



NEW BUSINESS GUIDE

1) IS THIS THE CORRECT GUIDE FOR MY SITUATION?

If you would like to open a business within the Town of Lexington in an existing commercial building, this guide is for you. It explains the steps that your business must go through before being approved to operate with a Town of Lexington Business License.

Related situations:

- If you are interested in constructing a building for a new business, please follow the process detailed below and also follow the process in the Development Guide, available at www.lexsc.com.
- If you are a booth renter or home-based business, the process to obtain a Business License is much streamlined. You may simply come to the Department of Planning, Building, and Technology at Town Hall at 111 Maiden Lane in Lexington and complete the application process in person. The process usually can be done the same day and should take about 30 minutes from start to finish.

2) HOW DO I START THE BUSINESS LICENSE APPLICATION PROCESS?

You will need to submit the following three forms: (1) Application for Review of Business Location, (2) Business License Application and (3) Wastewater Treatment Form . This will allow staff to determine whether your proposed business meets the Town's requirements regarding zoning, landscaping, architectural and appearance standards, and so forth.

You may submit the forms:

- By e-mail to Sonya Lee at slee@lexsc.com or Margie Jeffcoat at mjeffcoat@lexsc.com;
- By fax to Sonya Lee at (803) 951-0352 or Margie Jeffcoat at (803) 358-1552;
- By mail to Town of Lexington, 111 Maiden Lane, Lexington, SC 29072, Attn: Sonya Lee or Margie Jeffcoat; or
- In person to Sonya Lee or Margie Jeffcoat at Town Hall (111 Maiden Lane, Lexington).

From start to finish, the process of reviewing your applications will take approximately two business days unless Town staff identify an issue(s) during the review that you will need to address before the Town can issue you a Business License. Town staff will call you if they have questions about your application, if they have identified any issues during the review that you will need to address before the Town can issue you a Business License, or when the process is complete and they are ready for you to pick up and pay for your Business License.

3) WHAT WILL THE TOWN REVIEW DURING THE BUSINESS LICENSE APPLICATION PROCESS?

a. JURISDICTION: IS YOUR PROPOSED BUSINESS LOCATED IN THE TOWN OF LEXINGTON?

The Town of Lexington has jurisdiction only over businesses that are located within the Town limits. Using the information that you provided in your application, Town staff will determine whether the Town has jurisdiction over your proposed business location.

Possible scenarios:

- **Proposed location is in the Town of Lexington:** If the proposed location is in the Town of Lexington, your application will follow the below steps.
- **Proposed location will be annexed into the Town of Lexington:** If the proposed location is not located within the Town of Lexington but is contiguous to the Town's boundaries, the Town may initiate annexation proceedings on the parcel. You may receive a Petition for Annexation from John Hanson, whom you may reach at (803) 951-4655 or jhanson@lexsc.com. She will walk you through the

annexation process. The request will first go to the Planning Commission, which will make a recommendation about what zoning district and street classification are appropriate for the parcel. After the Planning Commission makes this recommendation, the request will go to Town Council for consideration. Town Council will discuss the request during two meetings. If Town Council approves the annexation at both meetings, your request for annexation is granted and you may move forward with the business licensing process. The annexation process usually takes about 60 days.

- **Proposed location is not located in the Town of Lexington and will not be annexed into the Town.** If the proposed location is neither in the Town of Lexington nor contiguous to its boundaries, it is outside of the jurisdiction of the Town of Lexington and you will be asked to contact Lexington County at (803) 785-8121.

If you wish to determine whether your proposed location is located in Town before submitting your application, contact Margie Jeffcoat at (803) 356-5938 or mjjeffcoat@lexsc.com with an address.

b. DOES YOUR PROPOSED BUSINESS MEET THE TOWN'S REQUIREMENTS?

Town staff will review the applications that you submitted in order to determine whether your proposed business meets the following requirements or whether you need to take other action as described below.

- i. **Does the proposed location have (a) a zoning district that allows the use and (b) have access to a road that has a classification that allows the use?**

If either the zoning district or the street classification does not support the desired activity, you may request either a rezoning of the parcel or a reclassification of the street from which the parcel will have access. If you desire to make either a rezoning or road reclassification request, you should complete the required application (available at www.lexsc.com) and submit it to John Hanson, whom you may reach at (803) 951-4655 or jhanson@lexsc.com.

The request will go to the Planning Commission, which will make a recommendation to Town Council about it. Town Council will then discuss the request during two meetings. If Town Council approves the rezoning or road classification at both meetings, your request for rezoning or street reclassification is granted and you may move forward with the business license process.

The rezoning and street reclassification process usually takes about 60 days. The cost is \$150 per request.

- ii. **Does the proposed activity meet all of the Town of Lexington's zoning requirements?**

These requirements include but are not limited to setbacks, buffers, and parking. For a complete list of the requirements, you may obtain a copy of the Zoning Ordinance from www.lexsc.com.

If the particular activity cannot meet one or more of the zoning requirements, you may either bring the property into compliance with the zoning requirements or request a variance from that (those) requirement(s). If you desire to request a variance, you should complete the required application, available at www.lexsc.com, and submit it to John Hanson, whom you may reach at (803) 951-4655 or jhanson@lexsc.com.

The request will go to the Board of Zoning Appeals for consideration. By state law, in order to grant a variance, the Board of Zoning Appeals must find the following:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography,
- (2) These conditions do not generally apply to other property in the vicinity,
- (3) Because of the conditions, the application of the Ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property,
- (4) The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance.

The Board of Zoning Appeals meets on the first Thursday of the month at 6:30 p.m. at Town Hall. Applications are due on the first of the month for the following month's meeting.

The variance process usually takes about 60 days. The application fee is \$150 for the first request, and \$50 for each additional request up to \$300 maximum.

iii. Does the proposed location meet the Town of Lexington’s Architectural and Appearance Standards?

If Town staff determines that the proposed location does not meet the Town’s Architectural and Appearance Standards, you may be required to modify the structure or take other action in order for the location to do so. If this is the case, Town staff will call you to explain what you need to do.

iv. Does the proposed location meet the Town of Lexington’s Landscaping and Tree Ordinance requirements?

A copy of the Landscaping and Tree Ordinance is available at www.lexsc.com.

If the proposed location does not meet these requirements, you may modify the site so that it meets the Landscaping and Tree Ordinance requirements or apply for a variance using the same process as explained above in Section ii).

4) IF MY PROPOSED BUSINESS MEETS THE ABOVE REQUIREMENTS, DO I NEED TO DO ANYTHING ELSE BEFORE I CAN OBTAIN A BUSINESS LICENSE?

Depending on your situation, you may also need to do the following before the Town can issue you a Business License.

a. Pay engineering fees.

Possible engineering fees include:

| | |
|---|--|
| Utility plan review | \$1,150 |
| Sidewalk fee | \$32.78 per linear foot. The fee is based on a 5-foot sidewalk to meet the requirements of the Americans with Disabilities Act, but residential developments are excluded as they are required to install their sidewalks. |
| Water meter fee | Varies based on size and number of meters |
| Irrigation meter fee | Varies based on size of meters |
| Fire line tap fee | \$750 per inch diameter |
| Delegated Review Package fee | \$200 (for sewer only) |
| Water and sewer capital contribution fees | Varies based on projected amount of water usage using S.C. Department of Health and Environmental Control guidelines. In-town contribution fees are based on usage of 300 gallons per day are currently \$1,150 for water and \$1,900 for sewer. |
| Hydraulic Model Analysis Fee | \$1,000 for any project with a new lift station or any modifications to an existing one. |

If these fees apply to you, Town staff will call you to let you know the amount that you will need to pay. You may pay these fees at the same time that you pay your Business License fee.

b. Obtain a sign permit.

If you plan to change a wall sign, a monument sign, or even a panel in a monument sign, you must obtain a permanent sign permit first. If you have hired another company to do this work for you, that company needs to obtain a permanent sign permit before doing the work.

The permanent sign permit application is available at www.lexsc.com. Once you submit the permit application, Town staff will contact you after it has been processed. This process usually takes only a couple of days. If you have any questions about this, please contact Margie Jeffcoat at (803) 356-5938 or mjeffcoat@lexsc.com.

c. Obtain a building permit.

Building permits are required to construct, enlarge, alter, repair, move or demolish a building or structure; to install electrical, gas, heating, air conditioning, plumbing, or similar equipment; to install infrastructure; and to grade or pave. To determine whether your project requires building plans, contact Margie Jeffcoat at (804) 356-5938 or mjeffcoat@lexsc.com.

If building plans are required, applicants should submit three sets of building plans to Building Official Charly Thomas through Margie Jeffcoat. In order to be approved, the building plans must comply with all applicable federal, state, and local laws.

The Building Official uses the following building codes:

- 2006 International Building Code with South Carolina modifications
- 2006 International Fire Code with South Carolina modifications
- 2006 International Plumbing Code with South Carolina modifications
- 2006 International Mechanical Code with South Carolina modifications
- 2006 International Gas Code with South Carolina modifications
- 2006 International Residential Code with South Carolina modifications
- 2008 NEC with South Carolina modifications
- 2006 ANSI A 117.1

Building permit fees are as follows:

| Construction cost | Fee |
|------------------------|--|
| \$1,000 and less | No fee unless inspection required, then \$20 |
| \$1,000 to \$50,000 | \$20 for first \$1,000 plus \$5.50 per thousand or fraction |
| \$50,000 to \$100,000 | \$289.50 for first \$50,000 plus \$4.40 per thousand or fraction |
| \$100,000 to \$500,000 | \$509.50 for first \$100,000 plus \$3.30 per thousand or fraction |
| \$500,000 and above | \$1829.50 for first \$500,000 plus \$2.20 per thousand or fraction |

Additionally, building plan review fees are 40% of the permit cost for the project.

5) IF I DO ALL OF THE ABOVE, WHEN WILL I GET MY BUSINESS LICENSE?

After the above process is complete, the Town will issue a Business License for the business. Again, this entire process usually only takes about two business days. When your Business License is ready, Town staff will call you to let you know that the Town is ready for you to pay for and pick up your Business License.

If you would like an estimate of the Business License fee before you apply for a Business License, contact Sonya Lee at (803) 951-4631 or slee@lexsc.com.

Under typical circumstances, your Business License will be valid through the end of the calendar year during which you submitted the application. Each year in early January you will receive an application to renew your Business License. You are responsible for completing this application and paying any associated fees by April 15. For non-payment of any or the entire correct license fee, a penalty of 5% of the unpaid fee will be assessed for each month (or portion thereof) after the due date.

6) WHEN CAN I PUT THE UTILITIES INTO MY NAME?

If you are interested in water and/or sewer service from the Town of Lexington, after you complete the above process, come to the Finance Department with a copy of the lease agreement or proof of property ownership to complete the paperwork for water and/or sewer service and to pay all the required fees. If you have questions about this, please contact customer service personnel within the Finance Department at (803) 951-4630.

7) DO I NEED TO DO ANYTHING ELSE BEFORE I CAN OPEN?

Please note that the above process does not cover possible permitting that businesses may need from other government bodies, such as the South Carolina Department of Health and Environmental Control or Department of Social Services. Please contact those agencies directly for information about their permit process.