

**CHAPIN TOWN COUNCIL
WORK SESSION
CHAPIN TOWN HALL
157 NW COLUMBIA AVENUE**

**June 2, 2022
4:00 P.M.**

AGENDA

1. CALL TO ORDER AND DETERMINE QUORUM
2. STATEMENT OF FREEDOM OF INFORMATION ACT COMPLIANCE
3. DISCUSSIONS
 - a. Cigar Store permitted uses discussion
 - b. Planned Development ordinance discussion
4. ITEMS FOR NEXT COUNCIL MEETING
5. ADJOURN

CHAPIN TOWN COUNCIL MEETING

PUBLIC COMMENT POLICY

PROCEDURE:

Persons wishing to make a public comment 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 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 the Public Comment Period. 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.

MEMORANDUM

To: Town Council
From: Kevin Singletary, Zoning Administrator
Date: June 2, 2022
Re: Amendment to Ordinance 201 and 518

Background: At the April 19, 2022 Town Council meeting the Council reviewed an amendment to Zoning Ordinance sections 201 and 518 that had been recommended by the Planning Commission. These amendments included language for Axe Throwing Venues and Cigar Stores. Council amended the ordinance to remove all language regarding the Cigar Stores and went on to have 2nd reading. There has been continued discussion by the Council on Cigar Stores by Council. Given this; this memo provides the draft changes to the Zoning Ordinance regarding cigar stores that had been recommended by the Planning Commission.

Amendment to Ordinance 201

Current Ordinance:

201. Definitions

- 18. **CHURCH:** Any building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
- 19. **CIVIC ORGANIZATION:** See "Club, lodge . . ."
- 19. **CLUB, LODGE, CIVIC OR FRATERNAL ORGANIZATION, FRATERNITY, SORORITY:** An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, or like activities, operated for the benefit of its members and not open to the general public.

Amended Ordinance:

201. Definitions

- 18. **CHURCH:** Any building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
- 19. **CIGAR STORE:** 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.
- 20. **CIVIC ORGANIZATION:** See "Club, lodge . . ."
- 20. **CLUB, LODGE, CIVIC OR FRATERNAL ORGANIZATION, FRATERNITY, SORORITY:** An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, or like activities, operated for the benefit of its members and not open to the general public.

Amendment to Ordinance 518

Current Ordinance:

GC SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
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<p>a. Axe throwing venue Provided the BZA determines:</p> <ol style="list-style-type: none"> 1) Applicant has designed lanes to be safe in accordance with industry best practices. 2) Business is insured and would hold full liability for safety. 3) Business will not produce excessive noise or disturbance to adjacent properties beyond what is typical for the area. 4) All applicable State regulations are met. <p>Use is compatible with other uses in the area.</p>	713990	Establishments primarily engaged in providing recreational and amusement services. See Section 201. 9.	One (1) space for each 4 seats and/or lane.
<p>b. <u>Communication tower</u>, see Section 601</p>	5172	Wireless telecommunications carriers	One (1) space
<p><u>Tattoo parlors</u>, provided the Board of Appeals determines:</p> <p>(1). Building is at least 1,000 feet from the lot of: A church; A public or private elementary or secondary school; A boundary of any residential district; A public park adjacent of any residential use; A day care center; and The property line of a lot devoted to residential use.</p> <p>(2). All applicable state regulations are met; adequate provisions are made for traffic access and safety; and use is compatible with the other uses in the area.</p>	7299	Tattoo parlors	One (1) per 300 square feet of gross floor area.

Amended Ordinance:

GC SPECIAL EXCEPTIONS (approved by Board of Zoning Appeals after hearing)	NAICS CODE	NAICS DESCRIPTION	PARKING SPACES REQUIRED
<p>b. Axe throwing venue Provided the BZA determines:</p> <ul style="list-style-type: none"> 5) Applicant has designed lanes to be safe in accordance with industry best practices. 6) Business is insured and would hold full liability for safety. 7) Business will not produce excessive noise or disturbance to adjacent properties beyond what is typical for the area. 8) All applicable State regulations are met. 9) Use is compatible with other uses in the area. 	713990	Establishments primarily engaged in providing recreational and amusement services. See Section 201. 9.	One (1) space for each 4 seats and/or lane.
<p>c. Cigar store Provided the BZA determines:</p> <ul style="list-style-type: none"> 1) Products to be sold and consumed are limited to those as defined by Section 201. 19. Food and beverage may be permissible. 2) Building is at least 300 feet from the lot of: A church; A public or private school; Any preexisting single-family residence. 3) Consumption of goods by customers and/or patrons will not be permitted in front of principal building or adjacent to public right of way. 4) All applicable State regulations are met. 5) Use is compatible with other uses in the area. 	453991	Establishments primarily engaged in retailing cigarettes, cigars, tobacco, pipes, and other smokers' supplies. See Section 201. 19.	One (1) space for each 4 seats.
<p>c. <u>Communication tower</u>, see Section 601</p>	5172	Wireless telecommunications carriers	One (1) space

<p>d. Tattoo parlors, provided the Board of Appeals determines:</p> <p>(1). Building is at least 1,000 feet from the lot of: A church; A public or private elementary or secondary school; A boundary of any residential district; A public park adjacent of any residential use; A day care center; and The property line of a lot devoted to residential use.</p> <p>(2). All applicable state regulations are met; adequate provisions are made for traffic access and safety; and use is compatible with the other uses in the area.</p>	<p>7299</p>	<p>Tattoo parlors</p>	<p>One (1) per 300 square feet of gross floor area.</p>
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MEMORANDUM

To: Town Council
From: Kevin Singletary, Zoning Administrator
Date: June 2, 2022
Re: Planned Development Regulations

Background: In discussion with potential developers looking at doing Planned Developments in the Town of Chapin, a review of the Subdivision Regulations showed inconsistency with the Zoning Ordinance, both in regards to Planned Developments. In order to provide clear guidance to potential developers and clear direction to Town Staff, it is necessary to amend both of these documents. Given current interest in using this form of review by developers in the Town, and the benefits it provides Planning Commission and Town Council to have more input into the final product of a development, staff is discussing this matter with Council in work session before providing Planning Commission Draft Ordinance Amendment Recommendation.

Staff Comparison: The Zoning Ordinance and Subdivision Regulation both provide language for the purpose, process, and limitation of Planned Developments. Both are written as though the other does not exist, and cover the same material. Inherent to this is contradiction and inconsistency. However, taken as a whole there are not many direct contradictions, and a limited number of instances where one provides direction on a subject that another does not. The primary differences are as follows:

	Subdivision Regulations	Zoning Ordinance	Staff Recommendation
Minimum Size Requirements	2 Acres	4 Acres	2 Acres
Residential Density	Not to exceed 16 dwelling units	No limitation	No limitation
Traffic Study Requirements	Requires a traffic impact study and submittal	No requirement	Keep requirement for traffic impact study and submittal

This is not a list of all differences in totality, as the two documents share no language even though covering the same subject, and in very similar ways. This list does represent the major irreconcilable differences.

Staff Solution: The solution staff has identified that would resolve these contradictions is as follows:

- Removed all regulatory language from the Subdivision regulations regarding Planned Developments.
- Amend the zoning ordinance to exclude properties smaller than 2 acres, instead of 4.
- Amend the zoning ordinance to require an evaluation for traffic impact study, and possible requirement of submittal of traffic impact study.

ARTICLE 8

PLANNED DEVELOPMENTS

8-1 Intent

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 this Article, it is possible to ameliorate differences between potentially incompatible uses by exacting concessions and conditions as necessary to achieve "land use compatibility."

8-2 Minimum Site Requirements: Minimum area requirements for a Planned Development shall be 2 acres.

8-3 Permitted Principal Uses: Any use proposed by the developer and considered by the planning commission as being compatible to other nearby uses within and beyond the district may be permitted in such district, upon approval by the Planning Commission and Town Council.

8-4 Residential Density Permitted: Residential density shall not exceed the average of 16 dwelling units per acre. The acreage devoted to residential use shall be used to determine density.

8-5 Minimum Lot Area: The minimum lot area for any portion of the Planned Development shall conform to the requirements of the applicable zoning district standards for the density approved in the general development plan.

8-6 Minimum Lot Width, Minimum Setback Requirements, Maximum Lot Coverage, Maximum Height of Structures: The minimum lot width, minimum setback requirements, maximum lot coverage and maximum height of structures for all or any one portion of the Planned Development shall conform to the requirements of the applicable zoning district standards for the density approved in the general development plan.

8-7 Minimum Off-Street Parking and Loading Requirements: Off-street parking and loading requirements as set forth in the Zoning Ordinance shall be met for each specified use.

8-8 Signs: Signs permitted in Planned Developments only in accordance with provision of the Sign Ordinance.

8-9 Landscaping and Buffer Yard Requirements: A minimum screen which meets the requirements of the Landscape Ordinance must be provided. The planning commission

may require additional screening between uses and densities of development as a condition of plat approval.

8-10 Procedures

The following procedures shall be followed in the submission, review, and action upon all Planned Development plats:

8-10.1 Traffic Impact Study Requirement Evaluation: Prior to the submission of any TIS and/or general development plan, the applicant shall complete and submit a Traffic Impact Study Requirement Evaluation form obtained from the Administrative Official's office. The Town's Transportation Engineer will evaluate the request and determine whether a TIS is required. A written response will be issued to the applicant within seven working (7) days of receipt of the TISRE. If a TIS is required, a copy of the Town's Traffic Impact Study Guidelines and a list of qualified consulting firms will be included in the Developer's Packet.

8-10.2 Traffic Impact Study: An impact study shall be required if a proposed project:

- (1) produces 50 peak hour (AM, PM, or Midday) two-way trips or more; or
- (2) produces 500 daily (24 hour) two-way trips or more; or
- (3) is an expansion of an existing project. 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.

A TIS shall be completed and submitted for review, if required, as the second step of the project approval process. The TIS is the responsibility of the applicant. The TIS shall be prepared in accordance with the Traffic Impact Study Guidelines adopted by the Town of Chapin and obtained from the Administrative Official's office. All traffic studies must be prepared under the supervision of, and signed, stamped and dated by, a professional Civil Engineer registered in South Carolina. The applicant will be required to use a Town approved firm to complete the TIS. A list of approved consulting firms will be provided upon the determination that a TIS is required.

8-10.3 General Development Plan Requirements: A general development plan shall contain the following information:

- (1) The proposed title of the project and the name of the engineer, architect, designer, or a landscape architect, and the developer;

- (2) The northpoint scale and date. The scale of the site plan shall be not more than 50 feet to 1 inch for projects less than 100 acres or 100 feet to 1 inch for those over 100 acres;
- (3) Existing zoning and zoning district boundaries and proposed changes in zoning, if any;
- (4) The boundaries of the property involved, the location of all existing easements, property lines, existing streets, buildings and other existing physical features on and immediately adjacent to the project;
- (5) The location and dimensions of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas (including number of parking spaces);
- (6) The location of proposed lots, setback lines, easements and land use;
- (7) The proposed location and approximate heights of all multifamily and nonresidential buildings and dimensions of structures drawn to scale;
- (8) The proposed location and description of all fences, walls, screens, buffers, plantings, and landscaping;
- (9) The proposed location and number of dwelling units (by bedroom type) for multifamily project;
- (10) The proposed location, character, size and height of all signs;
- (11) A location map showing the position of the proposed development in relation to the community;
- (12) A tabulation of total number of acres in the project to be devoted to public and/or private reservation;
- (13) The planning commission may establish additional requirements for site plan approval, and in cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper assessment of the project.

8-11 Actions by Planning Commission and Town Council

Actions by the Planning Commission and Town Council shall be as provided for zoning amendments, generally. Said bodies may approve the application, may include specific modifications of the proposal or other applicable regulations or may deny the application.

If the amendment is granted, Town Council shall, in its amending action, approve the application as it may have been changed during earlier procedures, or indicate required modifications, and be binding on the applicant. If modifications are required, council shall officially state its reasons for the record.

If the amendment is granted, the developer shall be required to proceed in accord with the approved planned development, as supplemental or modified by council in the particular case, and shall conform to any time or prior limitations established by council for initiation and/or completing the development in whole or in specific stages.

In taking action to amend the zoning map to establish the approved Planned Development, council shall pass upon the adequacy of the application, in form and

substance relative to any agreements, contract, sureties, or other instruments involved, and before development may proceed, such instruments shall be approved by appropriate officers and agencies.

8-12 Preliminary Plats, Construction Plans, and Final Plats

The developer of a Planned Development is required to submit six (6) copies of a Preliminary Plat, Construction Plans, and Final Plat for each phase to be approved by the Planning Commission staff. Preliminary Plats, Construction Plans and Final Plats shall meet all requirements as defined in Article 4.

8-13 Administrative Action on Approved Planned Development

Once a Planned Development is established on the official zoning map, no zoning or building permit shall be issued therein, unless in compliance with the general development plan and other documents approved by council, and approval of preliminary plat and construction drawings by the Planning Commission staff. Except as provided below, all plans and reports approved by council shall be binding on the applicant and any successors in title so long as the planned development district zoning is applicable.

8-14 Changes in Approved Plans

Changes in approved final plans and reports may be approved by the planning commission only upon findings that such changes will not increase the density of the project, amount of traffic generated, reduce screening or off-street parking requirements, or substantially alter the composition of the project. Any such change to the contrary shall be approved subject to further study by the planning commission and amendatory action by Town Council in regards to zoning.

522. PD Planned Development District Uses

Planned Development Districts may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks and other mixed used developments. Flexibility in design, character, and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a particular planned development.

523. PD Planned Development Districts Regulations

The following regulations shall apply to all uses in PD districts, other provisions in this Ordinance to the contrary withstanding:

Minimum site area	Four (4) acres
Minimum lot area for structure	Set in approved plan
Minimum lot width, yards, setbacks	Set in approved plan
Maximum lot coverage:	Set in approved plan
Maximum structure height	Sixty (60) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antenna)
Off street parking and loading requirements	Set in approved plan
Screening	Set in approved plan, but not less than landscaping required Article 7
Signs	Set in approved plan, but not greater than signs allowed in Article 9
Subdivision regulations	Applicable regulations must be met
Supplemental regulations	See Article 6
Site Design Standards	Any commercial development must meet the design guidelines listed Land Development Plan

524. PD Planned Development District Application and Review Procedures

The following procedures shall apply to establishment of a PD district, other provisions in this Ordinance to the contrary notwithstanding.

Zoning amendment required:	PD districts are established by amendment to the Zoning Ordinance in the manner prescribed for rezoning
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b. District regulations	The applicable regulations in § 517, Article 6, and those in an approved plan and descriptive statement shall constitute the PD district regulations for the site.
Pre-application conference optional	An applicant for PD zoning is encouraged, but not required, to contact the Planning Commission prior to submission of the application for information and review of the regulations and procedures applicable to the proposed plan and descriptive statement.
Amendment application required	Initiation of a PD amendment shall be by submission of an application form provided by the Zoning Administrator with required attachments.
Development plan required	A site development plan is a required attachment to application for PD amendment. The site development plan shall be prepared according to the Town of Chapin Land Development Regulations
Descriptive statement required	<p>A descriptive statement is a required attachment to the application for PD amendment. The descriptive statement shall indicate the characteristics and standards to be used for development of the site, and shall include at least the following items:</p> <p>Legal description of site boundaries, and total area of the site;</p> <ol style="list-style-type: none"> (2). Area and location of each type of use; (3). Number and density of dwelling units by type; (4). Description of open space location, uses and proposed dedication for public use; (5). Ownership and maintenance of streets, and proposed dedication to public; (6). Methods of dealing with parking and the impact of projected traffic on the uses on the site and adjacent streets; (7). Steps proposed to comply with sediment control and storm drainage regulations; (8). Steps proposed to comply with landscaping regulations; (9). Details of association or organization involved in ownership and maintenance, including procedures and methods of operation; (10). Outline for development phasing with anticipated time frames; (11). Design standards, procedures and methods demonstrating that development will result in integrated use district, functional and compatible with the area & Article 10 architectural review

	<p>(12). Proposed restrictive covenants to be recorded to assure future compliance with the standards in the plan; and</p> <p>(13). Such other information as may be appropriate for Planning Commission review.</p>
Planning Commission review	Upon determination that the application meets above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to Town Council as required for zoning amendments.
h. Town Council action	Upon receipt of the Planning Commission recommendation, Town Council shall, conduct a public hearing as required for zoning amendments, and may approve, or approve with modifications accepted by applicant, or disapprove the proposed amendment.

i. Zoning and building permits	Zoning and building permits shall not be issued until the zoning is approved by Town Council, and approved plats, the approved descriptive statement and all required restrictive covenants are filed for record with the Municipal Clerk and the Clerk of Court for Lexington County, and all required bounds are posted with the Municipal Clerk.
j. District map	The site development plan approve by Town Council shall be the zoning district map for the PD and shall be the basis for issuance for zoning and building permits.

<p>k. Changes to plan:</p>	<p>Minor changes: Changes proposed in writing by the applicant which do not alter district boundaries and which involve revision of minor characteristics of the PD such as relocation of driveways, revision of floor plans, facades, landscaping, relocation of required parking, drainage structures, and features which do not materially affect the approve plan concept or violate any applicable regulations may be approved by the Zoning Administrator. Approval or rejection of the change is subject to review and final determination by the Planning Commission if the applicant or any party whose property is adversely affected files a written objection with the Planning Commission within ten (10) days after action by the Zoning Administrator. An applicant may submit a rejected change as an amendment to the plan under the normal zoning amendment procedures.</p> <p>Major changes: Changes proposed in writing by the applicant which alter district boundaries or which materially affect the characteristics of the PD shall be submitted under normal zoning amendment procedures applicable to the establishment of the PD.</p> <p>Permits: No zoning or building permits involving a minor or major change of the PD descriptive statement or map shall be issued until the written change is filed with the Municipal Clerk and recorded in the office of the Clerk of Court for Lexington County.</p>
<p>l. Failure to begin; failure to progress; failure to complete</p>	<p>If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement, Town Council may charge the developer with violation of the Zoning Ordinance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within two years of its establishment, the Planning Commission shall initiate the rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.</p>