signs

9.7.1. Types of Temporary Signs

- a. Promotional Signs and Grand Opening Banners
 1. Maximum Number: 1 banner and 1 yard sign per tenant
 2. Maximum Area: 30 square feet, with a vertical dimension no greater than 3 feet. A yard sign shall not exceed 6 square feet.
 3. Minimum Height: Must be placed a minimum of 8 feet above sidewalk grade
 4. Location: Attached to building (must be secured along all 4 sides of banner). Shall not be affixed to trees, utility poles, street signs, or other structures other than the principal or accessory building. Shall be located entirely on private property and not encroach into any public right-of-way.
 5. Time Period: Maximum of 30 days
 6. Additional Requirements: Application for a permit for promotional banners may be made only 4 times during any calendar year by an applicant or entity, with no permits being approved consecutively. A minimum of 30 days shall expire before an application for a permit for a promotional banner can be accepted.
 7. Special Event Signs: Governmental, nonprofit, school, church or civic club-sponsored yard signs related to special events shall meet the following standards:
 - a. Signs shall be permitted 14 days prior to a function and shall be removed within 3 days after the function.
 - b. Signs shall be located on private property
 - c. Yard signs may not exceed 6 square feet.
- b. Construction Signs:
 1. Maximum Number: 1 per street frontage

2. Maximum Area: 32 square feet
3. Maximum Height: 6 feet
4. Location: Minimum of 10 feet from the street right of way.
5. Time Period: The sign permit shall be only valid, as long as the contractor permit is valid. For residential subdivisions, construction signs are permitted for a period of 12-months from permit issuance.
 - a. Real Estate Signs advertising sale or lease of the premises subject to the following standards: Other signs for the purposes of real estate, such as for open houses, agent tours or events, grand openings, and similar, shall abide by the same rules as described in 9.8.8 addressing the use of Temporary signage.
 - c. Temporary municipal, school, recreational and civic club sponsored signs, schedule of events, rules and regulations signs. Such signs shall not include identification signs.

9.7.2. Exempt Signs

- a. No sign permit is required within the following section:
 1. Government Signs including signs required by any law, order or governmental regulation.
 2. Property Address Signs
 3. Private Residence Signs
 - a. One personal identification sign not exceeding 2 square feet in area
 - b. One non-illuminated "For Sale" or "For Rent" sign not exceeding 6 square feet in area.
 4. Historical markers, historical monuments or signs as recognized by local, state, or federal authorities.
 5. Signs denoting the location of underground utilities
 6. Holiday decorations
 7. Signs on interior windows that are not permanently affixed to the glass and do not exceed 25% of the gross glass area.
 8. "Warning", "No Trespassing" and similar informational signs.
 9. Any sign inside a building and not intended to be viewed from the exterior.
 10. On residentially zoned lots, one unlighted freestanding sign not more than three (3) square feet in area and not more than 4 feet in height from the ground to the top of the sign. The sign may be used to advertise, garage sale, temporary construction or as a "for sale/rent" sign, etc. The sign shall not advertise any commercial enterprise not conducted on the same zone lot.
 11. Memorial signs, plaques or grave markers which are noncommercial in nature.
 12. Flags, pennants, insignia, or religious symbols of any government, non-profit or not-for-profit organization when not displayed in connection with a commercial promotion or as an advertising device. No more than three flag poles are allowed per lot. No duplicate flags are allowed. Flag poles shall not exceed a height of 35', unless it is located on a property zoned Interstate Commercial (IC), Rural Residential (RR), or Rural Agricultural. In the IC, RR, and RA district the maximum height of flag poles shall be 50'. All flags mounted on flag poles shall be maintained and kept in good condition.
- b. Political Signs

1. Each sign shall not exceed six (6) square feet in area in residential districts and twenty (20) square feet in commercial and manufacturing districts. This shall not include the use of billboards;
2. No sign shall be placed in any right-of-way, on any telephone pole or street sign, trees, or on any public property; and
3. Signs are permitted to be erected within sixty (60) days prior to an election and must be removed within 7 days after an election

9.7.3. Prohibited Signs

The following signs are prohibited:

- a. Off-premise signs, with the exception of flags of a sovereign nation, and banners erected by the city, county, or state government.
- b. Signs within the public rights-of-way, except those posted by a public agency
- c. Signs placed in any manner or location that constitutes a hazard to pedestrian or vehicular traffic
- d. In a manner that obstructs free ingress to, or egress from, a required door, window, fire escape, or other required exit.
- e. Electric letter signs are signs that change, blink, scroll, rotate, change height or intensity, or other illuminated signs which change due to electronic messaging.
- f. Off-premise commercial signage affixed to a private residence or dwelling, or displayed upon the grounds thereof.
- g. Attached to or painted onto the following:
 1. Trees, rocks or other natural features
 2. Fence posts, telephone or utility poles
 3. Roofs signs, or attached signs that project above the building height.
- h. Moving, Flashing, or Audible Signs
 1. Signs that move by any means regardless of whether they contain written messages.
 2. Signs set in motion by movement of the atmosphere or by mechanical, electrical, or other means, including, but not limited to: flags, adversails, feathers, pennants, posters, propellers, discs, ribbons, balloons, streamers, strings of light bulbs, and spinners.
 3. Flashing signs or devices displaying intermittent lights or lights of changing intensity.
 4. Signs that emit audible sound or visible matter.
- i. Movable or Towed Signs: Signs constructed to be used as a conveyance upon public streets, and usually parked in public places or private property primarily for the purpose of public display.
 1. Exception: Commercial vehicles, including standard passenger vehicles, that are fully operable may bear a permanently-adhered commercial message. They must be parked in a typical parking space and may not be located on landscaped areas or at angles to the street so as to increase visibility.
- j. Inflatable signs [including inflated balloons having a diameter of greater than two (2) feet for special events and grand openings, used in conjunction with a commercial building, project, or enterprise are permitted for a period not to exceed fourteen (14) consecutive calendar days.
- k. Sign Content Limitations
 1. Signs copying or imitating official government signs, or that purport to have official government status

2. Any sign and/or sign structure that obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign.
3. Signs containing statements, words, or pictures of obscene, pornographic, or immoral character that is not considered protected speech
- l. Impermanent and Unsubstantial Sign Types: Signs that are constructed of impermanent and unsubstantial materials including but not limited to inflatable signs, snipe signs, and feather signs/banners.
- m. Abandoned or Deteriorated Signs or Businesses:
 1. Sign structures no longer containing signs.
 2. Signs made structurally sound by unsightly bracing.
 3. Abandoned or dilapidated sign.
 4. Signs referencing businesses which have been out of business for more than 30 days.
- n. Billboards: Billboards are prohibited.

9.8. Violations

9.8.1. Impoundment of Signs

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

10.0 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

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.

10.1.3. Public Notice

In accordance with all applicable State of South Carolina Laws, 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:

- b. 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 within fifteen (15)-calendar days prior to the Public Hearing. Advertised notice shall contain the property address, parcel number, type of application, and contact phone number.
- c. 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.
- a. Property Posting: For rezoning, variances, and special exception applications, a 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 within 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.

10.1.4. Actual Notice of Decisions

Actual notice may consist of facts or conditions observed by the applicant as well as information conveyed orally, by email, or in writing to the applicant. Actual notice all final judgments and/or determinations made by any Board and/or Zoning Administrator are considered served at the hearing in which the final judgement was made. Written notice shall be mailed via United State Postal Service to the Applicant or Appellant within ten (10)-calendar days following the date a judgment and/or determination was rendered. Failure by the Town to mail this notice within ten (10) calendar days of the date of the judgement does not constitute a rehearing of the case as it was presented. 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

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

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.

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 or if the Administrator cites that an application is in noncompliance with the code. 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.

10.2.3. Applications Deadline

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

10.3. Application Requirements

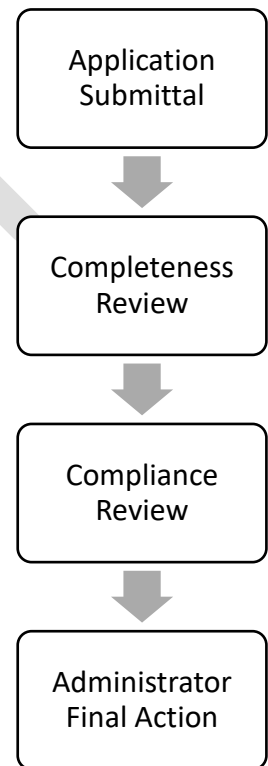
The following general standards for various applications are intended to require only that data/information that is necessary to render an informed decision by the reviewing agency.

10.3.1. Application 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. 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.
- d. 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.
- e. 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 Lexington 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.

- f. 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.
- g. 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.
- h. Development Phase Plan: The Development Phase Plan or Plans shall show the different section of the development that are planned for phased 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.



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. Tree Removal
- c. Home Occupations
- d. Converting a residential building to a non-residential use
- e. Approval of permitted accessory or temporary uses
- f. New Construction, additions, alterations, and modifications to existing buildings and sites, with applicable approvals from all authorities having jurisdiction.
- g. Expansion of use or accessory use
- h. Approval of performance guarantee
- i. Verification of an existing or proposed use
- j. Compliance inquiries regarding existing properties and ongoing or completed projects.

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 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)
- g. Any application may be sent to be reviewed by the ARB upon determination by the Administrator.

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.



- 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.
- i. Changes to COA: The Administrator may inspect or coordinate with Lexington County to ensure the project is in compliance with the COA. If there are changes to the conditions of approval, the applicant must return to the ARB with a revised application showing the proposed alternations. Any alterations or modifications to the conditions of approval shall be subject to the provisions in Article 12, Enforcement and Violations.

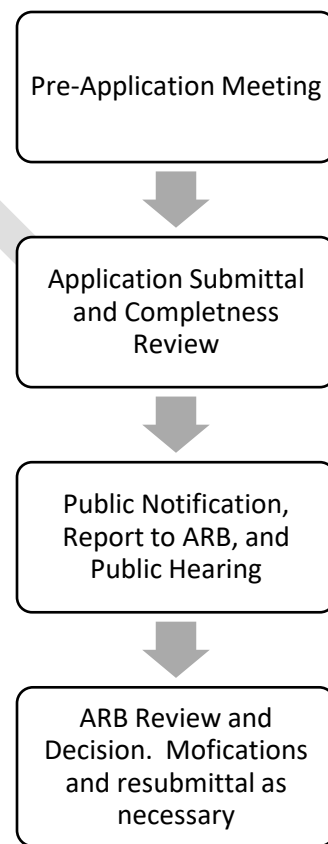
10.6. Architectural Review (Major)

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 new or converted multi-family residential building.
- g. Any residential building models to be used in a proposed major subdivision (Section 10.9).
- h. Any application not specifically described as “minor” by Section 10.6.1.
- i. Any Minor Architectural Review application that the Administrator determines review by the Architectural Review Board is needed

10.6.2. Process Type: Board Review

10.6.3. Pre-Application Procedure: 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 Administrator may also request that the applicant attend a preliminary review with the ARB. 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 Notification: Public notice of all hearings shall be published in a newspaper of general circulation within the Town fifteen (15) days prior to the public hearing.
- 10.6.7. Public Meeting: The Architectural Review Board shall hold a public meeting on the proposal. The applicant may present the proposal to the Board.
- 10.6.8. 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 impact surrounding property values by reason of factors subject to architectural review.
- 10.6.9. 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 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.
- 10.6.10. 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.
- 10.6.11. 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.
- 10.6.12. 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.
- 10.6.13. 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.

10.6.14. Changes to COA: The Administrator may inspect or coordinate with Lexington County to ensure the project is in compliance with the COA. If there are changes to the conditions of approval, the applicant must return to the ARB with a revised application showing the proposed alternations. Any alterations or modifications to the conditions of approval shall be subject to the provisions in Article 12, Enforcement and Violations.

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. The division of land into parcels of 5 acres or more where no new street is necessitated and/or created.
- b. 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.
- 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.

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.

10.7.4. Appeals

- a. 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 unless appeals to the circuit court.
- b. Subdivision Plat decisions made by the Planning Commission (PC) may be appealed to the circuit court within 30 days of the decision.

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.

10.7.7. Previously Approved or Recorded Subdivisions: The Administrator may deny any subdivisions that were approved or recorded within the last 24 months that the Administrator determined are willfully trying to circumvent these regulations, such as further subdivisions on a previously approved minor subdivision that would have required Major Subdivision review.

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. Request to 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.
- 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. Minor Subdivisions are subject to a probationary period. All parcels resulting from a minor subdivision, including the parent parcel, shall be prohibited from subdivision for a two-year period per new parcel. The subdivision of a parcel under probation may be considered by the Planning Commission through the major subdivision process.

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: Major Subdivisions shall include any division of land that does not meet, or exceeds the requirements for Minor Subdivision (Section 10.8.1). The following types of development require Major Subdivision Approval:

- a. Commercial and nonresidential subdivisions requiring new streets, infrastructure, and other development applications referenced in Section 5.2.1.
- b. Multi-Family Developments
- c. Manufactured Home Park
- d. Development that uses the Alternative Development Patterns in Section 5.5
- e. Any subdivision applications may be elevated to review by the Planning Commission as determined by the Administrator.
- f. Any development not listed or described as “Minor” in Section 10.8.1 or otherwise reference as needing Major Subdivision Approval within this Ordinance.

10.9.2. Process Type: Administrative and Planning Commission.

10.9.3. Public Notification: None

10.9.4. Sketch Plan Review

- a. Process Type: Administrative
- b. 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.

c. 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).

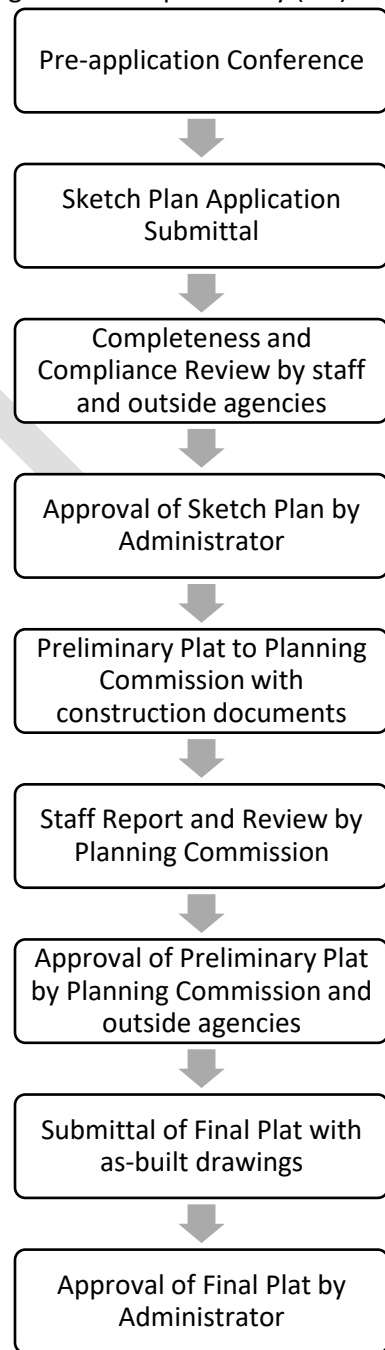
d. Approval of Sketch Plan: After reviewing the Sketch Plan, the Administrator will advise the applicant within thirty (30) days after application that the Sketch Plan is approved, disapproved, or approved with certain modifications. If approved, said approval shall constitute authorization to prepare 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



- 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.

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. Submittal 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 applicant 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, shall be in a form satisfactory to the local government attorney and in an accordance with the performance bond requirements within this ordinance. 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.
- 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 in the form of actual notice as described in this section. Actual notice to the applicant (either orally, email, or written) shall be given at least five (5) calendar days (excluding holidays) prior to the meeting.
- 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.

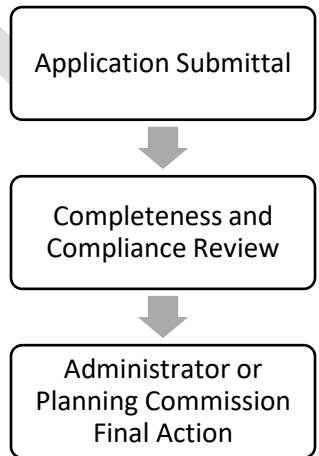
- g. Changes to Final Plat: If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the Administrator prior to final recording to determine if the revision requires Planning Commission review.

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 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. The Administrator is not obligated to allow modification from any numerical standards.

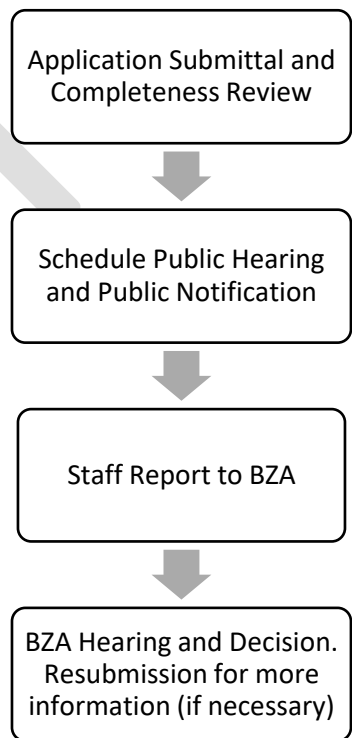


10.10.3. Permission of Flag Lot: When the applicant is proposing flag lots or other irregular lots as defined in this Ordinance (Article 3), the Administrator may permit the irregular or flag lot as an Administrative Adjustment, making written findings in accordance with Section 10.10.5.5.

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.
- 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).
- 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 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.



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.

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 accordance with 10.1.4, and the applicant shall then be authorized to submit any necessary permit(s) and/or application(s) consistent with this Ordinance.

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.

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.

10.11.5. Appeal: Any party aggrieved by the decisions of the BZA may appeal to the Lexington County 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 (Table 4.3.2) or the Accessory Use Table (Table 4.5.2) shall be permitted.
- b. No variances to sign regulations shall be permitted
- c. Variances to the design requirements in Article 6 shall be permitted, however the Administrator shall provide a written recommendation to the BZA in the staff report.

- d. Variances regarding projects submitted as major subdivision applications are permitted, however the Administrator shall provide a written recommendation in the staff report prior to appearing before the BZA for a variance.

10.12.2. Process and Approval

- a. Process Type: Public Hearing by the Board of Zoning Appeals (BZA). In cases where a variance is requested as described in 10.12.1.c and 10.12.1.d, the applicant shall first receive a recommendation regarding the variance from the Administrator, prior to seeking a final decision by the 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. In cases where a variance is requested as described in 10.12.1.c and 10.12.1.d, the Administrator shall their recommendation regarding the variance to the BZA within the staff report.
- 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.

Application Submittal and Completeness Review



Schedule Public Hearing and Public Notification



Staff Report to BZA



BZA Hearing and Decision

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 accordance with 10.1.4, and the applicant shall be authorized to submit any necessary permit(s) and/or application(s).

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.
- 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 Lexington County Circuit Court within 30 days of the decision.

10.13. Administrative Appeals

10.13.1. Applicability

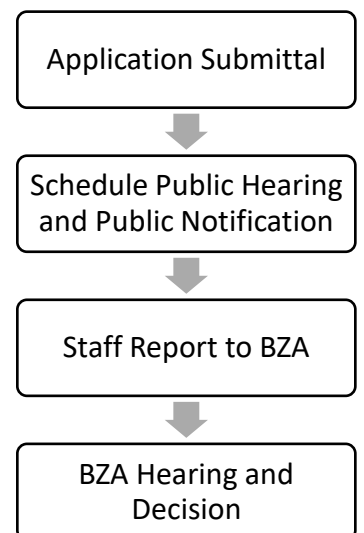
Any person aggrieved by a decision, interpretation, or determination of the Administrator may appeal to the BZA. Upon receipt of any Administrative Appeal application, The Administrator shall transmit to the BZA all papers constituting the record of the appealed action.

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.

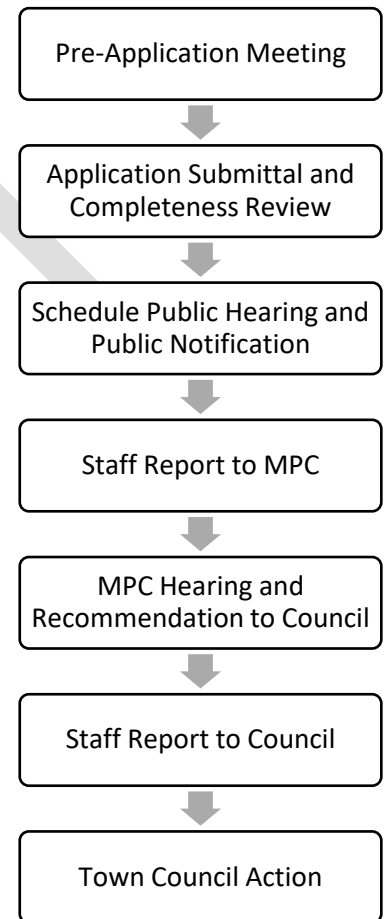
- 10.13.4. Findings of Fact: The BZA, in its execution of the duties specified in this section, may subpoena witnesses, and in case of contempt, may certify such fact to the circuit court that has jurisdiction.
- 10.13.5. Decision: All final decisions and orders of the ZBOA shall be in writing and shall 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 Rezoning
 - 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, considering 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 to 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 Town 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.

11.0 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

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 prior to the expiration of a business license and in such cases, the nonconformity shall continue to be subject to the Permitted Use Table, conditional use requirements, and requirements of this Article.

11.5. Minor Repairs and Maintenances

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. Changes 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

a. A nonconforming use shall be considered abandoned when:

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

- b. 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.
- c. Exceptions: Unless within the Town Center (TC) zoning district, nonconforming residential uses are exempted from the abandonment provisions.

11.7.3. Expansion and Enlargement

- a. A Nonconforming Use shall not be expanded.
- b. 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.
- c. A Nonconforming Use may not be extended to additional buildings, land outside the original building, additional patron space, or additional outdoor space.
- d. 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.
- e. The extent, degree, intensity, or frequency of a Nonconforming Use may not be increased.
- f. 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

- a. 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.
- b. 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. Use of Nonconforming Lots

- a. 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.
- b. 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

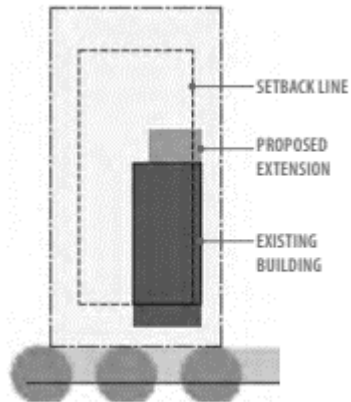
A Nonconforming Structure is any building or structure that was legally established but no longer complies with the density, lot coverage, floor area, height, architectural, and/or other dimensional standards of this Ordinance.

11.9.1. Modification to Nonconforming Structures.

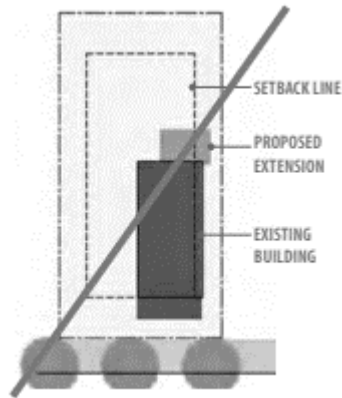
A nonconforming structure shall not be expanded in any way, except in conformity with this Ordinance, except in cases where the primary building on a lot is nonconforming solely as a result of a setback encroachment, additions to the structure can be allowed, provided the new addition does not project 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.

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*

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

- a. 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.
- b. A nonconforming structure shall not be intentionally demolished and rebuilt as a nonconforming structure.
- c. Time period: 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

11.10. 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. For those properties annexed into the Town, the applicant shall work with the Administrator to record all site, structure, sign, or other nonconformities within 90 days from the approval of the annexation ordinance by Town Council

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

- a. 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.

11.11.2. 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).

12.0 Violations and Enforcement

12.1. Violations Generally

12.1.1. Purpose and Intent

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

12.1.2. Applicability

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

12.2. Enforcement

12.2.1. Responsible Officer

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

12.2.2. Complaints

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

12.2.3. Notice of Violation

Should the responsible officer determine that a violation of the UDO exists, the responsible officer shall notify, in writing, the owner, the owner's authorized agent, and any other person's responsible for the violation. It shall be served by personal delivery or certified mail, return receipt requested. The notice shall be mailed to the property address indicated on the County's official tax notice address of record. Such notification shall serve as a warning notice of a violation. The Notice of Violation shall state the following:

- a. The address and TMS number of the land, structure, or sign that is in violation of this Ordinance; and,
- b. The nature of the violation, the provisions of the UDO being violated, and the necessary action to remove or abate the violation; and,
- c. 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,
- d. The penalty for failing to remove or abate the violation, stating that if the nuisance recurs, the authorized member of Town Staff shall issue a violation without further notice

12.2.4. Failure to Correct

- a. 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:
 1. The name of the owner of the land subject to the violation, any occupants, and any other person(s) responsible for the violation(s).
 2. The address or legal description of the land on which the violation is occurring.
 3. The nature of the violation.
 4. The provision(s) of this Code being violated.
 5. The date on which the case will be on the court docket for hearing.
 6. Any other information deemed pertinent by the administrator.
- b. 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.
- c. 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

- a. 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.
- b. Additional Remedies
 1. 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.
 2. Permit Revocation: Any permit, development approval, or other form of authorization required under this UDO may be revoked if the responsible officer determines that:

- a. 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.
 - b. The permit or development approval was procured by false representation.
 - c. 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.
3. 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.
- c. 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.
 - d. Costs
All costs and expenses incurred by the Town in removing or abating any violation under this Code may be assessed against the land on which the violation occurs as a lien on the property. Alternatively, the cost of removing or abating the violation may be made part of the judgment, in addition to any other penalties and costs imposed if the person or people charged either pleads guilty or is found guilty of causing, creating, or maintaining a violation.
 - e. Appeals
 - f. As provided in Article 10, the determination of the responsible officer in finding a violation may be appealed to the BZA for an interpretation within 30 days of the date of official notice of the alleged violation.

Appendix

13.0 Definitions

Accessory Dwelling Unit	A separate living unit including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit on a lot. ADU's are subordinate in size, location and appearance to the primary unit. May also be known as garage apartments, accessory apartments, or in-law apartments.
Accessory Structure	A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. Swimming Pools are considered accessory structures.
Accessory Use	A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. Accessory uses are scaled and design to be subordinate to the principal use.

Administrator	The Zoning Administrator or other person duly designated to act in his behalf.
Agricultural Uses or Animal Production	The raising of domesticated farm animals when, in the case of dairy cows, beef cattle, horse, ponies, mules, llamas, goats, and sheep, their primary source of food, other than during the winter months, is from grazing in the pasture where they are kept.
Agricultural Activity	This definition shall be used to define agricultural uses generally, and not tied to a specific permitted use. Uses that participate in farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products.
Agriculturally Significant	Generally, any land with an average Corn Suitability Rating (CSR) of 65 or higher is considered prime agricultural land, and is therefore deemed to be agriculturally significant for the purpose of this article.
Alley	A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
Amenity Center	An aesthetic and recreational (passive and active) feature that is in a development or reserved in conjunction with a subdivision. Also, could be a structure with amenities within, such as a gym, swimming pool, or event center.
Amphitheaters	An open, partially enclosed, or fully enclosed facility used or intended to be used for the gathering of people as an audience to hear music, lectures, plays, and other presentations.
Animal Shelters	A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.
Applicant	The owner of land proposed to be subdivided or his representative. Also referred to as "subdivider."
Arterial (Major Thoroughfare)	A freeway, expressway or a street or highway which is used or intended to be used for moving either heavy vehicular traffic volumes or high-speed traffic, or both, or which was designated as a major thoroughfare in the Comprehensive Plan.
Assisted Living Facility	A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.
Authority, Horticultural/Landscape	Any individual or source, licensed, registered, decreed or otherwise acknowledged as capable of providing expert information and reference in horticultural science and/or landscape design and maintenance.

Automated Teller Machine (ATM)	A mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.
Automobile Service Station, major	General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.
Automobile Service Station, minor	Any building, structure or land used primarily for the dispersal or offering for sale of automotive fuels, oils, and replacement or installation of minor parts and accessories. This shall not include major repair work, such as motor replacement or rebuilding, body and fender repair, or painting.
Automobile, ATV, Motorcycle, or Boat Sales	The use of any building, premises, or portion thereof for the display, sale, rental, or lease of new or used automobiles, ATV's, Motorcycles, or motorboats and any warranty repair work and other customary repair service conducted as an accessory use.
Automotive Parts Stores	Sales of new automobile parts, tires, and accessories. May also include minor parts installation. Shall not include tire recapping establishments or businesses dealing primarily in used parts.
Bar	Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.
Bed and Breakfast, Inn	An owner-occupied short-term rental establishment where 6 to 10 rooms or individual units are available for rent for transient guests. Any establishment exceeding 10 units for short term rental shall be considered a Hotel or Motel.
Bed and Breakfast, Residence	An owner-occupied short-term rental establishment where 5 or less rooms or individual units are available for rent for transient guests.
Beehive	An accessory structure designed to contain a colony of honeybees. Also referred to as an apiary.
Berm	Any hill or slope which represents a change of elevation of at least two (2) feet at a slope of between twenty-five (25%) and fifty (50%) percent and which is covered with an appropriate stabilizing vegetation.
Block	A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way's, shorelines of waterways, or boundary lines of municipalities or counties.
Boathouse	Accessory structure constructed either wholly or partially over a body of water and designed primarily to provide shelter for water craft or for marine-related equipment.

Bond	Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Government Body. All bonds shall be approved by the Governing Body wherever a bond is required by these regulations. A bond can be a performance bond, surety bond, or an irrevocable letter of credit. The amount must equal at least 150% of the cost of the required improvement.
Buffer	Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
Buffer Yard	A strip of land, improved by landscaping or fences, or both, designed to mitigate the extent of higher intensity land uses on neighboring lower intensity uses.
Building	Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
Building Line	A line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang and the subsurface projection of footings.
Campground	An area situated in a natural or outdoor recreational environment to be used for transient occupancy by camping in tents or leasable units for the purposes of short term stays not to exceed 30 days.
Canopy Tree	Any tree that that exceed 25' in height or more at full maturity.
Car Wash	The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. Car washes are considered accessory structures to automobile service stations.
Caretaker Dwelling	An accessory dwelling on a nonresidential premise, occupied by the person who oversees the nonresidential operation 24 hours a day.
Carport	Any parking space or spaces having a roof but not enclosed by walls and accessory to a dwelling unit or units.
Catering Service	An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.
Cemetery and Mausoleums	Land used for internment of the dead in the ground or in mausoleums
Central Sewerage System	A community sewer system, including collection and treatment facilities, not owned and operated by a public agency serving a new subdivision in an outlying area.
Central Water System	A private water company not owned and operated by a public agency, serving new community development in an outlying area. It includes water treatment and distribution facilities.
Change of Use	Any use that substantially differs from the previous use of a building or land.

Check Cashing	A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Includes payday lending services, title loan services, and other similar enterprises.
Chicken Coop	A fully enclosed with a solid floor and made of suitable, washable material for the purposes of housing female poultry. Considered an accessory use.
Civic and Social Organizations	Establishments primarily engaged in promoting civic and social interests to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a business.
Cluster Single Family Development	A form of planned residential development that concentrates Single Family Dwellings on a part of the site (the cluster area) to allow the remaining land (the open space) to be used for recreation, common open space, or preservation of environmentally sensitive areas.
Clustering	A subdivision design method that concentrates development in specific areas on the proposed site. The purpose of clustering is to allow increased density on a portion of the parcel, while preserving the rest as permanent open space. The density of the entire parcel will not exceed the original density of the parcel, the houses will just be grouped together in one or more areas on the parcel, unless a density bonus is granted by the Planning Commission, which will allow increased building density on the parcel. The concept of clustering provides for a flexibility in subdivision design that fits the natural characteristics of the land and permits more useable open space and the preservation of prime agricultural land and land containing one or more sensitive areas.
Collector	A street which is used or intended to be used for moving traffic from minor streets to major thoroughfares, including the principal entrance and circulation street or streets of a development. Types of collector streets are Urban Residential, rural residential, commercial, or industrial.
Colleges, Universities, and Vocational Schools	An institution for post-secondary education, public or private, offering courses in general, technical, or religious education. It operates buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities.
Co-Location, Telecommunications	Equipment affixed to or erected upon existing freestanding or remote freestanding [wireless communication facilities] or other communication tower. Equipment can be affixed to uses such as water towers, government uses, or institutional structures.
Combined Animal Feeding Operation (CAFO)	The feeding of livestock, poultry, or small animals for commercial purposes usually in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means. Also referred to as a feedlot.

Commercial Day Care Center	A licensed day care facility licensed that provides non-medical care and supervision to more than 12 adult clients or minor children for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: infant centers, nursery schools, preschools, after-school or extended day care, and school age child care centers.
Commercial Use	This definition shall be used to define commercial uses generally, and not tied to a specific permitted use. A use that either purchases, sells, or otherwise conducts a transaction involving the disposition of any article, substance, commodity, or service; the maintenance or conduct of offices, professions, or recreational or amusement enterprises conducted for profit and also including renting of rooms, business offices, and sales display rooms and premises.
Conditional Use	A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the Zoning Ordinance and authorized by the approving agency.
Conservation Subdivision	A residential development where fifty percent or more of the developable land area is designated as undivided, permanent open space, thereby permanently protecting agriculturally, environmentally, or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots.
Conservation Subdivision Design	A residential development where fifty percent or more of the developable land area is designated as undivided, permanent open space, thereby permanently protecting agriculturally, environmentally or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots.
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.
Contractor Office	An office on an active construction site, including steel cargo storage containers on a temporary basis, provided a Project Permit has been issued for construction on the site, and such facilities are placed on the property to which it is appurtenant.
Convenience Store	Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.
Corn Suitability Rating	The suitability of a soil is determined by a number of characteristics including soil quality, growing season and moisture. A ranking is then assigned to the area.
Correctional Facility	A facility housing person awaiting trial or persons serving a sentence after being found guilty of a criminal offense.
Crematory	A location containing properly installed, certified apparatus intended for use in the act of cremation.

Critical Wildlife Habitat	Areas containing elements vital to the survival of endangered or threatened species including but not limited to, food sources and cover.
Crosswalk	A right-of-way within a block dedicated to public use, intended primarily for pedestrian use designed to provide access to adjacent roads.
Cul-de-sac	Minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
Curb Cut	The opening along the curb line at which point vehicles may enter or leave the roadway.
Day Care Home, Large (6 to 11)	A licensed day care facility that provides non-medical care and supervision to 7-12 adult clients or minor children for periods of less than 24 hours per day for any client. Facilities include but are not limited to: infant centers, nursery schools, after-school or extended day care, and school age child care centers.
Day Care Home, Small (less than 6)	A licensed facility in a private home where an occupant of the residence provides family day care for up to 6 adult clients or minor children for periods of less than 24 hours per day for any client.
Deck	Uncovered or covered structure attached to a principal structure for the purposes of outdoor living or recreational space. Also referred to as a rear porch or patio.
Decorative Curbing	Parking or storage lot pavement curbing usually constructed of stone or unit masonry and designed to control surface drainage and serve as a barrier to vehicular traffic, or as a traffic calming measure.
Developed Lot	Any lot which has been developed with buildings or other improvements, or for which development approval, such as a final plat approval, a zoning permit, or a certificate of occupancy, had been issued before the effective date of this Ordinance.
Developer	The owner or owners (or their representative) of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.
Diameter at Breast Height (DBH)	The diameter of a tree trunk or the cumulative diameter of multiple trunks measured four and one-half feet above natural grade.
Display Area or Lot	Any unenclosed area used for the display of merchandise.
District	A part, zone, or geographic area within which the provisions and regulations of this Ordinance apply uniformly to each class or kind of structure or land.
Drive-through facility	Facilities where food or other products may be purchased or services may be obtained by motorists without leaving their vehicles and by maneuvering around or beside the building in a dedicated lane.
Drive-through window	A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service. Pick-up or drive-through windows or openings are classified as an accessory use.

Dry Cleaning	An establishment primarily engaged in cleaning and/or laundering garments and clothing.
Dwelling, Single Family Attached	More than 3 but less than 6, dwelling units sharing a common wall, each individually owned or rented, and located on individual lots but joined along a single lot line.
Dwelling, Single Family Detached	A building containing not more than one (1) dwelling unit, not physically attached to any other principal structure, and specifically excluding mobile homes and manufactured homes.
Dwelling, Multi-family	A structure containing four or more dwelling units on a single lot. A building or portion thereof containing four or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.
Dwelling, Triplex	A structure containing three dwelling units on a single lot. A building or portion thereof containing three dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule.
Dwelling, Two-Family	A structure containing two dwelling units on a single lot. A building or portion thereof containing two dwelling units on a single lot where each unit has a separate entrance from the outside.
Dwelling Unit	One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.
Easement	A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.
Elementary Schools	A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in schools within the state.
Encroachment	Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback.
Enlargement	An increase in the size of an existing structure or intensity of use, including physical size of the property, building, parking, and other improvements.
Environmentally Significant	Any tract of land that contains one or more of the following sensitive areas as defined by the S.C. Department of Natural Resources: critical wildlife habitats, erodible land, flood hazard areas, natural prairies, stream corridors, wetlands or woodlands, or that contains a scenic natural area.

Erodible Lands	Areas of incline, whether natural or manmade, lacking sufficient vegetation to prevent instability, erosion or downstream siltation. The key indicator for erodible lands is a slope of five percent (5%) or greater. Areas with a 5% slope or greater are subject to review by the USDA Natural Resources Conservation Service (NRCS). The NRCS will make the final determination regarding the area's erodibility.
Extraordinary Developments	Any artificial impoundment, such as a lake, created through the use of dams or other means.
Fair Market Value	The value of a structure or parcel based upon one of the following: 1) Value listed in the Lexington County's Tax Assessor data, or 2) The value listed in a professional appraisal not older than 1 year.
Fairgrounds	An area wherein buildings, structures, and land are used for the exhibition of livestock, farm products, etc., and/or for carnival-like entertainment.
Family	One (1) or more persons living together as a single housekeeping unit.
Farmers Market, Indoor	A building or structure where one or more farmers, growers of fruits and vegetables sell their fresh or processed products or related products.
Farmers Market, Outdoor	A temporary or semi-permanent outdoor location where one or more farmers, growers of fruits and vegetables sell their fresh or processed products or related products.
Fence	An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
Final Plat	The final map of all or a portion of a subdivision that is presented for final approval.
Financial Institutions	Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.
Foot-candle	The unit of illumination when the foot is the unit of length.
Frontage	That side of a lot abutting on a street or way ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
Full-Service Restaurant	An establishment where food and drink are prepared, served, and consumed primarily within the principal building. This excludes drive-through restaurants.
Funeral Homes	Establishments for preparing the dead for burial or interment and conducting funerals.

Garage, attached	A building, or part thereof, attached to a principal use and used or intended to be used for the parking and storage of vehicles.
Garage, detached	A detached structure, scaled and design to be subordinate to the principal use, classified as an accessory use to and to which there is legal vehicular access from a public right-of-way, designed for the storage.
Garden Centers	The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products to the consumer.
Gazebo	A freestanding structure (similar to a detached open patio cover) and be designed for recreational use only and not for habitation.
General Retail	Stores and shops intended to serve as destination retail, convenience shopping, and provision of general services. Examples of these stores, lines of merchandise, and services include: Art galleries; art supplies; books, magazines, and newspapers; cameras and photographic supplies; clothing, shoes, and accessories; collectibles (cards, coins, comics, stamps, etc.); drug stores and pharmacies; dry goods; fabrics and sewing supplies; furniture and appliance stores; hobby materials; home and office electronics; jewelry; luggage and leather goods; musical instruments; neighborhood markets; small wares; grocery store; specialty shops; sporting goods and equipment; stationery; toys and games; variety stores; videos, DVD's, records, and CD's, including rental stores.
Golf Course	A facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities but excluding miniature golf.
Government Building or Facility	Facilities operated by a unit of government to serve public needs, such as police, fire service, ambulance, judicial court, or government offices, but not including public utility stations or maintenance facilities.
Grade	The slope of a road, street, or other public way, specified in percentage (%) terms from the horizontal.
Grading	Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.
Greenhouse	An accessory use, building, or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.
Gross Floor Area	The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

Group Development	All divisions of a tract or parcel of land into two or more building sites for the purpose, whether immediate or future, of building development. Group developments would include apartment complexes, office parks, shopping centers or other commercial structures or complexes containing two or more business establishments, mobile home parks, industrial parks, or other developments where the site is not subdivided into lots and public streets but is divided into two or more building sites.
Group Home, Large	A home serving eight or more mentally or physically handicapped persons provided the home provides care on a twenty-four-hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose. May also be referred to as an Assisted Living Facility.
Group Home, Small	A home serving seven or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four-hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose. This use shall be considered a single-family dwelling in terms of applicable building standards. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a group home shall not exceed 7.
Hardware Stores	Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold for the purposes of home improvement.
Health Department	The public health department having jurisdiction over the land area in which the proposed subdivision is located, or the South Carolina Department of Health and Environmental Control.
Heavy Equipment Rental	The temporary leasing of tools, materials, or construction equipment, excluding equipment used for excavation, grading, or similar tasks or processes.
Historic Trees	Any tree having a tree circumference greater than 75 inches or a diameter at breast height of 24 inches or greater.
Historically Significant	<p>Any tract of land that contains an archaeological or historical resource as defined by the Historic Preservation Ordinance of the Town of Chapin, the Office of State Archaeologist of South Carolina and/or the S.C. Department of Archives and History, or that is considered by the State Historic Preservation Officer to be eligible for the National Register of Historic Places is defined as historically significant. In addition, any contiguous pieces of property of no greater area than one hundred sixty acres under diverse ownership which:</p> <ul style="list-style-type: none"> a.) Are significant in American history, architecture, archaeology and culture, and b.) Possess integrity of location, design, setting, materials, skill, feeling and association, and c.) Are associated with events that have been a significant contribution to the broad patterns of our history,

OR

d.) Are associated with the lives of persons significant in our past, or

e.) Embody the distinctive characteristics of a type, period, method of construction, represent the work of a master, possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction, or

f.) Have yielded, or may be likely to yield, information important to prehistory or history.

Home Occupation, Major	Residential premises used for the transaction of business or the supply of professional services. Major Home Occupations shall be limited to salons, doctor's offices, day care homes, and other similar occupations which have a low volume of visits to the residence. This home occupation use shall not disrupt the general character of the neighborhood.
Home Occupation, Minor	Residential premises used for the transaction of business or the supply of professional services. Home Offices shall be limited to the following: agent, architect, artist, broker, consultant, draftsman, dressmaker, engineer, interior decorator, and other similar occupations as determined by the Administrator. Such use shall not employ more than 1 person in addition to the residents of the dwelling. The home office shall not disrupt the generally residential character of the neighborhood.
Horticulture	The use of land for tree farming or growing or producing field crops, livestock, and livestock products for the production of income, excluding feedlots. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
Hospital	An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions. This definition shall not include drug rehabilitation facilities, halfway houses, nursing homes, institutions for mentally ill individuals, or other similar facilities.
Hotels/Motels	A building in which lodging for pay is offered to public, with or without meals, for transient or permanent guests, including motels.
Hydric Soils	Soils susceptible to saturation by water, as defined by the USDA Natural Resources Conservation Service.
Iconic Trees	Certain trees are deemed iconic by the Town of Chapin. Iconic trees are any trees that have been identified by the Planning Commission as Iconic due to their location, relation to historic events and/or property, overwhelming beauty and/or uniqueness, prominence in the visual beauty in the Town of Chapin, dedication to an individual(s) or event, or represent significant investment by the Town. A tree may be deemed iconic regardless of age, size, and/or species. While living, Iconic Trees may not be removed or replaced without the express permission of the

	Planning Commission. The Town shall maintain a list of Iconic Trees in the Town of Chapin.
Individual Sewage Disposal System	A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.
Indoor Shooting Range	A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure.
Indoor storage	Structures containing generally small, individual, compartmentalized stalls or lockers offered for rent or lease to the general public as individual storage spaces and characterized by low parking demand. Premises may include retail or wholesale sales related to storage (e.g. boxes, locks, tape, protective material, etc.).
Industrial Use	This definition shall be used to define industrial uses generally, and not tied to a specific permitted use. Industrial land uses characterized by production, manufacturing, distribution, or fabrication activities.
Institutional Use	This definition shall be used to define industrial uses generally, and not tied to a specific permitted use. Institutional facilities provide a public service and are operated by a federal, state, or local government, public or private utility, public school or college, public agency, or tax-exempt organization.
Intensity of Use	The number of dwelling units per acre for a residential development and the amount or degree of activity for commercial and manufacturing development.
Intersection Sight Distance (ISD)	The corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the crossing leg(s). ISD evaluations involve establishing the needed sight triangle in each quadrant by determining the legs of the triangle on the two intersecting roadways. The necessary clear sight triangle is based on the type of traffic control at the intersection and on the design speeds of the two roadways.
Junk	Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.
Junk Yard	Any use involving storage or processing of inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, manufacturing wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials.
Kennel	A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
Kindergarten or Pre-school	A school for children primarily between the ages of three and five, providing preparation for elementary school.

Land Development	A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks or similar developments for sale, lease or any combination of owner and rental characteristics.
Land Use	The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.
Linear Feet	As it pertains to proximity requirements within Article 4, linear feet shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of one use to another. In other sections of this code it shall mean the straight-line distance between two points.
Liquor Stores	Any business selling general alcoholic beverages, also known as sale of distilled spirits or hard liquor, for off-premises consumption.
Local (Minor Street)	A street that is used or intended to be used to provide access to other streets from individual properties.
Lot	A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon an area with fixed boundaries, used or intended to be used by one building and its accessory building(s) and not divided by any public highway or alley.
Lot Area	Means the total area of the lot including easements. The total area within the lot lines of a lot, excluding any street right-of-way.
Lot Depth	The mean horizontal distance between the front and rear lot lines.
Lot Frontage	The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided upon that basis. The phrase "street frontage" shall be interpreted to have the same meaning as the phrase "lot frontage."
Lot Improvement	Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.
Lot Line	A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.
Lot Line, Front	See "Lot Frontage"
Lot Line, Rear	The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
Lot of Record	A lot defined by plat or described by metes and bounds which has been duly recorded with the County.

Lot Width	The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth, or the same distance measured at a point midway between the front lot line and the rear lot line, or at the rear line of the required front yard (building line), especially on irregularly shaped lots.
Lot, Corner	A lot situated at the intersection of two (2) streets. (The interior angle of such intersection not exceeding 135 degrees.).
Lot, Double Frontage	A lot having frontage and access of two or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets.
Lot, Interior	A lot other than a corner lot.
Lot, Reversed Frontage	A lot having frontage on two or more public streets, the access of which is restricted to on street.
Lot, Through	A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.
Manufactured Home	Factory-built, single-family structures that meets the National Manufactured Housing Construction and Safety Standard Act. (42 U.S.C. Section 5401), commonly known as the HUD Code.
Manufactured Home	A single-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 (42. U.S.C Sec. 501), which became effective June 15, 1976
Manufactured Home Park	A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sale or storage lots for unoccupied units are not manufactured home parks.
Manufacturing & Production Facility	A facility within which materials are mechanically or chemically transformed into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.
Marginal access	Minor streets located parallel and adjacent to a limited access street or highway which provide access to abutting properties and protection from through traffic.
Microbrewery, Micro-Distillery, Micro-Winery	A production facility for alcohol beverages that includes a taproom for on-site tasting and consumption of its product. May also include a restaurant or food service.
Miniature Golf	A theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a hole where patrons in groups pay a fee to move in consecutive order from the first hole to the last.
Mini-warehouse	A building or group of buildings on a fenced, controlled access lot which contain individual locked compartments for storage of personal property.

Mixed-Use Building	A building which contains dwellings located above the ground floor of an institutional, civic, office, commercial, or retail use. Mixed-use buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses, and are sometimes referred to as "live-work units." Where a mixed-use dwelling is permitted by this ordinance within a particular district, the ground-floor retail uses are also permitted. When the number of dwelling units exceed are greater or equal to 4 units, the primary use will be considered multi-family.
Mobile Home	A dwelling unit that is constructed and assembled at a factory with a permanently attached chassis that is transported to the building's site and placed on a pre-built foundation.
Mobile Home	A movable or portable residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, over thirty-two (32) feet in length and eight (8) feet or more in width, constructed to be towed on its own chassis and designed without a permanent foundation for long-term occupancy, which includes a double wide or expandable mobile home as defined below, as well as a portable dwelling composed of a single unit, which may or may not be in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974. The term "mobile home" as used in this Ordinance shall not include prefabricated, manufactured, modular or unitized dwellings placed on permanent foundations, nor shall it refer to travel trailers, campers or similar units designed for recreation or other short term uses.
Modular Home	A structure intended for residential use and manufactured off-site in accord with the Southern Building Code and BOCA Basic Building Code.
Multi-Tenant Sign	A freestanding sign, having one (1) to four (4) faces, designated to provide identification (name and nature only) of more than (2) activities of businesses identified located on a single premise.
Net Acre	Net acre refers to the total area of land available for development including setbacks, not necessarily the total area of a property itself. Net acre includes local access roads, parking areas, footpaths and local recreational open space such as children's play areas and amenity space. It does not include open space, drainage land, regional roads and land used for other public facilities. In relation to housing sites, net acre excludes main roads, buffer zones, structural landscaping, other uses such as local shops, school sites where required, and general open space and, wherever possible, features of natural heritage interest.
Nonconforming	A term applied to lots, structures, uses of land or structures, and characteristics or use of land or structures which were established lawfully before the passage or amendment of this Ordinance, but which are prohibited or not in compliance with the requirements of this Ordinance. For more details see Article 11, Nonconformities.
Nonresidential Subdivision	A subdivision whose intended use is other than residential, such as commercial or industrial.

Nursing Homes	A home licensed by the [state] for the aged or chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
Office Building	A building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, or convenience store.
Office, Medical	A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis that does not include overnight stay or care.
Office, Non-medical	A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.
Off-Site	Any premises not located within the area of the property to be subdivided whether or not in the same ownership of the applicant for subdivision approval.
Off-Street Loading	Designated areas located adjacent to buildings where trucks may load and unload cargo.
Open Space	Those areas developed either for passive or active recreational activities. The development may include but shall not be limited to walkways, benches, open fields, multi-use courts, swimming and wading pools, amphitheaters, etc. The term "park" shall not include zoos, travel trailer parks, amusement parks, or vehicle, equestrian, or dog racing facilities.
Ordinance	Any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal of any ordinance.
Outdoor Shooting Range	The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, or temporary competitions. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.
Outdoor Storage	A building or group of buildings on a fenced, controlled access lot which contain individual locked compartments for storage of personal property.
Outdoor Storage for Equipment or Materials	The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles or equipment) not in an enclosed building.
Outside Display/Sales	The display and/or sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn and garden supplies, and plants.
Overlay Zoning District	A zoning district that encompasses one or more underlying zoning districts and that imposes additional requirements above that required by the underlying zone or provides regulations which supersede those of the underlying zone.

Owner	Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest to seek development of land.
Parcel	A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.
Parking Area	Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.
Parking Lots	A public or private open lot, not within a building, for the temporary, daily, or overnight off-street parking of motor vehicles as a principal use.
Parking, Off-Street	An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or moved therein without moving any other automobiles.
Permitted Use	A use permitted "as of right" by district regulations.
Personal Service	Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. These include but are not limited to the following: beauty and barber shops, shoe repair, telephone repair, radio and television services, and health clubs.
Pet Boarding	A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
Planned Development	The intent of the Planned Development is to better bridge the inherent difference between residential and nonresidential uses and to better accommodate change within those areas of the Town of Chapin where, due to economics or other factors responsible for change, potentially incompatible development could compromise property values or adversely impact existing land use, transportation facilities, or infrastructure. Through the Planned Development advocated by these Regulations, it is possible to ameliorate differences between potentially incompatible uses by exacting concessions and conditions as necessary to achieve "land use compatibility."
Planning Commission	The Town of Chapin Planning Commission.
Plat	(1) A map representing a tract of land showing the boundaries and location of individual properties and streets, or(2) a map of a subdivision or site plan.
Porch	A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Preliminary Plat or Plan	The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.
Principal Structure or Use	A structure or use which is significant or primary rather than accessory.
Private Stable	A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire, or sale.
Private Streets	Private streets shall not be permitted in the Town of Chapin for the purpose of subdivision. Streets existing prior to the adoption of this provision shall be grandfathered and shall continue to be maintained by their owners and not by the Town of Chapin.
Prohibited Use	A use that is not permitted in a zoning district.
Public Hearing	A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.
Public Improvement	Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
Public Utility Stations	A facility, other than a telecommunication facility, used for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage collection, or other such service to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include office or administration buildings.
Recreational Facilities	A facility dedicated to the pursuit of leisure-time activities through forms of play, amusement, or relaxation. The recreational experience may be active, such as field sports, boating, fishing, and swimming.
Recreational Vehicle (RV)	A vehicular portable structure designed as a temporary dwelling for travel or recreational use.
Registered Engineer	An engineer properly licensed and registered in the State of South Carolina.
Registered Land Surveyor	A land surveyor properly licensed and registered in the State of South Carolina.
Religious Assembly	Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

Repossession Services	A business acting as or on behalf of creditors that take property that has been pledged as collateral for a loan, which is being called on due to nonpayment of loan, or other financial obligation.
Reserve Strip	A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way.
Restaurant	An establishment where food and drink are prepared, served, and consumed primarily within the principal building.
Re-subdivision	A change in a map of any approved or recorded subdivision plat if such change affects any street layout on such map or area reserved there for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
Retail Sales	Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
Retail Tobacco & Alternatives Store	Any establishment whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, alternative nicotine products, electronic smoking devices, e-liquid, and vapor products as defined in S.C. Code Sec. 16-17-501, in which the sale of other products is merely incidental.
Right-of-Way	A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
Rowhome (Townhouse) Attached, Detached	A building or portion thereof containing 2 or more attached dwelling units horizontally arranged where each unit has a separate entrance from the outside and at least one wall is shared.
RV Park	A lot or parcel of land occupied or intended for occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of stay subject to the provisions of this title.
Sale or Lease	Any immediate or future transfer of ownership, on any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other written instrument.
Salvage Yard	See "Junk Yard".

Scenic Natural Areas	Any tract of land which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hill crests, mature tree stands, and/or any other feature deemed to be significant by the Town of Chapin Planning Commission.
Scenic Natural Areas	Any area which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hill crests, mature tree stands, and/or any other feature deemed to be significant by the Chapin Town Planning Commission.
Scrap Yard	See "Junk Yard".
Screening	A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
Secondary Schools	A site that is operated as a primary or secondary school and which contains all improvements required by local, state, or federal regulations necessary for general primary or secondary academic instruction.
Sensitive Areas	Areas containing one or more of the following unique or locally significant resources: archaeological resources, critical wildlife habitats, erodible land, flood hazard areas, natural prairies, stream corridors, wetlands, or woodlands.
Setback	The required distance between a structure and the lot lines on the lot in which it is located. Lot lines can be the property lines or the edge of a street right-of-way.
Sexually Oriented Businesses	Any business venture and/ or commercial establishment in which a person appears in a state of sexually explicit nudity which is defined as: the showing of: (a) uncovered, or less than opaquely covered human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast; or (b) covered human male genitals in a discernibly turgid state. Any business venture and/or commercial establishment where more than 10% of any goods sold and/ or displayed (whether by video, still photography, drawings, live display or animated) are considered sexually-oriented by depicting sexually explicit nudity (showing uncovered, or less than opaquely covered human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast; or (b) covered human male genitals in a discernibly turgid state) and/or depicting persons engaging in sexual activity (any of the following acts or simulations thereof:(a) masturbation, whether done alone or with another human or animal;(b) vaginal, anal, or oral intercourse, whether done with another human or an animal;(c) touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female;(d) an act or condition that depicts bestiality, sado-masochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a costume which reveals the pubic hair, anus, vulva, genitals, or female breast nipples, or the condition of being fettered, bound, or otherwise physically restrained on the part of the one so clothed;(e) excretory functions;(f) the insertion of any part of a person's body, other than the male sexual organ, or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure.). These business ventures and/ or commercial establishments include

but are not limited to: bookstores, adult mini-motion picture theaters, motion picture theaters, night clubs, clubs, bar restaurants, motels, theaters, drive-in theaters, car washes, massage parlors, health clubs, bath houses, sexual encounter centers or assembly of people without regard to assembly size or location.

Shed	An accessory structure or building used primarily for storage purposes. Does not include accessory dwelling units, garages, or carports.
Short Term Rental	A transient vacation rental or use in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of less than 30 days.
Shrub	Any hard-wooded perennial plant of a species which normally reaches a height between twelve (12) inches and ten (10) feet, and which is between eighty (80%) and one hundred percent (100%) opaque, at maturity.
Sign	Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
Sign, Canopy (Sign, Awning)	A sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area.
Sign, Commercial or Business	A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured or to an entertainment offered on the premises where the sign is located.
Sign, Directional	An on-premise sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians on the site.

Sign, Directory	A sign, other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings.
Sign, Easel	An upright frame or tripod to hold sign, a picture on display, promotion, or menu.
Sign, Freestanding	A sign which is permanently affixed to the ground and which is not a part of a building or other structure.
Sign, Monument	A freestanding sign supported by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
Sign, Off-Site	Any sign which relates in its subject matter to products, accommodations, services, or activities sold or offered elsewhere than upon the premises on which such sign is located.
Sign, Pole Mounted	A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.
Sign, Post and Arm	A sign supported by a single post, usually with a horizontal arm or decorative bracket to support the sign.
Sign, Projecting	A sign attached to and projecting out from a building face or wall, generally at right angles to the building.
Sign, Sandwich	An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.
Sign, Wall	Any sign attached to or painted on a wall of a building or structure so that the wall forms the supporting structure or becomes the background of the sign.
Sign, Window	A sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it is visible from the exterior of the building through a window, but excludes merchandise in a window display.
Significant Trees	Significant trees are any trees from the Town of Chapin Approved Tree Species List that have a diameter at breast height (DBH) at or greater than 18".
Site Plan	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. (what are asterisks indicating?)
Solar Energy System	A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed

energy (to the extent they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition.

Special Exception	A use that is not permitted by-right but may be allowed only with approval of the Board of Zoning Appeals that such use in a specified location will comply with all the conditions and standards as specified in this Ordinance. No hardship need exist. When granted, a special exception has the same status as a permitted use as long as the conditions are met, regardless of a change in property ownership.
Specialty Retail	Retail operations that specialize in one type or line of merchandise. Such stores may include but are not limited to apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments. Excludes tobacco, liquor, tobacco, and e-cigarette shops.
Sports Stadium	A large open or enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators. Considered an accessory use to universities or high schools.
Stream Corridors	The primary channel of a river or stream and any portions of the floodplain adjoining the channel that are reasonably required to carry and discharge its water.
Street Perimeter	Any existing street to which the parcel of land to be subdivided abuts one (1) side.
Streets	The word means, relates to, and includes the entire right-of-way of streets, avenues, boulevards, roads, highway, freeways, lanes, alleys, courts, thoroughfares, collectors, minor streets, cul-de-sacs, and other ways.
Structure	Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including for purposes of this Ordinance: buildings, mobile homes, travel trailers, signs, swimming pools, fences, and antenna, but excluding from definition as structures minor landscaping features such as ornamental pools, planting boxes, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.
Subdivision	The division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions. The land is divided for sale, lease or building development, whether immediately or in the future. This includes all land divisions involving a new street or change in existing streets. It includes re-subdivisions involving the further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision. This covers the alteration of any streets or the establishment of any new streets within any previously approved or recorded subdivision as well as combinations of lots of record.
Swimming Pool	A receptacle for water, or artificial basin of water, either above ground, below ground, or partly above and partly below ground, not wholly enclosed within a building, and intended for use by persons for the purpose of immersion, partial immersion, or swimming, and including all appurtenant equipment.

Tattoo Parlor	A commercial use involving the marking of skin of persons with a design by a process of pricking or ingraining an indelible pigment or by raising scars, or similar method.
Telecommunications Tower	A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment, including but not limited to cabling, equipment shelters and other structures associated with the site.
Theater	A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received.
Thoroughfare	Any major arterial road that is typically one of the principal routes into and through the community.
Tobacco Stores	Premises used primarily for the sale or dispensing of tobacco products, such as: cigars, pipe tobacco, and shisha, that permits onsite consumption of purchased products. Vapes, vaporizers, vape pens, electronic cigarettes, CBD products, non-tobacco smoking products, and smoking paraphernalia and accessories, are excluded from this definition.
Town Official	Any elected official, appointed employee, appointee to a board or commission, or citizen volunteer authorized to act on behalf of the Town of Chapin. Examples include, but are not limited to members of the Planning Commission, Architectural Review Board, Board of Zoning Appeals, and Town Council. Appointed employees may include the Town Clerk, Town Administrator, Zoning Administrator, Chief of Police, and Fire Chief.
Town of Chapin Approved Species List	The Town of Chapin recognizes certain trees, because of their species and size, are an asset to both the Town and individual property owners. Such trees shall be defined as those trees which are listed in Town of Chapin's Tree List. This list shall be used to identify protected trees and as a guide for replanting of trees when applicable.
Traditional Subdivision	All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, to the process of subdivision or to the land or area subdivided, provided however, that the following exceptions are included within this definition only for the purpose of requiring that an Application for Exemption be filed with the Administrative Official.
Transportation Terminals, bus and railroad	A place where the transfer of people between modes of transportation takes place except this shall not include air or water transportation and shall not include terminals for freight.

Truck Sales and Service	Premises for new and used vehicles are stored and displayed for the purpose of sale, lease or hire and shall include the storage and sale of parts accessory to such vehicles, together with the repair and service of the vehicle. For the purpose of this definition, trucks and vehicles shall be restricted to motorized construction equipment, truck bodies, truck tractors, tractor trailers, trains, buses, farm equipment, commercial vehicles, recreational vehicles, all-terrain vehicles, personal water craft, snowmobiles, motorcycles, and dirt bikes, but shall not include automobiles, passengers' trucks, or passenger vans.
Truck Stop	Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuels or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.
Understory Tree	Any tree that grows to a height of 25' or less at full maturity.
Vape, E-Cig, store and lounges	Premises used primarily for the sale of vapes, vaporizers, vape pens, electronic cigarettes, CBD products, non-tobacco smoking products, and smoking paraphernalia and accessories.
Veterinarian	Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; indoor boarding services for pets; and grooming.
Warehouse	A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment,
Wetlands	An area saturated by surface water or ground water such that it supports the growth and existence of vegetation suited to such areas. The key indicator for wetlands is the presence of hydric soils. Areas containing hydric soils will be subject to review by the USDA Natural Resources Conservation Service. The United States Army Corps of Engineers will make the final determination regarding the existence of a wetland.
Wholesale Trade	An establishment engaged in selling or distributing merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies; or otherwise distributing merchandise via tractor trailer to customers.
Woodlands	An area containing contiguous wooded parcels of significant size, containing a rich diversity of native flora species in associations typical of pre-settlement ecosystems, areas with rare, threatened, endangered or special species, or with ancient individuals, when in combination with understory species typical of pre-settlement ecosystems.

Yard	A required open space unoccupied and unobstructed by structures except those specifically permitted.
Yard, Front	A yard situated between the front building line and the front lot line extending the full width of the lot.
Yard, Rear	A yard situated between the rear building line and the rear lot line and extending the full width of the lot.
Yard, Side	A yard situated between the side building line and the side lot line and extending for the front yard to the rear yard.
Zone	A specifically delineated area or district within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings and associated improvements.
Zoning Administrator	The person designated by Town Council to administer this Ordinance. This person may or may not be an employee of the Town.

14.0 Town of Chapin Tree List

15.0 Approved Color Palette

16.0 Unified Development Review Permit and Fee Schedule