



**Development Plan Review**

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**Article  
XIV**

**Fort Mill Unified Development Ordinance**

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### Section 14.1 Purpose

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The purpose of this article is to establish a uniform set of requirements for the planning and design of developments within the community in order to achieve the following objectives: to determine compliance with the provisions of this ordinance; to promote the orderly development of the town; to prevent depreciation of land values; to ensure a consistent level of quality throughout the community; to ensure a harmonious relationship between new development and the existing natural and manmade surroundings; to achieve the purposes of the Town of Fort Mill Comprehensive Plan; to promote consultation and cooperation between applicants and the town in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the comprehensive plan.

### Section 14.2 Applicability

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Development plan review shall be required, as applicable, under the following conditions:

- A. **Administrative Review.** The planning director shall review development plans in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
1. Any new “permitted” use within any zoning district, except as otherwise provided, with a gross floor area of up to 5,000 sq. ft.
  2. Additions in any zoning district up to 10 percent of the existing building gross floor area, but not exceeding 5,000 sq. ft.
  3. Changes in the use of any existing building in any zoning district, provided the use is a “permitted” use in that zoning district.
  4. Expansion of existing off-street parking areas; provided, no change is proposed to the number or location of existing driveways and such parking expansion does not encroach into any required buffer yard.
  5. When, in the opinion of the planning director, a project which otherwise qualifies for level “A” development plan review may have an impact on surrounding properties, he may, in his sole discretion, submit the development plan to the planning commission for review. In such cases, the planning commission shall follow the review procedure specified in **Section 14.2 B** and may require any additional information needed to make an informed decision.
- B. **Commission Review.** The planning commission shall act upon all development plans, other than those provided for administrative review, in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
1. Any “conditional” use in any district.
  2. Any use within a mixed use district.
  3. Any new “permitted” use with a gross floor area in excess of 5,000 sq. ft..
  4. Any addition of more than 5,000 sq. ft. to an existing building’s gross floor area.
  5. Any expansion or alteration of an existing parking area not subject to administrative review.
  6. As otherwise required by this ordinance.

### Section 14.3 Exemptions

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Development plan review shall not be required for a “permitted” single or two-family dwelling on a lot on which there exists no other building or use or for any home occupation or accessory building in a residential or mixed use district.

### Section 14.4 Application and Review

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The process of reviewing a development plan shall be as follows:

- A. **Administrative.** Reviews shall be performed by the planning director as follows:
1. Five (5) copies of a complete development plan and an electronic version, in a format specified by the town, shall be submitted to the planning director along with an application for that purpose and a fee, as established by the town council.
  2. The planning director shall review the development plan for completeness, and shall distribute the plans to and obtain comments from, as he considers necessary, other town departments or consultants.
  3. The planning director shall consider the development plan, comments received, and the applicable standards of this ordinance and shall either approve the development plan, as submitted, if all applicable requirements and standards have been met; approve the development plan with conditions; or deny approval of the development plan, if applicable requirements and standards have not been met. The planning director's review shall be based on the requirements of this article and, specifically, the review standards of [Section 14.6](#).
  4. The reasons for the planning director's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.
  5. If approved, two (2) copies of the development plan shall be signed and dated by the planning director and the applicant. One (1) copy shall be kept on file with the town and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and planning director prior to issuance of any permits.
- B. **Commission.** Reviews shall be performed by the planning commission as follows:
1. Ten (10) copies of a complete development plan and an electronic version, in a format specified by the town, shall be submitted to the planning director along with an application for that purpose and a fee, as established by the town council.
  2. The planning director shall review the development plan for completeness and, if complete, shall distribute the plans to and obtain comments from, as he considers necessary, other town departments or consultants
  3. Upon receiving all comments from other departments or consultants, the planning director shall transmit the development plan, along with such comments, to the planning commission for its consideration.
  4. The planning commission shall consider the development plan and shall either approve the development plan, as submitted, if all applicable requirements and standards have been met; approve the development plan with conditions; or deny approval of the development plan if applicable requirements and standards have not been met. The planning commission review shall be based on the requirements of this article and, specifically, the review standards of [Section 14.6](#).
  5. If approved, two (2) copies of the development plan shall be signed and dated by the planning commission chairman and the applicant. One (1) copy shall be kept on file with the town and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the planning commission chairman, prior to issuance of any permits.

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## Section 14.5      Development Plan Requirements

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- A. **Required Content.** Each development plan submitted shall contain the following information, as applicable:

<b>Table 14-5 Required Development Plan Content</b>		
Required Information	Administrative	Commission
<b>General Information</b>		
Date, north point, and scale	X	X
Name and firm address of the professional individual responsible for preparing development plan	X	X
Name and address of the property owner or applicant	X	X
Location sketch	X	X
Legal description of the subject property	X	X
Size of subject property in acres (square feet if less than two (2) acres)	X	X
Boundary survey	X	X
Preparer's professional seal	X	X
<b>Existing Conditions</b>		
Existing zoning classification of subject property	X	X
Property lines and required setbacks (dimensioned)	X	X
Location, width and purpose of all existing easements	X	X
Location and dimension of all existing structures on the subject property	X	X
Location of all existing driveways, parking areas and total number of existing parking spaces on subject property	X	X
Abutting street right-of-way width		X
Location of all existing structures, driveways, and parking areas within 100 feet of the subject property's boundary	X	
Location of all existing structures, driveways, and parking areas within 300 feet of the subject property's boundary		X
Existing water bodies (lakes, rivers, creeks, wetlands, etc.)	X	X
Existing landscaping and vegetation on the subject property		X
Size and location of existing utilities	X	X
Location of all existing surface water drainage facilities	X	X
<b>Proposed Development</b>		
Location and dimensions of all proposed buildings	X	X
Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided), and unloading areas	X	X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use		X
Flood plain areas and basement and finished floor elevations of all buildings	X	X
Landscape plan (showing location of proposed materials, size and type)	X	X
Layout and typical dimensions of proposed parcels and lots		X
Number of proposed dwelling units (by type)		X
Number and location (by code, if necessary) of efficiency and one or more bedroom units		X
All deed restrictions or covenants	X	X
Brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces	X	X
Lighting plan, per <b>Section 13.7</b> .		X

Table 14-5 Required Development Plan Content		
Required Information	Administrative	Commission
<b>Engineering</b>		
Location and size of proposed utilities, including connections to public sewer and water supply systems	X	X
Location and spacing of fire hydrants	X	X
Location and type of all proposed surface water drainage facilities	X	X
Grading plan at no more than two foot contour intervals	X	X
Proposed streets (including pavement width, materials, and easement or right-of-way dimensions)		X
<b>Building Details</b>		
Typical elevation views of all sides of each building type		X
Gross and net floor area	X	X
Elevation views of building additions	X	X
Building height	X	X
<b>Additional Information</b>		
Any other information required by the planning director or planning commission to demonstrate compliance with other applicable provisions of this ordinance including, but not limited to, traffic impact analysis, environmental impact assessment and market feasibility studies.	X	X

B. **Information Waiver.** Specific requirements of either administrative or commission development plans may be waived by the respective reviewer, planning director or planning commission, where it is determined that such information is not applicable to the subject request.

**Section 14.6 Review Standards**

A development plan shall be approved only upon a finding of compliance with the following standards:

- A. The development plan must comply with all standards of this article and all applicable requirements of this ordinance and all other applicable laws and regulations.
- B. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- C. The site must be designed so as to minimize hazards to adjacent property, and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.
- D. Unless a more specific design standard is required by the town through a different ordinance, all uses and structures subject to development plan review shall comply with the following design standards:
  - 1. **Traffic Circulation.** The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties, in accordance with **Section 10.4**.
  - 2. **Stormwater.** Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Unless impractical, stormwater shall be removed from all roofs, canopies and paved areas by underground surface drainage system. The provisions of **Article XV** shall apply.
  - 3. **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping,

buffers or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.

4. Buffers. Where non-residential uses abut residential uses, appropriate buffering and screening shall be provided, in accordance with **Article 11**, so as to shield residential properties from noise, headlights and glare.
5. Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of development plan approval, reduction of lighting during non-business hours may be required.
6. Utility Service. All utility service shall be underground, unless impractical.
7. Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary or as required by **Section 11.3**, to ensure compatibility with surrounding properties.
8. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles.
9. Water and Sewer. Water and sewer installations shall comply with all town specifications and requirements.
10. Signs. Permitted signs shall be located to avoid creating distractions and visual clutter and shall comply with the provisions of **Article XII**.
11. Building Design. New or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity. In all cases, the applicable requirements of **Article XIII** shall be met.

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## **Section 14.7            Conditions**

Conditions which are designed to ensure compliance with the intent of this ordinance and to satisfy the applicable review standards may be imposed on development plan approval.

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## **Section 14.8            Changes to Approved Development Plan**

Changes to an approved development plan shall be permitted only under the following circumstances:

- A. The holder of an approved development plan shall notify the planning director of any proposed change to an approved development plan.
- B. Changes to an administratively approved development plan may be approved by the planning director.
- C. Minor changes to a development plan originally approved by the planning commission may be approved by the planning director upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  1. Reduction in building size or increase in building size up to 10 percent of total approved floor area, not exceeding 5,000 sq. ft.
  2. Movement of buildings or other structures by no more than 10 feet.
  3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
  4. Changes in building materials to a comparable or higher quality material.
  5. Changes in floor plans which do not alter the character of the use.
  6. Changes required or requested by the town or county, state, or federal regulatory agency in order to conform to other laws or regulations.
- D. A proposed change to a commission-approved development plan, not determined by the planning director to be a minor change, shall be submitted to the planning commission as a development plan amendment and shall be reviewed in the same manner as the original application.

**Section 14.9 Expiration**

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Site plan approval shall expire 12 months after the date of approval, unless substantial construction has been commenced and is progressing. The planning director, in the case of an administrative development plan, or the planning commission, in the case of commission development plan, may grant one extension of up to 12 additional months; provided the applicant requests an extension, in writing, prior to the date of expiration of the original development plan approval. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expires prior to construction, the development plan approval shall become null and void.

**Section 14.10 Appeal**

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Any person having a special interest in a decision relating to the approval or denial of a development plan or the conditions imposed shall have the right to appeal the decision to the board of zoning appeals.