

ZONING ORDINANCE

TOWN OF CHERAW
SOUTH CAROLINA



Revised 02/2001

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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 Statutes 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 light and air;
6. prevent the overcrowding of land;
7. avoid undue concentration of 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; and,
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 | OC- OFFICE COMMERCIAL | LI - LIMITED INDUSTRIAL | PD - PLANNED DEVELOPMENT |
| R-1A -SINGLE FAMILY -MED. | NC- NEIGH. COMMERCIAL | M-1 INDUSTRIAL | HC - HISTORIC |
| R-1 - SINGLE FAMILY - HIGH | CC- CORE COMMERCIAL | | OP - OPEN SPACE / CONSERVATION |
| R-2 - MULTI-FAMILY | GC- GENERAL COMMERCIAL | | GW - GATEWAYS |
| MH - MOBILE HOME PARKS | | | |

2-2 DISTRICT BOUNDARIES ESTABLISHED BY ZONING MAP

The boundaries of the zoning districts are hereby established as shown on the map entitled "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 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 in 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 at 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 ordinance 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 be 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 hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless 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 BE 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 and shopping centers may be excluded from this provision with the approval of the Planning Commission. Also excluded shall be a principal commercial structure with two or three uses when they are owned or managed as a unit.

ARTICLE 4
GENERAL PROVISIONS

4-1 **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.

- a 4-1.1 **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.
- b 4-1.2 **Reconstruction.** A nonconforming structure shall not be demolished or removed and rebuilt or replaced as a nonconforming structure.
- c 4-1.3 **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.
- d 4-1.4 **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 4-1.5 applies.
(e)
- e 4-1.5 **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.
- f 4-1.6 **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.
- g 4-1.7 **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 frontage

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.

If two or more adjoining lots with continuous frontage are in single ownership at any time after the adoption or amendment of this ordinance and such lots individually are too small to meet the yard, width or area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this ordinance.

4-1.8 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 4-1: 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 and contractor's 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 |
| Nonconforming off-site signs. | Five Years | One Year |

4-2 ACCESSORY BUILDINGS

No accessory building shall be erected in any required yard setback, except as herein provided, and no separate accessory buildings shall be erected within five feet (5') of any main building.

4-3 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:

- 4-3.1 No person other than members of the family residing on the premises shall be engaged in such occupation.
- 4-3.2 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.
- 4-3.3 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one non-illuminated sign which shall not exceed one and a half square feet and must be attached to the dwelling.
- 4-3.4 The home occupation shall be conducted only within the principal structure.
- 4-3.5 There shall be no retail sales in connection with such home occupation except for goods produced as part of the home occupation.
- 4-3.6 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.
- 4-3.7 No outdoor storage shall be allowed in connection with any home occupation.

4-4 CHILD DAY CARE FACILITIES AND KINDERGARTENS

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

- 4-4.1 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.
- 4-4.2 Fencing: A fenced play area shall be provided which meets the requirements of the regulatory agencies.
- 4-4.3 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.
- 4-4.4 Facilities, operation and maintenance shall meet the requirements of the appropriate health department and regulatory agencies.

4-5 **BUFFERS AND SCREENING BETWEEN CERTAIN USES AND ACTIVITIES**

- 4-5.1 **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 fire 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.
- b 4-5.2 **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.
- c 4-5.3 **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.
- d 4-5.4 **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.
- e 4-5.5 **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.
- f 4-5.6 **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 4-2 Buffer Area Planting Requirements

| Symbol | Buffer Area Depth from Property Line | Required Plant Materials per 100 LF | Req. Barrier Height (Fence/Berm) | Options |
|--------|--------------------------------------|---|----------------------------------|---|
| A | 15' | 2 canopy trees 2 understory trees 3 shrubs 3 evergreen/conifer | None | None |
| B | 20' | 3 canopy trees 6 understory trees 9 shrubs 6 evergreen | 6' total | 33% reduction in plant materials w 7' barrier & min. 3' berm |
| C | 25' | 4 canopy trees 6 understory trees 24 shrubs 12 evergreen/conifer | 8' total (min. 3' berm) | 33% reduction in plant materials w additional 1' of total barrier ht. |
| D | 30' | 5 canopy trees 7 understory trees 30 shrubs 15 evergreen | 10' total (min 6' berm) | None |

Notes to Buffer Area Requirements:

- Barrier height includes combination of fence or brick wall and berm, as permitted.
- Fences shall be wooden stockade or brick wall, each providing an opaque barrier.
- Berms (earthen) to have maximum 3:1 slope (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 4-3: Buffer Requirements for Adjacent Land Uses

| Proposed Land Use: | Existing Adjacent Land Uses | | | | | | | | | |
|---|--------------------------------|-------------------------|-------------------------|------------------------|-------------------------------|------------------------------------|------------------------|------------|------------|-------------|
| | Single/Duplex dwelling in res. | Townhouses/multi-family | Motels & Group Quarters | Manufactured Home Park | Residential use in comm./ind. | Religious, educ., recr. or nursing | Office & Institutional | Commercial | Industrial | Vacant land |
| Single/Duplex dwelling in res. zone | - | - | - | - | - | - | - | - | - | - |
| Multi-family dwellings | B | B | A | A | A | C | B | B | - | A |
| Motel, group quarters | C | A | - | A | - | C | - | - | - | A |
| Manufactured home park | D | C | C | - | C | C | C | C | C | B |
| Religious, educ., recreation., nursing home | C | A | B | B | B | - | B | B | - | A |
| Office and institutional | B | A | B | B | - | B | - | - | - | - |
| Commercial use / parking lot | C | B | C | C | - | B | - | - | - | - |
| Industrial use | D | D | C | C | B | C | C | C | - | B |

g 4-5.7 Minimum Plant Standards. Planting materials shall be sufficiently sized so as to insure 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.

h 4-5.8 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 placed 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.

i 4-5.9 Unusual Circumstances. In cases of unusual topographic circumstances or the size of the tract involved, or where there exist 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.

4-5.10 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.

4-6 **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.

4-7 **PROHIBITED USES**

Any use which is not expressly permitted in a district shall be prohibited.

4-8 **FENCES** **See Ordinance 2015-11 On Next Page**

4-9 **MOBILE HOMES**

Mobile homes on individual lots shall be permitted in any district allowing such use, provided that:

4-9.1 Such use conforms to all requirements set forth for that district;

4-9.2 No more than one (1) mobile home is located on a given lot. The mobile home in question constitutes the principal use of that lot and no other residence or other principal structure is located on the lot;

4-8 FENCES

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 has been reviewed and approved by the Cheraw Codes Department or his or her designee.

There is no fee required for a fence permit.

Fences may be erected in front yards of any zoning district to a height not to exceed 48 inches. In side and rear yards, fences may be built not closer than 3 inches to a 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.

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

- 4-9.3 No mobile home more than ten (10) years old shall be moved into the Town of Cheraw for placement on any individual lot or in any mobile home park;
- 4-9.4 The mobile home shall be oriented on the lot so that the front door shall face the street upon which the mobile home is to be addressed. More specifically, the length of the mobile home shall be parallel to the street in front of the mobile home.
- 4-9.5 The mobile home shall be placed on a permanent foundation, properly anchored and underpinned in conformance with regulations published by the American National Standards Institute (ANSI/NFPA 501A). The underpinning of the mobile home shall be completed within 6 months of placement on the lot;
- 4-9.6 The mobile home meets all structural standards established by the State of South Carolina and is in conformance with regulations published by the American National Standards Institute (ANSI/NFPA 501B) regarding the construction of mobile homes;
- 4-9.7 Such use shall be deemed to have adequate water, sewer and other service facilities meeting standards established by the S.C. Department of Health and Environmental Control, the American National Standards Institute, and the Town of Cheraw Building and Housing Codes, whichever may be applicable; and,
- 4-9.8 Such use shall conform to all standards intended to reduce flood hazards as would be required for on-site construction under this and other ordinances of the Town.
- 4-9.9 A public or private utility department, company or corporation shall not connect utilities, begin service, turn on water, electricity or gas or in any way furnish service to a mobile home until the mobile home owner or lessee shall present a valid mobile home permit, signed by the Town Clerk.

4-10 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:

- 4-10.1 Be occupied by the resident/owner;
- 4-10.2 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;
- 4-10.3 Serve no scheduled meal other than breakfast;
- 4-10.4 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;

4-10.5 Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area;

4-10.6 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,

4-10.7 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.

4-11 **SEXUALLY-ORIENTED BUSINESSES:**

4-11.1 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 GC-General Commercial District. Upon application to the Planning Commission and conformance with the conditions set forth below, sexually-oriented businesses may be permitted in the GC as a Special Exception.

4-11.2 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.

4-11.3 Definition of Sexually-Oriented Business: Sexually oriented businesses shall include the following categories of businesses: adult arcades, adult bookstores or adult video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult 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.

4-11.4 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 or 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 persons and, within ten (10) hours, permits the room to be 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 aerola, or the covered male genitals in a discernibly turgid state.
- (7) Specified sexual activities means or includes any of the following: the fondling or other erotic touching of the human genitals, pubic 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 or in connection with any other activities included in this section.

4-11.5 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 institutions 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.

§4-11.6 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. Measurement 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.

g 4-11.7 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.

h 4-11.8 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 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 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.

4-11.9 Applicability of Other Statutes: Any sexually-oriented business is subject to any and all city and state nudity/indecency statutes or ordinances that may exist now or in the future. Nothing in this section shall be interpreted to the contrary.

4-11.10 Permits/Licenses Required: 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 a 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/applicant 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 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 or 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 Permits: 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 statute or ordinance.

11) Revocation of Permits: 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:

- a) a cause for suspension occurs within twelve (12) months of a prior suspension at the same premises.
- b) the sexually-oriented business is operated during a time when the permit or license is suspended.
- c) information in the application is determined to be false or misleading.
- d) the permittee is delinquent in payment of any taxes or fees to the Town, the county or the state.
- e) the permittee or an employee of the sexually-oriented business has knowingly allowed any of the following activities on the premises:
 - 1) possession, use or sale of controlled substances;
 - 2) prostitution
 - 3) any "specified sexual activity" as defined in this section.

4-12 **PARKING, STORAGE, OR USE OF CAMPER 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.

**ARTICLE 5
DISTRICT REGULATIONS**

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

5-1 OP - OPEN SPACE – CONSERVATION DISTRICT

a 5-1.1 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.

b 5-1.2 Permitted Principal Uses. Within the O-C 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:
 - a. The buildings are not placed less than fifty (50) feet from any property line;
 - b. There is a planted buffer strip and screen in compliance with applicable sections of this ordinance along the side and rear lot lines; and
 - c. The buildings are not placed within a flood hazard area.
- 3) Parking areas related to recreational use.
- 4) Public utility lines 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.

e 5-1.3 Special Exceptions. Upon application to the planning commission, and favorable decision thereon, the uses enumerated below may be permitted in the O-C District. The commission may approve the application subject to specified conditions in addition to those described herein.

- 1) Recreational 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"=4001 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 f profit, provided that:
 - (a) The buildings are not placed less than fifty (50) feet from any property line;
 - (b) There is a planted buffer strip and screen in compliance with applicable buffer requirements of the Ordinance along the side and rear lot lines.

5-2 R-1AA - LOW DENSITY RESIDENTIAL

a 5-2.1 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 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.

b 5-2.2 Permitted Principal Uses and Structures.

- 1) Single-family detached dwellings, excluding mobile homes.
- 2) Non-commercial horticulture or agriculture, excluding the keeping of poultry or livestock.

5-2.3 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 at least five (5) acres in size, that the building setback for any structures at least fifty (50) feet and that the 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 the Buffer Area requirements of this ordinance) and at least a four (4) foot fence or wall.
- 8) Apartment conversion, specifically the converting of single family residences to multi-family units if the following conditions are met:
 - (a) The lot meets the minimum requirements of the district regarding size, setbacks, etc.
 - (b) The existing structure contains at least 2,500 square feet of living space.
 - (c) When conversion is complete, the main living unit must contain at least 1,200 square feet and all other units must contain at least 750 square feet of living space.
 - (d) All separate living units will have complete kitchen and bathroom facilities.
 - (e) Adequate, functional off-street parking shall be provided in accordance with multi-family parking requirements of this ordinance.
 - (f) All other requirements of the district will be maintained.
- 9) Office conversion, including the conversion of existing single-family residences to public or private offices if the following conditions are met:
 - (a) The structure is currently in the H-C District
 - (b) In addition to other prescribed review of the special exception, the conversion will also be reviewed by the Board of Architectural review.
 - (c) The property faces a major arterial roadway of the Town.
 - (d) The lot meets the minimum requirements of the district regarding size, setbacks, etc.

- (e) The existing structure contains at least 2,500 square feet of living space.
- (f) 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.
- (g) All other requirements for the district will be maintained.

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d 5-2.4 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 provisions of Section 4-3.
- 3) Other structures and uses which: (a) are customarily accessory and clearly incidental and subordinate to permitted 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 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.

5-3 R-1A - MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL

- a* 5-3.1 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).
- b* 5-3.2 Permitted Principal Uses and Structures. - All uses permitted in the R-1AA District, in accordance with the related requirements of that District.
- c* 5-3.3 Special Exceptions. - All Special Exceptions permitted in the R-1AA District (including apartment and office conversions), in accordance with related requirements of that District.
- d* 5-3.4 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.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHERAW, SOUTH CAROLINA, AT A (REGULAR/SPECIAL) MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

Section 1. Amendment of Zoning Ordinance. Section 5-2 of the Zoning Ordinance is hereby amended by adding new clause (11) to the end of Section 5-2.3, as follows:

(11) Bed and Breakfast Inns, but only with respect to structures within the H-C District as established pursuant to Section 5-13 of this Ordinance and subject to the following conditions (which conditions shall be in addition to the conditions established by Section 4-10 of this Ordinance):

(a) Receptions, meetings, and similar small functions (at which meals or food may be served) shall be permitted, but only to the extent that such activities are primarily restricted to the interior of the structure (making due allowance for guests who smoke or who may otherwise be outside the structure for intervals of time) and

overall occupancy does not exceed such safety and other guidelines as the Town's public safety departments may from time to time establish;

(b) No on-street parking may be permitted at the location, which prohibition is the responsibility of the property owner to observe by use of traffic cones, security personnel, or other effective means of traffic control;

(c) Off-street parking shall be permitted only behind the front building line of the structure or at nearby or off-street parking lots, provided that there exists an agreement between the property owner and the owner of the proposed parking location and provided that such off-street parking must be sufficient to accommodate the expected and lawful occupancy for the activity; and

(d) The property owner shall be required to take all reasonable means to limit noise levels outside the structure during such activities, including, if necessary, by requiring attendees to remain inside the structure and by ensuring that all windows and doors remain closed during the activity.

5-4 **R-1 - HIGH DENSITY SINGLE FAMILY AND DUPLEX RESIDENTIAL**

a 5-4.1 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.

b 5-4.2 Permitted Principal Uses and Structures.

- 1) All uses permitted in the R-1AA District, in accordance with the related requirements of that District.
- 2) Public buildings and facilities of the Town.
- 3) Rooming and boarding houses
- 4) Bed and breakfast inns

c 5-4.3 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) Two-Family dwellings, subject to additional conditions as required by the Board of Appeals.
- 3) Rest homes, nursing or convalescent homes, homes for orphans, and homes for the aged.

d 5-4.4 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

5-5 **R-2 – MULTIPLE-FAMILY RESIDENTIAL**

e 5-5.1 Intent. This district is established to:

- encourage the formation and continuance 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.

b 5-5.2 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) Bed and breakfast inns, rooming, boarding, tourist and lodging houses, or other such group dwelling.
- 4) 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.
- 5) Apartment conversions, as permitted in and with the requirements of the R-1AA District.

c 5-5.3 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.

d 5-5.4 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 a 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.

e 5-5.5 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 Town sanitation vehicles. Containers shall be screened in accordance with the requirements of this ordinance related to buffer areas.

f 5-5.6 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, cablevision 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:
- (4) 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.
 - a) 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.
 - b) Where public storm drainage system(s) are reasonably accessible (as determined by the Town), the developer shall connect with such system. 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.

9 5-5.7 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 siting of more than one recreation area in larger developments. The areas shall have a minimum dimension of thirty (30) feet and a minimum area of nine hundred (900) square feet:

Table 5-1: Recreation Area Requirements for Multi-Family Development

| NUMBER OF BEDROOMS IN MULTI-FAMILY UNITS | MINIMUM RECREATION SPACE TO BE PROVIDED PER UNIT (SQUARE FEET) |
|---|---|
| 1 Bedroom | 25 |
| 2 Bedroom | 50 |
| 3 Bedroom | 100 |
| 4 Bedroom | 200 |

h. 5-5.8 Lighting. All streets and parking areas shall be sufficiently lighted to provide for the safety and security of residents of the development.

u, 5-5.9 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 of 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 Planning Commission shall 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.

5-6 **OC - OFFICE COMMERCIAL (LIMITED SERVICE DISTRICT)**

a 5-6.1 Intent. This district is intended to accommodate office, institutional, and certain types of residential uses in areas whose characteristic is neither general commercial nor exclusively residential in nature. 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 and housing 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.

b 5-6.2 Permitted Principal Uses and Structures.

- 1) Offices for the rendering of business, personal, professional, and governmental services, including:
 - a) banks, finance offices, insurance,

- b) medical professions ((doctors, dentists, optometrist & related professions)
 - c) Other professional services (lawyer, engineer, architect, realtor);
 - d) Personal services such as barbers, beauticians, opticians, shoe repair;
- 2) Book and stationary stores;
 - 3) Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts;
 - 4) Private clubs and lodges;
 - 5) Nursing homes, rest homes, convalescent homes, homes for orphans, homes for the aged;
 - 6) Auditoriums, libraries, museums, legitimate theaters;
 - 7) Funeral homes
 - 8) Elementary schools, high schools, business and vocational schools not involving operations of an industrial or retail nature
 - 9) Churches and other places of worship, including related educational buildings
 - 10) Rooming and boarding houses, and bed and breakfast inns;
 - 11) Cemeteries;
 - 12) Day nurseries and kindergartens, subject to other provisions herein;.
 - 13) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses

c 5-6.3 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

5-7 NC - NEIGHBORHOOD COMMERCIAL DISTRICT

- a 5-7.1 Intent. It is the intent of this district to establish an area for neighborhood-related commercial and 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. The district discourages general retail or wholesale development.
- b 5-7.2 Permitted Principal Uses and Structures.
- 1) Those uses permitted in the OC-Office Commercial District.
 - 2) Grocery stores, including fish/seafood markets
 - 3) Drug stores
 - 4) Hardware stores (no outdoor storage)
 - 5) Gasoline stations (without on site vehicular repair and/or storage)
 - 6) Laundromats and dry cleaning establishments
 - 7) Restaurants excluding drive-ins (drive-ins are those establishments that, in whole or in part, cater to or accommodate the consumption of food or beverages in automobiles on the premises).
 - 8) Repair shops, excluding automotive
 - 9) Stores retailing dry goods, newspapers, flowers, gifts, hobby and craft supplies, jewelry, leather goods, notions, office equipment and supplies, paint and wallpaper, and pets.
 - 10) Bakeries, where products are sold exclusively at retail on the premises.
- c 5-7.3 Permitted Accessory Uses and Structures. Those permitted in the OC-Office Commercial District.

5-8 CC - CORE COMMERCIAL DISTRICT

- 5-8.1 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.

5-8.2 Permitted Principal Uses and Structures.

- 1) All those uses permitted in the NC-Neighborhood Commercial District except churches and other houses of worship.
- 2) Automotive repair
- 3) Billiard parlors, bowling alleys, skating rinks and similar recreational establishments
- 4) Hotels & Motels
- 5) Bus depots
- 6) Parking lots
- 7) Department stores and other retail establishments, including antiques, auto accessories, appliances, clothing, drugs, dry goods, newspapers, flowers, food, (including bakeries where products are sold exclusively at retail on the premises), beverages, furniture, gifts, hardware, hobby and craft supplies, jewelry, leather goods, notions, office equipment and supplies, paint and wallpaper, pets, seeds and feed, and groceries
- 8) Taxi stands
- 9) Theaters (indoor only)
- 10) Police and fire stations
- 11) Post offices
- 12) Morticians and funeral parlors

5-8.3 Permitted Accessory Uses and Structures. Those permitted in the NC Neighborhood Commercial District

5-9 GC - GENERAL COMMERCIAL

5-9.1 Intent. The intent of this district is to provide areas within the community for general business uses primarily engaged in retailing and service provision.

5-9.2 Permitted Principal Uses and Structures.

- 1) All those uses permitted in the CC-Core Commercial District
- 2) Outdoor theaters
- 3) New and used car dealerships

- 4) Public buildings and land use
- 5) Television and radio establishments
- 6) Communications towers
- 7) Storage yards for permitted uses, excluding junkyards
- 8) Light manufacturing uses such as a bakery, dairy products processing, laundry and dry cleaning plants, and similar uses
- 9) Cold storage and freezer lockers
- 10) Farm equipment sales and service
- 11) Automobile service stations and repair garages including car washes and auto parts shops, provided that there is no outside storage or parking of 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) Duplex and multiple family residential.
- 18) Churches and other houses of worship

5-9.3 Permitted Accessory Uses and Structures. Any use permitted in CC-Core Commercial District.

5-9.4 Special Exceptions. Sexually-oriented businesses, manufactured or modular sales and display lots, and tattoo facilities are permitted only as special exceptions, subject to the following conditions

- 1) Sexually-oriented businesses may be located only in accordance with the provisions of Section 4-11.
- 2) Manufactured or modular housing sales and display lots are permitted only in accordance with the following:
 - a) On the site, only one structure may be used as a sales office.
 - b) The site shall not contain more than 12 units at any one time, whether for display or stored.

- c) 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.
- d) All units, whether temporary or permanent, shall meet all property line setbacks associated with the R-2 District.
- e) The gross density of units shall not exceed 1 unit per 7,500 sq. feet.
- f) All units displayed or stored on site shall have a minimum 20 feet separation from all other units or structures.
- g) 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. See Next Page

5-10 LI - LIMITED INDUSTRIAL & WHOLESALE DISTRICT

5-10.1 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.

5-10.2 Permitted Principal Uses and Structures.

- 1) All uses permitted in the GC-General Commercial District except residential uses.
- 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) Public schools and institutions of higher learning.

5-10.3 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.

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.

a) A tattoo facility shall not be permitted as a home occupation as defined in Section 4-3 of the zoning ordinance.

b) A tattoo facility shall not be permitted in the town's *Historic District*.

10-2.37 **Tattoo or tattooing.** To indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments.

10-2.38 **Tattoo artist.** A person who practices body tattooing and who meets the requirements outlined in the State Code.

10-2.39 **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.

5-11 **M-1 – MANUFACTURING DISTRICT**

5-11.1 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 such 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.

5-11.2 Permitted Principal Uses and Structures.

- 1) All uses permitted in the LI-Limited Industrial District except retail and educational uses.
- 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 gases or similar lethal materials.

5-11.3 Permitted Accessory Uses and Structures Any uses permitted in the LI-Limited Industrial District.

5-12 **PLANNED UNIT DEVELOPMENT DISTRICT**

a
5-12.1 Intent. This district is intended to offer developers the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while deriving for the Town the advantages of improved appearance, compatibility of uses, optimum service by community facilities and better handling of vehicular access and circulation. Review of the development plan by the Planning Commission assures that such large-scale developments are consistent with the objectives of the Comprehensive Plan.

b
5-12.2 Establishment of Districts In order to provide for the purpose of this section, the following Planned Unit Development Districts are established:

| | |
|--------|--|
| PUD-RC | Planned Unit Development – Residential or Commercial |
| PUD-MH | Planned Unit Development – Mobile Home Park, Mobile Home Subdivision, Modular Home Subdivision |

Residential and Commercial PUD districts are governed by the general guidelines below. Mobile Home PUDs are governed by these general procedures and special requirements provided herein.

- 5-12.3 Application of Districts and Relationship to Other Regulations The Planned Unit Development District is a special district established by a certain procedure and designated on the official Zoning Map by boundaries and symbols. Use, area, bulk, and height requirements shall be determined by the procedure set forth in this section, which shall prevail over conflicting requirements of this chapter. The regulations that follow shall apply generally to the initiation and regulation of all planned unit development districts. Where there are conflicts between the special PUD regulations herein and general zoning, subdivision, or other regulations or requirements, these regulations shall apply in PUD districts unless the Planning Commission shall find, in the particular case, that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.

Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable PUD or general regulations, the Planning Commission may negotiate specific modification of the standards in a particular case, provided that where floor area and similar ratios (other than off-street parking) have been established by these regulations, the Commission shall not act in a particular case to modify such ratios. Except as indicated above, procedures and requirements set forth herein and in guides and standards officially adopted as part of regulations for particular classes of PUD districts shall apply in PUD districts, to any amendments creating such districts, and to issuance of all required permits therein.

- 5-12.4 General Conditions Any area may be rezoned as a Planned Unit Development District if any one (1) or more of the following conditions are met:

- 1) More than one (1) principal land use is proposed for development on a parcel under single or multiple ownership or management.
- 2) The proposed development is mobile homes and meet the other requirements of this section.
- 2) Separate land uses, which would not otherwise be permitted to locate within the same zoning district, are proposed for development on one (1) or more adjacent parcels under single or separate ownership or management.
- 3) Exceptions or variations to the site, dimensional changes in standards required, or other requirements of the Zoning chapter are being sought.

- 5-12.5 Specific Requirements In order to qualify for a Planned Unit Development District zoning classification, a proposed development must first meet each of the following specific requirements:

- 1) The proposed development site must contain an area of not less than three (3) acres. For mobile home developments, the minimum is five (5) acres.

- 2) The site must have a minimum width between any two opposite boundary lines of two hundred (200) linear feet and must adjoin or have direct access to at least one major thoroughfare.
- 3) The area proposed shall be in single ownership or management, or if in several ownerships, the application for amendment to the Zoning Ordinance shall be filed jointly by all of the owners of the properties included in the plan.
- 4) A suitable preliminary site plan and a final development plan shall be reviewed and approved by the Planning Commission, such plans including the elements described in this section. Final approval of the preliminary plan will be subject to Town Council approval and must be preceded by a public hearing. The rezoning petition shall be granted by the Town Council upon approval of the preliminary plan. The final development plan shall be approved by the Planning Commission. Re-subdivision and final platting shall await construction of the project.

5-11.6 Filing of Request for PUD The filing of a plan for a PUD District shall constitute a request for an amendment to the Zoning chapter and shall meet the requirements specified in this section. It is highly recommended, although not required, that potential applicants submit a sketch plan of the proposed development to appropriate Town staff prior to filing a Preliminary Site Plan, as a basis for specific agreements concerning plans, programs and instruments, or specific modification of details of applicable regulations where it is alleged by the applicant that such modification serves public purposes to an equivalent or higher degree. In addition, it is the intent of this chapter that to the extent possible, all negotiations between applicants and the Town concerning an application be reduced to a written record, including Town requests for changes in interpretation or application of regulations, and reasons for granting or denying each such request. The written record should cover all stages of the project review process from informal discussion of a sketch plan to final review and approval or denial by Town Council. In addition, the following regulations shall apply:

- 1) Seven (7) copies of a Preliminary Site Plan shall be submitted to the Planning Commission.
- 2) The Planning Commission shall review the proposals and hold a public hearing prior to submitting a recommendation to the Town Council. The Commission may make reasonable, additional requirements, including, but not limited to, utilities, drainage, landscaping and maintenance thereof, lighting, signs and advertising devices, screening, access-ways, curb cuts, traffic control, height of buildings and setback of buildings, to protect adjoining residential lots or uses, or to protect the PUD from adjacent uses.
- 3) Approval by Town Council constitutes creation of the Planned Unit Development District.
- 4) Following approval by Town Council, a final development plan shall be recorded in accordance with the provisions of this section prior to issuance of

a building permit for construction of any improvements within the Planned Unit Development District.

- 5) Following the recording of the final development plan of the entire PUD project with the County Clerk of Courts, building permits may be issued and construction begun. The Planning Commission shall forward three (3) copies of the approved final development plan to the Code Enforcement Officer.
- 6) It shall be the responsibility of the Code Enforcement Officer to inspect the construction and development of the PUD project to ensure that the project is developed according to the approved final development plan. In the event that the developer fails to develop his project according to the plans and if, in the Code Enforcement Officer's professional judgment, the changes are more than minor changes as specified herein, the Code Enforcement Officer shall revoke the building permit. In such case, the developer shall petition the Planning Commission for an official amendment to the approved final development plan before proceeding with the disputed action.
- 7) Upon completion of the development, the PUD project may, at the election of the developer, be re-subdivided into smaller lots of record. The re-subdivision of the PUD project shall be approved by the Planning Commission after one hundred (100%) percent of the structures have been constructed and completed to the standards of the Building Codes. A project may be broken into several sections for purposes of re-subdivision and platting; however, the County Clerk of Courts shall not record a final plat for the re-subdivision of the land unless the Chairman and/or Secretary of the Planning Commission has signed the final plat. One hundred (100%) percent of the structures and major improvements within the area to be platted must be constructed and all requirements of the Planning Commission and this chapter must be met for the Planning Commission to approve the final plat.

5-12.7 Preliminary Site Plan Required The preliminary site plan which accompanies an application for approval of a Planned Unit Development District shall show the following:

(9)

- 1) The proposed title of the project and the name of the engineer, architect, designer, or landscape architect, and the development.
- 2) The northpoint, scale, and date. The scale of the site plan shall be 1" = 50'. For projects containing less than fifty (50) acres, not more than fifty (50') feet to one (1") inch.
- 3) Existing zoning and zoning district boundaries and proposed changes in zoning.
- 4) The boundaries of the property involved, the general location of all existing easements, section lines, and property lines, existing streets, buildings, and other existing physical features in or adjoining the project.

- 5) The approximate location and sizes of existing and proposed sanitary and storm sewer, water mains, culverts, and other underground facilities in or near the project on a topographic map using contour line intervals no greater than five (5') feet.
- 6) The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances, and exits, loading areas (including numbers of parking and loading spaces), and outdoor lighting systems.
- 7) The general location of proposed lots, setback lines, and easements, and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
- 8) The location and approximate height of all proposed main and accessory buildings and structures drawn approximately to scale. i. General location, height, and material of all fences, walls, screens, planting, and landscaping.
- 9) Proposed location, intended use, and character of all buildings.
- 10) General location, character, size and height and orientation of proposed signs.
- 11) A location map showing the position of the proposed development in relationship to the Town.
- 12) A tabulation of total number of acres in the project, gross and net, and the percentage thereof proposed to be devoted to different dwelling types, commercial uses, other nonresidential uses, off-street parking, streets, parks, schools, and other public and private reservations
- 13) A tabulation of the total number of dwelling units (if any) of various types in the project and the overall project density in dwelling units per acre, gross and net, as required by district regulations.
- 14) A general description of the proposal, stating the purpose and goals of the development, and the design features incorporated for meeting these goals.
- 15) A detailed legal description of the location of the site.
- 16) A discussion of the proposed standards for development, including restrictions on the use of the property, density standards and yard requirements, and restrictive covenants.
- 17) At least one (1) of the final site plan maps shall include topographic contour lines at intervals no less than ten (10') feet.

The Planning Commission may establish additional requirements for the preliminary site plan, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to the proper decision on the project.

(h) 5-12.8 Final Plat Required A final plat shall be recorded prior to submission of an application for a building permit. The plat shall comply with all laws, regulations and ordinances governing the approval of subdivisions and, in addition, shall show all the features required on the preliminary site plan. A plan of development shall be recorded regardless of whether a subdivision is proposed.

Within six (6) months following approval of the rezoning petition by the Town Council and the preliminary development plan, the applicant shall submit to the Planning Commission a final development plan containing, in final form, all of the information required in the preliminary plan. Upon receipt of a written request by the applicant, the Planning Commission may extend for six (6) months the period for filing the final development plan.

Upon receipt of the final development plan, with seven (7) copies, the Planning Commission shall review it to determine that it is in substantial compliance with the preliminary development plan.

The Planning Commission may approve changes in the final development plans which comply with the following criteria:

- 1) There are the same or fewer number of dwelling units and/or floor area;
- 2) The open space is in the same general location and in the same general or a greater amount;
- 3) The buildings have the same or less number of stories and floor area;
- 4) The roads and drives follow approximately the same course.
- 5) The final development plans approved by the Planning Commission shall be recorded by the project developer with the County Clerk of Courts regardless of whether a subsequent re- subdivision of the land into smaller lots of record is proposed.

(i) 5-12.9 Review Standards The Planning Commission shall review plans for proposed planned unit developments for conformity with the Comprehensive Plan. Specifically, the proposed plan shall meet the following conditions:

- 1) The plan shall provide for appropriate relationships between uses around the boundaries and uses within the Planned Unit Development District and shall indicate those measures which would be taken to insure that adjacent property will not be adversely affected, and the planned development will be similarly protected.
- 2) The plan shall conform to the purpose of this chapter.
- 3) The proposed net density of the development as a whole shall be reasonable considering internal and external development factors and densities permitted in the zoning districts to which the development is most similar.

- 4) Access to all developed property shall be sufficient to provide for an acceptable level of fire protection.
- 5) Off-street parking and loading spaces shall be in accordance with the provisions of applicable portions of this ordinance.
- 6) Open space shall be provided in a manner that both maximizes its positive impacts on residents, occupants or visitors to the development and brings densities of various portions of the project into compliance with applicable standards.
- 7) Setbacks and buffers between the PUD and surrounding land uses shall conform to the buffer standards found elsewhere in this Ordinance.

(j) 5-12.10 Development In Phases Developers of PUD projects that contain more than six (6) acres may elect to develop the site in successive phases in a manner indicated on a Conceptual Plan; however, each stage shall be substantially completed before the commencement of development of the next phase. The Planning Commission may require that the development be done in phases if public facilities are not adequate to service the entire development initially.

(k) 5-12.11 Delays in Construction In the event that construction is not begun within one (1) year from the date of approval by the City Council, the district shall revert to the same zoning classification which existed prior to the approval of the Planned Unit Development District, and the zoning regulations of said prior district shall thereupon be in full force and effect.

(l) 5-12.12 Amendments and Additions Amendments or additions to an approved plan or to the boundaries of a planned district shall be accomplished subject to the same regulations and procedures applicable to a new application.

The Code Enforcement Official may approve minor changes in the location of buildings that do not affect the general intent of an approved development plan and which do not alter a recorded plat. Minor changes would include those that:

- Do not increase the densities;
- Do not change the outside (exterior) boundaries;
- Do not change any use;
- Do not materially change the location or amount of land devoted to specific land uses;
- Do not significantly change the exterior appearance from those shown on any plans which may be submitted or presented by the developer; and
- May include, but not be limited to minor shifting of buildings, proposed streets public or private ways and utility easements.

Major changes may not be granted by the Code Enforcement Official. Major changes may include, but are not limited to the following:

- Increases in density;
- Changes in exterior boundary lines;
- Changes in land use;
- Changes in the location or amount of land devoted to specific land uses;
- Changes that significantly change the exterior appearance.

5-12.13 Deed Restrictions The Planning Commission may require filing of deed restrictions enforceable by the Town for at least twenty (20) years from the date of the filing.

(m)

5-12.14 Violations Violation of any provision of the plan, as submitted under the provisions provided herein, shall constitute a violation of this chapter, subject to the same penalties as established for any other portion of the Ordinance.

(n)

5-12.15 Requirements for Mobile Home PUD

(o) (1)

The PD-MH District is a type of Planned Development, the purpose of which is to permit the grouping of mobile homes in such a way as to create a desirable residential environment and to provide for accessory uses needed to serve the residents of mobile home parks.

2) Permitted uses. A structure or land shall be used only for the following purposes:

- Mobile home, modular home or trailer constructed for permanent living arrangement.
- Accessory structure and use customarily incidental to mobile homes, and which serves only the residents of the mobile home park specifically including self-service laundry, restrooms,, park,, leasing or managerial office, and similar service facility.
- Signs as permitted in residential zoning districts.

3) Location of District. A PD-MH District may be established if five (5) contiguous acres are assembled and, upon the determination of the planning commission, the proposed use will not be detrimental to the surrounding properties.

4) Site design and development criteria. All mobile home developments shall be planned, designed, and developed to meet or exceed conditions and factors conducive to the creation and maintenance of a healthful and safe residential environment. This should be done in such a manner that the quality of the overall environment is optimized and the amenities, facilities, services, and conveniences for the residents are maximized. To achieve these conditions, the design of the site should also be adaptive to the tract of land and its surrounds, especially with respect to topography, trees and vegetation, visual conditions, adjacent land uses, structures and activities. In order to meet these goals, objectives and purposes, all mobile home sites shall meet or exceed the following criteria:

- a) Tract size and density. PD-MH Districts shall have a minimum tract size of five (5) acres. The overall or average density of the mobile home district shall not exceed eight (8) mobile homes or eight (8) non-accessory structures (or a combination of the two) per acre.
- b) Grading. Mobile home sites shall be graded to create desirable and attractive site features, provide for adequate drainage of each lot and the entire park, and to provide safe and convenient access, circulation, recreation, and ease of maintenance. Grades for roads should not exceed twelve percent. A minimum of twenty percent,, or one thousand (1,000) square feet of each lot, whichever is greater

- and excluding the mobile home stand area, should have an average grade that does not exceed two percent.
- c) Foundation (mobile home stand). All mobile homes shall be situated upon a foundation of concrete or asphalt concrete at least four (4) inches in depth, which is of sufficient strength and durability to retain the size and weight of structure that will be placed upon it, in a stable and safe condition. The stand should be adequately crowned to permit drainage. The foundation shall include tie-down fixtures and should not heave, shift, or settle unevenly as a result of frost action, poor drainage, vibration, or other forces. Mobile home-stands shall not exceed a longitudinal grade of five percent. In addition, the stands in a mobile home park shall meet the following requirements:
- Be situated and designed in elevation, distance, and angle in relation to the access street and lot access way that placement, retention, and removal of the mobile home shall be practical and without hindrance or lack of safety.
 - The size of the stand shall be equal in length and width to the size of the mobile home located upon it.
- d) Minimum horizontal distances between mobile homes, mobile home stands, structures, and other facilities. In order to ensure adequate space for privacy, normal and emergency access, natural light, air, human circulation, and off-street parking, the following minimum horizontal distances shall be required:
- Mobile homes and their stands shall be minimum of 30 feet from any road, public road, or highway right of way, and the property boundaries of the mobile home district. No mobile home, accessory structures, or permanent park building shall be located within a legal easement or right-of-way.
 - There shall be a minimum of thirty (30) feet of open space between any structures and between any mobile home stands. This does not include the distance of open space between a mobile home and the accessory structures which serve the mobile home.
 - There shall be a minimum distance of twenty (20) feet between any mobile home and a fence, property line, wall, or planting serving as a wall or buffer for the site and any common parking, walkway, recreation area, or other common space.
- e) Open space and recreation. Mobile home districts shall have a minimum of ten percent of the total site area reserved and improved as common recreation space and shall be easily accessible by all lots. All mobile home lots shall have at least thirty percent of their total area free from coverage by structures.
- f) Parking. Mobile home districts shall provide graded and paved parking spaces at a minimum of two (2) spaces per mobile home stand. one space shall be provided on or adjacent to each lot and shall be off-street. The other may be in a general location convenient to all lots. All parking spaces shall be located beyond street travel widths.

- g) Mobile home lots. Mobile home districts shall have mobile home lots clearly delineated on the ground with permanent markers such as steel pipes placed at the intersection of each lot line with other lot easement, right-of-way, or tract boundary lines. Additionally, each lot shall have a concrete or masonry patio area adjacent to the front door of the mobile home, with integral steps of appropriate design and construction to insure safety and aesthetic service of the occupant.
- h) Buffers and screening. The borders of mobile home districts which are adjacent to a highway, public street or road, or Single-Family Residential Districts shall be buffered or screened in compliance with Sec. 19-39(b). The type of screen required along particular property lines shall be determined in each case by the zoning administrator upon review of the specific adjacent uses. The buffer should be adequate to create a visual separation. Facilities for common use, or the housing of services or utilities (such as laundry,, yards, Laundromats,, refuse collection points, maintenance equipment storage, or recreation areas)f shall be appropriately screened.
- i) Streets and utilities criteria. All mobile home districts shall provide streets and utilities that shall be used by all mobile homes within the district except as noted. The quality, design, and location of all such systems shall be done in such a manner so as to maximize the health and safety of all occupants and users, and shall conform to the following specific requirements in order to meet such objectives:
- 1) Streets and access. Mobile home districts shall be provided with safe and convenient vehicular access from abutting public streets or highways, and safe and convenient means of human circulation to each mobile home lot, common areas, and throughout the district. Streets proposed for dedication to state, county or local authority for maintenance, if any, shall meet applicable regulations of the government, in addition to the regulations of this district. The following criteria shall be followed.-
 - All mobile home districts having three or more mobile home lots shall have all public streets, whether or not they are dedicated to the Town of Cheraw, paved with concrete or asphalt. The wearing surface for asphalt pavement shall be a minimum of one and one-half (1-1/2) inches thick. If concrete is used, it should be a minimum of five (5) inches thick and have expansion joints where it meets driveways, walkways, or curbs.
 - All streets shall have a minimum pavement width of twenty-four (24) feet which shall also be the minimum travel width. Where streetside parallel parking is proposed, the pavement width shall be a minimum of thirty (30) feet if parking is on one side, and thirty-six (36) if on two sides.

- All mobile home district entrance streets shall have direct connection to a public street. Parking shall not be allowed on entrance streets for a minimum distance of one hundred (100) feet from its point of beginning.
- Circulation for vehicles shall be provided by an integrated system of minor streets and collector streets linked to district entrance streets. Deadend streets should not be longer than one thousand (1,000) feet and shall terminate in an eighty (80) foot cul-de-sac, or other paved turn-around space adequate for a fire truck.
- All street intersections within the district shall be at right angles and a minimum of one hundred fifty (150) feet apart and a maximum of one thousand (1,000) feet apart.
- Mobile home districts shall provide a common walkway system conveniently linked to all lots,, common areas, and facilities. The walkway shall be safe in all seasons, durable, and convenient to maintain, and shall be a minimum of three and one-half (3-1/2) feet wide.

2) Sewage disposal and treatment. All mobile home districts shall be required to provide a sewer system which provides primary, secondary and tertiary treatment of all effluent from the mobile home district,, and meets the minimum discharge requirements of the state department of health and environmental control. Mobile home districts may use septic tanks, in which case the minimum size of each mobile home lot shall be one (1) acre. Prior to application for approval under this chapter, the applicant shall also have obtained a permit from the county health officer as required by State Law 32.8. In addition,, the following requirements shall be met:

- Mobile home districts shall connect to existing approved community or quasi-public sewer systems that are adjacent to or nearby the mobile home district. Where such connection is not "economically reasonable", the applicant shall provide a treatment system which meets the requirements stated above. The design capacity for the maximum possible population of the site. Such treatment facility shall also be located, protected, and screened in such a way that it will not create a nuisance, health hazard, or detract from either the site or surrounding property activities.
- All mobile home stands shall be provided with at least a four (4) inch diameter sewer connection and shall approximate a vertical position. A sewer riser pipe having a minimum four (4) inch diameter shall

extend from the sewer connection to at least four (4) inches above the ground in a vertical position. When lots are unoccupied, the risers shall be securely capped.

- All sewer lines shall be placed and covered sufficiently below grade to prevent breakage from pressures exerted from above the lines.
- The entire system shall provide for a minimum disposal and treatment capacity of three hundred and fifty (350) gallons per day per mobile home stand.
- All sewage collection inlets and lateral lines shall also conform to applicable portions of the Town code.

3) Water supply. All mobile home districts shall be required to provide an adequate, safe,, and potable supply of water that is easily accessible for maintenance. The entire system shall meet applicable regulations of the state department of health and environmental control and the Chesterfield County Health Officer as evidenced by the applicant's mobile home permit required prior to application under this chapter.

- Where feasible, mobile home districts shall connect to the existing Town of Cheraw water supply system.
- The location and type of all common area or facility drinking fountains shall meet the regulations of the state department of health and environmental control.
- Each mobile home stand shall be provided with at least one water riser located and arranged to permit convenient attachment to the mobile home. Riser pipes shall extend at least four (4) inches above grade and have a minimum inside diameter of three-fourths (3/4) inches. There shall be a minimum of two (2) , three-fourths (3/4) inch valve outlets on each riser with one outlet serving as an outside connection. The outlets shall be securely capped when not connected to a mobile home. All riser pipes and connections shall meet or exceed the criteria applicable portions of the town code.
- Adequate provision shall be made to prevent freezing of all lines, valves, and connections. A shut-off valve shall be provided below the frost line for all risers.

4) Electrical supply. All electrical connections, equipment, materials, and installations in a PD-MH project, and each mobile home lot shall comply with applicable portions of the town code (the national electrical code), specifically as practiced by Carolina Power and Light Company. The PD-MH project developer shall enter into service agreements with Cheraw Zoning Ordinance

the company for provision of electrical service, the above referenced document shall be considered the minimum standards required by this chapter.

- 5) Fuel supply and storage. All mobile home districts that provide fuel supply or storage shall use equipment, materials, devices, and installations that meet or exceed the applicable provisions of the town code. In addition, the following requirements shall be met:
- All sites using piped-gas shall install all lines underground at a minimum depth of eighteen (18) inches under mobile home stands. All mobile home stands shall have an approved shut-off valve upstream from the gas outlet. The outlets shall be securely capped when not attached to a mobile home. A readily accessible and identified shut-off valve shall be installed upstream of the connective device and not under any mobile home.
 - All sites using liquefied petroleum gas (LPG), fuel oil, or other gas stored in containers shall maintain all such containers in a location that is safe and free of traffic or circulation, shall be securely fastened to prevent overturning and surrounded by a screen as described elsewhere in this ordinance. Containers shall not be located within or under any mobile home or common use structure, nor less than ten (10) feet from any exit, entrance, walkway, street, or other source of human or auto circulation. Mobile homes shall have approved pressure relief devices so arranged to discharge in a safe location. At least one accessible shut-off valve shall be maintained outside the mobile home. All lines shall be installed underground, at a minimum of eighteen (18) inches below grade.
- 6) Telephone lines. The distribution of telephone lines to all mobile home stands within mobile home districts shall be underground.

5-13 H-C HISTORIC DISTRICT

- 5-13.1 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 of 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.

5-13.2 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. The Board is established as the "Cheraw Appearance Commission" and may be known as such. In this section only, references to "Commission" shall mean the Appearance Commission. The Commission shall consist of five (5) members, who shall be appointed by the Mayor.

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 by the Mayor.

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 chairpersons 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 his/her 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.

- 5-13.3 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 this 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:

Cheraw Historic District: The properties designated within the Historic District are those contained within the 1974 National Register listing, 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 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.

- 5-13.4 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 5-2: 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-Powe-Hyatt House | c. 1850 |
| 311 Church Street | Bishop Gregg House | c. 1855 |
| 417 Church Street | Godfrey House | c. 1853 |
| 420 Church Street | Eflerbe-McIver House | c. 1835 |
| 512 Church Street | MU House | c. 1910 |
| 514 Church Street | NEI House | c. 1910 |
| 520 Church Street | Mill (Broome) House | c. 1910 |
| Church Street | St. David's Episcopal Church | c. 1770 |
| Church Street | St. David's Cemetery | c. 1770 |
| 209 Greene Street | Reid-Thumian-Wannamaker House | c. 1820 |
| 327 Greene Street | Barfield-Peques-PoHock House | c. 1860 |
| 328 Greene Street | Duvall-Funderburk House | c. 1810 |
| 406 Greene Street | Caston-Hurt-Craft House | c. 1800 |
| 416 Greene Street | Blue House | c. 1840 |
| 118 High Street | Bundy-Davis House | c. 1850 |
| 125 High Street | Lynch-Evans House | c. 1815 |
| 126 High Street | Catherine Quilty House | c. 1830 |
| 310 Kershaw Street | McNair-TiUman House | c. 1826 |
| 500 Kershaw Street | Wannamaker House | c. 1900 |
| 501 Kershaw Street | Evans-Page-Spears House | c. 1845 |
| 506 Kershaw Street | Campbell-Jackson-Funderburk House | c. 1820 |
| 520 Kershaw Street | | c. 1855 |
| 612 Kershaw Street | Matheson-Evans House | c. 1810 |
| 620 Kershaw Street | Matheson-Hook-Moore House | c. 1905 |
| 232 Market Street | Merchants Bank | c. 1835 |
| 317 Market Street | Boxwood HaU | c. 1822 |
| 320 Market Street | M.W. Duvaff House | c. 1822 |
| 504 Market Street | McLain House | c. 1850 |

Table 5-2 continued next page

Table 5-2 Continued

| Address | Structure | Date Constructed |
|-------------------|-----------------------------|-------------------------|
| 505 Market Street | Wannamaker-Laney House | c. 1850 |
| 602 Market Street | St. Peter's Cathofic Church | 1840 |
| 617 Market Street | Kinsey-Duvall House | c. 1850 |
| 705 Market Street | Hickson-Brasington House | |
| Market at Third | First Presbyterian Church | c. 1832 |
| Market at Third | Session House | 1842 |
| 135 Mclver Street | Enfield House | c. 1820 |
| 143 Mclver Street | HartzeR House | c. 1790 |
| 219 Third Street | Coit-Poston House | c. 1836 |
| 226 Third Street | Chancelor Inglis House | c. 1800 |
| 230 Third Street | The Teacherage | c. 1790 |
| 235 Third Street | Lafayette House | c. 1823 |
| 314 Third Street | McCreight-Boume House | c. 1850 |
| 321 Third Street | Malloy House | c. 1814 |
| 401 Third Street | Coit-Davis House | c. 1825 |
| 404 Third Street | Duvall House | c. 1820 |
| 412 Third Street | Ramseur-Hurt House | c. 1835 |
| Third Street | First Methodist Church | 1851 |
| Town Green | Town Hall | c. 1858 |
| Town Green | Lyceum | c. 1820 |
| Town Green | Inglis-Mclver Law Office | c. 1820 |
| Town Green | Market Hall | c. 1836 |

5-13.5 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 aft 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.

5-13.6 Issuance of Certificate of Appropriateness:

f 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.

5-13.7 Procedures for Issuance of Certificate of Appropriateness: The property owner or his/her 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.

f 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 his/her property. Pre-application review by the Community Development 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 Community Development 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.

(3) 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:

- (1) The application must identify the applicable design standard(s) and show that the proposed action complies with such standard(s).
- (2) 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 and fights. Drawings shall be signed by the architect or draftsman, and submitted in multiple copies as directed by the Community Development Director.

(4) 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 majority vote of those Commission members in attendance.

Additional guidance for actions by the Commission include:

- a) 1) The applicant shall have the right to be heard before the Commission and to make such presentation as he/she deems appropriate to explain the application and answer questions posed by the Commission members.
- b) 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.
- c) 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.
- d) 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).
- e) 5) Denials shall include a statement in the record of the reason(s) therefore, and the Community Development Director shall so inform the applicant in writing.

(5) 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.

(b) 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 his/her 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.

h 5-13.8 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 Certificates 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*"), 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:
 - a) 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).
 - b) 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.
 - c) 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 facade. Within the commercial area, property owners are encouraged to use signage consistent with

recommendations contained in the *Building Facade Study, Town of Cheraw Historic District (1979)*. Sign size and height shall be limited as set forth in sign regulations of this Ordinance.

- d) **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 hereinabove, the following requirements shall apply:

- a) The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- b) Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.
- c) Distinctive materials, features, finishes and construction techniques will be preserved to the extent feasible.
- d) Synthetic sidings, including but not limited to aluminum and vinyl, may not be used.
- e) 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 Appearance Commission may, but is not required to, grant an exception to a specific standard set forth in the *Manual* if it expressly finds:

- a) The proposed action will maintain the overall appearance of period authenticity; and
- b) New, replacement or repaired features will be consistent with the architectural features of the structure; and
- c) 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. AU exceptions must be specified in a written attachment to the Certificate of Appropriateness.

- 5) 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:
- a) During this notice period, the Appearance 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.
 - b) 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.
 - c) The Appearance 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.
 - d) If the Appearance 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 to proceed.

5-13.9 Specific Definitions: For the purpose of this section, the following definitions 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 procedures, 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, gates, signs, steps, pavement and other appurtenant features.

Exterior alternations 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.

5-13.10 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:

- J.
- 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.

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5-13.11 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 is taken certifies to the Commission, after

the notice of appeal has been filed with him, that by reason of facts stated 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.

5-13.12 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.

5-14 GATEWAY DISTRICT

5-14.1 Intent. Recognizing that the major entrances to the community set a "tone" or "character" for much of the community, it is the intent of this district to provide protection of the major entrances to the community. In furthering this goal, the District is intended to:

- Safeguard the entrances to the community and the Historic District.
- Eliminate those uses that could be harmful to the character of the community.
- Downscale signs and eliminate certain sign structures.

The Gateways District is an "overlay" district. As such, permitted uses are determined by the "underlying" or primary zoning district. If there is conflict between the requirements of the Gateway District and the underlying zoning designation, the Gateway District requirements shall govern.

5-14.2 Requirements

- 1) **Prohibited Uses:** Uses prohibited in gateway Districts include manufactured housing, manufactured housing sales establishments, junk yards, outdoor storage of any type, and sexually-oriented businesses.
- 2) **Signs:** The following sign types are prohibited: billboards and roof-mounted signs. In addition, the permitted size of all permitted signs shall be two-thirds (67 percent) of that permitted in the underlying district. Ground-mounted signs are encouraged, with proper setbacks and site-lines. Pole-mounted signs are limited to 18 (eighteen) feet above finished grade.

- 3) Additional landscaping is required, with site plan approval by the Town staff:
- (a) A suitably landscaped area shall separate all parking areas and the public right of way.
 - (b) The areas around new signs shall have landscaped areas of a size equal to the area of the permitted sign, with a minimum of two (2) feet of landscaping on all sides of the base of the sign structure.

5-15 AREA, YARD, AND HEIGHT REQUIREMENTS

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

Table 5-3: Lot, Yard, Height and Building Coverage Requirements

| DISTRICT | MIN. SQ. FT. | MIN LOT WIDTH | MIN. LOT DEPTH | MINIMUM YARDS | | | MAX. HEIGHT/ STORIES | MAX. LOT COVER |
|----------|--------------|---------------|----------------|---------------|------|------|----------------------|----------------|
| | | | | FRONT | SIDE | REAR | | |
| O-P | -- | -- | -- | -- | -- | -- | -- | -- |
| R-1AA | 20,000 | 100 | 120 | 50 | 20 | 40 | 35 / 3 | 40 % |
| R-1A | 10,000 | 70 | 100 | 35 | 15 | 25 | 35 / 3 | 40% |
| R-1 | 7,500 / unit | 60 | 70 | 25 | 10 | 25 | 35 / 3 | 40% |
| R-2 | (1) | 75 | 100 | 35 | 15 | 25 | 45 / 4 | 50% |
| O-C | 7,500 | -- | 50 | 25 | 10 | 15 | 35 | 60% |
| NC | 7,500 | 50 | 100 | 25 | 15 | 20 | 35 | 60% |
| CC | -- | -- | -- | -- | (2) | (2) | 35 | 90% |
| GC | 7,500 | 50 | 100 | 25 | 10 | 15 | 35 | 60% |
| LI | 20,000 | 100 | 100 | 40 | 20 | 20 | 35 | 60% |
| M-1 | 20,000 | 100 | 100 | 40 | 20 | 20 | 35 | 60% |
| H-C | -- | -- | -- | -- | -- | -- | -- | -- |

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 meeting 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.

ARTICLE 6
SUPPLEMENTARY REGULATIONS

6-1 **OFFSTREET PARKING**

Offstreet 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. Offstreet parking facilities for uses existing on the effective date of this ordinance shall not be reduced below the requirements of this section. Offstreet 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 offstreet 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 offstreet parking facilities are required herein.

- (a) 6-1.1 **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.
- b 6-1.2 All parking spaces required herein shall be located on the same lot with the principal building or use or uses served.
- c 6-1.3 **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.
- d 6-1.4 **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.
- e 6-1.5 **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 of parking demand generation, as determined by the zoning administrator.
- f 6-1.6 **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 6-1: Off-Street Parking Requirements

| COLUMN 1 USE OR USE CATEGORY | COLUMN 2 PARKING SPACES REQUIRED | COLUMN 3 ADDITIONAL REQUIREMENTS |
|---|--|---|
| RESIDENTIAL USES: | | |
| One-family dwelling | 2 | |
| Two-family dwelling | 4 | |
| Multi-family dwellings | 2 per unit | |
| Mobile home on individual lot | 2 | |
| Mobile home in a mobile home dev | 2 per m.h. space | Plus 1 per employee living on site |
| Boarding and rooming house | 1 per sleeping room | Plus 1 per each 2 employees |
| Group dwelling | 1 per each 2 bedrooms | |
| PUBLIC & SEMI-PUBLIC USES: | | |
| Nursing home, sanitarium, inpatient clinic, elderly home & similar facilities | 1 per each 5 patient beds | Plus 1 per each 2 employees / shift |
| Medical & dental office & outpatient Clinic | 1 per 200 sq. ft. of gross floor space | Minimum 4 spaces |
| Church or other place of worship, recreation, or public assembly | 1 per 4 fixed seats in main hall | Or 5 per classroom, whichever is greater |
| Places of public assembly with no fixed seats in main assembly area | 1 per each 100 sq. ft. of gross floor area in main assembly area | |
| Nursery, elementary or middle school | 1 per each 10 seats in main assembly room | Or 1 per classroom, if greater, plus 1 per employee |
| High school, trade or business school | 1 per each 4 seats in main assembly room | Or 5 per classroom, if greater, plus 1 per each 2 employees |
| Country club or golf club | 1 per each 5 members | Plus 1 per each 2 employees |
| Library, museum, art gallery, etc. | 10 | Plus 1 per 500 sq. ft. of gross floor area |
| Club, fraternity, sorority or lodge | 1 per sleeping room or suite | Or 1 per 5 active members, if greater, plus 1 per 3 empl. |
| COMMERCIAL USES: | | |
| Public or private office bldgs | 1 per 200 sq. ft. of gross floor area | 4 minimum |
| Banks and similar lending institutions | 1 per 200 sq. ft. of gross floor area | |
| Retail establish., not specified here | 1 per 200 sq. ft. of gross floor area not used for storage | 3 minimum, plus 1 per each 3 employees |

Table 6-1 Continued next page

Table 6-1 Continued

| COLUMN 1 USE OR USE CATEGORY | COLUMN 2 PARKING SPACES REQUIRED | COLUMN 3 ADDITIONAL REQUIREMENTS |
|---|---|--|
| COMMERCIAL (Continued) | | |
| Theatre, night club & similar places of Assembly | 1 per each 4 seats | Plus 1 per each 3 employees on shift with most employees |
| Automobile service stations | 1 per employee | Minimum 5, 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 300 sq. ft. of retail floor area | 3 minimum, except 10 minimum for auto sales & service |
| Bowling alley | 3 per lane | |
| Funeral home or mortuary | 1 per 50 sq. ft. of gross floor area excluding storage and work areas | 30 minimum |
| Planned shopping center | 5.5 per 1,000 sq. ft. of gross leasable area | |
| Sit-down restaurant | 1 per 3 seats | Plus 1 per each 3 employees on shift with most employees |
| Take-out restaurant | 1 per each 100 sq. ft. of gross building area | Plus 1 per each 3 employees on shift with most employees |
| WHOLESALE AND INDUSTRIAL USES: | | |
| Manufacturing, processing, research, testing labs, bottling, wholesaling, storage, warehousing, junk, supply yard, brick or coal or lumber yard & similar | 1 per 3 employees at time of maximum employment | Plus 1 per company vehicle operating from these premises |
| Printing, publishing, plumbing, heating or broadcasting station | 1 per each 3 employees | Or 1 per 1,500 sq. ft. of gross floor area, whichever is greater |
| Transportation terminal, including bus, truck & railroad | 1 per 100 sq. ft. of public waiting room | Plus 1 per each 2 employees and each commercial vehicle incident to the facility |

6-1.7 Area and paving required for parking spaces. Excluding aisles maneuvering space, turn-around space, and drives, each required off-street parking area, lot, or other facility shall contain a minimum of one hundred and eighty (180) square feet 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 his approval.

6-1.8 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, such vehicular areas are considered in light of their surrounds, and shall be developed as outdoor spaces-transitional spaces between access areas (roads) and the particular land uses served.

- (1) Application. All areas used for the parking or display of vehicles, boats, and equipment, whether self-propelled or not, and all land upon which vehicles traverse 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 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 five (5) feet beyond such edges, but shall not include any area enclosed by a 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 and vehicular use areas is to be park-like 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 expanses of asphalt. It is recommended that 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 and vehicular 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 onto, neighboring properties. Lighting fixtures shall be part of the overall project design, and contribute to the landscaping effect both in daylight and dark.

6) Screening. All parking lots and vehicular 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.

a) 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 a 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 five percent of the gross parking area. This reduction would apply only to the interior requirements. Perimeter minimums will not change.

b) 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 a 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 exists on a site prior to its development, the abovementioned 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 interests of the town, and preserves all intents of this chapter.

(D) 6-1.9 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 area is not less than the sum of the spaces required for the individual uses as separately computed in

accordance with the provisions of this section, and provided that where 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 space is provided elsewhere or on the same premises as the principal use or uses. The total parking spaces required may be reduced below that otherwise required by this chapter for common parking facilities when it can be demonstrated that such reduction in parking requirements is warranted by the particular grouping of uses, subject to approval of a use permit by the planning commission.

6-1.10 Off-street loading area required Areas suitable for loading and unloading motor vehicles in off-street locations ' and specifically designated for this purpose, shall hereafter be required at the time of the initial construction or alteration or conversion of any building or structure used or arranged to be used for commercial, industrial, governmental, or multi-family residential purposes. Such off-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 spaces required. The number of off-street loading spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to the requirements indicated below:

Table 6-2: Off-Street Loading Requirements

| TYPE OF USE | SQ. FT. – TOTAL FLOOR AREA | SPACES REQUIRED |
|--|-------------------------------|--------------------|
| Retail and Personal Services | < 1,999 | None |
| | 2,000 – 24,999 | 1 |
| | Each additional 25,000 | 1 additional |
| Wholesale, manufacturing, governmental, institutional (including places of public assembly), educational, recreation, business services, terminals and other business uses | 0 – 24,999 | 1 |
| | 25,000 – 49,999 | 2 |
| | 50,000 – 99,999 | 3 |
| | 100,000 – 249,999 | 4 |
| | 250,000 – 999,999 | 5 |
| Funeral home or mortuary | > 1,000,000 | 6 |
| | 0 – 2,499 | None |
| | 2,500 – 3,999 | 1 |
| | 4,000 – 5,999 | 2 |
| Offices or office bldgs | Each additional 10,000 | 1 additional |
| | 0 – 4,999 | None |
| | 5,000 – 9,999 | 1 |
| | 10,000 – 20,000 | 2 |
| Multi-family dwelling project, mobile home development, hotel, motel, tourist home or similar use | Each additional 50,000 | 1 additional |
| | 0 – 9 units | None |
| | 10 – 20 units | 1 |
| | for each addl. 10 units | 1 additional |

- 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, 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.

6-2 ACCESSORY STRUCTURES

No accessory building may be constructed in any portion of a required front or side yard. No accessory structure may occupy more than thirty (30) percent of a required rear yard. No accessory structure may be closer than five feet (5') from any side or rear property line or building.

6-3 STRUCTURES IN REQUIRED YARDS

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

- (a) 6-3.1 Those objects which are excluded from the definition of a "structure" shall not be subject to regulation under interpretation of the definition of "yard."
- b 6-3.2 Steps and open porches without roofs shall be allowed in any required yard.
- c 6-3.3 Permitted accessory structures shall be allowed in the required rear yard.
- d 6-3.4 Eaves, cornices, gutters, and other minor architectural features projecting less than twenty-four inches (24") from the main portion of a building shall be allowed to project into any yard.
- e 6-3.5 Open fire escapes may extend into any required yard not more than three and one-half feet (3.5').
- f 6-3.6 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.

6-4 ORIENTATION OF REQUIRED YARDS

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

- 6-4.1 Through lots in residential districts shall observe front yard requirements for principal and accessory building on each street.
- 6-4.2 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.
- 6-4.3 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.
- 6-4.4 In commercial and industrial districts, the principal front yard on a corner lot shall be designated by the applicant.

6-5 VISIBILITY AT INTERSECTIONS

- 6-5.1 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.
- 6-5.2 Dimensions of Sight Areas. The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting right-of-way lines and a straight line joining said right-of-way lines at points which are fifteen feet (15') from the point of intersection of the right-of-way lines in commercial and industrial districts and twenty-five feet (25') from the point of intersection of the right-of-way lines in residential districts, measured along the right-of-way lines. Such sight 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 feet (2.5') 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 of an unpaved street.

6-6 REGULATION OF SIGNS

- 6-6.1 Purpose. The purpose of regulating signs is to promote and protect the public health, safety and welfare by regulating existing and proposed exterior signs of all types, including interior signs intended for exterior observation; to protect property values; to enhance and protect the physical appearance of the community; to preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way; and to provide more open space.

6-6.2 Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

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

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, spotlights, or any other light source which is not located inside the sign itself.

Fascia. A sign which is in any manner affixed to any exterior wall of a building and which projects not more than eighteen (18) inches and does not extend more than six (6) inches above the parapet eaves or building facade.

Frontage building. The linear width of a building wall facing a public right-of-way. For buildings with more than one (1) wall facing a public right-of-way, the building frontage affording the most sign area shall be used to determine sign area.

Frontage lot. The length of the property line of any one (1) premise serving as a public street right-of-way line. For lots having more than one property line serving as a public street right-of-way, the lot frontage shall be that which affords the most sign area. For the purpose of determining allowable sign area, the lot frontage may be measured at the required building setback line instead of along the public street right-of-way line.

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

Marquee. A fixed roof-like shelter projecting above an outer door and over public property.

Sign. Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, or other pictorial matter designed to convey such information and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, buildings, or other structures, or supports. Integral decorative or architectural features of buildings except letters or trademarks, fences, walls, and works of art which are of a noncommercial nature, are not to be construed as being a sign.

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

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 and which requires a temporary sign permit prior to erection.

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.

6-6.3 Administration and enforcement.

1) General permit. Except for those signs specifically listed elsewhere, it shall be unlawful for any person to erect, make repair exceeding fifty percent of the cost of replacement, alter, or relocate any sign or other general advertising structure as defined in this Section without first obtaining a general sign permit from the town clerk.

a) Application for such permit shall be accompanied by drawings and specifications indicating the location, disposition, place of erection, method of fastening, full dimensions of all signs to be permitted and the total area of all signs existing on the property at the time of the application.

b) Whenever such application, accompanied by all required information, has been submitted, such application shall be examined by the building inspector or his designated agent and if the application and specifications comply with all applicable requirements, a permit shall be issued for the erection of such sign or advertising structure.

c) Failure to comply with the drawings and specifications submitted with an approved sign permit application shall constitute a violation of this chapter.

d) If work authorized under a general sign permit is not completed within six (6) months after the date of issuance, the permit shall be deemed null and void.

2) Temporary permit. The following signs are permitted for a limited amount of time as provided below:

a) Political signs. Prior to the erection of any political sign, a temporary sign permit shall be obtained from the town clerk. Such permit shall authorize the erection of all signs pertaining to the candidate or political point of view indicated on the temporary sign permit application. Such application shall also include the dimensions of each sign and the type of materials to be used.

1) A temporary sign permit for political signs shall allow political signs to be erected no more than thirty (30) days prior to a city, county, state, or federal election and shall require that such signs be removed within seven (7) days following the election, provided, however, that they be allowed to remain

displayed between initial and run-off elections, provided not more than thirty (30) days shall pass between initial and run-off elections.

- 2) Upon completion of the application showing satisfactory compliance with the provisions of this section, a temporary sign permit for political signs shall be issued at no charge.

- b) Mobile signs. Prior to the erection of any mobile sign, a temporary sign permit must be obtained from the town clerk.

- 1) 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.

- 2) Upon completion of the temporary sign permit application indicating satisfactory compliance with all applicable requirements of this section, a temporary sign permit shall be issued for the erection of a mobile sign. A fee may be charged.

- 3) Abandoned signs. Any sign now or hereafter existing which, for a continuous ninety (90) day 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) days after written notification from the building official. Upon failure to comply with such notice within the time specified in such order, the building inspector is hereby 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. Nonconforming signs deemed abandoned shall also be governed by the provisions below.

- 4) Nonconforming signs.

- a) The date of erection for any sign shall be determined from the sign permit issued for such sign. After January 1, 1982, any sign for which no sign permit has been issued and is in violation of any of the provisions of this section shall be removed or brought into compliance within ninety (90) days of notification by the building inspector. Signs erected prior to the effective date of this chapter for which a sign permit has been issued and are in violation of the provisions of this section shall be subject to the following restrictions:

- b) No nonconforming sign shall be changed to another nonconforming sign.

- c) No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is an advertising sign or substantially similar type of sign specifically designed for periodic change of message.

- d) No nonconforming sign shall be enlarged, reconstructed, or structurally altered so as to change the shape, size, type, or design of the sign, except to bring such sign into conformance with the provisions of this section.
- e) No nonconforming sign shall be re-established after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.
- f) 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.
- g) No nonconforming sign shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds fifty percent of the reproduction cost.
- h) Signs permitted in conjunction with nonconforming uses, Any nonconforming use in any district may maintain such business signs as would be allowed for such use in the most restrictive district in which the use would be permitted or such signs as are existing at the time the use becomes nonconforming, whichever is the most restrictive with regard to sign area. All other provisions of this section as to the continuation of nonconforming signs shall apply.

5) General Provisions.

a) Illumination.

- 1) Signs imitating warning signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the 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 in intensity, vary in color, or use electrical pulsations are prohibited, except f or. time, temperature, date signs, traditional barber poles and electronically controlled message centers.
- 3) Illumination devices shall be so placed and so shielded that rays from the sign or the sign itself will not be directly cast into any residential district, sleeping room in any district or the eyes of any automobile or other vehicular driver.

b) Location of signs.

- 1) 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; name and

address signs on mailboxes; signs on newspaper boxes; non-illuminated directional off-premise signs identifying a church, school, or public institution.

- 2) All those signs not permitted in the street right-of-way shall be set back at least five (5) feet unless attached to a building or structure or unless permitted in this section.

c) Quality of sign construction.

- 1) All permanent signs shall comply with applicable sections of the Standard Building Code, National Electrical Code, or any other code adopted by the Town of Cheraw.
- 2) All temporary signs shall be constructed under methods approved by the building inspector but need not exceed the applicable requirements of the Standard Building Code, National Electrical Code, or any other code under adoption by the Town of Cheraw.

- d) Signs in the vicinity of historical sites or monuments. Signs within three hundred (300) feet of any officially designated historic site or monument shall conform to the applicable requirements of this Ordinance.

- e) Certain attached or painted signs. 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.

- f) 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) Exempt signs. The following type of signs require no permit, do not contribute to total sign area and are exempted from all other provisions of this section: provided, however, that they must comply with other requirements of this section:

- a) Signs erected to regulate traffic.
- b) Any sign that is required by law.
- c) Any warning signs; utility identification signs for public use; no hunting, neighborhood watch or other safety signs.
- d) 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.
- e) Community bulletin boards and public signs erected at the direction of a governmental agency.
- f) 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.

- g) Religious symbols at a place of worship or at a church owned or operated facility.
- h) Institutional signs not to exceed an area of twenty (20) 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 upon each premise.
- i) Two residential family name and address signs, each not exceeding two (2) square feet in sign area per single family dwelling 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.
- j) 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.
- k) 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 other than residential districts, provided no sign is located less than five (5) feet from any property line unless attached to a building wall.
- l) Permitted home occupation signs under the regulations set forth in this chapter.
- m) One sign displaying the name, address, and any other information pertinent to the operation of multiple-family development, condominium development or mobile home park, shall be permitted on each lot frontage of multiple-family development condominium development, or mobile home parks on a public right-of-way. Such signs shall not exceed thirty-two (32) square feet in sign area per sign and not exceed ten (10) feet in height when free standing and shall be exterior light.
- n) Non-illuminated signs not exceeding fifty (50) square feet in sign area 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.
- o) One non-illuminated sign not exceeding sixty (60) square 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.
- p) 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.
- q) 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-five percent of the window surface are on the face of the structure on which such window is located.
 - r) Private traffic directional signal signs located on the premises for which directions are indicated, not exceeding three (3) square feet of sign area for each sign. Horizontal directional signs on and flush with paved areas shall be allowed unlimited sign area.
 - s) Signs setting forth the names of buildings, dates of 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 and made an integral part of the structure.
 - t) 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 sign refer -exclusively to products or services offered on the premises.
 - u) Signs which cannot be seen off the lot or premises.
 - v) 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.
 - w) Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of such vehicle.

7) Regulations applying to specific sign structures.

- a) Advertising signs.
 - 1) Advertising signs, where permitted, shall only be erected on unoccupied lots meeting the minimum lot size requirements of the zoning district in which the lot is located. No more than one (1) advertising sign structure shall be permitted on each lot, provided, however, that such signs may be double-faced.
 - 2) On lots with frontage in excess of one hundred and fifty (150) feet, one (1) additional sign structure shall be allowed for each additional two hundred (200) feet of lot frontage over the first one hundred and fifty (150) feet of frontage, provided no advertising sign is located less than two hundred (200) feet from another advertising sign.
 - 3) No one (1) advertising sign shall exceed six hundred (600) square feet in sign area nor shall the total sign area of all

- advertising signs on one lot exceed the sign area requirements for the zoning district in which the lot is located.
- 4) No portion of an advertising sign structure may be located closer than twenty-five (25) feet from a street right-of-way nor shall any portion of such structure be located closer than one hundred (100) feet from any residence.

b) Business signs.

1) Wall signs.

- a) The total area of all wall signs on the front portion of a building shall not exceed twenty percent of the front surface of the building.
- b) The total area of all wall signs on a side or rear surface of a building shall not exceed twenty-five percent of the exterior side or rear surface of the building, respectively.
- c) Wall signs attached flat against a wall shall not project more than twelve (12) inches into the public right-of-way.

2) Roof signs.

- a) Not more than one (1) roof sign structure may be erected on the roof of any one (1) building.
- b) No roof sign shall extend more than twenty (20) feet along the roof and shall not exceed three hundred (300) square feet in sign area.

3) Free standing signs.

- a) No more than one (1) free standing sign per lot frontage on a public right-of-way may be installed.
- b) Such free standing signs shall not exceed one hundred and fifty (150) square feet of sign area per sign.
- c) All free standing signs shall be set back at least five (5) feet from the street right-of-way.
- d) The height of any free standing sign shall not exceed one half the distance from the nearest street centerline or twenty (20) feet, whichever is greater, provided no free standing sign exceeds sixty (60) feet.

4) Marquees, canopies, or awning signs.

- a) Marquees, canopies, or awnings shall not extend more than twelve (12) feet into the public right-of-way or beyond the curb line, whichever is less.
- b) No canopy sign, marquee sign, or awning sign shall extend more than six (6) feet into the public right-of-way or beyond the curb line, whichever is less.

- c) Marquees, canopies, and awnings including signs attached thereto extending into the public right-of-way shall be no lower than nine (9) feet above the public right-of-way.
 - d) The overall height of a marquee, canopy, or awning, including sign attached thereto, shall be no more than three (3) feet.
- c) Banner signs. In zoning districts where such signs are allowed, banner signs may be erected over a street upon approval of the town clerk. Signs shall be installed not more than thirty (30) days prior to the drive or event to which they pertain and shall be removed within seven (7) days after their reason for being ceased to exist.
- d) Political signs. In zoning districts where such signs are permitted, political signs shall be erected under the following provisions:
- 1) Political signs shall be made of durable materials adequate to withstand any wind loads, which might reasonably be experienced and should be maintained in good condition.
 - 2) Political signs shall not exceed twenty-five (25) feet of sign area in residential districts and one hundred (100) square feet of sign area in nonresidential areas.
 - 3) It shall be the responsibility of the property owner to remove all political signs from his property within the time specified in this chapter.
 - 4) Political signs shall be set back at least five (5) feet from the street right-of-way.
- e) Mobile signs.
- 1) No more than one (1) sign shall be allowed on a single lot at any one time.
 - 2) A mobile sign shall not exceed fifty (50) square feet of sign area and the addition of such sign shall not cause a violation of the sign area requirements of the district in which the sign is located.
 - 3) Mobile signs shall be constructed, erected, and maintained in conformance with the applicable requirements set forth by the building inspector and the town clerk.
 - 4) Mobile signs shall be set back at least five (5) feet from the street right-of-way and shall not be placed on the top of any building.
- f) Sign area. The total area of all signs located on one parcel shall not exceed the maximum sign area requirements for the district in which the parcel is located.

- 8) Sign regulations for various zoning districts. Unless specifically provided below, signs shall conform to the requirements of the above sections pertaining to the type, number, area, and illumination of signs.
- a) Sign provisions in the residential districts.
 - 1) Types of signs permitted: Exempt signs and political signs.
 - 2) Illumination. Unless otherwise provided in this section, signs may be illuminated by an exterior light source.
 - b) Sign provisions in commercial zoning districts.
 - 1) Types of signs permitted: Any exempt sign, any business sign, banner signs, political signs.
 - 2) Allowable sign area. The total area of all business signs on one parcel shall not exceed two (2) square feet of sign area per linear foot of building frontage that faces a public right-of-way.
 - 3) Illumination. All signs may have sufficient illumination so as it may be seen from the street abutting the property on which the sign is located.
 - c) Sign provisions for the OC and industrial zoning districts.
 - 1) Types of signs permitted: Any exempt sign, any business, advertising, mobile, banner or political signs,
 - 2) Allowable sign area. The aggregate total of all business, advertising, and mobile signs located on one parcel of land shall not exceed three (3) square feet of sign area for each linear foot of lot frontage on a public right-of-way.
 - 3) Illumination. All signs may have sufficient illumination so that it may be seen from the street abutting the property on which the sign is located.
- 9) Signs in disrepair and unsafe signs.
- a) 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.
 - b) The building inspector 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, the building inspector 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.
 - c) The building inspector 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 and limb.

Article 6 – 7 COMMUNICATIONS TOWERS AND ANTENNAE

6-7.1 Definitions

- (a) 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.
- (b) 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.
- (c) Antenna. A device, dish or array used to transmit or receive telecommunications signals.
- (d) Height. The height of a communication tower is the distance from the base of the tower to the top of the structure.
- (e) FAA. The Federal Aviation Administration
- (f) FCC. The Federal Communications Commission.

6-7.2 Exclusions. The following shall be exempt from this ordinance:

- (a) 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 (FCC);
- (b) Any device designed for over-the-air reception of television broadcast signals, multi-channel multi-point distribution service or direct broadcast satellite service;
- (c) 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.
- (d) Any cable television headend or hub towers and antennae used solely for cable television services.

6-7.3 Placement of Telecommunications Facilities by Zoning District

(a) 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 (Office Commercial) and NC (Neighborhood Commercial Districts and not less than two hundred fifty (250) feet from the nearest lot line of any R-1AA (Low Density Residential) or R-1A (Medium Density Residential) Districts.

(b) Permitted Height Regulations.

| DISTRICTS | PERMITTED HEIGHT – FREE STANDING OR GUYED TOWER |
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| R-1AA R-1A requires R-1 R-2 | Free-standing tower with height not exceeding one hundred (100) feet is a permitted conditional use; height exceeding 100 feet requires special exception. |
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| OC hundred NC 180 CC GC | Free- standing or guyed tower with height not exceeding one hundred eighty (180) feet is a permitted conditional use; height exceeding 180 feet requires special exception. |
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| LI M-1 | Free-standing or guyed tower with height not exceeding three hundred sixty (360) feet is a permitted conditional use; height exceeding 360 feet requires special exception |
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|--------------------------------------|--|
| O-P hundred exceeding 500 feet | Free-standing or guyed tower with height not exceeding five hundred (500) feet is a permitted conditional use; height exceeding 500 feet Requires special exception. |
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6-7.4 Preferred and Disfavored Location Sites

A. 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 criteria shall be subject to the design and siting components of this ordinance and co-location sites shall not become 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.

B. 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 H-C (Historic District) and along the Gateway District shall be considered disfavored sites for the location of telecommunications facilities.

6-7.5 Requirements for Telecommunications Facilities

- A. **General Requirements for All Telecommunications Facilities:** The Requirements set forth 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 license 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**
 - a. 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.
 - b. 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 device or other similar protective device to prevent unauthorized access to the telecommunications facility.

4. Lighting: No illumination is permitted on telecommunications facilities unless required by the FCC, the FAA or other state or federal agency of competent jurisdiction or unless necessary for air safety. If lighting is required or necessary, the Planning Commission 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:
 - a. 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.
 - b. 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 so 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.
 - c. Where feasible, telecommunications facilities should be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
 - d. Such facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the Town or by any state or federal law or agency.

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B. 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 will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and 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 propose 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.

Cheraw Zoning Ordinance

- 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 setback 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.

6-7.7 Abandoned Towers

- A. 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 intends 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 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.
- B. 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.

6-7.8 Pre-Existing Towers/ Non-Conforming Uses

- A. 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.
- B. Placement of an antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure.

6-7.9 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 of the provisions of this ordinance may be granted.

**ARTICLE 7
ADMINISTRATION AND ENFORCEMENT**

7-1 ZONING ADMINISTRATOR

7-1.1 Responsibility for Administration. The Zoning Administrator designated by the Town Council shall administer and enforce this ordinance. It is the intent of this ordinance that all questions of administration and enforcement shall first be presented to the Zoning Administrator and that recourse from the decision of the Zoning Administrator shall be to the Board of Zoning Appeals as provided by law. It is further the intent of this ordinance that the function of the Town Council under this ordinance shall not include hearing and deciding 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.

7-1.2 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 same to the Planning Commission and Town Council or the Board of Zoning Appeals, and giving notice of hearings 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 be 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 not be limited to the following:
 - a) 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;
 - b) The retention of records relating to applications for zoning permits, plats and plans in connection with said permits, certificates 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,
 - c) Other such duties as may properly relate to the accomplishment of the spirit and intent of this ordinance.

7-2 ZONING PERMITS

- 7-2.1 Zoning Permits Required. No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit therefore 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, reasons shall be stated for the denial.
- 7-2.2 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 or disapproved and attested to same by his signature on such copy.
- 7-2.3 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 any 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.

7-3 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 therefore by the Zoning Administrator stating that the building or proposed use of the building or land conforms to the requirements of this ordinance.

- 7-3.1 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.
- 7-3.2 Failure to Obtain Certificate. Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable as provided herein.

7-4 **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.

7-5 **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.

7-6 **VIOLATIONS**

If the Zoning Administrator shall find that any one of the provisions of this ordinance is being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He 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.

7-7 **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. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

7-8 **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.

7-9 **APPEALS**

It is the intention of this ordinance that all questions arising in connection with the enforcement of the 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 8

AMENDMENTS

8-1 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 or agency of the Town, or any other individual, corporation, or agency. A request for an amendment to the zoning map, other than a request from the Town Council or 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.

8-2 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:

- 8-2.1 The need and justification for the change;
- 8-2.2 When pertaining to a change in the district classification of the property, the effect of the change, if any, on the property and on surrounding properties;
- 8-2.3 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,
- 8-2.4 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.

8-3 PLANNING COMMISSION RECOMMENDATION TO TOWN COUNCIL

Within forty-five (45) days from the date that 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 in the particular case) 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.

8-4 **PUBLIC HEARING TO BE HELD**

Before making a recommendation to Town Council on any proposed amendment, the Planning Commission shall hold a public hearing. Such public hearing shall be held at such times as the Planning Commission 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.

8-5 **NOTICE OF PUBLIC HEARING**

In scheduling a public hearing concerning zoning amendments, the Planning Commission shall publish a notice in a newspaper of general circulation in the Town of Cheraw at least 15 days prior to the hearing, which notice shall state the time, date and place of the hearing, shall be blocked in, and shall have an appropriate descriptive title. When a proposed amendment made by any one other than the Planning Commission or Town Council affects the district classification of a particular piece of property, the Zoning Administrator shall cause to be conspicuously located on or adjacent to the property affected, one (1) hearing notice for every three hundred feet (300') of street frontage or portion thereof. Such notice shall be posted at least 15 days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, time, date, and place of the hearing.

8-6 **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.

8-7 **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 acres, except that the following changes may be made to apply to areas of less than two acres:

8-7.1 The extension of existing district boundaries; or,

8-7.2 The addition of OC zoning contiguous to existing GC districts.

ARTICLE 9
BOARD OF ZONING APPEALS

9-1 **ESTABLISHMENT**

A Board of Zoning Appeals is hereby established. Said board shall consist of five members appointed by the Mayor. The members shall serve for overlapping terms of four years or thereafter until their successors are appointed. Any vacancy in the membership shall be filled for the un-expired term in the same manner as the initial appointment. Members shall be removable for cause by the Mayor. The members 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.

9-2 **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 at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator and shall be a public record.

9-3 **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 decisions and the reasons therefore.

9-4 **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:

9-4.1 **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 or "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 stated 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.

9-4.2 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:
 - a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - b) These conditions do not generally apply to other property in the vicinity;
 - c) 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,
 - d) 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.

With respect to uses of land, buildings and other structures, this ordinance is declared to be a definition of the public interest by Town Council, and the spirit of this ordinance will not be observed by a variance which permits a use not generally permitted in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district. Therefore, under no circumstances shall the Board of Zoning Appeals grant a variance to permit a use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

No nonconforming 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.

- 2) Procedures. A written application for a variance shall be submitted demonstrating that the applicant meets the provisions of Section 9-4.2.1.

Notice of public hearing shall be posted on the property for which a 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 9-4.2.1 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.

- 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 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.

9-4.3 Special Exceptions.

1) Duties of the Board.

- a) To hear and decide only such applications for special exceptions as the Board of Appeals is specifically authorized to pass upon by the terms of this ordinance;
- b) To decide such questions as are involved in determining whether special exceptions should be granted;
- c) To prescribe appropriate conditions and safeguards in conformity with this ordinance; and,
- d) To deny special exceptions when not in harmony with the intent and purpose of this ordinance.

2) Procedures.

- a) 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.
- b) 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.
- c) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- d) The Board of Zoning Appeals shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
- e) 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.
- f) 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.
- g) 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 of this ordinance, punishable under penalties established herein.

Failure to begin or complete, or begin and complete, an action for which a special exception is required, 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.

9-5 **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, fully 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.

**ARTICLE 10
DEFINITIONS**

10-1 INTERPRETATION OF CERTAIN WORDS AND PHRASES

- 10-1.1 Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions.
- 10-1.2 Words used in the present tense include the future tense.
- 10-1.3 Words used in the singular include the plural, and words used in the plural include the singular.
- 10-1.4 The word "shall" is always mandatory, and the word "may" is permissive.
- 10-1.5 The word "lot" includes the word "plat" or "parcel."
- 10-1.6 The word "structure" includes the word "building," and the word "building" or "structure" includes any part thereof.
- 10-1.7 The word "person" includes a firm, association, organization, partnership, trust, company, corporation or any other entity usually defined in legal usage as a person, as well as an individual.
- 10-1.8 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.
- 10-1.9 The word "contiguous" as applied to lots or districts shall be interpreted as meaning "sharing a common boundary of ten feet (10') or more in length."

10-2 DEFINITIONS

- 10-2.3 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.
- 10-2.4 Alley. A permanent service way used primarily as a secondary means of access to the side or rear of abutting properties.
- 10-2.5 Alter. As applied to a building or structure, the change, re-arrangement, enlargement, movement from one location to another or similar modification of structural parts or spaces, including changes in height.
- 10-2.6 Apartment House. See "Dwelling, multi-Family".

- 10-2.7 Area. As applied to site, 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 un-covered porches and similar extensions.
- 10-2.8 Bed and Breakfast Inns. A single dwelling unit containing less than ten rental lodgings available to the public for accommodation of transient guests in which meals may or may not be provided.
- 10-2.9 Building. A structure which is completely enclosed by a roof and by solid exterior walls along whose 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 lots, and used or intended for the shelter, support or enclosure of persons, animals or property of any kind.
- 10-2.10 Building, Accessory. A 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 therewith. Uses customarily accessory to dwellings include the following:
1. Private garage not to exceed the following storage capacities:
 - one or two family dwelling - four (4) automobiles;
 - multiple family dwelling - two (2) automobiles per dwelling unit; and,
 - 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 or 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.
- 10-2.11 Building, Principal. A building in which is conducted the principal use of the lot on which said building is located.
- 10-2.12 Buffers. A fence, wall, hedge, earthen mound or similar barrier, or combination of such barriers, placed 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.
- 10-2.13 Club, Lodge, Civic or Fraternal Organization, Fraternity, Sorority. An incorporated or unincorporated non-profit 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.
- 10-2.14 Day Nursery. Any agency, institution, center, home, nursery, nursery school, kindergarten, play school, or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are 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 temporary custodial care.

10-2.15 District. One of any number of continuous and contiguous geographic areas within which the provisions and regulations of this ordinance apply uniformly to each class or kind of structure or land.

10-2.16 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 and 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.

10-2.17 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 may be housed within the single dwelling unit without being counted as a family or families.

10-2.18 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. (See Sections 4-8 and 6-5).

10-2.19 Garage Sale, Yard Sale and Rummage Sale. The retailing of merchandise from the yard or garage or principal dwelling of a residence.

10-2.20 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.

10-2.21 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.

10-2.22 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 or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials or other scrap, salvage, waste, or junk materials.

10-2.23 Lot. An area of land clearly defined by plat or by metes and bounds description.

- 10-2.24 **Major Recreational Equipment.** Major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup 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.
- 10-2.25 **Mobile Home.** A movable or portable dwelling over thirty-two feet (32') in length and eight feet (8') or more in width, constructed to be towed on its own chassis and designed 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 (2) 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 prefabricated, 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 unless used for a permanent building.
- 10-2.26 **Mobile Home Park.** A parcel of land in single ownership used or set apart for the purpose of supplying parking space for two (2) or more mobile homes and 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.
- 10-2.27 **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.
- 10-2.28 **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.
- 10-2.29 **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.
- 10-2.30 **Rooming and Boarding Houses.** A building containing a single dwelling unit in which 3 or more but not more than 12 nontransient persons (who are not members of the owner's or operator's family) are lodged, for compensation, with or without meals.
- 10-2.31 **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, but excluding alleys.

- 10-2.32 **Structure.** Anything constructed or erected, 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 as structures minor landscaping features such as ornamental pools, planting boxes, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.
- 10-2.33 **Yard.** An open or unoccupied space on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.
- 10-2.34 **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.
- 10-2.35 **Yard, Front.** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or road and the front line of the building.
- 10-2.36 **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.

-
- 10-2.37 **Tattoo or tattooing.** To indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments.
- 10-2.38 **Tattoo artist.** A person who practices body tattooing and who meets the requirements outlined in the State Code.
- 10-2.39 **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.

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ARTICLE 11
LEGAL STATUS PROVISIONS

11-1 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.

11-2 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.

11-3 EFFECTIVE DATE

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

DATE

MAYOR

COUNCIL MEMBER

COUNCIL MEMBER

ATTESTED:

COUNCIL MEMBER

TOWN CLERK

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**An Ordinance To Update the Flood Damage
Prevention Regulations and Enforcement Practices
for the Town of Cheraw**

WHEREAS, the Town of Cheraw is one of the local governments participating in the National Flood Insurance Program (NFIP) which is overseen by the Federal Emergency Management Agency (FEMA), and

WHEREAS, the town's previous ordinance regulating activities within the local floodplains is presently inadequate to fulfill the requirements for continued participation in the NFIP, and

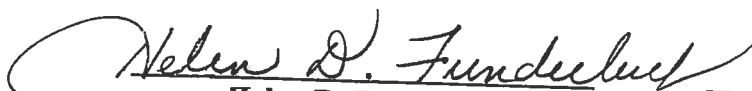
WHEREAS, with the assistance of representatives from the South Carolina Department of Natural Resources a new Flood Damage Prevention Ordinance meeting the requirements for continuation in the NFIP has been developed.

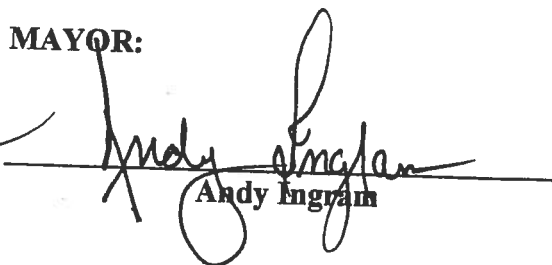
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CHERAW, SOUTH CAROLINA THAT SECTIONS 19-63 THROUGH 19-99 OF THE TOWN'S ZONING CODE BE REPEALED IN THEIR ENTIRETY AND SUBSTITUTE IN LIEU, THEREOF, THE FOLLOWING SECTIONS 12-1 THROUGH 12-6.3 TO THE ZONING ORDINANCE ADOPTED BY COUNCIL ON JUNE 12, 2001. THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS APPROVAL AS REQUIRED BY LAW.

THIS DONE IN COUNCIL ASSEMBLED THIS 11 DAY OF JAN., 2005.

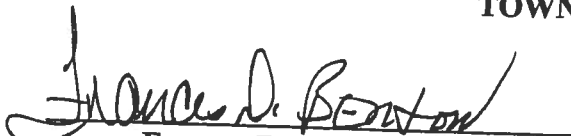
ATTEST:

MAYOR:

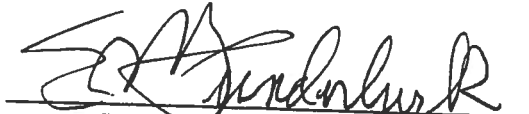

Helen D. Funderburk
Clerk-Treasurer


Andy Ingram

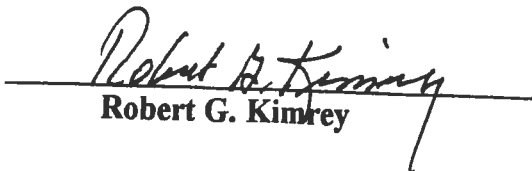
TOWN COUNCIL

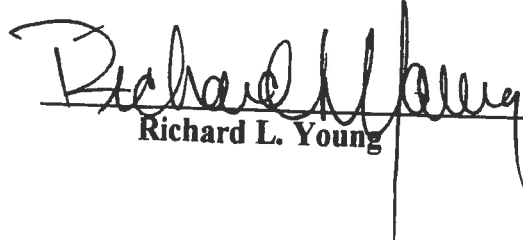

Frances D. Benton


F. Reid McBride


Ervin W. Funderburk

John K. Melton


Robert G. Kimrey


Richard L. Young

ARTICLE 12

Flood Damage Prevention Regulations

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GENERAL PROVISIONS

Section 12 - 1.1

Statutory Authorization. The Legislature of the State of South Carolina has in SC Code of Laws, Title 5, Chapters 7, 23, and 25 (Articles 5 and 7) and Title 6, Chapter 7, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Council of the Town of Cheraw, South Carolina does ordain as follows:

Section 12 - 1.2

Findings of Fact. The flood hazard areas of the Town of Cheraw are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section 12 - 1.3

Statement of Purpose and Objectives. It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer

lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs.

Section 12 - 1.4

Lands to Which this Ordinance Applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Cheraw as identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated , ~~March, 1978~~, with accompanying maps and other supporting data, and any revision thereto, which are hereby adopted by reference and declared to be a part of this ordinance. Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Study for the unincorporated areas of Chesterfield County, with accompanying map and other data, and ~~any revision thereto~~, are adopted by reference and declared part of this ordinance.

Section 12 - 1.5

Establishment of Development Permit. A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

Section 12 - 1.6

Compliance. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

Section 12 - 1.7

Interpretation. In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever

§ 12 - 1.7

§ 12 - 2.22

imposes the more stringent restrictions shall prevail.

Section 12 - 1.8

Partial Invalidity and Severability. If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

Section 12 - 1.9

Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the town of Cheraw or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 12 - 1.10

Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Cheraw from taking such other lawful action as is necessary to prevent or remedy any violation.

12 - 2

DEFINITIONS

Section 12 - 2.1

General. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Section 12 - 2.2

Definitions

1) - **Accessory Structure** - structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same

parcel as the farm dwelling or shop building.

- 2) - **Addition (to an existing building)** - an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a fire wall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.
- 3) - **Agricultural structure** - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this ordinance.
- 4) - **Appeal** - a request for a review of the local administrator's interpretation of any provision of this ordinance.
- 5) - **Area of shallow flooding** - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- 6) - **Area of special flood hazard** - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.
- 7) - **Base flood** - the flood having a one percent chance of being equaled or exceeded in any given year.
- 8) - **Basement** - means any enclosed area of a building which is below grade on all sides.
- 9) - **Building** - any structure built for support, shelter, or enclosure for any occupancy or storage.
- 10) - **Not applicable (V - zones only)**

- 11) - **Development** - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 12) - **Elevated building** - a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.
- 13) - **Existing construction** - means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date.
- 14) - **Existing manufactured home park or manufactured home subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 10, 1987.
- 15) - **Expansion to an existing manufactured home park or subdivision** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).
- 16) - **Flood** - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.
- 17) - **Flood Hazard Boundary Map (FHBM)** - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
- 18) - **Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the

community.

- 19) - **Flood Insurance Study** - the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- 20) - **Flood-resistant material** - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which is water soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable are not acceptable. Materials which absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2-93, Flood-Resistant Materials for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program, document number FIA-TB-2, dated 4/93, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- 21) - **Floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- 22) - **Functionally dependent facility** - a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
- 23) - **Highest Adjacent Grade** - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
- 24) - **Historic Structure** - any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National

Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories **MAY NOT** be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

25) - Limited storage - an area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Section 12 - 4.2 5) of this ordinance.

26) - Lowest Floor - the lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

27) - Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

28) - Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

29) - Mean Sea Level - the average height of the sea for all stages of the tide.

It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

30) - National Geodetic Vertical Datum (NGVD) - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

31) - North American Vertical Datum (NAVD) - datum point established at Pointe-au-Père on the St. Lawrence River, Quebec Province, Canada, based on the mass or density of the earth. The datum listed as the reference datum on Flood Insurance Rate Maps should be used for Elevation Certificate and floodproofing certificate completion.

32) - New construction - structure for which the start of construction commenced after (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date). The term also includes any subsequent improvements to such structure.

33) - New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after March 10, 1987,

34) - Recreational vehicle - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

35) - Start of construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the

stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

36) - Structure - a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

37) - Substantial damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Please refer to the definition of "substantial improvement".

38) - Substantial improvement - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

39) - Substantially improved existing manufactured home park or subdivision - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the

streets, utilities and pads before the repair, reconstruction, or improvement commenced.

40) - **Variance** - the grant of relief from a term or terms of this ordinance.

12 - 3

ADMINISTRATION

Section 12 - 3.1

Designation of Local Administrator. The Town Administrator is hereby appointed to administer and implement the provisions of this ordinance.

Section 12 - 3.2

Development Permit and Certification Requirements. Application for a development permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

1) - A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either Section 12 - 3.3 10) or Sections 12 - 4.3 and 12 - 4.4. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

2) - The plot plan required by Section 12- 3.2 1) must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either Section 12 - 3.3 10) or Sections 12 - 4.3 and 12 - 4.4.

3) - Where base flood elevation data is provided as set forth in Section 12 - 1.4 or Section 12 - 3.3 10), the application for a development permit within the flood hazard area shall show:

(a) - the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and

(b) - if the structure will be floodproofed in accordance with Section 12

- 4.2 2), the elevation (in relation to mean sea level) to which the structure will be floodproofed.

4) - If no base flood elevation data is provided as set forth in Section 12 - 1.4 or Section 12 - 3.3 10), the application for a development permit must show construction of the lowest floor at least three (3) feet above the highest adjacent grade.

5) - Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and, a map showing the location of the proposed watercourse alteration or relocation.

6) - When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in Section 12 - 4.2 2).

7) - A floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Any work done prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

8) - Upon completion of the development a registered professional engineer, land surveyor or architect, whichever professional is appropriate, shall certify that Sections, 12 - 3.2 6), 12 - 3.2 7) and 12 - 3.2 8) are built in accordance with the submitted plans and previous pre-development certifications.

§ 12 - 3.2

§ 12 - 3.3

9) - If the proposed project will impact the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to actual construction.

10) - Within 60 days of completion of an alteration of a watercourse, referenced in Section 12 - 3.2 10), the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

Section 12 - 3.3

Duties and Responsibilities of the Local Administrator. Duties of the local administrator shall include, but not be limited to:

- 1) - Review all development permits to assure that the requirements of this ordinance have been satisfied.
- 2) - Advise permittee that additional federal or State permits may be required, and if specific federal or State permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- 3) - Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water and Conservation Division, State Coordinator for the Flood Mitigation Programs, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- 4) - In addition to the notifications required in Section 12 - 3.3 3), written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.

- 5) - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article IV are met.
- 6) - Obtain actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with Section 12 - 3.2 7).
- 7) - Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Section 12 - 3.2 7).
- 8) - When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 12 - 4.2 2).
- 9) - A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of this ordinance.
- 10) - Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- 11) - When base flood elevation data or floodway data has not been provided in accordance with Section 12 - 1.4, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, State, or other source, including data developed pursuant to Section 12 - 4.4, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
- 12) - When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be

maintained by the local administrator in the permit file.

13) - Make on-site inspections of projects in accordance with Section 12 - 3.4.

14) - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 12 - 3.4.

15) - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.

16) - Annexations. Notify the Land, Water and Conservation Division, within six (6) months, of any annexations that include special flood hazard areas. The community must incorporate applicable maps from surrounding jurisdictions into this ordinance within 90 days of annexation.

17) - The President issued Executive Order 11988, Floodplain Management May 1977. E. O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains.

Section 12 - 3.4

Administrative Procedures.

1) - Inspections of Work in Progress: As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

2) - Stop-Work Orders: Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

3) - Revocation of Permits: The local administrator may revoke and require the

return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

4) - **Periodic Inspections**: The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

5) - **Violations to be Corrected**: When the local administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

6) - **Actions in Event of Failure to Take Corrective Action**: If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

(a) - the building or property is in violation of the Flood Damage Prevention Ordinance;

(b) - a hearing will be held before the local administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

(c) - following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

7) - **Order to Take Corrective Action**: If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the

violation within such period, not less than 60 days, the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

8) - Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

9) - Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

12 - 4

PROVISIONS FOR FLOOD HAZARD REDUCTION**Section 12 - 4.1**

General Standards. Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. In all areas of special flood hazard the following provisions are required:

- 1) - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- 2) - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage;
- 3) - All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
- 4) - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long

as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building;

- 5) - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 6) - New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- 7) - On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- 8) - Any alteration, repair, reconstruction, or improvement to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
- 9) - **Non-Conforming Buildings or Uses.** Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- 10) - **American with Disabilities Act (ADA).** A building must meet the specific standards for floodplain construction outlined in Section 12 - 4.2, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.
- 11) - **Critical Facilities.** Construction of new or substantially improved critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is

available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet (approximate 500 year floodplain) or more above the level of the base flood elevation at the site. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Section 12 - 4.2

Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 12 - 1.4 or Section 12 - 3.3 10), the following provisions are required:

1) - Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two (2) feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Section 12 - 4.2 5).

2) - Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two (2) feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Section 12 - 4.2 5). No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Sections 12 - 3.2 7) and 12 - 3.2 9). A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Section 12 - 5.4 of this ordinance. Agricultural structures not meeting the criteria of Section 12 - 5.4 must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures which are floodproofed are required to have an approved maintenance plan with an annual exercise. The maintenance plan must be approved by the local administrator and notification of the annual exercise shall be provided to same

3) - Manufactured Homes.

- (a) - Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (b) - Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Section 12 - 4.2 3) (a) of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- (c) - Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at least 36 inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
- (d) - An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local administrator and the local Emergency Preparedness coordinator.

4) - **Recreational Vehicles.** A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites shall either be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the requirements of Section 12 - 3.2 and Sections 12 - 4.1 and 12 - 4.2 3).

5) - **Elevated Buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(a) - Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(1) - Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(2) - The bottom of all openings shall be no higher than one foot above grade;

(3) - Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and,

(4) - Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

(b) - **Hazardous Velocities.** Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging

flood flows are minimized.

(c) - Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(d) - The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of utilities except for essential lighting as required, and cannot be temperature controlled. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in Sections 12 - 4.2 1), 12 - 4.2 2) and 12 - 4.2 3).

(e) - All construction materials below the required lowest floor elevation specified in Sections 12 - 4.2 1), 12 - 4.2 2) and 12 - 4.2 3) shall be of flood resistant materials.

6) - **Temporary Development**. Certain types of structures (e.g. fruit stands, construction site offices, portable toilets, etc.) may be situated temporarily on flood-prone property without having to comply with the elevation or floodproofing criteria of Section 12 - 4.2 1) and 12 - 4.2 2), respectively, provided that the following criteria are met:

(a) - All applicants must submit to the local administrator, prior to the issuance of the development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:

(1) - a specified time period for which the temporary use will be permitted;

(2) - the name, address and phone number of the individual responsible for the removal of temporary structures or development;

(3) - the time frame prior to the event at which any structures will be removed (i.e. minimum of 72 hours before landfall of a

hurricane or immediately upon flood warning notification);

(4) - a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed;

(5) - designation, accompanied by documentation, of a location outside the floodplain to which any temporary structure will be moved;

(6) - a determination of permanent structures which would be adversely affected by increased flooding upstream or downstream, and a method for covering this liability, such as a performance bond; and,

(7) - a plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.

(b) - The structure is mobile, or can be made so, and is capable of being removed from the site with a maximum of four (4) hours warning.

(c) - The structure will not remain on the property for more than 180 days.

7) - **Accessory Structures.** An accessory structure or garage, the cost of which is greater than \$3000, must comply with the elevated structure requirements of Sections 12 - 4.2 2) and 12 - 4.2 5). When accessory structures of \$3000 or less are to be placed in the floodplain, the following criteria shall be met:

(a) - Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

(b) - Accessory structures shall be designed to have low flood damage potential;

(c) - Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) - Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;

riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-rise certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations.

9) - **Fill.** Fill is discouraged because storage capacity is removed from floodplains. Elevating buildings by other methods must be considered. An applicant shall demonstrate that fill is the only alternative to raising the building to at least two (2) feet above the base flood elevation, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- (a) - Fill may not be placed in the floodway unless it is in accordance with Section 12 - 4.2 8) (a);
- (b) - Fill may not be placed in tidal or nontidal wetlands without the required State and federal permits;
- (c) - Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain;
- (d) - Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer;
- (e) - Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion; and,
- (f) - The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

Section 12 - 4.3

Standards for Streams Without Established Base Flood Elevations And/Or Floodways.

Located within the areas of special flood hazard established in Section 12 - 1.4, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

1) - No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2) - If Section 12 - 4.3 1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or floodproofed in accordance with elevations established in accordance with Section 12 - 3.3 10). Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used. When base flood elevation data is not available from a federal, State, or other source, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

Section 12 - 4.4

Standards for Subdivision Proposals.

1) - All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. An access road at or above the base flood elevation shall be provided to allow emergency access during flood conditions;

2) - All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

3) - Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of five lots or five acres. Development of detailed floodway data will be required should the applicant wish to appeal the setbacks requirements of Section 12 - 4.3 1).

Section 12 - 4.5

Standards for Areas of Shallow Flooding (AO Zones).

Located within the areas of special flood hazard established in Section 12 - 1.4, are areas designated as shallow flooding. The following provisions shall apply within such areas:

1) - All new construction and substantial improvements of residential structures shall have the lowest floor elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

2) - All new construction and substantial improvements of non-residential structures shall:

(a) - have the lowest floor elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,

(b) - be completely floodproofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

12 - 5

VARIANCE PROCEDURES

Section 12 - 5.1

Establishment of Appeal Board. The Board of Adjustments and Appeals as established by the Town of Cheraw shall hear and decide requests for variances from the requirements of this ordinance.

Section 12 - 5.2

Right to Appeal. Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court.

Section 12 - 5.3

Historic Structures. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Section 12 - 5.4

Agricultural Structures. Variances may be issued to wet floodproof an agricultural structure in accordance with Technical Bulletin 7-93, *Wet Floodproofing Requirements for Structures Located in Special Flood Hazard Areas in accordance with the National Flood Insurance Program*, document number FIA-TB-7, dated 12/93, and available from the Federal Emergency Management Agency. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Section 12 - 5.7, this section, and the following standards:

- 1) - use of the structure must be limited to agricultural purposes as listed below:
 - (a) - pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;
 - (b) - steel grain bins and steel frame corn cribs;
 - (c) - general purpose barns for the temporary feeding of livestock which are open on at least one side;
 - (d) - for livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures which were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Section 12 - 4.2 2) of this ordinance; and,
 - (e) - detached garages and storage sheds solely used for parking and limited storage in connection with agricultural uses only, which are no greater than 400 square feet in area.

- 2) - the agricultural structure must be built or rebuilt, in the case of an existing building which is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation;

- 3) - the agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per

second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls;

4) - the agricultural structure must meet the venting requirement of Section 12 - 4.2 5) (a) of this ordinance;

5) - any mechanical, electrical, or other utility equipment must be located above the base flood elevation so that they are contained within a watertight, floodproofed enclosure which is capable of resisting damage during flood conditions. The structure must comply with Section 12 - 4.1 4) of this ordinance;

6) - the agricultural structure must comply with the floodway encroachment provisions of Section 12 - 4.2 8) of this ordinance; and,

7) - major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain in accordance with the temporary development provisions of Section 12 - 4.2 6).

Section 12 - 5.5

Considerations. In passing upon such applications, the appeals board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- 1) - the danger that materials may be swept onto other lands to the injury of others;
- 2) - the danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- 3) - the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 4) - the importance of the services provided by the proposed facility to the community;
- 5) - the necessity to the facility of a waterfront location, where applicable;
- 6) - the availability of alternative locations, not subject to flooding or erosion

damage, for the proposed use;

7) - the compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

8) - the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

9) - the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and,

10) - agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

Section 12 - 5.6

Findings. Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

Section 12 - 5.7

Floodways. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result

Section 12 - 5.8

Conditions. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

- 1) - Variances may not be issued when the variance will make the structure in violation of other federal, State, or local laws, regulations, or ordinances.
- 2) - Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 3) - Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship,

and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

4) - Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

5) - The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

6) - Variances shall not be issued for un-permitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Section 12 - 3.4 5) of this ordinance.

12 - 6

LEGAL STATUS PROVISIONS

Section 12 - 6.1

Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance.

This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted March 10, 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Cheraw enacted on March 10, 1987, as amended, which are not reenacted herein are repealed.

Section 12 - 6.2

Effect upon Outstanding Building Permits. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief

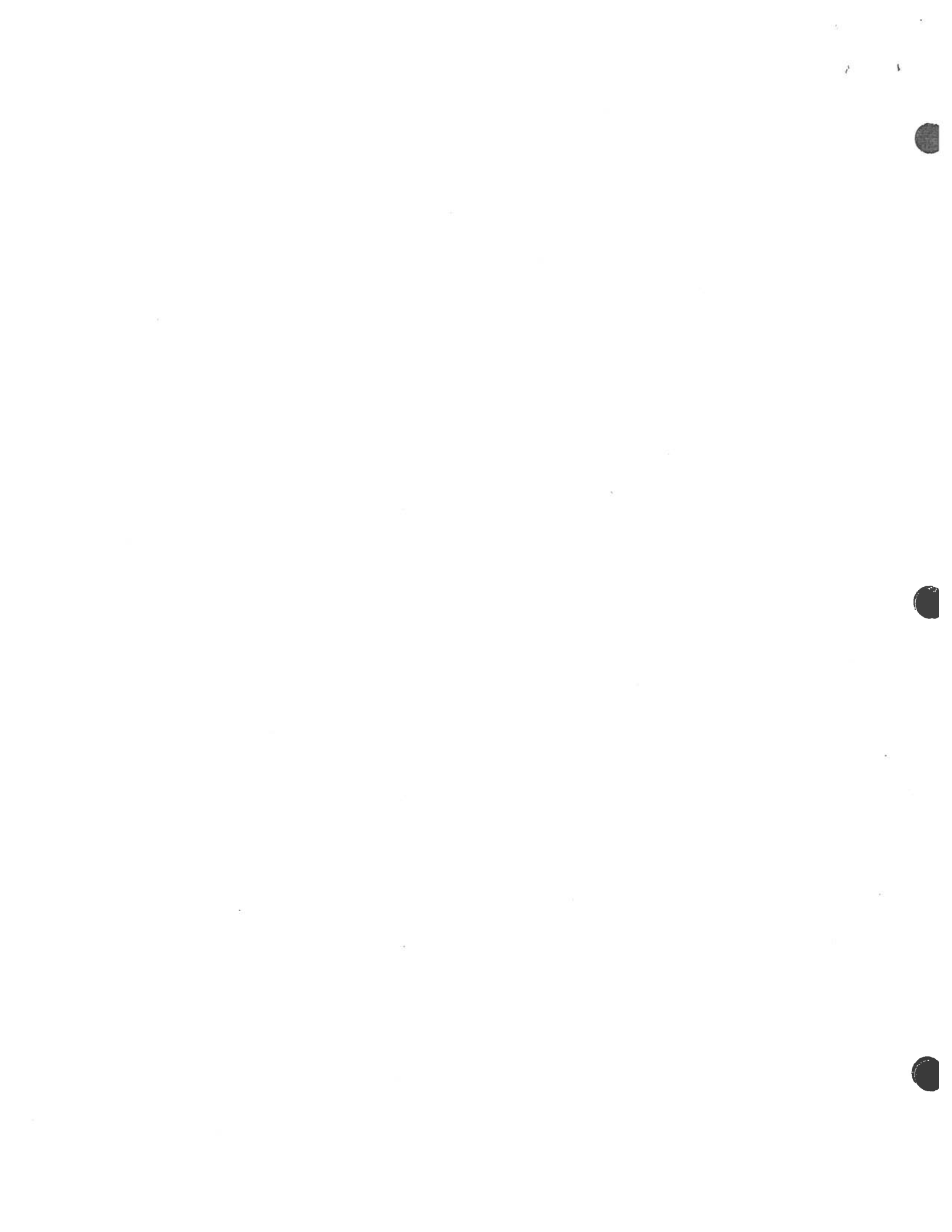
§ 12 - 6.2

§ 12 - 6.3

Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

Section 12 - 6.3

Effective Date. This ordinance shall become effective upon adoption.



ORDINANCE 2013-06

AN ORDINANCE AMENDING SECTION 4-3 OF THE CHERAW TOWN ZONING CODE CONCERNING HOME OCCUPATIONS

WHEREAS, the Town of Cheraw adopted ordinances that regulated home occupations as part of the Zoning Code in 2001, and

WHEREAS, the current Zoning Code does allow for one sign for home occupations but does not provide any specific details on what type of sign is allowed.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF CHERAW THAT SECTION 4-3.3 OF THE CHERAW TOWN ZONING CODE BE AMENDED TO INCLUDE THE FOLLOWING:

HOME OCCUPATIONS

4-3.3 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one non-illuminated sign which shall not exceed one and a half square feet and must be attached to the dwelling.

DONE AND RATIFIED IN COUNCIL ASSEMBLED THIS 8th DAY OF JANUARY, 2013.

ATTEST:

MAYOR:

Clementine A. Ellis
Clementine Ellis

Andrew R. Ingram
Andrew R. Ingram

TOWN COUNCIL

Randy Butler
Randy Butler

Jacqueline Ellerbe-Shannon
Jacqueline Ellerbe-Shannon

Fred Harris
Fred Harris

Reid McBride
Reid McBride

John Melton
John Melton

Billy Wallace, Jr.
Billy Wallace, Jr.

