Zoning Ordinance

Town of Cheraw



Updated 2020

**Acknowledgements**

This document represents the first major revision of the Cheraw zoning Ordinance since 2001. It was a collaborative effort that involved the Cheraw Town Council, the Cheraw Planning Commission, the Cheraw Board of Architectural Review, RS3 Planning Collaborative LLC, and input from the public. Thank you to everyone who participated in this process.

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Article 1

# Enactment and Jurisdiction

**1-1 Title**

These regulations shall be known and may be cited as “The Zoning Ordinance of Cheraw, South Carolina.”

**1-2 Authority**

Pursuant to the authority conferred by the General Statues of South Carolina, 1976 Code of Laws, Title 6, Chapter 29 of the Comprehensive Planning Enabling Act of 1994, as amended, the Town of Cheraw does ordain and enact into law the following articles and sections.

**1-3 Purpose**

This Ordinance is intended to guide development in accordance with existing and future land use needs of the community and in accordance with the adopted Comprehensive Plan. These regulations have been made in order to:

 1. protect, promote, and improve the public health, safety, morals, convenience, order, prosperity, and general welfare;

 2. guard and preserve the visual appearance of the community;

 3. lessen congestion in the streets;

 4. secure safety from fire;

 5. provide adequate air and light

 6. prevent the overcrowding of land

 7. avoid undue concentration of the population

 8. protect and preserve historic and architecturally valuable structures and districts;

 9. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements; and,

 10. conserve the value of property.

To accomplish the goals, these regulations set forth requirements for:

 1. the location, size, placement, use, and occupancy of land and buildings;

 2. the creation of districts for the above purposes ;

 3. methods of administration, amendment, and appeal of these regulations;

 4. the duties of the Planning Commission and Board of Appeals in the above regard;

 5. the provision of penalties for violation of these regulations;

 6. certain other legal requirements related to the exercise of planning powers.

**1-4 Jurisdiction**

The regulations set forth herein shall apply to all land and improvements thereon within the boundaries of the Town of Cheraw, South Carolina, and areas annexed thereto.

Article 2

# Establishment of Districts and Zoning Map

**2-1 Establishment of Districts**

For the purposes of these regulations, the Town of Cheraw is hereby divided into the following districts:

**Table 2-1: Zoning Districts**

|  |  |  |  |
| --- | --- | --- | --- |
| Residential Districts | Business Districts | Industrial Districts | Special Purpose Districts |
| R-1AA Single Family- Low Density Residential | OC- Office Commercial | LI- Limited Industrial |  |
| R-1A Single Family- Medium Density Residential | NC- Neighborhood Commercial | M-1- Manufacturing | HC- Historic District |
| R-1 Single Family and Duplex- High Density Residential | MC- Market Commercial |  | OS - Open Space / Conservation |
| R-2 Multi Family | CC- Core Commercial |  | GW- Gateways |
|  | GC- General Commercial |  |  |

**2-2 District Boundaries Established by Zoning Map**

The boundaries of the zoning districts are hereby established as shown on the map and titled “Official Zoning Map of the Town of Cheraw, South Carolina,” which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

**2-3 Official Zoning Map**

At least one copy of the official zoning map shall be maintained in the office of the Town Clerk. Such official zoning map shall be attested by the Town Clerk and shall be available at all times for inspection by the general public.

If, in accordance with the provisions of this ordinance and the South Carolina Code of Laws, changes are made in the district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Town Council. No ordinance amendment which involves matters portrayed on the official zoning map shall become effective until after such changes have been made on said map.

No change of any nature shall be made on the official zoning map or other matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punished as provided by law.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map maintained in the office of the Town Clerk plus official records of the Town Clerk regarding actions of Town Council to amend district boundaries shall constitute the only official description of the location of zoning district boundaries, and persons having recourse to this ordinance for any purpose are hereby so notified.

**2-4 Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of any zoning district, the following general rules of interpretation shall apply. It is the duty of the zoning administrator to interpret the location of zoning district boundaries. An appeal from an interpretation or finding of the zoning administrator may be taken as specified an Article 9.

 2-4.1 Map Symbols: Map symbols (letter and/or number combinations) on the official zoning map show that the regulations pertaining to the district so designated extend throughout the whole area bounded by the district boundary line within which the designation appears.

 2-4.2 Where Boundaries Approximately Follow Man-Made or Natural Features: District boundaries indicated as approximately following (1) the center line of streets, highways, or alleys, (2) platted lot lines, (3) town limits, (4) railroad lines, or (5) the center lines of stream beds or other bodies of water shall be construed to follow said features.

 2-4.3 Where Boundaries Approximately Parallel or are Extensions of Above Features: District boundaries indicated as approximately parallel to or extensions of features listed in Section 2–4.2 shall be so construed and it's such distances as indicated on the official zoning map, subject to determination by the Zoning Administrator. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

Article 3

# Application of Regulations

**3-1 Regulations Regarded as Minimum**

 Within each district, the regulations set forth by this ordinate shall apply uniformly to each class or kind of structure or land. In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3-2 Affects all Lands, Buildings, or Structures

 No building structure, or land shall here after be used or occupied, and no building, structure or part thereof shall here after being erected, constructed, reconstructed, moved or structurally altered and less in conformity with the regulations specified in this ordinance for the district in which it is located.

3-3 Affects Population Density, Lot Coverage, Yards, and Open Spaces

* No building or other structure shall hereafter be created or altered that would:
* accommodate or house a greater number of families than permitted.
* occupy a greater percentage of lot area than permitted; or,
* leave a narrower or smaller rear yard, front yard, side yard, or other open space than

required herein, or in any manner contrary to the provisions of this ordinance.

3-4 Yard or Open Space, Off-Street Parking, or Loading Space Requirements for One Building not to the Included as Such Requirements for Any Other Building

 No part of a yard, or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as a part of a yard, open space, or off-street parking or loading space similarly required of any other building or use.

3-5 Reduction of Lot Area Prohibited

 No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations.

3-6 Rights-of-Way Not to be Considered A Part of Lot or Open Space

 Right-of-way easements for streets and roads shall not be considered a part of a lot or open space, or front, rear or side yard for the purpose of meeting lot dimension or area or yard requirements.

3-7 One Principal Structure Per Lot

 Only one (1) principal structure and its customary accessory structures may hereafter be erected on any lot except that condominiums, townhouses, motels, college campuses, schools, shopping centers, and similar uses may be excluded from this provision with the approval of the Zoning Administrator. Also excluded shall be a principal commercial structure with two or three uses when they are owned or managed as a unit.

Article 4

# Ordinance Amendment

**4-1 Initiation of Proposals for Zoning Amendments**

An amendment to this ordinance may be proposed by the Town Council, the Planning Commission, the Zoning Administrator, any department, agency of the Town, any other individual, corporation, or agency. A request for an amendment to the zoning map, other than a request from the Town Council or the Planning Commission, including property other than that owned by the applicant, shall include a written certification that the owners or authorized agents of all properties other than that owned by the applicant for amendment are in agreement with the proposed amendment. Requests for amendments shall be submitted in writing to the Zoning Administrator whose duty it shall be to present such amendments to the Planning Commission for review and to the Town Council for determination.

**4-2 Planning Commission Review**

All proposed amendments shall be submitted to the Planning Commission for study and recommendation. The Planning Commission shall study such proposals to determine:

* + 1. The need and justification for the change;
		2. When pertaining to a change in the district classification of the property, the effect of the change, if any, on the property and surrounding properties;
		3. When pertaining to a change in the district classifications of property, the amount of land in the general area and in the Town having the same district classification as that requested; and
		4. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this ordinance and the comprehensive plan.

**4-3 Planning Commission Recommendation to Town Council**

Within forty-five (45) days from the date of any proposed zoning amendment is referred to it (unless a longer period shall have been established by mutual agreement between the Town Council and the Planning Commission), the Planning Commission shall submit its report and recommendation to Town Council. The recommendation of the Planning Commission shall be advisory only, and shall not be binding on Town council. If the Planning Commission does not submit its report within the prescribed time, the Town Council may proceed to act on the amendment without further awaiting the recommendations of the Planning Commission.

**4-4 Public Hearing to be Held**

Upon making a recommendation to Town Council on any proposed amendment, the Planning Commission if the proposed amendment is related to matters outside of the corporate limits of Cheraw or Town Council if the matter is inside the corporate limits of Cheraw, shall hold a public hearing. Such a public hearing shall be held at such times as the Planning Commission or Town Council shall decide, but in no case shall it be longer than forty-five (45) days from the date the proposed zoning amendment was referred to the Planning Commission.

**4-5 Notice of Public Hearing**

A public hearing shall be scheduled for zoning amendments, the adoption or amendment of the Town’s Comprehensive Plan, zoning variance, appeal of the Zoning Administrator’s decision, special exceptions, or street name changes.

**Table 4-1**

|  |  |  |  |
| --- | --- | --- | --- |
| Procedure | Published Notice Required | Posted Notice Required | Mailed Notice Required |
| Street Name Change (1) | X |  | X |
| Comprehensive Plan (1) | X |  |  |
| Text Amendment (1) | X |  |  |
| Rezoning Amendment (1) | X | X | X |
| Demolition within the Historic District (if required) (2) | X | X | X |
| Special Exception Review (3) | X | X | X |
| Variance Request (3) | X | X | X |
| Appeal from the Zoning Administrator (3) | X | X | X |
| Designated Board: Planning Commission or Town Council (1), Board of Architectural Review (2) Board of Zoning Appeals (3) |
| Optional Notifications: Dates and information posting on the Town’s webpage & social media |

4-5.1 Types of Notices:

* 1. Published Notice: For each application requiring a public hearing, a public notice shall be placed in a local newspaper of general circulation within the Town at least (15) days prior to each public hearing. Comprehensive Plan adoption and amendment requires a thirty (30) day notification prior to the public hearing.
	2. Posted Notice: For each application requiring a public hearing, a public notice sign shall be posted no less than seven (7) days prior to the hearing on the subject property in a location clearly visible from each adjacent street. Where more than one lot is involved in an application, the Zoning Administrator shall determine the number and location of required public notice signs.
	3. Mailed Notice: Notice shall be sent to the directly impacted property owner(s) and properties within 300 feet of all sides of the impacted property(ies) no less than ten (10) days prior to the public hearing.

**4-6 Reconsideration of Proposed Amendments**

The Town Council shall not reconsider a proposed amendment to the zoning map if such amendment requests a change affecting the same lot, parcel, or portion thereof, for a period of one year. From the date of the amendment fee payment of the prior request unless the Planning Commission recommends to the Town Council that such reconsideration be given, after the Planning Commission has found either (a), that there has been a substantial change in the character of the area, or (b) that evidence of factors or conditions exists which were not considered by the Planning Commission or the Town Council in previous deliberations which might substantially alter the basis upon which the previous determination was reached.

**4-7 Minimum Area for New Districts**

No request from any individual, corporation, or agency, other than the Town Council or the Planning Commission 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 that the following changes may be made to apply to areas of less than two (2) acres:

* 1. The extension of existing district boundaries; or
	2. The addition of Office Commercial (OC) zoning contiguous to existing GC districts.

Article 5

# Board of Zoning Appeals

**5-1 Establishment**

A Board of Zoning Appeals is hereby established. Said board shall consist of five members appointed by the Town Council. The member shall serve for overlapping terms of four years over there after until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Member shall be removable for cause by the Town Council at the recommendation of the Town Manager. The member shall serve without pay but may be reimbursed for any expenses incurred while representing the board. None of the members shall hold any other public office or position in the Town.

**5-2 Proceedings**

The board shall adopt rules necessary to the conduct of its affairs in accordance with the provisions of this ordinance. Meetings of the board shall be held at the call of the chairman and such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer meetings and compel the attendance of witnesses. All meetings shall be open to the public.

**5-3 Decisions**

The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation of this ordinance. On all appeals, applications and other matters brought before the Board of Zoning Appeals, the Board, shall inform in writing all the parties involved of its decision and the reasons therefore.

**5-4 Powers and Duties**

In exercising its powers the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determinations, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

The Board of Zoning Appeals shall have the following powers and duties:

 5-4.1 Administrative Review: Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the Zoning Administrator. (Such appeal does not extend to actions of the Board of Architectural Review/Appearance Commission). Such appeal shall be taken within thirty (30) days by filing with the Zoning Administrator from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for hearing the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Appeals, after notice of appeal is filed with him, that by reason of facts state in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

 5-4.2 Variances

* 1. Duties of the Board: The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Zoning Appeals that:
		1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
		2. These conditions do not generally apply to other property in the vicinity;
		3. 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
		4. 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.

No non-conforming use of neighboring lands, structures, or buildings in the district, and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board of Zoning Appeals may prescribe conditions and safeguards in conformity with this ordinance.

* 1. Procedures: A written application for a variance shall be submitted demonstrating that the applicant meets the provisions of Section 5-4.2.1.

Notice of public hearing shall be posted on the property for which ha variance is sought and shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the Town of Cheraw.

The hearing shall be held. Any party may appear in person, or by agent or attorney.

The Board of Zoning Appeals shall make findings that the requirements of Section 5-4.2.1 have been met by the applicant.

The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The Board of Zoning Appeals shall further make a finding that the granting of the variance will be in harmony with the general purposes and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The Board of Zoning Appeals may prescribe a time limit within which the action for which the variance is requested shall be begun or completed, or both.

* 1. Effect of Failure to Meet Conditions: Violation of conditions and safeguards prescribed in conformity with this ordinance when made a part of the terms under which the variance is granted shall be deemed as violations of this ordinance, punishable under penalties established herein.

Failure to begin or complete, or begin and complete, an action for which a variance is granted, within the time limit specified, when such time limit is made a part of the terms under which the variance is granted shall void the variance.

 5-4.3 Special Exceptions

1. Duties of the Board
	1. To hear and decided only such applications for special exceptions as the Board of Appeals is specifically authorized to pass upon by the terms of this Ordinance;
	2. To decide such questions as are involved in determining whether special exceptions should be granted;
	3. To prescribe appropriate conditions and safeguards in conformity with this ordinance; and
	4. To deny special exceptions when not in harmony with the intent and purpose of this ordinance.
2. Procedures:
	1. A written application for a special exception shall be submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.
	2. Notice of public hearing shall be posted on the property for which special exception is sought and shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the Town Of Cheraw.
	3. The public hearing shall be held. Any party may appear in person, or by agent, or attorney.
	4. The Board of Zoning Appeals shall make a finding that it is in powered under the section of this ordinance described in the application to grab the special exception, and that the granting of the special exception will not adversely affect the public interest.
	5. The regulations of this ordinance setting forth specific standards to be met prior to the establishment of any special exception shall be binding upon the Board of Appeals and no variance to such requirements shall be granted.
	6. The Board of Appeals shall grant no special exception for the establishment of any use or structure which necessitates the concomitant granting of a variance.
	7. The Board of Appeals may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both.
3. Effect of Failure to Meet Conditions: Violation of conditions and safeguards prescribed in conformity with this ordinance, when made a part of the terms under which the special exception is granted shall be deemed a violation this ordinance, punishable under penalties established herein.
4. Failure to begin or complete, or begin and complete, an action for which a special exception is granted, within the time limit specified, when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

5-4.4 Use Variance

 Allowed under SC Code of Laws 6-29-800 a variance for use may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions the application of the zoning ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of a use variance will not be of substantial detriment to adjacent property owners, adjacent property, or to the public good, and the character of the district will not be harmed by the granting of said variance.

However, an affirmative vote of two-third (2/3) of the Board members present and voting shall be required before a variance may be granted for a use of land, a building, or a structure that is prohibited in a given district by ordinance or resolution, provided however, that Town Council may overrule the decision of the Board of Zoning Appeals pursuant to S.C. Code Ann 6-29-800 and such other laws as may apply. For a Use Variance that has been granted by the Board of Zoning Appeals, no vested right shall attach thereto and no permit shall be issued for 15 days from the date of the granting of a Use Variance by the Board to determine whether Town council intends to consider overruling such Use Variance.

If the Mayor or any member of Town Council notifies the Zoning Administrator of intent to consider overruling a Use Variance within fifteen (15) days of granting of a Use Variance by the Board, then the Board’s decision shall be held in abeyance, no vested rights shall attach to the Use Variance granted by the Board and no permit shall be issued until Town Council has determined whether to overrule the Board’s decision to grant a Use Variance. No person with a substantial interest in the Use Variance granted by the Board shall have a right to appeal such a decision to Town Council and may only appeal such decision to Circuit Court for errors of Law pursuant to S.C. Code Ann 6-29-820, The Cheraw Zoning Ordinance and S.C. Code Ann. 6-29-820 establish a time limit for appeals of decisions by the Board, any person with a substantial interest in the granting of a Use Variance by the Board shall file an appeal with the Circuit Court within 30 days after the decision of the Board is mailed and shall deliver a copy of such appeal to the Town. If an appeal is filed and a timely notice of intent to consider overruling a Use Variance granted by the Board is delivered to the Zoning Administrator by the Mayor or a member of Town Council in accordance with this section, such appeal shall not divest Town Council of its right to consider overruling the granting of a Use Variance at its next regularly scheduled meeting after the decision of the Board is mailed or soon thereafter as practicable. Town Council may defer or continue its deliberations on the matter, but shall make a final decision on the Use Variance within 3 regularly scheduled Town Council meetings after it is first considered. In the event Town Council does not consider the matter at its regularly scheduled meeting after the decision of the Board is mailed, Town Council shall be divested of its right to consider overruling the granting of such Use Variance by the Board.

**5-5 Appeals from the Decision of the Board of Zoning Appeals**

Any person who may have substantial interest in any decision of the Board of Zoning Appeals may appeal any decision of the Board to the Circuit Court in and for the County of Chesterfield, filing with the clerk of such court a petition in writing setting forth plainly, sully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.

5-6 Administrative Variances

 The Zoning Administrator is authorized to grant administrative variances upon written application by the property owner. The variances may be for lot width, lot coverage, lot size, setbacks, access, structure height, parking or buffer requirements, or other details as determined by the Zoning Administrator. Such variances may only be granted should the request be within 10% (ten percent) of the requirement stated in the Zoning Ordinance and where unusual circumstances or a particular hardship would make strict interpretation of the ordinance go beyond the intent of Town Council.

 The Zoning Administrator, at their discretion, may refer a request for a variance to the Board of Zoning Appeals, and the applicant may appeal any decision of the Zoning Administrator to the Board of Zoning Appeals.

 The reason for such variance shall be recorded and filed in the office of the Zoning Administrator.

 There shall be no fee to request an administrative variance.

 Examples of where a variance might be granted:

* 1. A business wants to open in an existing building. The parking lot contains 18 spaces but the Zoning Ordinance would require 20 spaces. Requiring the addition of 2 more spaces would be a hardship.
	2. A landowner wants their property rezoned to general commercial. The minimum square footage required to be General Commercial is 20,000 square feet. The lot is 19,500 square feet.

Article 6

# Administration and Enforcement

**6-1 Zoning Administrator**

 6-1.1 Responsibility for Administration: The Zoning Administrator designated by the Town Council shall administer and enforce and this ordinance. It is the intent of this ordinance that all questions of administration and enforcement show first be presented to the zoning administrator and the records from the decision of the zoning administrator shall be to the Board of Zoning Appeals as provided by law. It is the intent of this ordinance for the function of the Town Council under this word shall not include hearing at the siding questions of interpretation and enforcement which may arise, but that the Town Council shall have only the responsibility for acting on proposals for amendment or repeal of this ordinance.

6-1.2 Duties of the Zoning Administrator:The duties of the Zoning Administrator shall include the following.

* 1. Interpretation of the terms and provisions of this ordinance.
	2. Administration of the provisions of this ordinance relating to zoning permits, certificates of zoning compliance, and applications for zoning amendments and special exceptions, the presentation of the same to the Planning Commission and Town Council or the Board of Zoning Appeals, and giving notice of hearing on such amendment and special exception requests as specified herein.
	3. The receipt of complaints from persons who allege that violations of this ordinance have occurred, to properly investigate or cause to be investigated such complaints, and to initiate or cause to initiated action to prevent, enjoin, abate, or remove such violations.
	4. The maintenance of complete and accurate records relating to adoption, amendment, interpretation, enforcement, and administration of the terms and provisions of this ordinance. Such official records shall be a public record and shall include but are not limited to the following.
		1. The maintenance of the official copy of the text of the zoning ordinance and zoning map and other such records and official materials as may relate to the adoption, amendment, enforcement, or administration of this ordinance.
		2. The retention of records relating to applications for zoning permits, plats, and plans in connection with said permits, certificate of zoning compliance, denials of permits, and reasons for denying such permits; and complaints and disposition of complaints from persons who allege that violations of this ordinance have occurred; and,
		3. Other such duties as may properly relate to the accomplishment of the spirit and intent of this ordinance.

**6-2 Zoning Permits**

 6-2.1 Zoning Permits Required: No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit issued by the Zoning Administrator. A zoning permit shall not be issued by the Zoning Administrator except in conformity with the provisions of this ordinance. If the permit is denied, the reasons shall be stated for the denial.

 6-2.2 Applications for Zoning Permits: All applications for zoning permits shall be accompanied by plans drawn to scale and shall include existing or proposed uses of the building and land; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance. One copy of the plans shall be returned to the applicant by the Zoning Administrator after he shall have marked such copy either as approved for disapproved and attested to the same by his signature on such copy.

 6-2.3 Expiration of Zoning Permit: If the work described in any zoning permit has not begun within six months from the date of issuance thereof, the permit shall expire and be cancelled by the Zoning Administrator. If the work described in the zoning permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator. In the case of work which may reasonably be expected to require more than one year for completion, the Zoning Administrator may specify a time limit in excess of one year at the time of original issuance of the zoning permit. Written notice of the expiration of any zoning permit shall be given to the persons affected, including notice that further work as described in the cancelled permit shall not proceed unless and until a special zoning permit has been obtained.

**6-3 Certificate of Zoning Compliance**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the building or proposed use of the building or land conforms to the requirements of this ordinance.

 6-3.1 Temporary Certificate: A temporary certificate of zoning compliance may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards in order to protect the safety of the occupants as well as the public.

 6-3.2 Failure to Obtain Certificate: Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable provided herein.

**6-4 Construction and Use to be as Approved**

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator and other officials or agencies where additional approval is required authorizes only the use set forth in such approved plans and applications and no other use. Use at variance with that authorized shall be deemed a violation of this ordinance, punishable as provided herein.

**6-5 Fees**

The Town Council may establish a schedule of fees and a collection procedure for appeals, amendments, sign permits, and other matters pertaining to this section. The schedule of fees shall be available in the office of the Town Clerk and may be amended by the Town Council. No permit shall be issued unless and until such fees have been paid in full.

**6-6 Violations**

If the Zoning Administrator shall find that any one of the provisions of this ordinance is being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. They shall order discontinuances of illegal buildings or structures; illegal additions, alterations, or structural changes; or any illegal work being done, and shall take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

**6-7 Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. They shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

**6-8 Penalties for Violations**

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined as determined by the Municipal Court for each offense. Each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the governing authority from taking such other lawful action as is necessary to prevent or remedy any violation.

**6-9 Appeals**

It is the intention of this ordinance that all questions arising in connection with the enforcement of this ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator.

Article 7

# Zoning District Regulations

The following districts are established with the stated intent and regulations:

## **7-1 OP – Open Space – Conservation District**

 7-1.1 Intent: The purpose of this district is as follows

* + - To provide for and permit an appropriate valuation by the tax assessor or land appraiser that reflects the conservation or open space use of the land;
		- To ensure the preservation of significant natural amenities against undesirable development.
		- To lessen the hazards and loss of property, life, and the reduction of health and safety due to periodic inundation of flood waters by restricting or prohibiting uses in these areas.
		- To provide for opportunities for improved public recreation activities
		- To provide for a community-wide recreation network of public paths, water courses, buffer zones, and recreation spaces; and
		- To provide for a scenic easement where important views and vistas could be maintained for the public good in preserving the community heritage.

7-1.2 Permitted Principal Uses: With the Open Space District, the land may be used for the following purposes

1. Recreation uses which are primarily open-air and include but are not limited to: swimming areas, fishing areas, boat launching ramps, docks, parks, playgrounds, play fields, picnic grounds, wildlife or natural preserves, hiking trails, horseback riding trails, golf courses, driving ranges, archery ranges, and tennis courts.
2. Recreational buildings, provided that:
	1. The buildings are not placed less than fifty (50) feet from any property line;
	2. There is a planted buffer strip and screen in compliance with applicable sections of this ordinance along the side and rear lot lines; and
	3. The buildings are not placed within a flood hazard area.
3. Parking areas related to recreational use.
4. Public utilities and substations
5. Travel trailer/recreational vehicle park.
6. Churches, provided they are not placed in a flood hazard area.
7. Agricultural pursuits including field crop farming, truck gardening, and forestry, but excluding all animal feed lots.
8. On-premises advertising signs which do not exceed the provisions established in applicable portions of this ordinance.
9. Cemeteries
10. Community Gardens, provided they meet the conditions set forth in 9-9.

7-1.3 Special Exceptions: Upon application to the Board of Zoning Appeals, and favorable decision thereon, the uses enumerated below may be permitted in the Open Space district. The Board of Zoning Appeals may approve the application subject to specified conditions in addition to those described herein.

1. Recreation developments including, but not limited to, private or public fishing lakes, swimming pools, golf course or driving ranges, or other recreational developments provided that a comprehensive development plan for the area is submitted to the commission and includes the location of the site on maps of not less than 1 inch = 400 feet scale, the location and function of all buildings, and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water or sanitary facilities, plus a time schedule setting forth a development program.
2. Clubs and fraternal organizations not operating for profit, provided that:
	1. The buildings are not placed less than fifty (50) feet from any property line.
	2. There is a planted buffer strip and screen in compliance with applicable buffer requirements of the Ordinance along the side and rear lot lines.

## **7-2 R-1AA Low Density Residential**

 7-2.1 Intent: This district is established to:

* + - Encourage the formation and continuance of single-family residential neighborhoods which offer a quiet, stable, healthy, low density living environment;
		- Encourage low-density, one family living dwellings on lots of 20,000 square feet or more.
		- Protect property in the district from the depreciating effects of incompatible land uses and other blighting influences or encroachments which could interfere with the development or continuation of single-family residences in the district;
		- Encourage the discontinuance of non-conforming uses; and,
		- Discourage uses or activity which generates traffic in excess of that required for serving residences on the streets.

7-2.2 Permitted Principal Uses and Structures

1. Single family detached dwellings, excluding mobile homes.
2. Non-commercial horticulture or agriculture, excluding the keeping livestock.[[1]](#footnote-1)
3. Community gardens, provided they meet the conditions set forth in 9-9.

7-2.3 Special Exceptions

1. Parks, playgrounds, and playfields if the setback from all lot lines is at least thirty (30) feet.
2. Community service structures and uses such as community service centers, libraries, fire stations, civic, and cultural uses.
3. Churches and other places of worship, including educational buildings related thereto.
4. Public and private primary and secondary schools and institutions of higher learning (excluding business or trade schools), provided that the site is
	1. at least five (5) acres in size,
	2. that the building setback for any structures is at least fifty (50) feet,
	3. and that parking requirements of this ordinance are provided on-site.
5. Day nurseries and kindergartens, subject to the provisions of Section 4-4.
6. Utility substations.
7. Cemeteries, provided that the tract of land is buffered by an “A” buffer (as established in this ordinance) and at least a four (4) foot fence or wall.
8. Bed and Breakfast Inns provided they conform to the standards of this ordinance.
9. Apartment conversion, specifically the converting of single-family residences to multi-family units if the following conditions are met:
	1. The lot meets the minimum requirements of the district regarding size, setbacks, etc.
	2. The existing structure contains at least 2,500 square feet of living space.
	3. All separate living units will have complete kitchen and bathroom facilities.
	4. Adequate, functional off-street parking shall be provided in accordance with multi-family parking requirements of this ordinance.
	5. All other requirements of the district will be maintained.
10. Office conversion, including the conversion of existing single-family residences to public or private offices if the following conditions are met:
	1. The structure is currently in the historic district
	2. In addition to other prescribed review of the special exception, the conversion will also be reviewed by the Cheraw Board of Architectural Review.
	3. The property faces a major arterial roadway of the Town.
	4. The lot meets the minimum requirements of the district regarding size, setbacks, etc…
	5. The existing structure contains at least 2,500 square feet of living space.
	6. Adequate, properly buffered functional off-street parking shall be provided in accordance with the buffer area and parking requirements of this ordinance. In addition, no parking will be visible from the arterial roadway.
	7. All other requirements for the district will be maintained.

7-2.4 Permitted Accessory Uses and Structures

* 1. Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like.
	2. Home Occupations, subject to the provision of Section 9-3.
	3. Other structures and uses which: (a) are customarily accessory and clearly incidental and subordinate to principal uses and structures; (b) do not involve the conduct of trade on the premises; and (c) are located on the same lot as the permitted principal uses or structures, or on a contiguous lot in the same ownership.
	4. Accessory buildings shall be placed only in the rear yard, not to exceed fifteen (15) feet in height, not exceed twenty five (25) percent of the rear yard, not exceed one thousand (1,000) square feet in floor area and shall maintain a minimum setback of five (5) feet from rear or side yards. For corner lots, the accessory structure shall not be closer to the street than the building line.

## **7-3 R-1A Medium Density Single Family Residential**

7-3.1 Intent: This district is established to encourage stable residential areas for single-family dwellings in character with the intent of the R-1AA District, except at a higher density (lot sizes of 10,000 square feet).

7-3.2 Permitted Principal Uses and Structures: All uses permitted in the R-1AA District, in accordance with the related requirements of that District.

7-3.3 Special Exceptions: All Special Exceptions permitted in the R-1AA District (including apartment and office conversions), in accordance with related requirements of that District.

7-3.4 Permitted Accessory Uses and Structures: All Accessory Uses and Structures permitted in the R-1AA District, in accordance with the related requirements of that District.

## **7-4 R-1 High Density Single Family and Duplex Residential**

 7-4.1 Intent: It is the intent of this district to establish medium to high density single-family residential areas that are otherwise in character with the intent of the R-1AA District.

 7-4.2 Permitted Principal Uses and Structures:

* 1. All uses permitted in the R-1AA District, in accordance with the related requirements of that District.
	2. Duplexes

 7-4.3 Special Exceptions

* 1. All Special Exceptions permitted in the R-1AA District (including apartment and office conversions), in accordance with related requirements of that District.
	2. Rest homes, nursing or convalescent homes, homes for orphans, and homes for the aged.

 7-4.4 Permitted Accessory Uses and Structures: All accessory uses and structures permitted in the R-1AA District, in accordance with the related requirements of that District.

## **7-5 R-2 Multiple Family Residential**

 7-5.1 Intent: This district is established to:

* + Encourage the formation and continuation of residential neighborhoods which offer a quiet, stable, healthy, high-density living environment;
	+ Protect property in the district from the depreciating effects of incompatible land uses and other blighting influences or encroachments which could interfere with the development or continuation of residences in the district;
	+ Encourage the discontinuance of non-conforming uses; and
	+ Discourage uses or activity which generates traffic in excess of that required for serving residences on the streets.
	+ Provides opportunities for a variety of housing types, including single family, multi family, townhouses, rooming and boarding homes, garden apartments, and higher density apartments.
	+ Is adjacent to or near shopping and community services
	+ Is served by municipal water and sewer service.

 7-5.2 Permitted Principal Uses and Structures

1. Any use permitted in the R-1 High Density Single Family District
2. Two family dwellings, townhouses, garden apartments, and multiple family structures in compliance with the provisions of this section.
3. Rest homes, nursing or convalescent homes, homes for orphans, and homes for the aged, but excluding hospitals, clinics, medical offices, and similar out-patient treatment establishments.
4. Apartment conversions, as permitted in and with the requirements of the R-1AA District.
5. Community Gardens

7-5.2 Special Exceptions

1. All Special exceptions permitted in the R-1AA District.

7-5.3 Permitted Accessory Uses and Structures

1. Permitted Accessory Uses and Structures. All Accessory Uses and Structures permitted in the R-1AA District, in accordance with the related requirements of that District

 7-5.4 Off-Street Parking: Off street parking shall be required as specified in this ordinance. To the extent feasible (and without reduction in the minimum required parking or the creation of impediment to fire protection access), parking directly adjacent to the main sidewalk entrance of an apartment building shall be supplemented by landscaping, thus providing for a more appealing entrance to buildings. Such supplemental landscaping may include landscaped islands in the parking area that take the place of a parking space(s) directly in front of the building entrance.

 7-5.5 Access: Streets within a multi-family development shall be sufficient to provide adequate access to dwellings within the development and may not be used as the sole access to the property outside the development or as a through street when substantial through traffic may be generated. Minimum paved width of streets shall be twenty-two (22) feet exclusive of parking area.

 7-5.6 Sanitation: Bulk refuse containers on suitable concrete pads shall be provided by the developer in accordance with the specifications of the Town sanitation department. Containers shall be a minimum of four (4) cubic yard capacity. All street and refuse access areas shall be designed to accommodate the vehicle turning requirements and excessive pavement loadings of sanitation vehicles. Containers shall be screened in accordance with the requirements of this ordinance related to buffer areas.

 7-5.7 Utilities:

* + 1. Water and Sewer: All water and sewer lines within the development shall be designed, constructed, and maintained by the owner of the development. All water meters will be installed and maintained by the Town.
		2. Electrical, cable, and telephone lines: All such power, telecommunications, or related lines shall be located underground except where underlying rock or other features would make such installation impractical.
		3. Storm Drainage: Every new multi-family development shall provide a drainage system that protects the proposed development from flooding in accordance with the following:
			1. Water runoff to surrounding property will be restricted. Surface runoff shall be dissipated by retention on the site, percolation into the soil, evaporation, and/or release to a natural or man-made drainage-way and/or conduit to an appropriate point of discharge. Where it is anticipated that the additional runoff incidental to the development will overload an existing downstream drainage facility, the Town may withhold approval of the development until provision has been made for resolving the problem.
				1. New Development shall not hinder the natural drainage from adjacent properties. If infilling or other construction activities will destroy drainage features, the developer is required to install those systems or drainage structures necessary to maintain the drainage flow.
				2. Where public storm drainage system(s) are reasonably accessible (as determined by the Town), the developer shall do all grading and provide all necessary drainage structures to carry the water and to conform with Town standards and specifications. The developer shall provide stormwater design calculations from a registered civil engineer to justify any system proposed to the Town.

7-5.8 Recreation Space: Adequate and suitable recreation areas designed and intended for small children shall be provided by the developer at a ratio based on the number of bedrooms per multi-family dwelling unit based on the following schedule. Such areas shall be reasonably located so as to assure safe and convenient access and maximum use, including the sitting of more than one recreation in larger developments. The areas shall have a minimum dimension of thirty (30) feet and a minimum area of nine-hundred square feet:

 **Table 7-1: Recreation Area Requirements for Multi-Family Development**

|  |  |
| --- | --- |
| Number of Bedrooms in Multi-Family Units | Minimum Recreation Space to be Provided Per Unit (in Square Feet) |
| 1 | 25 |
| 2 | 50 |
| 3 | 100 |
| 4 | 200 |

7-5.9 Lighting: All streets and parking areas shall be sufficiently lighted to provide for the safety and security of residents of the development.

7-5.10 Multiple Family Development Plan Review: Prior to construction of a multiple-family development or enlargement of such a structure existing at the time of adoption this section, a development plan of not less than 1” = 100’ shall be provided to the Town that contains the following:

1. The location of the proposed development and the nature of surrounding land uses;
2. The location, dimensions, and orientation of all: proposed structures; streets; rights-of-way, drives, and parking areas; service buildings and recreation areas;
3. The location and type of screening, fences, and hedges;
4. Existing land uses within the property;
5. Delineation of any phases of development, in progression;
6. The zoning district in which the development is to be located.

Upon review of the above development plan and other related factors, the zoning administratorshall determine the following prior to approving any multiple family development:

1. The intent of these regulations is not violated;
2. The proposed development will be a desirable addition to the physical pattern of the area.

## **7-6 Office Commercial (Limited Service District)**

 7-6.1 Intent: This district is intended to accommodate office and institutional uses in areas whose characteristic is not general commercial. The district is designed to promote a quiet, compatible, and un-congested environment for office and professional uses and to discourage encroachment by unrestricted retail or wholesale business activities, industrial uses, or other uses which could adversely affect the specialized commercial character of the area. Certain related structures and uses required to serve the needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements to best fulfill the intent of this ordinance.

 7-6.2 Permitted Principal Uses and Structures

1. Offices for the rendering of business, personal, professional, and governmental services, including;
	1. Banks, finance offices, insurance,
	2. Medical professions (doctors, dentists, optometrist & related professions)
	3. Other professional services (lawyer, engineer, architect, realtor)
	4. Personal services such as barbers, beauticians, opticians, shoe repair
2. Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments of the teaching of music, dancing, or other performing arts;
3. Private clubs and lodges;
4. Nursing homes, rest homes, convalescent homes, homes for orphans, homes for the aged.
5. Auditoriums, libraries, museums, performing arts centers;
6. Funeral homes;
7. Elementary schools, high schools, business and vocational schools, not involving operations of an industrial or retail nature;
8. Churches and other places of worship, including related educational buildings;
9. Cemeteries;
10. Day nurseries and kindergartens, subject to other provisions herein;
11. Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses
12. All uses permitted in the Market Commercial District except Single Family and Duplex residential.

7-6.3 Permitted Accessory Uses and Structures

1. Single-family dwelling units, excluding mobile homes, in connection with permitted principal uses or structures, located on the same premises therewith, provided that such dwelling units shall be occupied only by the owners or employees of such use.

2. Structures and uses which are (a) customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, and (b) located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

## **7-7 Neighborhood Commercial District**

 7-7.1 Intent: It is in the intent of this district to establish an area for neighborhood-related commercial services development that is primarily intended to serve a surrounding neighborhood rather than the entire community or substantial parts thereof. These regulations are designed to protect the essential characteristics of the surrounding residential areas by limiting uses to those which are compatible with low and medium density residential uses.

 7-7.2 Permitted Principal Uses and Structures:

1. Those uses permitted in the Office Commercial District except auditoriums and performing arts centers.
2. Retail sales within the intent of this district including grocery stores, seafood markets, hardware stores (with no outdoor storage), homes goods, dry goods, office supplies and equipment, pharmacies, pet store, supplies store, jewelry, beer and wine sales, appliance sales, paint, fabric, clothing, and similar boutique retail establishments
3. Car wash
4. Gasoline stations (without on-site vehicular repair and or storage)
5. Laundromats and dry-cleaning establishments.
6. Restaurants
7. Restaurants with drive-throughs
8. Drive-in restaurants.
9. Automotive repair shops.
10. Florist
11. Bakery
12. Single Family and Duplex Residential[[2]](#footnote-2)

7-7.2 Permitted Accessory Uses and Structures: Structures and uses which hare customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and located wholly on the same lot as the permitted principal use or structure.

* 1. Accessory buildings on lots used for residential purposes shall be placed only in the rear yard, not to exceed fifteen (15) feet in height, not exceed twenty five (25) percent of the rear yard, not exceed one thousand (1,000) square feet in floor area and shall maintain a minimum setback of five (5) feet from rear or side yards. For corner lots, the accessory structure shall not be closer to the street than the building line.

## **7-8 Core Commercial District**

 7-8.1 Intent: It is the intent of this district to establish an area for concentrated general business development that the general public requires. These regulations are designed to protect the essential characteristics of a central business district by promotion of business and public uses which serve the general public and to discourage industrial and wholesale developments which do not lend themselves to pedestrian traffic. The district regulations permit more dense commercial uses and minimal setbacks.

 7-8.2 Permitted Principal Uses and Structures

1. All uses permitted in the Neighborhood Commercial District except places of worship (i.e. churches), lodges and civic clubs, car washes, cemeteries, duplexes and single-family housing.
2. Restaurants, bars, taprooms, taverns, poolrooms, amusement centers, event centers but excluding drive through and drive in restaurants
3. Liquor stores
4. Hotel or motel
5. Boutique hotel
6. Bus depots
7. Taxi stands
8. Post offices
9. Research and development
10. Technological business
11. Second-story housing or loft apartments.
12. Condominiums
13. Micro-brewery
14. Roof-top bars.
15. Commercial parking lots and garages.
16. Printing, publishing, and similar activities.
17. Indoor, commercial recreation
18. Performing arts center/theatre
19. Farmer’s Market
20. College extended campus facility

7-8.3 Permitted Accessory Uses and Structures: Structures and uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and located wholly on the same lot as the permitted principal use or structure.

## **7-9 General Commercial**

 7-9.1 Intent: The intent of this district is to provide areas within the community for general business uses primarily engaged in retailing and service provision.

 7-9.2 Permitted Principal Uses and Structures

1. All those uses permitted in the Core Commercial District and the Neighborhood Commercial District but excluding Single Family Residential, condominiums, and Duplexes
2. Outdoor Theaters
3. New and used car dealerships
4. Public buildings and land use
5. Television and radio establishments
6. Communication towers
7. Storage yards for permitted uses, excluding junkyards
8. Light manufacturing uses such as a bakery, dairy products processing, laundry, dry cleaning plants, and similar uses.
9. Cold storage and freezer lockers
10. Farm equipment sales and services
11. Automobile service stations and repair garages including car washes and auto parts shops, provided that there is no outside storage or parking vehicles without current license plates and inspection stickers
12. Cemeteries
13. Hospitals, sanitariums, rehabilitation centers, and similar facilities
14. Passenger terminals
15. Utility substations
16. Veterinary offices offering medical care for animals including outside kennels and boarding
17. Churches and other houses of worship
18. Self-Storage Facilities/Mini-storage facility
19. Multi Family Mixed Use Development in conformity with the provisions of this ordinance.

 7-9.3 Permitted Accessory Uses and Structures: Any use permitted in Core Commercial District.

 7-9.4 Special Exceptions: Sexually oriented businesses, manufactured or modular sales display lots, and tattoo facilities are permitted only as a special exception, and subject to the following conditions.

1. Sexually oriented businesses may be located only in accordance with the provisions of Section 9-7.
2. Manufactured or modular housing sales and display lots are permitted only in accordance with the following:
	1. On the site, only structure may be used as a sales office.
	2. The site shall not contain more than 12 units at any one time, whether for display or stored.
	3. The site shall have sufficient space and shall be designed to permit easy ingress/egress to the site by manufactured units without blocking the public right of way or otherwise disrupting traffic flow on a public street.
	4. All units, whether temporary or permanent, shall meet all property line setbacks associated with the R-2 District.
	5. The gross density of units shall not exceed 1 unit per 7,500 square feet.
	6. All units displayed or stored on site shall have a minimum 20 feet separation from all other units or structures.
	7. Those units adjacent to the public right-of-way (the first row of units) regardless of their orientation, shall be underpinned or “skirted” and such material shall be properly maintained.
3. Tattoo facilities may be located as to be greater than one thousand (1,000) feet from a church, school, or playground. The distance must be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground.
	1. A tattoo facility shall not be permitted as a home occupation as defined in Section 9-3 of the zoning ordinance.
	2. A tattoo facility shall not be permitted in the Town’s Historic District.

## **7-10 Limited Industrial**

 7-10.1 Intent: This district is intended to accommodate wholesaling, distribution, storage, processing, light to medium manufacturing, and general commercial uses. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible after review subject to restrictions and requirements intended to best fulfill the intent of this ordinance.

 7-10.2 Permitted Principal Uses and Structures:

1. All uses permitted in the GC-General Commercial District except residential uses and public school/higher education institution, hospital, post office, multi-family mixed use development.
2. Wholesaling, warehousing, storage, supply, and distribution facilities
3. Truck terminals, freight terminals, and passenger terminals.
4. Light manufacturing and processing
5. Outdoor storage lots and yards, including contractor sales but excluding automobile junkyards, scrap yards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of junk, scrap, or salvaged materials.
6. Retail establishments, sales, and display rooms
7. Public utilities
8. Utility substations.
9. Research development/office park.
10. Technological businesses.

7-10.3 Permitted Accessory Uses and Structures

1. All those permitted in the GC-General Commercial District
2. Employee day care facilities, subject to the general day care provisions of this ordinance.

## **7-11 M-1 Manufacturing District**

 7-11.1 Intent: This district is intended to accommodate basic or primary types of industries which involve extensive manufacturing, processing, or assembly operations or serve as large employment centers. The district encourages the formation and continuance of a compatible environment for industrial operations and the protection of undeveloped areas of the community which are most suitable for industries. The district also seeks to discourage encroachment by residential, commercial, or other uses which would adversely affect the basic industrial character of the District.

 7-11.2 Permitted Principal Uses and Structures

1. All uses permitted in the LI-Limited Industrial District.
2. Any use of a manufacturing nature, including storage yards, truck terminals, railroad sidings, and the like, provided however that no use is obnoxious due to the emission of excessive levels of dust, dirt, gas odors, smoke, fumes, noises, vibrations, or radiation, and does not possess abnormal explosive hazards.
3. Junk yards, scrap yards, and salvage yards, provided all operations are conducted within enclosed buildings or within a fully-enclosed area having walls or opaque fencing of at least six (6) feet in height.
4. Bulk storage of petroleum, flammable gasses, or similar lethal materials.

 7-11.3 Permitted Accessory Uses and Structures:

Any uses permitted in the LI-Limited Industrial District.

 7-11.4 Special Exceptions

1. Worm Farm Operation: Worm Farm Operation is a commercial operation utilizing worms for sale and/or harvesting worm castings for landscaping, gardens, and other agricultural purposes. This use shall meet the following development standards:
	1. Prior to construction activity, owner shall secure all applicable Federal, State, and local permits for approvals (i.e. DHEC Air, Solid Waste, and others) and comply with all applicable regulations.
	2. Copies of permits and certifications shall be submitted as part of the Special Exception Application process.
	3. All exterior garbage containers or other outside storage areas shall be screened by one or a combination of an opaque enclosure, landscaped berm, or trees no less than five feet in height.
	4. Any commercial composting and solid waste operation shall be:
		1. A minimum of two hundred (200) feet from residences, schools, day-care centers, adult day care centers, senior living communities, hospitals/medical facilities, and parks unless exempt by DHEC solid waste division.
		2. A minimum of one hundred (100) feet from any surface water or drinking water well, and wetlands.
		3. A minimum distance of one thousand (1,000) feet from any property line to another commercial composting and solid waste operation.
		4. Screened from residential and incompatible uses.
		5. Contained within a fenced area or access controlled area through the use of a fence, gate, berm, natural barrier, or a combination thereof to limit unauthorized access.
	5. DHEC’s Solid Waste permittee shall provide a copy of the operational plan. If exempt from Solid Waste permitting, the owner shall provide a plan to minimize and control vectors (i.e. rats, flies, rodents, and other pathogen carriers), odor, litter, and dust.

## **7-12 Market Commercial**

 7-12.1 Intent: This district is intended to accommodate office, institutional, residential-office conversion, land uses with very low intensity retail uses, and low-density residential housing. It serves as a transitional zone between the Highway 9 Corridor’s intense commercial uses and Downtown. The district promotes a quasi-residential built environment discouraging intense retail or wholesale business activities.

 7-12.2 Permitted Principal Uses and Structures

1. Office Professional
	1. Doctor, dentist, psychiatrist or counseling services, optometrist
	2. Architect, engineering, planning services, and attorney services
	3. Advertising agency, realtor, travel agency, insurance company, and tax services
	4. Tailor, barber or salon shop, shoe repair; and,
	5. Government offices and related professions.
2. Parochial School
3. Photography studios, art studios, art galleries, antique shops, crafts sales, and establishments for the teaching of music, dancing, or other performing arts
4. Places of worship
5. Bed and Breakfast Inns
6. Child day care facilities and kindergartens
7. Adult Day Care
8. Community service structures and uses such as community service centers, libraries, civic, or cultural uses.
9. Financial institutions
10. Single-family residences and duplexes
11. Group homes
12. Home occupation businesses

7-12.3 Permitted Accessory Uses and Structures: All those accessory uses and structures permitted in the R1-AA Low Density Residential District in accordance with the requirements of that district.

## **7-13 Area, Yard, and Height Requirements**

 The accompanying table provides standards for lot area, building heights, setbacks, etc.

**Table 7-2: Lot, Yard, Height, and Building Coverage Requirements**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| District | Minimum Square Feet | Min. Lot Width | Min. Lot Depth | Minimum Setbacks | Max Height/Stories | Max Building Coverage | Max Impervious Surface Coverage |
| Front | Side | Rear |
| OS | - | - | - | - | - | - | - | - |  |
| R-1AA | 20,000 | 100 | 120 | 50 | 20 | 40 | 35/3 | 40% | 50% |
| R-1A | 10,000 | 70 | 100 | 35 | 15 | 25 | 35/3 | 40% | 50% |
| R-1 | 7,500/unit | 60 | 70 | 25 | 10 | 25 | 35/3 | 60% | 70% |
| R-2 | (1) | 75 | 100 | 35 | 15 | 25 | 45/4 | 60% | 70% |
| OC | 7,500 | - | 50 | 25 | 10 | 15 | 35/3 | 60% | 80% |
| NC | 7500 | 50 | 100 | 25 | 15 | 20 | 35/3 | 60% | 80% |
| CC | - | - | - | (2) | (2) | (2) | 65/6 | 90% | 90% |
| MC | 7,500 | 50 | 70 | 50 | 25 | 15 | 35/3 | 60% | 60% |
| GC | 7,500 | 50 | 100 | 25 | 10 | 15 | 35/3 | 60% | 80% |
| LI | 20,000 | 100 | 100 | 40 | 20 | 20 | 35/3 | 60% | 80% |
| M-1 | 20,000 | 100 | 100 | 40 | 20 | 20 | 50/5 | 60% | 80% |

1. For the purposes of Section 7-14 a building is defined as any enclosed building or structure. In residential districts it includes accessory structures like sheds, swimming pools, etc.
2. For the purpose of Section 7-14 impervious surface is defined as any surface or structure that would interfere with the normal flow of rain or stormwater into the ground.

Interpretation of the above table is as follows:

* Lot width is measured at the building line.
* (1) Single family units require a lot of at least 7,500 square feet. Two family dwellings require a lot of at least 10,000 square feet. Multi-Family dwellings require a minimum of 10,000 square feet of lot area, but also must meet the following requirements, whichever is greater: 2,500 square feet for each first floor unit and an additional 1,500 square feet for every unit above the first floor.
* (2) When contiguous to any residential district, the side and rear yard requirements for said residential district shall apply, except that where the commercial structure is located on a corner lot, no side yard shall be required.



Figure . Example of where Required Yards are located. Accessory structures are only allowed in rear yards with few exceptions. This image serves as a visual aid only and has no bearing on the application of the Cheraw Zoning Ordinance.

Article 8

# General Provisions

**8-1 Nonconforming Uses**

 It is the intent of this ordinance to permit nonconforming uses to continue until they are removed, but not to encourage their survival. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

8-1.1 Change to Another Nonconforming Use: A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure, or characteristic of use.

8-1.2 Reconstruction: A nonconforming structure shall not be demolished or removed and rebuilt or replaced as a nonconforming structure.

8-1.3 Extension or Enlargement: A nonconforming use, structure, or characteristic of use shall not be extended, enlarged, or intensified except in conformity with this ordinance, provided however, that any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance. No nonconforming use shall be extended to occupy any land outside such building.

8-1.4 Re-establishment: A nonconforming use or characteristic of use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of six (6) consecutive months, except where Section 8-1.5 applies.

8-1.5 Reconstruction After Damage: A nonconforming structure shall not be rebuilt, altered, or repaired except in conformity with this ordinance after being damaged in excess of fifty (50) percent of the replacement cost of the structure at the time of damage, provided that any permitted reconstruction shall be begun within six (6) months from the time of damage.

8-1.6 Repair or Maintenance of Nonconforming Structures: On any building devoted in whole or in part to any nonconformities, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8-1.7 Nonconforming Lots of Record: In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous front with other lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

8-1.8 Discontinuance of Certain Nonconforming Uses: Notwithstanding other provisions of this Ordinance, certain nonconforming buildings or. land. uses, after this Ordinance is enacted into law, shall be discontinued, and or/shall be torn down, altered, or otherwise made to conform with this Ordinance within the periods of time set forth below. Upon application to the Board of Zoning Appeals, the Board, either according to general rule or upon findings in the specific case, may permit not more than one extension as indicated below.

Notice shall be. sent by the Zoning Administrator to all nonconforming uses stating how they do not conform to this Ordinance and stating the date by which they must either comply or cease to exist. The date that a nonconforming use must either comply or cease to exist shall be measured from the date of enactment or amendment of this Ordinance and shall be observed regardless of whether notice of nonconformity is sent by the Zoning Administrator or received by the affected owner.

**Table 8-1: Discontinuance of Certain Non-Conforming Uses**

|  |  |  |
| --- | --- | --- |
| Nonconformities | To be Discontinued Within | Extension Permitted |
| Wrecking, junk, scrap, or salvage yards; auto storage and sales lots; outdoor storage yards for lumber, building materials or equipment | Two years | Two Years |
| Fences, hedges, shrubbery & signs impeding vision at intersections. | 30 Days | 30 Days |
| Wrecked or junk motor vehicles whose cost of repair exceeds the value of the vehicle after repair and/or vehicles not possessing current license plates. | 30 Days | 30 Days |
| Non-conforming offsite signs | Five Years | One Year |

**8-2 Special Exceptions**

 Existing uses which by the terms of this ordinance would be permissible only as special exceptions are hereby declared existing, conforming uses requiring no further action. Any use for which a special exception is required, or for which a special exception may be granted as provided in this ordinance, in any district in which such use is provisionally permitted, shall be considered a conforming use once approval is granted by the Board of Zoning Appeals.

 Such uses may expand without a public hearing or Board of Zoning Appeals approval provided no additional property is acquired to accommodate the expansion, and further provided that such expansion conforms to other pertinent provisions of this ordinance.

**8-3 New or Unlisted Uses and Use Interpretation**

 The Zoning Administrator shall be authorized to make a use determination whenever there is a question regarding the category of use based on the definitions, permitted uses, and intent found in regulations of each zoning district in this ordinance or the zoning administrator may require that the use be processed in accordance with the procedures established in Chapter 5, Special Exceptions.

**8-4 Parking, Storage, or Use of Campers or Recreational Vehicles in Residential zones**

 No recreational vehicle shall be parked or stored in any required front or side yard setback area in a residential district. However, such vehicles may be parked anywhere on a residential premise for a period not to exceed twenty-four (24) hours during loading or unloading.

Recreational vehicles may be used for temporary lodging, up to fourteen (14) days, provided that a permit is obtained from the Zoning Administrator. A permit for one extension of seven (7) days may be granted by the Zoning Administrator.

## **8-5 Structures in Required Yards**

The general definition of “yards” shall be construed subject to the following exceptions and interpretations:

 8-5.1 Those objects which are excluded from the definition of a “structure” shall not be subject to regulation under interpretation of the definition of “yard”

 8-5.2 Steps and open porches without roofs shall be allowed in any required yard.

 8-5.3 Permitted accessory structures shall be allowed in the required yard.

 8-5.4 Eaves, cornices, gutters, and other minor architectural features projecting less than twenty-four inches (24) from the main portion of the building shall be allowed to project into any yard.

 8-5.5 Open fire escapes may extend into any required yard not more than three and one half feet (3.5).

 8-5.6 Heat pumps or air conditioning units outside principal or accessory structures shall be placed no closer than three feet (3) from any side or rear property line.

## **8-6 Orientation of Required Yards**

In interpretation of requirements related to establishment of required yards, the zoning administrator shall apply the following interpretations to the orientation of such yards for corner lots and through lots.

 8-6.1 Through lots in residential districts shall observe front yard requirements for principal and accessory building on each street.

 8-6.2 Minimum front yards for corner lots in residential districts shall meet the minimum front yard requirements on the side adjacent to the more heavily traveled street and the minimum side yard requirements on the sides adjacent to less heavily traveled streets.

 8-6.3 Minimum side yards for corner lots in commercial and industrial districts shall meet the minimum front yard requirements on the side adjacent to a street.

 8-6.4 In commercial and industrial districts, the principal front yard on a corner lot shall be designated by the applicant.

## **8-7 Visibility at Intersections**

 8-7.1 Sight Clearance to be Maintained: At each corner of each street intersection, except in the Core Commercial District, a sight area shall be maintained. Within the sight area, no fence, wall, sign, or other structure, no slope, or embankment, no parked vehicle, no hedge, foliage, or other planting, and no other object or structure shall be placed, erected, or maintained which will obstruct visibility within the sight area.

 8-7.2 Dimensions of Sight Areas: the horizontal dimensions of sight areas are defined as triangular area is formed by the intersecting Right Of Way lines in a straight line joining said right of way lines at points which are fifteen (15) feet from the point of intersection of the right of way lines in commercial and industrial district and twenty five (25) feet from the point of intersection of the right of way lives in residential districts, measured along the right of way lines. Such site areas shall be established regardless of the angle of intersection of the right of way lines. The vertical dimensions of sight areas are defined as that vertical space between the heights of two and one half (2 ½) feet and ten (10) feet in elevation above the nearest edge of street pavement of a paved street or above the nearest edge of riding surface on an unpaved street.

Article 9

# Design Standards

## **9-1 Accessory Buildings and Structures**

Accessory structures may only be constructed except as provided within their district regulations. No accessory structure may be constructed in any required front yard. No accessory structure may be closer than five (5) feet from any side or rear property line. No building may be erected within five (5) feet of any main building or accessory structure.

**9-2 Buffers and Screening Between Certain Uses and Activities**

 9-2.1 Purpose: These requirements address the need for screening or buffering between certain uses or unsightly activities and are intended to:

* + - Promote compatibility between uses
		- Eliminate or reduce nuisances (such as litter, dirt, noise, glare of lights, odor)
		- Reduce dangers from fires and explosions
		- Insure provision of open space
		- Reduce visual intrusion from parking areas or buildings
		- Eliminate the visual impact of unsightly open storage and refuse disposal areas;
		- Encourage landscaping
		- Protect trees; and,
		- Improve the aesthetics of development.

9-2.2 Definition: A buffer area (or buffer) is a portion of a property (usually a side and or rear yard) which utilizes planted materials, fencing, walls, and other means of screening that together offer a required degree of screening and separation between adjacent uses or activities.

9-2.3 Where Buffer Areas are Required: A buffer area shall be provided in the locations and to the extent set forth in the attached “Buffer Area Requirement” table, including buffers from vacant land in some instances.

9-2.4 Responsibility for Buffer Area: Both the initial land use and all subsequent adjacent uses bear responsibility for buffer areas. The first use to locate shall meet the requirements for being adjacent to vacant land. The second use to develop shall provide the planted materials and or screening necessary to complete the total buffer required between the uses, if any.

9-2.5 General Requirements:

* + - Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot line, and may be located within and be counted toward meeting any required front, side, or rear yard setbacks.
		- No part of a buffer shall be located within the public right of way.
		- A buffer area may be used for passive recreation if done so without reduction or impact on planted materials.
		- If there are two or more different existing adjacent uses along a property boundary, appropriate buffer requirements shall apply for respective lengths of the property boundary.

9-2.6 Buffer Area Requirements: The following two tables provide buffer area requirements. Uses not specifically listed shall meet the requirements of the use to which they are most similar. See the subsequent section for the appropriate buffer standards. Where no buffer symbol is provided, no buffer area is required but any applicable setbacks still apply.

**Table 9-1 Buffer Area Planting Requirements**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Symbol | Buffer Area Depth from Property Line | Required Plant Materials per 100 Linear Feet (LF) | Required Barrier Height (Fence/Berm) | Options |
| A | 15 Feet | 2 Canopy Trees2 Understory Trees3 Shrubs3 Evergreen/Conifer Trees | None | None |
| B | 20 Feet | 3 Canopy Trees6 Understory Trees9 Shrubs6 Evergreens | 6 Foot Total | 33% reduction in plant materials with 7 foot barrier and minimum 3 foot berm. |
| C | 25 Feet | 4 Canopy Trees6 Understory Trees24 Shrubs12 Evergreens | 8 Feet Total(Minimum 3 Foot berm) | 33% reduction in plant materials with additional 1 foot of barrier height. |
| D | 30 Feet | 5 Canopy Trees7 Understory Trees30 Shrubs15 Evergreens | 10 Feet Total(minimum 6 foot berm) | None |

 Notes to Buffer Area Requirements:

* Barrier height includes combination of fence or brick wall and berm, as permitted.
* Fences shall be wooden stockage or brick wall, each providing an opaque barrier.
* Berms (earthen) to have maximum 3:1 (run/rise) and be grassed.
* Evergreen or conifer shrubs can be substituted for deciduous shrubs without limitation.
* Any existing plant materials that otherwise meet the requirements of this section may be counted toward meeting the requirements.
* Any fence or wall shall be placed at the top of any berm, with required landscaping on the side of the least intense land use.
* See “Maintenance Requirements” standards for proper maintenance and required replacement of dead planted materials.

**Table 9-2: Buffer Requirements for Adjacent Land Uses**

|  |  |
| --- | --- |
|  | **Existing Adjacent Land Uses** |
| **Proposed Land Use** | Single/Duplex Dwelling in Residential Area | Townhouses/Multi-Family  | Motels and Group Quarters | Residential use in Commercial/Industrial | Religious, educational, recreation, or nursing | Office and Institutional | Commercial | Industrial | Vacant Land |
| Single/Duplex Dwelling in Residential Zone | - | - | - | - | - | - | - | - | - |
| Multi-family Dwellings | B | B | A | A | C | B | B | - | A |
| Motel, group quarters | C | A | - | - | C | - | - | - | A |
| Religious, education, recreation, nursing home | C | A | B | B | - | B | B | - | A |
| Office and institutional | B | A | B | - | B | - | - | - | - |
| Commercial use / parking lot | C | B | C | - | B | - | - | - | - |
| Industrial Use | D | D | C | B | C | C | C | - | B |

 9-2.7 Minimum Plant Standards: Planting materials shall be sufficiently sized so as to ensure buffering and screening at the time of installation (that is, meeting height and density requirements of the buffer at the time of installation). Materials will be appropriately spaced along the length of the property boundary so as to provide maximum screening potential. Planting materials abutting vacant property or public streets, or along fences or berms, may be two thirds the size specified at the time of planting.

 9-2.8 Maintenance Requirements: Maintenance of the buffer area, including structures, planting materials, and grasses, shall be the responsibility of the property owner. Buffer areas will be maintained so as to assure continued buffering. Buffered areas shall be provided with an irrigation system or readily available water supply (at least a conveniently located hose bib). Dead or diseased materials shall be removed and replaced with like materials such that buffer requirements of this section continue to be met. Failure to maintain buffer areas is a violation of this Ordinance.

 9-2.9 Unusual Circumstances: In case of unusual topographic circumstances or the size of the tract involved, or where there exists screening devices comparable to the general screening requirement, or where the installation and maintenance of walls, fences, or natural planting serve no useful purpose, the zoning administrator is hereby empowered to waive the requirements for screening, provided however, that the spirit and intent of this ordinance, and provisions pertaining to screening are adhered to. In no case shall the provisions of this section be construed to negate the necessity for establishing screening for uses which are adjacent to vacant properties.

9-2.10. Screening of Storage and Refuse Areas: Screening shall be required of all open storage areas not devoted to retail or wholesale sales or service that is visible from any public street, including areas for open storage of shipping containers, building materials, appliances, trash containers of four or more cubic yards, salvage material and similar unenclosed uses. Screening shall be accomplished by an opaque divide of not less than six (6) feet high or the normal height of the object (s) to be screened, whichever is greater. Screening may be accomplished by all means permitted in this section, including berms, fences, walls, and opaque massing of planting materials or combinations thereof.

**9-3 Home Occupations**

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted as permitted uses, subject to the following provisions:

9-3.1 No person other than members of the family residing on the premises shall be engaged in such occupation.

9-3.2 The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

9-3.3 There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such occupation other than one non-illuminated sign which shall not exceed one and a half square feet and must be attached to the dwelling.

9-3.4 The home occupation shall be conducted only in the principal structure.

9-3.5 There shall be no retail sales in connection with such home occupation except for goods produced as part of the home occupation.

9-3.6 No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visible or audible interference in any radio or television receivers or causes fluctuations in line voltage off the premises.

9-3.7 No outdoor storage shall be allowed in connection with any home occupation.

**9-4 Child Care Facilities and Kindergartens**

Child day care facilities and kindergartens, where permitted, are subject to the following provisions:

9-4.1 General Requirements: The applicant shall obtain all necessary licenses from regulatory agencies (SC DSS etc.…) to operate the facility and receive a letter from said agencies that the facility in question is suitable to accommodate a maximum number of children.

9-4.2 Fencing: A fenced play area shall be provided which meets the requirements of the regulatory agencies.

9-4.3 Loading and Unloading: An area adequate for loading and unloading of children shall be provided and such area shall not be located within any public right-of-way.

9-4.4 Facilities, operation and maintenance shall meet the requirements of the appropriate health department and regulatory agencies.

**9-5 Fences**

 9-5.1 No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced until a permit is obtained from the Town of Cheraw. The permit shall not be issued until the application and supporting documentation have been reviewed and approved by the Zoning Administrator or appropriate authority.

 9-5.2 There is no fee required for a fence permit.

 9-5.3 Fences may be erected in front yards of any zoning district to a height not to exceed 48 inches (4 feet). In side and rear yards, fences may be built not closer than 3 inches from the property line and shall be no taller than eight feet. Fences exceeding these limits shall be granted only as a variance by the Board of Zoning Appeals. Fencing surrounding utility sites and structures owned by local government or bona-fide utilities shall be exempt from these provisions.

 9-5.4 Fences located within the Cheraw Historic District must be reviewed and approved by the Board of Architectural Review.

**9-6 Bed and Breakfast Inns**

Bed and Breakfast Inns are intended to provide a unique transient lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where permitted by this Ordinance, shall:

9-6.1 Be occupied by the resident/owner;

9-6.2 Be permitted only in older residential structures that are recognized as architecturally, historically, or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the area and/or continued use of the property in question for residential purposes;

9-6.3 Serve no scheduled meal other than breakfast;

9-6.4 Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guest rooms above the number of bedrooms in the original structure;

9-6.5 Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area;

9-6.6 Provide off-street parking on the basis of one space per guest room; plus two spaces for the resident innkeeper. Required parking shall be located behind the front building line of the primary structure; and.

9-6.7 Be permitted one non-illuminated, free-standing identification sign, not to exceed four square feet in area and a height of four feet from grade level.

**9-7 Sexually-Oriented Businesses**

 9-7.1 Sexually-oriented businesses, as defined in this section, are determined to be potentially detrimental to residential neighborhoods and other sensitive land uses and are prohibited except as special exceptions in the General Commercial District. Upon application to the Board of Zoning Appeals and conformance with the conditions set forth below, sexually-oriented businesses may be permitted in the GC as a Special Exception.

 9-7.2 Applicability of Regulations: These regulations shall apply to the opening of a new sexually oriented business as a new business, the conversion of any existing business to a sexually-oriented business (whether or not the existing business is a sexually-oriented business), the addition of any sexually oriented business to an existing sexually-oriented business, the substantial enlargement of an existing sexually-oriented business (enlarging the gross square footage by 25 percent or more), or the relocation of any sexually oriented business.

 9-7.3 Definition of Sexually-Oriented Business: Sexually oriented businesses shall include the following categories of businesses: adult bookstores or adult video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, escort agencies, nude model studios, and sexual encounter centers. A sexually oriented business shall include any establishment categorized above where any or all of the following activities or conditions exist or are a primary function of the business:

1. The sale, lease, or exhibition of printed materials, video, computer media, or similar materials whose primary content is the display of “specified anatomical areas” and/or “specified sexual activities” as described below.
2. Any live performance in which persons are nude or semi-nude, as defined below, in which “specified anatomical areas” are displayed.
3. Any activity, service or performance in which persons perform or participate in specified sexual activities, as defined below.

9-7.4 Other Definitions: For purposes of this section, the following definitions apply:

1. Nudity or state of nudity means the appearance of the human bare buttock, anus, male or female genitals, or the female breast.
2. Semi Nude means a state of dress in which clothing covers no more than the male or female genitals, pubic regions, and areolae of the female breast.
3. A sexual encounter center shall mean a business or enterprise that, as one of its primary business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, and/or other activities between persons of the opposite of same sex when one or more of the persons is in a state of nudity or semi-nude.
4. A nude model studio means a place where a person appears in a state of nudity or displays “specified anatomical areas” in order to be observed, sketched, drawn, painted, photographed, or similarly depicted by other persons who pay money or any other form of consideration.
5. An adult motel means an establishment advertised as such and or/one which permits the renting or sub-renting of a sleeping room to person and within ten (10) hours, permits the room to rented or sub-rented again. Renting or sub-renting means the act of permitting space to be occupied for any form of consideration.
6. Specified anatomical areas means the following areas of the human body that are not completely and opaquely covered: human genitals, pubic regions, buttocks, female breasts below a point immediately above the areola, or the covered male genitals in a discernibly turgid sate.
7. Specified sexual activities means or includes any of the following: the fondling or other erotic touching of the human genitals, public region, buttocks, anus or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; masturbation, actual or simulated; or excretory functions as part of in connection with any other activities included in this section.

9-7.5 Exceptions: Nudity or semi-nudity in a modeling class under the following conditions shall not be considered a sexually oriented business:

1. The class is operated by: a proprietary school licensed by the state of South Carolina; a college, junior college, or university supported at least in part by taxation; a private college or university that operates educational programs in which credits are transferable to tax-supported institution described above.
2. The structure in which the modeling is conducted has no sign visible from the exterior and no advertising that indicates a nude or semi-nude person is available for viewing.
3. Students enroll in the modeling class at least three (3) days prior to the beginning of class; and
4. No more than one nude or semi-nude model is on the premises at any one time.

9-7.6 Location Restrictions: Such businesses shall be located so as to be greater than one-thousand (1,000) feet from certain land uses that are considered sensitive in relation to sexually-oriented businesses. These sensitive uses are listed below. Measurements between uses shall be in a straight line (without regard for intervening structures, objects, or rights-of-way) from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest point on the property line of the following uses, except that the distance between sexually oriented businesses shall be measured from the closest exterior walls of the structures in which the sexually oriented businesses are located:

1. A church;
2. A public or private elementary or secondary school or college/university;
3. A public or private nursery school or day care center;
4. A public park;
5. Any residential zoning district;
6. Any residential subdivision; or,
7. Any other existing sexually oriented business.

9-7.7 Non-conforming Businesses: Any sexually-oriented business lawfully operating at the time of adoption of this section that is in violation of the above standards shall be deemed a non-conforming use. Such non-conforming uses shall not be increased, enlarged, extended, or altered except to bring the use into compliance with this section or to another conforming use. Any sexually-oriented business lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of any of the above sensitive uses.

9-7.8 Regulations Pertaining to the Exhibition of Sexually Explicit Films and Videos: Any sexually-oriented business (other than an adult motel) which exhibits on the business premises in a viewing room of less than one hundred and fifty (150) square feet of floor space a film, video cassette, other video reproduction or image from computer media that depicts “specified sexual activity” or “anatomical areas” as defined herein, shall comply with the requirements below. The prescribed space, lighting, and similar elements shall be depicted to scale on the floor plan of the premises required with the application for permit. Requirements include:

1. At least one manager’s station shall be a part of the approved floor plan for the establishment. This station area shall be of at least thirty two (32) square feet in floor space and shall have an unobstructed view of all the space in the establishment other than restrooms. No alteration of the manager’s space is permitted without prior approval of the building official.
2. The plan shall designate any unsupervised space to which patrons do not have access.
3. At least one employee shall be on duty in the manager’s station while any patron is on the premises.
4. Restrooms may not contain video reproduction equipment or otherwise receive any images available to patrons in the establishment.
5. The manager’s station(s) shall have an unobstructed view of all patron viewing room(s) or space, with the view unobstructed by doors, walls, merchandise, display racks, or other material at all times.
6. The establishment shall insure that patrons do not have access to any area of the premises other than those observable by the manager’s station.
7. Only one (1) person shall be permitted in an individual viewing room at any given time.
8. Overhead lighting is required in all spaces at an illumination of not less than one foot candle as measured at the floor level. Such illumination shall be maintained at all times.

9-7.9 Applicability of Other Statues: Any sexually-oriented business is subject to any and all city and state nudity/indecency statues or ordinances that may exist now or in the future. Nothing in this section shall be interpreted to the contrary.

9-7.10 All sexually oriented businesses shall maintain a valid permit or license issued by the Town for this specific type of business. The following requirements and conditions establish permit applicant eligibility or otherwise govern the permitting/licensing process:

1. Application for Permits: Applications shall be on Town forms for that specific purpose, accompanied by a sketch or diagram showing the configuration and dimensions of the premises, total floor space and other information required by this section. Accuracy of the drawing shall be to the nearest six (6) inches. The application shall also be accompanied by a vicinity map that indicates the proper street location of the proposed sexually oriented business and any sensitive land uses, as defined in this section, along with the distances from the sensitive uses to the proposed sexually oriented business. The permit application must be signed by all individuals having at least ten (10) percent ownership interest in the business. Failure to provide information reasonably necessary for the issuance of the permit and or falsification of answers on the application form shall be sufficient cause to deny the permit.
2. Other Permits: Possession of other types of permits or licenses from other state or local governments or agencies does not exempt the owner or operator of a sexually oriented business from obtaining the proper permit or license under this section.
3. Inspections Prior to Issuance of Permits: Following submission of an application, the premises must be inspected by the health department, fire department, and building official and found in compliance with applicable laws. Such inspections shall be conducted within twenty one (21) days of submission of the application for this permit.
4. Minimum Requirements for Applicants: No owner/applicant for a permit to operate a sexually oriented business shall be under eighteen (18) years of age at the time of application. No owner/application for a permit, nor spouse of the applicant, shall be overdue in payment of fines, fees, taxes, or penalties related to another sexually oriented business. The applicant, or spouse or other persons residing with the applicant, shall not have been denied a permit to operate a sexually oriented business or had such a permit revoked in Chesterfield County during the preceding twelve (12) months.
5. Posting of Permit: If granted, the permit shall contain the name(s) of the person(s) to whom it is granted and the specific address for which the permit is issued. The permit shall be posted in a conspicuous place at or near the entrance to the establishment such that it may be easily read at any time.
6. Transfers: Permits may not be transferred to other individuals or corporations and may not be used for operation of a sexually oriented business at any location other than that specified on the permit.
7. Permit/License Fees: Fees shall be as set by the Council.
8. Periodic Inspections: Any permittee and/or licensee shall permit representatives of the Town police, health department, fire department, zoning officials, and or other Town of county agencies to inspect the premises and activities of the sexually-oriented business for the purpose of ensuring compliance with the law at any time the business is occupied or open for business. Notice need not be given by the Town for such inspections. Failure of the owner, operator, or other employee or agent of the business to permit such inspections shall be committing a misdemeanor.
9. Period of Permits: Permits shall be issued for twelve (12) month periods, July 1 to June 30, or parts thereof. Permits may be renewed by making application as set forth above. When an initial permit application or renewal of a permit is denied, the applicant shall not be issued a permit/license within one (1) year of the date of denial. If the reasons for denial are corrected or abated, the applicant may be granted a permit if at least ninety (90) days have lapsed since the date of denial.
10. Suspension of Permit: A permit may be suspended for a period not to exceed thirty (30) days if representatives of the Town determine that an owner or employee of the permittee has violated or is not in compliance with any requirement of the regulations concerning sexually-oriented businesses, has engaged in excessive use of alcohol while on the permitted premises, has refused to allow inspection of the permitted premises as authorized by these regulations, has knowingly permitted gambling by any person on the permitted premises, or has violated any city or state nudity/indecency statue or ordinance.
11. Revocation of Permit: A permit shall be revoked if any or all of the conditions listed below shall exist. Such revocation shall continue for one (1) year, with the permittee ineligible to apply for a similar license. If subsequent to revocation, the Town determines the reasons for revocation have been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have lapsed since the date of revocation. Causes for revocation shall include:
	1. A cause for suspension occurs within twelve (12) months of a prior suspension at the same premises.
	2. The sexually oriented business is operated during a time when the permit or license is suspended.
	3. Information in the application is determined to be false or misleading.
	4. The permittee is delinquent in payment of any taxes or fees to the Town, the county, or the state.
	5. The permittee or an employee of the sexually oriented business has knowingly allowed any of the following activities on the premises:
		1. 1) possession, use or sale of controlled substances;
		2. 2) prostitution
		3. 3) any “specified sexual activity” as defined in this section.

**9-8 Group Homes**

A group home, permitted by right per *S.C. Codes 6-29-770(E),* shall meeting the following design standards:

9-8.1 The applicant shall provide copies of State approval, licensing, and/or certification.

9-8.2 Provide agency profile consisting of:

1. Type of clients and number served
2. Organization/agency mission statement;
3. Services provided on-site;
4. Site hours of operation/staff availability; and,
5. Contact information

9-8.3 Disclose to Police and Town if client(s) have a history of sexual violence and/or misconduct

9-8.4 Scaled site/plot plan and elevation drawings (applicable to new construction, additions, and or property improvements.

9-8.5 Any proposed group home exceeding two (2) group homes in the same neighborhood/area, especially in low-income neighborhoods, requires a public hearing to discuss the matter and offer an alternative location. The Town, per SC Codes 6-29-770(H) may apply to the courts for injunctive and other relief to prevent concentration of this use in one neighborhood/area.

9-8.6 Design Standards for Group Homes

1. A group home (existing or new construction) must maintain a residential appearance compatible with the surrounding area. This includes architectural form, style, and/or design elements.
2. No signage on the property (yard, window(s), door, or wall displaying agency/organization name, hours of operation, contact, or any other information.
3. Parking shall be in the rear of the home and shall comply with off street parking standards, at least five (5) feet from property lines, and if parking extends beyond the home’s corner it shall be shielded from the roadway by landscaping (trees, bushes, or combination thereof that will reach at least five (5) feet at maturity.
4. Accessory structures shall be in the rear at least (5) feet from any structure(s) and property lines.
5. Exterior lighting shall not cause noxious glare, become a nuisance, or migrate onto adjacent property(ies) or rights-of-way. Exterior lighting shall be directed in downward position or incorporate a shield to direct light in a downward fashion.

## **9-9 Community Gardens**

9-9.1 Community gardens shall conform to the following provisions:

1. Permitted in commercial and residential zoned areas as conditional use. (Commercial community gardens are allowed to sell products from the gardens.)
2. Not to exceed one (1) acre in size
3. No bees or poultry on premise.
4. Contiguous properties with the same owner may temporarily be used as one community garden.
5. No more than two within 1,000 feet between community gardens on one street.
6. Community garden operator is responsible for all maintenance requirements.
7. Garden cannot be within 40 feet of water body (i.e. stream, pond, river, creek, or etc.)
8. Garden operator shall obtain an annual permit for use.
9. If the garden operator does not own property, operator must obtain lease or notarized written permission from property owner outlining the length of use and any conditions. Town-owned property may be leased to community garden operators. The Town of Cheraw has guidelines in place for Town-owned properties.
10. Permit is not transferrable to another user and/or garden operator.
11. Hours of operation shall be from 7:00 am to 7:00 pm.
12. Tools and supplies shall be stored indoors or removed from property daily. Pesticides, fertilizers, and/or hazardous materials shall be stored on the property in a locked storage structure or removed from property.
13. Design/Layout: The site must be designed and maintained to prevent any chemical, pesticide, fertilizer, or other garden waste from draining onto adjacent properties.
14. Setbacks. Structures and containers shall be setback at minimum of five (5) feet from the property lines. The designated front entrance of community garden shall be at least 15 feet from property line noted by the placement of a fence. Front entrance is denoted by the property fronting on a public roadway. In situations of a corner lot or property accessed by two (2) roads, the owner has the choice of designating the front entrance.
15. Accessory Structures. Accessory structures such as a storage shed for tools and other supplies, greenhouse, rain barrel, hoop house, cold frame, container(s), trash receptacle, farm stand, and/or others are allowed in a community garden.
16. No structure shall exceed 15 feet height. No metal structures.
17. All structures must be well maintained.
18. Structures over 200 square feet must obtain appropriate permit(s) from Building Official.
19. Refuse, composting, and manure containers shall be in rear of the property. Containers shall be covered. Odors and/or fly-breeding shall not be greater than customarily found at a well-maintained residence.
20. Only one farm stand per lot.
21. Farm stand during harvest seasons may be no closer than three (3) feet from the property line. It cannot block pedestrian access.
22. Farm stand must be stored in rear of premise, during non-harvest seasons, when the facility is not open for public use.
23. Fencing. Fencing is not required; however, if fencing is incorporated into the design, it must meet the standards below. Fencing within the Historic District is subject to Board of Architectural Review approval.
24. Maximum fence height shall be four (4) feet.
25. Electrical, barbed, and razor wire fences are prohibited.
26. Fencing setback shall be three (3) inches from property lines except along public and service roads. Fencing along roadways shall be at least three (3) feet off the property line with landscaping between the fence and property line. Landscaping may consist of small, natural trees, shrubs, and/or plantings a foot off property lines fronting a street(s). Plantings no taller than five (5) feet at maturity. One (1) planting every 6 feet.
27. Composting. Composted materials shall be only those materials generated onsite. Dead plant growth must be composed or removed from the site at the end of harvest seasons. Composting area(s) must be maintained in a way that protects adjacent properties from nuisance odors, the attraction of rodents or other pests, and runoff onto adjacent properties.
28. Refuse. Trash receptacles shall be emptied weekly and constantly covered. Dumpster(s) shall be screened from public view by an opaque impact-resistant fence of sufficient height.
29. Lighting. All lighting shall be shielded so light falls within the property.
30. The total square footage for an accessory structure individually or structures combined may not exceed seven (7) percent of the property’s size. For example, 10,000 square foot parcel x .07 (7%) = 700 square feet for an accessory structure(s).
31. Impervious coverage for structures and parking area associated with community garden is limited to 25% of the lot.
32. Parking. Commercial gardens must have off-street parking on and/or off site with appropriate maneuverability and ingress and egress. Parking can be through a notarized king agreement with a business/property owner. Parking design shall meet Town’s parking & landscaping standards. Due to the likely temporary use of community gardens, the parking area may retain its natural surface. However, the garden operator must delineate parking stalls using wood, mulch, or temporary structures.
33. Signage. One (1) sign affixed to the fence or posted on the property facing the road. Sign face cannot exceed eight (8) square feet and no taller than 4 feet from the ground to utmost part of the sign. Signage is permitted to have name of community garden, contact number, and/or available parking area.
34. Water connection onsite or use of water tank and/or rain barrel. Water cannot be accessed from adjacent property owners unless the owner provides notarized permission outlining length of use and other conditions. All hoses shall be equipped with a trigger nozzle.
35. Property must be maintained free of high grass and debris.
36. Town may suspend or terminate use for nuisance violations or criminal activity.
37. Once the community garden is no longer in use or inoperable after 6 months, all structures (i.e. shed, raised planting beds, etc.) parking, and signage must be removed, and a grass sown in bare and previously cultivated areas once used to produce plants. The lot(s) cannot be used for storage or any other activities not permitted by the Town of Cheraw’s Code of Ordinances and/or zoning standards.
38. Applicable permits from other departments or agencies may be required.

9-9.2 Submission Requirements: The application for a community garden permit includes the following and required submissions.

1. Scale site/plot plan showing property lines, location of proposed accessory structures with dimensions, road(s), existing structures with dimensions, existing and/or proposed driveway(s), easements, water body, area land disturbance, fencing, parking area, landscape, scale, date, vicinity map or aerial photography, name and contact information for whom the site/plot plan was developed, and site/plot plan developer’s name and contact information.
2. Stormwater permit (if applicable)
3. Encroachment permit (if applicable)
4. Sign permit
5. BAR Approval (if applicable for signage or building design)
6. Parking Agreement/notarized authorization (if applicable)
7. Lease Agreement/notarized authorization (if applicable)
8. Business license (Commercial Community Garden)

## **9-10 Accessory Dwelling Units**

An Accessory Dwelling Unit (ADU) is secondary single-family or garage conversions, smaller in scale and size to the principle single-family residence. ADUs shall meet the following provisions:

1. Located on the same legal lot as the existing single-family residence.
2. One (1) independent unit from the main residence with no interior access to the main residence and cannot be sold separately.
3. Provide living, sleeping, eating, cooking, and sanitation accommodations.
4. Detached garages may be converted provided all traditional elements of a garage are completely removed (i.e. the garage door).
5. Size: 50% of the principal structure up to 1,000 square feet, regardless of the size of the residence.
6. Minimum Lot Size: 10,890 Square Feet
7. Minimum Setbacks: 5 feet from side and rear property line; 20 feet from principal residence; and 5 feet from any other accessory structure.
8. Height Maximum: 15 Feet
9. Architecturally compatible with the principal structure.
10. Designate appropriate parking per number of bedrooms.

## **9-11 Multi Family Mixed Use Developments**

Multi-Family Mixed-Use Development is designed to provide a varied mix of residential with employment, retail, service, and other related uses. The inclusion of residential encourages a live-work mixed use opportunity. It is intended to promote an urban scale, architectural features, varied building materials, and for pedestrian and vehicular movement. The Planning Director may negotiate with developers via a development agreement to reduce setbacks and landscaping standards to accommodate project design. The development shall conform to the following:

1. Commercial or office use facing Chesterfield Highway with multi-family units Allowed as second story or loft apartments.
2. Developer shall provide:
	1. A mixed-use share parking study, consisting of weekend and weekend times to accommodate needed parking spaces.
	2. Passive and/or recreation open space
	3. A scaled site plan noting lighting, landscaping, parking, open space, proposed building, and accessory uses with dimensions, elevation drawings, and retention or detention ponds.

## 9-12 Standards for Automotive Repair Shops

Automobile Repair shall meet the following provision:

1. Outdoor Storage Area: Provide a temporary vehicle, motorcycle, moped, or other motorize apparatus storage area where any vehicle kept overnight must be stored. The area must accommodate anticipated vehicles and other modes motorized transportation and parked in an orderly fashion. Automotive repair uses cannot store or park any motorized vehicle for more than 30 consecutive days. However, in cases where a motorized vehicle has been abandoned by its lawful owner prior to or during the repair process, the vehicle may remain on site for more than 30 days, provided the owner or operator of the establishment can demonstrate that steps have been taken to obtain legal title to the vehicle, and that the vehicle is removed from the site no later than three days after the legal process is complete.
2. On-Site Circulation: Designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
3. No junk vehicles on-site.
4. Dismantled vehicles cannot be stored outside, rather they must be placed in an enclosure at the end of the day.
5. Adequate trash storage on site. For example, tires or oil drums must be kept in a four-sided enclosure.

## 9-13 Standards for Automotive Dealerships

Automotive Dealership (New or Used) shall meet the following provisions:

1. Vehicle Display Pads: up to one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level.
2. Other Materials for Sale: cannot display any other materials including but not limited to tires, rims, and other parts and accessories for sale between the principal structure and the street.
3. Off-Street Parking Standards: Automotive sales uses must pave vehicle display, vehicle storage, and customer parking, including all access and driving surfaces, with concrete, gravel, asphalt, or other suitable surface. Parking lot islands will not be required for vehicle display areas and vehicle storage areas located to the rear of the principal structure, as long as the principal structure meets all applicable setbacks and the area is not located along a public street. Cars cannot impede the pedestrian right-of-way.
4. Location of proposed vehicle display areas must be noted in a site plan.

## 9-14 Design Standards for Flagpoles

Flag poles erected in the Town of Cheraw must conform to the following standards.

1. Flagpoles are permitted in all zoning districts.
2. Flagpoles must be set back the same distance as their height. For example a 10 foot flagpole must be set back ten (10) feet from any property line.
3. Flagpoles in residential districts may not exceed 20 feet in height unless approved by the Cheraw Board of Zoning Appeals.

## 9-15 Standards for Short Term Rentals

1. Short term rentals are permitted in any district that also permits Single Family Residences.
2. All new parking must be located in the rear of the home.
3. No more than 2 guests are allowed per room that is available for rent.
4. There must be at least one designated parking space per room for rent.
5. No signage is permitted indicating that the property is available for rent on a short-term basis.
6. No events are to be held on the premises, including but not limited to parties, receptions, gatherings where a meal is served, etc.

Article 10

# Historic Overlay District

10-1 Authority and Intent: Pursuant to S.C. Code Section 6-29-870, the Town of Cheraw has made specific provision for the preservation and protection of historic and architecturally valuable districts and neighborhoods and to protect the unique and special character of the Cheraw Historic District. It is the intent of this district to preserve the historical sites and buildings of the Town of Cheraw as a part of the educational and patriotic heritage for future generations. By establishing the Cheraw Appearance Commission as a Board of Architectural Review, and charging it with the responsibility to protect the architectural integrity of historic structures and the character of the Cheraw Historic District, the Town intends:

* To safeguard the heritage of the Town, by preserving the Historic District’s element of cultural, social, economic, political, and architectural history,
* To ensure the preservation of significant historic sites and structures, and to prevent undesirable development or influence which would adversely affect them;
* To stabilize and improve property values in the Historic District and surrounding properties, thereby ensuring its continued existence;
* To foster civic beauty and pride;
* To strengthen the local economy by encouraging tourism; and
* To promote the use and preservation of the Historic District for the education, welfare, and pleasure of residents of Cheraw, Chesterfield County, and the State.

10-2 Board of Architectural Review to Govern: To help accomplish historic preservation in this district, a Board of Architectural Review is hereby established in accord with the provisions of the above-cited code. To Board is established as the Cheraw Appearance Commission and may be known as such. In this section only, references to the “commission” shall mean the Appearance Commission. The Commission shall consist of five (5) members, who shall be appointed by the Town Council. None of the members may hold any other public office or position in the Town. In appointing members to the Commission, Town Council shall consider the nominees demonstrated interest in local historic preservation and/or professional expertise in preservation-related fields such as architecture, history, planning, archaeology, real estate, engineering, construction, and law.

Terms: Members shall serve a term of two (2) years. Terms shall be staggered, so that the terms of three (3) members shall expire in each odd-numbered year, and terms of two (2) members shall expire in each even numbered year. Members shall serve until their successors are appointed and qualified. A member who replaces another member in mid-term shall serve out the remainder of the term. Commission members may be appointed to succeed themselves, to a maximum of four (4) successive terms. Newly appointed members shall be installed at the first regular meeting after their appointment. Members may be removed at any time for cause by the Town Council on the recommendation of the Town Manager.

Compensation: Members shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the Town.

Organization and Rules of Procedure: As required by law, the Commission shall hold an annual organizational meeting and shall elect a chairperson and vice-chairperson from among its members, each of whom shall serve for one year or until he/she is re-elected or his/her successor is elected and qualified. The commission shall appoint a secretary, who may be a Town employee designated for this purpose by the Town Administrator. The Commission shall adopt rules of procedure in accordance with the provisions of State law. The chairperson or, in their absence, the acting chairperson may administer oaths and compel the attendance of witnesses by subpoena. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which immediately must be filed at Town Hall and must be a public record.

Meetings: The Commission shall hold monthly meetings if there is business before the Commission. Additional meetings may be held at the call of the chairperson and at such other times as the Commission may determine. A quorum consisting of three (3) members of the Commission must be present for the conduct of business.

10-3 Cheraw Historic District Overlay District Designated: The Historic District is an “overlay” district. As such, permitted uses are determined by the “underlying” or primary zoning district. This district encompasses other zoning districts and the regulations contained in the Ordinance shall apply to these districts. If there is conflict between the requirements of the HC District and the underlying zoning designation, the HC District requirements shall govern. Boundaries are shown on the Cheraw Zoning Map and further displayed on the Historic District Map of Cheraw, which is adopted by reference.

The Overlay District is divided into three areas, corresponding to three levels of review, as follows:

The Cheraw Historic District: The properties designated within the Historic District are those contained within the 1974 National Register finding, together with additional historic properties added by Town Council.

Special Historic Structures: Within the Historic District, a number of properties have been evaluated by independent architectural experts, and determined to be of special historic importance. These structures are listed in the attached table, titled Special Historic Structures, and designated by the Town Council as such. Due to their architectural importance, these structures are subject to more stringent limitations on exterior modification and alteration, in order to obtain a Certificate of Appropriateness. Town Council may add properties to this listing; each such addition shall constitute an amendment to the Zoning Ordinance.

Buffer Areas: Because the character of the Historic District can be affected by the uses of surrounding properties, Buffer Areas have been designated as part of the zoning overlay district, and are shown on the Official Cheraw Historic District Map. These properties are situated outside the Historic District Boundaries.

10-4 Additional Designation of Historic Properties: From time to time, Town Council may choose to add additional properties to the Historic District. Such additions may be made at the request of a property owner, upon recommendation of the Appearance Commission, or upon Town Council’s own initiative. All such additional designations shall constitute an amendment to the Town’s Zoning Ordinance, and the procedures for designation shall comply with the requirements for zoning amendments. In considering additional designations, the Town shall consider whether the property:

* Has significant character, interest or value as part of the heritage of the Town;
* Is the site of an event significant in history
* Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation;
* Exemplifies the cultural, economic, social, ethnic, or historic heritage of the community , state or nation;
* Embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering.
* Is part of or related to a distinctive element of community planning; or
* Represents an established and familiar visual feature of the neighborhood or community.

Owners of properties proposed for historic designation shall be notified in writing thirty days prior to consideration by Town Council. All additional historic designations shall be included within the Zoning Overlay District and shown on the Official Cheraw Historic District Map.

**Table 10-1: Special Historic Structures: Based upon independent architectural review performed under the auspices of the SC Dept. of Archives and History, the following properties are designated as Special Historic Structures:**

|  |  |  |
| --- | --- | --- |
| Address | Structure | Date Constructed |
| 109 Christian Street | Robbins-Power Hyatt House | ca. 1850 |
| 311 Church Street | Bishop Gregg House | ca. 1855 |
| 417 Church Street | Godfrey House | ca. 1853 |
| 420 Church Street | Ellerbe-McIver House | ca. 1835 |
| 512 Church Street | MU House | ca. 1910 |
| 514 Church Street | NEI House | ca. 1910 |
| 520 Church Street | Mill (Broome) House | ca. 1910 |
| Church Street | St. David’s Episcopal Church | ca. 1770 |
| Church Street | St. David’s Cemetery | ca. 1770 |
| 209 Greene Street | Reid-Thumian-Wannamaker House | ca. 1820 |
| 327 Greene Street | Barfield-Pegues-PoHock House | ca. 1860 |
| 328 Greene Street | Duvall-Funderburk House | ca. 1810 |
| 406 Greene Street | Caston-Hurt-Craft House | ca. 1800 |
| 416 Greene Street | Blue House | ca. 1840 |
| 118 High Street | Bundy-Davis House | ca. 1850 |
| 125 High Street | Lynch-Evans House | ca. 1815 |
| 126 High Street | Catherine Quilty House | ca. 1830 |
| 310 Kershaw Street | McNair-Tillman House | ca. 1826 |
| 500 Kershaw Street | Wannamaker House | ca. 1900 |
| 501 Kershaw Street | Evans-Page-Spears House | ca. 1845 |
| 506 Kershaw Street | Campbell-Jackson-Funderburk House | ca. 1820 |
| 520 Kershaw Street |  | ca. 1855 |
| 612 Kershaw Street | Matheson-Evans House | ca. 1810 |
| 620 Kershaw Street | Matheson-Hook-Moore House | ca. 1905 |
| 232 Market Street | Merchants Bank | ca. 1835 |
| 317 Market Street | Boxwood Hall | ca. 1822 |
| 320 Market Street | M.W. Duvall House | ca. 1822 |
| 504 Market Street | McLain House | ca. 1850 |
| 505 Market Street | Wannamaker-Laney House | ca. 1850 |
| 602 Market Street | St. Peter’s Catholic Church | ca. 1840 |
| 617 Market Street | Kinsey-Duvall House | ca. 1850 |
| 705 Market Street | Hickson-Brasington House |  |
| Market at Third | First Presbyterian Church | ca. 1832 |
| Market at Third | Session House | ca. 1842 |
| 135 McIver Street | Enfield House | ca. 1820 |
| 143 McIver Street | Hartzell House | ca. 1790 |
| 219 Third Street | Coit-Poston House | ca. 1836 |
| 226 Third Street | Chancelor Inglis House | ca. 1800 |
| 230 Third Street | The Teacherage | ca. 1790 |
| 235 Third Street | Lafayette House | ca. 1823 |
| 314 Third Street | McCreight-Boume House | ca. 1850 |
| 321 Third Street | Malloy House | ca. 1814 |
| 401 Third Street | Coit-Davis House | ca. 1825 |
| 404 Third Street | Duvall House | ca. 1820 |
| 412 Third Street | Ramseur-Hurt House | ca. 1835 |
| Third Street | First Methodist Church | ca. 1851 |
| Town Green | Town Hall | ca. 1858 |
| Town Green | Lyceum | ca. 1820 |
| Town Green | Inglis-McIver Law Office | ca. 1820 |
| Town Green | Market Hall | ca. 1836 |

 10-5 Powers and Duties: The Appearance Commission shall promote the purposes and objectives of this Ordinance, shall have the following powers, and shall perform the following functions:

1. To review and recommend to Town Council the designation of individual historic properties for inclusion in the Historic District;
2. To review plans and applications, as hereinafter provided, for all exterior modifications to structures and all new construction within the Historic District and designated Buffer Areas, including demolition of structures within the Historic District; and
3. To review and approve, approve with modifications, or deny approval for such plans and applications, in accordance with the prescribed procedures and guidelines.

10-6 Issuance of Certificate of Appropriateness:

Within the Cheraw Historic District: Within the Cheraw Historic District, the Commission shall review each plan and application for the demolition, new construction, exterior alteration, modification, or addition to any property, for compliance with the requirements and standards established in this Ordinance. The Commission shall have the power to approve, approve with modifications, or deny approval for such application, in accordance with the procedures set forth below. Approved applications shall be issued a Certificate of Appropriateness. Within the Cheraw Historic District, no building permit shall be issued, and no modification to exterior architectural features may be made, prior to the issuance of a Certificate of Appropriateness.

Within Designated Buffer Areas: Within the Buffer Areas in the zoning overlay district, review under this Ordinance is limited to signage and building height. The Commission shall review each plan and application for the new construction, exterior alteration, modification, or addition to any property, for compliance with the requirements and standards established in this Ordinance. The Commission shall have the power to approve, approve with modifications, or deny approval for such application, in accordance with the procedures set forth below. Approved applications shall be issued a limited Certificate of Appropriateness. Within the designated Buffer Areas, no building permit shall be issued, and no modification to exterior architectural features may be made, prior to the issuance of a limited Certificate of Appropriateness.

Maintenance and Repair Excepted: A Certificate of Appropriateness is not required for the ordinary maintenance or repair of any exterior architectural feature in the Historic District which does not involve a change in design, material, color, or outer appearance. Furthermore, the Board of Architectural Review authorizes staff to review and approve the following activities:

1. Handicap ramp installations
2. Change of house color to white. This is not applicable to a change in trim, shutters, and/or door colors.
3. Metal to metal, asphalt to asphalt shingles (architectural or not) or other similar roofing regardless of color as long as the color is not bright and obnoxious.
4. Shed construction or installation no larger than 150 square feet.
5. Window replacements whether the same material, a change from wood to vinyl, or vice versa as long as the window replacement(s) match the current grid pattern and has raised muntins to preserve architectural integrity.

This provision is not an exemption from the application process and the submission of support documentation.

In instances where the property owner(s) disagree with staff’s decision, the property owner(s) may appeal to the Board of Architectural Review, per Sec. 10-11 Appeal to the Commission.

10-7 Procedures for Issuance of Certificate of Appropriateness: The property owner or their representative shall submit an application to the Appearance Commission, requesting the issuance of a Certificate of Appropriateness. The application shall be submitted on a form provided by the Town, together with such supporting materials as required herein.

Pre-Application Encouraged: At the outset of a project, and prior to significant expenditures of time and financial resources, applicants are encouraged to submit a pre-application, consisting of preliminary scale drawings and outline specifications, including color and material samples. The purpose of this review is to acquaint the applicant with the design standard applicable to their property. Pre-application review by the Planning Director and/or the Appearance Commission is advisory only, and is not binding on either the applicant or the Commission. Pre-application review is not required.

Submission of Applications: Applications shall be submitted to the Town’s Planning Director, or such other official as designated by the Town Administrator. Complete applications submitted seven (7) or more days prior to the regularly scheduled monthly meeting of the Appearance Commission shall be placed on the agenda for review. Incomplete applications will be returned.

Contents of Application: The application must show in detail all proposed exterior alterations and modifications and/or new construction, and must provide all information requested on the application form. In addition:

* The application must identify the applicable design standard(s) and show that the proposed action complies with such standards(s).
* Drawings are required for exterior alterations to existing structures and for all new construction. As used herein, drawings shall mean plans and exterior elevations drawn to scale, with sufficient detail to show, insofar as they relate to exterior appearance, the architectural design; proposed materials, textures, and colors; and plan or site layout, including all improvements such as walls, walks, terraces, plantings, accessory buildings, signs, Drawings shall be signed by the architect or draftsman, and submitted in multiple copies as directed by the Planning Director.

Commission Action: The Commission shall review the application, and shall decide whether the proposed action complies with the design guidelines and standards as set forth herein. In acting upon the application, the Commission shall either issue a Certificate of Appropriateness, including such conditions it deems appropriate in conformance with the standards herein, or deny the application. Actions shall be taken by a majority vote of those Commission members in attendance.

Additional guidance for actions by the Commission include:

1. The applicant shall have the right to be heard before the Commission and to make such presentation as they deem appropriate to explain the application and answer questions posed by the Commission members.
2. The Commission may request the submission of additional or clarifying information and materials, and may postpone action on an application to a special meeting or the next regularly scheduled monthly meeting to consider this input.
3. Similarly, the Commission may postpone action on an application to a special meeting or the next regularly scheduled monthly meeting in order to provide notice to affected property owners, or to call a public meeting or public hearing on the application.
4. The Certificate shall be signed by the Chairperson of the Commission, and a copy shall be delivered to the Town’s building official(s).
5. Denials shall include a statement in the record of the reason(s) therefore, and the Planning Director shall so inform the applicant in writing.

Time Limits: The Commission must take action on an application no later than the second regularly scheduled monthly meeting following the timely submission of the application, unless the applicant agrees to the postponement of action; provided however, that the time limits for demolition shall be as stated herein below. If the Commission fails to act within this time period, the application shall be considered approved.

Withdrawal; Revision; Submission of a New Application: An applicant may withdraw and re-submit his/her application at any time during the review process. An applicant may request postponement of review and revise their application at any time during the review process; revisions must be submitted within seven (7) days of the Commission’s regularly scheduled monthly meeting to be placed on the agenda; however the Commission may waive this requirement, or may schedule a special meeting to act on a revised application. If an application is denied by the Commission, a new application may be submitted at any time if there is a substantial change in the plans for the proposed work, however if no substantial change is made, a new application may not be filed for a period of six (6) months following the Commission’s denial.

10-8 Guidelines and Standards: In reviewing an application for a Certificate of Appropriateness, the Appearance Commission shall take into account the architectural and historical significance of the structure under consideration, and the exterior form and appearance of any proposed additions or modifications to the structure, as well as the effect of such change or additions upon other structures in the vicinity. The Appearance Commission shall use the following standards in reviewing and acting upon applications for a Certificate of Appropriateness.

1. General Requirements: Generally, all modifications to exterior architectural features and all new construction within the Cheraw Historic District shall comply with the guidelines and standards as set forth in the publication *Cheraw Preservation and Maintenance Manual* (1986) (the “Manual”)[[3]](#footnote-3) prepared under the auspices of the SC Department of Archives and History, and specifically written for the historic and architectural character found in the Cheraw Historic District.
2. Specific Requirements: In addition to the standards set forth in The Manual, the following requirements shall apply:
	1. Siding: Synthetic sidings, including but not limited to aluminum and vinyl, may not be used; provided that in cases of hardship, the Commission may consider but is not required to approve, the use of synthetic sidings for exterior walls not visible from the street and for the undersides of rafters (soffits).
	2. Colors: Exterior colors shall be appropriate to the design and period of the structure, and shall be selected from the palates as set forth in the Manual, provided, that on a case-by-case basis, the Commission may approve alternate or additional colors that meet the standards set forth elsewhere in this Ordinance.
	3. Signs: Signs shall not be internally lighted. Within the Historic District, permanent signage shall be limited to the identification of commercial institutional and historic properties. Property owners are encouraged to use externally-lighted ground signs and wall signs where built into the building façade. Within the commercial area, property owners are encouraged to use signage consistent with recommendations contained the Building Façade Study, Town of Cheraw Historic District (1979). Sign size and height shall be limited as set forth in the sign regulations of this Ordinance.
	4. New Construction: The character of the Historic District derives from the mix of architectural styles and periods. New construction is not required to reproduce historic structures, but it must be consistent with the size, height, design, and general appearance of structures on nearby properties. New construction must “blend in” with the character of the neighborhood in which it is situated, and shall not disrupt the character of the Historic District.
3. Additional Requirements for Special Historic Structures: For the properties designated herein as Special Historic Structures, the historic character of the property shall be retained and preserved. In addition to the standards set forth herein above, the following requirements shall apply:
	1. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
	2. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.
	3. Distinctive materials, features, finishes, and construction techniques will be preserved to the extent feasible.
	4. Synthetic sidings, including but not limited to aluminum and vinyl, may not be used.
	5. Deteriorated historical features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, similar materials should be used if reasonably available, and the new feature should maintain the appearance of period authenticity.
4. Exceptions to Specific Standards: The Town recognizes that from time to time, these standards may present difficulties to property owners who wish to repair, use, or adoptively reuse structures within the Historic District. Accordingly, the Commission may, but is not required to, grant an exception to a specific standard set forth in the Manual if it expressly finds:
	1. The proposed action will maintain the overall appearance of period authenticity; and
	2. New, replacement or repaired features will be consistent with the architectural features of the structure; and
	3. The proposed action will not adversely affect other structures in the vicinity, or alter the character of the Historic District.

In reviewing a request for an exception, the Commission may require the property owner to provide materials and documents regarding the condition of the structure, available alternatives to the proposed action, costs, and financing options. The Commission may modify the applicant’s request for an exception, and shall have the power to approve the request either in whole or in part. All exceptions must be specified in a written attachment to the Certificate of Appropriateness.

1. Demolition: No building or structure in the Historic District shall be demolished or otherwise removed until the owner thereof has given the Appearance Commission ninety (90) days written notice of the proposed action. The following procedures and guidelines shall be used by the Commission:
	1. During the notice period, the Commission may negotiate with the owner and take such advisory actions it deems appropriate to find a means of preserving the structure. The Commission may call a public hearing to inform the public and solicit input concerning any proposed demolition.
	2. In passing upon an application to demolish, or demolish in part, or remove the architectural appearance of any existing structure, the Appearance Commission shall consider, among other things, the historic, architectural, and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure, and the importance to the Town.
	3. The Commission shall have the power to deny outright the demolition or removal of a structure if it deems the structure of such architectural or historical significance that the removal will be detrimental to the public interest.
	4. If the Commission determines that the structure has no particular historic significance or value toward maintaining the character of the historic district, it may waive all or part of the 90-day notice period, thereby allowing the demolition or removal process to proceed.

10-9 Specific Definitions: For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

* Certificate of Appropriateness is a document issued by the Cheraw Appearance Commission, following a prescribed review procedure, certifying that the proposed actions are found to be acceptable in terms of design criteria relating to the individual property and the historic district.
* Commission, when used in this section, shall mean the Cheraw Appearance Commission, which serves as the Board of Architectural Review under State Law.
* Demolition shall mean the removal of a structure, in whole or in part, without accompanying renovation or restoration.
* Exterior Architectural Features shall include the exterior portion of any building or other structure, including stone walls, fences, signs, steps, pavement, and other appurtenant features.
* Exterior alterations and modifications shall include any change in the external architectural features of a structure.
* Historic District shall mean the Cheraw Historic District, as designated by Town Council, and established as an overlay district on the Town’s Zoning Map.
* Period Authenticity shall mean an architectural building design, style, appearance, and use of materials consistent with the generally accepted architectural and design standards for a particular historical timeframe, and for purposes of this Ordinance shall bear reference to structures built in and around the Town of Cheraw.

 10-10 Supplemental Duties of the Commission: In addition to the powers and duties of the Commission described above, the Commission shall have the following additional role in historic preservation in the community:

1. To conduct an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the Town;
2. To keep a register of all properties and structures that have been designated as landmarks, including all information required for each designation;
3. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark to another;
4. To advise and assist owners of landmarks and property or structures within the Historic District on the physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion of the National Register of Historic Places;
5. To call upon available Town staff members as well as other experts for technical advice;
6. To testify before all boards and commissions, including the Planning Commission and the Board of Zoning Appeals, on any matter affecting historically significant property, structures and/or areas; and,
7. To hear appeals from decisions of the Zoning Administrator or other appropriate administrative official in matters under the purview of the Commission where there is alleged error in any order, requirement, determination, or decision.

10-11 Appeal to the Commission: Appeals to the Commission may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town. The appeal must be taken within 30 days of a decision, by filing with the officer from whom the appeal is taken and with the Commission notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken immediately shall transmit to the Commission all the papers constituting the record upon which the action appealed from is taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal taken certifies to the Commission, after notice of appeal has been filed with him, that by reason of facts state in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time, at the hearing any party may appear in person or by agent or by attorney.

10-12 Appeals from Decision of the Commission to Circuit Court: Appeal of Commission actions and decisions shall be solely to the Circuit Court. Any person who may have a substantial interest in a decision of the Commission may appeal to the Circuit Court for Chesterfield County, by filing with the Clerk of Court a written petition setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the Commission’s decision.

Article 11

## Off Street Parking

Off-street automobile storage or parking space shall be provided and maintained on every lot on which any of the following uses are hereafter established, except in those districts where public parking on street meets the requirement. The number of parking spaces provided shall be at least as great as the number specified in Section 6-1.1 for the various uses. When applications of said provisions results in a fractional space requirement, the next larger requirements shall prevail. Off-street parking facilities for uses existing on the effective date of this ordinance shall not be reduced below the requirements of this section. Off street parking facilities shall be provided and maintained as required in this section for any addition to or extension or enlargement of a use of land or building which existed on the effective date of this ordinance. The provision and maintenance of the off street parking facilities herein required shall be the joint and several responsibility of the operator and owner of the use and the operator and owner of the land on which, or the structure in which, is located the use for which off-street parking facilities are required herein.

 11-1 Required Parking: The number of off-street parking spaces shall be calculated on the basis of the use of the land or principal building, according to requirements indicated in Columns 2 and 3 in the attached table.

 11-2 All parking spaces required herein shall be located on the same lot with the principal building or use or uses served.

 11-3 Mixed uses: Where more than one principal or accessory use or uses, whether with the same or different parking requirements, occupy the same building or premises or in the case of joint use of a building or premises, by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

 11-4 Change in use, alteration of use, or extension of use: Off Street parking spaces shall be provided in accordance with these regulations whenever a building or use is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise.

 11-5 Requirements for uses not specifically listed: The parking space requirements for a use not specifically listed in division (a) shall be the same as for a listed use of similar characteristics or parking demand generation, as determined by the zoning administrator.

 11-6 Compilation of total employment: except as otherwise provided, the number of employees shall be compiled on the basis of the number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day. When fractional days result, the required parking shall be rounded up to the next whole space.

**Table 11-1: Off-Street Parking Requirements**

|  |  |  |
| --- | --- | --- |
| **Use: Residential** | **Parking Spaces Required** | **Additional Requirements** |
| Single Family Dwelling | 2 |  |
| Two-Family Dwelling | 4 |  |
| Multi-Family Dwelling | 2 per unit |  |
| Mobile home on single lot | 2 |  |
| Mobile home in a development | 2 per mobile home | Plus 1 per employee living on site |
| Boarding and rooming house | 1 per sleeping room | Plus 1 per 2 employees |
| Group Dwelling | 1 per 2 bedrooms |  |

|  |  |  |
| --- | --- | --- |
| **Use: Public and Semi Public** | **Parking Spaces Required** | **Additional Requirements** |
| Nursing home, sanitarium, inpatient clinic, elderly home, similar facilities | 1 per 4 patient beds |  |
| Medical & dental offices, outpatient clinics | 1 per 250 sq. ft of floor space |  |
| Church or other place of worship, , indoor recreation, or public assembly | 1 per 150 sq. ft. of gross floor area in main assembly area  |  |
| Places of public assembly with no fixed seats in main assembly area | 1 per 150 sq. ft. of gross floor area in main assembly area  |  |
| Nursery, elementary, or middle school | 2 per classroom |  |
| High school, trade, or business school |  4 per classroom |  |
| Country Club or Golf Club | 1 per each 5 members |  |
| Library, museum, art gallery, etc. | 10 | Plus 1 per 500 sq. ft. of gross floor area. |
| Club, fraternity, lodge, sorority | 1 per 300 sq. ft. of building area |  |
| Outdoor Recreation Facilities, cemeteries | None |  |

|  |  |  |
| --- | --- | --- |
| **Use: Commercial** | **Parking Spaces Required** | **Additional Requirements** |
| Public or private office buildings | 1 per 300 sq. ft. of gross floor area |  |
| Banks and similar lending institutions | 1 per 300 sq. ft. of gross floor area |  |
| Unspecified retail | 1 per 400 sq. ft. of gross floor area not used for storage |  |
| Theater, night club, similar places of Assembly | 1 per 125 sq. ft. of customer service area |  |
| Automobile Service Stations | 1 per 300 sq. ft. of building space | plus 1 per grease rack or wash rack |
| Motel, hotel, tourist court | 1 per sleeping room or suite |  |
| Furniture, home furnishings, appliance, machinery, equipment, automotive, farm and boat sale/service | 1 per 500 sq. ft. of retail floor area |  |
| Bowling Alley | 2 per lane |  |
| Funeral Home or Mortuary | 1 per 50 sq. ft. of gross floor area excluding storage and work areas |  |
| Planned shopping center | 3 per 1,000 sq. ft. of gross leasable area |  |
| Sit-down restaurant | 1 per 125 sq. ft. of customer service area |  |
| Take-out restaurant | 1 per each 125 sq. ft. of customer service area |  |
| Self-Storage Facility | 1 per 5,000 sq. ft. of building area | 2 |

|  |  |  |
| --- | --- | --- |
| **Use: Wholesale and Industrial** | **Parking Spaces Required** | **Additional Requirements** |
| Manufacturing, processing, research, testing labs, bottling, wholesaling, storage, warehousing, junk, supply yard, brick or coal or lumber yard, or similar | 1 per 1,500 sq. ft. of building area or 1 per 10,000 sq. ft. of lot area for outdoor facilities |  |
| Printing, publishing, plumbing, heating, or broadcasting station | 1 per 1,500 sq. ft. |  |
| Transportation terminal, including bus, truck & railroad | 1 per 200 sq. ft. of building area |  1 for each commercial vehicle operating from the facility |

Table 11-1A Reduction in parking spaces permitted: If the proposed use can be demonstrated to require fewer parking spaces than what would otherwise be required, the applicant may request a reduction in total parking spaces required which may be approved by the zoning administrator provided that sufficient documentation is submitted to justify such a reduction.

11-7 Area and paving required for parking spaces: Excluding isles maneuvering space, turnaround space, and drives, each required off-street parking area, lot, or other facility shall contain a minimum of one hundred and eighty (180) and shall have a minimum measurement of nine (9) feet in width and twenty (20) feet in length for each automobile to be accommodated.

No parking or maneuvering area shall be located in any public right of way.

All off-street parking spaces shall be paved except the following: one and two family dwelling units; those instances where residential dwelling units are being converted to commercial uses which require less than five (5) spaces, the paving of the spaces may be delayed until a new occupant or use requires five (5) parking and loading spaces or more in order to meet the terms of this chapter. A scale drawing or layout of all required parking areas showing the location, size, and arrangement of the individual parking spaces, loading spaces, and landscaped areas shall be submitted to the zoning administrator for their approval.

11-8. Landscaping of parking and vehicular use areas: these areas, aside from being designed according to functional requirements as described herein, shall also be designed as aesthetic assets to the facility, building, or neighborhood which they serve. To this end, search a vehicle or areas are considered in light of their surrounds, and shall be developed as outdoor spaces/transitional space is between access areas (roads) and the particular land uses served.

1. Application: for the parking or display of vehicles, boats, and equipment, whether self-propelled or not, and all land upon which vehicles traversed the property as a function of the primary use (referred to in this chapter as other vehicular uses) including but not limited to activities of a drive in nature, such as banks, service stations, grocery and dairy stores, restaurants, and the like, shall conform to the landscaping requirements promulgated herein.
2. Landscape area: Ten percent (10%) minimum of the gross parking area shall be devoted to vegetative landscaping, which includes trees, shrubs, grass, ground covers, and other plants. The gross parking area shall be computed by measuring from the edge of the paved parking or driveway area extending 5 feet beyond such edges but shall not include any area enclosed by building, not within the roof overhang of a building, nor any area necessary to satisfy buffer/screen/landscaping requirements.
3. Landscape effect: the atmosphere within parking lots in vehicle are used areas is to be parklike rather than a hardstand of paving. In attaining this effect, trees are of primary importance, and shall not be minimized in height or quantity. The natural landscape shall be preserved wherever possible.
4. Pavement: the paved areas of parking lots are to be more than expenses of asphalt. It is recommended the pavement be varied in material, texture, or color in designating vehicle spaces, lanes, or pedestrian walks, with design emphasis on entrances and exits to the lot.
5. Lighting: parking lots in vehicle are use areas shall be lighted for efficient use during hours of darkness, in accordance with the district regulations contained in the previous article. Specifically, lighting will not illuminate, nor cast glare on two, neighboring properties. Lighting fixture shall be part of the overall project design, and contribute to the landscaping affect both in daylight and dark.
6. Screening: All parking lots in vehicle are use areas shall be screened from all abutting properties or rights of way by the minimum requirements set forth in other sections or vegetative screen as part of the overall project design approved by the zoning administrator.
7. Interior Landscaping
	1. Interior areas of parking lots shall contain planter islands located so as to best relieve the expanse of paving. A maximum of twelve (12) parking spaces in a row will be permitted without a planter island. This section may be modified under the following circumstances:
		1. When strict application of this Section will seriously limit the function of an area, the required landscaping may be relocated with the approval of the zoning administrator.
		2. In an industrial project, the zoning administrator, with town council approval, may lower the overall landscape area from ten percent to 5 percent of the gross parking area. This reduction apply only to the interior requirements. Perimeter minimums will not change.
	2. Planter islands shall be a minimum of fifty (50) square feet in area and shall contain at least one (1) tree having a minimum clear trunk of five (5) feet and minimum overall height of eight (8) feet. The remainder shall be landscaped with shrubs, lawn, ground cover, or other approved material not to exceed three (3) feet in height.
8. Existing plant material: the natural character of the landscape shall be preserved in all possible instances. Wherever healthy plant material exist on a site prior to its development, the above mentioned standards may be adjusted to allow credit for such plant material, if in the opinion of the zoning administrator – with the approval of Town Council, such adjustment is in the best interest of the town, and preserves all intents of this chapter.

11-9 Joint use of off-street parking areas: two or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual spaces available in such common areas is not less than the sum of the space is required for the individual uses as separately computed in accordance with the provisions of the section and provided that we’re such space is not located on the same lot as the principal use or uses the owner of the lot relinquishes through a covenant agreement with the town his development rights over the property until such time as parking spaces provided elsewhere or on the same premises as the principal use or uses. The total parking space is required may be reduced below that otherwise required by this chapter for common parking facilities when it can be demonstrated that such production and parking requirements is warranted by the particular grouping of uses, subject to approval of a use permit by the zoning administrator.

11-10 Off-street loading area required: areas suitable for loading and unloading motor vehicles and off-street locations, and specifically designated for this purpose, shall here after the required at the time of the initial construction or alteration or conversion of any building or structure used or arrange to be used for commercial, industrial, government, or multi-family residential purposes. Search off Dash street loading areas shall have access to a public alley or street and shall be provided and maintained in accordance with the following requirements the computation of which shall not be included in the off-street parking requirements.

1. Number of off-street loading area required: the number of off Dash Street loading spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to Table 6-2 Found at the end of this section.
2. Amount of area required for each loading space: each off-street loading and unloading space required by the provisions of this chapter shall be at least twelve (12) feet wide, forty (40) feet long, and fourteen (14) feet high. Such space shall be clear and free of obstruction at all times.
3. Location of off-street loading areas: required off–street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve, and in no case shall the required off–street loading space be considered as part of the area provided to satisfy off–street parking requirements as listed herein.
4. Adequacy of loading area: All uses, whether specified in this chapter or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or way.

**Table 6-2 Off-Street Loading Requirements**

|  |  |  |
| --- | --- | --- |
| **USE** | **TOTAL FLOOR AREA IN SQ. FT.** | **SPACES REQUIRED** |
| Retail and Personal Services | < 1,9992,000-24,999Each additional 25,000 | None11 additional |
| Wholesale, manufacturing, governmental, institutional, (including places of public assembly), educational, recreation, business services, terminals, and other business uses | 0-24,99925,000 - 49,99950,000 – 99,999100,000 – 249,000250,000 – 999,999> 1,000,000 | 123456 |
| Funeral home or mortuary | 0-2,4992,500 to 3,9994,000 to 5,999Each additional 10,000 | None121 additional |
| Offices or office building | 0-4,9995,000 – 9,99910,000 – 20,000Each additional 50,000 | None121 additional |
| Multi-family dwelling project, mobile home development, hotel, motel, tourist home or similar use | 0 – 9 units10 – 20 unitsfor each additional 10 units | None11 additional |

11-11 Required Parking for Disabled Persons: Accessible parking serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances. Two accessible parking spaces may share a common access aisle. In accordance with the American with Disabilities Act (ADA) the following standards shall be met:

|  |  |  |  |
| --- | --- | --- | --- |
| Total Number of Parking Spaces Provided in Parking Facility | A: Standard (Car) accessible parking spaces (60 inch wide access aisle) | B: Van Accessible Parking Spaces (96 inch wide access aisle) | Total: Minimum number of accessible parking spaces (A + B) |
| 1 to 25 | 0 | 1 | 1 |
| 26 to 50 | 1 | 1 | 2 |
| 51 to 75 | 2 | 1 | 3 |
| 76 to 100 | 3 | 1 | 4 |
| 101 to 150 | 4 | 1 | 5 |
| 151 to 200 | 5 | 1 | 6 |
| 201 to 300 | 6 | 1 | 7 |
| 301 to 400 | 7 | 1 | 8 |
| 401 to 500 | 7 | 2 | 9 |
| 501 to 1000 | 7 out of every 8 Accessible Spaces | 1 out of every 8 Accessible Spaces | 2 percent of the total parking spaces |
| 1001 and over | 7 out of every 8 Accessible Spaces | 1 out of every 8 Accessible Spaces | 20, plus 1 for each 100, or fraction thereof over 1000 |

Article 12

# Regulation of Signs

**12-1 Intent**

The purpose of the following sign requirements regulates the design character of proposed and existing signage. It is intended to protect property values, create a more attractive economic and business climate, and reduce sign or advertising distractions and obstructions that may contribute to traffic accidents.

**12-2 Definitions**

*Abandoned Sign*. A sign or sign structure no longer used by the property/sign owner, in which case discontinuance of sign use may be shown by cessation of use of the property where the sign is located for the use or purpose associated with the sign; or (2) the sign has been damaged, and repairs and restoration have not been started within forty-five (45) days of the date the sign was damaged, or, once started, are not diligently pursued to completion.

*Awning*. A movable roof-like covering of canvas or other material extending over a building opening for protection from the elements which projects over public property.

*Business.* An entity, for profit, non-profit, governmental agency, and others, operating under a name or logo/trademark providing a good and/or service to the public or its members. This includes places of worship and schools/colleges.

*Canopy*. A fixed covering projecting from the outer surfaces of a building protection or decoration projecting over public property.

*Changeable Copy Sign (Manual).* A sign on which copy is changed manually, for example, the panel permanently affixed as part of a larger sign on which copy is placed, commonly used to advertise specials for commercial businesses.

*Date of Erection*. The day, month, and year on which a sign permit was issued.

*Exterior light source*. Sign illumination resulting from light being directed to the face of the sign from flood lights, or any other light source which is not located inside the sign itself.

*Frontage, building*. Building frontage relates to a building’s property line having direct roadway access barring any landscaped median or sidewalk. Hence, building frontage does not hinge on being visible from any roadway. The linear width of a building wall, not property line, facing a public right-of-way. For buildings with more than one (1) wall with direct access to a road way, the building frontage affording the most sign area shall be used to determine the maximum sign area.

*Illumination devices*. Any apparatus emanating light either for the purpose of illuminating a sign or drawing attention.

*LED (Light-Emitting Diode) Sign*. Signage with an electronic light source capable of emitting color across the visible, ultraviolet, and infrared wavelengths with brightness from very low to very high.

*Maintenance*. For the purposes of this article, the cleaning, painting, repair, or replacement of defective parts of a sign, or to achieve a change in sign face, in a manner that does not alter the basic design or structure of the sign.

*Marquee*. A permanent roof-like projection from a building above the building entrance.

*Mural*. Any painting, design, or image, including incidental copy, that is applied directly to the exterior of a building for artistic, informational, historic, or aesthetic purposes, and does not contain advertising.

*Sign*. Any device, structure, fixture, placard, and any related support structure erected for the purpose of displaying graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any business, person, institution, commodity, service, entertainment, or activity.

*Sign, Area*. The area of a sign which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case.

*Sign, Freestanding*. A sign supported upon the ground by a frame, pole(s), or other support structure(s) that is not attached to any building. A freestanding sign constitutes one sign, even if it has two or more faces.

*Sign, Hazardous*. A sign that is detrimental to the public health, welfare or safety, including but not limited to: any sign that has a design, color, or lighting which may be mistaken for a traffic light, signal, or directional sign; any sign that is located in such a manner as to obstruct free and clear vision to motorists or pedestrians at intersections and driveways; any sign which, because of its location, would prevent free ingress to or egress from any door, window, or fire escape; any sign that is attached to a standpipe or fire escape; any sign that has lighting which temporarily blinds or impairs one’s vision; and any sign that is in a leaning, sagging, fallen, decayed, deteriorated, or other unsafe condition.

*Sign, Height*. Height is measured from grade, as defined in this Ordinance, at the sign base to the highest point of the sign.

*Sign, Illegal*. Any sign erected without a permit, any sign that promotes a business or service that no longer exists, any sign that may be considered a danger to the general public.

*Sign, Illuminated*. Any sign lighted by or exposed to artificial lighting either by lights in the sign or directed toward the sign.

*Sign, Monument*. A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground. “Monument sign” does not include pole or pylon signs.

*Sign, Nonconforming*. An existing sign, lawful before enactment of this article, which does not conform to the requirements of this article.

*Sign, Off-premise*. Signage not located on a business site advertising a business and/or product.

*Sign, Projecting*. A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

*Sign, Roof.* Any sign erected upon, against, or directly above a roof or on top or above the parapet of a building.

*Sign, Temporary*. A sign which is permitted for a specific length of time. Unless specified it may require a temporary sign permit prior to erection. Temporary signs typically include, but are not limited to: portable signs, special event signs, “for sale” and “for lease” signs, “feather signs”, and political campaign signs.

*Sign, Wall*. A sign attached to, erected against, or painted on the wall or window of a building with the face in a parallel plane to the plane of the building wall or window.

On-Premises Sign -- Any sign identifying or advertising a business, person, activity, goods, product, or service located on the premises where the sign is installed and maintained.

*Video Display Sign*. A sign on which the copy changes in a manner or method of display characterized by motion, pictorial imagery or text and depicts action or illusionary movement.

**12-3 General Provisions**

* All permanent or temporary signs shall comply with the minimum standards for Town of Cheraw.
* All signs and sign structures shall be removed within 90 days after business closes. Signs shall be routinely maintenance, readily repaired if damaged, and kept in good condition.
* Any sign or sign structure (i.e. business or civic directional signage) erected within the public right-of-way must receive SCDOT approval before applying for a sign permit.

**12-4 Approval, Permit Nullification, and Enforcement**

1. Except for those signs specifically elsewhere, it shall be unlawful for any person to erect, make repair to signage exceeding fifty (50) percent of the cost of replacement, alter, or relocate any signage or sign structure as defined in the article without first obtaining a sign permit from the town clerk.
2. Application Approval Process. In order to the obtain a sign permit, a sign application must be completed along with the appropriate submission(s). Any signage within the Historic or Gateway Overlay Districts shall be first approved by the Board of Architectural Review before permit approval.
3. Applicants shall submit the following to the planning & community development director or designee:
4. Completed sign application;
5. Color rendering of the proposed signage with dimensions;
6. Location of proposed signage on building and/or property; and,
7. Scaled site or plot plan noting location of freestanding or monument sign.
8. Sign specifications for LED and Video Display Signs.
9. Signage Replacement, Addition, or Reduction. The applicant as part of the approval process shall include dimensions for all existing signage remaining on the building/property along with any newly proposed signage on the sign application.
10. The sign application and submissions will be evaluated to determine whether the proposed complies with this article.
11. Incomplete application and/or deficient submission(s) will not be processed. The application shall be notified of the deficiency. The applicant will be given an opportunity to make the necessary corrections and/or provide missing materials. If the applicant has not addressed the deficiencies within 15 days, the application and materials will be returned to the applicant.
12. Completed materials in compliance with this article shall be approved.
13. Permit Nullification. A valid permit shall be deemed null and void for the following reasons:
14. False and misleading information on the sign application;
15. Any unapproved signage alterations, after receipt of sign permit.
16. Enforcement. The building official shall be authorized to enforce sign violations. He or she may issue fines, stop work order for illegal, unauthorized alterations, and/or inappropriate signage. The building official may confiscate temporary signage in violation of this article.

**12-5 Non-conforming Signs**

A nonconforming sign is signage that was lawful before enactment of this article and signage does not conform to the requirements. Nonconformity shall be subject to the following restrictions:

1. No nonconforming sign shall be changed to another nonconforming sign.
2. No nonconforming sign shall be enlarged, reconstructed, or structurally altered to change the shape, size, type, or design of the sign, except to bring such sign into conformance with the provision of this section.
3. No nonconforming sign shall be re-established after the activity, business, or usage to has been discontinued.
4. No nonconforming sign shall be moved on the same lot or to any other lot unless such move shall bring the sign into conformance with this section.
5. No conforming sign shall be reestablished after damage or destruction if the estimated expense or reconstruction exceeds fifty (50) percent of the reproduction cost.

**12-6 Abandoned Signs**

Any sign or sign structure, now or hereafter existing which, for a contiguous ninety (90) days period, no longer advertises or identifies a bona fide business conducted or a product sold shall be deemed abandoned and shall be taken down and removed in its entirety by the owner, agent, or person having the beneficial use of the building structure, or lot upon which such signs shall be found within sixty (60) day after written notification from the building official. Failure to comply with such notice within the time specified, the building official is authorized to remove of such sign. The cost shall be paid by the owner of the building, lot, or structure to which the sign is attached. Nonconforming signs deemed abandoned shall also be governed by the provisions below.

**12-7 Disrepair and Hazardous Signs**

All signs and supports, braces, guys, and anchors thereof shall be kept in good repair, refurbished, and repaired from time to time, as necessary, and perpetually maintained in safe condition, free from deterioration, defective parts, or peeling or faded paint, and able to withstand the wind pressure to which it was originally designed. Any sign not in compliance with this provision is declared a nuisance.

1. The building official may order the repair or removal of any signs that are not maintained in a safe condition and in good repair in accordance with the provisions of this section. Written notice shall be given by the building inspector specifying the work to be done. If no substantial action is taken to remedy identified deficiencies within sixty (60) days, building official is authorized to cause removal of such sign and any expense incidental thereto shall be paid by the owner of the building lot or structure to which the sign is attached.
2. The building official may, without notice, cause any unsafe or insecure sign to be immediately removed if in his opinion, the sign presents an immediate peril to life or limb.

**12-8 Exempt Signs**

The following type of signs require no permit and are exempt; however, all other applicable regulations of this ordinance shall apply. None shall be posted/constructed in right-of-way.

1. Signs erected to regulate traffic.
2. Any sign that is required by law.
3. Any warning signs; utility identification signs for public use; on hunting, neighborhood watch or other safety signs.
4. Non-illuminated directional off-premises signs not exceeding four (4) square feet in sign area or six (6) feet in height limited exclusively to the identification of a church, school, or public institution.
5. Community bulletin boards and public signs erected at the direction of a governmental agency.
6. Non-illuminated temporary signs not exceeding two (2) square feet in sign area appertaining to drives, or civic, educational, or religious events. Such signs shall be posted not more than thirty (30) days prior to said event or drive and shall be removed within seven (7) days after their reason for being has ceased to exist.
7. Religious symbols at a place of worship or at a church owned or operated facility.
8. Institutional signs not to exceed an area of twenty-four (24) square feet, setting forth the name or any simple announcement for any public, charitable educational, or religious institution, located entirely within the premises of the institution, provided that only one such sign is placed on premise. Such signs shall be posted not more than thirty (30) days.
9. Two residential family name and address signs, each not exceeding two (2) square feet in sign area per single family or two-family dwelling unit. Such signs shall be allowed on mailboxes but shall otherwise be set back five (5) feet from any property line and shall not be over five (5) feet above the ground unless mounted flush against a building wall.
10. Two street number signs, each not exceeding one (1) square foot in sign area in any zoning district. Such signs shall be allowed on mailboxes but shall otherwise be set back at least five (5) feet from any property line and shall not be over five (5) feet above the ground unless mounted flush against a building wall.
11. One non-illuminated “for-sale,” “for rent”, or “for lease” sign per lot frontage, not exceeding six (6) square feet of sign area in residential district and twenty (20) square feet of sign area in nonresidential districts, provided no sign encroach within than five (5) feet of any property line unless attached to a building wall.
12. One sign displaying the name, address, and any other information pertinent to the operation of a multi-family or condominium development on a public right-of-way. Such signs shall not exceed twenty-four (24) square feet in sign area and not exceed five (5) feet in height.
13. Non-illuminated signs not exceed twenty-four (24) square feet in sign area not exceed five (5) feet in height announcing a land subdivision development located on the premises of the land subdivision. Such signs shall be set back not less than five (5) feet from the street right-of-way or from any boundary line of the land subdivision. Such signs shall be placed not less than five hundred (500) feet apart and shall be removed when fifty (50) percent of the lots are conveyed.
14. Non-illuminated sign not exceeding twenty-four (24) feet in sign area, displaying the name of the building, contractors, engineers, architect, and similar information located on the premises of any work under construction, alteration, or removal. Such sign shall be removed from the site within seven (7) days after the completion of the project.
15. Signs of mechanics, painters, and other artisans erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided the sign area does not exceed twelve (12) square feet and such signs are removed within seven (7) days after completion of the work.
16. Posters, bills, placards, signs, banners, or similar devices attached to or painted on windows for the purpose of promoting special activities of a temporary nature conducted on the premises of which such signs are located provided that such signs are in conjunction with a nonresidential use and the total area of all such signs does not exceed twenty-four (24) percent of the window surface area on the face of the structure on which such window is located.
17. Private traffic directional signal signs located on the premises for which directions are indicated, not exceeding three (3) square feet of sign area and four (4) in height.
18. Signs setting forth the names of buildings, dates for erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or made of metal or other permanent construction material.
19. Signs attached to machinery or equipment which is necessary or customary to the business including but not limited to devices such as gasoline pumps, vending machines, and ice machines, provided that such refer exclusively to products or services offered on the premises.
20. Handicapped parking space signs.
21. Signs which cannot be seen off the lot or premises.
22. Signs on litter receptacles and benches in nonresidential areas on private property including, but not limited to, signs advertising businesses, services, commodities, or entertainment conducted, offered, or sold on or off the premises where such signs are located. Such signs shall be an integral part of the receptacle or bench and shall not protrude beyond the edges of such.
23. Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of such vehicles.
24. Changeable copy signs, including institutional bulletin boards, theater signs, and fuel prices.
25. Flags, emblems, or insignias of any government agency or religious, charitable, public, or nonprofit organization, provided that no single flag shall exceed 54 square feet in area, and that no more than three flags may be displayed on any lot.
26. Rental signs. One sign shall be allowed per premises announcing room, apartment, or house for rent, provided that such sign is no longer than four square feet in area and is removed within three days after such vacancy is filled.
27. Security, warning, and private property signs, provided that any such sign does not exceed 1.5 square feet in area.
28. Seasonal or temporary displays of patriotic, religious, or civic character located on private property that do not advertise a product or service and are not displayed for a period exceeding 45 days.
29. Political Campaign Signs
	1. Political signs shall not require a sign permit.
	2. Political signs are permitted in all zoning districts.
	3. Political signs shall not be placed in any right-of-way or on any Town owned property, excluding customary sponsorship opportunities obtained through a Department of the Town of Cheraw. Signs found in a right of way will be removed by the Zoning Administrator or their designee.[[4]](#footnote-4)[[5]](#footnote-5)
	4. Political signs have no required setback from the right-of-way.
30. Temporary personal messages, such as signs announcing births, anniversaries, birthdays, or yards of the month shall stay no more than seven days. Signs to be displayed for more than seven days for special events must go through the special events process.
31. One banner per business may be displayed for a period not to exceed 30 days. The banner must be located on the property being advertised and cannot be attached to utility poles or street signs. Maximum banner size: 24 square feet.
32. Temporary private yard sale signs not more than four (4) square feet in area per sign, and not placed in a public right-of-way. Such signs shall not be erected more than 48 hours before the date of the sale and shall be removed within 24 hours of the end of the sale.

**12-9 Prohibited Signs**

The following signs shall be prohibited in all districts:

1. Signs imitating warning signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulances or rescue vehicles, nor shall any use words stop, danger, or any other word, phrase, symbol, or character in a manner that might mislead or confuse an automobile or other vehicular driver.
2. Flashing and pulsating signs. Signs which flash , scintillate, blink, flicker, vary intensity, vary in color, or use electrical pulsations are prohibited except for time, temperature, and date, signs, traditional barber poles and electronically controlled message centers.
3. No sign or sign structure shall be erected in a street or highway right-of-way except signs of duly constituted governmental bodies, including traffic regulatory devices, legal notices, and warnings at railroad crossings, signs on newspaper boxes, and non-illuminated directional off-premise signs identifying a church, school, or public institution. (**Directional off-premise signs shall be approved by SCDOT.)**
4. Signs painted on or attached to trees, fences, telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings are prohibited.
5. No sign or other advertising device of any kind may be placed on the property of another without first obtaining permission of the property owner.
6. Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character.
7. Strobe lights, spotlights and floodlights, or strobe lights used to advertise a business, event service or product are prohibited.
8. Signs that obstruct doors, windows, or fire escapes.
9. Signs advertising activities which are illegal under federal, state, or city laws or regulations.
10. Billboards.
11. Off-premise signs not located on property where the business operates that advertise that business. Signage may include painted or wrapped vehicles parked in a location to advertise such business or businesses.
12. Signs which revolve, rotate, or otherwise move by mechanical means.

**12-10 Signage Criteria**

Signage bearing business name, logo/trademark, and/or symbology associated with the business counts toward the placement and total allowable signage. Advertised products are construed as signage; however, they are not calculated as part of the allowable signage. Nonetheless, product advertisements shall meet the applicable sign requirement for windows and doors.

1. Sign regulations. Unless specifically provided, signs shall conform to the requirements of the below sections pertaining to the type, number, area, and illumination of signs. Signage requirements for Historic District and Gateway Overlays are outlined in Article 10.
2. Sign area. The total area of all signs located on a building and/or parcel shall not exceed the maximum sign area requirements.
3. Allowable sign area. The maximum allowable signage per business shall not exceed two (2) square feet of sign area per linear foot of building frontage. Linear foot x 2 (square feet) = maximum allowable signage. The exception is the case where a business does not have any direct road frontage. Here, the maximum allow signage shall be determined by the linear foot of the building multiplied by 1.5 square feet of sign area.
4. Illumination. Illuminated signs shall have an opaque background so that light shines through the lettering and other designs. External illumination devices shall be placed to shield noxious glare from adjacent properties or the eyes of motorist.
5. Sign calculations. Sign area is determined by multiplying the sign’s height and width. For abstract signage, draw a line box around the tallest and widest points. Window area is calculated by the contiguous window surface regardless of the number of window panes. Where window surface is interrupted by a door or wall, this constitutes another window area.

**Figure 12-1 Signage Calculation Guide**

1. Sign Types.
2. ATM (Automated Teller Machines) Signage:
3. Maximum: one square foot per linear foot of the ATM.
4. Commercial Directional Sign:
5. 1 per site entrance and exit; two if entrance serves as enter and exit. On-site directional signs are intended to aid vehicle and pedestrian traffic to maneuver safely onto and within the site.
6. Maximum Sign Area: 4 sq. ft.
7. Maximum Sigh Height: 3 sq. ft.
8. Freestanding/monument signs:
9. No more than one (1) freestanding/monument sign per lot frontage on a public right-of-way may be installed. For shopping centers and buildings with two or more tenants located on the same property, one sign shall be permitted. Such signs shall indicate only the name of the shopping center or building along with the tenant business.
10. One monument identification sign at each entrance into an office/research or industrial park, shopping center provided there is no other freestanding sign for a business on the premise. Entrance refers to roadway or drive leading directly to the aforementioned. Monument identification sign may serve as a multi-tenant sign for two or more businesses located on the same property.
11. All free standing signs shall be set back at least five (5) feet from the street right-of-way.
12. Sign shall not exceed eight (80) square feet per sign face.
13. The height of any freestanding/monument sign shall not exceed half the distance from a property line’s edge of pavement to nearest street centerline not to exceed fifteen (15) feet.
14. Positioned perpendicular to the roadway.
15. Home Occupation Business. One non-illuminated sign which shall not exceed one and a half (1 ½) square feet and may be attached to the dwelling.
16. LED *(Light-Emitting Diode) Sign:*
17. Single or double face message board sign shall be attached to a freestanding sign or incorporated within the sign frame of a monument sign. The electronic message board sign shall be attached or frame in a business sign. It shall not be stand-alone sign.
18. Maximum Sign Area: thirty (30) square feet per sign face.
19. Sign shall meet the following standards:
* not be illuminated by a flashing light, sudden bursts of light, or light that varies in intensity.
* not have a display surface that creates the appearance of movement.
* not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of 150 feet.
* equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.
* designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
* All messages shall remain unchanged for a minimum of seven (7) seconds.
* time interval used to change from one complete message to another shall be a maximum of one (1) second.
* no scrolling messages.
1. Marquees, canopies, or awning signs:
2. Canopy, marquee, or awning signs shall extend no closer than three (3) feet from the edge of curb.
3. Marquees, canopies, and awnings including signs attached thereto extending into the public right-of-way shall be no lower than eight (8) feet above the public right-of-way.
4. The overall height of a marquee, canopy, or awning, including sign attached thereto, shall be no more than three (3) feet.
5. Murals (applicable town-wide):
6. Artist rendering shall not display any business name and/or logo/trademark. The mural shall not advertise products associated with any business. It may display generic products.
7. Sign application submission:
8. Detailed rendering of proposed mural including content, colors, and type of paint/material and plan for maintenance after completion.
9. Mobile signs. Prior to the erection of any mobile sign, a temporary sign permit must be obtained from the town clerk.

A temporary sign permit for a mobile sign shall permit the use of such sign for a period not to exceed ninety (90) days per calendar year for any one business. Upon completion of the temporary sign permit application indicating satisfactory compliance with all applicable requirement of this section, a temporary sign permit shall be issued for the erection of a mobile sign.

1. Maximum Sign Area: 24 sq. ft.
2. Maximum Height: 5 ft.
3. Service Station Canopy:
4. LED (or similar) accent lighting is permitted to be incorporated into canopy insofar as such accent lighting does not convey a message to the public. Canopy fascia shall not be illuminated.
5. Number: 1 awning per elevation
6. Maximum Sign Area: 10% of canopy face.
7. Streetscape banner program, vertical banners.
8. Streetscape banner program*.* The streetscape banner program shall be designed to advertise public events in the Town of Cheraw at the city's discretion. Banners shall not display commercial advertisements or sponsor information. Eligible participants are non-profit and civic organizations. Program requirements:
* Applicant must complete and return application to the Zoning Administrator at least a month before the event. Submit a drawing/illustration with dimensions, text, color, and graphic/design. The city will review and approve design prior to production.
* Approval is on a first come, first served basis. City sponsored endorsed events will have priority.
* Materials: 100 percent acrylic coated polyester with grommets at the bottom of pockets.
* Design: All banners must be double sided.
* Size: Two feet by four feet, traffic light poles; 18 inches by three feet. (Optional) Add-on/date banner: 24 inches × 12 inches with grommets. The attachments can only advertise date, time, and place of event.
* Banners may be displayed 14 days prior to the event.
* Banners can be only installed at Market Street and Second Street; Kershaw Street and Second Street; Chesterfield Highway and Greene Street; Front Street and Powe Street and Second Street and Powe Street intersections.
* The application installation fee established by cost of installation.
* Any deviation from the approved content and design will result in immediate revocation of the permit. The planning & community development director shall coordinate with public works and other departments.
* Town administrator has final approval.
1. Vertical banners. Vertical banners are permitted on school/college, hospital, manufacturing, office/research/industrial park campuses. Banners shall be designed to promote the business or organization's activity or event. Banners shall not display commercial advertisements or sponsor information. Requirements:
* Applicant must complete and return application to the planning & community development department. A permit is required for each banner change.
* Submit a drawing/illustration with dimensions, text, color, and graphic/design.
* Materials: 100 percent acrylic coated polyester with grommets at the bottom of pockets.
* Design: All banners must be double sided.
* Size: Two feet by four feet, light poles; 18 inches by three feet. (Optional) Add-on/date banner: 24 inches × 12 inches with grommets. The attachments can only advertise date, time, and place of event.
* Number: Up to 20 single-hung and 40 double-hung banners.
* Location: Banners must be on-premise and firmly attached to light poles with the appropriate banner brackets. Banners are not permitted on wooden and metal utility or Duke Energy poles.
* Height clearance: Eight foot minimum.
* Orientation: Up to two banners per pole. Double hung banners shall be oriented side by side.
* Any deviation from the approved content/design will result in immediate revocation of the permit.
1. Subdivision/Apartment Entrance Sign:
2. Number: Up to 2 entrance; 1 per Wall
3. Maximum Sign Area: 24 sq. ft.
4. Maximum Height: 6 ft
5. Illumination: Externally only.
6. Wall Signs:
7. The total area of all wall signs on the front portion of a building shall not exceed twenty (20) percent of the exterior surface facing any public roadway up to a maximum of thirty (30) square feet.
8. The total area of all wall signs on a side or rear surface of a building shall not exceed twenty-five (25) percent of the exterior side or rear surface facing any public roadway or having side or rear entrance, respectively up to a maximum of thirty (30) square feet.
9. Wall signs attached flat against a wall shall not project more than twelve (12) inches into the public right-of-way.
10. Wayfinding Signage. Signage displayed within town specific locations on school/college, hospital, manufacturing, office/research/industrial park campuses.
11. Maximum Sign Area: 24 sq. ft.
12. Maximum Height: 6 ft.
13. Style types: freestanding signs, attached to campus light poles/fixtures, and/or kiosk.
14. Video Display Sign. Video Display Signs shall be permitted only along Chesterfield Highway (SC 9). The sign is subject to the following standards:
15. One (1) monument sign per site or multi-tenant complex.
16. Maximum Sign Area: thirty (30) square feet per sign face and shall be incorporated within the sign frame.
17. Maximum Height: 12 ft.
18. Sign shall meet the following standards:
* not be illuminated by a flashing light, sudden bursts of light, or light that varies in intensity.
* not have a display surface that creates the appearance of movement.
* not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of 150 feet.
* equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.
* designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
* All messages, images, or displays shall remain unchanged for a minimum of seven (7) seconds.
* time interval used to change from one complete message, image, or display to the next complete message, image, or display shall be a maximum of one (1) second.
* no appearance of visual dissolve or fading, in which any part of one message, image, or display appears simultaneously with a part of a second message, image, or display.
* no scrolling text messages.
1. Projecting Signs
	1. Projecting signs are designed to allow the easy identification of businesses for foot traffic.
		1. Projecting sings may not exceed 8 square feet in sign area.
		2. Projecting signs may extend up to 4 feet away from the building.
		3. The bottom edge of the sign must be no lower than ten (10) feet from the sidewalk no higher than fifteen (15) feet from the sidewalk.

Article 13

# Communication Towers and Antennae

13-1 Definitions

1. Communication Tower: Any structure, whether free-standing or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers; guy towers or free-standing mono-pole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.
2. Telecommunications: The Transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent or received, as defined in the Federal Telecommunications Act of 1996.
3. Antenna: A device, dish, or array used to transmit or receive telecommunications signals.
4. Height: The height of a communication tower is the distance from the base of the tower to the top of the structure.
5. FAA: The Federal Aviation Administration
6. FCC: The Federal Communications Commission

13-2 Exclusions

The following shall be exempt from this ordinance.

1. Any tower or antenna under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
2. Any device designed for over-the-air reception of television broadcast signals, multi-channel multi-point distribution service or direct broadcast satellite service;
3. Any telecommunications facilities located on property owned, leased, or otherwise controlled by the Town of Cheraw provided a license or lease authorizing the telecommunications facility has been approved by the Town Council.
4. Any cable television headend or hub towers and antennae used solely for cable television services.

13-3 Placement of Telecommunication Facilities by Zoning District:

1. Regardless of the zoning district in which the communication tower is located, the minimum distance of the tower shall be not less than two hundred (200) feet from the nearest lot line of any R-1 (high density single family residential), R-2 (Multiple family residential), OC and NC Commercial districts, and not less than two hundred and fifty (250) feet from the nearest lot line of any R-1AA (Low Density Residential) or R-1A (Medium Density Residential) Districts.
2. Permitted Height Requirements:

|  |  |
| --- | --- |
| **Districts** | **Permitted Height** |
| R-1AA | Free standing tower with height not exceeding one hundred feet is a permitted conditional use; height exceeding 100 feet requires special exception |
| R-1A |
| R-1 |
| R-2 |
| OC | Free standing or guyed tower with height not exceeding one hundred and eighty (180) feet is a permitted conditional use; height exceeding 180 feet requires a special exception |
| MC |
| NC |
| CC |
| GC |
| LI | Free standing or guyed tower with height not exceeding three hundred and sixty (360) feet is a permitted conditional use; height exceeding 360 feet requires special exception. |
| M-1 |
| Open Space | Free-standing or guyed tower with height not exceeding five hundred (500) feet is a permitted conditional use; height exceeding 500 feet requires a special exception. |

 13-4 Preferred and Disfavored Location Sites

* 1. Preferred Location Sites
		1. Co-Location Sites: Any existing telecommunications towers, currently being used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service, or similar forms of electronic communication shall be a Preferred Location Site regardless of the underlying zoning designation of the site, provided, however, that locations which meet this criterial shall be subject to the design and siting components of this ordinance and co-location sites shall not become an “an antenna farm” or otherwise be deemed by the Town to be visually obtrusive.
		2. Publicly-used Structures: Publicly-used structures are preferred locations throughout the Town because they appear in virtually all neighborhoods, are dispersed throughout the community, and due to their institutional or infrastructure uses are generally similar in appearance to or readily adaptable for telecommunications facilities. Therefore, telecommunications facilities should be less noticeable when placed on publicly used structures than when placed on commercial or residential structures. Publicly-used structures include, but are not limited to, facilities such as police or fire stations, libraries, community centers, courthouses, utility structures, water towers, elevated roadways, bridges, schools, hospitals, and churches.
		3. Industrial and Commercial Structures: Wholly industrial and commercial structures such as warehouses, factories, retail outlets, supermarkets, banks, garages, or service stations shall be preferred locations particularly where existing visual obstructions or clutter on the roof or along a roofline can and will be removed as part of the installation of the telecommunications facility.
	2. Disfavored Location Sites:
		1. Any single-family residential structure or site or multi-family duplex shall be a disfavored site for the location of telecommunications facilities.
		2. Any site located within the Historic District and along the Gateway District shall be considered disfavored sites for the location of telecommunications facilities.

13-5 Requirements for Telecommunications Facilities

General Requirements for ALL Telecommunication Facilities: The Requirements set for in this section shall govern the location and construction of all telecommunications facilities governed by this ordinance.

* 1. Building Codes and Safety Standards: To ensure the structural integrity of telecommunications facilities, the owner of such facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such telecommunications facilities, as amended from time to time. Owners of such facilities shall conduct periodic inspections of such facilities at least once every year to ensure structural integrity. Inspections shall be conducted by a qualified independent engineer licensed to practice in the State of South Carolina. The results of such inspections shall be made available to the Town upon request.
	2. Regulatory Compliance
		1. All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state of federal government with the authority to regulate telecommunications facilities. If such standards and regulations are changed then the owners of the facilities governed by this ordinance shall bring such telecommunication facilities into compliance with such revised standards and regulations within the date established by the agency promulgating such standards.
		2. Owners of telecommunications facilities shall provide documentation showing that each facility is in compliance with all applicable federal and state requirements. Evidence of compliance must be submitted every 12 months.
	3. Security: All telecommunications facilities shall be equipped with an appropriate anti-climbing fence device or other similar protective device to prevent unauthorized access to the telecommunications facility.
	4. Lighting: no illumination is permitted on telecommunication facilities unless required by the FCC, the FAA, or other state or federal agency of competent jurisdiction or unless necessary for our safety. If lighting is required or necessary, the zoning administrator may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
	5. Advertising: no advertising is permitted on such facilities. However, a whip antenna may be allowed on any legally permitted permanent billboard or outdoor advertising sign as long as the other requirements of this ordinance are met.
	6. Visual Impact:
		1. Telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
		2. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure as to make the antenna and related equipment as visually unobtrusive as possible. Roof-mounted antennas shall be made visually unobtrusive by screening to match existing air conditioning units, stairs, or other background.
		3. Where feasible, telecommunications facilities should be placed directly above, below, or incorporated with vertical design elements of a building to help in camouflaging.
		4. Such facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the Tow nor by any state or federal law or agency.
	7. Conditions: The applicant must show that all of the following applicable conditions are met.
		1. The proposed telecommunications tower, antenna, or accessory structure will be placed in a reasonably available location which would minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards and pose by applicable communication and regulations on the applicant’s technical design requirements.
		2. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant’s technical design requirements without unreasonable modifications on any existing structure or tower under the control of the applicant.
		3. Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility in a non-residential district for valid technical reasons.
		4. Applicant must provide a map indicating the location of lands owned by the Town or any other public body, existing towers, and existing private structures (silos, church steeples, utility towers, etc.) within two (2) miles of the proposed site, and an analysis of why those lands and/or structures cannot be used for the communication tower or antenna.
		5. Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant’s present and future requirements.
		6. Applicant must show that all applicable health, nuisance, noise, fire, building, and safety code requirements are met.
		7. A permit for a proposed tower site within fifteen hundred (1,500) feet of an existing tower shall not be issued, unless the applicant certifies that the existing tower does not meet the applicant’s structural specifications and applicant’s technical design requirements or that a collocation agreement could not be obtained.
		8. Applicant shall provide performance bonds or demonstrate financial responsibility to the Town’s satisfaction, to ensure compliance with all applicable requirements including the possible future removal of such communications towers and/or antenna.
		9. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except for setbacks and height, shall apply to the use.
		10. In residential districts, all telecommunications towers and related structures shall comply with the setbacks of that district or a minimum of twenty-five (25) feet, whichever is greater plus one (1) foot for each two (2) feet of height the tower exceeds the maximum allowable building height.
		11. No graphic message or advertising may be permitted on the communications tower. This would not prohibit the use of warning or equipment information signs.

13-7 Abandoned Towers

1. Any telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intents to make use of it or any part of it. The owner of the facility and the owner of the property on which the facility is located shall be under a duty to remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within one hundred and eighty (180) days of receipt of notice from the Town notifying the owner(s) of such abandonment, the Town may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The Town may pursue all legal remedies available to it to insure that abandoned telecommunications facilities are removed.
2. If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner must first apply for and receive all applicable permits and meet all of the conditions of this ordinance as if such tower or antenna was new.

13-8 Pre-Existing Tower/Non-Conforming Uses

1. All telecommunications facilities operative on the effective date of this ordinance shall be allowed to continue their present usage as a non-conforming use as identified in Article 4-1 of the zoning Code. Routine maintenance shall be permitted on such existing telecommunications facilities. New construction other than routine maintenance shall comply with the other requirements of this ordinance.
2. Placement of an antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure.

13-9 Coordination with Federal Law

Whenever the Town finds that the application of this ordinance would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services, a conditional use permit waiving any or all the provisions of this ordinance may be granted.

Article 14

# Small Wireless Facilities

14-1 Definitions

*Antenna*. Communication equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

*Applicable Codes.* Uniform building, energy, electrical, plumbing, mechanical, gas, and fire codes in Title 6, Chapter 9 of the South Carolina Code of Laws, local amendments to those codes authorized by state law, and local codes or ordinances which impose requirements defined in this ordinance including objective design and concealment standards to regulate location, context, material, color, stealth and concealment standards on a uniform and nondiscriminatory basis.

*Applicant.* Any person who submits an application to a Town and is a wireless services provider or a wireless infrastructure provider.

*Application.* Arequest submitted by an applicant for a permit to collocate small wireless facilities; or, construct, install, maintain, operate, replace, or modify a utility pole or wireless support structure.

*Cable, Communications, Fiber or Electric Easement*.An easement, granted to a cable or video service provider, a communications service provider (including without limitation a telephone utility), a fiber optics cable services provider, or an electric services provider created or authorized by state law to provide such services, that runs parallel to and abuts or within a rights-of-way and is occupied by existing utility poles or wireless support structures carrying electric distribution lines, wires, cable, conduit, fiber optic cable for telecommunications, cable or electric service or supporting municipal street lights, or security lights. The term cable, communications, fiber, or electric easement excludes easements for service drops or lines connecting the customer’s premises to the cable, communications, fiber, or electrical provider.

*Town-Owned Pole.* Utility pole owned or operated by the Town in covered areas, including a utility pole that provides lighting or traffic control functions, or other law enforcement functions, including light poles, traffic signals, and structures for signage, and a pole or similar structure owned or operated by the Town in a covered area that supports only wireless facilities. The term does not include a utility pole owned or operated by and accounted for as an asset of a municipal electric utility.

*Collocate.* Install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to an existing wireless support structure or utility pole located in covered areas within the jurisdiction of the Town. Collocation has a corresponding meaning.

*Covered Areas*. The surface of, and the space above and below, any public rights-of-way [ROW], Town rights-of-way, public rights-of-way, and/or cable, communications, fiber or electric easement” as those terms are defined herein.

*Day.* Calendar day unless the last day for the Town or an applicant to take action under this ordinance ends on a weekend, holiday, or time when all but Town emergency services are closed due to weather or some unforeseen situation.

*Decorative Pole.* A utility pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or a temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal practices.

*Design District*. An area that is zoned, or otherwise designated by municipal ordinance, and for which the Town maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

*Fee.* A one-time charge.

*Historic District.* An area that is zoned or otherwise designated as a historic district under municipal, state, or federal law and for which the Town maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

*Micro Wireless Facility*. A small wireless facility that meets the following qualifications: (1) is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and, (2) any exterior antenna is no longer than 11 inches.

*Person.*An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the Town.

*Rate.* A recurring charge.

*Rights-of-Way or ROW or Town Rights-of-Way or Public Rights-of-Way****.*** Area on, below, or above a public roadway, highway, street, sidewalk, alley dedicated to, managed, or controlled by the Town, County, or the State of South Carolina, but not including a federal interstate highway, in the Town.

*Small Wireless Facility.*A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

*Transmission Pole.* A pole or similar structure that is used in whole or in part to carry electric transmission (as opposed to distribution) lines.

*Underground District.* An area that is designated by ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing above ground structures in a covered area and for which the Town maintains and enforces standards on a uniform and nondiscriminatory basis.

*Utility Pole.*A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control devices, traffic control or directional signage, or a similar function regardless of ownership, including Town-owned poles. Such term shall not include structures supporting only Wireless Facilities, nor shall it include Wireless Support Structures.

*Wireless Facility.*Equipment at a fixed location that enables wireless services between user equipment and a communications network, including: (1) equipment associated with wireless communications; (2) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. the term includes small wireless facilities. the term does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

*Wireless Infrastructure Provider.* Any person including a person authorized to provide telecommunications service in the State, that builds, installs, or maintains utility poles, wireless communication transmission equipment, wireless facilities, or wireless support structures.

*Wireless Services.* Any services provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, delivered to the public using wireless facilities.

*Wireless Services Provider.*A person who provides wireless services.

*Wireless Support Structure.* A freestanding structure, such as a monopole or, other existing or proposed structure designed to support or capable of supporting Wireless Facilities. Such term shall not include a Utility Pole.

14-2 Purpose and Scope

1. The purpose of this ordinance is to provide policies and procedures for the placement of small wireless facilities in covered areas within the jurisdiction of the Town.
2. It is the intent of this ordinance to establish uniform standards including, but not limited to:
3. Prevention of interference with the use of streets, sidewalks, alleys, parkways, traffic light poles or other light poles, and other public ways and places;
4. Prevention of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
5. Prevention of interference with other facilities and operations of facilities lawfully located in covered areas or public property;
6. Preservation of the character of neighborhoods where facilities are installed;
7. Preservation of the character of historic structures, or historic neighborhoods, including but not limited to such structures or neighborhoods listed on the National Register of Historic Places or locally designated historic districts; and,
8. Facilitation of the rapid deployment of small wireless facilities to provide the citizens with the benefits of advanced wireless services.

14-3 Permitted Use; Application Process and Fees

1. Permitted use and consent. collocation of a small wireless facility on an existing utility pole or wireless support structure, or a new or modified utility pole or wireless support structure installed in a covered area shall be a permitted use, except in supplemental review districts where such facilities are a conditional use, subject to administrative review, conditions and other requirements in Section 5. In accord with Article VIII, Section 15 of the State Constitution and related municipal code and ordinance provisions, the Town consents to the use of public rights-of-way by permit holders acting in compliance with this ordinance.
2. Permit Required. No person shall place a small wireless facility in a covered area without first filing a small wireless facility application and obtaining a permit, except as otherwise provided in this ordinance.
3. Permit Applications. All small wireless facility applications filed pursuant to this ordinance shall be on a form, paper or electronic, as required by the town. the applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly, and the Town shall endeavor to protect materials so designated from public disclosure to the fullest extent permitted by state law.
4. Application Requirements. The small wireless facility permit application shall be made by the applicant , or its duly authorized representative as noted in a notarized statement from a person with the applicant with authority to make such an authorization, and shall contain the following:
5. The applicant’s name, address, telephone number and e-mail address;
6. Facility owner’s name, address, telephone number and email address, if different from applicant;
7. Intended facility use: owner operated, or owner leased capacity;
8. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;
9. A general description of the proposed scope of work for the collocation of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters,including but not limited to sub-surface utilities, likely to be affected or impacted by the work proposed;
10. Identification of any consultant that is acting on behalf of the applicant and that is authorized to speak with the Town, or a designee of the Town, on the area of consultation for the applicant even if the applicant cannot be available;
11. Verification from an appropriate representative of the applicant that the small wireless facility shall comply with all applicable codes;
12. Verification of payment of the annual municipal consent or administrative fee for telecommunications companies to use public rights-of-ways pursuant to Section 58-9-2230;
13. Verification of local business license, if applicable;
14. Evidence the applicant is duly authorized to do business in South Carolina;
15. Evidence the applicant has received any necessary certificate of public convenience and necessity or other required authority from the South Carolina Public Service Commission or the Federal Communications Commission or evidence that it is not required;
16. A copy of an approved South Carolina Department of Transportation encroachment and all documents required by SCDOT as part of the encroachment permit application, if the proposed location is within a SCDOT right-of-way; and,
17. If the proposed location is outside of a SCDOT right-of-way, a statement that the applicant has a lease, attachment agreement or other authorization from the owner of the utility pole or structure proposed for collocation.
18. Routine Maintenance and Replacement. An application shall not be required for:
	1. Routine maintenance;
	2. The replacement of a small wireless facility with another small wireless facility that is substantially similar or smaller in size, weight, and height; or
	3. The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles and/or wireless support structures in compliance with the National Electrical Safety Code by a wireless services provider or a wireless infrastructure provider that is authorized to occupy the public rights-of-way and that is remitting a consent, franchise, or administrative fee pursuant to S.C. Code Ann. § 58-9-2230.
19. Information Updates. Any amendment to information contained in a permit application shall be submitted in writing to the Town within ten (10) business days after the change necessitating the amendment.
20. Consolidated Application.An applicant seeking to collocate multiple small wireless facilities may, at the applicant’s discretion, file a consolidated application and receive a single permit for up to twenty (20) small wireless facilities. provided, however, the Town’s denial of any site or sites within a single application shall not affect other sites submitted in the same application. The Town shall grant a permit for any and all sites in a single application that it does not deny subject to the requirements of this section.
21. Application Fees. Unless otherwise provided by law, and except as to telecommunication companies exempted pursuant to S.C. Code § 58-9-2230, all applications for permits pursuant to this ordinance shall be accompanied by a fee of $100.00 for each small wireless facility, except that the fee for small wireless facilities addressed in a consolidated application shall be $100.00 each for the first five small wireless facilities and $50.00 for each additional small wireless facility up to a maximum of twenty (20) small wireless facilities. for clarity, any applicant that pays either a franchise, consent fee, or administrative fee pursuant to the requirements of S.C. code § 58-9-2230 shall not be required to pay any building permit fee, zoning permit fee, encroachment fee, degradation fee, or any other fee assessed on a telecommunications provider for its occupation of or work within the ROW.
22. Interference with Public Safety Equipment. A small wireless facility shall be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire, and emergency services) equipment.

14-4 Action on Permit Application

1. Review of Small Wireless Facility Applications.The Town shall review the application for a small wireless facility permit for conformity with applicable requirements of this ordinance, and shall issue a permit on nondiscriminatory terms and conditions subject to the following requirements:
2. Within ten (10) days of receiving an application, the Town must determine and notify the applicant whether the application is complete; or if an application is incomplete, the Town must specifically identify the missing information.
3. Make its final decision to approve or deny the application within sixty (60) days of submission of a completed application .
4. Notify the applicant in writing of its final decision, and if the application is denied, specify the basis for a denial, including citations to federal, state, or local code provisions and/or statutes on which the denial was based.
5. Notwithstanding an initial denial, the applicant may cure the deficiencies identified by the Town and resubmit the application within thirty (30) days of the denial, and the Town shall approve or deny the revised application within thirty (30) days of receipt of it. The subsequent review by the Town shall be limited to the deficiencies cited in the original denial.
6. Review Deadline. If the Town fails to act on an application within the sixty (60) day review period (or within the thirty (30) day review period for an amended application), the applicant may provide notice that the time period for acting has lapsed and the application is then deemed approved.
7. Review of Eligible Facilities Requests.Notwithstanding any other provisions of this ordinance, the Town shall approve and may not deny applications that constitute eligible facilities’ requests for modification of an eligible support structure that does not substantially change the physical dimensions of such structure as provided in 47 CFR 1.40001, within sixty (60) days according to the procedures established under 47 CFR 1.40001(c).
8. Compensation.Subject to the limitations set forth in Section 15.3(5)8 herein, every permit shall include as a condition the applicant’s agreement to pay such lawful franchise fees, business license taxes, administrative fees and consent fees as are permitted under applicable South Carolina and federal law. The applicant shall also pay all applicable ad valorem taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the Town.

14-5 Requirements for Small Wireless Facilities in Covered Areas.

1. Administrative Review.The Town shall perform an administrative review of permit applications including the location or installation of new, modified, or replacement utility poles and/or wireless support structures and the attachment of wireless facilities and equipment on utility poles or wireless support structures. Review factors, in addition to location, shall include the size, shape, color, texture, and materials of the structures and attachments.
2. The Town may require a proposed wireless facility be designed to not be significantly more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) from covered areas than existing utility structures, poles and equipment located within five hundred (500) linear feet on the same covered area as the subject utility pole or wireless support structure.
3. Where small wireless facilities are determined to be appropriate, the use of reasonable stealth and concealment treatments, low profile equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and visual aesthetics of the area. However, such requirements may be waived by the Town upon a showing that the particular location of a small wireless facility does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request.
4. Supplemental review districts identified in Section 15.5(1)c may be subject to a higher level of review.
5. Maximum Size of Permitted Use.
	1. The height of an antenna of a collocated small wireless facility shall be limited to the greater of ten (10) feet above (a) the height of an existing or modified utility pole or wireless support structure; or (b) the height of a new utility pole or wireless support structure as provided in (b) below.
	2. The height of a new or modified utility pole, or wireless support structure is limited to the greater of (a) the tallest utility pole, excluding transmission poles, or wireless support structure located in the same covered area, measured from grade, in place within five hundred (500) linear feet on the same covered area as the subject utility pole or wireless support structure as of the effective date of this ordinance; or (b) in the absence of any such utility pole or wireless support structure, either (1) forty (40) feet in any area zoned exclusively for single family residential use, unless a waiver is granted for good cause shown, or (2) fifty (50) feet in any other area.
	3. Collocation is not allowed on a decorative pole less than twenty (20) feet in height.
6. Supplemental Review Districts. Collocated Small wireless facilities and new or modified utility poles or wireless support structures located in supplemental review districts shall be a conditional use and subject to the design and aesthetic requirements and review processes for structures specified in this ordinance establishing the supplemental review district(s) in addition to the requirement of this ordinance, provided that the Town will work in good faith with the applicant to accommodate the installation of collocated small wireless facilities and new or modified utility poles or wireless support structures in supplemental review districts to the fullest extent practicable. The Town reserves its right to maintain and implement the following types of supplemental review districts.
	1. Underground Districts. A wireless services provider or a wireless infrastructure provider shall comply with nondiscriminatory requirements that prohibit electric utilities, telecommunications, or cable providers from installing above-ground structures in the covered area in these districts. nothing in this section shall prohibit the use or replacement of existing utility poles or wireless support structures in underground districts for the collocation of small wireless facilities subject to administrative review by the zoning administrator, appropriate design and concealment and a finding that such use does not increase the height by more than three (3) feet.
	2. Historic and Design Districts.As a condition for approval of new small wireless facilities or new wireless support structure in a historic district or a design district, the Town may require that a wireless services provider or a wireless infrastructure provider comply with the design and aesthetic standards of the historic district or design district to minimize the impact to the aesthetics in a historic district or on a design district's decorative poles. If design and concealment treatments are determined on review by the Town to be insufficient to mitigate harm to the historic district or design district, the application may be denied. This section may not be construed to limit a municipality's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.
7. Appeals, Special Exceptions and Variance Requirements.Appeals of administrative decisions and requests for special exceptions and variances from the provisions of this ordinance, when strict application would result in an unnecessary hardship or in the inability to deploy needed small wireless facilities, shall be heard and decided by the Board of Zoning Appeals or equivalent board for architectural, design or historical district reviews. An applicant seeking a special exception to construct a new decorative pole, utility pole or other wireless support structure to collocate a small wireless facility in an underground district shall demonstrate, including certification through an engineer, that it has diligently attempted to locate the proposed decorative pole, utility pole, wireless support structure, or small wireless facility outside of the underground district and that placement of the decorative pole, utility pole, wireless support structure, or small wireless facility within the underground district is necessary to provide the needed wireless coverage or capacity, and one or more of the following conditions exist supporting a Special Exception:
8. No existing utility pole or wireless support structure is located within the location search radius or to the extent a utility pole or wireless support structure is located within the search radius, such utility pole or wireless support structure:
9. Is not available for collocation under commercially reasonable rates, terms, and conditions;
10. Cannot accommodate the collocation of the small wireless facility and meet the technical requirements necessary to deliver adequate wireless service coverage or capacity; or
11. Would require modifications exceeding the three (3) foot height limitation imposed in Section 14-5(3)a.
12. The only available option to deliver adequate wireless service coverage or capacity in the search radius requires modifications to an existing utility pole or wireless support structure exceeding the three (3) feet height limitation imposed in Section 14.5(3)a or the installation of a new utility pole or wireless support structure for collocation of a small wireless facility, or
13. The applicant has demonstrated other circumstances that, in the reasonable discretion of the [board, etc.], warrant a special exception or variance. The applicant shall abide by the design, stealth and concealment treatments imposed as conditions of the special exception.
14. Existing Supplemental Review Districts.Supplemental review districts approved by the Town as of the effective date of this ordinance shall be listed as Appendix A. The Code provisions authorizing the district, applicable design guidelines or manual, review authority and appeal jurisdiction are specified in Appendix A. Nothing in this ordinance shall prohibit or otherwise limit the Town from establishing additional supplemental review districts, provided however, that facilities and structures for which a permit was approved or deemed approved pursuant to this ordinance prior to the establishment of the additional supplemental review district remain subject to the provisions of this ordinance, including routine maintenance and replacement of those facilities and structures as set out in Section 14-3(5)a and (b) of this ordinance, and not to any provisions otherwise applicable to the additional supplemental review district. If a wireless services provider or a wireless infrastructure provider voluntarily replaces such facilities in a manner that does not comply with Section 14-3(5)b of this ordinance, or if a wireless services provider or a wireless infrastructure provider voluntarily relocates such facilities, such replacement or relocation is subject to the then-existing provisions and requirements of the additional supplemental review district.
15. Repair of Damage.A wireless services provider or a wireless infrastructure provider shall repair all damage to a town right-of-way directly caused by the activities of the wireless services provider or the wireless infrastructure provider, while occupying, installing, repairing, or maintaining wireless facilities, wireless support structures, town utility poles, or utility poles and to return the right-of-way to its functional equivalence before the damage. if the wireless services provider or the wireless infrastructure provider fails to make the repairs required by the Town within forty-five (45) days after written notice, unless the Town and the wireless services provider or the wireless infrastructure provider agree in writing to a longer time period, the town may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs. The Town may maintain an action to recover the costs of the repairs.

14-6 Effect of Permit

* 1. Authority Granted: No Property Right or Other Interest Created.A permit from the Town authorizes an applicant to undertake only certain activities in accordance with the ordinance and does not create a property right or grant any authority whatsoever to the Applicant to impinge upon the rights of others who may already have an interest in the covered area.
	2. Duration.Unless construction has actually begun and is diligently pursued to completion at that point, no permit for construction issued under this ordinance shall be valid for a period longer than twelve (12) months unless both Town and applicant agree to a reasonable extension and all required fees are paid for the term regardless of construction. The inability of the applicant to obtain electrical power or backhaul transport services to serve the wireless facility such that it is operational within the twelve (12) months due to the action or inaction of third-party utility providers shall not result in the invalidity of the permit.

14-7 Removal, Relocation or Modification of a small wireless facility in the ROW

1. Notice. Within ninety (90) days following written notice from the Town, a wireless services provider or a wireless infrastructure provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any wireless facilities or wireless support structures within the rights-of-way whenever the Town, in its reasonable discretion, has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Town improvement in or upon, or the operations of the Town in or upon, the rights-of-way.
2. Emergency Removal or Relocation of Facilities. The Town retains the right to cut or move any wireless facility or wireless support structure located within its rights-of-way as the Town, in its reasonable discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the Town shall notify the wireless services provider or the wireless infrastructure provider and provide opportunity to move its own wireless facilities or wireless support structure prior to the Town cutting or removing a wireless facility or wireless support structure and the town shall notify the wireless services provider or the wireless infrastructure provider after cutting or removing a wireless facility.
3. Abandonment of Facilities.Upon abandonment of a wireless facility or wireless support structure within the town rights-of-way, the wireless services provider or the wireless infrastructure provider shall notify the Town within ninety (90) days of such abandonment. Following receipt of such notice the Town may direct the wireless services provider or the wireless infrastructure provider to remove all or any portion of the wireless facility or wireless support structure if the Town, in its sole discretion, determines that such removal will be in the best interests of the public health, safety, and welfare.
4. Abandonment by Inaction.At any point when a wireless services provider or a wireless infrastructure provider fails to pay any required fee, or annual payment to the Town, and fails to respond within sixty (60) days to a written inquiry from the Town as to whether the wireless services provider or the wireless infrastructure provider intends to continue to operate a wireless facility or wireless support structure, for whatever reason, the wireless facility shall be deemed abandoned and the Town may, at its sole option, remove all or any

portion of the wireless facility or wireless support structure, or take other action as authorized by law, including recovery of actual costs incurred in removing the wireless facility or wireless support structure.

14-8 Attachment to Town-Owned Utility Poles in the Covered Areas

1. Annual Rate.The rate to place a small wireless facility on a Town-owned pole in covered areas shall be fifty ($50.00) dollars per year per wooden pole or two hundred ($200.00) dollars per year for all other Town-owned poles. This rate is in addition to reimbursement to the Town for any expenses for make-ready work. The Town reserves the right to require a pole attachment agreement to further define the terms and conditions of attachments to Town-owned poles. The rates specified in this section shall not apply to poles owned, or operated and accounted for as an asset of, a municipal electric utility.
2. Cease Payment. A Wireless Services Provider or a Wireless Infrastructure Provider is authorized to remove its facilities at any time from a Town-owned pole in covered areas and cease paying the annual rate to the Town as of the next due date for payment following the removal.
3. Make-Ready***.*** For Town-owned Utility Poles in covered areas, the applicant shall reimburse the Town for expenses for any reasonable make-ready work. The Town shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested small wireless facility, including pole replacement if necessary, within sixty (60) days after receipt of a completed request. Make-ready work including any pole replacement shall be completed within sixty (60) days of written acceptance of the good faith estimate by the wireless services provider or the wireless infrastructure provider.
4. Municipal Utilities Excluded.Nothing in this section shall be construed to affect the authority of a municipal electric utility to deny, limit, restrict, or determine the rates, fees, terms, and conditions for the use of or attachment to a utility pole owned, or operated and accounted for as an asset of, a municipal electric utility.

14-9 Severability

In the event any title, subtitle, section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or work of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

Article 15

# Renewable Energy Systems

15-1 Purpose and Intent

This article regulates and guides the development of solar systems in the Town of Cheraw. This ordinance is designed to 1) Further the safety and use of solar and mini solar farms to prevent and contain unanticipated harm to the surrounding community; 2) guide the design in a way not to detract from community characteristics and property values; and, 3) promote renewable energy in support of national and global efforts to reduce greenhouse gasses and carbon-based energy. Solar systems cannot be visible from the street in the Historic District or historic/historically recognized sites and structures.

**15-2 Definitions**

The following terms and phrases, used in this section shall have the following meanings unless stated otherwise.

1. Building integrated solar system: An active solar system incorporated into the principal and/or accessory building/structures as an architectural component. Architectural design includes, but is not limited to, roof material, windows, parking facilities, awnings, sections of wall, etc.…
2. Campus Facility: A tract(s) with one or multiple owners and/or users viewed as one facility off a public road or serviced by an internal road and/or drive network. Examples of a campus facility include, but are not limited to: industrial/research parks, business centers, manufacturers, shopping centers, public/private utilities, college/university or school campuses, hospitals, commercial/residential subdivisions, and mixed use developments.
3. Height: The vertical distance measured from the ground or surface to the foremost tip/end of an object.
4. Ground-Mounted: Freestanding pole used to support renewable energy systems (RES).
5. Integrated Energy Systems: Flexible energy techniques used through solar building/integration, and roof and ground mounted solar to produce on site energy. Integrated energy systems serve as accessory structures on properties with principal structures (i.e. a home or business).
6. Mini Solar Farms: A series of ground mounted solar collectors placed in an area for generating photovoltaic (PV) power as a commercial enterprise or support a campus facility. The maximum size for a mini solar farm is two (2) acres.
7. Renewable Energy system: Energy generated through solar technology for residential, commercial, and industrial uses, and geographical areas in partnership with a utility company.
8. Setbacks: Required distances from property lines and between structures and land uses.
9. Solar collector/shingle: hey solar device absorbs and accumulate solar rays for use as a source of energy. The device may be roof mounted or ground mounted.
10. Solar Energy: radiant energy received from the sun collected in a form of heat or light by solar collector to produce energy.
11. Thermal Energy: Solar technology converted into heat energy.

**15-3 Integrated Energy Systems**

Flexible energy techniques incorporated into building/structures, and or employed onto a roof and ground mounted structure shall comply with the following standards:

1. Scaled site/plot plan, of which 3 copies shall be prepared by a licensed land surveyor, landscape architect, or engineer licensed in South Carolina. The site/plot plan for roof mounted solar collectors/shingles may be prepared by the solar company selected by the applicant.
	1. Roof Mounted System: Site/plot plan contains: a diagram of the roof with panels and any elevation changes, streets, with the street name, property lines, a North arrow, vicinity mat or color aerial photography, date, scale, tax map number, site plan preparer and the property owners name, along with their address, and phone number. The plan must also include the location of overhead utilities.
	2. Ground Mounted Systems: Site/plot plan contains the preparer’s contact information, developer or property owner’s name, address, and phone number; roads; tax map number, scale and date; vicinity map and north arrow; existing and proposed structures, (i.e. equipment location, fencing, etc.); property boundaries, roadways with street names; water bodies, flood hazard areas, wetlands, adjacent ditches, easements, and proposed vegetative landscaping.
2. Powerlines shall be located underground to the extent practical.
3. Electric solar system components shall have an Underwriters Laboratories (UL) listing.
4. Solar collectors shall be designed with anti-reflective coating to minimize glare. Textured glass coupled with the anti-reflective coating further minimizes solar glare. Textured glass is optional. Mirrors are prohibited.
5. Architectural design considerations shall be used when integrating solar panels into any exterior wall, window, or other components. This is to prevent the solar system from becoming the predominant feature of a building.
6. A system discontinued for more than six months is considered abandoned and shall be removed at property owner’s expense.
7. Roof mounted systems shall comply with South Carolina Fire Codes section 605.11, and SC Residential Code sections R324.3, R906.15 and R907.
8. Grid-tied systems shall have an interconnection utility agreement.
9. Roof Mounted Solar Panels shall provide a sealed structural analysis with equipment specifications and cut sheets, and roof dead load capacity certification by a licensed engineer in the State of South Carolina, construction and electrical/thermal plans, and elevation drawings.
10. Ground Mounted solar panels shall:
	1. Be setback at least 20 feet from a property line.
	2. Be no taller than five (5) feet.
	3. Plans shall contain illustration of panels displaying height and dimensions
	4. Sealed structural details with foundation plans certified by a licensed engineer in the State of South Carolina
	5. Ground mounted systems shall be in the rear of a residence; commercial systems may be on the rear or side. No system shall be within forty (40) feet of a body of water, nor shall a system be built over or under any electrical, water, sewer, storm water, or any other utility easement or right of way.
	6. Systems on a commercial property shall be screened by vegetative landscaping on sides adjacent to residential properties and/or roadways. Residential ground-mounted solar systems shall not be visible from any roadway.
	7. Mounted framework shall be a neutral color.
	8. Ground mounted solar panels shall not exceed 7.5% of the total lot area or one-thousand (1,000) square feet, whichever is less.

**15-4 Mini Solar Facilities**

1. The establishment and operation of solar energy systems shall comply with the following zoning and code standards:
2. A scaled site/plot plan shall be prepared by a licensed land surveyor, landscape architect, or engineer in the State of South Carolina. Plans must be sealed. The plan shall contain the following:
	1. Plan preparer’s information, developer or property owner’s name, address, and phone numbers.
	2. Road(s) layout
	3. Tax map number
	4. Scale
	5. Date
	6. Vicinity map of surrounding properties
	7. North Arrow
	8. Existing and proposed structures (including fences)
	9. Property boundaries
	10. Roadways with street names
	11. Water bodies (lakes, ponds, streams, etc.)
	12. Wetlands
	13. Flood hazard areas
	14. Adjacent ditches
	15. Easements
	16. Proposed surface covers (grass, gravel, etc.)
	17. Location and size of land disturbance
	18. Landscaping areas
3. All internal roads servicing the facility must be named and paved to SCDOT standards.
4. Restrictive Covenants Affidavit
5. Setbacks:
	1. Solar Energy Systems must be set back fifty (50) feet from adjoining property lines; and
	2. Three hundred (300) feet from the nearest residence and/or residential zoned areas.
6. Solar Structures shall not exceed five (5) feet in height.
7. Developer shall make practical efforts to preserve natural features and landscape.
8. Screening: A continuous vegetative buffer shall be installed around the perimeter of the mini-solar farm. This buffer shall be 36 inches to 48 inches in height at planting and must reach one hundred (100) percent of the panel height within three (3) years of planting. The vegetation must be planted in two staggered rows at a spacing interval between eight (8) to ten (10) feet outside of fencing. Screening is not required along properties adjacent to non-residential uses, but required if adjacent to roadway.
9. Development shall maintain a forty (40) foot vegetated buffer from any body of water to preserve water quality and prevent adverse stormwater effects.
10. All lighting shall be shielded or directed in a downward position to prevent noxious glare.
11. Fencing shall be at least six feet in height to secure the perimeter. The fence must be secure at all times. Electrical, barbed wire, and razor wire fences are prohibited.
12. A warning sign concerning voltage must be placed at the main gate to include the address and name of the solar energy system operator, and a 24 hour phone number in case of emergency.
13. Powerlines must be located underground to the extent practical.
14. Applicant shall submit a complete set of sealed construction plans and specifications including the design of all structures, foundation details, electrical plan, vertical illustrations of panels with maximum height, a grading plan with drainage details, and maintenance service road plan certified by a licensed engineer in South Carolina.
15. Grid-tied systems must submit an interconnection utility agreement.
16. Solar collector shall be designed with anti-reflective coating to minimize glare. Textured glass coupled with the anti-reflective coating further minimizes solar glare. Textured glass is optional. Mirrors are prohibited.
17. Electric solar system components shall have an Underwriters Laboratories (UL) listing.
18. Other submissions (as applicable):
	1. Lease Agreement
	2. Town of Cheraw water and/or sewer letter or paid fee (if applicable)
	3. Receipt of road and stop signage paid (for new roads only)
	4. South Carolina Public Services Commission Approval (Nameplate of 75 or more megawatts)
	5. Stormwater NPDES Permit from the South Carolina Department of Health and Environmental Control; and,
	6. Encroachment Permit by the South Carolina Department of Transportation, Chesterfield County, or the Town of Cheraw.
19. The facility shall have and maintain an updated facility decommission plan. The latest facility decommission plan shall be recorded and Chesterfield’s Register of Deeds office. An applicant must include a decommissioning plan that describes the anticipated life of the solar energy system. Following a continuous six (6) months. In which no electricity is generated, the permit holder will have six (6) months to complete decommissioning of the solar energy system. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below and above grade as described in the decommissioning plan. After Zoning approval and prior to the issuance of construction permits by the Town, the applicant must provide the town with a performance guarantee (surety or performance bond, certified check, or irrevocable letter of credit) in the amount of $50,000 or 125% of the estimated decommission cost minus the salvageable value, whichever is greater. Estimate shall be determined by an engineer licensed in South Carolina.

**15-5 Public Notification**

Upon receipt of a completed mini solar farm application, the Zoning Administrator shall send mailed notice of the application to all property owners within 300 feet of the proposed solar energy system. The notification shall include date of the public hearing held by the Board of Zoning appeals. Public notification includes posting in the local newspaper, at least 15 days prior to the public hearing, and posting a public hearing notice on the property.

**15-6 Fees**

Fees are the following: Integrated Energy Systems - $25.00; Mini Solar Farm - $676.00 (application fee of $500.00 plus cost: $176.00). Cost refers to expenses (i.e. public notice in the local paper, mailing, etc.) associated with the public participation process.

**15-7 Approval**

1. Integrated Energy Systems (Permitted by Right as Accessory Structures in all Districts)
2. Mini Solar Farms (Permitted by Special Exception in Manufacturing, Industrial, and Open-Space Districts).

Article 16

# Legal Status Provisions

**16-1 Separability**

Should any section or provision of this ordinance or application of a provision under this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof, other than the part or application so declared to be unconstitutional or invalid.

**16-2 Conflict with Other Laws**

Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Unless deed restrictions, covenants, or other contracts directly involve the Town as a party in interest, the Town shall have no administrative responsibility for enforcing such deed restrictions or covenants.

**16-3 Effective Date**

This ordinance shall be in full force and effect from and after the date of its adoption by the Cheraw Town Council.

Article 17

# Definitions

**17-1 Interpretation of Certain Words and Phrases**

1. Except is specifically defined here in, all words used in the subordinates have their customary dictionary definitions.
2. Words used in the present tense include the future tense.
3. Words used in the singular include the plural, and the words used in the plural include the singular.
4. The word “shall” is always mandatory, and the word “may” is permissive.
5. The word lot includes the word plat or parcel.
6. The word structure includes the word building, and the word building or structure includes any part thereof.
7. The word person includes a firm, association, organization, partnership, trust, company, corporation, or any entity usually defined in legal usage as a person, as well as an individual.
8. The word used or occupied, as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.
9. The word contiguous as applied to lots or districts shall be interpreted as meaning sharing a common boundary of 10 feet or more and length.

**17-2 Definitions**

1. Accessory: as applied to a use or structure, means customarily and clearly subordinate or incidental, and detached from, a principal use or building, and located on the same premises of such use or structure. See Building Accessory for further definition.
2. Alley: a permanent service way used primarily as a secondary means of access to the side or rear of abutting properties.
3. Alter: as applied to a building or structure, the change, rearrangement, enlargement, movement from one location to another or similar modification of structural parts or spaces, including changes in height.
4. Apartment House: See Dwelling, Multi-Family
5. Area: as applied to say, the total square footage within the property lines of a project or parcel, excluding external streets. As applied to a building, the square footage of a horizontal cross-section of the floor plan of the principal and all accessory structures, measured at waist height, exclusive of uncovered porches and similar extensions.
6. Bed and Breakfast Inns: Asingle dwelling unit containing less than 10 rental lodging is available to the public for accommodation of transient guests in which meals may or may not be provided.
7. Building: Best Buy a roof and buy solid exterior walls along who’s outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently or semi-permanently affixed to a lot or a lot, and used or intended for the shelter, support or enclosure of persons, animals, or property of any kind.
8. Building, Accessory: detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot there with. Uses customarily accessory to dwellings include the following
	1. Private garage not to exceed the following storage capacities:
		1. One or two family dwelling – four (4) automobiles
		2. Multiple family dwelling – two (2) automobiles per dwelling unit; and
		3. Group dwelling – 1.5 automobiles per sleeping room
	2. Shed or tool room for the storage of equipment used in grounds or building maintenance.
	3. Private kennel for no more than three (3) dogs or three (3) cats, four (4) months of age or older.
	4. Private swimming pool and bath house of cabana.
	5. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
	6. Noncommercial flower, ornamental shrub, or vegetable garden, greenhouse, or salt house not over eight (8) feet in height.
9. Building Principal: a building in which is conducted the principal use of the lot on which side building is located.
10. Buffers: yes, wall, hedge, earth and mound or similar barrier, or combination of such barriers, place close to and parallel to an internal or external lot line for the purpose of providing separation of one use from another, usually on an adjacent lot.
11. Club, Lodge, Civic or Fraternal Organization, Fraternity, Sorority: An incorporated or unincorporated nonprofit association for civic, social, cultural, religious, literary, political, or like activities, operated for the benefit of its members and not open to the general public.
12. Day Nursery: , institution, Center, Home, nursery, nursery school, kindergarten, play school, or other place, however styled and weather operated under public use, as a private business, or by an established religious denomination, in which I received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon a number of successive days, one or more children not related to the persons providing such a temporary custodial care.
13. District: one of any number of continuous and continuous geographic areas within which the provisions and regulations of this ordinance apply uniformly to each class or kind of structure or land.
14. Dwelling, Dwelling Unit, or Unit: one room or rooms connected together constituting a separate, independent housekeeping establishment physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking in sleeping facilities, but excluding lodging units located in hotels or motels.
	1. Dwelling, Multiple Family: A building containing three or more dwelling units.
	2. Dwelling, Single Family: A building containing not more than one dwelling unit, and specifically excluding mobile homes.
	3. Dwelling, Two Family: A building containing no more nor no less than two dwelling units.
15. Family: one or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over three persons, but further provided that domestic servants employed on the premises maybe housed within the single dwelling unit without being counted as a family or families.
16. Fence: A barrier or enclosure designed and constructed to prevent escape or intrusion, or to mark a boundary. Fences may be constructed of wood, wire, masonry, or combinations thereof.
17. Garage Sale, Yard Sale, and Rummage Sale: The retailing of merchandise from the yard or garage or principal dwelling of a residence.
18. Home Occupation: An occupation, profession, or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit, and which, for purposes of this ordinance shall in all cases comply with the provisions of Section 4-3 herein.
19. Hotels and Motels: A building or part of a building containing ten or more rental lodgings available to the public for accommodation of transient guests in which meals may or may not be provided.
20. Junk, Salvage, Scrap, or Wrecking Yards: Any use involving storage or processing of inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery or the storage of processing of scrap metal, waste paper, rags, food processing waste, construction waste, industrial waste, secondhand building materials or other scrap, salvage, waste, or junk materials.
21. Lot: An area of land clearly defined by plat or by metes and bounds description.
22. Major Recreational Equipment: Major recreational equipment is defined as including boats and boat trailers, travel trailers, pick up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.
23. Mobile Home: a movable or portable dwelling over thirty two (32) feet in length and eight (8) feet or more in width, constructed to be towed on its own Cassis and design without a permanent foundation for year-round occupancy, and one which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.

The term mobile home used in this ordinance shall not include pre-fabricated, modular or unitized dwellings placed on permanent foundations, nor shall it refer to travel trailers, campers or similar units, designed for recreation or other short term uses and less used for a permanent building.

1. Mobile Home Park: Full of land in single ownership used or set apart for the purpose of supplying parking space for two or more mobile homes at which includes buildings, structures, vehicles, or enclosures uses or intended for use as a part of such mobile home park. Sales or storage lots for unoccupied mobile homes are not considered to be mobile home parks.
2. Nonconformity: A term applied to lots, structures, uses of land or structures, and characteristics of uses of land or structures which were lawful before the passage or amendment of this ordinance, but which would be prohibited or regulated and restricted under the terms of this ordinance or future amendment.
3. Park: An area or facility intended to be used for recreation, exercise, sports, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty, but specifically excluding commercially operated amusement parks.
4. Principal Use: The significant or primary activity carried out within a structure or upon land (such as retail sales within a store or occupancy of a dwelling unit as a residence) as contrasted to accessory uses which are incidental or subordinate to primary uses (such as sale of soft drinks at an automobile service station). Certain uses may be either principal or accessory, depending on their relationship with other uses, as for example a newsstand as an accessory use within a hotel lobby or as a principal use within a separate structure.
5. Rooming and Boarding Houses: A building containing a single dwelling unit in which 3 or more but not more than 12 non-transient persons (who are not members of the owner’s or operator’s family) are lodged, for compensation, with or without meals.
6. Street: A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, by excluding alleys.
7. Structure: it, the use of which requires location on the ground, or attachment to something having location on the ground, including for the purposes of this ordinance mobile homes, travel trailers, signs, mobile signs, fences, portable signs, and satellite dishes, but excluding from definition of structures minor landscaping features such as ornamental pools, planting boxes, birdbath, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.
8. Town Council: Shall be interpreted at the Town Council of Cheraw, SC, to include all members thereof.
9. Yard: an open or on occupied space on the same lot with a principal building and on obstructed by buildings or structures from ground to sky except where encroachments an accessory buildings are expressly permitted.
10. Yard, Rear: an open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.
11. Yard, Front: an open, and occupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or road in the front line of the building.
12. Yard, Side: An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear or a front line shall be deemed a side line.
13. Tattoo or tattooing: To indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments.
14. Tattoo artist: A person who practices body tattooing and who meets the requirements outlined in State Code.
15. Tattoo Facility: Any room, space, location, area, structure, or business, or any part of any of these places, where tattooing is practiced or where the business of tattooing is conducted.
1. Unless otherwise permitted by Town Council – See Ordinance 2022-13. [↑](#footnote-ref-1)
2. Ordinance 2020-9 [↑](#footnote-ref-2)
3. The Manual is available online at [www.cheraw.com](http://www.cheraw.com) under the Historic Preservation Tab [↑](#footnote-ref-3)
4. Ordinance 2022-15 [↑](#footnote-ref-4)
5. For the purpose of this section, the Right-Of-Way is generally defined as follows:

If there is a sidewalk present then the political sign must be behind the sidewalk. The area between the road and the sidewalk is considered right-of-way.

If there is no sidewalk, then the political sign must be setback at least five (5) feet from the asphalt.

This general definition shall not be considered permission to place signs on private property or in front of private property without the owner’s permission. It is the spirit and intent of this ordinance to enable the fair and open placement of signs by private property owners without burdensome research on right-of-way measurements. The Town of Cheraw’s Zoning Department is not responsible for preventing the removal of signs by private property owners. At a private property owner’s request, the Town of Cheraw will enforce section C, prohibiting signs in the right of way if said sign is directly in front of their property. [↑](#footnote-ref-5)