

TOWN OF CHAPIN
Architectural Review Board
Rescheduled Regular Meeting
Council Chambers, Chapin Town Hall
April 19, 2023
6:00 PM

AGENDA

Call to Order and Determine Quorum

Statement of Freedom of Information Act Compliance

Approval of Minutes

1. January 4, 2023 Regular Meeting Minutes

Public Comments related to agenda items

New Business

2. Introduction to the Unified Zoning and Development Ordinance
 - a. Purpose and Intent
 - b. Review and Adoption Process
3. Architectural Review Board in the Unified Zoning and Development Ordinance
 - a. Board Organization
 - b. Board Role
4. Architectural Overlay Districts
 - a. Expansion
 - b. Board discussion
 - c. Board questions

Open Comments for ARB members and staff

Adjourn

PUBLIC COMMENT POLICY

PROCEDURE:

Persons wishing to make public comments concerning any municipal matter, with the exception of personnel and contractual matters, shall first sign in with the Municipal Clerk before the meeting and provide the following information:

1. Name, Address, and Contact Information;
2. Topic of Public Comment; and
3. Indicate whether a Chapin Resident, Chapin Water/Sewer Customer, or Reside in the Chapin Water/Sewer District.

Comments are limited to two (2) minutes per person and no personal or verbal attacks will be entertained. The Council is interested in hearing your concerns, but speakers should not expect action or deliberation on subject matter brought up during any Public Comments on the agenda. Topics requiring further investigation may be referred to Town Staff and may be scheduled for a future agenda.

DEFINITIONS:

Chapin Resident: Reside in Town limits.

Chapin Water/Sewer Customer: Customer of the designated Chapin Water/Sewer District - Including an owner or operator of a local business.

Reside in Chapin Water/Sewer District: Reside in the designated Chapin Water/Sewer District – Area of Lexington County north of Lake Murray.

APPEARANCE OF CITIZENS

Town Code 2.212 – Any citizen of the Town shall be entitled to be placed on the agenda of any regular meeting to discuss any municipal matter, with the exception of personnel and contractual matters. Persons desiring to be placed on the agenda shall notify the Municipal Clerk not less than a week prior to the meeting. The request shall be in writing stating the reason therefor.

**TOWN OF CHAPIN
ARCHITECTURAL REVIEW BOARD
REGULAR MEETING MINUTES**

**Wednesday January 4, 2023
6:00 P.M.**

Town Hall

Members Present: Chair Harmon Reed, Member Bryson Tucker, Member Alex Fisher

Members Absent: Member Dan Smith, Vice Chair Gerald Meetze

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

Call to Order: Chair Reed called the meeting to order at 6:07 p.m., determined there was a quorum, and acknowledged the appropriate notifications in compliance with the SC Freedom of Information Act had been met.

Approval of Minutes: Member Tucker made the motion to approve the October 5, 2022 meeting minutes as presented. Chair Reed seconded the motion. No further discussion. Motion passed unanimously.

Chair Harmon Reed:	Yes
Member Bryson Tucker:	Yes
Member Alex Fisher:	Yes

Public Comments

There were no public comments.

New Business

Elections: Member Tucker moved that Harmon Reed and Gerald Meetze to continue serving as Chair and Vice Chair, respectively. Member Fisher seconded the motion. No further discussion. Motion passed unanimously.

2023 Calendar Review: Member Tucker moved to accept the 2023 calendar, with the amendment to move the July meeting to July 12, 2023. Member Fisher seconded the motion. Motion approved unanimously.

Harmon Reed:	Yes
Bryson Tucker:	Yes
Alex Fisher:	Yes

ARB By-laws & Procedures review: Mr. Singletary had no recommended changes to the ARB By-laws at this meeting.

Open Comments: Mr. Singletary stated that the consultant schedule for the Unified Zoning and Development Ordinance (UDO) has been delayed about three weeks. Zoning districts and use tables are currently in development to be reviewed by the UDO committee at the next meeting on January 26, 2023. Once the zoning districts have been incorporated into the draft UDO document, a meeting with the Architectural Review Board (ARB) will be scheduled to discuss design element changes. He anticipates that to be scheduled for February. Mr. Singletary anticipates the Planning Commission's recommendation to Council in April/May and a final document for Council review in June/July. Chair Reed expressed his desire to address vacant or dilapidated buildings in the UDO. Mr. Singletary noted that he and the consultants have identified elements to address this concern.

Adjournment: Member Fisher moved to adjourn the ARB Meeting. Member Tucker seconded the motion. Meeting adjourned at 6:27 p.m.

ARB APPROVED (Date): _____

Attest:

Shannon Bowers, Town Clerk

Harmon Reed, Chairman, ARB

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, modify, and adopt a Comprehensive Plan after receiving recommendations from the Planning Commission.

2.1.1.2 Text Amendments: The Town Council shall entertain and approve, approve with conditions, or deny proposed text amendments to this Ordinance.

2.1.1.3 Map Amendments: The Town Council shall entertain and approve, approve with conditions, or deny proposed amendments to the Official Zoning Map.

2.1.1.4 Appointments: The Town Council shall appoint members to the Planning Commission, Board of Zoning Appeals, Board of Zoning Appeals, and Architectural Review Board.

2.1.1.5 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.

2.1.1.6 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

2.2.1.1 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.

2.2.1.2 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.

2.2.1.3 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:

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 provide recommendations regarding 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 (Preliminary Plat) and Final Subdivision Plat review and approval in coordination with the Administrator.
- 2.2.1.3.5 Review and provide recommendations to the Town Council regarding amendments to the text of this Ordinance.
- 2.2.1.3.6 Review and provide recommendations to the Town Council regarding amendments to the Official Zoning Map
- 2.2.1.3.7 Review and provide recommendations to the Town Council regarding Annexations.

2.2.2 Membership, Terms, and Compensation

2.2.2.1 Number: All commission members shall be appointed by the Mayor and Town Council. The Planning Commission shall consist of five (5) members.

2.2.2.2 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.

2.2.2.3 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.

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

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

2.2.2.6 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

2.2.3.1 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.

2.2.3.2 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.

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

2.2.3.4 Rules of Proceeding:

2.2.3.4.1 The Planning Commission shall adopt rules of organizational procedure (Robert's Rules of Order).

2.2.3.4.1.1 The PC shall adopt and retain bylaws and rules of procedure.

2.2.3.4.2 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.

2.2.3.4.3 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.

2.2.3.5 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.

2.2.3.6 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

2.3.1.1 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.

2.3.1.2 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.

2.3.1.3 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.

2.3.1.4 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.

2.3.1.5 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

2.3.2.1 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.

2.3.2.2 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.

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 BZA 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 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.

2.3.3.2 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.

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

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

2.3.3.5 Rules of Proceeding

2.3.3.5.1 The BZA shall adopt rules of organizational procedure (Robert's Rules of Order)..

2.3.3.5.1.1 The BZA shall retain and adopt bylaws.

2.3.3.5.2 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.

2.3.3.5.3 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.

2.3.3.6 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.

2.3.3.7 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.

2.3.3.8 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

2.3.3.9 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

2.4.1.1 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.

2.4.1.2 Powers and Duties: Review, approve, or deny, all applications subject to Major Certificate of Appropriateness Review as outlined in **Section 10.6.2**

2.4.2 Membership, Terms, and Compensation

2.4.2.1 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.

2.4.2.2 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.

2.4.2.3 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

2.4.2.4 Rules of Proceeding:

2.4.2.4.1 The ARB shall adopt rules of organizational procedure (Robert's Rules of Order).

2.4.2.4.1.1 The ARB shall adopt and retain bylaws and rules of procedure.

2.4.2.4.2 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.

2.4.2.4.3 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

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

2.4.2.6 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

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

2.5.2.2 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:

2.6.2.1 Administer and enforce the provisions of this Ordinance

2.6.2.2 Make written interpretations of this Ordinance

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

2.6.2.4 Review and process Zoning Permits

2.6.2.5 Review and process Certificates of Zoning Compliance

2.6.2.6 Review and make recommendations on Certificates of Occupancy

2.6.2.7 Process applications for Variances and Special Exceptions

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

2.6.2.9 Review and act on Administrative Adjustments

2.6.2.10 Review and act on Minor Development Design Review applications

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

2.6.2.12 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.