

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
TOWN OF CLOVER)

ORDINANCE 21-04

**AN ORDINANCE AMENDING THE ZONING AND LAND DEVELOPMENT
ORDINANCE OF THE TOWN OF CLOVER.**

WHEREAS, on January 21, 2021, the Clover Planning Commission reviewed and recommended approval of several proposed amendments to the Zoning and Land Development Ordinance; and

WHEREAS, the amendments include establishing conditions for mini-warehouses/self-storage; changing membership to the ARB and Planning Commission; updating outdoor lighting standards to incorporate Dark Sky requirements; amend the Schedule of Permitted and Conditional Uses related to mobile vendors, and uses in the B-1 district; and a number of other miscellaneous amendments; and

WHEREAS, a public hearing, as required by law and after proper public notice, was held on the ____ day of _____, 2021.

WHEREAS, the Town Council finds that it is necessary to amend the following sections of the Zoning and Land Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED in Council duly assembled this ____ day of _____, 2021, that the Clover, South Carolina, Code of Ordinances, Zoning and Land Development Ordinance, shall be and hereby is amended in part as set forth on the attached Exhibit A.

Effective Date. This ordinance is effective immediately upon its adoption.

Severability. If any part of this Ordinance is held to be invalid or unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such invalid or unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

AND IT IS SO ORDAINED.

Mayor

Council:

(Town Seal)

Attest:

Town Clerk

First Reading: _____

Second Reading: _____

The following sections of Town of Clover, Zoning and Land Development Ordinance, are hereby amended as set forth herein. All sections of the Zoning and Land Development Ordinance not amended herein shall remain in full force and effect.

ARTICLE 2. DISTRICT REGULATIONS

Section 2.3 Table 1: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements, By Zoning Districts

The following uses are amended; no other uses in Section 2.3 Table 1 shall be changed.

Zone Districts	NAICS	R-12 R-20	R-7	R-5	B-1	B-2	B-4	MU	PDD (Sec 2.5)	ID	Required Off-street Parking (a)(c)
Street & Transient Vendors (Sec. 3.4)	N/A	NC	NC	NC	C	C	NC	NC	NC	NC	By Individual Review
Mini-Warehouses/ Self-Storage (Sec. 3.18)	53113	N	N	N	N	PC	N	N	N	PC	1 per 6 storage units
Residential Mental Retardation Intellectual and Development Disability , Mental Health, and Substance Abuse Facilities	6232	N	P	P	PN	P	N	P	C	N	1 per 4 beds
Other personal care, Body Piercing, Tattoo, & Message Parlors, Sauna & Tanning	812199	N	N	N	NP	P	N	N	N	N	1 per 350 GFA
Pet Care (enclosed facility)	812910	N	N	N	NP	P	P	N	C	P	1 per 1,000 GFA

Section 2.6 HPOD Historic Preservation Overlay District

Section 2.6-2 Architectural Review Board to Govern

To help accomplish the purpose of this district, an Architectural Review Board is hereby established in accord with the provisions of 6-29-870 of the Code of Laws of South Carolina. The Board shall consist of ~~five (5)~~three (3) members appointed by Town Council.

Persons appointed to serve on the Board should be knowledgeable in architecture, building construction and design, real estate, finance and/or related professional disciplines.

Board members shall be appointed for overlapping three (3) year terms and shall serve until their successors are appointed. Any vacancy in the membership shall be filled for

the unexpired term by Town Council. None of the Board members may hold any other public office or position in the Town.

Section 2.6-3 Organization and Meetings of the Board

The Board shall elect a Chairman and a Vice-Chairman who shall serve for one year or until reelected. The Board shall adopt rules of procedure and keep a record of its proceedings in accordance with the State Statutes and these regulations.

~~Three (3)~~Two (2) members of the Board shall constitute a quorum for the conduct of business. The members shall serve without compensation, except for reimbursement for expenses attendant to the performance of their duties and authorized by the Town Council. The Board shall meet upon the call of the Chairman and at such regular intervals as determined by the Board.

Section 2.7 COD, Corridor Overlay District

Section 2.7-3 Administrative Process

To expedite the review process, the Zoning Administrator is hereby authorized to review and approve all ~~building permit~~Certificate of Appropriateness requests for compliance with the provisions of this Section.

ARTICLE 3. CONDITIONAL USE REGULATIONS

Section 3.4 Street and Transient Vendors

The Zoning Administrator/~~Building Official~~ is authorized to issue a permit for a temporary vending use as specified in this Ordinance. No temporary use may be established without receiving such permit.

Temporary use permits may be renewed, provided said use will not create traffic congestion or constitute a nuisance to surrounding uses, as determined by the Zoning Administrator. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Zoning Administrator.

Street and transient vendors, including mobile food vendors, shall be governed by the following:

1. A request to establish a vending operation shall be accompanied by a letter of permission to use the property, proposed hours and length of vending operation.
2. All vending operations shall be located not less than twenty (20') feet from the nearest street right-of-way and provide at least two off-street parking spaces.
3. Only one vendor shall be allowed for each two hundred (200') feet of street frontage.
4. No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking stall~~space~~.

5. No merchandise, vehicles, structures, signage, etc. shall be left on the site ~~past sundown~~overnight.
6. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.
7. Only ~~one~~two (2) signs per vendor shall be allowed, regardless of where ~~it's~~they are mounted. Advertising materials attached to or painted onto automobiles ~~are construed to be signs~~shall count as one (1) sign. ~~Other signs~~Signs shall not exceed ten (10) square feet in area and shall meet all applicable sign requirements contained in Article 5.
8. At the conclusion of the vending operation, the site shall be cleaned and restored by the vendor to its original state.

Section 3.6 Townhouses

Due to the unique design features of townhouses, the following ~~supplemented~~supplemental design requirements shall apply:

1. Such projects shall have a minimum of 1 acre.
2. Not more than six (6) or fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
3. Minimum distance between rows of buildings shall be not less than 20 feet.
4. Minimum lot width shall be 18 feet.
5. Sidewalks not less than five (5) feet in width shall be provided along the front property line of all project buildings.
6. Not less than 15 percent of the project site shall be diverted to common open space, as specified by Section 4.4.

Section 3.12 Temporary Uses

Section 3.12-1 Permit Required

The Zoning Administrator/~~Building Official~~ is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without receiving such permit.

Temporary use permits may be renewed, provided said use will not create traffic congestion or constitute a nuisance to surrounding uses, as determined by the Zoning Administrator. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Zoning Administrator.

Section 3.12-2 Type and Location

The following temporary uses and no others may be permitted, subject to the conditions herein. After removal of a temporary use, the site shall be cleaned and restored by the permit holder to its original state.

1. Tents and other temporary structures for sales and publicly sponsored events are allowed in the Business Districts only. Tents allowed for sales events shall be limited to merchandise of the same type as that sold indoors of the business displaying the merchandise. The permit period shall not exceed seven (7) days, at intervals of not less than ninety (90) days. The use of tents for private use is not regulated by this section.
2. Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
3. Portable classroom buildings in any district for cultural or community purposes, educational or religious purposes for an indefinite period provided all required setbacks for the district in which the structures are located shall be met and the structure shall be located on the same site as the principal structure.
4. Temporary office trailers for the conduct of business in any non- residential zone district where the principal building is being expanded, rebuilt, or remodeled.
5. Community and publicly sponsored special events providing for one (1) or more of various types of cultural, social, or recreational uses intended to serve the surrounding community, i.e. church or school activities. The term publicly sponsored means that an investment by the Town, local school, civic organization or local church is involved in some fashion in the sponsorship of the event. Special events must comply to the Town's policies on special events.
6. Festival, carnival, circus, fair or outdoor concert for a period not to exceed 14 days. The event must comply with the Town's policies on special events. ~~provided off-street parking is provided for all attendees and participants and that ingress/egress is clearly marked both for all main entrances and designated parking areas; further provided, that the Clover Police Department be notified at least fourteen days prior to the event. The promoter/sponsor must present a Traffic Control and Security Plan to the Police Department. The Department must~~

~~approve the plan. Any cost for providing traffic control and security is the responsibility of the promoter/sponsor. A minimum of two security officers per event day are required. The event must comply at all times with the approved Traffic Control and Security Plan. If security is required the event must cease operations if the security is no longer present.~~

7. Open lot sale of Christmas trees may be permitted in the B-2 and B-4 zoning districts only for a period not to exceed 45 days.
8. Model home and/or real estate office to be used for the sale of lots or housing within the same development in which the office is located in any district provided no cooking or sleeping accommodations are maintained in the structure. Permit shall expire when 95% of the lots have been sold.
9. Portable storage units not to exceed 130 square feet may be permitted in any District not to exceed 60 days; provided not more than one such unit shall be allowed at one time and said unit shall not be located in any required setback area or the public right-of-way. Applicable sign regulations notwithstanding, leasing information may be displayed on the storage facilities.
10. Fireworks stands may be permitted in the B-2 zoning district only for a period not to exceed six weeks prior to a commemorative holiday such as Fourth of July.
11. Garage and Yard Sales shall be permitted in residential districts only for not more than two days at intervals of not more than once per month. Further, no more than one directional off premise sign may be erected and the sale shall discontinue at 6:00 pm. No new merchandise shall be brought in for the sale.
12. Collection boxes for donations.

Section 3.18 Mini Warehouses/Self-Storage

1. **Lot Area:** Self-storage uses must have at least 3 acres.
2. **Hours of Operation:** Hours of public access to a self-storage use adjacent to any of the following are restricted to between 6 a.m. and 10 p.m.: any existing residential use, any undeveloped residential zoning district, and any undeveloped portions of a Planned Development (PDD) or Mixed Use (MU) zoning district designated for residential use.
3. **Not considered a Legal Address:** Individual storage bays or private postal boxes within a self-storage facility use will not be considered premises for the purpose of assigning a legal address.
4. **Commercial Uses Permitted On-Site:** Commercial uses unrelated to self-storage cannot take place at self-storage facilities. Examples of prohibited activities include the manufacturing, fabrication, or processing of goods; the service or repair of vehicles, small engines, or electrical equipment; the conducting of garage sales or retail sales of any kind; and the practicing of music or the holding of concerts.
5. **Security of Caretaker Quarters:** Only one security or caretaker quarters may be developed on the site.
6. **Lighting:** Outdoor lighting must be the minimum necessary to provide security and to discourage vandalism and theft.
7. **Architectural Standards:** In addition to meeting the design standards set forth in Article 2 for the Historic Overlay and Corridor Overlay zoning districts, self-storage uses must provide each of the following:
 - Face storage doors away from any abutting property located in a residential district or visible from any public street to the extent practical.
 - Provide uniform architectural treatment on the exterior façades of all structures, including masonry, stucco, and painting of surfaces. the colors selected must be compatible with the character of the neighborhood.
 - Shall not use corrugated metal. (However, architectural-grade metal may be allowed with stucco finish.)
8. **Outdoor Storage:** All property must be stored entirely within enclosed buildings, except that recreational vehicles, travel trailers, boats and other vehicles may be stored outdoors, provided that the following standards are met:
 - The storage occurs only within a clearly delineated, designated area.
 - The storage area does not exceed 25% of the buildable area of the site.
 - The area is located on the site such that it is minimally visible from surrounding property.
 - The area is screened with an opaque fence at least 6 feet tall along with perimeter landscaping around all sides that are visible from public view according to the fencing standards of Article 4 Appearance, Lighting and Greening Regulations.
 - Storage shall not occur within the area set aside for minimum building setbacks.
 - Dry stacking of boats is not permitted.

- Vehicle washing is not allowed, unless within a designated and approved wash area.
- All vehicles stored on site must be licensed and operational.
- No tractor trailers or box containers will be stored on site.

9. Additional Standards: Buildings with Exterior Storage Doors shall comply with each of the following:

- Height: With the exception of a structure used as security or caretaker quarters, the maximum height of a self-storage facility is 20 feet. In addition, a parapet wall must be constructed to screen roof-mounted heating and air conditioning and other equipment, if any. The combined height of the building and the parapet wall must not exceed 25 feet.
- On-Site Circulation: Drive aisles of at least 24 feet between storage bays must be provided. Appropriate access and circulation by vehicles and emergency equipment must also be ensured through the design of internal turning radii of drive aisles.
- Screening: The area is screened with an opaque fence at least 6 feet tall along with perimeter landscaping around all sides that are visible from public view according to the fencing standards of Article 4 Appearance, Lighting and Greening Regulations.

10. Additional Standards: Buildings with Interior Storage Doors (such as climate-controlled storage buildings) shall comply with each of the following:

- Building Design: On facades that are visible off-site, the building must comply with the design standards of Section 2.7 COD, Corridor Overlay District.
- Primary Entrances: All units must be accessed through one or more primary entrances that may be separate from the office entrance. Access may also be provided from the office when it is open.
- Loading Area: The loading area, including adequate turnaround space for emergency vehicles, must be located to the side or rear of the proposed structure and, if necessary, screened by a permanent architectural or landscape feature from view of public rights-of-way and public areas of adjoining sites.

ARTICLE 4. APPEARANCE, LIGHTING AND GREENING REGULATIONS

Section 4.6 Outdoor Lighting

Section 4.6-1 Purpose

The purposes of these outdoor lighting standards are to regulate exterior lighting to ensure the safety of motorists and pedestrians and minimize adverse impacts on adjacent properties. More specifically, this section is intended to:

1. Regulate Lighting. Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;
2. Adequate on-site Lighting. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on-site while limiting negative lighting impacts on adjacent lands; and
3. Provide safety and security for persons, property and vehicular interface.

Section 4.6-2 Applicability

The provisions of this Section shall apply to all development in the Town of Clover including, but not limited to lighting for: Streets, Parking Areas, Walkways, Signs/Billboards, Buildings and Structures, Outdoor Displays/ Sales Areas, and Equipment Storage Areas unless exempted in accordance with the Exemptions Section below (Exemptions).

Section 4.6-3 Demonstration of Compliance.

A lighting plan shall be included with all Certificate of Zoning Compliance applications for new construction and when new lighting fixtures are being erected on an existing developed lot. Such plan shall include manufacturer's catalog cut diagram specifications and descriptions of the lighting fixtures to be used, a detailed site plan which shows the location of all existing and proposed improvements, the location of the lighting fixtures, a point-by-point foot-candle array, and a certification by a qualified lighting design professional that the lighting plan complies with all the requirements contained herein. The Zoning Administrator must issue a certificate of approval/denial within 30 days from receipt of the plan. The applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals.

Section 4.6-4 Design Standards for Exterior Lighting

1. Exterior architectural, display and decorative lighting shall be generated from a concealed (cut-off) light source with low-level fixtures.
2. Any light fixture shall be of such design to minimize the amount of ambient lighting perceptible from adjacent properties.
3. Lighting shall not impair the vision of motorists.
4. All interior lighting shall be designed to prevent the light source or high levels of light from being visible from a public right-of-way.
5. Entrances into developments from any street may be lighted for traffic safety reasons, provided such lighting is approved by the agency maintaining the

roadway and does not exceed the applicable foot-candle requirements specified in the most current version of the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Guide.

6. All exterior lighting shall be limited to a maximum illumination value of one-half (0.5) foot-candles or less at lot lines adjacent to single-family dwellings or developments and two and one-half (2.5) foot-candles or less at lot lines adjacent to all other uses.
7. All commercial light fixtures shall be located at least five (5) feet from all property lines.
8. Strobe, flashing, blinking, pulsing, and revolving lights are prohibited.

Section 4.6-5 Light Fixtures

All light fixtures shall be a cutoff luminaire whose source is completely concealed with opaque housing and shall not be visible from any street. This provision includes lights mounted on poles and buildings, as well as architectural display and decorative lighting visible from streets. Examples of fully-shielded fixtures are provided in the figure below.

1. Fixtures shall be mounted in such a manner that the cone of light is not directed at any property line of the site.
2. Wall packs on the exterior of the building shall be fully-shielded (e.g., true cutoff or light source not visible from off-site) to direct the light vertically downward and have a light output of 1,000 lumens or less. Wall pack light sources visible from any location off the site are prohibited.
3. Only incandescent, fluorescent, metal halide, LED, or mercury vapor light sources may be used. The same type of lighting must be utilized for all fixtures and light sources on the site.
4. Only white or off-white may be used for any light source.
5. Flood type lighting is prohibited for new installations

Section 4.6-6 Illumination Standards

<u>Illumination Standards</u>			
<u>Location or Type of Lighting</u>	<u>Minimum Level (FC)</u>	<u>Average Level (FC)</u>	<u>Maximum Level (FC)</u>
<u>Landscape and decorative</u>	<u>0.0</u>	<u>0.50</u>	<u>5.0</u>
<u>Commercial parking areas</u>	<u>0.6</u>	<u>2.40</u>	<u>10.0</u>
<u>Multi-family residential parking areas</u>	<u>0.2</u>	<u>1.50</u>	<u>10.0</u>
<u>Areas for display of outdoor merchandise</u>	<u>1.0</u>	<u>5.0</u>	<u>15.0</u>
<u>Walkways and streets</u>	<u>0.2</u>	<u>1.0</u>	<u>10.0</u>

Notes: Minimum and maximum levels are measured at any one point. Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measurement shall not include the area of the building, or areas which do not lend themselves to pedestrian traffic. If the major portion of the lighting is placed in front of the building, the average level light should not be affected by adding any additional lighting elsewhere on site.

Section 4.6-7 Specific Use Standards

1. Gas Station/Convenience Store Canopies

Light fixtures for canopies shall be recessed and have a flat lens mounted flush with the surface (ceiling) or the canopy so as to minimize off-site glare and light trespass. Surface mounted fixtures are acceptable so long as they incorporate a flat lens and provide a full cut-off or fully shielded light distribution. The average maintained illuminance level shall not exceed IES recommendations. All area lighting shall be full cut off fixtures.

2. Sports/Recreational Lighting

Illumination of outdoor sports fields and performance areas. Lighting of outdoor sports fields and performance areas shall comply with the following standards.

- A. Glare control package. All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
- B. Hours of operation. The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.
- C. Height of fixtures. Light fixtures shall not exceed a height of 80 feet.
- D. Buffers adjacent to residential properties. A landscaped buffer yard sufficient to prevent light and glare spillover to adjacent residential properties may be required by the Zoning Administrator.

3. Signs

Top mounted and fully shielded fixtures that direct light downward is required where feasible. When top mounted fixtures are not feasible, up lighting is permissible as long as the fixtures are fully shielded, carefully located and aimed so that the light is directed only onto the sign so as to prevent direct glare, light trespass and up light.

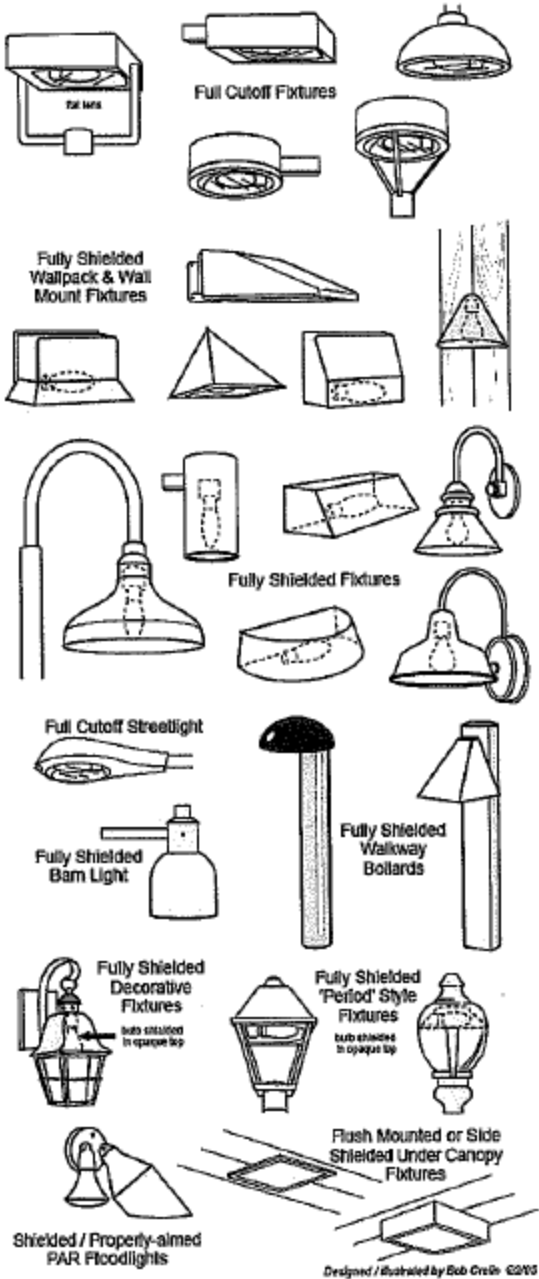
Section 4.6-8 Exceptions

- 1. Temporary lighting used by the police, fire department or emergency services.
- 2. Federal hazard warning lights.
- 3. Individual homeowners.
- 4. Cut-off fixtures are acceptable for historical lighting where deemed appropriate by the Planning Commission.

Section 4.6-9 Grandfathering

Any fixture lawfully in place prior to this ordinance shall be exempt until the fixture is replaced, moved, modified or upgraded.

Figure 1: Examples of fully-shielded fixtures



Section 4.6-1 Purpose

The purpose of these regulations is to minimize light pollution; reduce glare, light trespass and prevent unnecessary up-light; to discourage energy waste; and to maintain or improve nighttime public safety, security and productivity.

Section 4.6-2 Exterior Illumination

Including, but not limited to lighting for: (1) Streets, (2) Parking Areas, (3) Walkways, (4) Signs/Billboards, (5) Architectural Lighting, (6) Buildings and Structures, (7) Outdoor Displays/ Sales Areas, and Equipment Storage Areas.

All outdoor lighting fixtures rated 1800 lumens or more shall be full cutoff or fully shielded fixtures. Except for streetlights, all lighting fixtures shall be designed, installed, and maintained to avoid casting direct light onto adjacent properties and streets or creating glare in the eyes of motorists and pedestrians. Lighting for streets and parking areas shall be full cut off fixtures.

For all lighting applications the “maintained horizontal illuminance recommendations” set by the Illuminating Engineering Society of North America (IES) shall not be exceeded.

Floodlighting is discouraged, and if used, must be shielded to prevent (1) disability glare for drivers or pedestrians, (2) light trespass beyond the property line, and (3) light above a 90 degree horizontal plane. (Unshielded wall pack type fixtures are not acceptable.)

Section 4.6-3 Gas Station/Convenience Store Canopies

Light fixtures for canopies shall be recessed and have a flat lens mounted flush with the surface (ceiling) or the canopy so as to minimize off-site glare and light trespass. Surface mounted fixtures are acceptable so long as they incorporate a flat lens and provide a full cut-off or fully shielded light distribution. The average maintained illuminance level shall not exceed IES recommendations. All area lighting shall be full cut off fixtures.

Section 4.6-4 Sports/Recreational Lighting

Fixtures used for sports and recreational lighting shall be fully shielded or designed with full cut off capability so as to prevent direct glare, light trespass and up light. The hours of operation shall not exceed one hour after the end of the event or 12:00 midnight, whichever is sooner unless authorized in writing by the Town.

Section 4.6-5 Outdoor Displays/ Sales Areas

All lighting fixtures shall be full cut off and designed, installed and maintained to prevent direct glare, light trespass, and up light. Lighting for all areas shall not exceed IES recommendations for maintained horizontal illuminance levels.

Section 4.6-6 Signs

Top mounted and fully shielded fixtures that direct light downward are required where feasible. When top mounted fixtures are not feasible, up lighting is permissible as long as the fixtures are fully shielded, carefully located and aimed so that the light is directed only onto the sign so as to prevent direct glare, light trespass and up light.

Section 4.6-7 Architectural Lighting

The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 average maintained foot candles. Light fixtures shall be carefully selected, located, aimed and shielded so that light is directed only onto the building facade. Fixtures shall not be directed toward adjacent streets or properties. To the extent practicable, fixtures shall be mounted on the building, shielded and directed downward to wash the facade or roof with light.

Section 4.6-8 Exceptions

1. Temporary lighting used by the police, fire department or emergency services.

- ~~2. Federal hazard warning lights.~~
- ~~3. Individual homeowners.~~
- ~~4. Cut-off fixtures are acceptable for historical lighting where deemed appropriate by the Planning Commission.~~

Section 4.6-9 Grandfathering

~~Any fixture lawfully in place prior to this ordinance shall be exempt until the fixture is replaced, moved, modified or upgraded.~~

Section 4.6-10 Site Plan Submission Required

~~Any individual, business or other entity applying for a permit which includes the installation, renovation, replacement or addition of outdoor lighting fixtures shall submit to the Building Official for approval a site plan showing the locations and types of any outdoor fixtures including supports and poles. The Building Official must issue a certificate of approval/denial within 30 days from its receipt of the plan. The plan should include the manufacturer's catalog cuts. The applicant may appeal the decision of the Building Official to the Board of Zoning Appeals.~~

ARTICLE 7. LAND DEVELOPMENT REGULATIONS

Section 7.7—Certifications

The following Certifications, shall be inscribed by the developer/applicant on reproducible copies of the Final Plat:

- 1. ~~Certificate of Final Approval~~
~~The subdivision plat shown hereon has been found to comply with the Town of Clover Zoning and Land Development Ordinance and has been approved for recording in the office of the Clerk of Court of York County, South Carolina.~~
~~_____ , 20____~~
- 2. ~~Engineer's or Surveyor's Certification~~
~~This property lies within a Zone ____ (shaded) & Zone ____ (unshaded) area as designate on Federal Insurance Rate Map Community Panel and Last Revised _____.~~
~~I hereby state that to the best of my knowledge, information, and belief, that the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements of a Class ____ survey as specified therein: also there are no visible encroachments or projections other than shown.~~

~~_____ (Seal) _____
Date _____ Signed _____ Reg. No. _____~~

- 3.1. ~~Owner's Certification~~
~~(I) (We) hereby certify that (I am) (We are) the owner(s) of the property shown and described hereon and that (I) (we) hereby dedicate all streets, alleys, walks, parks, and other sites to public or private uses as noted.~~

~~_____ Date _____ Owner _____~~

ARTICLE 9. ESTABLISHMENT, POWERS AND DUTIES OF OFFICIALS, COMMISSIONS AND BOARDS RESPONSIBLE FOR ADMINISTRATION OF THIS ORDINANCE

Section 9.2 Zoning Administrator

The Town Administrator, or her designee, shall act as the Zoning Administrator for the Town of Clover. The Zoning Administrator is hereby designated and duly charged with the authority to administer and enforce the provisions of this Ordinance.

The Zoning Administrator shall accept and examine all applications for construction, land use or reuse, and shall issue permits where such applications are in accord with the provisions of this Ordinance and applicable building codes. He/she shall direct parties in conflict with this Ordinance, and cause to be kept records and files of any and all matters referred to him.

If the Zoning Administrator finds that any one of the provisions of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 9.3 Planning Commission

Section 9.3-3 Composition of the Commission

The Planning Commission shall consist of ~~five~~seven (57) members, who shall be residents of the Town of Clover and shall be appointed by the Town Council for overlapping terms of three (3) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the original appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Commission.

To the extent possible, membership shall be representative of the racial and gender composition of the Town, and represent a broad cross section of the interests and concerns of the Town. No member shall be the holder of an elected public office in Clover.

Section 9.5 Ex Parte Communications Prohibited

(1) Ex parte contacts and communications are defined, for the purposes of this section, as the receipt, either directly or indirectly, of verbal, visual, or written communications outside a duly noticed, open public hearing or meeting at which

all parties and all board or commission members have an opportunity to be present.

- (2) Members of the Planning Commission, Board of Zoning Appeals, Architectural Review Board, or any other Town adjudicatory or quasi-judicial board or commission shall refrain from permitting ex parte contacts or communications with any person regarding any matter pending before or which may be reasonably expected to be pending before them.
- (3) All members of the Planning Commission, Board of Zoning Appeals, Architectural Review Board, or any other Town adjudicatory or quasi-judicial board or commission shall adhere to the following in their receipt and deliberation of any matter coming before them. In contested matters, a decision maker shall not engage in ex parte communications with a party of record or any person who has a direct interest in the matter to be decided. A decision made at a hearing or a decision based on the review of a record is voidable if the decision-maker engaged in a substantive written or oral ex parte communication with a party or a person who has a direct interest in any issue in the matter unless the decision maker promptly notifies the parties of the ex parte communication, makes the ex parte communication a part of the record and provides the parties an opportunity to rebut the ex parte communication prior to a final decision being rendered.
- (4) The prohibition against ex parte contacts remains in effect as long as a matter may reasonably be expected to come before the board or commission, until after all appeal and remands for further consideration and reconsideration have concluded, or the time for such proceedings has expired.

ARTICLE 10. ADMINISTRATION, APPLICATIONS AND REQUIRED PERMITS

Section 10.5 Application Procedures/Requirements

The procedures for processing applications are outlined in the Application Procedure Chart set forth herein.

The process is initiated by filing a complete application including all information and fees required by Section 10.9 and assignment of the application to the proper staff member, agency, board or commission for review and processing outlined in Section 10.7.

Public notice where required by the ~~chart~~ Application Procedure Chart shall be announced in a newspaper of general circulation in the town of Clover at least 15 days but not more than 30 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the application and the time, date and place of the hearing.

Where a proposed amendment affects a zone district classification of a lot or parcel, the Zoning Administrator shall cause to be conspicuously located on or adjacent to the property affected one (1) hearing notice for every two hundred (200) feet of street frontage or portion thereof. Such notice shall be posted at least 15 days prior to the hearing and shall indicate the nature of the change proposed, identification of the affected property, and time, date and place of the hearing.

Where one (1) or more parcels or blocks are affected in one application, the posting of each property is not required. However, in lieu of posting, a written notice of the hearing shall be mailed by the Zoning Administrator at least fifteen (15) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned to the address of such owners appearing on the latest published tax list, and to the neighborhood association. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

APPLICATION PROCEDURE CHART

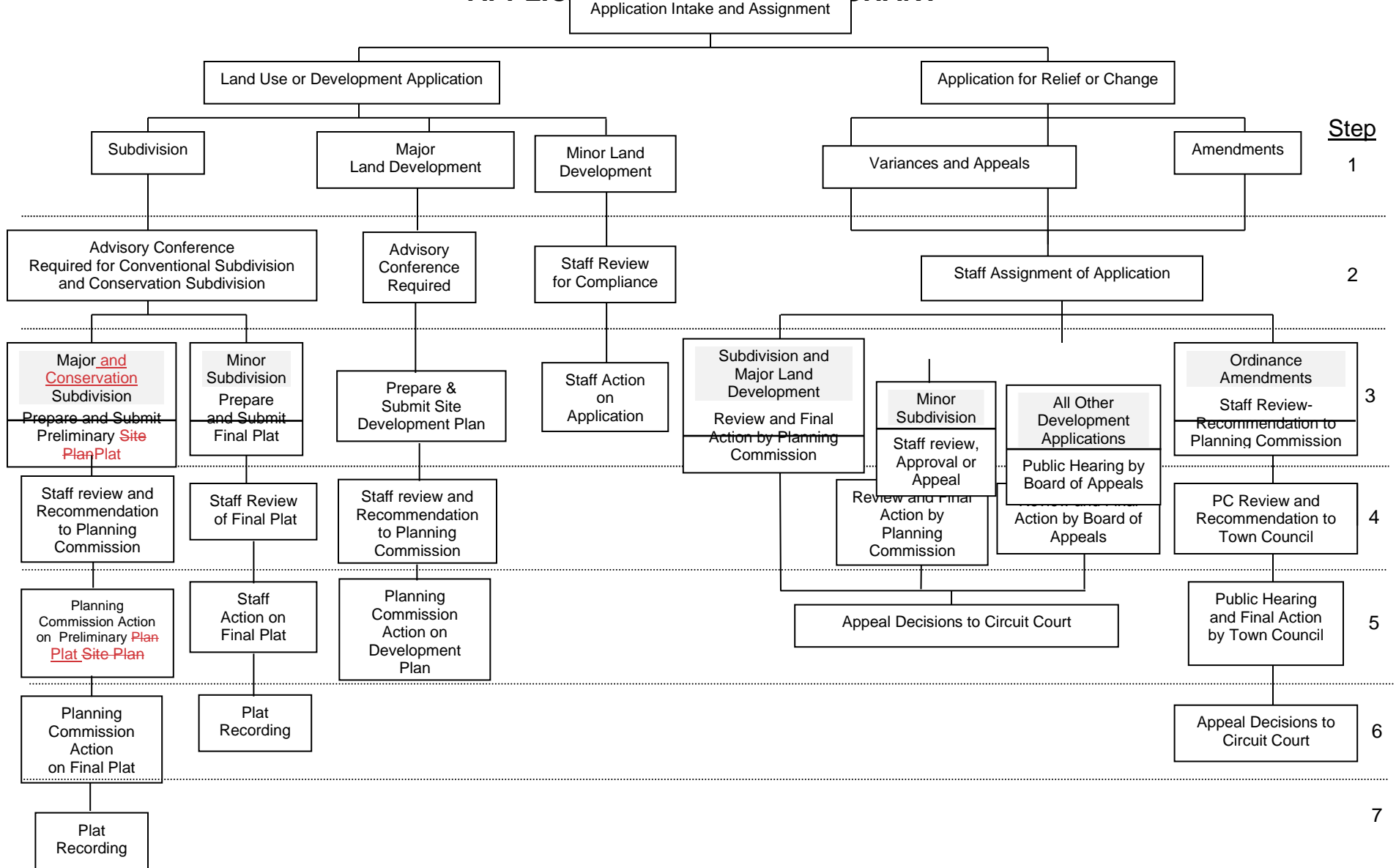


Table 10
Information Required To Support Application

<u>MAJOR LAND SUBDIVISION</u>	Information Required (Requirements are Cumulative)
Preliminary Plan <u>Plat</u>	<p>Five (5) printed copies of plat and one PDF copy at scale not less than 1" = 200', showing or specifying:</p> <ol style="list-style-type: none"> 1. All information required of General Property and Closing Surveys, in accord with the <u>Minimum Standards Manual for the Practice of Land Surveying in South Carolina</u>, promulgated under authority of the Code of Laws of South Carolina 1976, 40-21-110; 2. Land acreage; number of lots, and minimum lot size; 3. Drainage, erosion and sediment control plan by qualified professional showing all structures and easements; 4.3. Tax parcel number of property to be subdivided; 5.4. Proposed layout and dimension of all streets, rights-of-way, pavement widths, lot lines, and easements, specifying purpose of easements; 6.5. Minimum front and rear yard setback lines and zoning classification; 7.6. Proposed bufferyards, open space, landscaping & tree protection plan; 8.7. Utilities on and adjacent to tract, proposed connections and plans, including light pole materials and specifications for interior residential streets, where proposed ; 9.8. Land within flood plain; 10.9. All existing physical features within or adjoining the tract, including lakes, streams, ditches etc.; 11.10. Detailed street cross section and center line showing profiles for each street at minimum scale of 1' = 50'; 12.11. A tentative road plan for an entire tract where only part of the tract in which a developer has an interest is proposed for development; 13.12. Location and identification of off-site streets, public facilities, major physical features, names of owners and subdivisions contiguous or in proximity to the subdivision;
Final Plat	<ol style="list-style-type: none"> 14.13. Revised plat amendments as required by the Planning Commission; 15.14. Exact locations, bearings and distances of all political lines, tract boundary lines, pavement widths, right-or-way widths, road centerlines, easements, lot lines, monuments and markers; 16.15. Type of water supply and sewerage connection; 16. <u>Drainage, erosion and sediment control plan by qualified professional showing all structures and easements;</u> 17. Certification of survey accuracy, ownership and dedication of all streets, parks, sidewalks, and other sites and facilities to public use, and final approval by the Planning Commission; 18. Supporting documents, to include the following: <ol style="list-style-type: none"> a. Final detailed as built plans for all improvements <u>on a plat and in GIS format</u>, b. A copy of all restrictions (covenants) to run with land, c. A resolution by Town Council accepting dedicated improvements or a performance guarantee in accord with Section 10.13-2, d. DHEC approval of water and sewer systems, e. Town engineer approval of installation and construction work, or Town Council <u>Planning Commission</u> acceptance of performance guarantee, f. Financial Guarantee in accord with Section 10.13-2, if applicable.

<u>MINOR LAND SUBDIVISION</u>	1. Information required by 1,2,3,4,6,7,8, and <u>91-9</u> above.
<u>MINOR LAND DEVELOPMENT</u>	1. Information required by 1, 6, 7, and <u>91, 5, 6, and 8</u> ; 2. Location of all proposed structures, including free standing signs; 3. Required off-street parking; 4. All information specified by Article 3, Conditional Uses, as applicable.
<u>MAJOR LAND DEVELOPMENT</u>	1. Information required by 1, 3, 54, 65, 76, 87, 98, 109, 13 and <u>1512</u> above for preliminary plat approval; and all requirements for final plat approval; 2. Location of all proposed structures, including free standing signs; 3. Required off-street parking; 4. All information specified by Article 3, Conditional Uses, as applicable.
AMENDMENT	1. Draft new text to be added and existing text to be deleted; 2. State reasons for change; 3. Advertise and post property to be rezoned, if map amendment.
VARIANCE	1. State nature of variance; 2. Provide evidence of unnecessary hardship; 3. State necessity of variance.
APPEAL	State reasons for appeal, with specific reference to action being appealed.

Section 10.10 ~~Effect of Preliminary Plan Approval~~ Preliminary Plat

~~Preliminary Plan approval shall confer upon the applicant a vested right (see Section 10.21 Vested Right):~~

- ~~1. To proceed under the supervision of the Town with the installation of site improvements; and~~
- ~~2. To proceed with the preparation of a Final Plat.~~

~~Preliminary Plan approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision. Lots may be pre-sold however, provided the applicant/developer has guaranteed the final installation of all required improvements.~~

~~Revocation of preliminary plan approval may occur, following due public notice and a hearing by the Planning Commission, if the Commission finds that a material change in conditions involving the subdivision has occurred which would adversely affect public health, safety or welfare.~~

- (1) Required. Submission and approval of a Preliminary Plat is the first formal stage of a subdivision application review. Preliminary Plat approval is required before site improvements may commence.
- (2) Rights afforded by approval. Issuance of a Preliminary Plat authorizes the owner to proceed with the installation of site improvements provided all necessary permits have been obtained and construction drawings have been approved by the Town. Preliminary Plat approval does not authorize the sale or transfer of lots.

- (3) Information required for review. Preliminary Plats shall include the information detailed in Table 10. The Zoning Administrator and/or Planning Commission may request additional information or documentation to make an application complete and eligible for review.
- (4) Criteria for review. The application for Preliminary Plat approval must contain all required information. Incomplete applications will be rejected and returned to the applicant without review. Fees set by Town Council must be paid by the applicant at the time of submission.
- (5) Duration. Approval of a Preliminary Plat is valid for two (2) years from the date of approval. Where a subdivision is being developed in sections, the two (2) years shall be measured from the date of the most recent final approval granted to a portion of the subdivision. Prior to the expiration of a preliminary plat, the developer may apply for a one (1) year extension of time by the Planning Commission. There is no right to receive an extension, and the Planning Commission has the discretion to require the subdivider to apply for a new preliminary plat; the Planning Commission shall consider the applicant's progress or lack thereof in proceeding with the development and any change circumstances and restrictions in deciding whether to grant an extension.

Section 10.11 ~~Effect of Final Plat Approval~~Final Plat

~~Final Plat approval is an administrative action. No public notice or hearing is required in connection with approval proceedings involving the Final Plat.~~

~~Final Plat approval shall be granted or denied within 45 days after submission of a complete application to the Zoning Administrator or within such further time as may be consented to by the applicant.~~

~~No subdivision or major land development plat, portion, or phase thereof shall be accepted for recording by the Clerk of Court until it has been approved by the Planning Commission, and so indicated on the plat by the signature of the Chairman or Zoning Administrator. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted a performance guarantee in accord with the requirements of Section 10.13.~~

~~Final Plat approval confers upon the applicant the following rights:~~

- ~~1. To record the plat with the Clerk of Court office, and~~
- ~~2. To proceed with the sale and/or transfer of lots and parcels in accord with the approved and recorded plat.~~

(1) Required. Submission and approval of a Final Pat is the final stage of a subdivision approval process. Such approval is required before a certificate of occupancy will be issued.

(2) Rights afforded by approval. Approval of a Final Plat authorizes the owner to sell or transfer lots, and to commence construction of structures provided all necessary permits have been obtained therefor, and further authorizes issuance of a certificate of occupancy upon compliance with all requirements of 10.15-5.

- (3) Information required for review. Final Plats shall include the information detailed in Table 10. The Zoning Administrator and/or Planning Commission may request additional information or documentation to make an application complete and eligible for review.
- (4) Criteria for review. The application for Final Plat approval must contain all required information. Incomplete applications will be rejected and returned to the applicant without review. Fees set by Town Council must be paid by the applicant at the time of submission.

Section 10.12 Certifications and Recording Final Plat

(1) The following Certifications, shall be inscribed by the developer/applicant on reproducible copies of the Final Plat:

a. Certificate of Final Approval

The subdivision plat shown hereon has been found to comply with the Town of Clover Zoning and Land Development Ordinance and has been approved for recording in the office of the Clerk of Court of York County, South Carolina.

_____, 20____

b. Engineer's or Surveyor's Certification

This property lies within a Zone ____ (shaded) & Zone ____ (unshaded) area as designate on Federal Insurance Rate Map Community Panel and Last Revised _____.

I hereby state that to the best of my knowledge, information, and belief, that the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements of a Class ____ survey as specified therein: also there are no visible encroachments or projections other than shown.

(Seal)
Date _____ Signed _____ Reg. No. _____

c. Owner's Certification

(I) (We) hereby certify that (I am) (We are) the owner(s) of the property shown and described hereon and that (I) (we) hereby dedicate all streets, alleys, walks, parks, and other sites to public or private uses as noted.

Date _____ Owner _____

(1)(2) Upon approval of a final plat and within 30 days of the satisfaction of all requirements, conditions and contingencies of such approval, the applicant shall record the final plat with Clerk of Court of York County.

~~(2)~~(3) One paper copy of the approved final plat, along with all certifications inscribed thereon, shall be retained by the Zoning Administrator.

Section 10.13 Performance Guarantee
Section 10.13-2 Financial Guarantees

Where final plat or major land development application approval is requested by the applicant-developer prior to the completion of all required improvements, the Zoning Administrator shall recommend to the ~~Town Council~~Planning Commission financial guarantees of such type and in such amounts (not less than 125 percent of cost of materials and installation) sufficient to guarantee with reasonable certainty that the required improvements will be completed as and when required by ~~Town Council~~Planning Commission. Said financial guarantees to be used for such purposes may include one or more of the following types, if approved by the Town Attorney and acceptable to the ~~Town Council~~Planning Commission:

Security Bond from a surety bonding company authorized to do business in South Carolina.

Letter of Credit from a bank or other reputable institution.

Escrow Account readily convertible into cash, payable to the Town.

Improvement Guarantee or agreement acceptable to the Town.

~~Contract for Completion. The applicant may deliver to the Town a contract for completion of the required improvements executed by the applicant and a qualified responsible and duly licensed contractor together with an executed performance bond issued by such surety as the Town Council may approve. Along with said contract and performance bond, the applicant shall deliver to the Town the right and option to enforce the terms and conditions of the contract and the performance bond.~~

Other Financial Assurances. Such other financial assurances that the ~~Town Council~~Planning Commission finds will reasonably guarantee the satisfactory completion of the required improvements as and when required.

Any document providing such financial guarantee required by ~~Town Council~~the Planning Commission under this section shall be in such form and substance as specified by and satisfactory to the Town Attorney. The required financial guarantee (completed and fully executed) shall be a condition of Final Plat approval.

Upon approval of guarantee for completion of improvements ~~by the Town Council~~, the Planning Commission shall give approval, approval with modifications, or disapproval of the Final Plat. When a guarantee is used in lieu of completion of improvements, the Planning Commission shall stipulate the period of time within which all of the required improvements shall be installed and approved by the appropriate agencies. In no event shall this time be longer than two (2) years. Final approval will be based on a satisfactory on-site inspection by the Town Engineer

and the Public Works Department and acceptance and approvals of all as-builts and testing reports. The Town acceptance shall be accomplished through the acceptance of easement and right-of-way deeds. The Town accepts no responsibility for the streets and drainage system until the deeds are executed by both parties and recorded. Final acceptance of improvements by the Town shall not occur for thirty-six (36) months after final approval of the installation of the improvement. Any deficiencies occurring within this time frame shall be the responsibility of the developer. Final acceptance of improvements is at the discretion of the Town. The Developer may petition the Town to accept improvements before the thirty-six (36) month period has expired.

As a prerequisite to the Town acceptance before the thirty-six (36) month period has expired, the developer shall provide the Town with a guarantee in an amount equal to the construction cost, with surety and conditions satisfactory to the Town, as a warranty for a period of three (3) years. The warranty shall pertain to the design and construction of the streets and drainage system in accordance with these standards and their satisfactory performance during the warranty period. The warranty period shall commence with the formal approval of the roads by the Town. The grantor (or assigned agent thereof) is not responsible for repairing damage done to the roads subsequent to acceptance that was not a result of design or construction failure.

Section 10.13-3 Option To Refuse Guarantee

The ~~Town Council~~Planning Commission shall have the right to refuse any of the optional financial guarantees and require construction and installation of all improvements by the developer, where:

1. Past performance of the developer is unsatisfactory,
2. The selected option is unacceptable, or
3. For other reasons so stated.

Section 10.13-6 Extension of Guarantee

If it appears to the developer that he may not complete construction of the required improvements before expiration of his Improvement Guarantee, it shall be his responsibility, at least 45 days prior to the expiration period, to submit an extended guarantee request. Such extension, if approved by the ~~Town Council~~Planning Commission, shall be for a period of six months. A maximum of two such extensions shall be allowed.

ARTICLE 11. DEFINITIONS

The following Definitions shall be added:

Foot-candle - A unit of measurement referring to the illumination from an exterior lighting device onto a surface at a single point.

Glare - Excessive brightness from insufficiently shielded light sources that cause visual discomfort, annoyance, or reduces visibility.

Lighting Fixture - The assembly that houses the lamp(s), which may include some or all of the following components: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, refractor, or lens.

Lighting Fixture, Fully-Shielded - A fixture where the light source is not visible off site and allows no light emission directly above a horizontal line parallel to the ground.

Glare

Lumen – A unit of measurement for the brightness of a light source. One foot-candle is one lumen per square foot.

Luminaire - A complete lighting unit consisting of the lamp(s) and all necessary mechanical, electrical, and decorative parts.