

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

**Town Hall**

**April 4, 2023**

**3:00 P.M.**

**AGENDA**

**Call to order**

**Freedom of Information Act Compliance**

**New Business**

1. Draft Review
  - a. Article 2: Administration & Decision-Making Bodies

**Adjourn**

## 2.0 Development Review Bodies / Administration

### 2.1 Town Council

#### 2.1.1 Powers and Duties

- 2.1.1.1 Comprehensive Plan Amendments: To initiate, adopt, and amend a Comprehensive Plan after receiving comments and recommendations from the Planning Commission.
- 2.1.1.2 Text Amendments: The Town Council shall hear and approve, approve with conditions, or deny proposed text amendments to this Ordinance.
- 2.1.1.3 Map Amendments: The Town Council shall hear and approve, approve with conditions, or deny proposed amendments to the Official Zoning Map (rezoning).
- 2.1.1.4 Appointments: The Town Council shall appoint members to the Planning Commission, Zoning Board of Appeals, and Architecture Review Board.
- 2.1.1.5 Development Improvements: Upon approval of a final plat, 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.

### 2.2 Planning Commission

#### 2.2.1 Powers and Duties

- 2.2.1.1 Authority: Pursuant to S.C. Code 1976, § 6-29-320, et seq., as amended, there is hereby established a Planning Commission for the Town, which shall perform all planning functions in the areas of jurisdiction of the Town of Chapin.
- 2.2.1.2 Territorial Jurisdiction: The Planning Commission 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.
- 2.2.1.3 Specific Planning Activities: The Planning Commission has a duty to engage in a continuing planning program for the physical, social and economic growth, development and redevelopment of the Town of Chapin. The Chapin Town Council designates to the Planning Commission the following duties:
  - 2.2.1.3.1 Prepare and recommend revisions to the Comprehensive Plan to Town Council for adoption.
  - 2.2.1.3.2 Review and make recommendations on public projects.
  - 2.2.1.3.3 Review and approve, approve with conditions, or deny all applicable subdivision applications.
  - 2.2.1.3.4 Site Plan (syn. Preliminary Plat) and Final Subdivision Plat review and approval in coordination with town staff.
  - 2.2.1.3.5 Review and make recommendations to the Town Council about amendments to the text of this UDO.

2.2.1.3.6 Review and make recommendations to the Town Council about amendments to the Official Zoning Map

2.2.2 Membership, Terms, and Compensation

2.2.2.1 Number, Appointment: All commission members shall be appointed by the Mayor and Town Council. The Planning Commission shall consist of five (5) members with residence in the Town of Chapin or Lexington County. Members shall serve until their successors are appointed and qualified and shall meet all requirements for appointment as outlined in the Town'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.

2.2.2.2 Terms: All terms shall be for three (3) years and shall be staggered, unless otherwise noted. All terms shall expire on December 31st of the applicable year.

2.2.2.3 Vacancies: A vacancy for any reason shall be filled for the unexpired term.

2.2.2.4 Removal: The Town Council may remove any town-appointed member of the MPC for cause by majority vote of the council.

2.2.2.5 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.

2.2.3 Officers, Meetings, and Quorum

2.2.3.1 Officers: The organization of the MPC shall be as provided for under § 6-29-360 of the South Carolina Code of Laws, 1976, as amended. The Planning Commission shall elect a chairperson and a vice-chairperson from its members who shall serve for **1 year** or until reelected, or until a successor is elected.

2.2.3.2 Meetings: Meetings of the Planning Commission shall be held once a month, at the call of the chairperson and at such other times as the Planning Commission may determine. All meetings of the Planning Commission shall be open to the public.

2.2.3.3 Quorum: A majority of the members appointed shall constitute a quorum.

2.2.3.4 Notice of Meetings: Reasonable notice of the time, place, and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with state law.

2.2.3.5 Rules of Proceeding:

2.2.3.5.1 The Planning Commission shall adhere to Robert Rules of Order to conduct business.

2.2.3.5.2 An abstention from voting shall be considered a vote to deny the motion.

2.2.3.6 Minutes: The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absence or failure to vote.

2.2.3.7 Staff: The Planning Commission shall work with the Zoning Administrator for all projects within the Town.

## 2.3 Zoning Board of Appeals

### 2.3.1 Powers and Duties

2.3.1.1 Authority: The Zoning Board of Appeals (ZBOA) is hereby established, pursuant to the authority of § 6-29-780, et seq., of the South Carolina Code of Laws, as amended, and shall hereafter be referred to as the Board.

#### 2.3.1.2 Territorial Jurisdiction

2.3.1.2.1 The ZBOA shall have jurisdiction of all lands within the Town.

2.3.1.2.2 The Town Council may expand the jurisdiction of the ZBOA by ordinance and/or intergovernmental agreement, in accordance with the provisions of § 6-29-330 of the South Carolina Code of Laws.

2.3.1.3 Appeals: The ZBOA shall hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an Administrative Official in the enforcement of this Code.

2.3.1.4 Variances: The ZBOA 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.

2.3.1.5 Special Exception: The ZBOA 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

2.3.2.1 Number: The ZBOA shall consist of 5 members, appointed by the Town Council. None of the members of the ZBOA shall hold any other public office or position in the Town.

2.3.2.2 Terms and Appointment: All members shall be appointed by the Town Council for overlapping terms of 3 years. All members shall be residents of the Town, own property in the Town, or own or operate a business in the Town. All terms shall end on December 31 of the applicable year, and members must continue to serve until their successors are appointed.

2.3.2.3 Vacancies: Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

2.3.2.4 Removal: The Town Council may remove any member of the ZBOA for cause.

2.3.2.5 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

2.3.3.1 Officers: The ZBOA shall elect a chairperson and a vice-chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected.

2.3.3.2 Meetings: Meetings of the ZBOA shall be held at the call of the chairperson and at such other times as the ZBOA may determine. All meetings of the ZBOA shall be open to the public.

2.3.3.3 Quorum: At least 3 of the members of the ZBOA must be present to constitute a quorum.

2.3.3.4 Notice of Meetings: Public notice of all meetings of the ZBOA shall be provided at least 15 days in advance by publication in a newspaper of general circulation in the Town. In cases involving Variances or Special Exceptions, conspicuous notice shall also be posted on or adjacent to the property affected, with at least 1 such notice being visible from each public thoroughfare that abuts the property. Such notice shall be posted continuously for at least 15 days in advance of the meeting at which the Variance or Special Exception request will be heard.

2.3.3.5 Witnesses: The chairperson, or in his or her absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

2.3.3.6 Rules of Proceeding

2.3.3.6.1 The ZBOA shall adhere to Robert Rules of Order to conduct business.

2.3.3.6.2 An abstention from voting shall be considered a vote to deny the motion.

2.3.3.7 Decisions: The concurring vote of 3 members of the ZBOA shall be necessary to: reverse any order, requirement, decision, or determination of the Administrator or building official, or to decide 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 ZBOA, the ZBOA shall inform in writing all the parties involved of its decisions and the reasons therefore.

2.3.3.8 Contempt Penalty: In case of contempt by a party, witness, or other person before the ZBOA, it may certify this fact 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.

2.3.3.9 Minutes: The ZBOA shall keep minutes of its proceedings, showing 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

2.3.3.10 Staff: The ZBOA shall work with the Zoning Administrator for all projects within the Town.

## 2.4 Building Official

### 2.4.1 Designation

Lexington County shall designate and empower the Building Official.

### 2.4.2 Powers and Duties

2.4.2.1 Responsibility: The Building Official shall be responsible for all duties specified in Section 14-241 of the Lexington Code of Ordinances.

2.4.2.2 Powers and Duties: The Building Official shall follow the powers and duties within Section 14-241 and other applicable code sections.

### 2.4.3 Appeals

Appeals to decisions made by the Building Official shall be reviewed by the Lexington County Community Development Building Codes of Board of Appeals, in accordance with Section 14-412 of the Code of Ordinances for Lexington County.

## 2.5 Planning and Zoning Manager

### 2.5.1 Designation

The Planning and Zoning Manager will be referred to as the “Administrator” within this Ordinance. The Administrator shall be defined as any person or persons designated by the Town to fulfill the duties herein.

### 2.5.2 Powers and Duties

The Administrator shall:

2.5.2.1 Administer and enforce the provisions of this Ordinance

2.5.2.2 Make written interpretations of this Ordinance

2.5.2.3 Review and make recommendations on Project Permits where the Building Official has authority

2.5.2.4 Review and process Zoning Permits

2.5.2.5 Review and process Certificates of Zoning Compliance

2.5.2.6 Review and make recommendations on Certificates of Occupancy

2.5.2.7 Process applications for Variances and Special Exceptions

2.5.2.8 Issue all permits, exception for Project Permits where the Building Official has authority

2.5.2.9 Review and act on Administrative Adjustments

2.5.2.10 Review and act on Minor Development Design Review applications

2.5.2.11 Review and make recommendations to the Architectural Review Board on Major Development Design Review applications

2.5.2.12 Review and make recommendations on preliminary plats, site plans, and final plats

- 2.6 Architectural Review Board
  - 2.6.1 Powers and Duties
    - 2.6.1.1 Territorial Jurisdiction: The Architectural Review Board (ARB) shall have jurisdiction over the entire Town.
    - 2.6.1.2 Powers and Duties: Review, and approve, or deny, all applications subject to Major Certificate of Appropriateness Review as outlined in [Section 10.6.2](#)
  - 2.6.2 Membership, Terms, and Compensation
    - 2.6.2.1 Number and Appointment
      - 2.6.2.1.1 The members of the ARB shall be appointed by the Town Council
      - 2.6.2.1.2 The ARB shall consist of five (5) members appointed by Town Council. Four of the five Board members must have professional backgrounds related to this field, with one representative of each of the following professions sitting on the Board: registered architect, real estate professional, engineer or member of the building trades, and a Chapin business owner. The fifth seat is open to members of the general public.
    - 2.6.2.2 Terms: All terms shall be for 3 years. All terms shall expire on December 31 of the applicable year and members must continue to serve until their successors are appointed.
    - 2.6.2.3 Vacancies: Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
    - 2.6.2.4 Removal: The Town Council may remove any member of the ARB for cause.
    - 2.6.2.5 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.
- 2.7 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.