

# TOWN OF CHERAW ZONING ORDINANCE





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## WHAT IS ZONING?

What is Zoning? Zoning is an important toolkit for the Town in shaping growth and development. It supports the goals and objectives of the comprehensive plan. Zoning is designed to protect property values and guide development in a harmonious fashion. In other words, it shapes the visual appearance and features reflecting the community's vision. That vision dictates what is appropriate or not, how existing and future development should complement one another, what is no longer acceptable, define land use patterns, influences street networks, and structures' orientation to the street. Zoning's fundamental building block is land uses. This refers to the primary use of a property. The land use survey and evaluation lead to patterns that translate into zoning districts. Zoning districts are a community's classifications of geographical areas which outline appropriate land uses and standards. Standards include building height, setbacks [distances from property lines], signs, and buffers between uses to name a few. Zoning districts and standards make up a zoning ordinance which is the legal document used to administer zoning. The ordinance is only half of the process. The other is the Official Zoning Map. The ordinance provides the text. The Official Zoning Map is the visual. Both substantiate the other. If a property is rezoned, the map must be updated as well. It is similar to a property's plat and deed. The deed is the text that describes the property; the plat is the visual description of the property. Both are legal references. The Official Zoning Map ensures the appropriate standards are applied. Zoning ordinances can include historic preservation, landscaping, signage criteria, and other standards seen relevant to a community. Zoning standards are also applicable to the Town, County, and State in their pursuit of development within the Town of Cheraw per SC Code § 6-29-770. Simply, they too have to submit a scaled site plan, complete applicable applications, and provide additional submissions for review and approval. This applies to schools and colleges per SC Code § 6-9-110. The Code states: *Code of Laws of South Carolina, 1976, exempts school district facilities, reviewed and approved by the State Department of Education, from county, municipal or other local ordinances or regulations which require the purchase or acquisition of a permit, license, or other device utilized to enforce a building standard. However, it does not exempt the district from zoning ordinances.*

### ***Development Process***

Applicants are encouraged to consult with the Planning & Community Development Director prior to submitting a formal zoning/application request. This helps to navigate through the process and provide applicant with pertinent information. The Town discourages development and/or land disturbance in flood areas, especially developments for children and seniors. Any development and land disturbance in a wetland require a Wetland Delineation from the Army Corp of Engineers (ACE). ACE may require a 404 Permit for the project. Planning's role as part of the approval process is to investigate and determine if a project is within or near a flood or wetland area.

Often, a scaled site or plot plan is required, especially for new developments and where there is change of use. The site/plot plan is an essential tool in determining if the project meets zoning setbacks, square footage, appropriate buffering and landscaping, and parking. This ensure conformity with ordinance. What is the difference between a site and plot plan? A site plan is sealed and signed by a registered land surveyor, landscape architect, or licensed engineer. A plot plan does not require seal or signature from a survey professional and can be developed by a contractor or yourself. If you are not comfortable taking on this task, have your contractor to do it for you. Both have to be scaled using an engineer ruler, which represents actual dimensions on the ground. Measurements consist of one (1) inch equals 10, 20, 30, 40, 50, 60 feet. Equally important, a scaled site/plot plan is an aid for the building official to physically determine the actual location of the proposed improvements and validate setbacks and other zoning standards per the ordinance. Briefly, mentioned was a change of use. Change of use is a process of zoning validation for an existing building to be occupied by a new business owner. The Change of Use Application ensures the business is permitted in the district and has sufficient parking and no maneuverability within the parking area as well as entering and existing the property. SCDOT is consulted when there may appear to be a concern. SCDOT may propose an alternative solution(s) or deem the project a hazard. There are times when the Planning & Community Development Director will offer alternatives to address parking including delineating a disabled parking space and properly noting parking spaces.

New commercial developments, with less an acre of land disturbance and impervious surface, have to submit a DHEC Less Than One Acre NOI as part of the review process. Impervious surface includes building(s), parking areas, walkways, and/or any hard surfaces where rain water cannot be absorbed into the soil. If the project involves an acre of more of land disturbance and/or impervious surface, a DHEC NPDES Permit is mandatory. That includes expansions on a previous approved project. This ensures development does not create flooding or runoff that adversely affects property owners.

After the review process, the Planning & Community Development Director may approve the project per zoning standards set forth in this ordinance. After approval, the applicant may obtain the appropriate permits for construction. Not before Planning has approved the project.

**SC Code § 6-29-950. Enforcement of zoning ordinances; remedies for violations.**

(A) The governing authorities of municipalities or counties may provide for the enforcement of any ordinance adopted pursuant to the provisions of this chapter by means of the withholding of building or zoning permits, or both, and the issuance of stop orders against any work undertaken by an entity not having a proper building or zoning permit, or both. It is unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit may be issued or approved unless the requirements of this chapter or any ordinance adopted pursuant to it are complied with. It is unlawful for other officials to issue any permit for the use of any land,



building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the zoning administrator. A violation of any ordinance adopted pursuant to the provisions of this chapter is a misdemeanor. In case a building, structure, or land is or is proposed to be used in violation of any ordinance adopted pursuant to this chapter, the zoning administrator or other appropriate administrative officer, municipal or county attorney, or other appropriate authority of the municipality or county or an adjacent or neighboring property owner who would be specially damaged by the violation may in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues is considered a separate offense.



## **ARTICLE 1. ENACTMENT AND JURISDICTION**

### **Sec. 1.1. Title**

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

### **Sec. 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.

### **Sec. 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 and promote public health, safety, and general welfare;
2. Guard and preserve the visual appearance of the community;
3. Lessen traffic congestion;
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.

### **Sec. 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. AMENDMENTS**  
**ESTABLISHMENT OF DISTRICTS AND ZONING MAP**

Sec. 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	Business	Industrial	Special Purpose
R-1AA (Low Density)	MC Market Commercial	LI Limited Industrial	Historic District Overlay
R-1A Single-Family (Medium Density)	OC Office Commercial	M-1 Manufacturing	Gateway District Overlays
R-1 Family (Higher Density)	NC Neighborhood Commercial		OS Open Space Conservation
R-2 Multi-Family (High Density)	CC Core Commercial		
	GC General Commercial		

Sec. 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.

Sec. 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.

#### Sec. 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 planning & community development director to interpret the location of zoning district boundaries. An appeal from an interpretation or finding of the planning & community development director may be taken as specified in 5.11 (1).

#### Sec. 2.5. 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.

#### Sec. 2.6. 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, and/or (5) the center lines of stream beds or other bodies of water shall be construed to follow said features.

#### Sec. 2.7. Extensions of Above Features.

District boundaries indicated as approximately parallel to or extensions of features listed in Section 2.5 shall be so construed and at such distances as indicated on the official zoning map, subject to determination by the planning & community development director. Distances not specifically indicated on the *Official Zoning Map* shall be determined by the scale of the map.

## **ARTICLE 3. APPLICATION OF REGULATIONS**

### **Sec. 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.

### **Sec. 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.

### **Sec. 3.3. Affects Population Density, Lot Coverage, Yards and Open Spaces.**

No building or other structure shall hereafter be created or altered that would:

1. Accommodate or house a greater number of families than permitted;
2. Occupy a greater percentage of lot area than permitted; or,
3. 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.

### **Sec. 3.4. Yard or Open Space, Off-Street Parking or Loading Requirements.**

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.

### **Sec. 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.

### **Sec. 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.

Sec. 3.5. 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. ORDINANCE AMENDMENT**

### **Sec. 4.1. Initiation of Proposals for Zoning Amendments.**

An amendment to this ordinance may be proposed by the Town Council, the Planning Commission, the planning & community development director, any department or agency of the Town, or any 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 planning & community development director whose duty it shall be to present such amendments to the Planning Commission for review and to the Town Council for determination.

### **Sec. 4.2. Planning Commission Review.**

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

1. The need and justification for the change;
2. When pertaining to a change in the district classifications of property, the amount of land in the general area and in the Town having the same district classification as that requested; and,
3. 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 purpose of this ordinance and the comprehensive plan.

### **Sec. 4.3. 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. If the recommendation of 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.

### **Sec. 4.4. 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.

Sec. 4.5. Notice of Public Hearing.

A public hearing shall be scheduled for zoning amendments, the adoption or amendment of the Town’s Comprehensive Plan, zoning variance, appeal of the planning & community development director’s decision, special exemption, street name change, or economic hardship.

Summary. Notice shall be required for approvals as shown in the table below.

Procedure	Published	Posted	Mailed
Street Name Change <sup>1</sup>	✓		✓
*Comprehensive Plan <sup>1</sup>	✓		
Text Amendment <sup>1</sup>	✓		
Map Amendment (Rezoning) <sup>1</sup>	✓	✓	✓
Demolition within Historic District <sup>2</sup>	✓	✓	✓
Board of Architectural Review Economic Hardship <sup>2</sup>	✓	✓	✓
Special Exception Review <sup>3</sup>	✓	✓	✓
Variance <sup>3</sup>	✓	✓	✓
Appeal to Planning & Community Development Director <sup>3</sup>	✓	✓	✓
<i>Designated Board:</i>			
<sup>1</sup> Planning Commission <sup>2</sup> Board of Architectural Review <sup>3</sup> Board of Zoning Appeal			
<b><i>Optional Notifications:</i></b> Public hearing posting on the Town’s webpage & social media pages.			

Types of Notices.

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

Sec. 4.6. Reconsideration of Proposed Amendments.

The Town Council shall not reconsider a proposed amendment to the zoning map if such amendment requests a change affecting the same lot, parcel, or portion thereof, for a period of one year from the date of the amendment fee payment of the prior request unless the Planning Commission recommends to the Town Council that such reconsideration be given, after the

Planning Commission has found either that there has been a substantial change in the character of the area, or the evidence of factors or conditions exist 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.

Sec. 4.7. Planning Commission Establishment.

The Planning Commission is hereby established. Said Commission shall consist of seven (7) members appointed by the Mayor. The members shall serve for overlapping terms of four (4) 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 Commission. None of the members shall hold any other public office or position in the Town.

*Meeting.* The Commission shall hold regularly scheduled meetings on a monthly basis, if submittals have been made and are ready for review. All meetings shall be open to the public.

Sec. 4.8. Powers and Duties.

- A. The Planning Commission shall undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation.
- B. In the discharge of its responsibilities, the local planning commission has the power and duty to:
  - 1. prepare and revise periodically plans and programs for the development and redevelopment of its area, including the Comprehensive Plan;
  - 2. prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area:
    - a. zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;
    - b. regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided;
    - c. an official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within

- its political jurisdiction or a specified portion of it;
- d. a landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
  - e. a capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and,
  - f. policies or procedures to facilitate implementation of planning elements.

**ARTICLE 5. BOARD OF ARCHITECTURAL REVIEW  
AND BOARD OF ZONING APPEALS**

Sec. 5.1. Board of Architectural Review Establishment.

The Board of Architectural Review [BAR] is hereby established. Said Board shall consist of five (5) members appointed by the Mayor. 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 number year, and terms of two (2) members shall expire in each even number year. Any vacancy in the membership shall be filled for the un-expired term in the same manner as the initial appointment. Town Council shall consider nominees that demonstrate interest in local historic preservation and/or professional expertise in preservation, planning, architectural history, archaeology, real estate, engineering, construction, and law. 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 Commission. None of the members shall hold any other public office or position in the Town.

*Meeting.* The Board shall hold regularly scheduled meetings on a monthly basis, if submittals have been made and are ready for review. The board shall meet three times a year, at a minimum, regardless of the status of submittals. The board may also, at their discretion, schedule special meetings to accommodate the schedules of projects under their review. All meetings shall be open to the public.

Sec. 5.2. Organization and Rules of Procedure.

The BAR shall hold an annual organization meeting and shall elect a chairperson and vice-chairperson from among its members. Each shall serve for one year or until he/she is re-elected, or his/her successor is elected and qualified. The Board shall appoint a secretary, whom may be a Town employee designated for this purpose by the Town Administrator. The Board shall adopt rules of procedure in accordance with the provision of State law. In the absence of the chairperson or designee, the acting chairperson may administer oaths and compel the attendance of witnesses by subpoena. 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 that fact, and shall keep records of its examinations and other official actions, all of which immediately must be filed at the Town Hall and must be a public record.

Sec. 5.3. Powers and duties.

The Board of Architectural Review shall promote the purposes and objectives of this ordinance, and 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 new construction within the Historic District, including demolitions; and,
3. To review and approve, approve with modification, or deny approval for such plans and applications, in accordance with the prescribed procedures and guidelines.

#### Sec. 5.4. The Board of Architectural Review Action.

The Board 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 Board shall either issue a Certificate of Appropriateness, including such conditions it deems appropriate in conformance with the standards herein, or deny the application. Action shall be taken by majority vote of those Board members in attendance. Additional guidance for actions by the Board include:

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

#### Sec. 5.5. Appeal.

Any person who may have substantial interest may appeal the BAR's decision. He/she must file an appeal petition with the Circuit Court [Chesterfield County Clerk of Court] within 30 days of the rendered decision.

#### Sec. 5.6. Board of Zoning Appeal Establishment.

A Board of Zoning Appeal [BZA] is hereby established. The BZA is a quasi-judicial body and makes decisions on the finding of facts. Its deliberation process hinges on the review of material and expert testimony on the issue before them. Only persons offering testimony for or against the issue shall present to the Board. The BZA may allow general questions or comments from the public that are not testifying on the topic. The Board's decisions shall be predicated on facts. Said board shall consist of five (5) members appointed by the Mayor. The members shall serve for overlapping terms of four (4) 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.

*Meeting.* The Board shall hold regularly scheduled meetings on a monthly basis, if submittals have been made and are ready for review.

#### Sec. 5.7. Proceedings.

The Board shall adopt rules necessary to the conduct of its affairs in accordance with the provision of this ordinance. Meeting 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 proceeding, 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 examination and other official actions, all of which shall be immediately filled in the office of the Planning & community development director and shall be a public record.

#### Sec. 5.8. 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 planning & community development director 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 Board of Zoning Appeals, the Board shall immediately inform in writing all the parties involved of its decision and the reasons therefore.

#### Sec. 5.9. Appeal.

Any person who may have substantial interest may appeal the BZA's decision. He/she must file an appeal petition with the Circuit Court [Chesterfield County Clerk of Court] within 30 days of the rendered decision.

#### Sec. 5.10. 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, 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 executive of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

Sec. 5.11. The Board of Zoning Appeals shall have the following powers and duties:

1. Administrative Review. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved individual officer, department, Board or bureau of the Town affected by the decision of planning & community development director. (Such appeal does not extend to actions of the Board of Architectural Review or Planning Commission.) An Appeal shall commence within thirty (30) days by filing with the planning & community development director from whom the appeal is taken and with the Board of Zoning Appeal a notice of appeal specifying the grounds thereof. The planning & community development director 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 public hearing, the party [applicant] may appear in person or by agent or attorney.

An appeal stays all proceedings in furtherance of the action appealed from, unless the planning & community development director from whom the appeal is taken certifies to the Board of Zoning 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 Zoning Appeals or by a court of record on application, on notice to the planning & community development director from whom the appeal is taken and on due cause shown.

2. Variances. The applicant must provide sufficient evidence to support an unnecessary hardship. A variance allows the board to modify an otherwise legitimate zoning restriction when, due to unusual condition, the restriction may be more burdensome than was intended. The variance must not impair the public purpose. To obtain a variance on the ground of “unnecessary hardship,” there must at least be proof that a particular property suffers a singular disadvantage through the operation of a zoning regulation. An owner is not entitled to relief from a self-created or self-inflicted hardship. A claim of unnecessary hardship cannot be based on conditions created by the owner nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him. The board has some discretion when deciding to grant or deny a variance. However, it is not free to make whatever determination appeals to its sense of justice. SC Code § 6-29-800(A)2 state and explains the following variance criteria:
  - a. Extraordinary/Exceptional conditions. There are extraordinary and exceptional conditions pertaining to the particular piece of property. Extraordinary conditions could exist due to size, shape, topography, drainage, street widening, beachfront setback lines, or other conditions that make it difficult or impossible to make an economically feasible use of the property.



- b. Other property. These conditions do not generally apply to other property in the vicinity.
  - c. Utilization. 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.
  - d. Detriment. The authorization of a variance will not be of substantial detriment to adjacent property owners to the public good, and the character of the district will not be harmed by granting the variance.
  - e. SC Code § 6-29-800(A)(2)d prescribes other factors:
    - i. Use variance. SC Code § 6-29-800(A)(2)(d)(i) states: The board may not grant a variance, the effect of which would allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. **The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.** Other requirements may be prescribed by the zoning ordinance.
    - ii. Conditions. In granting a variance, the board may attach conditions to it. These conditions may affect the location, character or other features of the proposed building, structure or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
3. Special Exceptions. Special Exceptions denoted in the ordinance for specific uses with subject conditions. The board makes the following findings:
- a. The proposed use will not adversely affect the health or safety of persons residing or working in the area surrounding the proposed use.
  - b. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood of the proposed use.
  - c. The proposed use will not be in conflict with the goals and purposes of the adopted comprehensive plan for the city.
  - d. In granting a special exception, the board shall consider the following factors: traffic flow and control, access to and circulation within the property, off-street parking and loading, signs, buffers and landscaping, structural height and bulk, location of structures, hours and manner of operation, proposed open space, noise, dust, odors, fumes, vibration, stormwater drainage, and other environmental considerations.
  - e. In granting a special exception, the board may attach conditions regarding the size, location, character, or other features of the proposed structure or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, and general welfare.



## ARTICLE 6. ADMINISTRATION AND ENFORCEMENT

Sec. 6.1. Planning & community development director.

Sec. 6.2. Responsibility for Administration.

The planning & community development director designated by the Town 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 planning & community development director and that recourse from the decision of the Planning & community development director 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 action on proposals for amendment or repeal of this ordinance.

Sec. 6.3. Duties of the planning & community development director.

The duties of the planning & community development director shall include the following:

1. Interpret the terms and provisions of this ordinance.
2. Review scaled site/plot plans for proposed development projects.
3. Consult with other governmental agencies (i.e. DHEC, SCDOT, County, and etc.) on proposed projects as part of the approval process.
4. Administer the provisions of this ordinance relating to zoning permits, certificates of zoning compliance, and applications for zoning amendments and special exceptions.
5. Present to the Planning Commission, Town Council, Board of Zoning Appeals, and/or Board of Architectural Review.
6. Provide notice of meetings and public hearings on such amendment and special exception requests as specified herein.
7. Receive 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.
8. Maintain 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 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 application for zoning permits, plats, and plans in connection with said permits, certificates of zoning compliance, denial of permits and reasons for denying such permit; 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

the ordinance.

#### Sec. 6.4. Site or Plot Plan Required.

All developments (i.e. new construction, additions, sign and fence locations, change of use, parking facilities, landscaping, and etc.) shall require a scaled site or plot plan. The scale shall be predicated on an engineer ruler where one inch equals 10, 20, 30, 40, 50, and 60 feet. The site or plot plan shall be completed by a design professional (i.e. landscape architect, licensed land surveyor, or engineer). The exception is for single-family and duplex residential uses. The property owner, contractor, or other may submit a signed and dated hand drawn scaled site/plot plan. The purpose of the site or plot plan is to ensure the proposed development complies with zoning, landscaping, and/or parking standards. Applicant shall provide four (4) copies. Required elements of the site/plot plan are to include, but not be limited to:

1. Developer's information (name, address, and contact);
2. Client information or receipt of the plan (name of individual or company);
3. Property boundaries;
4. Adjacent and proposed road(s) or driveway(s);
5. North arrow;
6. vicinity map or aerial photo;
7. Tax map number and dated plan;
8. Scale (i.e. one inch equals 40 feet or 1" = 40')
9. Existing and proposed building/structure with dimensions;
10. lot size (acreage/square feet).

#### Sec. 6.5. Zoning Permits Required.

No building or other structures shall be erected, moved, added to or structurally altered without a zoning permit therefore issued by the planning & community development director. A zoning permit shall not be issued by the planning & community development director except in conformity with the provisions of this ordinance. If the permit is denied, reasons shall be stated for the denial.

#### Sec. 6.6. Application 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 planning & community development director after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy.

#### Sec. 6.7. Vested Rights.

Once a project has been approved, by the planning & community development director for construction or begin work, the application shall have established vested rights per S.C. Codes § 6-29-1530 and 6-29-1540. Section 6-29-1530 protects the developer and/or property owner from any zoning and land use changes that may occur while/during development. Vested rights are two years with annual renewals up to five years. Section 6-29-1540 outlines limitation on vested rights.

#### Sec. 6.8. Certificate of Zoning Compliance.

It shall be unlawful to use, occupy, permit the of 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 has been issued. The planning & community development director must verify the building or proposed use of the building or land conforms to the requirements of this ordinance.

#### Sec. 6.9. Failure to Obtain Certificate.

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable as provided herein.

#### Sec. 6.10. Construction and Use as Approved.

Zoning permits, or certificates of zoning compliance issued on the basis of plans and applications approved by the planning & community development director 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.

#### Sec. 6.11. Fee.

The Town Council may establish a schedule of fees and a collection procedure for appeals, amendments, sign permit, and other matters pertaining to this section. The schedule of fee 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 paid in full.

#### Sec. 6.12. Violations.

If the Planning & community development director 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 structure; 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.

Sec. 6.13. Complaints Regarding Violations.

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the planning & community development director. He shall record property such complaint, immediately investigate, and take action thereon as provided by this ordinance.

Sec. 6.14. 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 offence. 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.

Sec. 6.14. 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 planning & community development director and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the planning & community development director. If the applicant is not satisfied with BZA decision, he/she may appeal to the Circuit Court.

## **ARTICLE 7. NONCONFORMING USES**

### **Sec. 7.1. 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.

### **Sec. 7.2. 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.

### **Sec. 7.3. Reconstruction.**

A nonconforming structure shall not be demolished or removed and rebuilt or replaced as a nonconforming structure.

### **Sec. 7.4. Extension or Enlargement.**

A nonconforming use, structure, or characteristic of use shall not be extended, enlarged, or intensified except in conformity with this ordinance.

### **Sec. 7.5. Re-establishment.**

A nonconforming use or characteristic of use shall not be re-established after vacancy, abandonment, or discontinuance for any period of six(6) consecutive months.

### **Sec. 7.6. 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 begin within six (6) months from the time of damage.

### **Sec. 7.7. 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.

Sec. 7.8. Nonconforming Mobile Homes.

Mobile homes shall be permitted until they are removed. The exception shall be based on the following provisions: 1) the mobile home owner owns the land for which the mobile is located prior the adoption of this ordinance; 2) the said mobile home is the owner's primary residence; and, 3) the mobile home is annually registered with the Town and County. Meeting the aforementioned provisions, the mobile home owner can replace the unit if damage exceeds 50% of its value or upgrade to another mobile home ten years or less than the date purchased.

Sec. 7.9. 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.



## ARTICLE 8. ZONING DISTRICTS

Sec. 8.1. Prohibited Uses. Any use which is not expressly permitted in a district shall be prohibited.

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

Sec. 8.1.1 Open Space - Conservation District (OS).

Sec. 8.1.2. Intent. This district is to: 1) ensure the preservation of significant natural amenities against undesirable development; 2) 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; 3) provide for opportunities for improved public recreation activities and community-wide recreation network of public paths, water courses, buffer zones, and recreation spaces; 4) and promote scenic easement where important views and vistas could be maintained for the public good in preserving the community heritage.

Sec. 8.1.3. Permitted Principal Uses. Within the OS 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. Utility substations.
5. Camper/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. Cemeteries.
9. Public Utilities.

Sec. 8.1.4. Special Exceptions.

1. Clubs, lodges, and fraternal organizations:
  - 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.

2. Mini Solar Facility.

Sec. 8.1.5. Permitted Accessory Uses and Structures.

Structures and uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, and located wholly on the same lot as the permitted principal use or structures

Sec. 8.2. R-1AA.

Sec. 8.2.1. 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 and discourage uses or activity which generates traffic in excess of that required for serving residences on the streets.

Sec. 8.2.2. Permitted Principal Uses and Structures.

1. Single-family detached dwellings.
2. Non-commercial horticulture or gardens, excluding livestock.
3. Group home. (Section 9.11)
4. Solar.

Sec. 8.2.3. Conditional Uses.

Community Garden. (Section 9.9)

Sec. 8.2.4. 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/police stations, civic and cultural uses.
3. Churches and other places of worship, including educational buildings related thereto. (Section 9.14)
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. Child day care facilities and kindergartens. (Section 9.8)
6. Utility substations. (Section 9.18)
7. Cemeteries, provided that the tract of land is buffered and at least a four (4) foot fence or wall.
8. Apartment conversion. (Section 9.3)

9. Residential office/commercial conversion. (Section 9.15)

Sec. 8.2.5. Permitted Accessory Uses and Structures.

1. Noncommercial greenhouses and plant nurseries, private garages, gardens, garden sheds, tool houses, private swimming pools, and the like.
2. Home occupations. (Section 9.12)
3. Other structures and uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
4. Accessory dwelling unit. (Section 9.1)

Sec. 8.3. R-1A Single Family Residential.

Sec. 8.3.1. 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).

Sec. 8.3.2. Permitted Principal Uses and Structures. All uses permitted in the R-1AA District, in accordance with the related requirements of that District.

Sec. 8.3.3. Conditional Uses. All Conditional Uses permitted in the R-1AA District.

Sec. 8.3.4. Special Exceptions. All Special Exceptions permitted in the R-1AA District.

Sec. 8.3.5. 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.

Sec. 8.4. R-1 Family.

Sec. 8.4.1. 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.

Sec. 8.4.2. Permitted Principal Uses and Structures.

1. All uses permitted in the R-1AA District, in accordance with the related requirements of that District.
2. Government offices.
3. Rooming and boarding house.
4. Bed and breakfast inns. (Section 9.7)
5. Duplexes.

Sec. 8.4.3. Conditional Uses. All Conditional Uses permitted in the R-1AA District.

Sec. 8.4.4. Special Exceptions.

1. All Special Exceptions permitted in the R-1AA District.
2. Rest homes, nursing or convalescent homes for orphans, and homes for the aged.

Sec. 8.4.5. 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.

Sec. 8.5. R-2 - Multiple-Family Residential.

Sec. 8.5.1. Intent. This district provides and encourages high-density living environment and opportunities for a variety of housing types.

Sec. 8.5.2. Permitted Principal Uses and Structures.

1. Any use permitted in the R-1 Family.
2. Townhouses.
3. Garden apartments and multiple family structures.
4. Rest homes, nursing or convalescent homes, and homes for the aged, but excluding hospitals, clinics, medical offices and similar out-patient treatment establishments.
5. Apartment conversions.

Sec. 8.5.3. All Special Exceptions permitted in the R-1A District, except rest homes, nursing or convalescent homes, and other senior housing.

Sec. 8.5.4. Permitted Accessory Uses and Structures. All Accessory Uses and Structures permitted in the R-1A District, in accordance with the related requirements of that District.

Sec. 8.6. Market Commercial Zoning District (MC).

Sec. 8.6.1. Intent. Market Commercial accommodates office, institutional, residential-office conversion land uses with very low intensity retail uses, and low density residential housing. It serves as a transitional zone between the Market Street Corridor Gateway's intense commercial uses and Downtown. The district promotes a quasi-residential built environment discouraging the intense retail or wholesale business activities.

Sec. 8.6.2. Permitted Principal Use & Structures

1. Office Professional:
  - a. doctor, dentist, psychiatric/counseling services, optometrist;
  - b. architect, engineering and planning services; attorney;
  - c. advertising agency, realtor, travel agency, insurance company, tax services;
  - d. tailor, barber and salon shop, shoe repair; and,
  - e. government offices & related professions.

2. Parochial School.
3. Photography studios, art studios, art galleries, antique shops, crafts sales, and establishments for the teaching music, dancing, or other performing arts.
4. Places of worship (i.e. church, mosque, temples). (Section 9.14)
5. Bed and breakfast inns. (Section 9.7)
6. Child day care facilities and kindergartens. (Section 9.8)
7. Adult day care. (Section 9.2)
8. Community service structures and uses such as community service centers, libraries, civic, or cultural.
9. Financial institutional (i.e. banks, finance offices).
10. Single-family and duplexes.
11. Group home. (Section 9.11)
12. Home occupation business. (Section 9.12)

#### Sec. 8.6.3. Conditional Uses.

1. Community garden. (Section 9.9).
2. Residence office/commercial conversion. (Section 9.15)

#### Sec. 8.6.4. Permitted Accessory Uses and Structures.

Structures and uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and located wholly on the same lot as the permitted principal use or structure.

#### Sec. 8.7. Office Commercial (OC).

Sec. 8.7.1. 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 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.

#### Sec. 8.7.2. Permitted Principal Uses and Structures.

1. Those uses permitted in the Market Commercial District, except single-family and duplexes.
2. Book and stationary stores.
3. Private clubs and lodges.
4. Nursing homes, rest homes, convalescent homes, homes, or other senior housing.
5. Auditoriums.
6. Museums.
7. Theaters.

8. Funeral homes.
9. Elementary schools, high schools, business and vocational schools .
10. Rooming and boarding houses.
11. Cemeteries.
12. Adult day care. (Section 9.2)

Sec. 8.7.3. Conditional Uses. Those permitted in the Market Commercial District.

Sec. 8.7.4. Permitted Accessory Uses and Structures.

Structures and uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and located wholly on the same lot as the permitted principal use or structure.

Sec. 8.8. Neighborhood Commercial (NC).

Sec. 8.8.1. 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.

Sec. 8.8.2. Permitted Principal Uses and Structures.

1. Those uses permitted in the Office Commercial District, except auditoriums.
2. Grocery stores, including fish/seafood markets.
3. Car wash.
4. Pharmacy.
5. Hardware stores (no outdoor storage).
6. Gasoline stations (without on-site vehicular repair and/or storage).
7. Laundromats and dry cleaning establishments.
8. Restaurants.
9. Drive-in restaurants.
10. Automotive repair shops.(Section 9.5)
11. Fabric/notions store.
12. Retail, dry goods.
13. Florist
14. Hobby and craft supplies.
15. Jewelry store.
16. Retail, leather goods,
17. Office equipment & supplies.
18. Retail, wallpaper/paint.

19. Pets shop.
20. Clothing Boutique/Store.
21. Bakery.
22. Retail, parts store.
23. Retail, appliance.
24. Wine & Beer Beverage Store.

Sec. 8.8.3. Permitted Conditional Uses.

1. Residential office/commercial conversion. (Section 9.15)
2. Apartment conversion. (Section 9.3)
3. Community garden. (Section 9.9).

Sec. 8.8.4. Permitted Accessory Uses and Structures.

Structures and uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and located wholly on the same lot as the permitted principal use or structure.

Sec. 8.9. Core Commercial (CC).

Sec. 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.

Sec. 8.9.1. Permitted Principal Uses and Structures.

1. All uses permitted in the Neighborhood Commercial District except places of worship (i.e. churches), lodges and civic clubs, car washes, cemeteries, and single-family housing.
2. Billiard parlors, bowling alleys, skating rinks and similar recreational establishments.
3. Hotel/motel.
4. Boutique hotel.
5. Bus depots.
6. Furniture store.
7. Seed & feed store.
8. Taxi stands.
9. Post offices.
10. Research & development.
11. Technological business.
12. Second-story housing/loft apartment.

13. Condominiums.
14. Micro-brewery.
15. Roof-top bars.
16. Bar & grille.
17. Commercial parking lots & garages.
18. Restaurant (no drive-thru).
19. Printing, publishing, and similar activities.
20. Indoor, commercial recreation.
21. Performance art center/theatre.
22. Book and stationary stores.
23. Farmer's market.
24. College extended campus facility.

Sec. 8.9.2. Permitted Conditional Uses.

1. Community garden. (Section 9.9).
2. Home occupation business. (Section 9.12)

Sec. 8.9.3. Permitted Accessory Uses and Structures.

Structures and uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and located wholly on the same lot as the permitted principal use or structure.

Sec. 8.10. General Commercial (GC).

Sec. 8.10.1. Intent. The intent of this district is to provide areas within the community for general business uses primarily engaged in retailing and service provision.

Sec. 8.10.2. Permitted Principal Uses and Structures.

1. All those uses permitted in the Core Commercial District, roof-top bar, second-story/loft apartment, micro-brewery, condo, townhouse, farmer's market, performing art center/theatre.
2. Outdoor theaters.
3. Automotive dealerships.
4. Government office/facility.
5. Television and radio establishments.
6. Communications towers.
7. Storage yards for permitted uses, excluding junkyards.
8. Dairy products processing, laundry and dry cleaning plants, and similar uses.
9. Cold storage and freezer lockers.
10. Farm equipment sales and service.
11. Hospitals, rehabilitation center, doctor office complex, and similar facilities.



12. Utility substations.
13. Veterinary offices offering medical care for animals, including outside kennels and boarding.
14. Multi-family mixed-use development. (Section 9.13)
15. Place of worship/church. (Section 9.14)
16. Self-storage facilities.

Sec. 8.10.3. Permitted Conditional Uses.

- Community garden. (Section 9.9).
- Firework stands. (Section 9.10)

Sec. 8.10.4. Special Exceptions.

- Sexually-oriented (Section 9.16) and tattoo (Section 9.17) businesses.

Sec. 8.10.5. Permitted Accessory Uses and Structures.

Structures and uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and located wholly on the same lot as the permitted principal use or structure.

Sec. 8.11. Limited Industrial (LI).

Sec. 8.11.1. 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.

Sec. 8.11.2. Permitted Principal Uses and Structures.

1. All uses permitted in the General Commercial District, except residential uses and public school/higher education institution, hospital, post office, multi-family mixed use development.
2. Wholesaling, warehousing, storage, supply, and distribution facilities.
3. Truck terminals, freight terminals.
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.
7. Public utilities.
8. Utility substations.
9. Research development/office park.
10. Technological businesses.

Sec. 8.11.3. Special Exceptions. Those permitted in the General Commercial District, including Mini Solar Facility.

Sec. 8.11.4. Permitted Accessory Uses and Structures.

Structures and uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and located wholly on the same lot as the permitted principal use or structure.

Sec. 8.12. Manufacturing District (M-1).

Sec. 8.12.1. 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.

Sec. 8.12.3. Permitted Principal Uses and Structures.

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

Sec. 8.13.4. Special Exceptions. Those permitted in the Industrial District, including Worm Farms (Section 9.19) and Mini Solar Facility.

Sec. 8.12.5. Permitted Accessory Uses and Structures.

Structures and uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and located wholly on the same lot as the permitted principal use or structure.

Sec. 8.13. Area, Yard, and Height Requirements.

The accompanying table provides standards for lot area, building height, setback, etc.

Table 8.1. Lot, Yard, Height, and Building Coverage Requirements

District	Min. Sq. Ft	Min. Lot Width	Min. Lot Depth	Minimum Setbacks			Max. Height/Stories	Max. Lot Coverage
				Front	Side	Rear		
OP	-	-	-	-	-	-	-	-
R-1AA	20,000	100	120	50	20	40	25/2	40%
R-1A	10,000	70	100	35	15	25	25/2	40%
R-1	7,500	60	70	25	10	25	25/2	40%
R-2	(1)	75	100	25	15	25	35/3	50%
MC	7,500	50	70	50	25	15	35/3	60%
OC	7,500	50	50	25	10	15	35/3	60%
NC	7,500	50	100	25	10	15	25/2	60%
CC	-	-	-	-	(2)	(2)	65/6	90%
GC	7,500	50	100	25	10	15	35/3	60%
LI	20,000	100	100	40	20	20	35/3	60%
M-1	20,000	100	100	40	20	20	45/4	60%

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 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 1,5000 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 districts shall apply, except that where the commercial structure is located on a corner lot, no side yard shall be required.

Sec. 8.14. Other Development Standards.

Sec. 8.14.1. Fences. No new fence or wall shall be erected, placed, 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 planning & community development director. Fencing shall meet the following standards, except within the Historic and Gateway Districts:

1. Fences may be erected in front yards of any zoning district to a height not to exceed four (4) feet.
2. Side and rear yards fences shall be built at least a foot off the property line for maintenance and repair. Fencing shall be no taller than eight feet.
3. Side yard fencing shall begin at the corner of a structure extending toward the rear property.

4. Fences located on property directly adjacent to the public roadway, with no landscaping median, shall be setback at least five (5) feet from the property line and the owner install small shrubs and/or trees, and planting to soften the urban edge. Fences located within the Cheraw Historic District must be reviewed and approved by the Cheraw Board of Architectural Review.
5. No barred or razor wire shall be affixed to fencing facing any public roads.

Sec. 8.14.2. Accessory Structures/Uses. A structure/use that is customarily incidental and subordinate to the main use or building and located on the same lot. In no case shall such an accessory structure/use dominate, in area, height, size, square footage, extent, or purpose, the principal lawful use of a building. Examples of an accessory structure/use are detached garages, carport, gazebos, utility shed, pool house and accessory dwelling unit. The structure/use shall be located in the rear of the principal building at least five (5) feet from another structure and property lines.

#### Sec. 8.14.3. Structures in Required Yards.

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

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.
2. Steps and open porches without roofs shall be allowed in any required yard.
3. Permitted accessory structures shall be allowed in the required rear yard.
4. Eaves, cornices, gutters, and other minor architectural features projecting less than twenty-four (24") inches from the main portion of a building shall be allowed to project into any yard.
5. Open fire escapes may be extended into any required yard not more than three and one-half (3.5") inches.
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.

Sec. 8.14.4. Campers/Recreational Vehicles. 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 a permit is obtained from the planning & community development director. The permit shall only be issued once the application. The permit will not be renewed or extended beyond the 14 days during the calendar year. The camper/RV and owner shall meet the following standards:

1. Camper/RV must have a self-contained sewer system.

2. Provide a notarized permission letter from the property owner that is signed, dated, and noted length of stay.

Sec. 8.14.5. Orientation of Required Yards. In interpretation of requirements related to establishment of required yards, the planning & community development director shall apply the following interpretation to the orientation of such yards for corner lots and through lots.

1. Lots in residential districts shall observe front yard requirements for principal and accessory buildings on each street.
2. Corner lots. The front of principal structures shall be oriented toward the heaviest traveled roadway.

Sec. 8.14.6. Lighting.

All outdoor lighting fixtures rated 1800 lumens or more shall be full cut-off or fully-shielded fixtures. Semi-cut off fixtures not exceeding 30 feet in height are allowed for fixtures up to a maximum of 9,500 lumens. Except for public streetlights, all lighting fixtures shall be designed, located, and installed to avoid casting direct light onto adjacent streets or properties.



## ARTICLE 9. DESIGN STANDARDS

Below are design standards where noted in Article for permitted, conditional, and special exception uses.

### Sec. 9.1. Accessory Dwelling Unit.

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

1. Located on the same legal lot as the existing single-family residence;
2. One (1) independent unit from the main residence with no interiors access to the main residence and cannot be sold separately;
3. Provide living, sleeping, eating, cooking, and sanitation accommodations.
4. Garage conversions. detached garage provided all traditional elements of garage, such as the garage door is completely removed.
5. Size: 50% of the principle structure up to 1,000 square feet, regardless of the size of the residence.
6. Minimum Lot Size: 10,890 square feet.
7. Minimum Setbacks: 5 feet from side and rear property line; 20 feet from principal residence; and 5 feet from another accessory structure.
8. Height: 15 feet.
9. Architectural compatible with the principle structure.
10. Designate appropriate parking per number of bedrooms (Off-Street Parking, Sec ?)

### Sec. 9.2. Adult Day Care.

Facilities shall be licensed and meet SC DHEC standards.

### Sec. 9.3. Apartment Conversion.

Converting of single-family residences into multi-family units:

1. The lot meets the minimum requirements of the district regarding size, setbacks, etc.
2. The existing structure contains at least 2,500 square feet of living space.
3. 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.
4. All separate living units will have complete kitchen and bathroom facilities.
5. Adequate, functional off-street parking shall be provided in accordance with multi-family parking requirements of this ordinance.
6. All other requirements of the district will be maintained.
7. Located off arterial or collector street per SC DOT's functional classification system.

#### Sec 9.4. Apartments/Multi-Family.

Apartments/Multi-Family dwellings shall meet the following provisions:

1. Located off an arterial or collector street per to SCDOT's functional classification system.
1. Dedicate twelve (12) or more percent for open and/or recreational space.
2. Promote an urban scale, architectural features, including varied building materials, and for pedestrian and vehicular movement.

#### Sec. 9.5. Automotive Repair Shop.

Automobile Repair shall meet the following provision:

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

#### Sec. 9.6. Automotive Dealership (New or Used).

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

1. Vehicle Display Pads: up to one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level. Any rack that tilts the vehicles in any way to show the underside must be located inside a showroom.
2. Other Materials for Sale: cannot display any other materials including but not limited to tires, rims, and other parts and accessories for sale between the principal structure and the street.
3. Off-Street Parking Standards: Automotive sales uses must pave vehicle display, vehicle storage, and customer parking, including all access and driving surfaces, with concrete or asphalt. Parking lot islands will not be required for vehicle display and vehicle storage areas located to the rear of the principal structure as long as the principal structure meets all



applicable setbacks and the area is not located along a public street. Cars cannot impede the pedestrian right-of-way.

4. Include location of the new/used vehicles with site plat.

#### Sec. 9.7. Bed and Breakfast Inns.

Bed and Breakfast Inns are intended to provide a unique transient lodging experience in predominantly residential environs.

1. The business shall be conducted by the resident owner/occupant of the dwelling and no more than one (1) non-resident employee.
2. Permitted within Historic District.
3. No cooking within the rooms but may include meals served by the owner to the guests. No meals shall be served to non-guests.
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.
5. Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
6. Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper. Parking shall be located in first in the rear of the primary structure and meet landscaping standards.
7. 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 and overall occupancy does not exceed such safety and other guidelines as the Town's public safety departments may from time to time establish.
8. No on-street parking is permitted at the location.
9. The property owner shall be required to take all reasonable means to limit noise levels outside the structure during such activities by requiring attendees to remain inside the structure and by ensuring that all windows and doors remain closed during the activity.
10. 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.

#### Sec. 9.8. Child Day Care Facilities and Kindergartens.

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

1. General Requirements: The applicant shall obtain all necessary licenses from regulatory agencies (South Carolina Department of Social Services 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.
2. Fencing: A fenced play area shall be provided which meets the requirements of the

regulatory agencies.

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. Facilities, operation and maintenance shall meet the requirements of the appropriate health department and regulatory agencies.
5. Signage is not allowed in a primary residential dwelling.

#### Sec. 9.9. Community Gardens.

Community gardens shall conform to the following provisions:

1. Permitted in commercial and residential zoned areas as conditional use. (Commercial community gardens are allowed to sell products from the gardens.)
2. Not exceed one (1) acre in size.
3. No bees or poultry on premise.
4. Contiguous properties with the same owner may temporarily be used as one community garden.
5. No more than two within 1,000 feet between community gardens on one street.
6. Community garden operator is responsible for all maintenance requirements.
7. Garden cannot be within 40 feet of water body (i.e. stream, pond, river, creek, or etc.)
8. Garden operator shall obtain an annual permit for use.
  - a. If the garden operator does not own property, operator must obtain lease or notarized written permission from property owner outlining the length of use and any conditions. Town-owned property may be leased to community garden operators. The Town of Cheraw has guidelines in place for Town-owned properties.
  - b. Permit is not transferrable to another user and/or garden operator.
9. Hours of operation shall be from 7:00 am to 7:00 pm.
10. Tools and supplies shall be stored indoors or removed from property daily. Pesticides, fertilizers, and/or hazardous materials shall be stored on the property in a locked storage structure or removed from property.
11. *Design/Layout*: The site must be designed and maintained to prevent any chemical, pesticide, fertilizer, or other garden waste from draining onto adjacent properties.
  - a. *Setbacks*. Structures and containers shall be setback at minimum of five (5) feet from the property lines. The designated front entrance of community garden shall be at least 15 feet from property line noted by the placement of the fence. Front entrance is denoted by the property fronting on a public roadway. In situations of a corner lot or property accessed by two (2) roads, the owner has the choice of designating the front entrance.
  - b. *Accessory Structures*. Accessory structures such as a storage shed for tools and other supplies, greenhouse, rain barrel, hoop house, cold frame, container(s), trash receptacle, farm stand, and/or others are allowed in a community garden.
    - i. No structure shall exceed 15 feet height.

- ii. No metal structures.
  - iii. All structures must be well maintained.
  - iv. Structures over 200 square feet must obtain appropriate permit(s) from Building Official.
  - v. Refuse, composting, and manure containers shall be in rear of the property. Containers shall be covered. Odors and/or fly-breeding shall not be greater than customarily found at a well-maintained residence.
  - vi. Only one farm stand per lot.
  - vii. Farm stand during harvest seasons may be no closer than three (3) feet from the property line. It cannot block pedestrian access.
  - viii. Farm stand must be stored in rear of premise, during non-harvest seasons, when the facility is not open for public use.
- c. *Fencing.* Fencing is not required; however, if fencing is incorporated into the design, it must meet the standards below. Fencing within the Historic District is subject to Board of Architectural Review approval.
- i. Maximum fence height shall be four (4) feet.
  - ii. Electrical, barbed, and razor wire fences are prohibited.
  - iii. Fencing setback shall be three (3) inches from property lines except along public and service roads. Fencing along roadways shall be at least three (3) feet off the property line with landscaping between the fence and property line. Landscaping may consist of small, natural trees, shrubs, and/or plantings a foot off property lines fronting a street(s). Plantings no taller than five (5) feet at maturity. One (1) planting every 6 feet.
- d. *Composting.* Composted materials shall be only those materials generated onsite. Dead plant growth must be composed or removed from the site at the end of harvest seasons. Composting area(s) must be maintained in a way that protects adjacent properties from nuisance odors, the attraction of rodents or other pests, and runoff onto adjacent properties.
- e. *Refuse.* Trash receptacles shall be emptied weekly and constantly covered. Dumpster(s) shall be screened from public view by an opaque impact-resistant fence of sufficient height.
- f. *Lighting.* All lighting shall be shielded so light falls within the property.
- g. The total square footage for an accessory structure individually or structures combined may not exceed seven (7) percent of the property's size. For example, 10,000 square foot parcel x .07 (7%) = 700 square feet for an accessory structure(s).
- h. Impervious coverage for structures and parking area associated with community garden is limited to 25% of the lot.
- i. *Parking.* Commercial gardens must have off-street parking on and/or off site with appropriate maneuverability and ingress and egress. Parking can be through a notarized

parking agreement with a business/property owner. Parking design shall meet Town's parking & landscaping standards. Due to the likely temporary use of community

- j. gardens, the parking area may retain its natural surface. However, the garden operator must delineate parking stalls using wood, mulch or temporary structures.
  - k. *Signage*. One (1) sign affixed to the fence or posted on the property facing the road. Sign face cannot exceed eight (8) square feet and no taller than 4 feet from the ground to utmost part of the sign. Signage is permitted to have name of community garden, contact number, and/or available parking area.
12. Water connection onsite or use of water tank and/or rain barrel. Water cannot be accessed from adjacent property owners unless the owner provides notarized permission outlining length of use and other conditions. All hoses shall be equipped with a trigger nozzle.
  13. Property must be maintained free of high grass and debris.
  14. Town may suspend or terminate use for nuisance violations or criminal activity.
  15. Once the community garden is no longer in use or inoperable after 6 months, all structures (i.e. shed, raised planting beds, etc.) parking, and signage must be removed, and a grass sown in bare and previously cultivated areas once used to produce plants. The lot(s) cannot be used for storage or any other activities not permitted by the Town of Cheraw's Code of Ordinances and/or zoning standards.
  16. Applicable permits from other departments or agencies may be required.

#### Sec. 9.9.1. Submissions.

The application for a community garden permit includes the following and required submissions.

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

#### Sec. 9.10. Firework Stands.

1. Complete zoning permit application.
2. Obtain business license/appropriate permit.
3. Submit sign and dated notarize permission letter or lease agreement from property owner authorizing the use of property for firework sells.

4. Pass building official inspection.
5. Submit scaled site or plot plan showing location of fireworks stand, the number and location of off-street parking spaces or area at the stand in relationship to structures, property lines, and street(s).
6. Design Requirement:
  - i. Circulation. The location and entrance of the temporary stand, or its operation shall not create any hazard relating to the movement or circulation of traffic or pedestrians.
  - ii. Setbacks. The location of the temporary stand, tent or its operation shall be at least 20-feet from any dwelling or other structure on-site, including any other fireworks stands, and at least 10-feet from any adjoining property line.
  - iii. Parking. Off-street parking shall be provided at a ratio of 1 space per 200 square feet of space occupied by the temporary stand, or its operation, but in no instance shall there be less than 5 spaces, at or near the location of the operation. If the property being used does not have clearly delineated parking spaces, the firework operator shall delineate parking with sign or other methods to direct patrons to park.
  - iv. Supervision. A person 18-years of age or older shall be present to supervise the operation of the stand at all times.
  - v. Hours of Operation. Fireworks sales shall be restricted to the hours of 8:00 am to midnight.
  - vi. Solid Waste Disposal. The location of the temporary stand shall be maintained in a clean, clutter free environment and free of trash. The applicant shall provide a trash can on-site and properly dispose trash at close of business.
  - vii. Fire Prevention/Safety. Place no smoking signs near stands and maintain a fully functional fire extinguisher on-site.

#### Section 9.11. Group Home.

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

1. Provide copies of State approval, licensing, and/or certification.
2. Provide agency profile consisting of:
  - a. type of clients and number served;
  - b. organization/agency mission statement;
  - c. services provided on-site;
  - d. site hours of operation/staff availability; and,
  - e. contact information.
3. Disclose to Police and Town if client(s) has a history of sexual violence and/or misconduct.
4. Scale site/plot plan and elevation drawings (applicable to new construction, additions, and/or property improvements).

5. Any proposed group home exceeding two (2) group homes in the same neighborhood/area, especially low-income neighborhoods, requires a public hearing to discuss the matter and offer an alternative location. The Town per *S.C. Codes 6-29-770(H)* may apply to the courts for injunctive and other relief to prevent a concentration of this use in one neighborhood/area.
6. Design Standards:
  - a. group home (existing or new construction) must maintain a residential appearance compatible with the surrounding area. This includes architectural form, style, and/or design elements.
  - b. no signage on the property- yard, window(s), door, or wall displaying agency/organization name, hours of operation, contact, or any other information.
  - c. parking shall be in rear behind house.
    - i. Parking shall comply with Table 6.1 Off-Street Parking Standards.
    - ii. Paved parking area must be at least five (5) feet from property lines.
    - iii. Parking extending beyond the house's corner shall be shielded from the roadway by landscaping – trees, bushes, or combination thereof that will reach at least five (5) feet at maturity.
  - d. accessory structures shall be in rear at least five (5) feet from any structure(s) and property lines.
  - e. exterior lighting structures shall not cause noxious glare, become a nuisance, or migrate onto adjacent property(ies) or right-of-way. Exterior lighting shall be directed in downward position or incorporate a shield to direct lighting in a downward fashion.
  - f. improvement(s) shall not exceed zoned area's lot coverage standard.

Sec. 9.12. Home Occupation Business.

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, subject to the following provisions:

1. Receives and annually renews a business license.
2. No person other than members of the family residing on the premises shall be engaged in such occupation.
3. 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.
4. There shall be no change in the exterior appearance of the dwelling, and/or a new entrance to serve the home occupation, unless required by a state licensing agency.
5. One non-illuminated sign which shall not exceed one and a half square feet and may be attached to the dwelling.
6. The home occupation shall be conducted only within the principal structure.
7. Does not involve on-site retail sales or services which involve visits by customers on any sort

of regular basis.

8. No noise, vibration, smoke, glare, fumes, odors, unhealthy, unsightly condition, traffic and/or parking problem.
9. No outdoor storage shall be allowed in connection with any home occupation.
10. Is conducted only by persons residing on the premises.

#### Sec. 9.13. Multi-Family Mixed-Use Development.

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

1. commercial or office uses face Chesterfield Highway with multi-family units in the rear as part of the building or separate structure.
2. Developer shall provide:
  - a. a mixed-use share parking study, consisting of weekend, week day times, to accommodate the need parking spaces.
  - b. passive and/or recreational open space.
  - c. a scaled site plan noting lighting, landscaping, parking, open space, proposed building and accessory uses with dimensions, elevation drawings, retention or detention.

#### Sec. 9.14. Places of Worship, Church.

Places of worship are subject to the following provisions:

1. Facility must be meet square footage, setbacks, and buffering, off-street parking, and landscaping standards.

#### Sec. 9.15. Residential Office/Commercial Conversion.

Single-family residence conversion to a public or private office or permitted commercial use provisions:

1. Minimum size, setbacks, parking, landscaping, and etc.
2. Located off an arterial or collector street per to SCDOT's functional classification system.
3. One monument/freestanding sign perpendicular to the road.
4. Parking consideration shall be first in rear, then side, and lastly the front meeting the required paving and landscaping standards. Parking visible from road requires a five (5) foot buffer with planted small bushes, trees and landscaping treatment to screen the parking area.

Sec. 9.16. Sexually-Oriented Businesses.

Sec. Sexually-oriented businesses are determined to be potentially detrimental to residential neighborhoods and other sensitive land uses.

- A. 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.
- B. 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. Nudity or state of nudity means the appearance of the human bare buttock, anus, male or female genitals, or the female breast.
  5. 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.
  6. 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.
  7. 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.
  8. 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.



9. Specified anatomical areas means the following areas of the human body that are not completely and opaquely covered: human genitals, pubic regions, buttocks, female breasts below a point immediately above the areola, or the covered male genitals in a discernibly turgid state.
10. 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.

C. 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 time.

D. 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, secondary school, or college/university.
3. A public or private nursery school or day care center.
4. A public park.
5. Any residential district.
6. Any residential subdivision.
7. Any other existing sexually-oriented business.

- E. Nonconforming 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.
- F. 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.
- G. 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.

H. Permits/License 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
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

9. 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.
10. 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.
11. 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.
12. 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 fallowing activities on the premises:
    1. possession use or sale of controlled substances;
    2. prostitution
    3. any "specified sexual activity as defined in this section.

Sec. 9.17. Tattoo Facility.

Tattoo facilities shall not be located within one thousand (1,000) feet from a church, school, or playground, nor within the Town's Historic District.

Sec. 9.18. Utility Substation.

1. Maximum: 5,000 square feet.
2. opaque screening from all sides with fence and vegetation (trees and shrubs).

Sec. 9.19. Worm Farm Operation.

Worm Farm Operation is a commercial operation utilizing worms for sale and/or harvesting worm castings for landscaping, gardens, and other agricultural purposes. This use shall meet the following development standards:

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



## ARTICLE 10. HISTORIC & GATEWAY CORRIDOR OVERLAY DISTRICTS

Sec.10.1. Intent. The overlay district is designed to protect historic resources and promote historic preservation. They encourage new buildings and developments that will be harmonious with the existing structures and sites; and

Sec.10.2. Definitions.

*Appeal.* The procedural process to revisit a decision viewed as unfavorable, illegal, and/or speculative to reverse the previous decision.

*Board of Architectural Review [BAR/Board].* Members appointed by the mayor charged with the review and deliberation of activities within the historic district to ensure appropriateness.

*Building Official.* The authorized person of the town to inspect structures and enforce ordinances and building codes, and issue building permits, fines, and stop work orders.

*Certificate of Appropriateness.* The document issued by the Board of Architectural Review certifying that the proposed development, alteration, and other activities meet the adopted design standards and zoning ordinance.

*Certificate of Economic Hardship.* The document issued by the Board of Architectural Review certifying the applicant(s) have successfully provided evidence of an economic hardship.

*Cheraw Historic District [historic district].* The Town's National Register for Historic Places boundary noted on the Official Zoning Map.

*Contributing Resource.* Any building, structure, or object, at least 50 years old, with historical, cultural, archeological, architectural integrity that adds to the historic district's period of significance.

*Demolition.* The razing of any historical, cultural, and architectural feature or structure in whole or part, including demolition by neglect of necessary maintenance and/or repairs.

*Demolition by Neglect.* The destruction of a historic resource through abandonment or lack of maintenance.

*Economic Hardship.* Unforeseen, and/or compelling situation where property owner(s) of the property in question cannot to reasonably meet the historic district's design standards. The property owner(s) establishes the hardship claim by presenting significant evidence to substantiate the claim.

*Gateway Corridor Overlay Districts.* The geographic boundaries that serves as the entrances into the historic district with a series of design standards note on the Official Zoning Map.

*Improvements.* Any exterior modification including paint colors, additions, new construction, signage, enclosures, demolition, construction, or location of an accessory structure, major landscaping, and/or other exterior activities.

*Major Landscaping.* The removal or installation of four or more trees and shrubs, installation of walks, terraces, and/or walls, or combination of the aforementioned.

*Non-contributing Resource.* Buildings, structures, or objects, less than 50 years old, that does not possess historical, cultural, architectural integrity significant to the historic district. Included is once contributing buildings, structures, or objects no longer contributing to the District's period of significance due inappropriate modifications and/or additions.

*Period of Significance.* The span of time during which significant events and activities occurred. Events and associations with historic properties are finite; most properties have a clearly definable period of significance. The Cheraw Historic District's period of significance is from 1770 to 1960.

*Traditional Downtown.* The portion of the historic district that harkens to the early American live, work, eat, and shop experience. This storefront design features adjoining buildings, some with second stories, oriented close to sidewalks with large and significant windows, cornices, ornate designs, awnings, canopies, and signage that complement the buildings' scale and mass. The traditional downtown is defined on the Official Zoning Map.

*Transitional Historic Design.* The remaining portion of historic district. This area is defined by its historic homes and sites, and modern commercial/institutional designs. A number of the commercial/institutional buildings are stand-alone and some residential in design. Structures are oriented away from the sidewalk with deeper setbacks broadening the visual landscape.

#### Sec.10.3. Cheraw Historic & Gateway Corridor Overlay Districts.

The historic and gateway corridor districts are districts that supplements the underlying zoning districts. In addition to the requirements of the underlying zoning districts, the requirements herein shall apply to all new construction, additions, enclosures, alternations, expansions to existing structures, parking lots, signage, landmarks, paint colors, installation/construction of accessory structures and/or other exterior activities. If there is conflict between the requirements of the historic district and underlying zoning designation, the historic district requirements shall govern.

#### Sec.10.4. Expansion of Historic District, National Nomination Outside Historic District, or Local Landmarks.

The Cheraw Historic District is listed with the National Park Service's National Register of Historic Places (NRHP). Expansion of the District hinges on the NRHP Process.



- A. Consideration. The BAR or Planning Department may accept a standardized letter with supporting materials substantiating a property or properties' historic significance. The property owner or Town may initiate this process. If the Town initiates the process, it shall notify the property owner(s) in writing. The property owner may object to the nomination process. If properties are part of a separate nominating district, the Town may process with the majority of property owners' consent. Structure, building, or object consideration is based on:
1. 50 years old or older criteria;
  2. Significant historical, architectural, cultural, and archeological character or event in history;
  3. Associated with a person or persons who contributed significantly to the culture and development or exemplifies the cultural, economic, social ethnic or historic heritage of the community, State, or Nation;
  4. Distinguishing characteristic of a type, style, period, or specimen in architecture or engineering; and,
  5. Distinctive elements of community planning or established and familiar feature of the neighborhood or community.
- B. Contributing Resource Evaluation. A qualified professional with architectural history, art history, historic preservation, architectural history, art history, or historic preservation to verify contributing resource status to expand district or be nominated for NRHP status.
- C. Action by Council . If contributing, recommendation is sent to Council. Council may direct the planning director or designee to complete the National Register of Historic Places Form [10-900 form] and submit to the South Carolina Department of Archives & History (SCDAH) for evaluation.
- D. SCDAH Evaluation. The South Carolina Department of Archives & History (SCDAH) shall evaluate application request. If appropriate, complete nomination(s), with certifying recommendations, are submitted by the state to National Park Service for consideration. NRHP structures, buildings, or objects outside the historic district shall not be reviewed by the Board of Architectural Review.
- E. Expansion of District. If the expansion is approved, the Planning Commission shall recommend the amendment to the Town's Official Zoning Map to Council for adoption. The adopted Official Zoning Map shall reflect the expanded boundary.
- F. Local Landmarks. The Town may locally recognize its historical, cultural, archeological, and architectural structures and sites. Consideration follows Sec. 10.4 (A) with a recommendation to Council for approval.

Sec.10.5. Certificate of Appropriateness.

- A. General. Application for a certificate of appropriateness must be signed by the owner or his authorized agent and the form must be signed by the chairman or vice-chairman of the Board stating its approval, denial, or approval with conditions and the reasons for the decision. The planning and community development director may approve and sign a certificate of appropriateness for streamlined projects.
  
- B. Required Procedure. An application for a certificate of appropriateness shall be obtained from the planning and community development department, clerk/treasurer's office, or online and when completed, filed with the appropriate administrative official as designated by the Board.
  
- C. Time Limits. Applications for a certificate of appropriateness shall be considered by the board at its next regular meeting, provided the application have been filed at least seven calendar days before the regularly scheduled meeting. The BAR shall act on an application no later than the second regularly scheduled monthly meeting. If the Board fails to act within this time period, the application shall be considered approved. However, the time frame may be extended if postponed with the applicant's permission. Demolition or removal of structures or objects' request has a distinctive time frame.
  
- D. Board Action on Application. The board shall review the application, using the design guidelines to make findings of fact to decide whether or not the applicant's plans are appropriate. Action shall be taken by majority vote of members in attendance. Board may approve, approve with modifications, table for further discussion or additional information, approve with modifications provided outstanding permits or information is provided to the planning and community development director, or deny applicant's request. The decision of the board, along with the reasons for each decision, will be recorded in the minutes and will be available upon request as a public reference for preservation procedures.
  
- E. Withdrawal, Revision, Submission of New Application. An applicant may withdraw and/or resubmit her/his application up to the regularly scheduled meeting or public hearing. An applicant may request postponement of review for revisions. Revisions must be submitted within seven (7) business days of BAR's regularly scheduled monthly meeting in order to be placed on the agenda.
  
- F. Submission of a New Application. If the board determines that a certificate of appropriateness should be denied, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed work.

#### Sec.10.6. Pre-application Review.

The applicant or authorized designated agent may appear before the Board of Architectural Review to obtain guidance on proposed activity. The applicant or designated agent shall submit a letter requesting a pre-application review and describe proposed project(s). Applicant may provide paint colors, renderings/sketches, models, scaled site/plot plan or other supporting documentation. The advice provided shall not be interpreted as an approval or denial. It shall be information only.

#### Sec.10.7. Contents of application.

An application shall not be considered complete if all the appropriate sections are not filled-in, signed by applicant or designated agent, and accompanied by the applicable supporting materials. Color pictures of the property, building, structure, or object shall be required.

Applicant shall provide the applicable material(s) with a completed and signed application:

- A. Signage. Color rendering of proposed sign(s) with dimensions, picture showing location of signs.
  
- B. Scaled site/plot plan for freestanding/monument signs, fencing, walls, local/State historic markers, new construction, additions, light fixtures, and accessory structures. Scaled site/plot plan shall include but not limited to:
  - 1. developer/preparer's information (name and address);
  - 2. property boundaries and adjacent land uses (i.e. residential, commercial, farmland, or wooded);
  - 3. adjacent and proposed road(s) or driveway(s) layout;
  - 4. north arrow and vicinity map or aerial photo;
  - 5. tax map number and date;
  - 6. scale (i.e. one inch equals 50 feet);
  - 7. existing and proposed building/structure with dimensions; and,
  - 8. lot size (acreage).
  
- C. Paint. Color swatches with paint names.
  
- D. New construction, additions, and accessory structures. Aside from scaled site/plot plan, include elevation drawing/sketches of proposed design, material types, and colors.
  
- E. Window replacements. Sketch of proposed windows and pictures of existing windows.
  
- F. Landscaping (major). Scaled landscaping plan showing location of plants (i.e. trees, shrubs), species types, and height at maturity.

Sec. 10.8. Issuance of Certificate of Appropriateness.

A certificate of appropriateness shall be based on design guideline standards adopted by Town Council. A certificate of appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification, signage, paint color change, establishment of historic markers, change in material and texture, enclosures, additions, or others within in the historic district. Any building permit issued not in conformity with this article shall be considered void. Certificate of Appropriateness approval shall require the chairperson or planning & community development director/designee's signature on a Certificate of Appropriateness [BAR] Application. The planning & community development director can only approve streamline projects. Contributing Resources are listed below.

Sec. 10.9. Insurance by Board of Architectural Review.

Standards, reflecting design guidelines, include but not limited to:

- A. Fencing in front shall be no taller than four (4) feet, side, and rears fences no taller than six (6) feet. Side fences start at the corner of a structure traversing toward the rear property. Fences shall be a foot off the property line. Fences along any roadway shall be setback at least three (3) feet off property line with planted small trees and shrubs between fence and roadway. Trees and shrubs at maturity shall not exceed a foot over the fence. Chain-linked fences are prohibited in front yards. Small trees, shrubs, and plantings shall be installed along chain-linked fencing abutting side property lines.
  
- B. Drives and parking areas shall be reviewed. New drives require SCDOT encroachment permit and parking shall meet landscaping standards.
  
- C. Metal carports and shed shall be placed in rear of buildings and residences.
  
- D. Contributing Resources, includes but not limited to:
  - 1. Window replacement may be vinyl and shall have raised exterior muntins on windows and mimic the existing gird pattern.
  - 2. Repair and replace with in-kind materials.
  - 3. Distinctive materials, features, finishes, and construction techniques shall be preserved to the extent feasible.
  - 4. Changes that create a false sense of historical development, such as adding conjectural features or elements from the other buildings shall not be undertaken.
  - 5. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
  - 6. Repairs shall not alter the exterior appearance or materials.
  - 7. Deteriorated historical features shall be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, similar materials shall

be used if reasonably available, and the new feature shall maintain the appearance of period of significance.

8. Sandblasting is prohibited.
9. Additions and enclosures shall be consistent with and reflect the existing architectural form and style and designed by SC licensed architect with a historic preservation background. Drawings shall be signed and sealed by architect and submitted three copies to the planning & community development director.
10. No synthetic products (i.e. vinyl, aluminum, and hardiplank) shall be allowed on exterior. The exception shall be for asbestos with hardiplank or other cement products.

E. Non-contributing Resources:

1. Synthetic products (i.e. vinyl, aluminum, hardiplank, and other cement products) shall be allowed on exterior walls except where visible from any roadway. Vinyl or aluminum siding may only be applied after all rotted or damaged wood has been repaired or replaced and inspected by town codes official. Materials facing any roadway shall be wood or masonry.
2. Window replacements may be vinyl. Windows facing any visible roadway shall mimic the existing gird pattern with raised exterior muntins.
3. New construction does not have to replicate historic structures. Construction shall be compatible to and be consistent in the size, height, and general appearance of surrounding properties. Synthetic materials are allowed excepted the areas visible from any roadway excepting on commercial businesses. Facades shall be finished with masonry materials (i.e. brick, stone, and cultured stone), stucco with architectural detailing, wood, glass, steel, or a combination of materials.

Sec. 10.10. Signage.

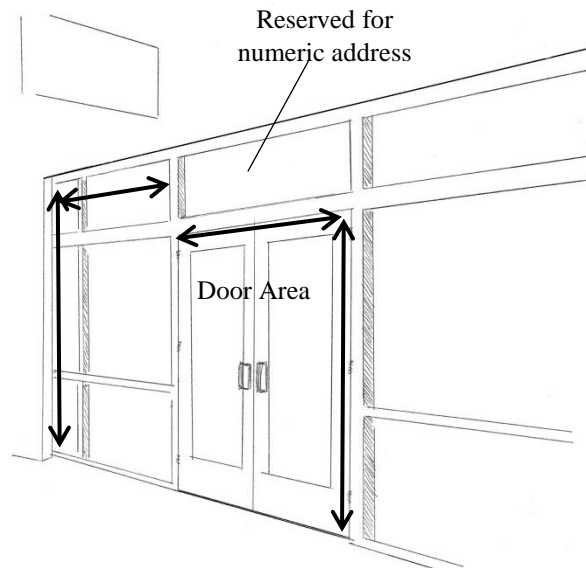
Property and business owners shall to the best of their ability retain any historic or existing signs that contribute to the overall historic character of the building or district. This includes ghost signage. Damaged and deteriorated materials should be replaced with in-kind materials. New signs shall be compatible in design, material, scale, finish, and detail with the historic character of the building and the historic district. All signage shall be professionally installed by a sign installer or graphic design professional.

A. General Signage:

1. *Sign Content.* Sign shall bear or indicate only the business name, logo, or business type (i.e. "Pizza," "Insurance,") or an icon graphically depicting the type of business.
2. *Color.* Sign and lettering color shall reflect compatibility with a building's design and use. Iridescent and neon bright colors will not be allowed within the district. No more than three colors are recommended for each sign. Contrasting backgrounds and lettering is recommended for legibility.

3. *Typeface.* The lettering style on signs shall be easy to read. Light colored letters on a dark background (or vice versa) is preferred for maximum contrast and legibility. Letters shall be between 8” and 18”. For longer messages, the use of uppercase and lowercase lettering is recommended for legibility.
4. *Window Signs.* Owners may locate window signs in façade windows. These signs shall be professionally painted or affixed with vinyl material directly on the window. Window signs, including advertisements, shall cover no more than 25 percent of the total window area. Window signs for a business shall be relegated to the ground floor area. Only an upper-story business may have window signage above ground level. See guidelines for subordinate signage below for decals and items hung in windows.

Window area is calculated by the contiguous window surface regardless of the number of window panes. Where window surface is interrupted by a door or wall, this constitutes another window area.



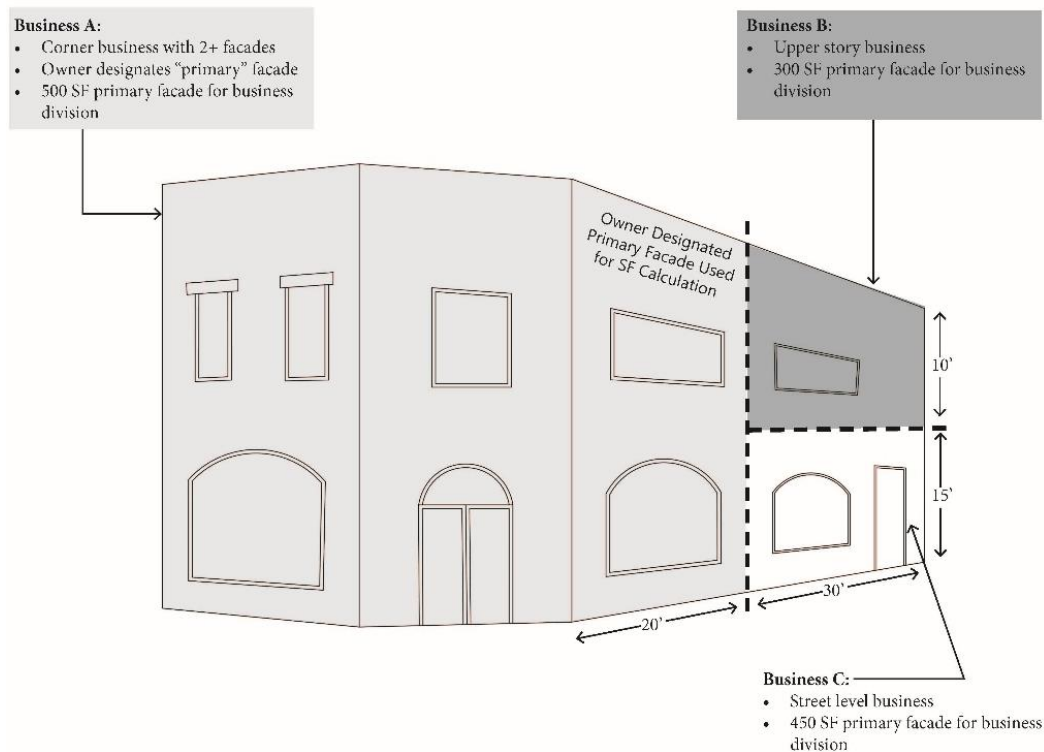
5. *Prohibited Signs.* Neon, animated, scrolling, flashing, electronically changeable signs, electronic displays of temperature, date, and time, inflatable, roof signs, wind signs, mobile reader board signs, and/or off-premise and billboard signs are not appropriate in the historic district. The only exception shall be for gasoline stations where gas prices, date, and temperature may be electronically displayed.
6. *Entrance Door Sign.* Signage on door entrances can be placed on clear glass doors. Signage shall not cover more than 12 percent of the door area.
7. *Illumination/Lighting.* Internally lit, reflective signs, and illuminated awnings and canopies are prohibited. Signage can only be externally lit. Lighting directed toward a sign shall be shielded or recessed so that it illuminates only the face of the sign. Colored external lights are not appropriate in the historic district.
8. *Awning/Canopy Signs.* Awning and canopy shapes reflect the door or window openings they cover. Signage can be painted, screened, or applied to the front panel or valance area of an awning/canopy. Typically, the drop of an awning valance measures between six and

eight inches. The maximum drop should never exceed 12 inches. Size letters/logo to allow for an inch of open space at both the top and bottom of the valance. Minimum height clearance of eight (8) feet.

9. *Subordinate Signs.* Subordinate signs are not typically related to the title and/or type of business. They support the function of operating the business. These include “Open” signs, signs with store hours, credit cards accepted, a slogan, decals, etc. One or multiple subordinate signs are allowed but they shall not exceed a combined total of 3.5 square feet in size. Subordinate signs shall only be set in windows, doors, or display areas. If the business occupies multiple facades with side or corner display window area, one additional square foot of subordinate signage shall be allowed per extra façade.
10. *Wall-mounted Directory/Multiple Business Sign.* A directory/multiple business sign shall be mounted at the primary entrance not to exceed six (6) square feet.
11. *Other Signs.* Flags, event banners, religious, and political, and other signs see *Section 6-6 Regulation of Signs.* Any flag mounted to the building shall have a minimum clearance of eight (8) feet above the sidewalk for public safety. Similar flags may be displayed in the transitional historic district. Flags not affixed to the building must be placed in a location or locations that do not jeopardize vehicle and pedestrian access or safety. They do not contribute to the overall signage allowance for a business. Wayfinding signs are exempt from this provision.
12. *Temporary Signs.* Temporary business signs announcing construction, sale, lease or other indicated purpose may not exceed four (4) feet across in any direction and/or affixed to a sign structure exceeding 4 feet in height. These signs shall be removed when construction, sale, lease, event, or other indicated purpose is completed. These signs shall not be illuminated. These signs may be placed at a building or on property for a maximum of 30 days. An extension would be required for periods longer than 30 days. A temporary sign does not contribute to the overall square footage of signage allowed for a business.

B. Traditional Downtown Signage:

1. *Quantity.* Within the commercial area of the historic district, the number of signs shall be limited to three per façade. If a façade contains multiple business storefronts, these storefronts each constitute a business division of the primary façade (see Figure 1). Each business division (as determined by the building owner) could be allowed one of each type of sign as described below. Upper floor businesses would only have a window and/or wall signage (two signs total.) The total square footage of the signs shall not exceed 20% of the total square footage of the primary façade. Businesses with multiple street frontages must designate one façade as the primary façade. The secondary façade may have additional signage no more than 12 percent of the total façade area.



Building with 3 Business Divisions

Figure 1: Example of a corner commercial building with separate business divisions.

2. *Types and Placement of Signs.* Owners shall locate new signs within the district in traditional locations (see Figure 2.) For commercial and institutional buildings, owners shall design building signs that are integrated into the overall building façade. Signs shall not obscure the architectural details of the building. The total square footage of signs shall not exceed 20% of the square footage of the primary façade.





Figure 2. Examples of sign placement.

3. *Wall Signs.* When locating a wall sign on a building, the owner shall determine if a decorative molding exists that could define a “sign panel” area. If so, a flush mounted wall sign or lettering shall fit within the panel formed by moldings or transom panels. The sign shall not obscure any of the character defining features of the building. Wall signs shall align with other flush mounted signs on the block and not project more than twelve (12) inches into the public right-of-way. Wall-mounted signs shall be no larger than one-and-one-half square feet (1 ½) per linear foot of the front facade of the building.
4. *Protruding Wall Signs.* Protruding signs should be placed near entrances below the 2<sup>nd</sup> floor level window sill with a minimum clearance of eight (8) feet below the sign shall not project more than four (4) feet from the building front nor closer than two feet from the property line. The maximum size for these signs shall be eight square feet.
5. *Sandwich Board/ A-Frame Signs.* Sandwich boards may be placed outside of a building entrance (such as a recessed entry) or sidewalk daily and must be removed at the close of business. One sandwich board per business. Boards must be set upright and may not be placed flat on the ground. Sandwich boards shall allow for four (4) feet of passable space on the sidewalk for pedestrian and wheelchair access. A-frame or sandwich board signs shall be constructed of durable material and it may be double sided with each side not to exceed 6 square feet in total area. Lighting is not permitted.
6. *Freestanding/Monument Signs.* Freestanding signs are permitted where building forms are set back from the street. Freestanding/monument signs shall be limited to one per platted lot. Signage shall not encroach into the public right-of-way and setback at least two (2) behind the property line or utility easement. It shall be perpendicular to the road. Design Standards:
  - a. Information on one or two sides, spanning between two posts or suspended from one post that is set in paving or landscaped areas. Signs with more than two sides are not permitted within the Cheraw Historic District.

- b. Materials for monument signs shall be compatible with the architecture of the building to which they are associated.
- c. Signs shall not exceed eight square feet per side (sixteen total square feet for a two-sided sign). The maximum sign height shall be four (4) feet including structural elements.

C. Transitional Historic Design:

1. *Types and Placement of Signs.* The total area of all business signs on one parcel shall not exceed 1.5 square feet times the sum of the linear foot of a building's frontage within view of the public right of way. Signs shall be perpendicular to the road.
2. *Wall Signs.* The sign shall not obscure any of the character defining features of the building. Wall signs shall be flush with the wall not project more than twelve (12) inches into the public right-of-way. Limit one sign per business, unless on a corner, or rear or side entrance. Wall-mounted signs shall not exceed 15% of front, side(s), and/or rear area façade. Residential buildings used for office/commercial purposes shall not have signs attached to gable or wall. Signage for residential buildings shall be limited to one monument/freestanding sign.
3. *Home Business Signs.* One non-illuminated sign which shall not exceed one and a half square feet and may be attached to the dwelling.
4. *Residential Office/Commercial Conversion.* Residential conversions to office signage shall be limited one monument/freestanding sign, parking consideration shall be first in rear, then side, and lastly the front meeting the required parking and landscaping standards. Parking visible from road requires a five (5) foot buffer with planted small bushes, trees and landscaping treatment to screen the parking area.
5. *Changeable Copy Signs.* Changeable copy signs are only appropriate for museums, libraries, and faith-based institutions. Signage shall not exceed 15 square feet, 30 square feet double-sided, and no taller than six (6) feet in height.
6. *Directional Signs.* Signs directing traffic movement in, out, or within premise. Two signs are permitted on a premise and each shall not exceed four square feet in area and three (3) feet in height. As long as the signage does not display business name and/or logo, this signage does not contribute to the overall allowable signage. If the business name and/logo is included, it counts toward the total signage.
7. *Freestanding/Monument Signs.* Freestanding signs are permitted where building forms are set back from the street. Freestanding/monument signs shall be limited to one per platted lot. Signage shall not encroach into the public right-of-way and be at least two (2) feet behind the property line or utility easement. It shall be perpendicular to the street. Design Standards:
  - a. Information on one or two sides, spanning between two posts or suspended from one post that is set in paving or landscaped areas. Signs with more than two sides are not permitted within the Cheraw Historic District.

- b. Materials for monument signs shall be compatible with the architecture of the building to which they are associated.
- c. Sign shall not exceed fifteen square feet per side (thirty total square feet for a two-sided sign). The maximum sign height shall be six (6) feet including structural elements.

#### Sec. 10.11. Streamline Approvals.

Nothing in this document shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure. Board of Architectural Review is not required for the ordinary maintenance or repair of any exterior architectural feature in the Historic District where no changed in features, design, or materials types. This provision is not an exemption from the application process and the submission of supporting documentations (i.e. completed Certification of Appropriateness Application, color pictures, paint swatch, site/plot, and the like). Furthermore, the Board of Architectural Review authorizes staff to review and approve the following activities:

1. Handicap ramp installations.
2. Change of house/building color back to white or paint house/building the same color. This is not applicable to a change in trim, shutters, and/or door colors.
3. Metal to metal, asphalt to asphalt shingles (architectural or not), or other similar roofing regardless of color as long as the color is not bright and obnoxious.
4. Shed construction or installation no larger than 150 square feet.
5. Window replacements whether the same material, a change from wood to vinyl, or vice versa as long as the window replacement(s) existing the current gird pattern and has raised exterior muntins. Raised exterior windows for non-contributing resources shall be required for facades facing any roadway.

In instances where the property owner(s) disagree with staff's decision, the property owner(s) may appeal to the Board of Architectural Review per *Section 10.15. Appeal to the Board of Architectural Review or Circuit Court.*

#### Sec. 10.12. Certificate of Economic Hardship.

Any applicant denied a Certificate of Appropriateness by the Board of Architectural Review may within 30 days apply for a Certificate of Economic Hardship. Consideration applies to proposed construction, alteration, demolition, relocation, or other activities within the historic district. The Certificate of Economic Hardship is not an appeal of the Board of Architectural Review's decision. It is a remedy for a legitimate economic hardship where the applicant demonstrates compliance with the current design standards is financially burdensome. The sought economic hardship cannot result from a self-imposed action. Self-imposed refers to but limited to the lack

of routine maintenance, alterations or construction without the Board of Architectural Review approval, and/or botched exterior modifications by the property owner and/or contractor.

A. Applicability.

The Board may consider an economic hardship where one or more of the following unusual and compelling circumstances apply to the property owner(s):

1. The property cannot reasonably be maintained in the manner dictated by the ordinance;
2. There are no other reasonable means of saving the property from deterioration or collapse; or
3. The property is owned by a non-profit organization and it is not feasible financially or physically to achieve the organization's charitable purposes while maintaining the property appropriately.

B. Submissions Requirements.

The applicant shall complete and submit all the required/requested information. The Board, at its discretion, may request additional information. All submissions shall be appropriately labeled corresponding the required information. The applicant's name, address, readily available phone/cell number, and email address shall be at the top of each page. If the applicant cannot reasonably provide the required/requested information she or he must in a notarized letter explain reasons for the deficiency and/or timeline for submitting information. Deficient materials will be evaluated in the determination. The applicant shall submit the following:

1. Certification of Economic Hardship Application
2. Cost estimations by a licensed contractor for activities: 1) work per design standards and 2) proposed alternatives.
3. A report/feasibility from a licensed professional. Major rehabilitation or demolition require a structural analysis from a structural engineer or architect.
4. Assessed market value/assessment for current and post-alteration, construction, or demolition by the county assessor or licensed appraiser.
5. Real estate taxes for previous two (2) years.
6. In the case of a proposed demolition or relocation, a comparative economic feasibility/estimate of continued use, rehabilitation, or reuse of the existing structure at its current location versus its demolition or relocation from an architect, developer, appraiser, or other real estate professional.
7. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner-of-record or applicant and the person from whom the property was or is to be purchased, and the terms of financing.
8. Monthly debt - mortgage, credit cards, medical, car note(s), utilities, daycare, other loan/financial payments, and etc.)

9. Annual income (i.e. work, disability, social security, alimony, child support, and etc.)

*C. Income-Producing Property(ies).*

Property owner(s) shall provide:

1. Applicable items 1-7.
2. Annual gross income from property for the previous two calendar or fiscal years.
3. Itemized operating and maintenance expenses during the same period.
4. Annual cash flow, if any, for the same period.
5. Maintenance policy/procedures.

*D. Public Hearing.*

Board of Architectural Review shall hold a public hearing within 60 days of receipt of application and required/requested items. It may at its discretion obtain expert testimony, affidavit, and/or subpoena witnesses. Incomplete application or insufficient information shall delay Board of Architectural Review process.

*E. Decision.*

The Board's decision shall be based on evidence of fact. The Board shall review all of the evidence provided then decide based on the merits of the evidence presented. The Board rulings.

1. If an economic hardship has not been adequately proven by the applicant, the application for a Certificate of Economic Hardship shall be denied.
2. If an economic hardship is merited, the Board shall issue a Certificate of Appropriateness based upon the economic hardship or delay action on the application for a period up to 60 days. During this period, the Board shall develop a preservation plan to present to the property owner.
  - a. Preservation Plan. The preservation plan consists of alternative uses, eminent domain, or assistance. Assistance includes loans or grants from public, private, or nonprofit sources, acquisition by purchase or eminent domain, tax rebate, waived permit, inspection, and/or application fees, or relaxation in non-threaten building codes violations. Non-threaten violations shall be brought into compliance within a year and half (1 1/2) years of after completed work. Within the 60-day period, the Board shall present the preservation plan to the property owners for negotiation and/or issue the Certificate of Appropriateness per the approved economic hardship. A demolition or relocation of contributing resources may have a postponement period up to ninety (90) days.

*F. Denial*

If a Certificate of Economic Hardship is denied, the applicant (s) may appeal to the circuit court. The appeal must be within 30 days after decision. The denial letter of the

Board's decision and the option to file an appeal with Circuit Court shall be sent by certified mail.

Sec.10.13. Preventing demolition by neglect.

- A. In order to promote the preservation of the historic district, owners shall maintain or cause to be maintained the exterior and structural features of their properties and not allow conditions of neglect to occur. Conditions of neglect include the following:
1. Deterioration of exterior walls, foundations, flooring, external chimneys, roofs, or other vertical or horizontal support that causes leaning, sagging, splitting, or buckling;
  2. Ineffective waterproofing of exterior walls, roofs, and foundations including broken windows or doors;
  3. Rotting, holes, and other forms of decay;
  4. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that cause delamination, instability, loss of shape and form, or crumbling; and,
  5. Deterioration creating any hazardous or unsafe condition to life, health, or property.
- B. Boarded up windows and doors. Boarded-up windows and doors in areas in the historic district are prohibited with following exceptions. Temporary exceptions to this standard shall be for securing a building, authorized by an approved certificate of appropriateness, or order by Codes Official. Windows and doors shall be replaced within six months.
- C. Petition and Action. The BAR may file a petition with the codes official listing buildings suspected of demolition by neglect. The codes official shall provide findings to the BAR with 45 days of request. The Board shall notify the property owner of the findings and set a public hearing date requiring the code officer and property owner or designated agent to attend. The hearing's goal is to ascertain the reasons for neglect and work with the owner to develop strategies for remedying neglect within a timely manner. The Board will make its recommendation to the property owner and Council. Recommendations may include demolition per *Section 10.14. Demolition/Removal* or strategies set in Section 10.12E(1)a.

Sec.10.14. Demolition/Removal.

No building or structure with the historic district shall be demolished or removed without submitting a Certificate of Appropriateness Application with supporting materials. Supporting materials include pictures showing decay/structural damage, and/or structural assessment from a SC licensed engineer. The BAR will conduct its public hearing within 60 days of receipt of application and supporting materials. The Board may:

- A. Grant demolition request in whole or part;
- B. Deny demolition request; and,
- C. Negotiate with the property owner using strategies outlined in Section 12.12E(1)a.

Sec.10.15. Appeal to BAR and Circuit Court.

An appeal shall be filed within 30 days of a decision. An applicant may appeal staff or Board of Architectural Review's decision concerning denial, conditional approval, or approval with modification for activity or activities within the historic district.

A. Staff appeal:

1. An applicant shall file a letter with the planning & community development director or designee requesting an appeal.
2. The Board of Architectural Review will set a date. The appeal is publicized per public hearing process. The Board's decision shall be based on evidence of fact. Witnesses and information may be subpoenaed.
3. The applicant, Town, or stakeholders may appeal the Board of Architectural Review's decision to the Circuit Court.

B. Board of Architectural Review appeal:

1. Applicants, Town, or stakeholder may appeal the Board of Architectural Review's decision to the Circuit Court. A written petition must be filed with the Chesterfield County Clerk of Courts.

Sec. 10.16. Gateway Corridor Overlay District.

The following standards shall be established for residential and commercial/industrial uses.

A. Commercial Standards:

1. Prohibited Uses include but not limited to junk yards, outdoor storage facilities, sexually-oriented businesses, and tattoo shops.
2. Commercial building. Primary facades and sides visible from any roadway shall be finished with one or more of the following materials:
  - a. Brick and brick veneer;
  - b. Stone, stone veneer, and cultured stone;
  - c. Stucco with architectural detailing;
  - d. Wood, Glass, and Steel.
3. Signage:
  - a. Type and Placement. The total area of all business signs on one parcel shall not exceed 1.5 square feet times the sum of the linear foot of a building's frontage within view of the public right of way.
  - b. Signs may be internally lit.
  - c. No internally lit awnings and canopies, animated signs, neon, flashing roof, wind signs, mobile reader board, and/or off-premise and billboard signs.
  - d. *Wall Signs*. Wall signs shall be flush with the wall. Limit one sign per business, unless on a corner. Wall-mounted signs shall not exceed 15% of front, side(s), and/or rear area façade.

- e. *Freestanding/Monument Signs.* Freestanding signs are permitted where building forms are set back from the street. Freestanding/monument signs shall be limited to one per platted lot. Signage shall not encroach into the public right-of-way and be at least two (2) feet behind the property line or utility easement. It shall be perpendicular to the street. Design Standards:
    - i. Information on one or two sides, spanning between two posts or suspended from one post that is set in paving or landscaped areas. Signs with more than two sides are not permitted within the Cheraw Historic District.
    - ii. Materials for monument signs shall be compatible with the architecture of the building to which they are associated.
    - iii. Sign shall not exceed twenty square feet per side (forty total square feet for a two-sided sign). The maximum sign height shall be eight (8) feet including structural elements.
  - f. *Fencing.* Fencing in front no taller than four (4) feet, side, and rear fences no taller than six (6) feet. If possible, no chain-linked in front yards. Fences shall be a foot off the property line. Fences along any roadway, with no landscaped median, shall be setback at least three (3) feet off property line with planted small trees and shrubs between fence and roadway. Otherwise, fencing shall be a foot off the property line. Trees and shrubs at maturity shall not exceed a foot over the fence.
- B. Residential paint color changes, window and door replacements, and any exterior modifications shall be reviewed. Residential conversions to office signage shall be limited to one monument/freestanding sign, parking consideration shall be first in rear, then side, and lastly the front meeting the required landscaping standards. Home businesses signs shall meet Section 10.10(C)3. Fencing in front no taller than four (4) feet, side, and rear fences no taller than six (6) feet. If possible, no chain-linked in front yards. Fences shall be a foot off the property line. Fences along any roadway, with no landscaped median, shall be setback at least three (3) feet off property line with planted small trees and shrubs between fence and roadway. Otherwise, fencing shall be a foot off the property line. Trees and shrubs at maturity shall not exceed a foot over the fence. Small trees, shrubs, and plantings shall be installed along chain-linked fencing abutting side property lines.



## ARTICLE 11. BUFFERING AND SCREENING

Sec. 11.1. Intent. It is the intent of the town to encourage the preservation of existing trees, planting of attractive landscaping, and proper maintenance practices. Buffer and screening enhance the character and appearance of the community.

Sec. 11.2. Definitions.

*Buffer.* An area of land improved by landscaping, fences, or walls designed to mitigate the impact of higher intensity uses on neighboring properties.

*Caliper.* The diameter of nursery stock trees measured at six inches above the ground for tree with a caliper of four inches or less and measured at a height of 12 inches for larger trees.

*Circumference.* The measurement used for existing trees measured at 4½ feet above grade.

*Hazard/hazardous tree.* Tree exhibiting sign of latent decay or structural defects with a high likelihood of falling on someone or something.

*Screening.* Earth berm, plantings, fence, or wall used to safeguard the public from unattractive nuisances, intrusive views, and to improve community appearances.

*Shrub.* Any hard-wooded perennial plant of a species which normally reaches a height between one foot and eight feet and is 80 - 100 percent opaque at maturity.

*Street frontage.* Any strip of land adjacent to a public road right-of-way.

*Tree.* Any hard-wooded perennial plant, which normally reaches a height of eight feet or more at maturity.

*Tree, canopy.* Any single-stem tree of a species which normally reaches a height of 30 feet or more and a crown spread of 20 feet or more at maturity.

*Tree, understory.* Any single or multi-stem tree of a species which normally reaches a height between eight feet and 30 feet and a crown spread of less than 20 feet at maturity.

Sec. 11.3. Where Buffer Areas are Required.

A buffer area shall be provided in locations set forth in the Buffer Area Requirement Table, including buffers from vacant land.

Sec. 11.4. 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.

Sec. 11.5. General Requirements.

- A. 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.
- B. No part of a buffer shall be located within the public right-of-way.
- C. A buffer area may be used for passive recreation if done so without reduction or impact on planted materials.
- D. If there are two or more different existing adjacent uses along a property boundary, the buffer for the higher use buffer shall apply for respective lengths of the property boundary.

Sec. 11.6. 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 11.1. Buffer Area Planting Requirements

Symbol	Buffer Area Depth from Property Line	Required Plant Materials per 100 LF	Fence/Berm Height Option	Options
A	15'	<ul style="list-style-type: none"> <li>▪ 2 canopy trees</li> <li>▪ 2 understory trees</li> <li>▪ 3 shrubs</li> <li>▪ 3 evergreen/conifer</li> </ul>	None	None
B	20'	<ul style="list-style-type: none"> <li>▪ 3 canopy trees</li> <li>▪ 6 understory trees</li> <li>▪ 9 shrubs</li> <li>▪ 6 evergreen/conifer</li> </ul>	6' total	33% reduction in plant materials with min. 3' berm
C	25'	<ul style="list-style-type: none"> <li>▪ 3 canopy trees</li> <li>▪ 6 understory trees</li> <li>▪ 9 shrubs</li> <li>▪ 6 evergreen/conifer</li> </ul>	8' total	33% reduction in plant materials with additional 1' of total barrier height.
D	30'	<ul style="list-style-type: none"> <li>▪ 5 canopy trees</li> <li>▪ 7 understory trees</li> <li>▪ 30 shrubs</li> <li>▪ 15 evergreen/conifer</li> </ul>	10' Min. 6' berm	None
<p>Note: LF (linear feet); Berms must only be landscaped with trees, shrubs, understory trees incorporated on top and below berm with grass planted on both sides of the berm. Berm with fences must be grass with planting integrated in to berms and fencing.</p>				

Notes to Buffer Area Requirements:

1. Barrier height includes combination of fence or brick wall and berm, as permitted.
2. Fences shall be wooden stockade or brick wall, each providing an opaque barrier.
3. Berms (earthen) to have maximum 3:1 slope (run/rise) and be grassed.
4. Evergreen or conifer shrubs can be substituted for deciduous shrubs without limitation.
5. Any existing plant materials that otherwise meet the requirements of this section may be counted toward meeting the requirements.
6. 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.
7. See Maintenance Requirements standards for proper maintenance and required replacement of dead planted materials.

Table 11.2. Buffer Requirements for Adjacent Land Uses

Proposed Land Use	Single/Duplex dwelling in residential	Townhomes/ Multi-Family	Motels/Group Homes	Residential use in commercial zoned	Religion/Recreational	Office/Institutional	Commercial/Parking	Industrial	Vacant
Single/Duplex dwelling in residential zoned area	-	B	C	-	C	C	C	D	-
Multi-Family Dwellings	B	-	A	A	C	B	B	C	-
Motel/Group Homes	C	A	-	B	C	-	-	C	-
Religious/Recreational Use	C	B	B	A	-	B	B	D	-
Office/Institutional	B	A	B	B	B	-	-	C	-
Commercial/Parking Lot	C	B	C	A	B	-	-	C	-
Industrial	D	D	C	B	C	C	C	-	-

Sec. 11.7. Minimum Plant Standards.

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

1. All canopy trees shall be at least eight feet tall with a minimum caliper of two inches.
2. All understory trees shall be at least eight feet tall with a minimum caliper of two inches.
3. All shrubs shall be at least 12 inches tall with a spread of eight inches.

Sec. 11.8. Expansion of Facilities.

- A. All multi-family, assembly, office, commercial, or industrial development shall comply with the following standards. Where existing facilities and site improvements are expanded by more than 50 percent, then the requirements of this section will apply to the entire site. Otherwise, the requirements will only apply to the area being expanded.
- B. Required landscaping shall not be planted within access drives or visibility triangles along the street at the end of such drives, except for ground cover vegetation that will reach a mature height less than two feet.

Sec. 11.9. 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). Regular weeding, mowing, fertilizing, pruning, and other maintenance of plant materials is required. Dead or diseased materials shall be removed and replaced with like materials within 60 days after written notification from the Town. Failure to maintain buffer areas is a violation of this ordinance.

#### Sec. 11.10. 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 planning & community development director 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.

#### Sec. 11.11. 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. Included open storage of shipping containers, building materials, appliances, trash containers of four or more cubic yards, salvage material and similar unenclosed uses, large utility fixtures, and substations. Screening shall be accomplished by an opaque screening not less than six (6) feet high or the normal height of the object(s) to be screened, whichever is greater. Trash container shall be screened on three sides, allowing access for maintenance on the fourth side. Screening may be with berms, fences, walls, and opaque massing of planting materials, or combinations thereof.

#### Sec. 11.12. Landscape Plan Requirements.

The town requires the developer to provide two copies of the landscaping plan. The following components are required in landscaping plan:

1. The landscaping plan shall bear the name of the proposed development; the name, address and telephone number of the developer and the project designer; and a location map showing the proposed project.
2. This plan shall be drawn to scale appropriate to clearly convey all required information, but no smaller than one inch equal 30 feet, and shall show the true size, shape and location of all existing and proposed features and landscaping as follows:
  - a. All existing lot lines, buildings, pavements, rights-of-way, utility lines, waterbodies, floodways, floodplains, land uses and topography in two-foot contours.
  - b. All proposed and existing buildings, utilities, land uses, and final grades in two-foot contours.

- c. All proposed landscaping and watering systems required by this article, with all plant species labeled and scaled to show location and spread when plant reaches mature size.
- d. A table of planting materials stating species (botanical and common), quantity, height and spread at planting for all plants.

## **ARTICLE 12. OFF-STREET PARKING & LOADING**

Sec. 12.1. Intent. Off-street automobile storage or parking space shall be provided and maintained on every lot on which any of the following uses are hereafter established 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 Table 12.1 for the various uses. When applications of said provisions result in a fractional space requirement, the next larger requirements shall prevail. Off-street parking facilities for uses existing on the effective date of this ordinance shall not be reduced below the requirements of this section. Off-street parking facilities shall be provided and maintained as required in this section for any addition to or extension or enlargement of a use of land or building which existed on the effective date of this ordinance. The provision and maintenance of the off-street parking facilities herein required shall be the joint and several responsibilities of the operator/owner of the use or the operator and owner of the land or structure is located the use for which off-street parking.

Sec. 12.2. Required Parking.

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

Sec. 12.3. All parking spaces required herein shall be located on the same lot with the principal building, or use(s) served.

Sec. 12.4. 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 building or premises, by more than one use having the same parking requirements, the parking space required shall equal the sum of the requirements of the various uses computed separately. Preferably, a shared parking study that clearly demonstrates the feasibility of shared parking shall be submitted to the administrator. The study must be provided in a form established by the administrator. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

Sec. 12.5. 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. A scaled site/plot plan of all required parking areas showing the location, size and arrangement of the individual parking spaces, and landscaped areas shall be submitted to the planning & community development director for his approval.

The provision of off-street parking for a change in use and/or an expansion or enlargement of an existing structure and/or use shall be in accordance with the following:

1. When there is a change in use to a use which has the same or lesser parking requirement than the previous use, no additional parking shall be required. When there is a change to a use which has a greater parking requirement than the previous use, the minimum off-street parking requirement in accordance with the provisions of this Article shall be provided for the new use.
2. When an existing structure and/or use is expanded or enlarged, the minimum off-street parking requirements in accordance with the provisions of this Article shall be provided for the area or capacity of such expansion or enlargement. However, compliance with the minimum off-street parking requirements shall not be required for the expansion or enlargement when such expansion or enlargement is to provide an accessibility improvement.

Sec. 12.6. Requirements for uses not specifically listed. The parking space requirements for a use not specifically listed in shall be the same as for a similar listed use as determined by the planning & community development director.

Sec. 12.7. 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 12.1. Off-Street Parking Requirements

Column 1 Use or Use Category	Column 2 Parking Spaces Required	Column 3 Additional Requirements
<b>Residential Uses</b>		
Efficiency	1	-
One-family dwelling	2	-
Two-family dwelling	4	-
Multi-family dwelling	2 per unit	-
Boarding and rooming home	1 per sleeping room	Plus 1 per each 2 employees
Group dwelling	1 per each 2 bedrooms	-
<b>Public &amp; Semi-Public Uses</b>		
Church or other place of worship, recreation, or public assembly	1 per 4 fixed seats in main hall	5 per classroom, whichever 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, middle, or school	1 per each 10 seats in main assembly room	1 per classroom, if greater, plus 1 per employee
High school, trade or business school	1 per each 4 seats in main assembly room	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 house, or lodge	1 per sleeping room or suite	1 per 5 active members, if greater, plus 1 per 3 employees
<b>Commercial Uses</b>		
Public or private office buildings	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 establishment not specified	1 per 200 sq. ft. of gross floor area	3 (minimum) plus 1 per each 3 employees
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	1 per sleeping room or suite	-
Bowling alley	3 per lane	-
Nursing home, in-patient clinic, senior facility & similar facilities	1 per each 5 patient beds	Plus 1 per 2 employees/shift
Medical/dental office/outpatient clinic	1 per 200 sq. ft. of gross floor space	Minimum 4 spaces

Column 1 Use or Use Category	Column 2 Parking Spaces Required	Column 3 Additional Requirements
Commercial Uses: (Continued)		
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 & services
Funeral home or mortuary	1 per 50 sq. ft. of gross floor areas 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 3 employees on shift with most employees
Take-out restaurant	1 per each 100 sq. ft. of gross building area	Plus 1 per 3 employees on shift with most employees
Bed & Breakfast	1 per guest room	Plus 2 spaces for the resident innkeeper
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 3 employees	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 2 employees and each commercial vehicle incident to the facility

Sec. 12.8. 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 eight (180) square feet and shall have a minimum measurement of nine (9) feet in width and twenty (20) feet in length for each vehicle to be accommodated. Below are the minimum vehicle aisle widths:

Parking Area Criterial	Parking Angle				
	0 <sup>0</sup>	30 <sup>0</sup>	45 <sup>0</sup>	60 <sup>0</sup>	90 <sup>0</sup>
Vehicle Aisle Width One-Way Circulation	12	12	14	18	24
Vehicle Aisle Width Two-Way Circulation	24	24	24	24	24

No parking or maneuvering areas shall be located in any public right-of-way: one and two-family dwelling units 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 article.

Sec. 12.9. 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 article as other vehicular uses), including but not limited to activities of a drive-in nature, such as bank 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 natural character of the landscape shall be preserved in all possible instances. Wherever healthy plant material exists on the site prior to its development, the aforementioned standards may be adjusted to allow credit for such plant material, if in the opinion of the planning & community development director.
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 quality. 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 walk with design emphasis on entrance and exist 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 9. 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 right-of-way by the minimum requirements set forth in other sections or vegetative screen as part of the overall project design approved by the planning & community development director.
7. Interior parking.
  - 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:
    - i. 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 planning & community development director.
    - 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 truck 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.

#### Sec. 12.10. Joint use of off-street parking areas.

Two or more principal uses may utilize a common area in order to comply with off-street parking requirements provided that the total number of individual spaces available in such common areas is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that where such spaces are not located on the same lot as the principal use or uses, the owner of the lot relinquishes through 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.

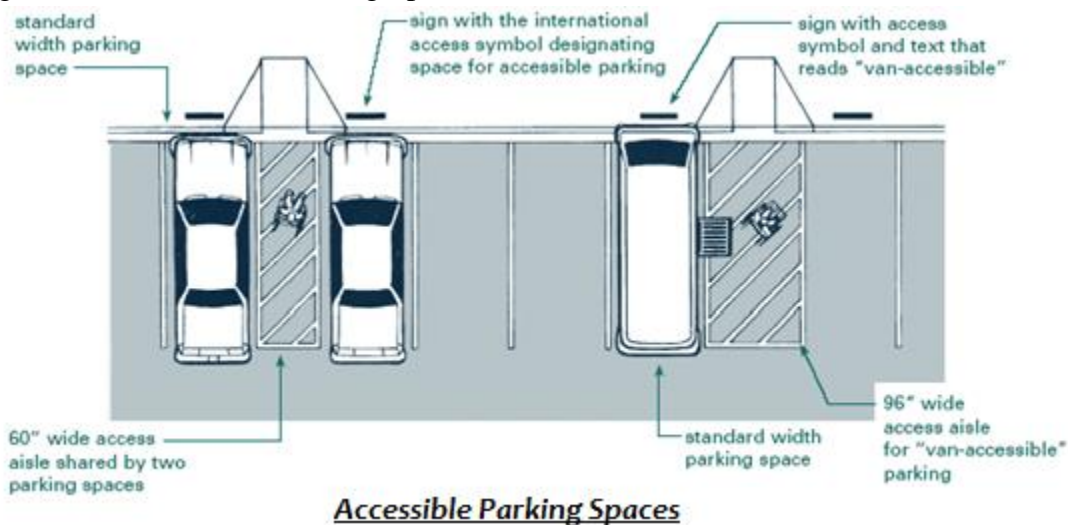
#### Sec. 12.11. Required Parking for Disabled Persons.

Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not

serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances. Two accessible parking spaces may share a common access aisle. See Figure 12.1. In accordance with the Americans with Disabilities Act (ADA), the following standards shall be met:

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

Figure 12.1. Accessible Parking Spaces.



Sec. 12.12. 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

Table 12.2 Loading Criteria.

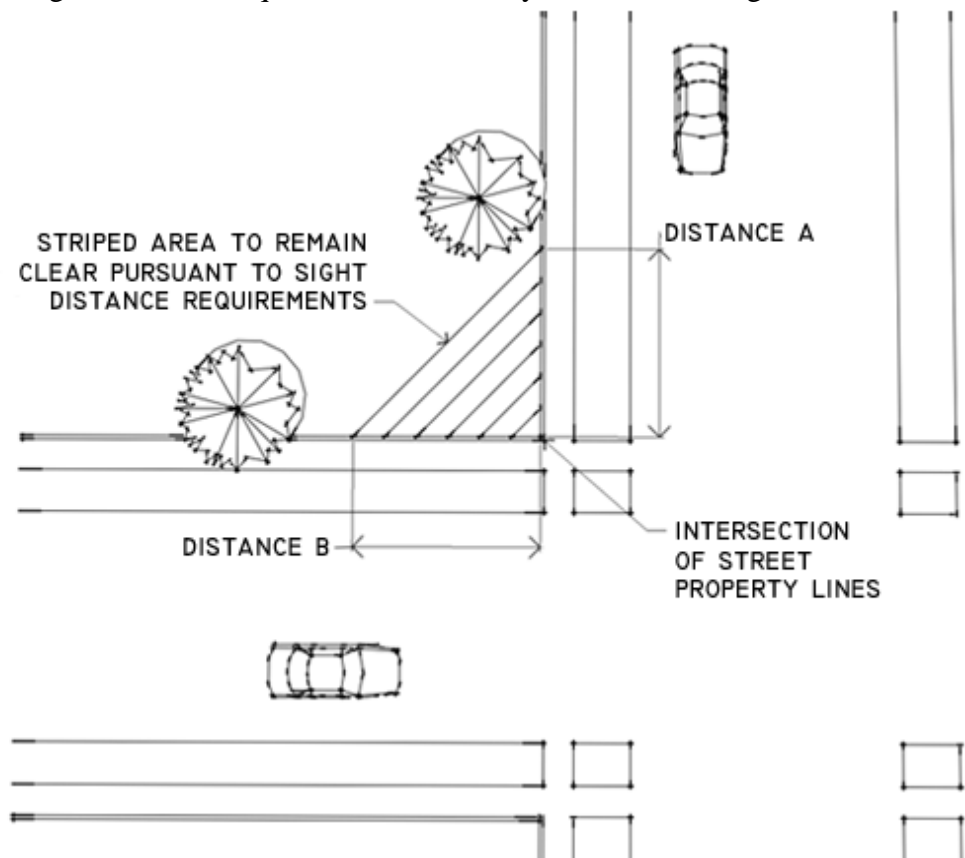
Type of Use	Sq. Ft – Total Floor Area	Spaces Required
Retail and Personal Services	< 1,999	None
	2,000 – 24,999	1
	Each additional 25,000	1 additional
Wholesale, manufacturing, governmental, institutional (including places of public assembly), educational, recreation, business services, terminal and 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
	>1,000,000	6
Funeral home or mortuary	0 – 2,499	None
	2,500 – 3,999	1
	4,000 – 5,999	2
	Each additional 10,000	1 additional
Offices or office buildings	0 – 4,999	1
	5,000 – 9,999	2
	10,000 – 20,000	1 additional
	Each additional 50,000	
Multi-family dwelling, hotel, motel, tourist home or similar use	0 -9 units	None
	10 – 20 units	1
	for each additional 10 units	1 additional

Sec. 12.13. Intersections Sight Clearance.

- A. Generally. For at-grade intersections to operate properly, adequate sight distance must be available. A sufficient sight distance must be provided for a driver to perceive potential conflicts and to perform the actions needed to negotiate the intersection safely. In general, a sight distance triangle refers to the corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the intersecting street(s). Sight distance standards are for the purpose of establishing the needed sight distance triangle in each quadrant by determining the appropriate dimensions of the triangle on the two intersecting street right-of-way lines (or a right-of-way line and the curb or edge of a driveway).
- B. Requirements for State-Maintained Roads. For at-grade intersections with roads that are state-maintained, the required standards shall be in accordance with the South Carolina Department of Transportation (SCDOT) Access and Roadside Management Standards (ARMS Manual), latest edition.

- C. Requirements for Local Streets. For at-grade intersections of streets that are not state-maintained, the standards are as follows:
1. No planting shall be placed and no fence, wall, building, or other structure shall be constructed that may obstruct the view:
    - a. Between the elevations of two and one-half feet and eight feet above the average street grade; and
    - b. Within the triangular area bounded on two sides by the street right-of-way lines (or a right-of-way line and the curb or edge of a driveway), and on the third side by a straight line connecting points on the two street right-of-way or driveway lines, as set out in Figure 10.2 Sight Distance Requirements, Driveways and Intersecting Streets.

Figure 12.2. Sight Distance Requirements, Driveways and Intersecting Streets.



2. The minimum dimensions set out in Table 12.3. Sight Distance Triangle Dimensions shall be provided along each functionally classified street and/or driveway. Distance A refers to the street of lower functional classification and Distance B refers to the street of higher functional classification. The ascending order of functional classification is as follows: driveway, local street, collector street, and arterial (minor or principal) street.

Table 12.3. Sight Distance Triangle Dimensions.

Distance A (lower classification)	Distance B (higher classification)			
	Driveway	Local	Collector	Arterial (Minor or Principal)
Driveway	n/a	10'	15'	15'
Local	20'	20'	20'	20'
Collector	35'	35'	35'	35'
Arterial (Minor or Principal)	45'	45'	45'	45'

3. The distances are measured as follows:
  - a. From the point of intersection or the extension of street lot lines away from the intersection along the street lot lines; or
  - b. From the intersection of the street-ward projection of the driveway line and the curb or edge of the street pavement, along the driveway line in the direction of the lot interior and along the curb or edge of the street pavement away from the driveway line.

D. Exceptions.

1. Shade trees are permitted to overhang the specified triangles, provided that all branches are not less than eight feet above the average street grade.
2. Trees that existed within a required sight distance triangle as of the effective date of this Unified Development Ordinance shall be pruned to clear the area between two and one-half feet and eight feet above the average ground level.
3. Poles and support structures with a diameter of less than 12 inches are permitted provided that they are not located within the public right-of-way or within 50 feet of the centerlines of intersecting streets.
4. No portion of a fence or wall exceeding two and one-half feet in height above the average grade shall exceed 25 percent opacity when located in a required yard that either:
  - a. Has vehicular access to a street; or
  - b. Abuts such access.

E. Exemptions. Where their placement within a sight distance triangle is required, certain objects shall be exempted from the restrictions of this Section. These objects include:

1. Traffic control features such as poles, signs, and signals;



2. Fire hydrants; and
3. Utility structures.



## ARTICLE 13. SIGNAGE

Sec. 13.1. Intent. The purpose of the following sign requirements regulates the design character of proposed and existing signage. It is intended to protect property values, create a more attractive economic and business climate, and reduce sign or advertising distractions and obstructions that may contribute to traffic accidents.

Sec. 13.2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Sec. 13.3 General Provisions.

A. All permanent or temporary signs shall comply with the minimum standards for Town of Cheraw.

B. All signs and sign structures shall be removed within 90 days after business closes.

- C. Signs shall be routinely maintenance, readily repaired if damaged, and kept in good condition.
- D. Any sign or sign structure (i.e. business or civic directional signage) erected within the public right-of-way must receive SCDOT approval before applying for a sign permit.

Sec. 13.4. Approval, Permit Nullification, Enforcement.

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

D. Enforcement. The building official shall be authorized to enforce sign violations. He or she may issue fines, stop work order for illegal, unauthorized alterations, and/or inappropriate signage. The building official may confiscate temporary signage in violation of this article.

#### Sec. 13.5. Nonconforming signs.

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

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

#### Sec. 13.6. Abandoned sign.

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

#### Sec. 13.7. Disrepair and Hazardous Signs.

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

1. The building official may order the repair or removal of any signs that are not maintained in a safe condition and in good repair in accordance with the provisions of this section. Written notice shall be given by the building inspector specifying the work to be done. If no substantial action is taken to remedy identified deficiencies within sixty (60) days, building

official is authorized to cause removal of such sign and any expense incidental thereto shall be paid by the owner of the building lot or structure to which the sign is attached.

2. The building official may, without notice, cause any unsafe or insecure sign to be immediately removed if in his opinion, the sign presents an immediate peril of life and limb.

Sec. 13.8. Exempt signs. The following type of signs require no permit and are exempt; however, all other applicable regulations of this ordinance shall apply. None shall be posted/constructed in right-of-way.

1. Signs erected to regulate traffic.
2. Any sign that is required by law.
3. Any warning signs; utility identification signs for public use; on hunting, neighborhood watch or other safety signs.
4. Non-illuminated directional off-premises signs not exceeding four (4) square feet in sign area or six (6) feet in height limited exclusively to the identification of a church, school, or public institution.
5. Community bulletin boards and public signs erected at the direction of a governmental agency.
6. Non-illuminated temporary signs not exceeding two (2) square feet in sign area appertaining to drives, or civic, educational, or religious events. Such signs shall be posted not more than thirty (30) days prior to said event or drive and shall be removed within seven (7) days after their reason for being has ceased to exist.
7. Religious symbols at a place of worship or at a church owned or operated facility.
8. Institutional signs not to exceed an area of twenty-four (24) square feet, setting forth the name or any simple announcement for any public, charitable educational, or religious institution, located entirely within the premises of the institution, provided that only one such sign is placed on premise. Such signs shall be posted not more than thirty (30) days.
9. Two residential family name and address signs, each not exceeding two (2) square feet in sign area per single family or two-family dwelling unit. Such signs shall be allowed on mailboxes but shall otherwise be set back five (5) feet from any property line and shall not be over five (5) feet above the ground unless mounted flush against a building wall.
10. Two street number signs, each not exceeding one (1) square foot in sign area in any zoning district. Such signs shall be allowed on mailboxes but shall otherwise be set back at least five (5) feet from any property line and shall not be over five (5) feet above the ground unless mounted flush against a building wall.
11. One non-illuminated “for-sale,” “for rent”, or “for lease” sign per lot frontage, not exceeding six (6) square feet of sign area in residential district and twenty (20) square feet of sign area in nonresidential districts, provided no sign encroach within than five (5) feet of any property line unless attached to a building wall.
12. One sign displaying the name, address, and any other information pertinent to the operation



- of a multi-family or condominium development on a public right-of-way. Such signs shall not exceed twenty-four (24) square feet in sign area and not exceed five (5) feet in height.
13. Non-illuminated signs not exceed twenty-four (24) square feet in sign area not exceed five (5) feet in height announcing a land subdivision development located on the premises of the land subdivision. Such signs shall be set back not less than five (5) feet from the street right-of-way or from any boundary line of the land subdivision. Such signs shall be placed not less than five hundred (500) feet apart and shall be removed when fifty (50) percent of the lots are conveyed.
  14. Non-illuminated sign not exceeding twenty-four (24) in sign area, displaying the name of the building, contractors, engineers, architect, and similar information located on the premises of any work under construction, alteration, or removal. Such sign shall be removed from the site within seven (7) days after the completion of the project.
  15. Signs of mechanics, painters, and other artisans erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided the sign area does not exceed twelve (12) square feet and such signs are removed within seven (7) days after completion of the work.
  16. Posters, bills, placards, signs, banners, or similar devices attached to or painted on windows for the purpose of promoting special activities of a temporary nature conducted on the premises of which such signs are located provided that such signs are in conjunction with a nonresidential use and the total area of all such signs does not exceed twenty-four (24) percent of the window surface area on the face of the structure on which such window is located.
  17. Private traffic directional signal signs located on the premises for which directions are indicated, not exceeding three (3) square feet of sign area and four (4) in height.
  18. Signs setting forth the names of buildings, dates for erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or made of metal or other permanent construction material.
  19. Signs attached to machinery or equipment which is necessary or customary to the business including but not limited to devices such as gasoline pumps, vending machines, and ice machines, provided that such refer exclusively to products or services offered on the premises.
  20. Handicapped parking space signs.
  21. Signs which cannot be seen off the lot or premises.
  22. Signs on litter receptacles and benches in nonresidential areas on private property including, but not limited to, signs advertising businesses, services, commodities, or entertainment conducted, offered or sold on or off the premises where such signs are located. Such signs shall be an integral part of the receptacle or bench and shall not protrude beyond the edges of such.
  23. Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of such vehicles.

24. Changeable copy signs, including institutional bulletin boards, theater signs, and fuel prices.
25. Flags, emblems or insignias of any government agency or religious, charitable, public, or nonprofit organization, provided that no single flag shall exceed 54 square feet in area, and that no more than three flags may be displayed on any lot.
26. Rental signs. One sign shall be allowed per premises announcing room, apartment, or house for rent, provided that such sign is no longer than four square feet in area and is removed within three days after such vacancy is filled.
27. Security, warning, and private property signs, provided that any such sign does not exceed 1.5 square feet in area.
28. Seasonal or temporary displays of patriotic, religious or civic character located on private property that do not advertise a product or service and are not displayed for a period exceeding 45 days.
29. Political campaign signs on private property, not to exceed eight (8) square feet in area and five (5) feet in height. Such signs shall not be erected more than 30 days before an election and shall be removed within seven (7) days after the election.
30. Temporary personal messages, such as signs announcing births, anniversaries, birthdays, or yards of the month shall stay no more than seven days. Signs to be displayed for more than seven days for special events must go through the special events process.
31. One banner per business may be displayed for a period not to exceed 30 days. The banner must be located on the property being advertised and cannot be attached to utility poles or street signs. Maximum banner size: 24 square feet.
32. Temporary private yard sale signs not more than four (4) square feet in area per sign, and not placed in a public right-of-way. Such signs shall not be erected more than 48 hours before the date of the sale and shall be removed within 24 hours of the end of the sale.

Sec. 13.9. Prohibited Signs. The following signs shall be prohibited in all districts.

1. Signs imitating warning signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulances or rescue vehicles, nor shall any use words stop, danger, or any other word, phrase, symbol, or character in a manner that might mislead or confuse an automobile or other vehicular driver.
2. Flashing and pulsating signs. Signs which flash, scintillate, blink, flicker, vary intensity, vary in color, or use electrical pulsations are prohibited except for time, temperature, and date, signs, traditional barber poles and electronically controlled message centers.
3. No sign or sign structure shall be erected in a street or highway right-of-way except signs of duly constituted governmental bodies, including traffic regulatory devices, legal notices, and warnings at railroad crossings, signs on newspaper boxes, and non-illuminated directional off-premise signs identifying a church, school, or public institution. (**Directional off-premise signs shall be approved by SCDOT.**)
4. Signs painted on or attached to trees, fences, telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings are

prohibited.

5. No sign or other advertising device of any kind may be placed on the property of another without first obtaining permission of the property owner.
6. Signs that contain statements, words, or pictures of an obscene, indecent or immoral character.
7. Strobe lights, spotlights and floodlights, or strobe lights used to advertise a business, event service or product are prohibited.
8. Signs that obstruct doors, windows, or fire escapes.
9. Signs advertising activities which are illegal under federal, state, or city laws or regulations.
10. Billboards.
11. Off-premise signs not located on property where the business operates that advertise that business. Signage may include painted or wrapped vehicles parked in a location to advertise such business or businesses.
12. Signs which revolve, rotate or otherwise move by mechanical means.

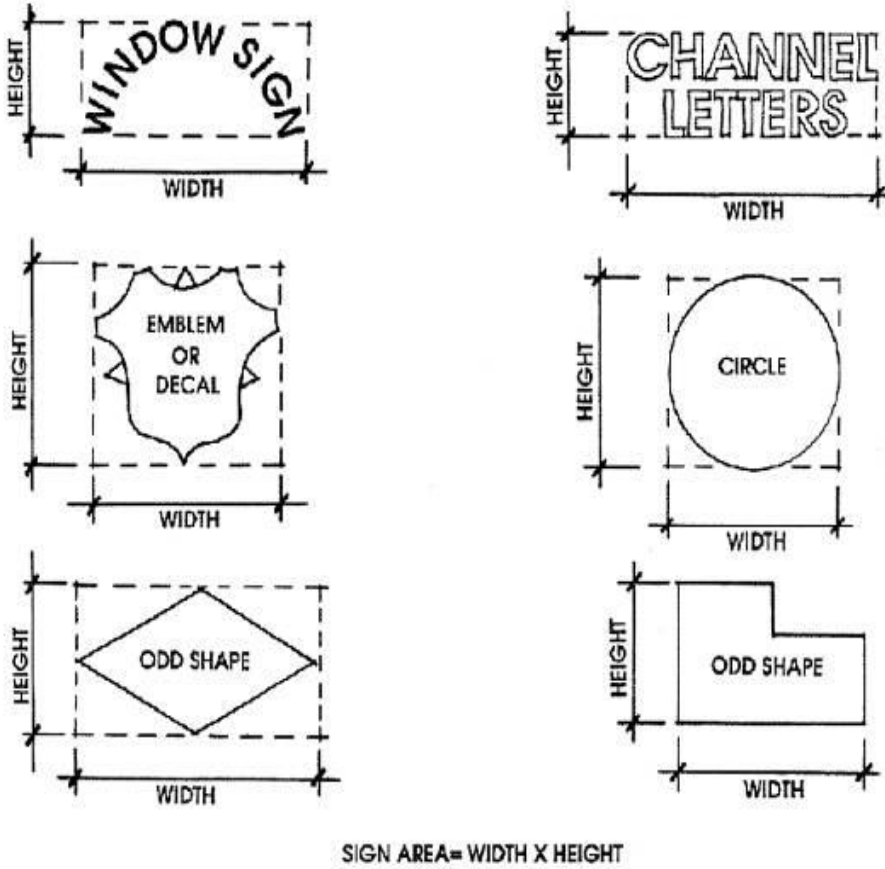
#### Sec. 13.10. Signage Criteria.

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

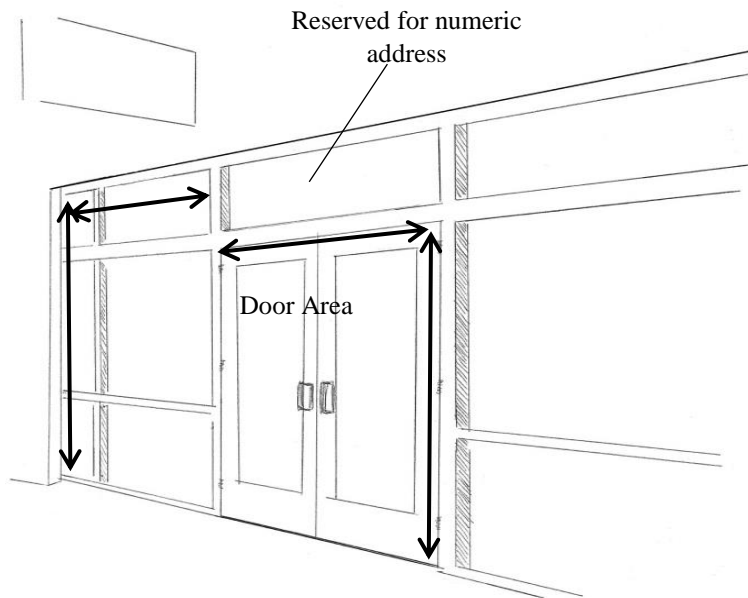
- A. Sign regulations. Unless specifically provided, signs shall conform to the requirements of the below sections pertaining to the type, number, area, and illumination of signs. Signage requirements for Historic District and Gateway Overlays are outlined in Article 10.
- B. Sign area. The total area of all signs located on a building and/or parcel shall not exceed the maximum sign area requirements.
- C. Allowable sign area. The maximum allowable signage per business shall not exceed two (2) square feet of sign area per linear foot of building frontage.  $\text{Linear foot} \times 2 \text{ (square feet)} = \text{maximum allowable signage}$ . The exception is the case where a business does not have any direct road frontage. Here, the maximum allowable signage shall be determined by the linear foot of the building multiplied by 1.5 square feet of sign area.
- D. Illumination. Illuminated signs shall have an opaque background so that light shines through the lettering and other designs. External illumination devices shall be placed to shield noxious glare from adjacent properties or the eyes of motorist.
- E. Sign calculations. Sign area is determined by multiplying the sign's height and width. For abstract signage, draw a line box around the tallest and widest points. Window area is

calculated by the contiguous window surface regardless of the number of window panes.  
Where window surface is interrupted by a door or wall, this constitutes another window area.

Figure 13.1. Sign Calculation Guide.



Window area is calculated by the contiguous window surface regardless of the number of window panes. Where window surface is interrupted by a door or wall, this constitutes another window area.



#### F. Sign Types.

1. ATM (Automated Teller Machines) Signage:
  - a. Maximum: one square foot per linear foot of the ATM.
2. Commercial Directional Sign:
  - a. 1 per site entrance and exit; two if entrance serves as enter and exit. On-site directional signs are intended to aid vehicle and pedestrian traffic to maneuver safely onto and within the site.
  - b. Maximum Sign Area: 4 sq. ft.
  - c. Maximum Sign Height: 3 sq. ft.
3. Freestanding/monument signs:
  - a. No more than one (1) freestanding/monument sign per lot frontage on a public right-of-way may be installed. For shopping centers and buildings with two or more tenants located on the same property, one sign shall be permitted. Such signs shall indicate only the name of the shopping center or building along with the tenant business.
  - b. One monument identification sign at each entrance into an office/research or industrial park, shopping center provided there is no other freestanding sign for a business on the premise. Entrance refers to roadway or drive leading directly to the aforementioned. Monument identification sign may serve as a multi-tenant sign for two or more businesses located on the same property.
  - c. All free standing signs shall be set back at least five (5) feet from the street right-of-way.
  - d. Sign shall not exceed eight (80) square feet per sign face.
  - e. The height of any freestanding/monument sign shall not exceed half the distance

from a property line's edge of pavement to nearest street centerline not to exceed twelve (15) feet

- f. Positioned perpendicular to the roadway.
4. Home Occupation Business. One non-illuminated sign which shall not exceed one and a half (1 ½) square feet and may be attached to the dwelling.
5. LED (*Light-Emitting Diode*) Sign:
  - a. Single or double face message board sign shall be attached to a freestanding sign or incorporated within the sign frame of a monument sign. The electronic message board sign shall be attached or frame in a business sign. It shall not be stand-alone sign.
  - b. Maximum Sign Area: thirty (30) square feet per sign face.
  - c. Sign shall meet the following standards:
    - not be illuminated by a flashing light, sudden bursts of light, or light that varies in intensity.
    - not have a display surface that creates the appearance of movement.
    - not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of 150 feet.
    - equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.
    - designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
    - All messages shall remain unchanged for a minimum of seven (7) seconds.
    - time interval used to change from one complete message to another shall be a maximum of one (1) second.
    - no scrolling messages.
6. Marquees, canopies, or awning signs:
  - a. Canopy, marquee, or awning signs shall extend no closer than three (3) feet from the edge of curb.
  - b. Marquees, canopies, and awnings including signs attached thereto extending into the public right-of-way shall be no lower than eight (8) feet above the public right-of-way.
  - c. The overall height of a marquee, canopy, or awning, including sign attached thereto, shall be no more than three (3) feet.
7. Murals (applicable town-wide):
  - a. Artist rendering shall not display any business name and/or logo/trademark. The mural shall not advertise products associated with any business. It may display generic products.
  - b. Sign application submission:
    - i. Detailed rendering of proposed mural including content, colors, and type of paint/material and plan for maintenance after completion.
8. Non-exempt 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 type of materials to be used.

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.

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.

- i. Maximum Sign Area: 24 sq. ft.
  - ii. Maximum Height: 5 ft.
- b. Mobile signs. Prior to the erection of any mobile sign, a temporary sign permit must be obtained from the town clerk.

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

- i. Maximum Sign Area: 24 sq. ft.
    - ii. Maximum Height: 5 ft.
9. Service Station Canopy:
  - a. LED (or similar) accent lighting is permitted to be incorporated into canopy insofar as such accent lighting does not convey a message to the public. Canopy fascia shall not be illuminated.
  - b. Number: 1 awning per elevation
  - c. Maximum Sign Area: 10% of canopy face.

10. Streetscape banner program, vertical banners.

- a. Streetscape banner program. The streetscape banner program shall be designed to advertise public events in the Town of Cheraw at the city's discretion. Banners shall not display commercial advertisements or sponsor information. Eligible participants are non-profit and civic organizations. Program requirements:
  - Applicant must complete and return application to the planning & community development department at least a month before the event. Submit a

- drawing/illustration with dimensions, text, color, and graphic/design. The city will review and approve design prior to production.
  - Approval is on a first come, first serve basis. City sponsored endorsed events will have priority.
  - Materials: 100 percent acrylic coated polyester with grommets at the bottom of pockets.
  - Design: All banners must be double sided.
  - Size: Two feet by four feet, traffic light poles; 18 inches by three feet. (Optional) Add-on/date banner: 24 inches × 12 inches with grommets. The attachments can only advertise date, time, and place of event.
  - Banners may be displayed 14 days prior to the event.
  - Banners can be only installed at Market Street and Second Street; Kershaw Street and Second Street; Chesterfield Highway and Greene Street; Front Street and Powe Street and Second Street and Powe Street intersections.
  - The application installation fee established by cost of installation.
  - Any deviation from the approved content and design will result in immediate revocation of the permit. The planning & community development director shall coordinate with public works and other departments.
  - Town administrator has final approval.
- b. Vertical banners. Vertical banners are permitted on school/college, hospital, manufacturing, office/research/industrial park campuses. Banners shall be designed to promote the business or organization's activity or event. Banners shall not display commercial advertisements or sponsor information. Requirements:
- Applicant must complete and return application to the planning & community development department. A permit is required for each banner change.
  - Submit a drawing/illustration with dimensions, text, color, and graphic/design.
  - Materials: 100 percent acrylic coated polyester with grommets at the bottom of pockets.
  - Design: All banners must be double sided.
  - Size: Two feet by four feet, light poles; 18 inches by three feet. (Optional) Add-on/date banner: 24 inches × 12 inches with grommets. The attachments can only advertise date, time, and place of event.
  - Number: Up to 20 single-hung and 40 double-hung banners.
  - Location: Banners must be on-premise and firmly attached to light poles with the appropriate banner brackets. Banners are not permitted on wooden and metal utility or Duke Energy poles.
  - Height clearance: Eight foot minimum.
  - Orientation: Up to two banners per pole. Double hung banners shall be oriented side by side.



- Any deviation from the approved content/design will result in immediate revocation of the permit.
11. Subdivision/Apartment Entrance Sign:
    - a. Number: Up to 2 entrance; 1 per Wall
    - b. Maximum Sign Area: 24 sq. ft.
    - c. Maximum Height: 6 ft
    - d. Illumination: Externally only.
  12. Wall Signs:
    - a. The total area of all wall signs on the front portion of a building shall not exceed twenty (20) percent of the exterior surface facing any public roadway up to a maximum of thirty (30) square feet.
    - b. The total area of all wall signs on a side or rear surface of a building shall not exceed twenty-five (25) percent of the exterior side or rear surface facing any public roadway or having side or rear entrance, respectively up to a maximum of thirty (30) square feet.
    - c. Wall signs attached flat against a wall shall not project more than twelve (12) inches into the public right-of-way.
  13. Wayfinding Signage. Signage displayed within town specific locations on school/college, hospital, manufacturing, office/research/industrial park campuses.
    - a. Maximum Sign Area: 24 sq. ft.
    - b. Maximum Height: 6 ft.
    - c. Style types: freestanding signs, attached to campus light poles/fixtures, and/or kiosk.
  14. Video Display Sign. Video Display Signs shall be permitted only along Chesterfield Highway (SC 9). The sign is subject to the following standards:
    - a. One (1) monument sign per site or multi-tenant complex.
    - b. Maximum Sign Area: thirty (30) square feet per sign face and shall be incorporated within the sign frame.
    - c. Maximum Height: 12 ft.
    - d. Sign shall meet the following standards:
      - not be illuminated by a flashing light, sudden bursts of light, or light that varies in intensity.
      - not have a display surface that creates the appearance of movement.
      - not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of 150 feet.
      - equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.
      - designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
      - All messages, images, or displays shall remain unchanged for a minimum of

seven (7) seconds.

- time interval used to change from one complete message, image, or display to the next complete message, image, or display shall be a maximum of one (1) second.
- no appearance of visual dissolve or fading, in which any part of one message, image, or display appears simultaneously with a part of a second message, image, or display.
- no scrolling text messages.

## ARTICLE 14. COMMUNICATIONS TOWERS AND ANTENNAE

### Sec. 14.1. Definitions.

*Antenna.* A devise, dish, or array used to transmit or receive telecommunications signals.

*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 tower; 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.

*FAA.* The Federal Aviation Administration

*FCC.* The Federal Communication Commission.

*Height.* The height of a communication tower is the distance from the base of the tower to the top of the structure.

*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.

### Sec. 14.2. Exclusion. The following shall be exempt from this ordinance:

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

### Sec. 14.3. Placement of Telecommunications Facilities by Zoning District.

1. Regardless of the zoning district in which the communication tower is located the minimum distance of the tower shall be not less than two hundred (200) feet from the nearest lot line of any R-1 (high density single-family residential, R-2 Multiple Family Residential, OC (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.

2. Permitted Height Regulations.

DISTRICTS PERMITTED HEIGHT – FREE STANDING OR GUYED TOWER	
R-1AA	Free-standing tower with height not exceeding one hundred (100) feet is a permitted conditional use; height exceeding 100 feet requires special exception.
R-1A Single-Family	
R-1 Family	
R-2 Multi-Family	
OC	Free-standing or guyed tower with height not exceeding one hundred eight (180) feet is a permitted conditional use; height exceeding feet requires special exception.
NC	
CC	
GC	
LI	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
M-1	
OS	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.

Sec. 14.4. Preferred and Disfavored Location Sites.

A. Preferred Location Sites

1. Co-location Sites: Any existing telecommunication towers currently being used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication shall be at preferred location sites regardless of the underlying zoning designation of the site, provided however the 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 should be less noticeable when placed on publicly used structures than when placed on commercial or residential structures. 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 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 telecommunication facilities.
2. Any site located within the Historic District and along the Gateway District shall be considered disfavored sites for the location of telecommunication facilities.

Sec. 14.5. 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 licensed to practice in the State of South Carolina. The results of such inspections shall be made available to the Town upon request.
2. Regulatory Compliance
  - a. All telecommunication facilities must meet or exceed FCC 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 twelve (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 the 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 structures 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 designed by the Town or by any state or federal law or agency.
  - e. Any equipment shelter or cabinet that supports telecommunications facilities must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. Such shelters or cabinets shall be screened from public view by using landscaping materials consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.
  - f. No screening shall be required where explicitly prohibited by the FCC regulations. In such cases, the applicant or utility shall provide the Planning Commission with a certified copy of such regulation prohibiting the locally required screening.
7. Landscaping:
  - a. Landscaping shall be used effectively to screen the view of the telecommunications facility from adjacent public ways, public property and residential property. Each site shall have one or more rows of evergreen trees or shrubs capable of forming a continuous hedge eight (8) feet in height. The hedge shall screen the base of the tower and any related structures from public view. A break in the hedge, not to exceed 15 feet in width, shall be allowed for access of maintenance personnel and vehicles.
  - b. New or existing vegetation, earth berms, existing topographic features, walls, opaque fences, and features other than those listed may be used to meet these requirements upon a finding by the Planning Commission that the same degree of screening listed above is achieved by the proposed alternative.
  - c. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed and vegetation to be replanted to replace the lost.

Sec. 14.6. Application Procedures & Fees

- B. The Town will not consider any application for a building permit or special use permit for any telecommunications tower until the following items are submitted to the planning & community development director.
1. An application fee of \$500.
  2. The name and address of the applicant and, if different, the owner and operator of the telecommunication tower and antennas to be located on such tower.
  3. The name, addresses, and phone number of the applicant's primary contract person.
  4. The address and legal description of the proposed communication tower location.
  5. Written evidence of the applicant's legal interest in the site, such as a lease agreement or option.
  6. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawing depicting typical design of proposed structure, parking, fences, landscape plan, and existing land use on adjacent property.
  7. A current map showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, saving and property within the town.
  8. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222-E Standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable building codes. Further, any improvements and/or additions to existing communication towers shall require submission of site plans which demonstrates compliance with EIA/TIA 222E Standards in effect at the time of said improvement or addition.
  9. Evidence that a valid FCC license for the proposed activity has been issued
  10. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent zoning districts.
  11. A written agreement to remove the tower and/or antenna with one hundred eight (180) days after cessation of use.
  12. Evidence that applicable conditions in Section 12.6 B (11) are met.
  13. Additional information required by the planning & community development director for determination that all applicable zoning requirements are met.
- C. Conditions. The applicant shall ensure that all of the following applicable conditions are met:
1. The proposed telecommunication 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 proposed tower site within fifteen hundred (1,500) feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.
  8. Applicant shall provide performance bonds or demonstrate financial responsibility to 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 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. The would not be prohibit the use of warning or equipment information signs.

#### Sec. 14.7. 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 ensure 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.

#### Sec. 14.8. 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 5 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 antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure.

#### Sec. 14.9. 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 15. SMALL WIRELESS FACILITIES

### Sec. 15.1. Definitions.

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

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

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

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

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

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

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

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

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

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

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

*Fee.* A one-time charge.

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

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

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

*Rate.* A recurring charge.

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

*Small Wireless Facility.* A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements

could fit within an imaginary enclosure of not more than six (6) cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

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

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

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

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

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

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

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

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

Sec. 15.2. Purpose and Scope.

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

Sec. 15.3. Permitted Use; Application Process and Fees.

1. Permitted use and consent. collocation of a small wireless facility on an existing utility pole or wireless support structure, or a new or modified utility pole or wireless support structure installed in a covered area shall be a permitted use, except in supplemental review districts where such facilities are a conditional use, subject to administrative review, conditions and other requirements in Section 5. In accord with Article VIII, Section 15 of the State Constitution and related municipal code and ordinance provisions, the Town consents to the use of public rights-of-way by permit holders acting in compliance with this ordinance.
2. Permit Required. No person shall place a small wireless facility in a covered area without first filing a small wireless facility application and obtaining a permit, except as otherwise provided in this ordinance.
3. Permit Applications. All small wireless facility applications filed pursuant to this ordinance shall be on a form, paper or electronic, as required by the town. the applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly, and the Town shall endeavor to protect materials so designated from public disclosure to the fullest extent permitted by state law.

4. Application Requirements. The small wireless facility permit application shall be made by the applicant , or its duly authorized representative as noted in a notarized statement from a person with the applicant with authority to make such an authorization, and shall contain the following:
  - a. The applicant’s name, address, telephone number and e-mail address;
  - b. Facility owner’s name, address, telephone number and email address, if different from applicant;
  - c. Intended facility use: owner operated, or owner leased capacity;
  - d. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;
  - e. A general description of the proposed scope of work for the collocation of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters, including but not limited to sub-surface utilities, likely to be affected or impacted by the work proposed;
  - f. Identification of any consultant that is acting on behalf of the applicant and that is authorized to speak with the Town, or a designee of the Town, on the area of consultation for the applicant even if the applicant cannot be available;
  - g. Verification from an appropriate representative of the applicant that the small wireless facility shall comply with all applicable codes;
  - h. Verification of payment of the annual municipal consent or administrative fee for telecommunications companies to use public rights-of-ways pursuant to Section 58-9-2230;
  - i. Verification of local business license, if applicable;
  - j. Evidence the applicant is duly authorized to do business in South Carolina;
  - k. Evidence the applicant has received any necessary certificate of public convenience and necessity or other required authority from the South Carolina Public Service Commission or the Federal Communications Commission or evidence that it is not required;
  - l. A copy of an approved South Carolina Department of Transportation encroachment and all documents required by SCDOT as part of the encroachment permit application, if the proposed location is within a SCDOT right-of-way; and,
  - m. If the proposed location is outside of a SCDOT right-of-way, a statement that the applicant has a lease, attachment agreement or other authorization from the owner of the utility pole or structure proposed for collocation.
5. Routine Maintenance and Replacement. An application shall not be required for:
  - a. Routine maintenance;
  - b. The replacement of a small wireless facility with another small wireless facility that is substantially similar or smaller in size, weight, and height; or

- c. The installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles and/or wireless support structures in compliance with the National Electrical Safety Code by a wireless services provider or a wireless infrastructure provider that is authorized to occupy the public rights-of-way and that is remitting a consent, franchise, or administrative fee pursuant to S.C. Code Ann. § 58-9-2230.
- 6. Information Updates. Any amendment to information contained in a permit application shall be submitted in writing to the Town within ten (10) business days after the change necessitating the amendment.
- 7. Consolidated Application. An applicant seeking to collocate multiple small wireless facilities may, at the applicant's discretion, file a consolidated application and receive a single permit for up to twenty (20) small wireless facilities. provided, however, the Town's denial of any site or sites within a single application shall not affect other sites submitted in the same application. The Town shall grant a permit for any and all sites in a single application that it does not deny subject to the requirements of this section.
- 8. Application Fees. Unless otherwise provided by law, and except as to telecommunication companies exempted pursuant to S.C. Code § 58-9-2230, all applications for permits pursuant to this ordinance shall be accompanied by a fee of \$100.00 for each small wireless facility, except that the fee for small wireless facilities addressed in a consolidated application shall be \$100.00 each for the first five small wireless facilities and \$50.00 for each additional small wireless facility up to a maximum of twenty (20) small wireless facilities. for clarity, any applicant that pays either a franchise, consent fee, or administrative fee pursuant to the requirements of S.C. code § 58-9-2230 shall not be required to pay any building permit fee, zoning permit fee, encroachment fee, degradation fee, or any other fee assessed on a telecommunications provider for its occupation of or work within the ROW.
  - a. Interference with Public Safety Equipment. A small wireless facility shall be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire and emergency services) equipment.

Sec. 15.4 Action on Permit Application.

- 1. Review of Small Wireless Facility Applications. The Town shall review the application for a small wireless facility permit for conformity with applicable requirements of this ordinance, and shall issue a permit on nondiscriminatory terms and conditions subject to the following requirements:
  - a. Within ten (10) days of receiving an application, the Town must determine and notify the applicant whether the application is complete; or if an application is incomplete, the Town must specifically identify the missing information.
  - b. Make its final decision to approve or deny the application within sixty (60) days of submission of a completed application .



- c. Notify the applicant in writing of its final decision, and if the application is denied, specify the basis for a denial, including citations to federal, state or local code provisions and/or statutes on which the denial was based.
  - d. Notwithstanding an initial denial, the applicant may cure the deficiencies identified by the Town and resubmit the application within thirty (30) days of the denial, and the Town shall approve or deny the revised application within thirty (30) days of receipt of it. The subsequent review by the Town shall be limited to the deficiencies cited in the original denial.
2. Review Deadline. If the Town fails to act on an application within the sixty (60) day review period (or within the thirty (30) day review period for an amended application), the applicant may provide notice that the time period for acting has lapsed and the application is then deemed approved.
  3. Review of Eligible Facilities Requests. Notwithstanding any other provisions of this ordinance, the Town shall approve and may not deny applications that constitute eligible facilities' requests for modification of an eligible support structure that does not substantially change the physical dimensions of such structure as provided in 47 CFR 1.40001, within sixty (60) days according to the procedures established under 47 CFR 1.40001(c).
  4. Compensation. Subject to the limitations set forth in Section 15.3(5)8 herein, every permit shall include as a condition the applicant's agreement to pay such lawful franchise fees, business license taxes, administrative fees and consent fees as are permitted under applicable South Carolina and federal law. The applicant shall also pay all applicable ad valorem taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the Town.

Sec. 15.5. Requirements for Small Wireless Facilities in Covered Areas.

1. Administrative Review. The Town shall perform an administrative review of permit applications including the location or installation of new, modified, or replacement utility poles and/or wireless support structures and the attachment of wireless facilities and equipment on utility poles or wireless support structures. Review factors, in addition to location, shall include the size, shape, color, texture, and materials of the structures and attachments.
  - a. The Town may require a proposed wireless facility be designed to not be significantly more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) from covered areas than existing utility structures, poles and equipment located within five hundred (500) linear feet on the same covered area as the subject utility pole or wireless support structure.
  - b. Where small wireless facilities are determined to be appropriate, the use of reasonable stealth and concealment treatments, low profile equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and

visual aesthetics of the area. However, such requirements may be waived by the Town upon a showing that the particular location of a small wireless facility does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request.

- c. Supplemental review districts identified in Section 15.5(1)c may be subject to a higher level of review.
2. Maximum Size of Permitted Use.
    - a. The height of an antenna of a collocated small wireless facility shall be limited to the greater of ten (10) feet above (a) the height of an existing or modified utility pole or wireless support structure; or (b) the height of a new utility pole or wireless support structure as provided in (b) below.
    - b. The height of a new or modified utility pole, or wireless support structure is limited to the greater of (a) the tallest utility pole, excluding transmission poles, or wireless support structure located in the same covered area, measured from grade, in place within five hundred (500) linear feet on the same covered area as the subject utility pole or wireless support structure as of the effective date of this ordinance; or (b) in the absence of any such utility pole or wireless support structure, either (1) forty (40) feet in any area zoned exclusively for single family residential use, unless a waiver is granted for good cause shown, or (2) fifty (50) feet in any other area.
    - c. Collocation is not allowed on a decorative pole less than twenty (20) feet in height.
  3. Supplemental Review Districts. Collocated Small wireless facilities and new or modified utility poles or wireless support structures located in supplemental review districts shall be a conditional use and subject to the design and aesthetic requirements and review processes for structures specified in this ordinance establishing the supplemental review district(s) in addition to the requirement of this ordinance, provided that the Town will work in good faith with the applicant to accommodate the installation of collocated small wireless facilities and new or modified utility poles or wireless support structures in supplemental review districts to the fullest extent practicable. The Town reserves its right to maintain and implement the following types of supplemental review districts.
    - a. Underground Districts. A wireless services provider or a wireless infrastructure provider shall comply with nondiscriminatory requirements that prohibit electric utilities, telecommunications or cable providers from installing above-ground structures in the covered area in these districts. nothing in this section shall prohibit the use or replacement of existing utility poles or wireless support structures in underground districts for the collocation of small wireless facilities subject to administrative review by the zoning administrator, appropriate design and concealment and a finding that such use does not increase the height by more than three (3) feet.

- b. Historic and Design Districts. As a condition for approval of new small wireless facilities or new wireless support structure in a historic district or a design district, the Town may require that a wireless services provider or a wireless infrastructure provider comply with the design and aesthetic standards of the historic district or design district to minimize the impact to the aesthetics in a historic district or on a design district's decorative poles. If design and concealment treatments are determined on review by the Town to be insufficient to mitigate harm to the historic district or design district, the application may be denied. This section may not be construed to limit a municipality's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.
4. Appeals, Special Exceptions and Variance Requirements. Appeals of administrative decisions and requests for special exceptions and variances from the provisions of this ordinance, when strict application would result in an unnecessary hardship or in the inability to deploy needed small wireless facilities, shall be heard and decided by the Board of Zoning Appeals or equivalent board for architectural, design or historical district reviews. An applicant seeking a special exception to construct a new decorative pole, utility pole or other wireless support structure to collocate a small wireless facility in an underground district shall demonstrate, including certification through an engineer, that it has diligently attempted to locate the proposed decorative pole, utility pole, wireless support structure, or small wireless facility outside of the underground district and that placement of the decorative pole, utility pole, wireless support structure, or small wireless facility within the underground district is necessary to provide the needed wireless coverage or capacity, and one or more of the following conditions exist supporting a Special Exception:
- a. No existing utility pole or wireless support structure is located within the location search radius or to the extent a utility pole or wireless support structure is located within the search radius, such utility pole or wireless support structure:
    - 1. Is not available for collocation under commercially reasonable rates, terms, and conditions;
    - 2. Cannot accommodate the collocation of the small wireless facility and meet the technical requirements necessary to deliver adequate wireless service coverage or capacity; or
    - 3. Would require modifications exceeding the three (3) feet height limitation imposed in Section 15.5(3)a.
  - b. The only available option to deliver adequate wireless service coverage or capacity in the search radius requires modifications to an existing utility pole or wireless support structure exceeding the three (3) feet height limitation imposed in Section 15.5(3)a or

the installation of a new utility pole or wireless support structure for collocation of a small wireless facility, or

- c. The applicant has demonstrated other circumstances that, in the reasonable discretion of the [board, etc.], warrant a special exception or variance. The applicant shall abide by the design, stealth and concealment treatments imposed as conditions of the special exception.
5. Existing Supplemental Review Districts. Supplemental review districts approved by the Town as of the effective date of this ordinance shall be listed as Appendix A. The Code provisions authorizing the district, applicable design guidelines or manual, review authority and appeal jurisdiction are specified in Appendix A. Nothing in this ordinance shall prohibit or otherwise limit the Town from establishing additional supplemental review districts, provided however, that facilities and structures for which a permit was approved or deemed approved pursuant to this ordinance prior to the establishment of the additional supplemental review district remain subject to the provisions of this ordinance, including routine maintenance and replacement of those facilities and structures as set out in Section 15.3(5)a and (b) of this ordinance, and not to any provisions otherwise applicable to the additional supplemental review district. If a wireless services provider or a wireless infrastructure provider voluntarily replaces such facilities in a manner that does not comply with Section 15.3(5)b of this ordinance, or if a wireless services provider or a wireless infrastructure provider voluntarily relocates such facilities, such replacement or relocation is subject to the then-existing provisions and requirements of the additional supplemental review district.
6. Repair of Damage. A wireless services provider or a wireless infrastructure provider shall repair all damage to a town right-of-way directly caused by the activities of the wireless services provider or the wireless infrastructure provider, while occupying, installing, repairing, or maintaining wireless facilities, wireless support structures, town utility poles, or utility poles and to return the right-of-way to its functional equivalence before the damage. If the wireless services provider or the wireless infrastructure provider fails to make the repairs required by the Town within forty-five (45) days after written notice, unless the Town and the wireless services provider or the wireless infrastructure provider agree in writing to a longer time period, the town may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs. The Town may maintain an action to recover the costs of the repairs.

#### Sec. 15.6. Effect of Permit.

1. Authority Granted: No Property Right or Other Interest Created. A permit from the Town authorizes an applicant to undertake only certain activities in accordance with the ordinance and does not create a property right or grant any authority whatsoever to the Applicant to impinge upon the rights of others who may already have an interest in the covered area.

2. Duration. Unless construction has actually begun and is diligently pursued to completion at that point, no permit for construction issued under this ordinance shall be valid for a period longer than twelve (12) months unless both Town and applicant agree to a reasonable extension and all required fees are paid for the term regardless of construction. The inability of the applicant to obtain electrical power or backhaul transport services to serve the wireless facility such that it is operational within the twelve (12) months due to the action or inaction of third-party utility providers shall not result in the invalidity of the permit.

Sec. 15.7. Removal, Relocation or Modification of a small wireless facility in the ROW.

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

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

Sec. 15.8. Attachment to Town-Owned Utility Poles in the Covered Areas.

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

Sec. 15.9. Severability.

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

## ARTICLE 16. RENEWABLE ENERGY SYSTEMS

### Section 16.1. Intent.

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

### Section 16.2. Definitions.

*Building-integrated Solar System.* An active solar system incorporated into the principal and/or accessory building/structure(s) as an architectural component. Architectural design includes, but is not limited to, roof material, windows, parking facilities, awnings, sections of wall, etcetera.

*Campus Facility.* A tract(s) with one or multiple owners, and/or users viewed as one facility off a public road or serviced by an internal road and/or drive network. Examples of a campus facility include but are not limited to: industrial/research parks, business centers, manufacturers, shopping centers, public/private utilities, college/university or school campuses, hospitals, commercial/residential subdivisions, and mixed used developments.

*Height.* The vertical distance measured from the ground or surface to the foremost tip/end of an object.

*Ground-mounted.* Freestanding pole used to support renewable energy systems (RES).

*Integrated Energy Systems.* Flexible energy techniques used through solar building/-integration, and roof and ground-mounted solar to produce on-site energy. Integrated energy systems serve as accessory structures on properties with principal structure (i.e. home or business).

*Mini Solar Farms.* A series of ground mounted solar collectors placed in an area for generating photovoltaic (PV) power as a commercial enterprise or support a campus facility. The maximum size for a mini solar farm is two (2) acres.

*Renewable energy system (RES).* Energy generated through solar technology for residential, commercial, and industrial uses, and geographical areas in partnership with a utility company.

*Roof-mounted.* RES affixed to a roof utilizing solar panels to produce energy.

*Setbacks.* Required distances from property lines and between structures and land uses.

*Solar Collector/Shingle.* A solar device which absorbs and accumulates solar rays for use as a source of energy. The device may be roof-mounted or ground-mounted.

*Solar Energy.* Radiant energy received from the sun collected in the form of heat or light by a solar collector to produce energy.

*Thermal Energy.* Solar technology converted into heat energy.

Section 16.3. Integrated energy systems. Flexible energy techniques incorporated into building/structure(s), and/or employed onto a roof and ground-mounted structure(s) shall comply with the following zoning standards:

1. Scaled site/plot plan, three (3) 11" x 17" copies shall be prepared by a licensed land surveyor, landscape architect, or engineer in the State of South Carolina. The site/plot plan for roof-mounted solar collectors/shingles may be prepared by the solar company selected by the applicant.
  - a. *Roof-mounted system*  
Site/plot plan contains: roof diagram with panels and any elevation changes, street(s) [roadway] with street name, property lines, north arrow, vicinity map or color aerial photography, date, scale, tax map number, site plan preparer and property owner's name, address, and phone, location of overhead utilities.
  - b. *Ground-mounted systems*  
Site/plot plan contains: site plan preparer's contact information, developer or property owner's name, address, and phone; road(s) layout; tax map number, scale, and date; vicinity map and north arrow; existing and proposed structures, (i.e. equipment location, fencing); property boundaries, roadway(s) with street names; water bodies (i.e. lakes, ponds, and streams), flood hazard areas, wetlands, adjacent ditches, easements, and proposed vegetated landscaping.
2. Power lines shall be located underground to the extent practical.
3. Electric solar system components shall have an Underwriters Laboratories (UL) listing.
4. Solar collectors shall be designed with anti-reflective coating to minimize glare. Textured glass coupled with the anti-reflective coating further minimizes solar glare. Textured glass is optional. Mirrors are prohibited.
5. Architectural design consideration shall be used when integrating solar panels into any exterior wall, window, or other components. This will require architectural techniques to not make solar the predominate feature.
6. A system(s) discontinued for more than six months is considered abandoned and shall be removed at property owner's expense.



7. Compliance with South Carolina Fire Codes section 605.11, and SC Residential Code sections R324.3, R906.15 and R907 (roof-mounted).
8. Interconnection utility agreement (grid-tied systems).
9. Solar panels:

*Roof-mounted*

- a. Sealed structural analysis with equipment specifications and cut sheets, and roof *dead load* capacity certification by a licensed engineer in the State of South Carolina.
- b. Construction and electrical/thermal plans.
- c. Elevation drawings.

*Ground-mounted*

- a. Setback at least 20 feet from property line.
- b. Maximum height: 5 feet.
- c. Vertical illustration of panels with pole/post displaying height and dimensions.
- d. Sealed structural details with foundation plans certified by a licensed engineer in the State of South Carolina.
- e. Location: residential rear; commercial rear or side and not within 40 feet of water body, and/or built over or under any electrical, water, sewer, storm water or any other utility easements or right-of-way.
- f. Commercial: Screened by vegetative landscaping on sides adjacent residential properties and/or roadways. Residential ground-mounted solar systems shall not be visible from any roadway. Screened from roadway.
- g. Mounted framework shall be a neutral color.
- h. Number: 3 maximum.

#### Section 16.4. Mini Solar Facilities.

The establishment and operation of solar energy systems shall comply with the following zoning and codes standards:

1. Scaled site/plot plan shall be prepared by a licensed land surveyor, landscape architect, or engineer in the State of South Carolina. Plans must be sealed.  
Site/plot plan contains: site plan preparer's contact information, developer or property owner's name, address, and phone; road(s) layout; tax map number, scale, and date; vicinity map and north arrow; existing and proposed structures, (i.e. equipment location, fencing); property boundaries, roadway(s) with street names; water body (i.e. lakes, ponds, and streams), flood hazard areas, wetlands, adjacent ditches, easements, proposed surface covers (i.e. grass, gravel, etc.), location and size of land disturbance, fencing and vegetated landscaping.
2. All internal roads servicing the solar facility must be named and paved to SCDOT standards.
3. Restrictive Covenants Affidavit.
4. Setbacks: Solar Energy Systems must be set back 50 feet from adjoining property lines and 300 feet from the nearest residence and/or residential zoned area(s).
5. Height: Solar structures shall not exceed 5 feet in height.
6. Developer shall make practical efforts to preserve natural features and landscape.
7. Screening: A continuous vegetative buffer shall be installed around the perimeter of the mini solar farm. This buffer shall be 36" to 48" in height at planting and must reach 100 percent of the panel height within three (3) years of planting. The vegetation must be planted in two staggered rows at a spacing interval between 8 to 10 feet outside fence. Screening is not required along properties adjacent to non-residential uses but required if adjacent to roadway.
8. Development shall maintain a 40-foot vegetated buffer from any body of water (i.e. lakes, streams, ponds, and rivers) to preserve the Town's water quality and prevent any adverse stormwater effects.
9. All lighting shall be shielded or directed in a downward position to prevent noxious glare.
10. Fencing shall be at least six feet in height to secure the perimeter. The fence must be secure at all times. Electrical, barbed, and razor wire fences are prohibited.
11. Signage: A warning sign concerning voltage must be placed at the main gate to include the address and name of the solar energy system operator, and a 24-hour phone number in case of an emergency.
12. Power lines must be located underground to the extent practical.
13. Submit a complete set of sealed construction plans and specifications including the design of all structures, foundation details, electrical plan (wiring/thermal diagrams), vertical illustrations of panels with maximum height, a grading plan with drainage details, and maintenance service road plan certified by licensed engineer in South Carolina.
14. Interconnection utility agreement (grid-tied systems).

15. Solar collectors shall be designed with anti-reflective coating to minimize glare. Textured glass coupled with the anti-reflective coating further minimizes solar glare. Textured glass is optional. Mirrors are prohibited.
16. Electric solar system components must have an Underwriters Laboratories (UL) listing.
17. Other submissions (as applicable):
  - a. Lease Agreement;
  - b. Town of Cheraw water and/or sewer letter or paid fee (if applicable);
  - c. Receipt of road and stop signage paid (for new road(s) only);
  - d. South Carolina Public Services Commission Approval (Nameplate of 75 or more megawatts);
  - e. Stormwater NPDES Permit from South Carolina Department of Health and Environmental Control; and,
  - f. Encroachment Permit by South Carolina Department of Transportation, Chesterfield County or the Town of Cheraw.
18. Submit and maintain an updated facility decommission plan. The latest facility decommission plan shall be recorded in Chesterfield's Register of Deeds Office. An applicant must include a decommissioning plan that describes the anticipated life of the solar energy system. Following a continuous six (6) month period in which no electricity is generated, the permit holder will have six (6) months to complete decommissioning of the solar energy system. Decommissioning includes removal of solar panels, buildings, cabling, electrical components and any other associated facilities below and below grade as described in the decommissioning plan. After the Board of Zoning Appeal approval and prior to the issuance of construction permits by Codes, the applicant must provide the Town with a performance guarantee (surety or performance bond, certified check, or irrevocable letter of credit) in the amount of \$50,000 or 125% , whichever greater, of the estimated decommission cost minus the salvageable value, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina.

#### Sec. 16.5. Public notification.

Upon receipt of a completed mini solar farm application, the Town's planning & community development director or designee shall send by first class mail a notice of the application to all property owners within 300 feet of the proposed solar energy system. The notification shall include date of the public hearing held by the Board of Zoning Appeals. Public notification includes posting in the local newspaper, at least 15 days prior to the public hearing, and posting a public hearing notice on property.

#### Sec. 16.6. Fees.

Fees are the following: Integrated Energy Systems - \$25.00; Mini Solar Farm - \$676.00 (application fee: \$500 plus cost: \$176). Cost refers to expenses (i.e. public notice in the local newspaper, mailings, and etcetera) associated with the public participation process.



## ARTICLE 17. DEFINITIONS

*Abandoned Sign.* A sign or sign structure no longer used by the property/sign owner or a sign/sign structure that has been damaged, and repairs and restoration have not been started within forty-five (45) days after the property or business owner received notification from the building official.

*Accessory Dwelling Unit.* An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.

*Accessory Structures/Uses.* A structure/use that is customarily incidental and subordinate to the main use or building and located on the same lot. In no case shall such an accessory structure/use dominate, in area, height, size, square footage, extent, or purpose, the principal lawful use of a building. Examples of an accessory structure/use are detached garages, carport, gazebos, utility shed, pool house and accessory dwelling unit. The structure/use shall be located in the rear of the principal building at least five (5) feet from the from another structure and property lines.

*Adult Day Care Facility.* A facility, for adults 18 years of age or older, which offers in a group setting a program of individual and group activities and therapies. The program is directed toward providing community-based day care services for those adults in need of a supportive setting, thereby preventing unnecessary institutionalization. The program shall provide a minimum of four (4) and a maximum of fourteen (14) hours of operation a day.

*Alley.* A permanent service way used primarily as a secondary means of access to the side or rear of abutting properties.

*Alter.* A change, re-arrangement, enlargement, movement from one location to another, or similar modification of structural parts or spaces, including changes in height.

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

*Appeal.* The procedural process to revisit a decision viewed as unfavorable, illegal, and/or speculative to reverse the previous decision.

*Applicable Codes.* Uniform building, energy, electrical, plumbing, mechanical, gas, and fire codes in Title 6, Chapter 9 of the South Carolina Code of Laws, local amendments to those codes authorized by state law, and local codes or ordinances which impose requirements defined in this

ordinance including objective design and concealment standards to regulate location, context, material, color, stealth and concealment standards on a uniform and nondiscriminatory basis.

*Applicant.* Any individual, business, organization, or agent who submits an application to a Town for a permit.

*Application.* The appropriate form submitted by an applicant to engage in development activity.

*Area.* The total square footage within the property lines of a project or parcel, excluding external streets. As applied to structures, the square footage based on length multiplied by width for the structure's sides, including vertical and horizontal measurements.

*Automotive Repair Shop.* A use involving the diagnosing of malfunctions, repairing or maintaining of motor vehicles. Included in this definition are body shops, paint shops, tire stores, muffler shops, auto electric shops, van conversions, lubrication centers, auto-sound shops, auto-alarm shops, auto upholstery shops, wheel alignment shops and other similar automotive related repair or installation businesses.

*Automotive Dealership.* A business authorized to sale or rent new and used vehicles on the premises.

*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.

*Bed and Breakfast Inn.* 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.

*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 lot or lots, and used or intended for the shelter, support or enclosure of persons, animals or property any kind.

*Board of Architectural Review [BAR/Board].* Members appointed by the mayor charged with the review and deliberation of activities within the historic and gateway overlay districts to ensure appropriateness.

*Board of Zoning Appeal.* A quasi-judicial body appointed by the mayor to review and deliberate on appeals to the planning & community development director's decision, special exceptions, and variances. The decisions are based on findings of fact, the law, and witness testimony, not opinions.

*Building Official.* The authorized person of the town to inspect structures and enforce ordinances and building codes, and issue building permits, fines, and stop work orders.

*Buffer.* An area of land improved by landscaping, fences, or walls designed to mitigate the impact of higher intensity uses on neighboring properties.

*Building, Principal.* A building in which is conducted the principal use of the lot on which said building is located.

*Building-integrated Solar System.* An active solar system incorporated into the principal and/or accessory building/structure(s) as an architectural component. Architectural design includes, but is not limited to, roof material, windows, parking facilities, awnings, sections of wall, etcetera.

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

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

*Caliper.* The diameter of nursery stock trees measured at six inches above the ground for tree with a caliper of four inches or less and measured at a height of 12 inches for larger trees.

*Campus Facility.* A tract(s) with one or multiple owners, and/or users viewed as one facility off a public road or serviced by an internal road and/or drive network. Examples of a campus facility include but are not limited to: industrial/research parks, business centers, manufacturers, shopping centers, public/private utilities, college/university or school campuses, hospitals, commercial/residential subdivisions, and mixed used developments.

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

*Certificate of Appropriateness.* The document issued by the Board of Architectural Review certifying that the proposed development, alteration, and other activities meet the adopted design standards and zoning ordinance.

*Certificate of Economic Hardship.* The document issued by the Board of Architectural Review certifying the applicant(s) have successfully provided evidence of an economic hardship.

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

*Cheraw Historic District* [historic district]. The Town's National Register for Historic Places boundary noted on the Official Zoning Map.

*Circumference.* The measurement used for existing trees measure 4½ feet above grade.

*Client.* Person or persons receiving services by a State licensed agency/organization.

*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.

*Cold Frame.* An unheated outdoor structure consisting of a wood frame and a top of glass or plastic, used for protecting seedlings and plants from the cold.

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

*Commercial, Community Garden.* A community garden located in commercial zoned area and may only sell food crops and ornamental plants, and value-added products to the public. Garden operator shall obtain business license to sell produce and value-added products. Sales are to be conducted onsite with available parking.

*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 tower; 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.



*Community Garden.* Land managed and maintained by a group of individuals, public/private, or nonprofit organization to grow and harvest food crops and/or ornamental plants raised and harvested onsite for use by its members. A community garden may be divided into separate plots for cultivation or used collectively by members of a group. Only commercial community gardens can sell onsite to public.

*Contributing Resource.* Any building, structure, or object, at least 50 years old, with historical, cultural, archeological, architectural integrity that adds to the historic district's period of significance.

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

*Cultivate.* The process of preparing and using land for sowing or planting. Cultivation includes raised beds.

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

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

*Demolition.* The razing of any historical, cultural, and architectural feature or structure in whole or part, including demolition by neglect of necessary maintenance and/or repairs.

*Demolition by Neglect.* The destruction of a historic resource through abandonment or lack of maintenance.

*Dwelling, Dwelling Unit, or Unit.* One or more rooms domicile containing independent cooking, bathing and toileting, and sleeping facilities.

*Economic Hardship.* Unforeseen, and/or compelling situation where property owner(s) of the property in question cannot to reasonably meet the historic district's design standards. The property owner(s) establishes the hardship claim by presenting significant evidence to substantiate the claim.

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

*FAA.* The Federal Aviation Administration

*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 servant employed on the premises may be housed with the single dwelling unit without being counted as a family or families.

*Farm Stand.* A structure for the display and sale of products grown on the property.

*FCC.* The Federal Communication Commission.

*Fee.* A one-time charge.

*Fence.* A barrier or enclosure designed and constructed to prevent, escape or intrusion or to mark a boundary. Fences may be constructed of wood, vinyl, chain-linked, masonry or combination thereof.

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

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

*Garden Operator.* The responsible organization/agency, property owner, or leasee permitted by the Town to operate and manage a community garden.

*Gateway Corridor Overlay District.* The geographic boundaries that serves as the entrances into the historic district with a series of design standards note on the Official Zoning Map.

*Greenhouse.* A structure made primarily of glass or other translucent material for plant cultivation.

*Group Home.* A home, permitted by right per *S.C. Codes 6-29-770(E)*, serving nine (9) or fewer mentally or physically handicapped persons that provides care on a 24-hour basis and is approved and/or licensed by a state agency/department, or under contract with a State agency or department for that purpose.

*Ground-mounted.* Freestanding pole used to support renewable energy systems (RES).

*Hazard/Hazardous Tree.* Tree exhibiting sign of latent decay or structural defects with a high likelihood of falling on someone or something.

*Height.* The vertical distance measured from the ground or surface to the foremost tip/end of an object.

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

*Hoop House.* A structure made of piping or other material covered with translucent material, constructed in a half round or hoop shape for plant cultivation.

*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 the ordinance.

*Hotels and Motels.* A building providing temporary accommodations to the public for a cost per night or week, where meals may or may not be provided.

*Improvements.* Any exterior modification including paint colors, additions, new construction, signage, enclosures, demolition, construction, or location of an accessory structure, major landscaping, and/or other exterior activities.

*Illumination Devices.* Any apparatus emanates lighting either for the purpose of illuminating a sign or drawing attention.

*Integrated Energy Systems.* Flexible energy techniques used through solar building/-integration, and roof and ground-mounted solar to produce on-site energy. Integrated energy systems serve as accessory structures on properties with principal structure (i.e. home or business).

*Junk, Salvage, Scrap, or Wrecking Yards.* Any use involving storage or processing or inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery or the storage of processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials or other scrap, salvage, waster, or junk materials.

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

*Low-income Neighborhood.* A geographical area where the median income is 50% or below the area median income and/or has 30 or more percent of poverty.

*Lot.* An area of land clearly defined by plat or by metes and bounds description.

*Maintenance.* The cleaning, painting, repair, or replacement of defective parts that does not alter the basic design or structure of the sign.

*Major Landscaping.* The removal or installation of four or more trees and shrubs, installation of walks, terraces, and/or walls, or combination of the aforementioned.

*Major Recreational Equipment.* Major recreational equipment is declined 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 bike, and such equipment.

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

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

*Mini Solar Farms.* A series of ground mounted solar collectors placed in an area for generating photovoltaic (PV) power as a commercial enterprise or support a campus facility. The maximum size for a mini solar farm is two (2) acres.

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

*Neighborhood.* A known geographical area defined by the residents or municipality and recognized by its residents, or Census block. The area is referenced by local names pertaining to a street, subdivision, or other notable reference.

*Nonconforming.* A use, structure, or lot that is no longer viable after the adoption of an ordinance where the use, structure, or lot does not meet the standards of the newly adopted ordinance.

*Non-commercial Community Garden.* A community garden is where food crops and ornamental plants are for use/consumption by the growers. No sales conducted on premise. Typically, they

are in residential zoned areas. A community garden in a commercial district may be a non-commercial garden.

*Non-contributing Resource.* Buildings, structures, or objects, less than 50 years old, that does not possess historical, cultural, architectural integrity significant to the historic district. Included is once contributing buildings, structures, or objects no longer contributing to the District's period of significance due inappropriate modifications and/or additions.

*Ornamental Plants.* Plants grown for decorative purposes in gardens, landscape design projects, and/or houseplants.

*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.

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

*Period of Significance.* The span of time during which significant events and activities occurred. Events and associations with historic properties are finite; most properties have a clearly definable period of significance. The Cheraw Historic District's period of significance is from 1770 to 1960.

*Planning Commission.* Members appointed by the mayor that shape planning policy and recommends zoning standards for adoption by Council.

*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 with a hotel lobby or as a principal use within a separate structure.

*Rain barrel.* An enclosed barrel or container with spigot designed to collect rain water for watering a garden.

*Rate.* A recurring charge.

*Renewable Energy System (RES).* Energy generated through solar technology for residential, commercial, and industrial uses, and geographical areas in partnership with a utility company.

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

*Roof-mounted.* RES affixed to a roof utilizing solar panels to produce energy.

*Rooming and Boarding House.* A building containing a single dwelling unit in which three (3) or more but not more than 12 non-transient persons (who are not members of the owner or owner's family) are lodged for compensation with or without meals.

*Scaled Site/Plot Plan.* The visual aid in determining proposed development compliance using a engineer ruler.

*Screening.* Earth berm, plantings, fence, or wall used to safeguard the public from unattractive nuisances, intrusive views, and to improve community appearances.

*Setbacks.* Required distances from property lines and between structures and land uses.

*Shrub.* Any hard-wooded perennial plant of a species which normally reaches a height between one foot and eight feet and is 80—100 percent opaque at maturity.

*Side, Fence.* Enclosure starting at the corner of a structure traversing to back of the property line.

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

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

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

*Sign, Hazardous.* A sign that is detrimental to the public health, welfare or safety, including but not limited to: any sign that has a design, color, or lighting which may be mistaken for a traffic light, signal, or directional sign; any sign that is located in such a manner as to obstruct free and clear vision to motorists or pedestrians at intersections and driveways; any sign which, because

of its location, would prevent free ingress to or egress from any door, window, or fire escape; any sign that is attached to a standpipe or fire escape; any sign that has lighting which temporarily blinds or impairs one's vision; and any sign that is in a leaning, sagging, fallen, decayed, deteriorated, or other unsafe condition.

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

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

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

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

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

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

*Sign, On-Premise.* Signage that advertises products or services sold, produced, manufactured or furnished on the property where the sign is located.

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

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

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

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

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

*Solar Collector/Shingle.* A solar device which absorbs and accumulates solar rays for use as a source of energy. The device may be roof-mounted or ground-mounted.

*Solar Energy.* Radiant energy received from the sun collected in the form of heat or light by a solar collector to produce energy.

*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.

*Street Frontage.* Any strip of land adjacent to a public road right-of-way.

*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 the is ordinance travel trailers, sign, mobile signs, fences, portable signs, and satellite dishes but excluding from definition as structures minor landscaping features such as ornamental pools, plantings boxes, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles and mailboxes.

*Tattoo or Tattooing.* To indelibly mark and/or color the skin by subcutaneous introduction of nontoxic dyes or pigments.

*Tattoo Artist.* A person who practices body tattooing and who meets the requirements outlined in the State Code.

*Tattoo Facility.* Any room, space, location, areas, structure, or business, or any part of any of these places, where tattooing in practiced or where the business of tattooing is conducted.

*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.



*Thermal Energy.* Solar technology converted into heat energy.

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

*Traditional Downtown.* The portion of the historic district that harkens to the early American live, work, eat, and shop experience. This storefront design features adjoining buildings, some with second stories, oriented close to sidewalks with large and significant windows, cornices, ornate designs, awnings, canopies, and signage that complement the buildings' scale and mass. The traditional downtown is defined on the Official Zoning Map.

*Transitional Historic Design.* The remaining portion of historic district. This area is defined by its historic homes and sites, and modern commercial/institutional designs. A number of the commercial/institutional buildings are stand-alone and some residential in design. Structures are oriented away from the sidewalk with deeper setbacks broadening the visual landscape.

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

*Tree.* Any hard-wooded perennial plant, which normally reaches a height of eight feet or more at maturity.

*Tree, Canopy.* Any single-stem tree of a species which normally reaches a height of 30 feet or more and a crown spread of 20 feet or more at maturity.

*Tree, Understory.* Any single or multi-stem tree of a species which normally reaches a height between eight feet and 30 feet and a crown spread of less than 20 feet at maturity.

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

*Utility Pole.* A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control devices, traffic control or directional signage, or a similar

function regardless of ownership, including Town-owned poles. Such term shall not include structures supporting only Wireless Facilities, nor shall it include Wireless Support Structures.

*Value-added Product.* Product(s) made from one or more ingredients raised and harvested from the community garden. Examples are jams, pies, pickles, and bread to name a few.

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

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

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

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

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

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

*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.

*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.

*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.

*Yard, Side.* An open, unoccupied space on the same lot with a principal building, extending the full width of the 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.

*Zoning Districts.* Geographic areas associated land uses, permitted structure heights, square footage, and other zoning provisions.



## APPENDIX A: ZONING TABLE

The use regulations for each district are as follows:

- A. Permitted (P): Permitted by right subject to general district standards;
- B. Conditional (C): Permitted subject to specific conditions and specific use standards.
- C. Special Exception (SE): Permitted by special exception through a discretionary review by the Board of Zoning Appeals
- D. Not Permitted (-): The use is not permitted in the district.

Uses	OS	R-1AA	R-1A	R-1 Family	R-2 Multi-Family	MC	OC	NC	CC	GC	LI	M-1	
<b>RESIDENTIAL</b>													
Accessory Dwelling Unit	-	P	P	P	P	-	-	-	-	-	-	-	Section 9.1
Apartment /Condominiums/ Multi-Family	-	-	-	-	P	-	-	-	P	-	-	-	Section 9.4
Apartment Conversion	-	SE	SE	SE	P	-	-	C	-	-	-	-	Section 9.3
Duplex	-	-	-	P	P	P	-	P	-	-	-	-	
Multi-family Mixed-Use Development	-	-	-	-	-	-	-	-	-	P	-	-	Section 9.13
Rooming & Boarding House	-	-	-	P	P	-	P	P	-	-	-	-	
Second-Story Housing/Loft Apartment	-	-	-	-	-	-	-	-	P	-	-	-	
Single-Family	-	P	P	P	P	P	-	P	-	-	-	-	
Townhomes	-	-	-	-	P	-	-	-	P	-	-	-	
<b>AGRICULTURE/CONSERVATION</b>													
Agriculture/Gardens	P	P	P	P	P	P	-	-	-	-	-	-	
Community Garden	-	C	C	C	C	C	C	C	C	C	-	-	Section 9.9
Horse Riding Trails	P	-	-	-	-	-	-	-	-	-	-	-	
<b>COMMERCIAL</b>													
Antique shop	-	-	-	-	-	P	P	P	P	P	P	P	
Art gallery	-	-	-	-	-	P	P	P	P	P	P	P	
Art studio	-	-	-	-	-	P	P	P	P	P	P	P	
Automotive Dealership	-	-	-	-	-	-	-	-	-	P	P	P	Section 9.6
Automotive Repair Shop	-	-	-	-	-	-	-	P	P	P	P	P	Section 9.5
Bakery	-	-	-	-	-	-	-	P	P	P	P	P	
Bar & Grille	-	-	-	-	-	-	-	-	P	P	P	P	
Barber & salon shop	-	-	-	-	-	P	P	P	P	P	P	P	
Book and stationary store	-	-	-	-	-	-	P	P	P	P	P	P	
Bus depots	-	-	-	-	-	-	-	-	P	P	P	P	
Car Washes	-	-	-	-	-	-	-	P	-	P	P	P	
Clothing Store/Boutique Store	-	-	-	-	-	-	-	P	P	P	P	P	

Uses	OS	R-1AA	R-1A	R-1 Family	Multi-Family R-2	MC	OC	NC	CC	GC	LI	M-1	
<b>COMMERCIAL</b>													
Cold Storage and Freezer Lockers	-	-	-	-	-	-	-	-	-	P	P	P	
Communication Towers	-	-	-	-	-	-	-	-	-	P	P	P	
Craft Sales Shop	-	-	-	-	-	P	P	P	P	P	P	P	
Dairy Products Process, Laundry & Dry Cleaning Plants, Similar Uses	-	-	-	-	-	-	-	-	-	P	P	P	
Drive-Ins, Restaurants	-	-	-	-	-	-	-	P	P	P	P	P	
Establishments for Teaching Music, Dance, Arts	-	-	-	-	-	P	P	P	P	P	P	P	
Fabric/Notion Store	-	-	-	-	-	-	-	P	P	P	P	P	
Farm Equipment Sales and Service	-	-	-	-	-	-	-	-	-	P	P	P	
Farmer's Market	-	-	-	-	-	-	-	-	P	-	-	-	
Financial Institutions	-	-	-	-	-	P	P	P	P	P	P	P	
Firework Stands	-	-	-	-	-	-	-	-	-	C	C	C	Section 9.10
Florist	-	-	-	-	-	-	-	P	P	P	P	P	
Funeral Homes	-	-	-	-	-	-	P	P	P	P	P	P	
Furniture Store	-	-	-	-	-	-	-	-	P	P	P	P	
Gasoline Station (Without On-Site Vehicular Repair and/or Storage)	-	-	-	-	-	-	-	P	P	P	P	P	
Grocery Store	-	-	-	-	-	-	-	P	P	P	P	P	
Hardware Store (No Outdoor Storage)	-	-	-	-	-	-	-	P	P	P	P	P	
Hobby & Craft Supplies	-	-	-	-	-	-	-	P	P	P	P	P	
Hospital	-	-	-	-	-	-	-	-	-	P	-	-	
Jewelry Store	-	-	-	-	-	-	-	P	P	P	P	P	
Laundromats and Dry Cleaning Establishments	-	-	-	-	-	-	-	P	P	P	P	P	
Micro-Brewery	-	-	-	-	-	-	-	-	P	-	-	-	
Office Equipment & Supplies	-	-	-	-	-	-	-	P	P	P	P	P	
Office Park	-	-	-	-	-	-	-	-	-	P	P	P	

Uses	OS	R-1AA	R-1A	R-1 Family	R-2 Multi-Family	MC	OC	NC	CC	GC	LI	M-1	
<b>COMMERCIAL</b>													
Other Personal Services	-	-	-	-	-	P	P	P	P	P	P	P	
Pawn Shop	-	-	-	-	-	-	-	P	P	P	P	P	
Pet Shop	-	-	-	-	-	-	-	P	P	P	P	P	
Pharmacy	-	-	-	-	-	-	-	P	P	P	P	P	
Photography Studio	-	-	-	-	-	P	P	P	P	P	P	P	
Printing, Publishing, & Similar Activities	-	-	-	-	-	-	-	-	P	P	-	-	
Research/Innovation Development	-	-	-	-	-	-	-	-	P	P	P	P	
Restaurants	-	-	-	-	-	-	-	P	P	P	P	P	
Retail Leather Goods	-	-	-	-	-	-	-	P	P	P	P	P	
Retail Wallpaper/Paint	-	-	-	-	-	-	-	P	P	P	P	P	
Retail, Appliances	-	-	-	-	-	-	-	P	P	P	P	P	
Retail, Auto Parts	-	-	-	-	-	-	-	P	P	P	P	P	
Retail, Dry Goods	-	-	-	-	-	-	-	P	P	P	P	P	
Roof-Top Bar	-	-	-	-	-	-	-	-	P	-	-	-	
Seed & Feed Store	-	-	-	-	-	-	-	-	P	P	P	P	
Self-Storage Facility	-	-	-	-	-	-	-	-	-	P	P	P	
Sexually-Oriented Business	-	-	-	-	-	-	-	-	-	P	P	P	
Shoe Repair Shop	-	-	-	-	-	P	P	P	P	P	P	P	
Storage Yards, Excluding Junkyards	-	-	-	-	-	-	-	-	-	P	P	P	
Tailor	-	-	-	-	-	P	P	P	P	P	P	P	
Tattoo	-	-	-	-	-	-	-	-	-	P	P	P	Section 9.17
Taxi Stands	-	-	-	-	-	-	-	-	P	P	-	-	
Technological Businesses	-	-	-	-	-	-	-	-	P	P	P	P	
Veterinary Offices/Kennels/Pet Boarding Facilities	-	-	-	-	-	-	-	-	-	P	P	P	
Wine & Beer Beverage Store	-	-	-	-	-	-	-	P	P	P	P	P	
<b>LODGING</b>													
Bed & Breakfast Inn	-	-	-	P	P	P	P	P	-	-	-	-	Section 9.7
Boutique hotels	-	-	-	-	-	-	-	-	P	-	-	-	
Hotel/Motel	-	-	-	-	-	-	-	-	P	P	-	-	
<b>OFFICE</b>													
Accounting, Auditing, and Bookkeeping Service	-	-	-	-	-	P	P	P	P	P	-	-	
Advertising Agency	-	-	-	-	-	P	P	P	P	P	-	-	
Architectural, Engineering, Planning, and Surveying Services	-	-	-	-	-	P	P	P	P	P	-	-	
Data Processing and Computer Services	-	-	-	-	-	P	P	P	P	P	-	-	
Dentist	-	-	-	-	-	P	P	P	P	P	-	-	
Doctor	-	-	-	-	-	P	P	P	P	P	-	-	

Uses	OS	R-1AA	R-1A	R-1 Family	R-2 Multi-Family	MC	OC	NC	CC	GC	LI	M-1	
<b>OFFICE</b>													
Government Offices	-	-	P	P	P	P	P	P	P	P	-	-	
Home Occupation Business	-	P	P	P	P	P	-	P	C	-	-	-	Section 9.12
Insurance	-	-	-	-	-	P	P	P	P	P	-	-	
Interior Design Studio	-	-	-	-	-	P	P	P	P	P	-	-	
Lawyer	-	-	-	-	-	P	P	P	P	P	-	-	
Optometrist	-	-	-	-	-	P	P	P	P	P	-	-	
Psychiatric/Counseling Services	-	-	-	-	-	P	P	P	P	P	-	-	
Related Professional	-	-	-	-	-	P	P	P	P	P	-	-	
Residential Office/Commercial Conversion	-	SE	SE	SE	SE	C	-	C	-	-	-	-	Section 9.15
Tax Service	-	-	-	-	-	P	P	P	P	P	-	-	
<b>HEALTH/HUMAN CARE</b>													
Child Day Care & Kindergartens	-	SE	SE	SE	-	P	P	P	P	P	-	-	Section 9.7
Adult Day Care	-	-	-	-	-	-	P	P	P	P	-	-	Section 9.2
Group Home	-	P	P	P	P	P	P	P	P	P	-	-	Section 9.11
Rest Homes/Convalescent Home/Assisted Living/Senior Housing	-	-	SE	SE	P	-	P	-	-	-	-	-	
<b>RECREATION/ENTERTAINMENT</b>													
Recreation Building/Community Center	P	SE	SE	SE	SE	-	P	P	-	-	-	-	
Auditorium	-	-	-	-	-	-	P	-	-	-	-	-	
Billiard Parlor	-	-	-	-	-	-	-	-	P	P	-	-	
Bowling Alley	-	-	-	-	-	-	-	-	P	P	-	-	
Golf Course	P	-	-	-	-	-	-	-	-	-	-	-	
Indoor, Commercial Recreation				-	-	-	-	-	P	P	-	-	
Museum	-	-	-	-	-	-	P	P	P	P	-	-	
Other Recreational Use	P	-	-	-	-	-	-	-	P	P	-	-	
Outdoor Theater	-	-	-	-	-	-	-	-	-	P	-	-	
Parks/Playgrounds	P	SE	SE	SE	SE	-	P	P	P	P	-	-	
Performing Arts Center/Theatre	-	-	-	-	-	-	-	-	P	-	-	-	
Picnic Grounds	P	-	-	-	-	-	-	-	-	-	-	-	
Skating Rinks				-	-	-	-	-	P	P	-	-	
Television & Radio Establishments	-	-	-	-	-	-	-	-	-	-	-	-	
Theater	-	-	-	-	-	-	P	P	P	P	-	-	



Uses	OS	R-1AA	R-1A	R-1 Family	R-2 Multi-Family	MC	OC	NC	CC	GC	LI	M-1	
<b>CIVIC/INSTITUTIONAL</b>													
Cemeteries	P	SE	SE	SE	SE	-	P	P	-	-			
Churches	P	SE	SE	SE	SE	P	P	P	-	P	-	-	Section 9.14
Clubs/Lodges/Fraternal Organizations	P	-	-	-	-	-	P	P	-	P	-	-	
College/College Extended Campus Facility	-	SE	SE	SE	SE	-	-	-	P	P	-	-	
Fire/Police Station	-	SE	SE	SE	SE	P	P	P	p	-	-	-	
Libraries	-	SE	SE	SE	SE	P	P	P	P	-	-	-	
Post Office	-	-	-	-	-	-	-	-	P	P	-	-	
Public Utility Facilities	P	-	-	-	-	-	-	-	-	-	P	P	
School	-	SE	SE	SE	SE	P	P	P	-	P	-	-	
Utility Substations	P	SE	SE	SE	SE	-	-	-	-	P	P	P	Section 9.18
<b>INDUSTRIAL</b>													
Bulk Storage of Petroleum, Flammable Gases	-	-	-	-	-	-	-	-	-	-	-	P	
Junkyards, Scrap Yards, Salvage Yards	-	-	-	-	-	-	-	-	-	-	-	P	
Light Manufacturing and Processing	-	-	-	-	-	-	-	-	-	-	P	P	
Manufacturing	-	-	-	-	-	-	-	-	-	-	-	P	
Outdoor Storage, Excluding Junkyards, Scrap Yards	-	-	-	-	-	-	-	-	-	-	P	P	
Truck Terminals, Freight Terminals	-	-	-	-	-	-	-	-	-	-	P	P	
Wholesaling, Warehousing, Storage, Supply, & Distribution	-	-	-	-	-	-	-	-	-	-	P	P	
Worm Farm	-	-	-	-	-	-	-	-	-	-		P	Section 9.19
<b>OTHER</b>													
Commercial Parking Lot	-	-	-	-	-	-	-	-	P	-	-	-	
Mini Solar Facilities	SE	-	-	-	-	-	-	-	-	-	SE	SE	
Parking Garage	-	-	-	-	-	-	-	-	P	-	-	-	
Parking Lot	P	-	-	-	-	-	-	-	-	-	-	-	
Solar	P	P	P	P	P	P	P	P	P	P	P	P	



## APPENDIX B. CONTRIBUTING HISTORIC RESOURCES

### CONTRIBUTING RESOURCES WITHIN THE CHERAW HISTORIC DISTRICT

Old St. David's Episcopal Church & Commentary SE corner of Church Street & Second Street	Powe-Thomas House 219 Christian Street
Purvis-Saverance House 213 Church Street	Kornegay House 209 Christian Street
Anderson-Ousley House 207 Christian Street	Hickson-Anderson-McArn House 700 Market Street
Robbins-Powe -Hyatt House 109 Christian Street	Matheson-Hook-Moore House 620 Kershaw Street
Matheson Memorial Library 612 Kershaw Street	Prince-Meiklejohn-Streater House 619 Kershaw Street
Wilson House 617 Kershaw Street	McAlpine House 605 Kershaw Street
Baker House 227 High Street	Ballenger-Baker House 225 High Street
Pollock Stricklin House 223 High Street	Evans-Weede House 221 High Street
Bridgman-Driggers House 219 High Street	Eskridge-Thomas-Price House 211 High Street
St. Peter's Catholic Church 602 Market Street	St. Peter's Hall 602 Market Street
Fisher House 608 Market Street	Brown House 614 Market Street
Latta-McManus House 618 Market Street	Isgett House 210 Christian Street
Knight-Shuford House 214 Christian Street	Hatchell House 218 Christian Street
Kinsey-Duvall House 617 Market Street	Clark-Melton House 615 Market Street
Thomas House 609 Market Street	Lynch-Evans House 125 High Street
House 600 Church Street	Dewberry House 604 Church Street
Powe-Watson House 610 Church Street	Kendall-Powe House 612 Church Street
Johnson-McGee House 614 Church Street	Duke House 616 Church Street
Walers-Rayfield House 622 Church Street	Maynard House 110 Christian Street
Greene House 114 Christian Street	M.S. Funderburk House 116 Christian Street
Caulde-McBride House 623 Church Street	Montgomery House 613 Church Street
Vernon House 611 Church Street	Sinclair House 607 Church Street

Adeimy-Pressley House 603 Church Street	House 520 Kershaw Street
Stricklin House 518 Kershaw Street	Campbell-Jackson-Funderburk H. 506 Kershaw Street
Brasington House 504 Kershaw Street	Wannamaker House 500 Kershaw Street
Hall House 515 Kershaw Street	McCown House 507 Kershaw Street
Page-Thompson House 505 Kershaw Street	Evans-Page-Spears House 501 Kershaw Street
McLain House 504 Market Street	Hillard-Bundy House 512 Market Street
Pres Smith House 516 Market Street	Smith House 204 High Street
James E. Powe 220 High Street	Boundary Markers Corner of Market & High Street
Wannamaker-Lewis House 509 Market Street	Wannamaker-Laney House 505 Market Street
John Lewis Hill House 123 Huger Street	Jimmy Hill House 121 Huger Street
Irby-McPherson House 107 Huger Street	Mill House 512 Church Street
Mill House 514 Church Street	Mill (Broome) House 520 Church Street
Edgeworth-Bryant House 110 High Street	Watson-Brock House 114 High Street
Bundy-Davis House 118 High Street	Catherine Quilty House 126 High Street
Anderson House 519 Church Street	House 513 Church Street
Bottoms House 509 Church Street	Womack-Matthews House 407 Greene Street
H.P. Duvall House 405 Greene Street	Justice House 401 Greene Street
Barfield-Pegues-Pollock House 327 Greene Street	Anderson-Gardner House 323 Greene Street
Chapman House 319 Greene Street	Wesley United Methodist Church 307 Greene Street
Wesley Education Building 307 Greene Street	Powell-Martin House 400 Kershaw Street
Powell-Martin Outbuilding 400 Kershaw Street	A L. Evans House 406 Kershaw Street
Evans-Rivers House 414 Kershaw Street	First United Methodist Church 419 Kershaw Street
George House 415 Kershaw Street	Michaux House 413 Kershaw Street
Reid House 409 Kershaw	Greene-Prince House 223 Greene Street

Coward-Ingram House 215 Greene Street	Tom Ingram House 211 Greene Street
Reid-Thurman Wannamaker House 209 Greene Street	Griggs-Elvington House 406 Market Street
St. David's Episcopal Church 420 Market Street	Hook-McBride House 218 Huger Street
Matheson House 222 Huger Street	Stubbs-McArn House 226 Huger Street
Burch-Boan House 413 Market Street	McArn-White House 411 Market Street
Thomas-Loflin House 117 Greene Street	W. F. White House 115 Greene Street
Hildreth-Fidler-Rogers 111 Greene Street	McLaurin-Wright-King House 400 Church Street
Boykin-Page House 406 Church Street	Ellerbe-McIver 420 Church Street
Baggett House 110 Huger Street	Poe-Rhodes House 112 Huger Street
Ratliff House 126 Huger Street	Godfrey House 417 Church Street
Moore-Spruill-Pate House 411 Church Street	Mieklejohn-Spruill-Pate House 409 Church Street
Mieklejohn-Hendley House 405 Church Street	Hartzell House 143 McIver Street
Smokehouse 143 McIver Street	Single pen 143 McIver Street
Enfield 135 McIver Street	Bennett-Evans House 17 Cedar Avenue
Kendall-Thomas House 15 Cedar Avenue	Crawford-Overton House 7 Cedar Avenue
Cedar Avenue Median Cedar Avenue	Norman Martian House 519 Third Street
Belk-Baker House 515 Third Street	Anderson House 14 Cedar Avenue
Edgeworth House 24 Cedar Avenue	Cook House 142 McIver Street
Waddell-Little House 146 McIver Street	Oda House 148 McIver Street
Garage 148 McIver Street	Evans-Moore-Jones House 427 Third Street
House 425 Third Street	Hickson-Redfearn House 417 Third Street
Daniel Tillman House 411 Third Street	Ladd House 407 Third Street
Coit-Davis 401 Third Street	Bunch-Moore House 306 Powe Street
Caston House 402 Greene Street	Caston-Hurt-Craft House 406 Greene Street

Slave Dwellings/Shed/Garage 321 Third Street	Blue House 416 Greene Street
Moore-Ingram House/Garage 307 Third Street	McNair-Tillman House 310 Kershaw Street
Harrall-Godfrey-Spruill House 314 Kershaw Street	Harrall-Hoover House 320 Kershaw Street
Bennett-Stanton House 312 Greene Street	Bennett House 318 Greene Street
Stubbs-Wheelless House/Garage 322 Greene Street	Stubbs-Ervin House 324 Greene Street
Huntley-Ingram House 311 Kershaw Street	Lafayette House 235 Third Street
Mallory-McIntire-Hamilton House 227 Third Street	Saverance-Roscoe House 223 Third Street
Coit-Poston House 219 Third Street	First Presbyterian Church/Session House/Church Hall 300 Market Street
Duvall-Iler House 314 Market Street	M. W. Duvall House 320 Market Street
First Baptist Church 124 Greene Street	Boxwood Hall 317 Market Street
First United Methodist Church 117 Third Street	Sarah Caston Memorial Chapel 117 Third Street
Mitchell-Jacobs House/Garage 107 Third Street	Madden House 101 Third Street
McCall House/Outbuilding 308 Church Street	Eddings House 314 Church Street
J.W. Maynard House 320 Church Street	House 307 Church Street
Vernon-Hanna House #1 303 Church Street	Vernon-Hanna House #2 301 Church Street
Charleston Hamilton House 508 Third Street	Brewer-Grant House 506 Third Street
Sartor-Threatte House/Garage 430 Third Street	Cauthen House/Garage 426 Third Street
Long-Burch House 416 Third Street	Ramseur-Hurt House 412 Third Street
Duval House 404 Third Street	Katie Harrall House 328 Third Street
Duvall-Newson House/Garage 324 Third Street	McCreight-Bourne House 314 Third Street
Wannamaker-Mahon House 310 Third Street	Anderson-Oakley House 306 Third Street
Funderburk House 216 Kershaw Street	Godfrey-Flowers House 212 Kershaw Street
Shaw House 210 Kershaw House	The Teacherage/Teacherage Outbuilding 230 Third Street
Hageman 5 & 10 245 Second Street	Hotel Covington 217 Second Street
Commercial Building 208 Wall Street	Commercial Building 214 Wall Street

Stone Container 218 Wall Street	Merchants Bank 232 Market Street
U.S. Post Office 248 Market Street	Wells-Stewart House 220 Third Street
McCoy-Fincher-Ritschener H 224 Third Street	Chancelor Inglis House 226 Third Street
Town Hall 200 Market Street	Lyceum Approx. 300' SW of Town Hall on N of Market Street
Inglis-McIver Law Office On Town Green approx. 250 ft W of Market Hall	Market Hall 201 Market Street
Old Fire Station 171 Seaboard Street	Old Merle Norman Studio 215 & 217 Market Street
Theatre on the Green [Lyric Theatre] 213 Market Street	Michael & Associates 181 Second Street
Old Mary's Caf�e 175 Second Street	Carriage Trade 173 Second Street
Goodyear Shoe/Radio Shack 167 & 169 Second Street	Ranard Hotel 159-165 Second Street
Lovelady's 155 & 157 Second Street	Barber & Beauty Supply 153 Second Street
Tolson-Dickens House 162 Seaboard Street	House 222 Brock Street
Smith-Rainwater House 120 Third Street	House 122 Third Street
Lois-Evelyn Apartments 126-130 Third Street	George-Tolson House 116 Third Street
Tolson-Wallace House 223 Brock Street	Tolson-Thomas House 221 Brock Street
Tolson-Chapman House 205 Brock Street	H & R Block 147 & 149 Second Street
Larry's Transmission 145 Second Street	Allied Equip 131 & 133 Second Street
House 220 Church Street	Tolson-Haley House 114 Third Street
Williams House/Outbuilding 221 Church Street	Greene-Davis House 209 Church Street
House 16 Cedar Street	House 19 Cedar Avenue
Gulf Oil Station 292 Second Street	Greene Gate Grill 270 & 270 Second Street
Greene's Barber Shop 272 & 274 Second Street	Brayboy House 280 Second Street
Hanna House 288 Second Street	Old Train Station 258 Second Street
Saverance Motors 201 Front Street	Pee Dee Knitting Mill 100 Market Street
Lewis Crafts 112 Market Street	Furniture Store/Apollo Fitness 128 Market Street
Store 148 Market Street	Merchants and Farmers Bank 150 Market Street

Wannamaker's Drug 154 Market Street	South Carolina National Bank 165 Market Street
Kimbrell's Furniture 159 Market Street	Perry's Barber Shop 155 Market Street
Dress for Less 153 Market Street	Big Apple Fashions 143 Market Street
Funderbunk Building 135 & 139 Market Street	Nivens Hardware 133 Market Street
J. Burgiss/Family Fashions 127 & 129 Market Street	First National Bank 121 Market Street
Wardlaw Agency 113-117 Market Street	Commercial Building 130 Marlboro Street
Hickey's ABC Store 156 Second Street	Pee Dee Farm Supply 160 Second Street
Word of Life Church 162 Second Street	Kimbrell's Furniture 168 Second Street
Polson's Barber/Nationwide 170 Second Street	Hill Financing 222 Second Street
Pilot Life 224 Second Street	Duvall Building 232 & 236 Second Street
World Finance 240 Second Street	Bob's TV & VCR 242 Second Street
Cheraw Small Engine 246 Second Street	Dr. Irving Office 150 Second Street
CP and L Building/Cheraw Electric Generator Church St, approx. 300 feet E of 2 <sup>nd</sup> Street	Security Finance 130 Second Street
B.C. Moore & Sons 130 Front Street	Cheraw Furniture Refinish 98 Second Street
House 11 Cedar Street	House 512 Third Street
House 502 Third Street	House 501 Third Street
House/Garage 418 Third Street	Brasington-Witherspoon House 423 Third Street
House 408 Third Street	House 316 Third Street
House 309 Kershaw Street	House 305 Greene Street
House 312 Powe Street	House 314 Greene Street
House 310 Greene Street	Parsonage 307 Greene Street
House 311 Greene Street	House 317 Greene Street
House/Garage 409 Greene Street	House 413 Greene Street
House 205 Christian Street	House 215 Christian Street
House 700 Kershaw Street	House 609 Kershaw Street



House 109 High Street	House 107 High Street
House 103 High Street	House 108 Christian Street
House 605 Market Street	House 615 Church Street
House 108 High Street	House 120 High Street
House 105 Huger Street	House 103 Huger Street
House 517 Church Street	House 124 Huger Street
House 405 Market Street	House 405 Kershaw Street
House 221 Greene Street	House 213 Church Street
House 301 Third Street	House 300 Third Street
House 214 Third Street	House 212 Third Street
Masonic Lodge A. L. 5950 210 Third Street	House 106 Greene Street
Marfield Apartments 412 Church Street	Duplex 215 Church Street
House 211 Church Street	Duplex 110 Third Street
Duplex 100 Third Street	Commercial Garage 308 Church Street
Commercial Building 116 Second Street	Commercial Building 118 Second Street
Office 212 Church Street	Commercial Building 103 Second Street
Commercial Building 105 Second Street	Commercial Building 125 Second Street
Commercial Building 137 Second Street	Commercial Building 143 Second Street
Union Supply Company 140 Second Street	Commercial Building 166 Second Street
Commercial Building 151 Market Street	Commercial Building 149 Market Street
Commercial Building 147 Market Street	Commercial Building 145 Market Street
Commercial Building 111 Market Street	Commercial Building 109 Market Street
Commercial Building 101 Market Street	Commercial Building 126 Front Street
Old Jail 201 Front Street	Winn Dixie 126 Market Street
Drug Store 134 Market Street	Commercial Building 146 Market Street

Commercial Building 228 Market Street	Stricklin Building 224 Market Street
Commercial Building 222 Market Street	House 164 Seaboard Street
Commercial Building 221 Market Street	House/Garage 161 Seaboard Street
Seed Warehouse 114 Marlboro Street	Storage Building Just W of 114 Marlboro Street
Storage Building Approx. 100 ft E of 114 Marlboro Street	House 121 Marlboro Street
Automotive Shop 239 Front Street	House 105 Kershaw Street
Zollverein Kollock Barbershop/Char-Bell Apts 116-118 Kershaw Street	Commercial Building 268 Second Street
Melton's Florist 277 Second Street	Melton House 275 Second Street
Automotive Shop 249 Second Street	Commercial Building 231 & 233 Second Street
Commercial Building 225 & 227 Second Street	Commercial Building 223 Second Street
House 121 Christian Street	House 625 Church Street
House 502 Market Street	House 506 Market Street
House 513 Kershaw Street	House 521 Third Street