

ARTICLE 3. APPLICATIONS AND PROCEDURES

3.1 GENERAL

3.1.1. PURPOSE AND INTENT

This article sets out the review procedure used by the City for each of the development application types subject to this Ordinance. The intent of these provisions is to:

- (A) Identify the steps in the review process for each application;
- (B) Increase predictability for applicants by standardizing the text describing the different development application review procedures;
- (C) Establish measurable review criteria for decision-makers to use in making a decision on an application; and
- (D) Comply with all applicable state and federal laws.

3.1.2. CONFORMITY WITH THE ZONING ORDINANCE

No City of Cayce official or employee shall issue a building permit, grading permit or business license that conflicts with this Ordinance. Any permit or license issued in violation with this Ordinance is null and void.

3.1.3. PRE-APPLICATION CONFERENCE REQUIRED

Prior to submittal of an application that is subject to a public hearing under this Ordinance, the applicant must attend a Pre-Application Conference with the Planning Director.

3.1.4. SEQUENCE OF APPLICATIONS

When two or more applications are required for development approval, final action by the applicable body shall occur in the following sequence:

- (A) Annexation and Zoning
- (B) Text Amendment

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- (C) Map Amendment
- (D) Variance from the Land Development Regulations
- (E) Preliminary Plat
- (F) Variance or Special Exception
- (G) Site and Landscape Plan and/or Final Plat
- (H) Grading Permit
- (I) Building Permit and/or Sign Permit

The Planning Director has the authority to expedite the review process by overlapping the processing of sequential applications. The costs of preparing plans and associated application fees shall be incurred at the applicant's risk and does not guarantee entitlements.

3.1.5. APPLICATION SUBMITTAL

All applications subject to this Ordinance shall be submitted to the Planning Director on forms approved by the City of Cayce. In any case where the applicant is not the owner of the subject property, the property owner must be party to the application in a form approved by the Planning Director.

3.1.6. FEES

Filing fees for applications subject to this Ordinance shall be established by the City Council and posted on the city website. Applicable fees shall be paid prior to an application being deemed complete by the Planning Director. No fee shall be required if the application is made by the City of Cayce or any agency created or appointed by the city. No refund of any fee or part of any fee shall be made unless deemed accepted in error by the Planning Director, or in the case where the fee paid exceeds the amount due.

3.1.7. SUBMITTAL DEADLINES

All applications must be submitted to the Planning Department and deemed complete prior to the application deadlines specified on the published calendar of submittal deadlines. The calendar of submittal deadlines shall be available at the Planning Department or on the city website. Applications that are incomplete or submitted after the posted deadline shall not be considered for the corresponding meeting.

3.1.8. COMPLETENESS DETERMINATION

The Planning Department shall only review and process an application under this ordinance if it is deemed complete. If an application is deemed incomplete, the Planning Department shall notify the applicant in writing of the deficiencies within seven (7) business days. An incomplete application shall be considered withdrawn if the required materials are not submitted within 60 calendar days of notification,

unless the deadline is extended by mutual agreement between the Planning Director and the applicant

3.1.9. PUBLIC NOTICE REQUIREMENTS

Table 3.1 Public Notice Requirements by Application

Application	Published Notice	Mailed Notice	Posted Notice	Timing prior to Public Hearing
Appeal of Administrative Decision	•	•		15 days
Annexation	•	•	•	15 days
Concept Plan for Flexible Review Districts (FRD)	•	•	•	15 days
Public Project Review	•			15 days
Rezoning	•	•	•	15 days
Special Exception	•	•	•	15 days
Street Name Change		•		15 days
Text Amendment	•	•		15 days
Variance	•	•	•	15 days

(A) **Published Notice.** The Planning Department shall prepare the content and publish the notice in a newspaper of general circulation. The notice shall be blocked in, carry an appropriate descriptive title, address and/or general location of the property subject to the application, a description of the nature, scope, and purpose of the application, and the date, time and place of the public hearing.

The notice shall also be published on the City’s website.

(B) **Mailed Notice.** The Planning Department shall send mailed notice to owner(s) of property subject to an application. The notice shall include a descriptive title, address and/or general location of the property subject to the application, a description of the nature, scope, and purpose of the application, and the date, time and place of the public hearing.

If the City maintains a list of groups that have expressed an interest in being informed of zoning proceedings, notice of such meetings must be mailed to these groups.

(C) **Posted Notice.** The Planning Department shall prepare and post a notice of public hearing on the subject property, under the following conditions:

- (1) the posted notice shall indicate the nature of the change proposed, identification of the property affected, and time, date, and place of the hearing.
- (2) the posted notice shall be posted in a conspicuous location on or adjacent to the property affected, with at least one such notice being visible from each

public thoroughfare that abuts the property and every two hundred (200) feet of street frontage or portion thereof.

- (3) where more than one parcel is subject to the application, the Planning Director shall determine the number and location of required public notice signs.
- (4) where one (1) or more blocks are affected by one application, one hearing notice per block shall be sufficient.
- (5) All signs must be removed within 30 days after the public hearing.
- (D) If a landowner whose land is the subject of a proposed amendment will be allowed to present oral or written comments to the planning commission, at least ten days' notice and an opportunity to comment in the same manner must be given to other interested members of the public, including owners of adjoining property.
- (E) Additional public notice requirements may be required for specific applications.

3.1.10. WITHDRAWAL OF APPLICATION

A request to withdraw an application shall be submitted in writing to the Planning Department. The withdrawal notice must be received prior to the meeting date to which the application is noticed for consideration.

3.1.11. TIME LIMITS FOR RESUBMITTAL OF APPLICATIONS

If any application is denied or disapproved by the City staff, Planning Commission, City Council, or Board of Zoning Appeals, an application for the same request shall not be refiled for one year from the date of mailing of the notice of denial. The Planning Commission or Board of Zoning Appeals, as appropriate, upon petition by the applicant and recommendation from the Planning Director, may permit the refiling of an application prior to the end of the one-year period upon a determination that significant physical, economic, or land use changes have taken place on the subject property or within the immediate vicinity, or a significant text amendment to this Ordinance has been adopted.

3.1.12. VESTED RIGHTS

- (A) See Section 1.12 Vested Rights.

3.2 DEVELOPMENT REVIEW PROCEDURES

3.2.1. SUMMARY

Key: RR-Review/Report PH-Public Hearing REC- Recommendation FD-Final Decision A-Appeal							
Application	Pre-Application	Planning Director/Staff	Planning Commission	City Council	Board of Zoning Appeals	Court of Common Pleas	Plan Ref.
PLANNING COMMISSION DECISION							
Street Name Change		RR	PH, FD			A	
Group Development Sketch		RR	FD			A	
CITY COUNCIL DECISION							
Surety Bond in Lieu of Completion of Improvements		RR		FD		A	
Annexation		RR	PH, REC	FD		A	
Map Amendment		RR	PH, REC	FD		A	
Text Amendment		RR	PH, REC	FD		A	
BOARD OF ZONING APPEALS DECISION							
Administrative Appeal		RR			PH, FD	A	
Special Exception		RR			PH, FD	A	
Variance		RR			PH, FD	A	
PLANNING DIRECTOR DECISION							
Exempt Subdivision		FD			A		
Minor Subdivision		FD			A		
Major Subdivision Sketch		FD			A		
Major Subdivision-Preliminary Plat		FD			A		
Major Subdivision Final		FD			A		
Sign Permit		FD			A		
Infill Development		FD			A		
Change of Use		FD			A		

Site Addition		FD			A		
Site Plan/ Group Site Plan		FD			A		
Written Interpretation		FD			A		
Grading Permit		FD			A		
Certificate of Occupancy		FD			A		

3.2.2. GENERAL

(A) **Filing Applications.**

Applications for permits and certificates required by this ordinance shall be filed on forms provided by the Planning Director, signed by the owner or developer, and shall be accompanied by processing fees, a copy of which is on file and maintained in the Planning Department. These applications may be combined with applications for building permits, required under the Building Code.

(B) **Zoning Permits issued by the Planning Department.**

- (1) All zoning permits issued by the Planning Department shall conform to the requirements of this ordinance.
- (2) In addition to the activities addressed in this section, the following activities shall require approval and/or a permit from the Planning Department:
 - a. Issuance of a building permit
 - b. Excavation preparatory to the construction of a structure for which a building permit is required
 - c. Grading, filling, surfacing, or enlarging parking areas
 - d. Changing the use of any part of a structure or zoning lot, including any increase in the number of families or dwelling units occupying a building or lot.
 - e. The establishment of a temporary use.

(C) The Planning Director may withhold or defer action on a permit application for a use that would be inconsistent with the terms of a proposed zoning ordinance or zoning amendment that is legally pending at the time the application is filed. A proposed ordinance or amendment is legally pending when City Council has formally resolved to consider a specific zoning proposal and the City has advertised the required public hearing.

(D) **General Application Requirements.**

In addition to such information as may be required in an application for a Building Permit, each application for permits and certificates required by this ordinance

shall, at a minimum, be accompanied by a plan in duplicate, drawn to scale superimposed on a recorded plat drawn to scale, one inch to 100 feet, showing:

- (1) The shape and dimensions of the zoning lot.
- (2) The size and location of all existing buildings.

The lines within which any proposed buildings shall be erected, altered, or moved; the locations of any officially approved building setback lines.
- (3) The heights of all proposed buildings and parts thereof.
- (4) The existing and proposed use of each building and part thereof.
- (5) The number of families or dwelling units in each existing building and the number that each proposed building is intended to accommodate.
- (6) The size and location of all proposed driveways, off-street loading areas, and off-street parking areas containing more than six parking spaces.
- (7) Finished first floor elevation above mean sea level requirement and the flood hazard zone designation if in a special flood hazard zone.
- (8) Such other reasonable and pertinent information concerning the lot or neighboring lots as the Planning Director may find necessary for the enforcement of this Ordinance.

Procedures listed in this Article and applications may have additional requirements specific to the type of development being proposed.

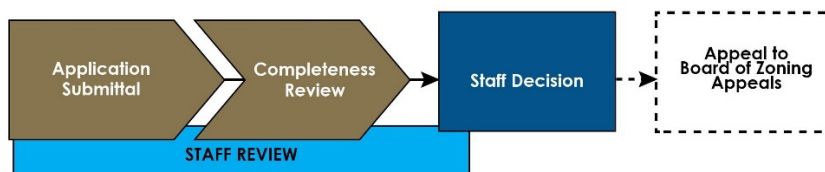
(E) Inspections.

The Planning Director or duly authorized staff may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

(F) Expiration

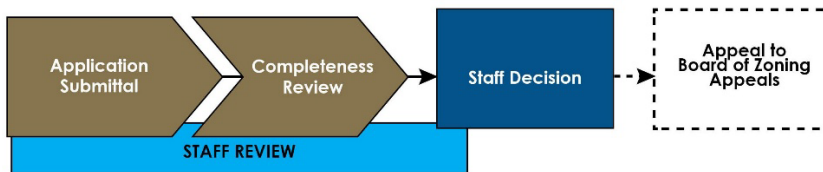
If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be canceled and written notice thereof shall be given to the owner/developer, unless extended by the Planning Director upon application by the owner/developer.

3.2.3. CHANGE OF USE-NO ADDITIONAL PARKING REQUIRED



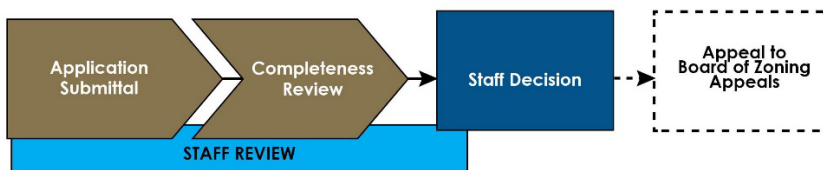
- (A) **Applicability.** When a change in land use is proposed to a property, an approval from the Zoning Administrator is required to ensure full compliance with the Zoning Ordinance.
- (B) **Application Requirements.** When a landowner or occupant is proposing a change in the use of property, it must apply for a Change of Use permit. If the proposed change conforms with the provisions of this ordinance (including meeting minimum parking requirements), meets the requirements of the Building Official and Fire Marshal, and does not require additional parking to meet parking requirements for the proposed use, then the Zoning Administrator shall issue a Change of Use permit.

3.2.4. GRADING PERMIT



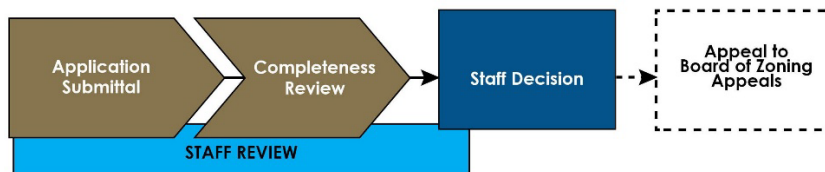
- (A) **Applicability.** A Grading Permit is required for any activity that disturbs or alters the grade of a site, except when such activity is already covered under the Site Plan or Preliminary Plat processes described in this Section. A grading permit may be required when adding additional parking surface to meet the parking requirements of a new use (see Change of Use) or adding an impervious surface to an existing use.
- (B) **Application Requirements.** If clearing, grading or adding an impervious surface, then a Lexington County stormwater review is required for approval, unless the property is located in Richland County. If the property is located in Richland County, City approval is required.
- (C) If this is a parking lot expansion of any size, then the additional parking must fully comply with the landscape ordinance. The existing parking lot is not required to comply with the landscape ordinance.

3.2.5. CHANGE OF USE- NEW PARKING REQUIRED



- (A) **Applicability.** This process is in effect when a property changes its land use and new parking is required to be added in order to be compliant with the Parking Ordinance.
- (B) **Application Requirements.** A Lexington County stormwater review is required, unless the property is located in Richland County. If the property is located in Richland County, City approval is required.
- (C) Additional parking must fully comply with the landscape ordinance. The existing parking lot is not required to comply with the landscape ordinance.

3.2.6. SITE ADDITION



- (A) **Applicability.** This procedure is in effect when an existing structure expands its gross floor area by 25%.
- (B) **Exemptions.** Single- and two-family homes, and associated accessory structures, are exempt from this procedure.
- (C) **Application Requirements.** In addition to the requirements in Section 3.2.1, the site plan must include the following information:
 - a. The site plan must be drawn to a scale of not less than 100 feet to 1 inch by a registered engineer/surveyor of the state of South Carolina;
 - b. A vicinity map, title block, scale, north arrow, site size, and property line survey;
 - c. The location of any utility easements;
 - d. The land use for every part of the site and the number of acres devoted to each use;
 - e. Delineation of phases if the site is to be developed in multiple phases;
 - f. The site's traffic circulation plan, including the location of curb cuts and points of ingress/egress, and also including the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.;
 - g. The site's parking plan, including all off-street parking, loading/unloading areas, and structures, and also including all parking spaces and their dimensions;

- h. Stormwater management and sedimentation and erosion control plans, which must be submitted to the county soil and water conservation district;
- i. The site's sign plan, which includes all exterior signage of the development;
- j. The site's lighting plan, including the location, height, and type of all exterior light fixtures;
- k. If applicable, the location of all proposed nonresidential buildings or structures, their general exterior dimensions, and gross square footage;
- l. If applicable, the location of all proposed residential structures, their general exterior dimensions, the number of residential dwelling units by type, and the number of the bedrooms in each unit;
- m. If applicable, the site's pedestrian circulation plan, including the location of all sidewalks, paths, trails, etc., and the dimensions thereof;
- n. The screening and landscape plan for the site; including the following information:
 - i. The location, botanical name and common name, size in diameter one-half foot above grade, and height of new trees to be planted, which must comply with this code,
 - ii. The location, botanical name and common name, size in diameter 4½ feet above grade, and estimated height of existing trees, which are to be maintained or preserved for credit as per the requirements of this code,
 - iii. The location and dimensions of parking lot buffer areas and other planting areas,
 - iv. The size, botanical name and common name and spacing of plant materials,
 - v. The location and design of any fence, wall, or earthen berm indicating size, dimensions and materials,
 - vi. The location and description of any barriers required to be erected to protect any existing vegetation from damage,
 - vii. Provisions for watering and other long-term maintenance to assure serviceability, soil stabilization, and plant protection.
- o. Specifications indicating the proposed treatment or improvements to all open space areas and the delineation of those areas proposed for specific types of developed recreational activities;
- p. Elevations of proposed development; and

- q. Perspective sketch indicating colors and materials of all structures and screening.

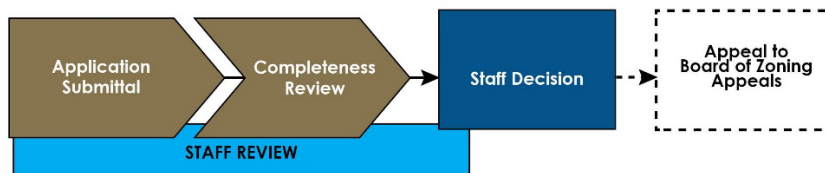
(D) Landscaping.

- (1) All buffer and street protection yard requirements are required, in accordance with Article 8 Landscaping.
- (2) Additional parking must fully comply with the landscape ordinance. The existing parking lot is not required to comply with the landscape ordinance.

(E) Parking.

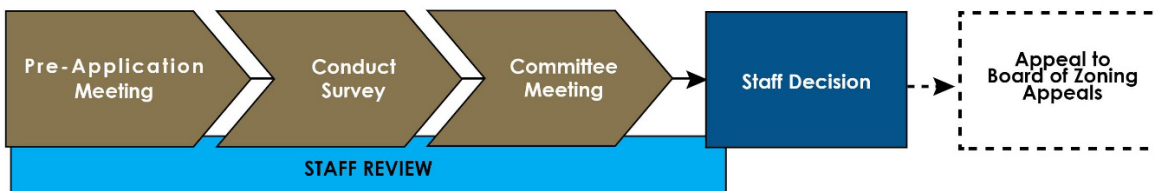
All new parking added must fully comply with Article 7 Parking.

3.2.7. UPFIT OF INTERIOR-SUBSTANTIAL IMPROVEMENT



- (A) **Applicability.** When upfits to an existing commercial or industrial building meet the definition of a substantial improvement, then additional improvements are required. The Building Official or building plans reviewer shall notify the Planning Director if a building permit is applied for that may trigger these additional requirements.
- (B) **Application Requirements.** A Site Plan application is required. Full compliance with the landscape requirements of this Ordinance, including the existing parking area, shall be met prior to the issuance of certificate of compliance, in addition to all other requirements associated with the building and land disturbance.

3.2.8. INFILL DEVELOPMENT

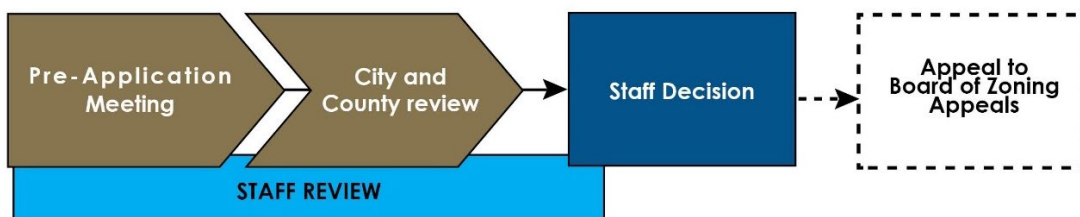


- (A) **Purpose.** Infill Development has development standards that are described in Article 5 General Standards. The purpose of this section is to provide the review and approval process for this type of development.
- (B) **Applicability.** Infill development is defined as the development, reuse, or change of use of vacant, underdeveloped or proposed redeveloped land on an

existing street that is surrounded on at least two (2) sides by existing development.

- (C) **Pre-application Meeting.** A pre-application meeting with Planning Department staff is required for all infill development so that the applicant and staff can discuss the applicant’s intent and the infill development requirements. If applicant decides to move forward, staff shall conduct a survey of the design standards of the surrounding development.
- (D) **Survey of surrounding development.** Infill development must be similar in design as the surrounding development. Surrounding development is defined as the single-family residential properties surrounding the property to be developed. Surrounding development includes each property whose front or side property lines falls within 500 feet, measuring from each corner of the property to be developed. The Planning Director has the discretion to reduce or enlarge the boundary when major separations (highways, railroads) are located within 500 feet of the property to be developed.
- (E) **Committee Meeting.** Following the survey, a Planning and Development Department committee shall review the results of the survey to determine the standards that shall be applied to the infill development. These standards are defined in Article 5 General Standards.
- (F) **Staff Decision.** Once the committee makes this determination, the Planning Director, or duly authorized staff, shall inform the applicant in writing of the additional requirements, if any, that shall be required on the applicant’s building permit application.

3.2.9. APPEALS. APPEALS OF THE COMMITTEE’S DECISION SHALL BE MADE TO THE BOARD OF ZONING APPEALS, IN ACCORDANCE WITH ARTICLE 2 AND SECTION 3.3.12 APPEAL OF ADMINISTRATIVE DECISION. INFILL DEVELOPMENT THAT EXCEEDS IMPERVIOUS SURFACE LIMITS

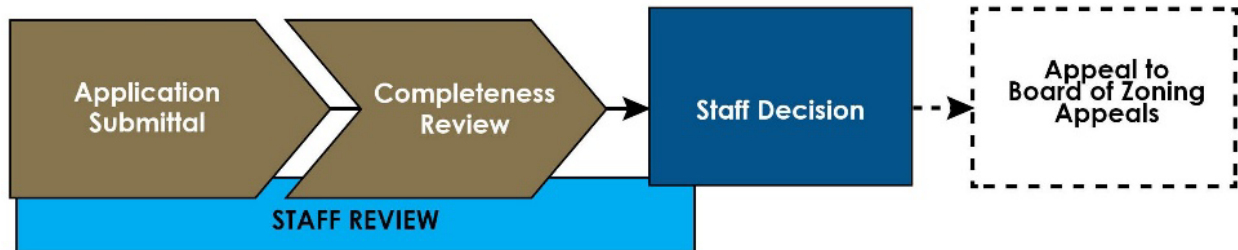


- (A) **Applicability.** When the proposed impervious area of infill development exceeds the maximum allowed by the zoning district’s lot coverage percentage, the applicant shall be required to mitigate increased runoff impacts through SCDES-recommended Low Impact stormwater Best Management Practices (BMPs) to ensure that there is no impact on the adjacent residential properties.

- (B) **Pre-application meeting.** A pre-application meeting with the City of Cayce Planning and Development Department and Lexington County Community Development Department is required to prevent re-designs and delays.
- (C) **Application Requirements.** When any increase in impervious surface is proposed on infill development, as defined in Section 5.9.2, zoning approval is required. If the increase exceeds the maximum permitted, the following requirements apply:
- (1) the amount of impervious surface that exceeds the maximum shall be clearly delineated on the building plans.
 - (2) To offset the increased impervious surface, low impact BMP's shall be implemented, with the intent of reducing volume, moderating runoff rate, and protecting water quality.
 - (3) A separate stormwater submittal to Lexington County Community Development Department that
 - a. Identifies proposed low impact BMP's and
 - b. Confirms that BMP's are sized and located consistent with single-lot residential conditions.
 - (4) Projects exceeding impervious limits are not eligible for standard residential stormwater treatment alone and may be subject to additional review by Lexington County Community Development Department.
- (D) **Residential site plan requirements**
- (1) Property boundaries shown
 - (2) Building footprint shown
 - (3) Required setbacks labeled
 - (4) Driveway and parking areas shown (Including proposed materials)
 - (5) Utilities shown (water, sewer, electric)
 - (6) Existing and proposed grades shown (if applicable)
 - (7) Stormwater and drainage features shown
 - (8) Flow direction arrows included
 - (9) Impervious / pervious areas delineated
 - (10) 2 plan sets submitted to the City of Cayce
- (E) **County approval.**
- (1) City approves plans for compliance with 3.2.9(C), but stormwater approval is required from Lexington County Community Development Department to ensure that there is no impact on the adjacent residential properties. This approval shall include
 - a review of drainage impacts
 - a review of erosion and sediment control measures

- a requirement for additional stormwater measures if necessary to ensure no impact on adjacent residential properties.
 - (2) Lexington County shall issue a land disturbance permit upon approval.
 - (3) Once the approved land disturbance permit is submitted to the City of Cayce, the infill development as described in Section 3.2.8 shall continue.
- (F) **Construction requirements.** Following plan approval, the following requirements shall apply during construction
- (1) Erosion and sediment controls installed prior to disturbance
 - (2) Controls maintained during construction
 - (3) No sediment discharge to streets or storm drains
 - (4) County inspections accommodated as required.
- (G) **Post-construction requirements.** The infill development shall comply with the following final stabilization and close-out requirements.
- (1) Disturbed areas permanently stabilized
 - (2) No outstanding stormwater
 - (3) All city and county inspections passed.

3.2.10. SITE PLAN



- (A) **Applicability.** All proposed commercial, multi-family, or industrial development that is not a site addition or group development shall be subject to site plan review by the Planning Director.
- (B) **Application Requirements.** In addition to the requirements in Section 3.2.1, the site plan must include the following information:
- a. The site plan must be drawn to a scale of not less than 100 feet to 1 inch by a registered engineer/surveyor of the state of South Carolina;
 - b. A vicinity map, title block, scale, north arrow, site size, and property line survey;
 - c. The location of any utility easements;
 - d. The land use for every part of the site and the number of acres devoted to each use;

- e. Delineation of phases if the site is to be developed in multiple phases;
- f. The site's traffic circulation plan, including the location of curb cuts and points of ingress/egress, and also including the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.;
- g. The site's parking plan, including all off-street parking, loading/unloading areas, and structures, and also including all parking spaces and their dimensions;
- h. Storm water management and sedimentation and erosion control plans, which must be submitted to Lexington County, if applicable;
- i. The site's sign plan, which includes all exterior signage of the development;
- j. The site's lighting plan, including the location, height, and type of all exterior light fixtures;
- k. If applicable, the location of all proposed nonresidential buildings or structures, their general exterior dimensions, and gross square footage;
- l. If applicable, the location of all proposed residential structures, their general exterior dimensions, the number of residential dwelling units by type, and the number of the bedrooms in each unit;
- m. If applicable, the site's pedestrian circulation plan, including the location of all sidewalks, paths, trails, etc., and the dimensions thereof;
- n. The screening and landscape plan for the site; including the following information:
 - i. The location, botanical name and common name, size in diameter one-half foot above grade, and height of new trees to be planted, which must comply with this code,
 - ii. The location, botanical name and common name, size in diameter 4½ feet above grade, and estimated height of existing trees, which are to be maintained or preserved for credit as per the requirements of this code,
 - iii. The location and dimensions of parking lot buffer areas and other planting areas,
 - iv. The size, botanical name and common name and spacing of plant materials,
 - v. The location and design of any fence, wall, or earthen berm indicating size, dimensions and materials,

- vi. The location and description of any barriers required to be erected to protect any existing vegetation from damage,
 - vii. Provisions for watering and other long-term maintenance to assure serviceability, soil stabilization, and plant protection.
 - o. Specifications indicating the proposed treatment or improvements to all open space areas and the delineation of those areas proposed for specific types of developed recreational activities;
 - p. Elevations of proposed development; and
 - q. Perspective sketch indicating colors and materials of all structures and screening.
2. **Written Narrative.** The site plan shall be accompanied by a written narrative describing the nature and details of the proposed development, proposed form of ownership (fee simple, horizontal property regime, property owner association, etc.), an itemization of any improvements to be dedicated to any public agency upon improvement, and any other information necessary to provide clarity regarding the proposed development.
3. **Legal Documents.** Applicant shall submit draft easements, covenants, conditions and restrictions, and other legal documents pertaining to the operation and management of the proposed development if required by any other provisions of this Ordinance.
4. **Approval.** If the Planning Director shall review the submitted site plan to determine compliance with all provisions of this Ordinance and any other conditions or requirements associated with any other development approvals for the subject property. Within 30 days of submittal, the Director shall notify the applicant in writing regarding the determination:
- a. Approval;
 - b. Approval with Conditions;
 - c. Notification of incomplete application;
 - d. Disapproval with reasons for decision and the option for resubmittal as a new application at the discretion of the Planning Director.
5. **Appeal.** Appeals of the Planning Director's decision shall be to the Board of Zoning Appeals, in accordance with Section 3.3.12.

3.2.11. GROUP DEVELOPMENT SKETCH PLAN



(A) Applicability.

(1) Group commercial or industrial developments consist of more than one commercial or industrial structure erected on a single lot.

(B) Application Requirements. In addition to the requirements in Section 3.2.1, the sketch plan must include the following information:

- (1) Total acreage in the tract proposed for Group Development and a statement of total contiguous acreage owned by the developer.
- (2) Tentative access and/or street layout.
- (3) Approximate rights-of-ways of existing and proposed buildings and structures.
- (4) Typical arrangement of existing and proposed buildings and structures.
- (5) Existing and proposed uses of land throughout the tract.
- (6) Existing uses of land and all existing street intersections surrounding the tract.
- (7) The location and size of all proposed utilities and storm drainage easements.
- (8) Topography in terms of mean sea level by contours at vertical intervals of not more than five (5) feet and extending at least one hundred (100) feet outside the tract (if access to adjoining land can be obtained).
- (9) Name, date, north point, and graphic scale of not less than one hundred (100) feet to one (1) inch.
- (10) A vicinity map at a scale of not less than one (1) inch equals one (1) mile showing the relationship of the proposed Group Development to surrounding development, especially schools, parks and shopping areas. The scale of the vicinity map should be shown on the Sketch Plan Drawing.
- (11) A site evaluation shall be submitted with the Sketch Plan. For developments exceeding five (5) acres in size, the elevation data for a one hundred (100) year flood shall be included.
- (12) Such other information as the Planning Commission may deem necessary because of the physical characteristics peculiar to the particular development.

6. Planning Commission Approval Authority. The Planning Commission has the authority to require alternative methods of standards required by this

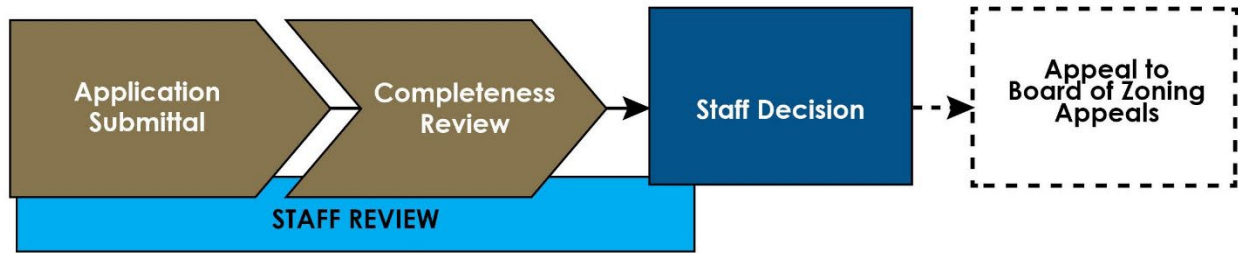
ordinance based on the unique nature of the development, but it cannot require changes to the plan that exceed the requirements of this ordinance.

7. **Written Narrative.** The site plan shall be accompanied by a written narrative describing the nature and details of the proposed development, proposed form of ownership (fee simple, horizontal property regime, property owner association, etc.), an itemization of any improvements to be dedicated to any public agency upon improvement, and any other information necessary to provide clarity regarding the proposed development.
8. **Legal Documents.** Applicant shall submit draft easements, covenants, conditions and restrictions, and other legal documents pertaining to the operation and management of the proposed development if required by any other provisions of this Ordinance.
9. **Approval.** The staff shall recommend approval, disapproval, or approval with modification the Site Plan within thirty (30) days to the Planning Commission. The Planning Commission shall approve, disapprove, or approve with modification the site plan at its next regularly scheduled meeting. Pertinent comments and recommendations shall be noted by the Planning Commission.

If the Site Plan is disapproved by the Planning Commission or if the Planning Commission requires changes with which the developer does not concur, the developer may appeal to the Circuit Court within thirty (30) days of being notified of the Planning Commission's decision.

If the Planning Commission fails to act within thirty (30) days after submission of the Site Plan, the Planning Director must inform the developer of the date on which action shall be taken but such extension of time shall not exceed thirty (30) days. Failure of the Planning Commission to act within these time limits shall be deemed to constitute Site Plan approval and a certificate to that effect shall be issued by the Planning Director upon demand.
10. **Appeal.** An appeal of the Planning Commission's decision shall be made to the Court of Common Pleas within 30 days from the date the applicant receives the determination in writing subject to the Administrative Appeals process described in this Chapter.

3.2.12. GROUP DEVELOPMENT SITE PLAN



- (A) **Applicability.** Once Planning Commission has approved the Group Development Sketch Plan, the applicant shall submit a Site Plan corresponding to the approved sketch plan.
- (B) **Application Requirements.** All application requirements as listed in Section 3.2.9(B) shall be provided for Group Development Site Plans.
- (C) **Additional requirements.**
 - (1) Water, Sewerage 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.
 - (2) Access and Egress – shall conform to the Driveway Regulation of the South Carolina Department of Transportation and the Zoning Ordinance. When practical, parking lots for development within non-commercial zoning districts shall be interconnected in such a way to allow for the efficient flow of traffic between development without accessing the adjacent street or streets.
- (D)
- (E) **Approval.** Upon determination that the Group Development Site Plan conform to the approved Sketch Plan, the staff shall submit these plans to the following agencies (as appropriate), but not limited to the appropriate agencies, including, but not limited to
 - a. City of Cayce Building Division
 - b. City of Cayce Utilities Department
 - c. Lexington County Community Development Department.

Upon receipt of the reports from the above agencies, the Planning Director shall approve, disapprove or approve with modifications the Site Plan within thirty (30) days after submission of the plans.

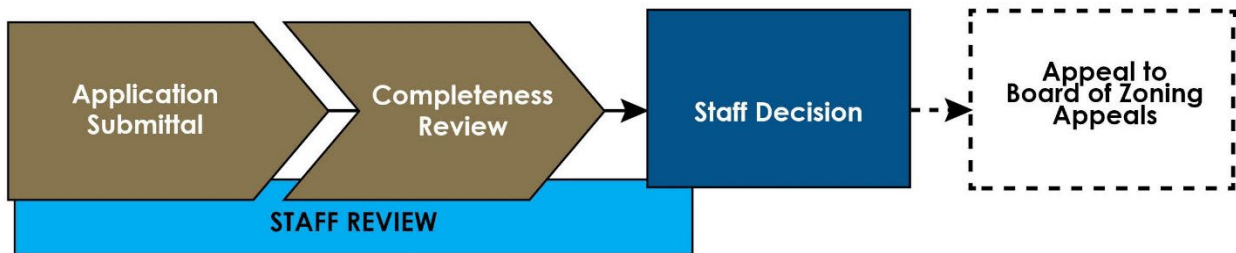
Enforcement - No building permits shall be issued and no connection to a public water system or public sewer system shall be made until the site plans for the

group development are approved by the Planning Director and so noted on prints of the development plan.

- (F) **Appeal.** If the site plan is disapproved by the staff or if the staff requires changes with which the developer does not concur, the developer may submit the site plan to the Board of Zoning Appeals. The Board of Zoning Appeals shall review and approve, disapprove or approve with modifications the site plan at the next regular meeting at which it is presented. Pertinent comments and recommendations shall be noted by the BZA.

The BZA shall not act to override the requirements of other agencies. The BZA may seek to bring agreement in cases of conflict between the various reviewing agencies and the developer.

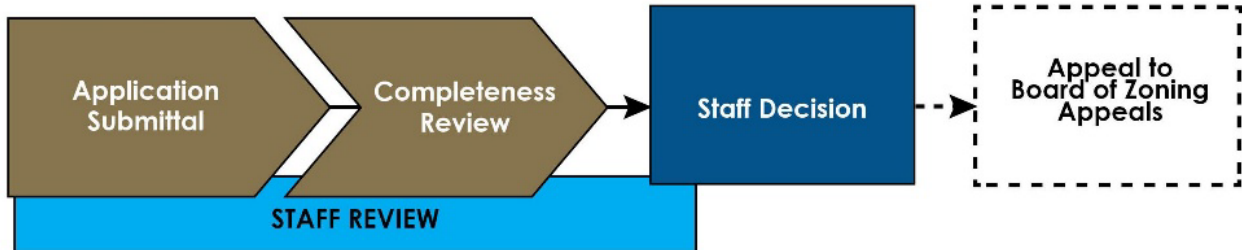
3.2.13. EXEMPT SUBDIVISION



- (A) **Applicability.** Subdivisions that meet the definition of an exempt subdivision.
- (B) **Application requirements.** An exempt subdivision shall be submitted and reviewed by staff.
- (C) **Completeness review.** The Planning Director or duly authorized staff shall review the application and make a determination of whether the subdivision is an exempt subdivision within 10 calendar days of the application being determined complete, unless this time requirement is waived by the applicant. If staff does not make a decision on the application and provide the applicant with notice of the decision within 30 days of the application being determined complete, and if the applicant does not waive the time requirement, the subdivision shall be deemed an exempt subdivision.
- (D) **Approval.** subdivision that is determined an exempt subdivision in accordance with this section shall be signed by the Planning Director or duly authorized staff for recordation.
- (E) **Appeal of Decision on Application.** Appeals of the Planning Director’s decision shall be to the Board of Zoning Appeals, in accordance with Section 3.3.12.
- (F) **Recordation of Signed Plat.** A signed and sealed plat for an exempt subdivision shall be recorded by the applicant within 30 days of approval in the County

Register of Deeds. The applicant shall provide the Planning Department with at least one copy of the recorded plat.

3.2.14. MINOR SUBDIVISION



- (A) **Applicability.** This section shall apply to all subdivision of land resulting in four or fewer lots and meeting the following requirements:
- (1) Does not involve the creation of a new street or road,
 - (2) Does not involve the extension of a public utility,
 - (3) Does not require the extension of municipal facilities,
 - (4) Does not create any public improvements,
 - (5) Does not adversely affect the remainder of the parcel or adjoining parcels,
 - (6) Does not conflict with the Comprehensive Plan, Zoning Map, Zoning Ordinances, or these Regulations.

Minor Subdivisions are subject to Planning Director approval.

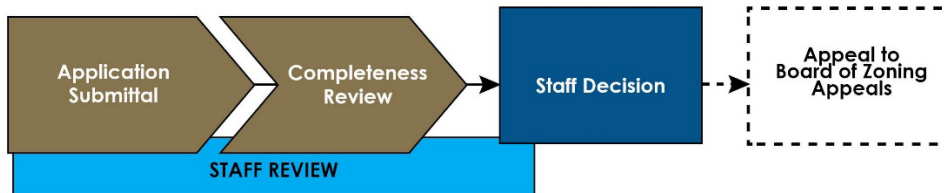
- (B) **Application Requirements.** A Minor Subdivision shall be submitted to the Planning Department in accordance with Section 3.2.1. The Minor Subdivision shall be submitted in both paper and digital formats and shall be drawn on a scale of not less than one inch to 200 feet or as specified below and shall include the following.
- (1) Maximum plat size shall not exceed 24" × 36".
 - (2) The name, address, phone number, signature and seal of a registered professional engineer or registered land surveyor licensed in South Carolina,
 - (3) The name of a subdivision if within an existing subdivision,
 - (4) The proposed name of the subdivision if not within a previously platted subdivision, the proposed name of which shall not duplicate the name of any recorded subdivision,
 - (5) The tract name if no subdivision name has been chosen,
 - (6) A key map if the entire subdivision will not fit on one sheet, along with matchlines to facilitate the matching of separate sheets,
 - (7) Municipal and County boundaries within 200 feet,

- (8) The name, address, and telephone number of the owner of property or the applicant if not the owner. If the applicant is not the owner, a statement consenting to the subdivision shall be signed by the owner,
 - (9) The location, size, and purpose of any existing or proposed easement, right-of-way, or land reserved or dedicated for public use,
 - (10) The names, locations and widths of all existing or planned streets or other public ways within and immediately adjacent to the tract,
 - (11) Existing covenants or restrictions,
 - (12) The names of adjoining property owners,
 - (13) Tract boundary lines at lot lines with accurate dimensions, bearings or deflection angles of all curves,
 - (14) Number of proposed lots shown on each sheet and the dwelling density,
 - (15) The use of any lots for uses other than residential uses,
 - (16) Location of all structures,
 - (17) Location and name of all streets,
 - (18) Location and descriptions of all monuments,
 - (19) The location of all watercourses, including lakes and ponds within 200 feet , including the 100-year flood line,
 - (20) Existing and proposed location, size, elevation and slope of all storm and sanitary sewers, water mains and other underground structures within and immediately adjacent to the site,
 - (21) Connections and proposed connections to the existing water supply and sanitary sewer or other means of providing water and sewage disposal,
- (C) **Approval Process.** The Planning Director shall review the submitted minor subdivision to determine compliance with all provisions of this Ordinance and any other conditions or requirements associated with any other development approvals for the subject property. Within 30 days of submittal, the Director shall notify the applicant in writing regarding the determination:
- (1) Approval;
 - (2) Approval with Conditions;
 - (3) Notification of incomplete application;
 - (4) Disapproval with reasons for decision and the option for resubmittal as a new application at the discretion of the Planning Director.
- (D) **Effect of Approval.**
- (1) Minor Subdivision approval shall be effective for two years during which time the plat shall not be affected by any changes to this Ordinance. If the Minor

Subdivision is not recorded during the two-year period a new application must be submitted subject to the effective ordinance.

- (2) Construction improvements associated with a Minor Subdivision shall be submitted separately for review and approval.
- (E) **Appeals.** Appeals of the Planning Director’s decision shall be to the Board of Zoning Appeals, in accordance with Section 3.3.12.

3.2.15. MAJOR SUBDIVISION SKETCH



- (A) **Applicability.** This section shall apply to all subdivision of land within the corporate limits of the City of Cayce not classified as a Minor Subdivision and meeting one of the following criteria:
 - (1) Having more than four lots,
 - (2) Involving the creation of a new street or road,
 - (3) Involving the extension of public facilities,
 - (4) Involving the creation of any public improvements, and
 - (5) Adversely affecting the remainder of the parcel or an adjoining property.
- (B) **Application Requirements.** The sketch plan shall be submitted in accordance with the Major Subdivision application and shall include:
 - (1) Title block with subdivision name and designer information
 - (2) Required map elements to include scale, north arrow, location map and tax map sheet (TMS) number
 - (3) Property zoning
 - (4) Project road names, adjacent roads with road name and right-of-way width
 - (5) Adjacent owners and parcel numbers (TMS numbers)
 - (6) Lot numbers
 - (7) Lot sizes
 - (8) Current flood statement identifying the Flood Insurance Rate Map (FIRM) panel, flood zones and boundaries
 - (9) Fire hydrant distribution (addressed by municipal water provider)
 - (10) Access drives (IFC 503.1.1: Minimum of two remote access points for emergency ingress/egress)
 - (11)

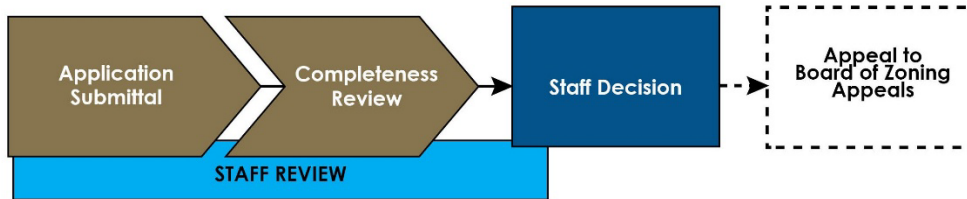
- (C) **Approval Process.** After reviewing the Sketch Plan, the Planning Director or duly authorized staff shall advise the applicant within thirty (30) days after application that the Sketch Plan is approved, disapproved, or approved with certain modifications. If approved, said approval shall constitute authorization to prepare and submit a Preliminary Plat. Approval *does not* authorize the developer to begin the proposed construction or improvements. If the Planning Director or duly authorized staff 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 Director or duly authorized staff upon demand; provided, however, that the subdivider may waive this requirement and consent in writing to extension of such period.

As part of the plan review, the Planning Director shall consult with the appropriate water and sewer provider, county stormwater authority, Cayce Parks Director, and Cayce Fire Marshal, SC DOT and SCDES to check the proposed preliminary subdivision plan against the requirements of the City Code and other applicable technical requirements of the City and provide a response.

(D) **Effect of Approval.**

- (1) Approval of a sketch plan in accordance with this section allows for the subsequent submission and review of preliminary plat applications for land that is within the boundaries of the sketch plan and establishes a vested right of 2 years from the date of approval.
 - (2) Sketch plan shall become void after a two-year period beginning on the date of approval, or after the final extension approved in accordance with subsection (3) below, unless an application for a preliminary plat for all or a portion of the lands subject to the sketch plan is submitted.
 - (3) The Planning Director or duly authorized staff may approve up to three (3), one-year extensions of sketch plan approval if the applicant submits a written request to the City no later than 30 days and no earlier than 60 days prior to the expiration of each period of validity. The Planning Director or duly authorized staff shall approve such requests unless prohibited by an intervening amendment to this ordinance.
- (E) **Appeals.** Appeals of the Planning Director's decision shall be to the Board of Zoning Appeals, in accordance with Section 3.3.12.

3.2.16. MAJOR SUBDIVISION PRELIMINARY PLAT



- (A) Applicability, Once a major subdivision sketch plan has been approved, the applicant shall submit a preliminary plat conforms with the approved sketch plan that provides the construction plans of the proposed subdivision.
- (B) Approval process. Upon determination by the Planning Director that the Preliminary Plat conforms with the approved Sketch Plan, the Planning Director shall distribute copies of the Preliminary Plat and construction Plans to the following agencies, as needed, for review and approval:
 - (1) Appropriate water and sewer provider
 - (2) Cayce Parks Director
 - (3) Cayce Fire Marshal
 - (4) Other agencies as appropriate

These reviewing agencies shall report their findings to the Planning Director within fifteen (15) days after receipt of the Preliminary Plat.

Simultaneously, the applicant shall submit the preliminary plat to the Lexington County Community Development Department for review and approval.

The Planning Director shall require a copy of the approved preliminary plat from Lexington County prior to issuing the final approval of the preliminary plat. Preliminary plat approval from the City of Cayce is required prior to the applicant disturbing any land on the property to be developed.

Upon receipt of reports from the appropriate reviewing agencies, the Planning Director shall give approval, approval with certain modifications, or disapproval of the Preliminary Plat, but in each case his/her action shall be taken within sixty (60) days after submission of the Preliminary Plat: otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Director on demand: provided, however, that the applicant for approval may waive this requirement and consent in writing to an extension of such period. The grounds of disapproval of any

Preliminary Plat shall be stated in the records of the Planning Director.

Approval of the Preliminary Plat shall be noted on the plat and certified by the Planning Director. Also noted shall be the date on which the Planning Director granted approval and the date of written notification to the subdivider or his authorized agent. Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat. Application for approval of the final (record) plat shall be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met. Upon approval of the preliminary subdivision plat by the Planning Director, the subdivider may proceed with compliance of the other requirements of these regulations, construction of proposed improvements, and the preparation of the final subdivision plat.

(C) **Appeal.** Appeals of the Planning Director's decision shall be to the Board of Zoning Appeals, in accordance with Section 3.3.12.

(D) **Revisions to an Approved Preliminary Subdivision Plan**

Minor revisions to an approved preliminary subdivision plan that reflect the same basic street and lot configurations as used for the original approval may be approved by the Planning Director.

Any request for a revision to an approved preliminary subdivision plan that increases the number of building lots, decreases the amount of common open space or alters a road pattern shall be initiated and processed as a new application for preliminary subdivision plan approval.

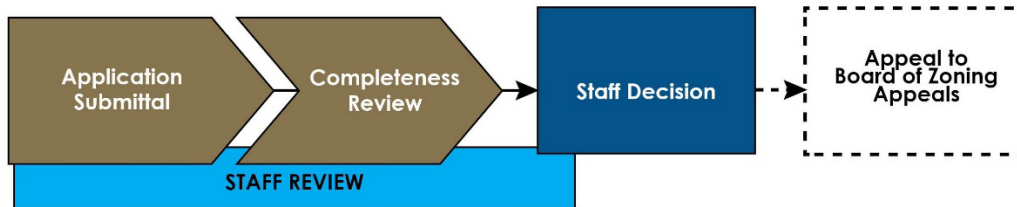
(E) **Phasing**

- (1) If not otherwise set out as part of the preliminary subdivision plan, lots may be recorded and public improvements may be constructed in phases.
- (2) The Planning Director shall ensure that the phasing plan is in accordance with the approved preliminary subdivision plan, this UDO, resolutions of the City Council, and conditions of approval.
- (3) The phasing plan shall indicate timing of the construction of public improvements in such a way that the number of lots in each phase is reasonably proportional to the amount of development-related improvements in each phase and that rights-of-way and utility easements

are extended in the initial phase of development to all adjacent lots that do not have public street access or access to public utilities.

- (4) The number of dwelling units in recorded phases complies with the density requirements of this UDO.
- (5) In the recorded phase, all setbacks, neighborhood transition zones, transitional protective yards and other special yard areas are met.
- (6) In the recorded phase, off-street parking requirements for the developed portion are observed.
- (7) In the recorded phase, the amount of required open space is proportionate to the percentage of land being recorded.
- (8) The recorded phase conforms to all of the requirements for a legal lot.
- (9) Unrecorded phases may contain inappropriate densities, setbacks, off-street parking spaces and required open space, provided any such phase at the time of its recordation is combined with other recorded phases of the development so that the combined properties together conform to the density, setback, off-street parking and open space requirements of this UDO.
- (10) Any residual portion of development complies with the requirements of a legal lot, including its authorization as a subdivided lot and the following:
 - a. Total acres (gross) recorded;
 - b. Total acres of right-of-way approved;
 - c. Total acres of right-of-way dedicated;
 - d. Total acres (net) approved;
 - e. Total acres (net) recorded;
 - f. Total acres of open space approved; and
 - g. Total acres of open space recorded.
- (11) Amendments to the phasing plan may be made in conjunction with the review of construction plans, but an updated copy of the new phasing plan must be submitted and placed in the case file maintained by the Planning Director. If the extent of the amendments has an impact on more than one phase, then a revised preliminary plan shall be required.

3.2.17. MAJOR SUBDIVISION FINAL



(A) Applicability

1. All divisions of land not exempted in Sec. 3.2.12 shall require final subdivision plat approval as set forth below.
2. The final subdivision plat shall constitute one or more phases of the approved preliminary subdivision plan.
3. Approval of the final subdivision plat shall be subject to the installation, acceptance, warranty and as-built drawing of the improvements required in Section 5.12 or the posting of a construction surety as set forth in Sec. 3.4.3.

(B) Application

An application for final subdivision plat approval shall include the following:

- (1) Compliance with all requirements of State and County Codes.
- (2) A metes and bounds description of all required easements.
- (3) Executed copies of all legal instruments required by the City in association with development approval.
- (4) Posting of a construction surety as set forth in Sec. 3.2.18 for improvements which are not accepted for public maintenance by the City.
- (5) Tree conservation plans for approved preliminary subdivisions 2 or more acres in size.
- (6) The final plat and all dedication plats shall contain a ownership certification statement: *The undersigned is (are) the sole owner(s) of the property shown on the map or plat and any accompanying sheets having acquired the property in fee simple by deed(s) recorded in the county register of deeds office where the property is located and as such has (have) the right to convey the property in fee simple and that the dedicator(s) hereby agree to warrant and defend the title against any claims of all persons whomsoever excepted as specifically listed herein and that by recording this plat or map I (we) do irrevocably dedicate to the City of Cayce for public use all streets, easements, rights-of-way, parks and greenways (as those interests are defined in the City Code) and as the same are shown on the plat for all lawful purposes to which the City may devote or allow the same to use and upon acceptance thereof, in accordance with all City policies,*

ordinances, regulations or conditions of the City of Cayce, for the benefit of the public provided any dedication of easements for storm drainage not specifically labeled City of Cayce, Lexington County, or public are not made to the City of Cayce, but are irrevocably made to the subsequent owners of any and all properties shown hereon for their use and benefit.

- (7) Delineations of watercourse buffers and impervious surface area limitations.
 - (8) Signature of an official from the South Carolina Department of Transportation if public street right-of-way is involved for lands located outside the City limits.
 - (9) Stormwater control facilities, including without limitation, detention facilities, retention facilities, wet ponds, sand filters, wetlands, bio-retention measures, swales and storm pipes required by the stormwater management authority, permanently protected undisturbed open space areas, together with showing the means of transporting stormwater runoff from any nitrogen reduction and stormwater runoff control measures or facilities.
 - (10) A notation that the dedicators and their successors waive their statutory rights to withdraw dedications of the right-of-way when the public has made reimbursement for the right-of-way or when density has been transferred from the right-of-way.
 - (11) The applicant shall submit all information, maps and data required by the City to properly review the final subdivision plat for conformity with all City ordinances, standards and regulations. For example, building envelopes may be required to show the development potential of any lot and if the lot can not be reasonably developed in accordance with the UDO, the lot shall not be recorded notwithstanding any prior preliminary subdivision plan approval of the lot.
- (C) Review and Approval**
- (1) After an application has been determined complete, Planning Director shall review the final subdivision plat for compliance with the approved preliminary subdivision plan and conditions of approval.
 - (2) In reviewing the final subdivision plat, the Planning Director shall consult with the Public Utilities, City Planning, Engineering Services, Parks and Cultural Resources, Transportation and Fire Departments.
 - (3) Upon completion of the review, the Planning Director may meet with the applicant to discuss any changes in development design.
 - (4) If the final subdivision plat contains the dedication of streets and public easements, the construction of development-related improvements or the establishment of private drainage easements, then the Planning Director

shall forward copies of the final subdivision plat to the appropriate City departments for review.

- (5) The Planning Director shall complete the review of the final subdivision plat and notify the applicant of nonconformities, omissions or required corrections. If the final subdivision plat is disapproved, the reasons for such disapproval shall be stated in writing, specifying the provisions of the UDO with which the final subdivision plat does not comply. A revised final subdivision plat may be submitted to the Planning Department for further consideration.
- (6) The Planning Department shall approve the final subdivision plat if it conforms with the approved preliminary subdivision plan and conditions of approval, State Statute and the content requirements for the plat.
- (7) No final subdivision plat shall be approved until all required public improvements are accepted for public maintenance and completely installed or a construction security is posted with the City as set forth in Sec. 3.2.18.

(D) Action Following Final Approval of the Plat

- (1) After a final subdivision plat is approved, the Planning Director shall certify the plat for recording after the required signatures for recordation have been provided.
 - (2) The City may, as a precondition for recording lots, require the recording of legal instruments.
 - (3) The subdivider shall present to the county register of deeds office where the property is located the appropriate number of signed copies of the final plat.
 - (4) Plats presented to and approved for recordation by the City must be recorded on or before the 14th day following the certification of the Planning Director. The expiration date shall be clearly indicated on the plat. By the end of the next business day following the recordation of the final plat, the subdivider shall provide to the Planning Department evidence of a recorded copy of the certified final plat and the recordation of all legal instruments required by the City in association with development approval.
 - (5) No building or zoning permit shall be issued for any subdivision established hereafter unless a Final Plat of such subdivision is approved by the Planning Commission and/or a Bond of improvements is accepted by City Council.
- (E) **Appeal.** Appeals of the Planning Director's decision shall be to the Board of Zoning Appeals, in accordance with Section 3.3.12.
- (F) Revisions to an Approved and Signed Final Subdivision Plat Not Yet Recorded

Following certification by the Planning Director, no final plat shall be revised, except with the consent of Planning Director:

- (1) When revisions are proposed to an approved final subdivision plat, the applicant shall submit a written request to the Planning Department delineating the revisions and requesting authorization for the revisions.
- (2) Revisions to an approved final subdivision plat may only be approved if still in conformance with the approved preliminary plan.
- (3) Changes to an approved final subdivision plat not in conformance with the approved preliminary plan must be resubmitted as a new preliminary plan application.
- (4) In addition to the written request for revising the final plat and the submittal of a revised final subdivision plat, in all instances the applicant shall submit the required fees to the Planning Department for processing and recording the revised final plat.

3.2.18. SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS



(A) Definition

- (1) See Article 12 Definitions for Bond.
- (2) General

In lieu of completion of the physical development and installation of the required improvements previous to the approval of a Final Plat, the Cayce City Council may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the City of Cayce, the actual construction and installation of such improvements and utilities within a period specified and expressed in the bond.

(B) Information. Necessary information to accompany the posting of a bond:

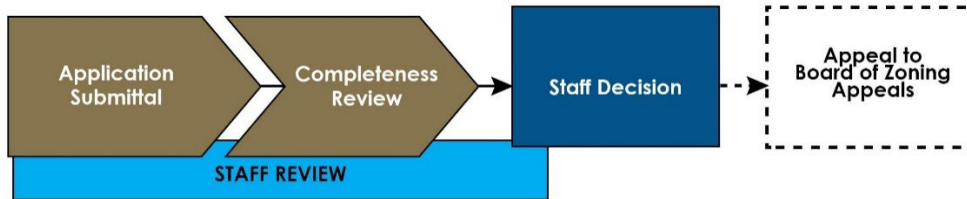
- (1) Bond to equal one and a half (1 1/2) times face value of all improvements not completed.
- (2) Improvements to be determined by the total cost of the following improvements where applicable:
 - a. Water
 - b. Sewer
 - c. Paving of roads

- d. Storm drainage
- e. Sidewalks
- f. Contract bids on above improvements of the development must be submitted with the Bond. These Bids or other positive assessments must be signed by a South Carolina registered engineer.

(C) Procedures.

- (1) Required information shall be submitted to the Planning Director
- (2) If in Lexington County, the following procedures are required:
 - a. Lexington County will review the engineering plans only after a
 - b. request in writing from the municipality is received.
 - c. the County will review all plat submittals.
 - d. plat certifications with references to roads and storm drainage maintenance should be made to the City of Cayce.
 - e. a cost estimate must be approved by the County Stormwater Division.
The municipality would then be notified of the approved cost estimate.
- (3) Staff shall submit these materials to the City Attorney for review and comment.
- (4) The City Attorney shall submit the materials to the City Council for approval.
- (5) If the City Council approves the Bond, then the preliminary plat shall be given "Bonded Plat Approval" which authorizes the plat to be recorded by the Register of Deeds.
- (6) Upon completion of all requirements of these Land Development Regulations the subdivider shall submit the Final Plat (as-built drawings) as provided in Section 3.2.17.
 - a. If in Lexington County , the County must review and approve all as-builts and conduct the
 - b. final inspections before Final Plat approval.
- (7) After the subdivider fulfills his obligations as required by the Subdivision Regulations and Bond, the Planning Director shall approve the Final Plat and the City Council shall release the Bond.

3.2.19. SIGN PERMIT



- (A) **Applicability.** This Section shall apply to any sign, unless otherwise exempted by this Ordinance. Sign permits are subject to approval by the Planning Director or duly authorized staff.
- (B) **Application Requirements.** The following shall be submitted with any sign permit application:
- (1) Scaled plan and drawings showing the front and sign elevations of the proposed sign,
 - (2) For freestanding signs, a scaled site plan depicting the sign location and its relationship to property lines, structures, and landscaping,
 - (3) For wall signs, a scaled drawing showing the entire facade or tenant space facade on which the proposed sign will be located,
 - (4) Lighting plan for the proposed sign or a statement that the proposed sign will not be illuminated,
 - (5) Any other information required by the Planning Director to verify compliance with this Ordinance.
- (C) **Approval Process.** The Planning Director or duly authorized staff shall approve of any sign permit that complies with the requirements of this Ordinance. If a proposed sign does not satisfy the requirements of this Ordinance the Planning Director shall notify the applicant of the deficiencies pursuant to this Ordinance.
- (D) **Appeal.** Appeals of the Planning Director’s decision shall be to the Board of Zoning Appeals, in accordance with Section 3.3.12.

3.2.20. CERTIFICATE OF OCCUPANCY

- (A) It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged until a Certificate of Occupancy has been issued stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Occupancy shall have been issued by the Building Official. The Certificate shall state specifically how the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of

this Ordinance, owners or occupants of nonconforming uses or structures shall have six months to apply for certificates. Failure to make such application within six months shall be presumptive evidence that the property was a conforming use at the time of enactment or amendment of this Ordinance.

A record of all Certificates of Occupancy issued shall be kept on file in the office of the Planning Director, and copies shall be furnished, on request, to persons having a proprietary or tenancy interest in the building or land involved.

- (B) **Application Procedure.** The Certificate of Occupancy shall be issued after the erection, move, or structural alteration of any building or change in the use of any premises and prior to public occupation
- (C) **Temporary Certificate of Occupancy.** A temporary Certificate of Occupancy may be issued by the Building Official for a period not exceeding six months during alterations or partial occupancy of a building pending the completion, or for bazaars, carnivals, and such; provided that such temporary permit may require such donations and safeguards as will protect the safety of the occupants and the general public.
- (D) **Appeal.** Appeals of the Planning Director's decision shall be to the Board of Zoning Appeals, in accordance with Section 3.3.12.
- (E) Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and punishable under Section 2.8.

3.3 APPLICATIONS FOR CHANGE AND/OR RELIEF

3.3.1. INTENT

All requests for each type of Legislative Change or Relief Measure shall be in the form of an application. The provisions of this Article shall govern the basic requirements for, and processing of the different kinds of applications from the initiation of a request to the final action.

It is the obligation of an applicant, who bears the burden of proof, to present facts about the circumstances which would justify a proposed change or modification in convincing fashion so that the decision-making authorities may be satisfied that the petition is not injurious from a public health, safety, and general welfare outlook, and that the effect of the change will not negatively impact the immediate environs or the City generally.

This Article establishes procedures, standards, and information requirements for each type of change.

3.3.2. TYPES OF APPLICATION

(A) Applications for Legislative Changes: Amendments

These are changes that must be approved by City Council. They involve amendments to the text of the Ordinance and changes to the Official Zoning Map.

(B) Applications for Relief: Variances, Appeals, Special Exceptions

These are procedures for securing relief from the requirements of the Ordinance or clarification of the terms of the Ordinance.

3.3.3. ELIGIBLE APPLICANTS

Parties and individuals eligible to initiate an application for change and/or relief from the requirements of this Ordinance are identified on Table 3.1.

Parties not listed may petition the Planning Commission and/or Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner.

Table 3.1 Parties Eligible for Change and/or Relief from the Requirements of this Ordinance

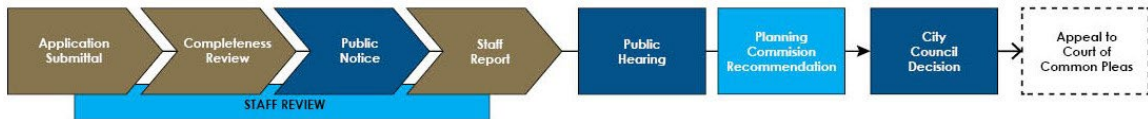
Eligible Applicants	Map Amendments	Text Amendments	Variance/Special Exception	Appeal
Owner(s) of Property in Question	Yes	Yes	Yes	Yes
Agent of Property Owner	Yes	Yes	Yes	Yes
Option Holder	No	No	No	No
Aggrieved Person or Party	No	No	No	Yes
Planning Director	Yes	Yes	Yes	Yes
Planning Commission*	Yes	Yes	Yes	Yes
City Council*	Yes	Yes	Yes	Yes

*A petition initiated by the Planning Commission or Council shall not relieve the applicant of the responsibility for furnishing all required information to support the petition.

3.3.4. APPLICATION REQUIREMENTS

Information and fee requirements shall be included on application forms provided by the Planning and Development Department. Application fees shall be waived for City Council, Commissions, Boards, and Administrative Officials.

3.3.5. MAP AMENDMENT



(A) Applicability

(1) This section shall apply to any land within the corporate limits of the City of Cayce or any property petitioned to be annexed into the City of Cayce. No request from any individual, corporation or agency other than the City Council, the Planning Commission, the Planning Director, or any department or agency of the City, for a change in zoning classification or creation of a separate district shall be considered which involves an area of less than two (2) acres, except the following changes may be made to apply to areas of less than two (2) acres:

- a. The extension of existing district boundaries;
- b. The addition of C-1 zoning contiguous to existing commercial or industrial zones; or
- c. Contiguous to compatible zoning in another City or jurisdiction or compatible with permitted uses within unzoned areas of the County or jurisdiction as long as the total land area covered by the zoning or uses is a minimum of two (2) acres.

(2) Map Amendment applications are subject to City Council approval.

(B) Application Requirements

(1) A rezoning application shall be submitted to the Planning Department in accordance with the General procedures of this Article.

(C) Approval Process

(1) Staff Review and Report – The Planning Director shall prepare a staff report for the Planning Commission describing the context of the proposed map amendment, relevant sections of this Ordinance, and its relationship to the Comprehensive Plan.

(2) Planning Commission Public Hearing and Recommendation – The Planning Commission shall conduct a public hearing. At the close of the public hearing, the Planning Commission shall consider the following and make a recommendation to the City Council:

- a. Consistency with the Comprehensive Plan,
 - b. Suitability of the property for proposed and permitted uses,
 - c. Availability of sanitary sewer, water, stormwater and transportation facilities.
 - d. Compatibility with the zoning and conforming uses of nearby properties.
- (3) The Planning Commission shall establish a recommendation by majority vote and submit this recommendation to City Council to be considered at the next regularly scheduled City Council meeting. All discussion and voting shall be done publicly.
- (4) City Council Decision. The City Council shall consider the map amendment application after the Planning Commission has taken final action on the matter being presented to City Council.

No change in or departure from the maps as recommended by the Planning Commission may be adopted unless first submitted back to the Planning Commission for review and recommendation. The Planning Commission shall have 30 days within which to submit its report and recommendation on the change or departure to City Council. If the planning commission fails to submit a report within 30 days, it is deemed to have approved the change or departure.

Approval of any map amendment requires two affirmative readings of an Ordinance with at least six days between readings.

- (5) Amendment of the Official Zoning Map. The Planning Department shall amend the Official Zoning Map of the City of Cayce within 60 days of City Council approval.
- (D) Appeals. Any party aggrieved by City Council's decision may appeal to the Court of Common Pleas within 30 days of the date of City Council approval of the Ordinance. **Public Notice**
- (1) In addition to Section 3.1.9, property owners within 200' of the property shall be notified by mail.

(E) **Public Hearing**

The Planning Commission shall conduct a public hearing on all map amendments.

(F) **Review and Action**

The Planning Commission shall act on a completed application within sixty (60) days after receipt of (1) to defer not more than 30 days or (2) to recommend either denial or approval. The decision shall be determined by a majority of those voting. Failure to act within said time frame shall constitute a recommendation of approval.

- (1) The Commission shall evaluate the proposed amendment relative to the following:
 - a. How it relates to and affects the Comprehensive Plan.
 - b. Changes in conditions since the adoption of the Plan or Ordinance, if any.
 - c. The need to correct an error or deficiency in the Ordinance.
 - d. Any benefits which would be derived from the amendment.
 - e. Any cost to the city generated by the amendment in terms of expenditures for public improvements, facilities, and services.
 - f. Public interest and input.
 - g. The Commission shall forward its recommendation to the City Council for final action.
- (2) City Council shall consider the recommendation of the Planning Commission. Council may then approve, deny, or modify the recommended amendment, or refer it back to the Planning Commission for further study, or take other action as deemed necessary.

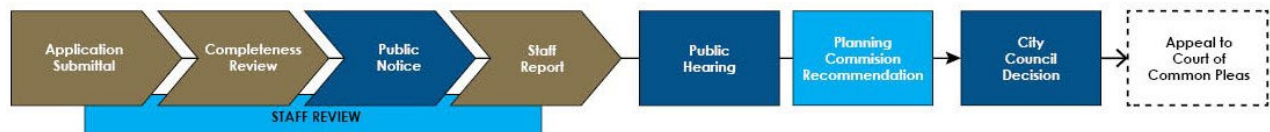
(G) Notification

- (1) All applicants for change or relief from the provisions of this Ordinance shall be notified in writing of final action taken by the City Council.
- (2) An approved amendment by the Council shall become effective immediately after such adoption and any such amendment to the zoning map(s) shall be made within seven working days thereafter.

(H) Appeals

Any party aggrieved by City Council's decision may appeal to the Court of Common Pleas within 30 days of the date of City Council approval of the Ordinance.

3.3.6. PLANNED DEVELOPMENT DISTRICT



- (A) **Applicability.** This section shall apply to any land zoned Planned Development District (PDD). Rezoning to FRD and the associated concept plan are subject to City Council approval.
- (B) **Application Requirements.** Each application shall include a site plan that meets the requirements as described in Section 4.4.4 and all other requirements as listed in Section 4.4.
- (C) **Approval Process.**

A PDD shall be established on the official Zoning Map by the same procedure as for map amendment (Section 3.3.5).

(1) Action by Planning Commission and Council

Action by the Planning Commission and Council, where required, may be to approve the Plan and application to establish a PDD, to include specific modifications to the Plan, to deny the application to establish a PDD, or to amend the Official Zoning Map for a PDD development. If a Development Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PDD Plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be notified.

(2) Administrative Action

After a PDD Plan has been approved, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages, or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

(D) Changes in Approved PDD Plans

- (1) Except as provided in this section, approved PDD Plans shall be binding on the owner and any successor in title.
- (2) Changes to an approved PDD may be permitted in accordance with one of the following procedures as determined by the Planning Director:
 - (1) **Major changes.** Changes to a PDD, which would alter the basic concept and general characteristics of the Planned Development District, shall be approved by City Council. After approval of a major change by City Council, a final development plan showing such changes, copies of amended text, map, and/or documents shall be provided to staff. Examples of major changes may include, but are not limited to the following:
 - a. External boundary changes
 - b. Decrease in open space
 - c. Increase in proposed number of housing units
 - d. Increase or decrease in number of access points
 - e. Changes to more intensive land uses, e.g., residential to commercial, any change which the Planning Director determines would significantly alter the character of the PDD or be expected to have an adverse impact upon neighboring property owners

(2) **Minor changes.** Changes to a planned development district which are of a design nature and which do not alter the original concept or use characteristics of the planned development district may be approved by the Planning Director provided that no minor change may be approved by the Planning Director which is in conflict with the plan previously approved by City Council. Examples of minor changes may include, but are not limited to the following:

a. *Reductions in:*

- i. Density
- ii. Signage
- iii. Square footage

b. *Increases or decreases in:*

- i. Landscaping
- ii. Open space
- iii. Setbacks

c. *Minor changes to:*

- i. Landscaping
- ii. Lighting
- iii. Location of land uses
- iv. Parking
- v. Signage
- vi. Site plan

d. *Minor changes to allow:*

- i. Reorientation of structures
- ii. Realignment of approved access
- iii. More restrictive land uses, e.g., commercial to residential
- iv. Shift in approved density from one area of PDD to another

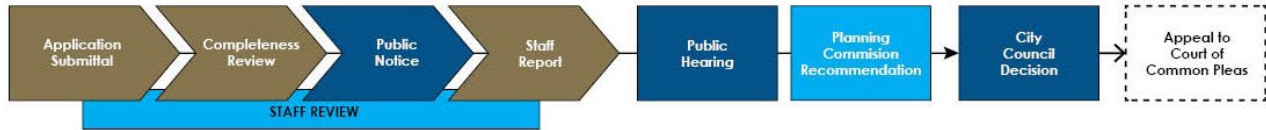
(3) It shall be the duty of the Planning Director to determine whether any specific request shall be considered a major change or a minor change. However, the applicant for change shall have the right to have any request processed as a major change.

(E) Failure to begin; failure to progress; failure to complete

If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement and/or ordinance amendment, the City Council may charge the developer with violation of the Zoning Ordinance, may enforce a bond posted for compliance, may rezone the

property, or may take any combination of these actions. In any event, if the planned development is not initiated within 2 years of its establishment, the Planning Commission may initiate the rezoning of the property to an appropriate district classification in conformity with the Comprehensive Plan.

3.3.7. CONCEPT PLAN FOR FLEXIBLE REVIEW DISTRICT



(A) **Applicability.** This section shall apply to any land zoned Flexible Review District (FRD). Rezoning to FRD and the associated concept plan are subject to City Council approval.

(B) **Application Requirements.** Each application shall choose a base general use district. All zoning requirements that apply to the general use district are also applicable to the corresponding Flexible Review District unless alternative conditions are specified. Applications submitted to the Planning Department shall include the information below, at a minimum. Any property zoned Flexible Review District (FRD) shall have an accompanying Concept Plan with the following information:

(1) Statement of Intent to include the following:

- a. General description of the land use and density of proposed development,
- b. Compliance with the comprehensive plan,
- c. Projected development schedule,
- d. Statement of public improvements (on and off site) supported by letters of ability to serve from public service providers,
- e. Statement describing the landscaping, screening, buffering and open space,
- f. Statement describing pedestrian or multi-use facilities throughout the project,
- g. Any information or description necessary for appropriate review.

(2) Boundary survey with the following information:

- a. Vicinity map, title block, scale and north arrow,
- b. Total number of acres,
- c. Location and orientation of existing facilities with square footage
- d. Existing circulation patterns and parking facilities,
- e. Land cover,
- f. Topographic contour lines at 4 ft. intervals,

g. Stream and floodplain information.

(3) Sketch plan with the following:

a. Approximate location of major streets, utilities, entrance locations on existing streets, major open space and buffer features, conceptual drainage plan,

b. Land uses,

c. Residential density (if applicable),

d. Open space acreage,

e. Other related development features.

f. Descriptions and illustrations of architectural style.

g. Other relevant information as determined by the Planning Director.

(C) Approval Process

(1) **Staff Review and Report** – The Planning Director shall prepare a staff report for the Planning Commission describing the context of the proposed development, relevant sections of this Ordinance, and its relationship to the Comprehensive Plan.

(2) **Planning Commission Public Hearing and Recommendation** – The Planning Commission shall conduct a public hearing. At the close of the public hearing, the Planning Commission shall make a recommendation to the City Council. In considering the application, Planning Commission shall consider the following:

a. Consistency with the Comprehensive Plan,

b. Suitability of the property for proposed and permitted uses,

c. Availability of sanitary sewer, water, stormwater and transportation facilities

d. Compatibility with the zoning and conforming uses of nearby properties.

In its decision, Planning Commission may recommend the following actions:

a. Approval;

b. Approval with Conditions or Modifications;

c. Disapproval with reasons for decision and the option for resubmittal as a new application.

(3) **City Council Decision**- The City Council shall consider the Planning Commission's recommendation at its next scheduled meeting.

a. **Rezoning.** The rezoning to a Flexible Review District (FRD) must be approved by two affirmative readings of an Ordinance.

- b. Concept Plan,** *The associated Concept Plan shall be considered concurrently with the rezoning and approved by a single affirmative vote of City Council.*

In its decision, City Council may recommend the following actions:

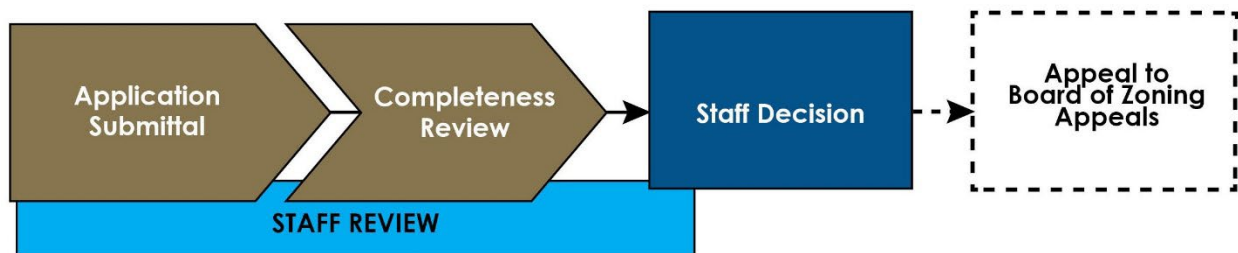
- a. Approval;
- b. Approval with Conditions or Modifications;
- c. Disapproval with reasons for decision and the option for resubmittal as a new application.

(D) Amendments to Approved Concept Plans. Concept Plans approved as part of a rezoning to the Flexible Review District (FRD) may be amended after initial approval without requiring a new rezoning, provided the underlying zoning district remains FRD. Concept Plan amendments shall be reviewed in accordance with the procedures for major amendments in Section 3.3.7(F)(2), which require a Planning Commission recommendation and a single affirmative vote of City Council.

(E) Appeals. Any party aggrieved by City Council’s decision may appeal to the Court of Common Pleas within 30 days of the date of City Council approval of the Ordinance.

(F) Final Development Plan Required. No building permit shall be issued until a Final Development Plan has been reviewed and approved by the Planning Director in accordance with this Final Development Plan process described in this Section.

3.3.8. FINAL DEVELOPMENT PLAN FOR FLEXIBLE REVIEW DISTRICTS



- (A) Applicability.** Approval of a Final Development Plan associated with any property zoned Flexible Review District (FRD) is subject to approval of the Planning Director.
- (B) Application Requirements.** Two reproducible copies of the Final Development Plan meeting the requirements of this section and those listed on the website, if applicable, must be submitted to the Planning Department for consideration. No

building permit shall be issued until site plans have been reviewed and approved by the Planning Commission following the process outlined in this section.

(C) **Final Development Plan.** The Final Development Plan must include the following information:

- (1) The Final Development Plan must be drawn to scale of not less than 100 feet to 1 inch by a registered engineer/surveyor of the state of South Carolina;
- (2) A vicinity map, title block, scale, north arrow, site size, and property line survey;
- (3) The location of any utility easements;
- (4) The land use for every part of the site and the number of acres devoted to each use;
- (5) Delineation of phases if the site is to be developed in multiple phases;
- (6) The site's traffic circulation plan, including the location of curb cuts and points of ingress/egress, and also including the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.;
- (7) The site's parking plan, including all off-street parking, loading/unloading areas, and structures, and also including all parking spaces and their dimensions;
- (8) Storm water management and sedimentation and erosion control plans, which must be submitted to the county soil and water conservation district;
- (9) The site's lighting plan, including the location, height, and type of all exterior light fixtures;
- (10) If applicable, the location of all proposed nonresidential buildings or structures, their general exterior dimensions, and gross square footage;
- (11) The location and general dimensions of all detached residential lots.
- (12) If applicable, the location of all proposed attached and/or multi-family residential structures, their general exterior dimensions, the number of dwelling units by type;
- (13) If applicable, the site's pedestrian circulation plan, including the location of all sidewalks, paths, trails, etc., and the dimensions thereof;
- (14) The screening and landscape plan for the site; including the location, size, and type of plant material;
- (15) Specifications indicating the proposed treatment or improvements to all open space areas and the delineation of those areas proposed for specific types of developed recreational activities;
- (16) Representative elevations of proposed development; and

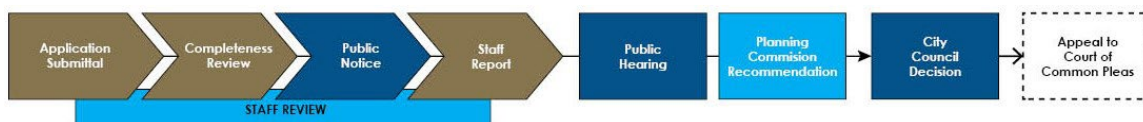
- (17) Information indicating colors and materials of all structures and screening.
- (18) **Written Narrative.** The Final Development Plan shall be accompanied by a written narrative describing the nature and details of the proposed development, proposed form of ownership (fee simple, horizontal property regime, property owner association, etc.), an itemization of any improvements to be dedicated to any public agency upon improvement, and any other information necessary to provide clarity regarding the proposed development.
- (19) **Legal Documents.** Applicant shall submit draft easements, covenants, conditions and restrictions, and other legal documents pertaining to the operation and management of the proposed development if required by any other provisions of this Ordinance.
- (D) **Approval.** The Planning Director shall review the submitted Final Development Plan to determine compliance with the Concept Plan for the subject property approved by City Council, all provisions of this Ordinance, and any other conditions or requirements associated with any other development approvals for the subject property. Within 30 days of submittal, the Director shall notify the applicant in writing regarding the determination:
- (1) Approval;
 - (2) Approval with Conditions;
 - (3) Notification of incomplete application;
 - (4) Disapproval with reasons for decision and the option for resubmittal as a new application.
- (E) **Appeal.** An aggrieved party may appeal the Planning Director's decision to the Board of Zoning Appeals under the process for an Administrative Appeal as described in this Section.
- (F) **Amendments to a Final Development Plan.**
- (1) **Minor Amendments** – An amended Final Development Plan that does not significantly alter the basic concept and general characteristics of the applicable district may be approved by the Planning Director provided that no minor change may be approved by the Planning Staff which is in conflict with specific conceptual considerations of the Concept Plan as approved by City Council or the Final Development Plan as approved by the Planning Commission. Examples of minor amendments include:
 - a. Reduction in density or square footage,
 - b. Increase in landscaping or open space,
 - c. Minor changes to parking or lighting,

- d. Reorientation of structures, realignment of approved ingress and egress, changes to more restrictive land uses, or changes in density from one portion of the site to another than constitute less than 10 percent of the area of that use on the site.
- (2) **Major Amendments** - Changes to an approved Concept Plan or Final Development Plan that would significantly alter the basic concept and general characteristics of the district shall require City Council approval in accordance with the Concept Plan procedures established in this Section. After approval of a major change to the Concept Plan by City Council, approval of a Final Development Plan showing such changes must be submitted to the Planning Director for consideration. Examples of major changes include, but are not limited to:
- a. Boundary changes,
 - b. Decrease in open space,
 - c. Increase or decrease in the number of ingress and egress points,
 - d. Changes to more intensive land uses,
 - e. Any change as determined by the Planning Director that significantly alters the basic concept and general characteristics of the district.

(G) Failure to begin; failure to progress; failure to complete

If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement and/or ordinance amendment, the City Council may charge the developer with violation of the Zoning Ordinance, may enforce a bond posted for compliance, may rezone the property, or may take any combination of these actions. In any event, if the approved development is not initiated within 2 years of its establishment, the Planning Commission may initiate the rezoning of the property to an appropriate district classification in conformity with the Comprehensive Plan.

3.3.9. TEXT AMENDMENT



(A) Administrative Examination.

Upon receipt of an application, the Planning Director shall examine it for completeness, and shall, within ten (10) working days, either return the application for additional information or forward it to the Planning Commission for review and action at their next meeting.

(B) Public Notice.

Public notice shall include announcing the application for change or relief in a newspaper of general circulation in the City at least 15 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the change and the time, date, and place of the hearing.

(C) Public Hearing.

The Planning Commission shall conduct a public hearing on all text amendments.

(D) Review and Action.

- (1) The Planning Commission shall act on a completed application within sixty (60) days after receipt of (1) to defer not more than 30 days or (2) to recommend either denial or approval. The decision shall be determined by a majority of those voting. Failure to act within said time frame shall constitute a recommendation of approval.
- (2) The Commission shall evaluate the proposed amendment relative to the following:
 - a. How it relates to and affects the Comprehensive Plan.
 - b. Changes in conditions since the adoption of the Plan or Ordinance, if any.
 - c. The need to correct an error or deficiency in the Ordinance.
 - d. Any benefits which would be derived from the amendment.
 - e. Any cost to the city generated by the amendment in terms of expenditures for public improvements, facilities, and services.
 - f. Public interest and input.
 - g. The Commission shall forward its recommendation to the City Council for final action.
- (3) The City Council shall consider the text amendment application after the Planning Commission has taken final action on the matter being presented to City Council.

No change in or departure from the text as recommended by the Planning Commission may be adopted unless first submitted back to the Planning Commission for review and recommendation. The Planning Commission shall have 30 days within which to submit its report and recommendation on the change or departure to City Council. If the planning commission fails to submit a report within 30 days, it is deemed to have approved the change or departure.

Approval of any text amendment requires two affirmative readings of an Ordinance with at least six days between readings.

(E) Notification.

- (1) All applicants for change or relief from the provisions of this Ordinance shall be notified in writing of final action taken by the City Council.
- (2) An approved amendment by the Council shall become effective immediately after such adoption and any such amendment to the zoning map(s) shall be made within seven working days thereafter.

(F) Appeals. Any party aggrieved by City Council’s decision may appeal to the Court of Common Pleas within 30 days of the date of City Council approval of the Ordinance.

3.3.10. VARIANCE



(A) Administrative Examination

Upon receipt of an application, the Planning Director shall examine it for completeness, and shall, within ten (10) working days, either return the application for additional information or forward it to the Board of Zoning Appeals for review and action at their next meeting.

(B) Public Notice

Public notice shall include announcing the application for change or relief in a newspaper of general circulation in the City at least 15 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the change and the time, date, and place of the hearing.

(C) Public Hearing

- (1) The Board of Zoning Appeals (ZBA) shall conduct a public hearing on all applications for relief involving variances.

(D) Review and Action

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

- (1) That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship;

- (2) That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done;
- (3) That there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (4) That these conditions do not generally apply to other property in the vicinity;
- (5) That because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- (6) That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Where an application for a variance is within a Flood Hazard Area, the Board, in addition to the above, shall consider the following in its deliberations:

- (7) the danger that materials may be swept onto other lands to the injury of others;
 - (8) the danger to life and property due to flooding or erosion damage;
 - (9) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage;
 - (10) the importance of the services provided by the proposed facility to the community;
 - (11) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (12) the availability of alternative locations, not subject to flooding or erosion damage;
 - (13) the safety of access to the property in times of flood;
 - (14) the expected heights, velocity, duration, rate of rise, and sediment transport of flood waters; and
 - (15) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities.
- (E) Option to Remand. To remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record

is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing.

(F) Final Decisions and Orders

All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

(G) Notification

An approved variance or appeal shall be accompanied by an order of the Board of Zoning Appeals to direct the issuance of a permit.

(H) Appeals

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals or any office or agent of the appropriate governing authority may appeal said decision of the Board to the Circuit Court in accord with S.C. Code Section 6-29-820.

3.3.11. SPECIAL EXCEPTION



(A) Administrative Examination

Upon receipt of an application, the Planning Director shall examine it for completeness, and shall, within ten (10) working days, either return the application for additional information or forward it to the Board of Zoning Appeals for review and action at their next meeting.

(B) Public Notice

Public notice shall include announcing the application for change or relief in a newspaper of general circulation in the City at least 15 days prior to the time the

application is scheduled for a public hearing. The notice shall state the nature of the change and the time, date, and place of the hearing.

(C) Public Hearing

(1) The Board of Zoning Appeals (ZBA) shall conduct a public hearing on all applications for change or relief involving special exceptions.

(D) Review and Action

Criteria for special exceptions: In addition to definitive standards in Article 6, the Board of Zoning Appeals shall consider the potential of the proposed use for adverse impact in the community or area as to:

- (1) Traffic, parking and loading, and vehicular and pedestrian safety;
- (2) Environmental factors including noise, lights, glare, vibration, fumes, odors, obstruction of air or light, litter, and visual or other nuisances;
- (3) Aesthetics and character of the area, including the possible need for screening from view;
- (4) Orientation and spacing of improvements, buildings and structures; and
- (5) Public safety or the creation of nuisance conditions or the creation of other conditions detrimental to the public interest or likely to result in increased law enforcement response.

(E) Option to Remand. To remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing.

(F) Final Decisions and Orders

All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

(G) Notification

An approved special exception shall be accompanied by an order of the Board of Zoning Appeals to direct the issuance of a permit.

(H) Appeals

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals or any office or agent of the appropriate governing authority may appeal said decision of the Board to the Circuit Court in accord with S.C. Code Section 6-29-820.

3.3.12. APPEAL OF ADMINISTRATIVE DECISION

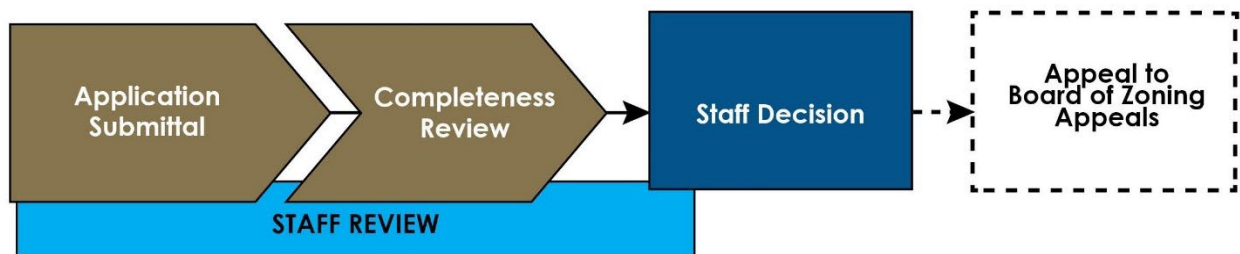


1. **Authority.** The Board of Zoning Appeals shall consider appeals of decisions made by the Planning Director.
2. **Process.**
 - a. **Appeal** – Any person aggrieved by an administrative decision or interpretation made by the Planning Director may file an appeal to the Board of Zoning Appeals within 30 days of a written decision from the Director. The appeal shall be submitted on a form approved by the Planning Department and shall include reasons the Planning Director erred in making the decision.
 - b. **Staff Review and Report** – The Planning Director shall prepare the written record of the decision or interpretation and the appeal filed for the Board of Zoning Appeals. The record shall include all application materials, a staff report explaining the context of the decision, the written decision of the Director, the written appeal, and any other public record applicable to the decision.
 - c. **Board of Zoning Appeals Decision.** The Board of Zoning Appeals at its next available regular meeting shall conduct an evidentiary hearing and receive testimony from the appellant and Director. After closing the hearing, the Board of Zoning Appeals shall consider and take one of the following options:
 - i. Affirm the Planning Director’s decision, or
 - ii. Modify the decision of the Planning Director and in doing so assume all of the Planning Director’s powers applicable to the decision being made as established in this Ordinance, or
 - iii. Reverse the action of the Planning Director and in doing so assume all of the Planning Director’s powers applicable to the decision being made, and may issue a permit or direct a permit be issued.

- d. **Option to Remand.** To remand a matter to the Planning Director, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing.
 - e. **Final Decisions and Orders.** All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.
- 3.
4. **Appeal.** An appeal of the Board of Zoning Appeals decision may be made to the Court of Common Pleas within 30 days from the date the applicant receives the determination in writing.

3.4 OTHER APPLICATIONS AND PROCEDURES

3.4.1. WRITTEN INTERPRETATION

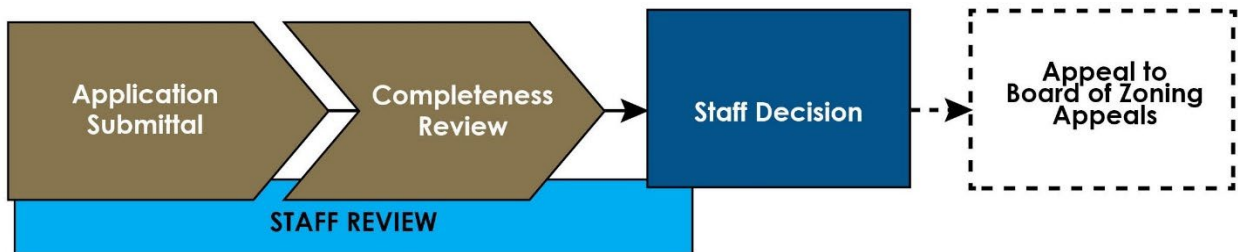


- (A) **Authority.** The Planning Director shall have authority to make written interpretations of this Ordinance.
- (B) **Request for Interpretation.** Any request for an interpretation of this Ordinance shall be submitted in writing to the Planning Director.
- (C) **Interpretation.** The Planning Director shall review the request in the context of this Ordinance. In making an interpretation, the Planning Director may consult

with other staff. The written interpretation shall be provided to the applicant within 15 days of the request.

- (D) **Official Record.** The Planning Director shall maintain an official record of interpretations which shall be available to the public during normal business hours.
- (E) **Appeal.** Appeals of the Planning Director’s decision shall be to the Board of Zoning Appeals, in accordance with Section 3.3.12.

3.4.2. ACCEPTANCE OF PUBLIC INFRASTRUCTURE



- (A) **Applicability.** This section shall apply to any public infrastructure proposed for dedication to and acceptance by the City of Cayce, including but not limited to streets, sidewalks, water and sewer facilities, stormwater systems, and other improvements intended for public use and maintenance. Acceptance of public infrastructure is subject to Planning Director approval.
- (B) **Application Requirements.** A petition for acceptance of public infrastructure shall be submitted to the Planning Department in accordance with the general procedures of this section. The petition must include the following:
 - (1) A detailed description and as-built drawings of the public infrastructure prepared and sealed by a registered professional engineer.
 - (2) A certification letter from the project engineer stating that the infrastructure has been constructed in accordance with approved plans, applicable regulations, and city standards.
 - (3) Documentation of inspections and approvals from applicable regulatory agencies, including any required testing results.
 - (4) A maintenance bond or other financial guarantee, if required, to cover a specified period for defect correction.
 - (5) Any additional information deemed necessary by the Planning Director or Public Works Director.
- (C) **Approval Process**
 - (1) Staff Review and Decision – The Planning Director and City Engineer shall review the petition and evaluate compliance with City standards, maintenance obligations, and the public benefit of accepting the

infrastructure. Appropriate staff shall approve or deny based on information provided.

- (2) Recording. The City Engineer shall document the acceptance of public infrastructure, including updates to city records, within 60 days of final approval.
- (D) **Appeal.** Appeals of the Planning Director’s decision shall be to the Board of Zoning Appeals, in accordance with Section 3.3.12.
- (E)

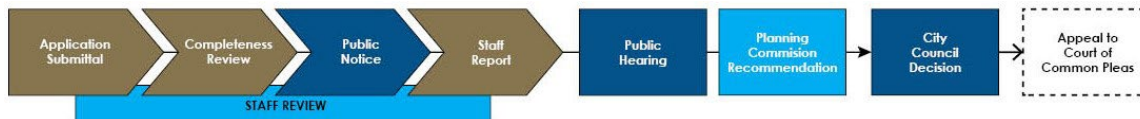
3.4.3. STREET NAME CHANGE



- (A) **Applicability.** The Planning Commission shall have the authority to approve or deny street name changes.
- (B) **Application.** Any person or elected or appointed official proposing to change the name of a street shall submit the request in writing to the Planning Department along with a list of at least three proposed names in priority order, along with the reasons the street name change is proposed.
- (C) Criteria for Street Name Changes
 - (1) Street name changes shall be in accordance SC Statute 6-29-1200 and Section 7.6.17 of Article 7 of this ordinance.
 - (2) The name shall not duplicate or be phonetically similar to an existing street name and shall follow established standards for the use of prefixes or suffixes.
 - (3) Names must be simple, logical and easy to read and pronounce and shall not include unconventional spellings,
 - (4) Names shall not be reasonably perceived as offensive,
 - (5) Names shall not conflict with established naming nomenclature (example: sequential names such as A Street, B Street, C Street, etc.),
 - (6) Intersecting streets shall not have the same or similar name,
 - (7) A street that continues through an intersection shall generally bear the same name.
- (D) Approval Process.
 - (1) **Staff Review and Report** – The Planning Director shall prepare a staff report for the Planning Commission describing the context of the proposed street name change.

- (2) **Public Notice** – Public notice shall be mailed to all owners of property whose address would be affected by the proposed street name change at least 15 days prior to the public hearing.
- (3) **Planning Commission Public Hearing and Decision** – The Planning Commission shall conduct a public hearing. At the close of the public hearing, the Planning Commission shall consider the street name change based on the established criteria and its impact to property owners whose address would be changed. The Planning Commission may approve, deny, or modify the proposed street name change.
- (E) **Appeal.** Any individual aggrieved by Planning Commission’s decision may appeal to the Court of Common Pleas within 30 days of the date of Planning Commission approval of the Street Name Change.

3.4.4. ANNEXATION



- (A) **Applicability.** The City Council shall consider any change in the corporate limits of the City of Cayce. In any case that the provisions of this section conflict with State Law, State Law shall prevail.
- (B) **Application Requirements.** A petition to annex property into the City of Cayce corporate limits, or for any amendment to the corporate boundary of the City of Cayce shall be submitted to the Planning Department in accordance with the General procedures of this section. The petition must include the following:
 - (1) A boundary plat of the subject property prepared and sealed by a registered land surveyor. Any petition for annexation must follow parcel lines.
 - (2) A rezoning application to run concurrently with the annexation process.
 - (3) Any additional information deemed necessary by the Planning Director.
- (C) **Approval Process**
 - (1) Staff Review and Report – The Planning Director shall prepare a staff report for the Planning Commission describing the context of the proposed annexation, relevant sections of this Ordinance, and its relationship to the Comprehensive Plan.
 - (2) Planning Commission Public Hearing and Recommendation – The Planning Commission shall conduct a public hearing. At the close of the public hearing, the Planning Commission shall consider any factor the body deems relevant to rendering a decision, including but not limited to the impacts of the proposed annexation, and the proposed action’s consistency with the

Comprehensive Plan. The Planning Commission shall forward a recommendation to the City Council. The Planning Commission recommendation must include the proposed zoning of the property.

- (3) City Council Decision- The City Council shall consider the Planning Commission's recommendation at its next scheduled meeting. Approval of any amendment to the boundaries of the City of Cayce requires two affirmative readings of an Ordinance by simple majority of members attending the meeting. City Council shall assign a zone district to the subject property at the time of annexation.
- (D) **Amendment of the Official Zoning Map.** The Planning Department shall amend the Official Zoning Map of the City of Cayce within 60 days of City Council approval.

Appeals. Any party aggrieved by City Council's decision may appeal to the Court of Common Pleas within 30 days of the date of City Council approval of the Ordinance.