

ZONING ORDINANCE

THE TOWN OF CHESTERFIELD
SOUTH CAROLINA

1999

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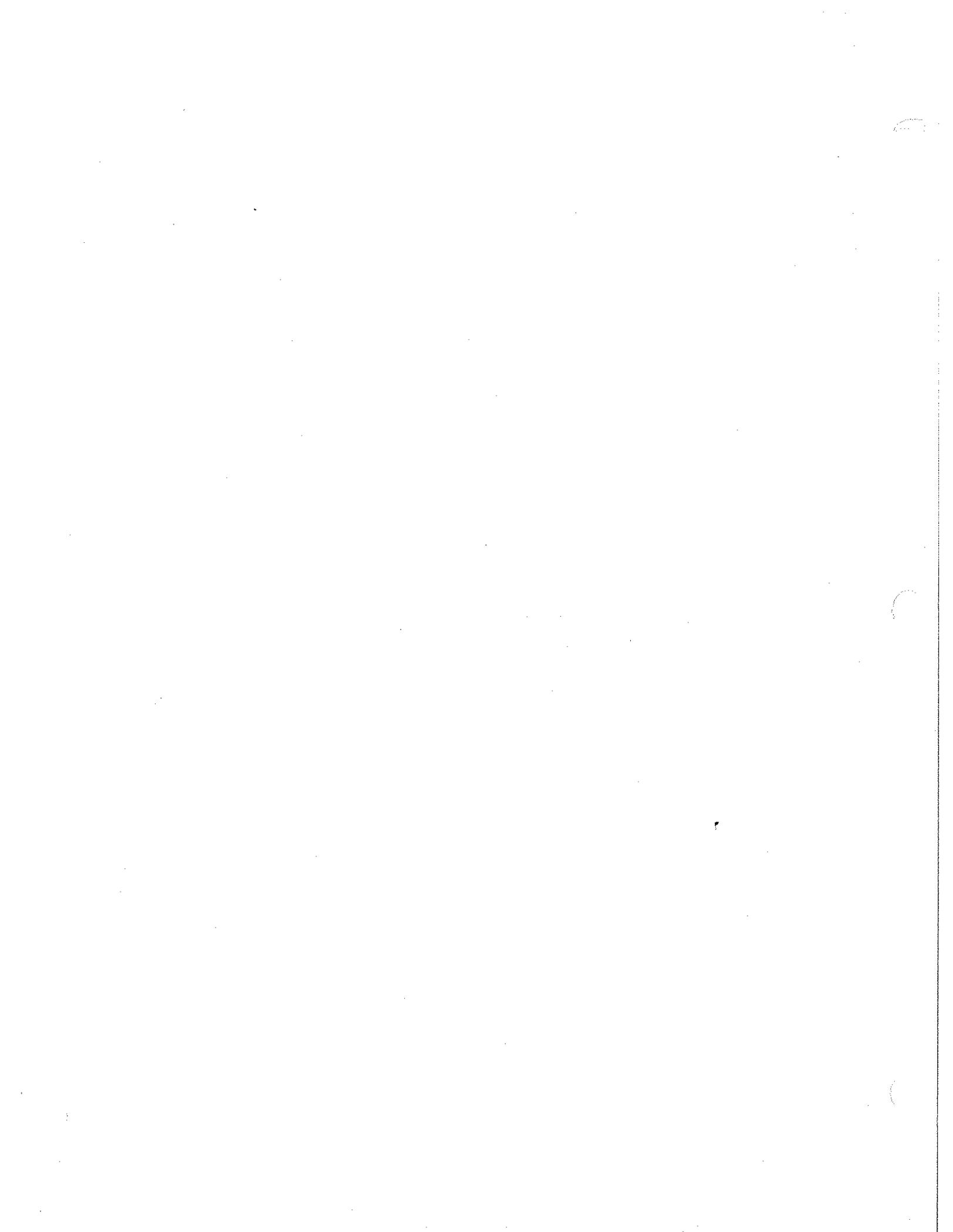
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ZONING ORDINANCE

TOWN OF CHESTERFIELD SOUTH CAROLINA

AN ORDINANCE OF THE TOWN OF CHESTERFIELD, SOUTH CAROLINA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY OF DISTRIBUTION OF POPULATION: CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF: DEFINING CERTAIN TERMS USED HEREIN: PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT: PROVIDING FOR A BOARD OF ZONING APPEALS: AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

ARTICLE I

AUTHORITY AND ENACTMENT CLAUSE

In pursuance of 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, and for the purpose of promoting the health, safety, morals or general welfare of the community; lessening congestion in streets; securing safety from fire; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks and other public improvements; protecting scenic areas and protecting areas subject to periodic flooding against development, in accordance with a comprehensive plan, the Mayor and Council do hereby enact the following articles and sections:

Section 100. Jurisdiction. The regulations set forth in this Ordinance shall be applicable within the boundaries of the Town of Chesterfield, South Carolina, as now or hereafter established. (Ord. #26. 8-14-86)

Section 101. Title. This Ordinance shall be known and may be cited as "The Zoning Ordinance of the Town of Chesterfield, South Carolina."

ARTICLE II

ESTABLISHMENT OF ZONING DISTRICTS AND RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES

Section 200. Establishment of Districts. For the purpose of this Ordinance, the Town of Chesterfield is hereby divided into the following zoning districts:

- R-10 One-Family Residential District
- R-6 One-Family Residential District
- FA Forest Agricultural District
- GR General Residential District
- NC Neighborhood Commercial District
- OC Office Commercial District
- GC General Commercial District
- CC Core Commercial District
- LI Limited Industrial District
- BI Basic Industrial District
- HPD Historic Preservation District

Section 201. District Boundaries. The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of the Town of Chesterfield which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the Seal of the town under the words: "Official Zoning Map, Town of Chesterfield, South Carolina," together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly by the Town Clerk within seven days after the amendment has been approved by the Town Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change has been made on said map.

No changes of any nature shall be made on the Official Zoning Map or matter thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind of any person or persons shall be considered a violation of this Ordinance and punishable 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, which shall be located in the office of the Town Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Town.

Section 202. Rules for Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 202.1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed to follow such center lines;

- 202.2. Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private;
- 202.3 Boundaries indicated as approximately following town limits shall be construed as following such town limits;
- 202.4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 202.5 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 202.6 Boundaries as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5 above, the Board of Zoning Appeals shall interpret the district boundaries.

Section 203. Annexation and Other Adjustments to Town Limits. Where town limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

- 203.1. The new land areas incorporated or otherwise annexed shall be classified R-10 Low Density Residential until such time as the Town Council may desire to change such classification through normal amendment procedures, provided, however, that within 60 days following the effective date of such incorporation, Town Council must direct the Planning Commission to review and make recommendations pertaining to the zoning of the newly incorporated areas. The Planning Commission shall have 30 days to make its recommendations, which may be, in whole or in part, in the form of recommended zoning amendments. Town Council shall then process and act upon such proposed amendments following the necessary public hearing as required by Article IX of this Ordinance.
- 203.2 In all cases, where additions or deletions in the Town of Chesterfield's total land area require adjustments in the Zoning District boundaries, said adjustment shall be made on the Official Zoning Map.

ARTICLE III

APPLICATION OF DISTRICT REGULATIONS

The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

Section 300. Use of Land or Structures.

300.1. No land or structure shall hereinafter be used or occupied, and no structure or parts shall hereafter be constructed, erected, altered or moved, unless in conformity with all of the regulations herein specified for the district in which it is located.

300.2. No structure shall hereafter be erected or altered:

- a) with greater height, size, bulk or other dimensions;
- b) to accommodate or house a greater number of families;
- c) to occupy a greater percentage of lot area;
- d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces

than herein required; or in any other manner contrary to the provisions of this Ordinance.

300.3. No part of a yard, or other open space, offstreet parking or loading required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or offstreet parking or loading space similarly required for any other building.

300.4. 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 yard requirements.

Section 301. Lot Reduction Prohibited. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 302. Use of Substandard Lots of Record. Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site and the Building Official is authorized to issue a permit for the use of the property provided that said dimensional requirements are not reduced below the minimum specified in this Ordinance by more than twenty percent (20%). If, however, the owner of two (2) or more adjoining lots, with insufficient land dimensions, decides to build on or to sell off these lots, he must first combine said lots to comply with the dimensional requirements of the Ordinance. Any lot requiring dimensional waivers below the twenty percent (20%) minimum set forth in this section shall be approved by the Board of Zoning

Appeals provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

ARTICLE IV

REQUIREMENTS BY DISTRICTS

Section 400. R-10 One-Family Residential District.

400.1. Intent of District. It is the intent of this Section that the R-10 Zoning District be developed and reserved for low-to medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of 10,000 square feet or more, and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

400.2. Permitted Uses. The following uses shall be permitted in any R-10 Zoning District:

- e) One-family dwelling (other than a mobile home).
- b) Publicly owned building, facility or land.
- c) Unlighted, regulation-size or par three golf courses.
- d) Non-commercial horticulture or agriculture, but not including the keeping of poultry or animals.
- e) Customary home occupation established under the provisions of Section 610.
- f) Accessory use in compliance with the provisions of Sections 611 and 612.

400.3. Conditional Uses. The following uses shall be permitted in any R-10 Zoning District on a conditional basis, subject to conditions set forth in Article VII, Section 704.

- a) Church, synagogue, temple and other places of worship provided that (1) such use is housed in a permanent structure, (2) such use is located on a lot not less than 20,000 square feet in area, and (3) no structure on the lot is closer than 25 feet to any abutting residential property line.
- b) Private kindergarten or pre-school nursery provided that (1) such uses meet the minimum standards set forth for such facilities by the ~~State Board of Health~~ SC Department of Health and Environmental Control (DHEC), (2)

such use is located on a lot not less than 20,000 square feet in area and (3) no structure on the lot is closer than 25 feet to any abutting residential property line.

- c) Public utility substation or sub-installation including water towers, provided that (1) such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finish grade, (2) there is neither office nor commercial operation nor storage of vehicles or equipment on the premises, and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.
- d) Cemetery, provided that such a use (1) consists of a site of least five (5) acres, (2) includes no crematorium or dwelling unit other than for a caretaker, (3) has a front yard setback of at least seventy (70) feet from the center line of the street or ten (10) feet from the street right-of-way line, whichever is further, (4) and maintains a nonilluminated sign no greater than thirty (30) square feet and ten (10) feet in height.
- e) Temporary use in compliance with the provisions of Article VII, Section 704.

400.4. Other Requirements. Uses permitted in R-10 Zoning Districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided by Article III, Section 302 of this Ordinance.

- a) Minimum Lot Area: Ten thousand (10,000) square feet.
- b) Minimum Land Area per Dwelling Unit: Ten thousand (10,000) square feet.
- c) Maximum Dwelling Units per Net Acre: Four (4) dwelling units.
- d) Minimum Lot Width measured at the Building Line: Seventy (70) feet.
- e) Minimum Front Yard Depth measured from the nearest right-of-way line: Twenty-five (25) feet. For exceptions to this requirement, see Article VI, Sections 605 and 606.
- f) Minimum Side Yard: No less than ten (10) feet for one side, provided that the total of both side yards is no less than twenty (20%) percent of the total lot width. For side yard requirements pertaining to corner lots, see Article VI, Section 603 and Section 605.

- g) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see Article VI, Section 605.
- h) Maximum Building height: Thirty-five (35) feet. For exceptions to height regulations, see Article VI, section 622.
- i) Additional Requirements: Uses permitted in R-10 Zoning Districts shall meet all standards set forth in Article VI, Section 613 pertaining to off-street parking, loading and other requirements.
- j) Signs: Signs permitted in R-10 Zoning Districts, including the conditions under which they may be located, are set forth in Article V.

Section 401 R-6 One-family Residential District.

401.1. Intent of District. It is the intent of this Section that the R-6 Zoning District be developed and reserved for medium-density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of 6,000 square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

401.2. Permitted Uses. The following uses shall be permitted in any R-6 Zoning District:

- a) All uses permitted in the R-10 One-family Residential District, as shown in Section 400.2.
- b) Church, synagogue, temple or other place of worship.

401.3. Conditional Uses. The following uses shall be permitted in any R-6 Zoning District on a conditional basis, subject to conditions set forth in Article VII, Section 704.

- a) All conditional uses permitted in the R-10 One-family Residential District, as shown in Section 400.3, with the exception of churches, synagogues, temples and other places of worship which shall be permitted uses as set forth in Section 401.2(b) above and cemeteries which shall be permitted as a conditional use subject to all the conditions set forth in Section 400.3, except that such uses may be permitted on sites of not less than one (1) acre. If operated as a part of a church, synagogue, temple, or other place of worship, a private kindergarten or preschool nursery shall be considered a permitted use. Otherwise, such use shall be considered a conditional use and shall be

required to observe the requirements for private kindergarten and pre-school nurseries as set forth in Section 400.3.

401.4. Other Requirements. Uses permitted in R-6 Zoning Districts shall be required to conform to the following standards, except that use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided by Article III, Section 302 of this Ordinance.

- a) Minimum Lot Area: Six thousand (6,000) square feet.
- b) Minimum Area per Dwelling Unit: Six thousand (6,000) square feet.
- c) Maximum Dwelling Units per net acre: Seven (7) dwelling units.
- d) Minimum Lot Width, measured at the Building Line: Fifty (50) feet.
- e) Maximum Front Yard Depth measured from the nearest street right-of-way line: Fifteen (15) feet. For exceptions to this requirement, see Article VI, Sections 605 and 606.
- f) Minimum Side Yard: Five (5) feet from one side, provided that the total of both side yards is not less than thirty (30%) percent of the total lot width. For side yard requirements pertaining to corner lots, see Article VI, Sections 603 and 605.
- g) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see Article VI, Section 605.
- h) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VI, Section 622.
- i) Additional Requirements: Uses permitted in R-6 Zoning Districts shall meet all standards set forth in Article VI, Section 613 pertaining to off-street parking, loading and other requirements.
- j) Signs: Signs permitted in R-6 Zoning Districts, including the conditions under which they may be located, are set forth in Article V.

Section 402. GR General Residential District.

402.1. Purpose. The purposes of the GR District are to encourage the formation and continuance of a stable, healthy environment for residential development; to discourage unwarranted encroachment of commercial, industrial or other uses capable

of adversely affecting the residential character of the district; and to discourage any use which would generate traffic on minor streets other than that required to serve residents on those streets.

402.2 Permitted Uses. The following uses shall be permitted in any GR Zoning District:

- a) All uses permitted in the R-6 Residential District, as shown in Section 401.2.
- b) Two-family dwellings and garage apartments accommodating no more than two (2) families per building.
- c) Multi-family dwellings.
- d) Group dwellings.
- e) Boarding houses.
- f) Doctor offices.
- g) Law offices.
- h) Dentist offices.

402.3 Conditional Uses. The following uses may be permitted in any GR Zoning District on a conditional basis subject to the provisions set forth in Article VI, Section 604.

- a) All conditional uses permitted in the R-6 Zoning District as set forth in Section 401.3.
- b) Public or private care homes, provided, such facilities conform with the requirements of the ~~State Board of Health~~ South Carolina Department of Health and Environmental Control (DHEC); provided plans for such facilities receive the written approval of the Chesterfield County ~~Board of Health~~ Department prior to the issuance of any permits for construction and operation; copies of such approval to be attached to the building permit and to be retained in the files of the Building Official.
- c) Mobile Home Parks, provided they are first submitted to and approved by the ~~Planning Commission~~ Board of Zoning Appeals, and are found to be in conformance with the following minimum requirements:
 - 1) The minimum area for a Mobile Home Park shall be five (5) acres.

- 2) The maximum number of mobile homes per acre shall not exceed ten (10).
- 3) The development of a Mobile Home Park shall be considered in accordance with an overall plan, which shall include provisions for:

Landscaping. The proposed development shall be designed as a single architectural scheme with appropriate common landscaping.

Parking. Parking space shall be provided within the district at a ratio of 1 space for each trailer.

Area Regulations. No building shall be erected or trailer coach parked at a distance of less than fifty (50) feet from the centerline of any minor street or seventy (70) feet from the centerline of any major street on which the park abuts not less than fifteen (15) feet from any other trailer coach.

Signs. See Sections 506.

Setback and Screening. A suitable fifteen (15) foot planted evergreen buffer strip shall be provided along the property lines of the Park where such lines are contiguous to residential use. No mobile home shall be located within the buffered area. Mobile Homes shall meet the front yard setback requirements established for the district.

Traffic Circulation. The locations of driveways, parking spaces and interior streets shall be designated on said plan, and approved by the Superintendent of the Department of Streets.

Drainage and Sewage Disposal. Drainage and sewage disposal plans shall be submitted to and approved by the town engineer.

- 4) The Mobile Home Development Plan shall be presented on a map of not less than one (1) inch to fifty (50) feet and shall show the following: The location, use, plan and dimension of each building or structure to be constructed and the location of each trailer coach to be parked. The location, dimension and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, streets and sidewalks; location, dimensions and arrangement of all areas devoted to planting, lawns, trees, or similar purposes, with a description including the height and density of all trees or planting to be used for screening;

location and description of all facilities to be used for sewage disposal, water supply, and storm water drainage.

402.4. Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in GR Zoning Districts shall be required to conform to the following standards.

- a) Minimum Lot Area: Six thousand (6,000) square feet.
- b) Minimum Lot Area per Dwelling Unit: The minimum area per dwelling unit on a lot shall not be less than indicated by dwelling unit type on the following schedule:

One family residence	6,000 square feet
Two family residence	3,000 square feet
Group dwelling	Not Applicable
Multiple family dwelling	According to specifications set forth below:

- 1) Minimum Lot Area: Six thousand (6,000) square feet.
- 2) Minimum Lot Area Per Dwelling Unit: Six thousand (6,000) square feet, except that the minimum area per dwelling unit on a lot for multiple-family dwellings shall not be less than indicated by dwelling unit type on the following schedule:

TABLE A
Lot Area Square Footage Required for Multiple-Family Dwelling

<u>Unit Type</u>	<u>Stories</u>			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 or more</u>
Efficiency Units	2,000	1,435	1,410	1,240
1 Bedroom	2,000	1,775	1,625	1,438
2 Bedrooms	2,650	2,475	2,125	1,825
3 Bedrooms	3,525	3,175	2,653	2,200
4 or more Bedrooms	4,375	3,975	3,492	2,725

Other Principal Uses: Not Applicable

- 3) Maximum Dwelling Units per Acre: The maximum number of dwelling units per acre shall not exceed the number indicated by dwelling unit type on the following schedule. In instances where the permitted figure is determined to include a fraction, the less round

number shall apply: Multiple-family dwelling: According to the following table:

TABLE B

Permitted Multiple-Family Dwelling Units
Per Net Acre by Unit Type

<u>Unit Type</u>	<u>Stories</u>			
	1	2	3	4 or more
Efficiency Units	21	30	30	35
1 Bedroom	21	24	26	30
2 Bedrooms	16	17	20	23
3 Bedrooms	12	13	16	19
4 or more Bedrooms	9	10	12	15

Other Permitted Uses: Not Applicable

- 4) Minimum Lot Width measured at the Building Line: Fifty (50) feet.
 - 5) Minimum Front Yard Depth measured from the nearest abutting street right-of-way line: Twenty-five (25) feet. For exceptions to this requirement, see Article VI, Sections 605 and 606.
 - 6) Minimum Side Yard: No less than ten (10) feet for one side, provided that the total of both side yards is no less than thirty (30%) percent of the lot width. For side yard requirements pertaining to corner lots, see Article VI, Sections 603 and 605.
 - 7) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see Article VI, Section 605.
 - 8) Maximum Building Height: Sixty (60) feet, as measured upward from the point of lowest ground level elevation of said building. Multi-family dwelling may exceed sixty (60) feet in height only after approval of the Fire Chief. For other exceptions to height regulations, see Article VI, Section 622.
- c) Minimum Lot Width measured at building line: Fifty (50) feet.
 - d) Minimum Front Yard Depth measured from nearest street right-of-way line: Twenty-five (25) feet. For other exceptions to this requirement, see Article VI, Sections 605 and 606.

- e) Minimum Side Yard: No less than ten (10) feet for one side, provided that the total of both side yards is no less than thirty (30%) percent of the lot width. For side yard requirements pertaining to corner lots, see Article VI, Sections 603 and 605.
- f) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirement pertaining to double frontage lots, see Article VI, Section 605.
- g) Maximum Building Height:

One family residence:	Thirty-five (35) feet
Mobile home:	Fifteen (15) feet
Two family residence:	Thirty-five (35) feet
Group dwelling:	Thirty-five (35) feet
Boarding house:	Thirty-five (35) feet
Multi-family dwelling:	Sixty (60) feet, as measured upward from the point of lowest ground level elevation of said building. Such building may exceed sixty (60) feet in height only after approval of the Fire Chief.
Other principal use:	Sixty (60) feet, as measured upward from the point of lowest ground level elevation of said building. Such building may exceed sixty (60) feet in height only after approval of the Fire Chief.

For exceptions to the height regulations, see Article VI, Section 622.

- h) Additional Requirements: Uses permitted in GR Zoning Districts shall meet all standards set forth in Article VI, Section 613 pertaining to off-street parking, loading and other requirements.
- i) Signs: Provided they are in accordance with the provisions set forth in Article V of this Ordinance.

Section 403. OC Office Commercial District.

403.1. The intent of the OC Zoning District is to develop and reserve land for business office, institutional, public, semipublic, and residential purposes. The regulations

which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office type business or professional firms intermingled with dwellings and certain public or semipublic uses; and to discourage any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns, or other uses capable of adversely affecting the specialized commercial, institutional and housing character of the district.

403.2. Permitted Uses. The following uses shall be permitted in any OC Zoning District:

- a) Business involving the rendering of personal service, specifically including:
 - 1) barber shop, beauty shop, or combination thereof;
 - 2) business school or college;
 - 3) dressmaker, seamstress, tailor;
 - 4) funeral home or mortuary;
 - 5) insurance agency;
 - 6) jewelry and watch repair shop;
 - 7) medical, dental or chiropractic or other medically oriented office, clinic and/or laboratory;
 - 8) office building and office for governmental, business, professional or general purposes, but not including any storage, sale, rental, or servicing of goods in or on the premises;
 - 9) photographic studio;
 - 10) radio and/or television studio;
 - 11) real estate agency;
 - 12) school offering instruction in art, music, dancing, drama, or similar activity;
 - 13) secretarial and/or telephone answering service;
 - 14) shoe repair shop.

- b) Any use permitted in a GR Residential District under the conditions and requirements set forth in Section 403.4.
- c) Hotel, tourist home, and motel.
- d) Private or semi-private club, lodge, union hall, or social center.

403.3. Conditional Uses. The following uses shall be permitted in any OC Zoning District on a conditional basis, subject to the conditions set forth in Article VII, Section 704.

- a) Pharmacy, apothecary, drug store, book, cigar, and/or magazine shop, florist shop, gift shop, and restaurant other than a drive-in provided:
 - 1) such businesses are located and operated so as to serve primarily nearby offices, tourist homes, apartment buildings and other permitted uses,
 - 2) no outside loud speaker systems are utilized,
 - 3) all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties.
- b) Combination of residential structure with any use herein permitted, provided the use utilizes no neon or directly lighted sign; and provided that all dwelling units have direct access to an abutting street.
- c) All conditional uses permitted in the GR Zoning District, except mobile homes, as set forth in Section 402.3 and subject to all requirements pertaining to that District.

403.4. Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in OC Office Commercial Zoning Districts shall be required to conform to the following standards:

- a) Minimum Lot Area: Six thousand (6,000) square feet.
- b) Minimum Lot Width, measured at the Building Line: Fifty (50) feet.
- c) Minimum Front Yard, measured from the nearest abutting street right-of-way line: Twenty-five (25) feet. For other exceptions to this requirement, see Article VI, Sections 605 and 606.

- d) Minimum Side Yard: No less than ten (10) feet for each side, provided that the total of both side yards is no less than thirty (30%) percent of the lot width. For side yard requirements pertaining to corner lots, see Article VI, Sections 603 and 605.
- e) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see Article VI, Section 605.
- f) Maximum Building Height:

One family dwelling:	Thirty-five (35) feet
Two family dwelling:	Thirty-five (35) feet
Group dwelling:	Thirty-five (35) feet
Boarding house:	Thirty-five (35) feet
Other principal use:	Sixty (60) feet, as measured upward from the point of lowest ground level elevation of said building. Such buildings may exceed sixty (60) feet in height only after approval of the Fire Chief.

For exceptions to height regulations, see Article VI, Section 622.

- g) Additional Requirements: Uses permitted in OC Zoning Districts shall meet all standards set forth in Article VI, Section 613 pertaining to off-street parking, loading, and other requirements.
- h) Signs: Signs permitted in OC Zoning District, including the conditions under which they may be located, are set forth in Article V.

Section 404. NC Neighborhood Commercial District.

404.1. Purpose. It is the intent of this Section that the NC Zoning District be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic and parking congestion; avoid the development of "strip" business districts; and discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

404.2. Permitted Uses. The following uses shall be permitted in the NC Zoning District:

a) Retail business involving the sale of merchandise on the premises in stores specifically including:

- 1) antique store.
- 2) appliance, radio, television store.
- 3) art supply store.
- 4) book, magazine, newspaper shop.
- 5) candy store.
- 6) clothing store.
- 7) drug store or pharmacy.
- 8) florist shop.
- 9) fruit, nut and/or vegetable store.
- 10) gift or curio shop.
- 11) grocery store.
- 12) hardware store.
- 13) hobby and/or toy shop.
- 14) household furnishings store.
- 15) millinery or hat store.
- 16) music store and /or record shop.
- 17) 5-and-10 cent general or variety store.
- 18) office supply and equipment store.
- 19) package liquor store.
- 20) paint store.

- 21) photographic and camera supply and service store and studio.
 - 22) shoe store.
 - 23) sporting goods store.
 - 24) mobile homes on individual lots
- b) Business involving the rendering of a personal service or the repair and servicing of small equipment specifically including:
- 1) appliance, radio, television repair shop.
 - 2) bank, savings and loan association, personal loan agency, and branches.
 - 3) barber shop, beauty shop, or combination thereof.
 - 4) bicycle repair and sales shop.
 - 5) dressmaker, seamstress, tailor.
 - 6) dry cleaning self-service and/or laundry self-service facility.
 - 7) insurance agency.
 - 8) jewelry and watch repair shop.
 - 9) locksmith or gunsmith
 - 10) medical, dental or chiropractic office, clinic and/or laboratory.
 - 11) office for governmental business, professional or general purposes.
 - 12) photographic studio.
 - 13) public utility business office.
 - 14) real estate agency.
 - 15) school offering instruction in art, music, dancing, drama or similar cultural activity.
 - 16) secretarial and/or telephone answering service.

- 17) shoe repair shop.
- 18) telegraph office.
- 19) telephone exchange.
- c) Radio and/or television station.
- d) Private or semi-private club, lodge, union hall or social center.
- e) Church.
- f) ~~Residential use lawfully existing within the district at the time of adoption of this Ordinance.~~ Any residential use listed as a permitted use in the GR District under the conditions and requirements set forth in Section 405.4.
- g) Off-Street commercial parking lot.
- h) Publicly owned and operated building, facility, or land.
- i) Accessory use in compliance with the provisions of Article VI, Sections 611 and 612.

404.3. Conditional Uses. The following uses shall be permitted on a conditional basis in any NC Zoning District, subject to the conditions set forth in Article VII, Section 704.

- a) Auto accessory store provided there is no storage of wrecked automobiles or scrapped or salvaged auto parts on the premises.
- b) Automobile service station provided operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailers of any type or boats, are not conducted on the premises; provided all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets; and provided parking and/or service areas are separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six (6) feet in height above finish grade.
- c) Bakery provided that goods baked on the premises are sold only at retail on the premises.
- d) Contractor's office provided there is no storage of vehicles, equipment, or materials on the premises.

- e) Delicatessen, restaurant, soda fountain or other eating and/or drinking establishments (other than drive-in establishments) provided all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties; and provided parking and/or service areas are separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height above finish grade.
- f) Dry cleaning or laundry pickup agency provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers.
- g) Meat, fish and/or poultry shop provided that no slaughtering be permitted. Any cleaning of fish or poultry necessary for such use may be permitted provided cleaning activities are conducted within the principal building enclosure on the premises.
- h) Pet shop, provided all animals are housed within the principal building so that no sound is perceptible beyond the premises.
- i) Public utility substation or subinstallation, including water or fire towers, provided such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finish grade, provided there is neither an office nor commercial operation nor storage of vehicles or equipment on the premises; and provided a landscaped strip not less than five (5) feet in width is planted and suitably maintained.
- i) Combination of residential structure with any use herein permitted, provided that all dwelling units have direct access to an abutting street.
- j) Temporary use in compliance with the provisions of Section 704.

404.4. Other Requirements. Unless otherwise specified elsewhere in this Ordinance uses permitted in NC Neighborhood Commercial Zoning Districts shall be required to conform to the following standards:

- a) Minimum Lot Area: Six thousand (6,000) square feet.
- b) Minimum Lot Width, measured at the Building Line: Fifty (50) feet.
- c) Minimum Front Yard, measured from the nearest abutting street right-of-way line: Twenty-five (25) feet. For exceptions to this requirement, see Article VI, Sections 605 and 606.

- d) Minimum Side Yard: Not less than ten (10) feet from each side. Where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen, fence, or wall at least six (6) feet in height above finish grade shall be required. For side yard requirements pertaining to corner lots, see Article VI, Sections 603 and 605.
- e) Minimum Rear Yard: Fifteen (15) feet. Where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade shall be required. For rear yard requirements pertaining to double frontage lots, see Article VI, Section 605.
- f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VI, Section 622.
- g) Additional Requirements: Uses permitted in NC Zoning Districts shall meet all standards set forth in Article VI, Section 613 pertaining to off-street parking, loading, and other requirements.
- h) Signs: Signs permitted in NC Zoning Districts, including the conditions under which they may be located, are set forth in Article V.

Section 405. GC General Commercial District.

405.1 Purpose. It is the intent of this Section that the GC Zoning District be developed and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

405.2. Permitted Uses. The following uses shall be permitted in any GC Zoning District:

- a) Any retail, wholesale or storage business involving the sale of merchandise on the premises, as set forth for NC Districts except those uses which involve open yard storage of junk, salvage, used auto parts or building materials. Open storage shall be permitted under conditions set forth in Subsection 405.3 (g).
- b) Business involving the rendering of personal services as set forth for NC Districts other than an automobile laundry or an automobile repair garage

which shall be permitted under conditions set forth in Subsections 405.3 (b) and (e).

- c) Private or semiprivate club, lodge, union hall or social center.
- d) Church.
- e) ~~Residential use lawfully existing within the District at the time of adoption of this Ordinance.~~ Any residential use listed as a permitted use in the GR District under the conditions and requirements set forth in Section 404.4.
- f) Off-street commercial parking lot or garage.
- g) Hotel, tourist home, and motel.
- h) Publicly owned and operated building, facility or land.
- i) Commercial recreation facility, specifically including:
 - 1) billiard parlor;
 - 2) theater, including drive-in type of facility;
 - 3) bowling alley;
 - 4) golf course (including driving range or Par 3 operation).
- j) Commercial trade or vocational school.
- k) Eating and/or drinking establishment including drive-in or curb service.
- l) Radio and/or television station and/or transmission tower.
- m) Public utility installation or subinstallation, including water towers.
- n) Office building and/or office for governmental, business, profession or general purposes.
- o) Accessory uses is compliance with the provisions of Article VI, Section 611 and 612.

405.3. Conditional Uses. The following uses shall be permitted on a conditional basis in any GC Zoning District, subject to the conditions set forth in Article VII, Section 704.

- a) Automobile service station provided all pumps are set back at least twenty-five (25) feet from the right-of-way line of the street; and provided parking and/or service areas are separate from adjoining residential properties or zoning districts by a suitable planting screen, fence, or wall at least six (6) feet in height above finish grade.
- b) Garage for the repair and servicing of motor vehicle provided all operations are conducted within a fully enclosed building; and provided there is no open storage of wrecked vehicles; dismantled parts, or parts visible beyond the premises.
- c) Combination of residential structure with any use permitted herein provided that all dwelling units have direct access to the street.
- d) Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for industrial buildings, as set forth in Article VI.
- e) Automobile laundry or washateria provided an off-street paved parking area capable of accommodating not less than one-half of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises (such space to contain at least two hundred [200] square feet per waiting vehicle); and provided no safety hazard or impediment to traffic movement is created by the operation of such an establishment.
- f) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is perceptible beyond the premises.
- g) Open yard use for the sale, rental and/or storage of materials or equipment excluding junk or other salvage provided that such uses are separated from adjoining residential properties or zoning districts by a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade.
- h) Community hospitals or clinics including any functions which relate directly to the operation of the hospitals or clinics and are contained within the confines of said hospital or clinic, and provided such uses are in compliance with the provisions of Section 612.
- i) Truck terminal, provided paved acceleration and deceleration lanes at least ten (10) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites; and provided sites for such facilities have direct access to major streets.

j) Temporary use in compliance with the provisions of Article VII, Section 704.

405.4. Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in GC General Commercial Zoning Districts shall be required to conform to the following standards:

- a) Minimum Lot Area: Six thousand (6,000) square feet.
- b) Minimum Lot Width, measured at the Building Line: Fifty (50) feet.
- c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Fifty (50) feet.
- d) Minimum Side Yard: Not less than ten (10) feet for each side. Where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade shall be required. For side yard requirements pertaining to corner lots, see Article VI, Sections 603 and 605.
- e) Minimum Rear Yard: Twenty-five (25) feet. Where the district abuts any residential zoning district not separated by a right-of-way, a suitable planting screen, fence, or wall of at least six (6) feet in height above finished grade shall be required. The provisions of Article VI, Section 605, pertaining to double frontage lots, shall apply to GC Zoning Districts.
- f) Maximum Building Height: Up to sixty (60) feet, without the approval of the Fire Chief. For structures in excess of sixty (60) feet, the Fire Chief's approval is necessary. For exceptions to height regulations see Article VI, Section 622.
- g) Additional Requirements: Uses permitted in GC Zoning Districts shall meet all standards set forth in Article VI, Section 613 pertaining to off-street parking, loading and other requirements.
- h) Signs: Signs permitted in GC Zoning Districts, including the conditions under which they must be located, are set forth in Article V.

Section 406. CC Core Commercial District.

406.1. Purpose. The intent of the CC Core Commercial District is to encourage the maintenance of a centrally located trade and commercial service area and to provide for the orderly expansion of such uses.

ORDINANCE 2006-19

AN ORDINANCE TO CHANGE CORE COMMERCIAL.

WHEREAS, The Town of Chesterfield has reviewed the recommendation of the Planning Commission to change the Core Commercial.

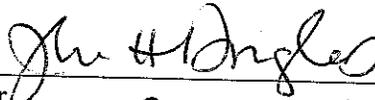
WHEREAS, said hearing was duly advertised and held with the recommendation of the Planning Commission received, now, therefore,

BE IT ORDIANED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CHESTERFIELD, SC;

1. The preamble as set forth above is declared to be true and correct in all respects.
2. That occupancy of buildings on Main Street between Page Street and Green Street/Scotch Road by governmental affairs and/or for the purpose of conducting governmental affairs shall be restricted to not more than seven Main Street-level storefront buildings. Furthermore, no additional buildings as of this date of more than 5,000 square feet on Main Street between Page Street and Green Street/Scotch Road shall be occupied by government agencies and/or for the purpose of conduction governmental affairs.
3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such inconsistency.
4. This ordinance shall become effective upon its final reading.

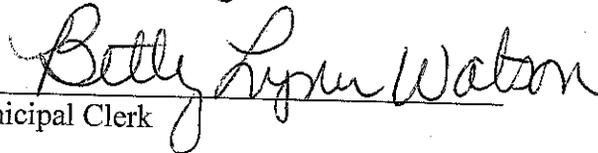
First reading October 23, 2006

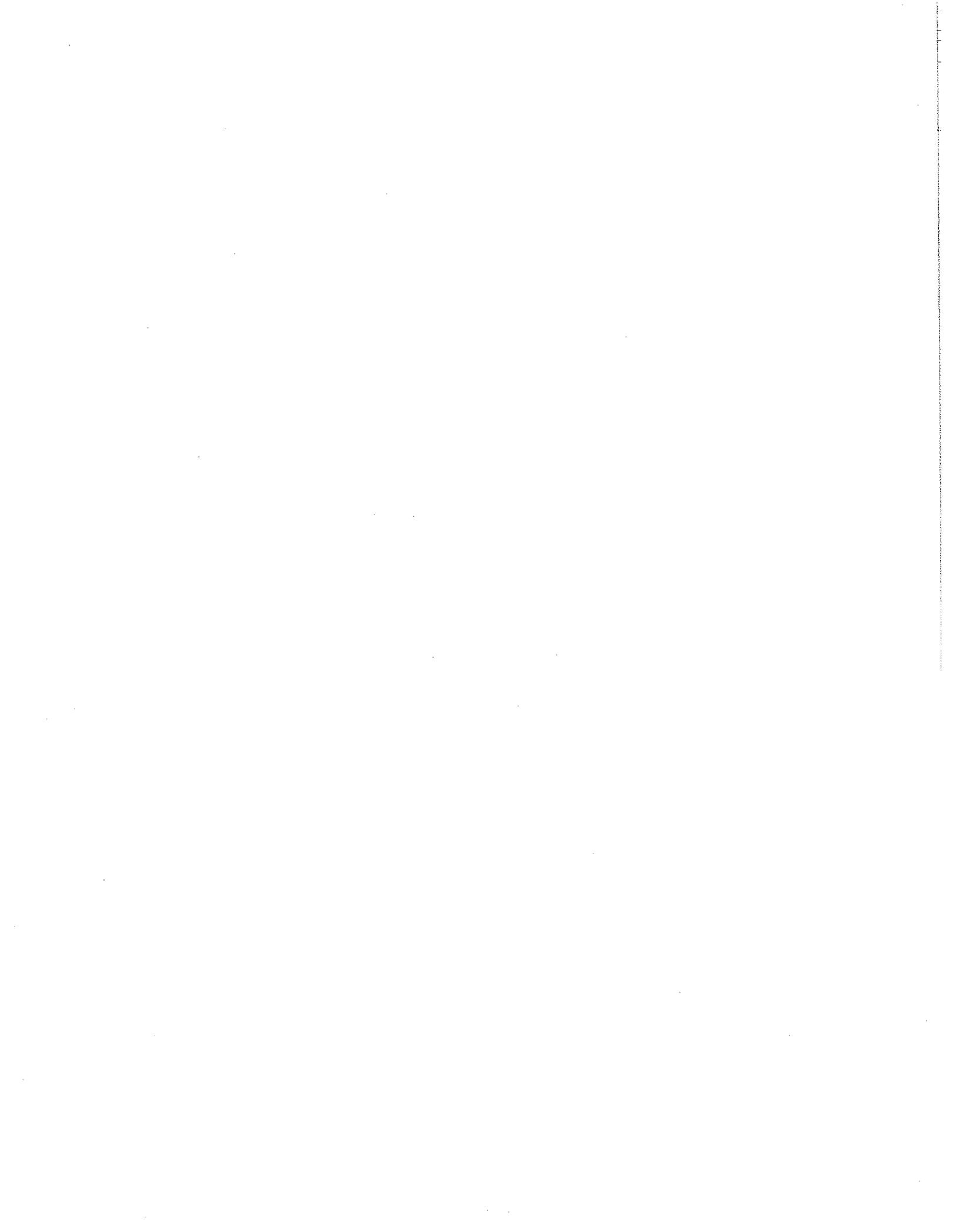
Mayor



Second reading December 14, 2006 Attest:

Municipal Clerk





406.2. Permitted Uses. The following uses shall be permitted in any CC Core Commercial District:

- a) Any use permitted in any GC Zoning District subject to the conditions of Subsection 405.2.

406.3. Conditional Uses. The following uses shall be permitted on a conditional basis in any CC Core Commercial District:

- a) Any use permitted on a conditional basis in any GC District, subject to the conditions of Subsection 505.3.

406.4. Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted to CC Core Commercial Districts shall be required to meet all standards set forth in this Ordinance for uses permitted in GC Zoning Districts, except that all front and side yard requirements, as well as all off-street parking and loading requirements shall be waived.

Section 407. LI Limited Industrial District.

407.1. Purpose. The intent of the LI Zoning District is to provide areas for limited industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be limited industrial in nature; protect and reserve undeveloped areas in the Town of Chesterfield, which are suitable for such industries; and discouraging encroachment by those residential, commercial or other uses capable of adversely affecting the basic industrial character of the district.

407.2. Permitted Uses. The following uses shall be permitted in any LI Zoning District:

- a) Research or experimental laboratory.
- b) Transportation terminal, excluding truck terminals which shall be permitted as conditional uses subject to the requirements of Section 407.3(g).
- c) Public building, facility, or land other than a school, playground, hospital, clinic, care home, or cultural facility.
- d) Public utility installation.
- e) Agricultural farm.

- f) Horticultural nursery.
- g) Radio and/or television station and/or transmission tower.
- h) Office building and/or offices for governmental, business, professional, or general purposes.
- i) Commercial trade or vocational school.
- j) Off-street commercial parking lot or garage, as well as off-street parking or storage area for customer, client, or employee-owned vehicles.
- k) Land fill.

407.3. Conditional Uses. The following uses shall be permitted on a conditional basis in any LI Zoning District, subject to the conditions set forth in Section 704.

- a) Any industrial use which involves manufacturing, processing, assembly, storage operations, provided said manufacturing, processing, assembly or storage in no way involves any junk or salvage operations; provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to create a nuisance beyond the premises.
- b) Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- c) Wholesale business outlet, provided that there is no open storage or junk or salvage materials of any type in conjunction with the operation.
- d) Automobile service station provided that all pumps are setback at least twenty-five (25) feet from the right-of-way line of any street; and provided that there is no open storage of any type in conjunction with the operation.
- e) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is discernible beyond the premises.
- f) Retail business provided such business is incidental to a permitted use; is located on the same premises as a permitted use; and involves no open storage of junk or salvage materials of any type in conjunction with the operation.

406.2. Permitted Uses. The following uses shall be permitted in any CC Core Commercial District:

- a) Any use permitted in any GC Zoning District subject to the conditions of Subsection 405.2.

406.3. Conditional Uses. The following uses shall be permitted on a conditional basis in any CC Core Commercial District:

- a) Any use permitted on a conditional basis in any GC District, subject to the conditions of Subsection 505.3.

406.4. Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted to CC Core Commercial Districts shall be required to meet all standards set forth in this Ordinance for uses permitted in GC Zoning Districts, except that all front and side yard requirements, as well as all off-street parking and loading requirements shall be waived.

Section 407. LI Limited Industrial District.

407.1. Purpose. The intent of the LI Zoning District is to provide areas for limited industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be limited industrial in nature; protect and reserve undeveloped areas in the Town of Chesterfield, which are suitable for such industries; and discouraging encroachment by those residential, commercial or other uses capable of adversely affecting the basic industrial character of the district.

407.2. Permitted Uses. The following uses shall be permitted in any LI Zoning District:

- a) Research or experimental laboratory.
- b) Transportation terminal, excluding truck terminals which shall be permitted as conditional uses subject to the requirements of Section 407.3(g).
- c) Public building, facility, or land other than a school, playground, hospital, clinic, care home, or cultural facility.
- d) Public utility installation.
- e) Agricultural farm.

- f) Horticultural nursery.
- g) Radio and/or television station and/or transmission tower.
- h) Office building and/or offices for governmental, business, professional, or general purposes.
- i) Commercial trade or vocational school.
- j) Off-street commercial parking lot or garage, as well as off-street parking or storage area for customer, client, or employee-owned vehicles.
- k) Land fill.

407.3. Conditional Uses. The following uses shall be permitted on a conditional basis in any LI Zoning District, subject to the conditions set forth in Section 704.

- a) Any industrial use which involves manufacturing, processing, assembly, storage operations, provided said manufacturing, processing, assembly or storage in no way involves any junk or salvage operations; provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to create a nuisance beyond the premises.
- b) Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- c) Wholesale business outlet, provided that there is no open storage or junk or salvage materials of any type in conjunction with the operation.
- d) Automobile service station provided that all pumps are setback at least twenty-five (25) feet from the right-of-way line of any street; and provided that there is no open storage of any type in conjunction with the operation.
- e) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is discernible beyond the premises.
- f) Retail business provided such business is incidental to a permitted use; is located on the same premises as a permitted use; and involves no open storage of junk or salvage materials of any type in conjunction with the operation.

- g) Truck terminal provided that paved acceleration and deceleration lanes at least ten (10) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites located adjacent to major streets and provided no open storage of any type is conducted in connection with the operation.
- h) Watchman or caretaker's one-family dwelling provided that such a dwelling is located on the premises of a permitted use; and provided the head of the household is employed by the industry as a watchman or caretaker.
- i) Dwelling incidental to a permitted agricultural or horticultural use provided that such related dwellings are occupied only by persons employed directly on the premises.
- j) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts provided any open yard storage incidental to such an operation conforms to the provisions of Subsection 408.3 (f); and provided no sound, vibration, heat, glare or electrical disturbance is created which creates a nuisance beyond the premises.
- k) Temporary use in compliance with the provisions of Article VII, Section 704.

407.4. Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in the LI Limited Industrial District shall be required to conform to the following standards:

- a) Minimum Lot Area: one (1) acre.
- b) Minimum Lot Width, Measured at the Building Line: one hundred (100) feet.
- c) Minimum Front Yard, measured from the nearest abutting street right-of-way line: Fifty (50) feet.
- d) Minimum Side Yard: No less than fifty (50) feet on each side, except that when the property abuts another zoning district, at least one hundred (100) feet on that particular side shall be required. Where the district abuts any residential zoning district not separated by a right-of-way, a suitable planting screen, fence, or wall of at least six (6) feet in height above finished grade will be required. For side yard requirements pertaining to corner lots, see Article VI, Section 603 and Section 605.
- e) Minimum Rear Yard: Fifty (50) feet, except that when the property abuts another zoning district, one hundred (100) feet shall be required. Where the

district abuts any residential zoning district not separated by a right-of-way, a suitable planting screen, fence, or wall of at least six (6) feet in height above finished grade will be required. For rear yard requirements pertaining to double frontage lots, see Article VI, Section 605.

- f) **Maximum Building Height:** No more than sixty (60) feet, unless approved by the Fire Chief. For exceptions to height regulations, see Article VI, Section 622.
- g) **Additional Requirements:** Uses permitted in LI Zoning Districts shall meet all standards set forth in Article VI, Section 613 pertaining to off-street parking, loading and other requirements.
- h) **Signs:** Signs permitted in LI Zoning Districts, including the conditions under which they may be located, are set forth in Article V.

Section 408. BI Basic Industrial District.

408.1. Purpose. The intent of the BI Basic Industrial District is to promote the development and continued use of land for basic or primary industrial purposes which involve extensive manufacturing, processing or assembly operations; and to preserve undeveloped sizeable tracts of land with industrial potential for industrial uses.

408.2. Permitted Uses. The following uses shall be permitted in any BI Zoning District.

- a) Any use permitted in any LI Zoning District, subject to the standards set forth in this Section.
- b) Any industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products or equipment; but not including junk or salvage yards or uses which may cause injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazards, dangerous radiation or other conditions objectionable to nearby areas, except under conditions as specified in Subsection 408.3.
- c) Animal hospital and/or boarding facility.
- d) Warehouse.
- e) Bulk storage of petroleum products.
- f) Land fill or the extraction of natural materials.

408.3. Conditional Uses. The following uses shall be permitted on a conditional basis in any BI Zoning District, subject to the conditions set forth in Section 704.

- a) Any use permitted on a conditional basis in any LI Zoning District, subject to the conditions of Subsection 408.3 and Article VII, Section 704.
- b) Retail or wholesale business or service, provided such business or service is incidental to a permitted industrial use; and is located on the same premises.
- c) Truck terminal, provided that paved acceleration and deceleration lanes at least ten (10) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites; and provided sites for such facilities have direct access to major streets.
- d) Private recreation facility provided such facility is incidental to a permitted use and located on the same premises.
- e) Any industrial use which may produce injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other objectionable conditions provided such objectionable condition does not constitute a nuisance to adjoining properties; provided such use is located at least 200 feet from any abutting property line; and provided such use is located on a site at least five (5) acres in size.
- f) Open yard use for this sale, rental and/or storage of new, used or salvaged, materials, or equipment provided that such use is conducted in a manner that it will be located on a site no less than one (1) acre in size, and provided no burning of materials or products is conducted on the premises except by means approved by the Fire Chief or Fire Inspector; and in the case of open storage or used or salvaged materials and/or equipment, provided a suitable planting screen, fence, or wall of at least six (6) feet in height above finished grade will be required along all property lines.
- g) Temporary use in compliance with the provisions of Article VII, Section 704.

408.4. Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in BI Basic Industrial Zoning Districts shall be required to conform to the following standards:

- a) Minimum Lot Area: 6,000 square feet.
- b) Minimum Lot Width, measured at the Building Line: Fifty (50) feet.

- c) Minimum Front Yard, measured from the nearest abutting street right-of-way line: Twenty-five (25) feet.
- d) Minimum Side Yard: No less than ten (10) feet on each side, except that when the property abuts another zoning district, thirty (30) feet shall be required. Where the district abuts any residential district not separated by a right-of-way a suitable planting screen, fence, or wall of at least six (6) feet in height above finished grade will be required. For side yard requirements pertaining to corner lots, see Article VI, Section 603 and Section 605.
- e) Minimum Rear Yard: Fifteen (15) feet, except that where the property abuts another Zoning District, thirty (30) feet shall be required. Where the District abuts any Residential District not separated by a right-of-way, a suitable planting screen, a fence, or wall of at least six (6) feet in height above finished grade will be required. For rear yard requirements pertaining to double frontage lots, see Article VI, Section 605.
- f) Maximum Building Height: No more than sixty (60) feet, unless approved by the Fire Chief. For exceptions to height regulations see Article VI, Section 622.
- g) Additional Requirements: Uses permitted in BI Zoning Districts shall meet all standards set forth in Article VI, Section 613 pertaining to off-street parking, loading and other requirements.
- h) Signs: Signs permitted in BI Zoning Districts, including the conditions under which they may be located, are set forth in Article V.

Section 409. F-A Forest Agricultural District.

409.1. Intent of District. It is the intent of this Section that the FA Zoning District be utilized and reserved for general farming and tree growing purposes as well as certain specialized residential, recreational or other public purposes. The regulations which apply within this district are designed 1) to encourage the formation and continuance of a compatible environment for public and recreational areas, truck farms, orchards, livestock ranches, dairies, forest management areas, horticultural nurseries and other agricultural uses which involve the growing of crops, livestock and animals and/or trees; 2) to provide the suitable services, commercial and otherwise, to residents of FA Districts; 3) to discourage any encroachment by premature housing developments, commercial and/or industrial operations, or other uses capable of adversely affecting the basic agricultural or open character of the district.

409.2. Permitted Uses. The following uses shall be permitted in any FA Zoning District:

- a) Farm or establishment for the growing, care and handling of field crops, truck gardening products, fruit and/or nut trees, poultry, and/or animals and livestock.
- b) Tree farm and/or forest management area.
- c) Horticultural nursery.
- d) Church.
- e) Private or semiprivate club, lodge, grange, or union hall or social center.
- f) Animal hospital and/or boarding facility.
- g) Any publicly owned and operated building, facility or land.
- h) Eleemosynary, religious, semipublic or philanthropic institution or camp.
- i) Golf course, including normal clubhouse and pro shop activity, and other recreational services ordinarily associated with country clubs.
- j) One-family dwelling located on a lot containing not less than one (1) acre of land.
- k) One-family dwellings, accessory to farm operation on same property with farm and occupied by full-time owners and laborers on said farm.
- l) Individual mobile homes used for permanent residential purposes on individual lot containing not less than one (1) acre of land or in mobile home parks.
- m) Private dock or boat house.
- n) Boat marina.
- o) Boat house.
- p) Wildlife refuge, including one-family or two-family dwelling units of caretakers employed to maintain and protect the refuge.
- q) Swimming beach.

- r) Airfield, together with subordinate uses.
- s) Dredging, land fill or the excavation of natural materials.
- t) Radio and television station or transmission tower.
- u) Commercial business or related activities existing at the time of passage of this ordinance.
- v) Customary home occupation established under the regulations of Section 610.
- w) Accessory use in compliance with the provisions of Section 611.

409.3. Conditional Uses. The following uses shall be permitted in any FA Zoning District on a conditional basis subject to the conditions set forth in Section 704.

- a) Stand or shelter for the selling and/or display of seasonal agricultural produce provided that: 1) all setback and yard requirements are maintained; and 2) at least four (4) off-street parking spaces are provided and suitably maintained.
- b) Commercial riding stable provided that: 1) such use is located on a lot of not less than two (2) acres; and 2) no building or enclosure for animals is located closer than one hundred (100) feet from any property line.
- c) Individual mobile homes on individual lots.
- d) Cemetery, when accessory to and on the same property as a permitted use in the FA District.
- e) Temporary use in compliance with the provisions of Section 704.

409.4. Other Requirements. Unless otherwise specified elsewhere in this Ordinance, structures permitted in FA Zoning Districts shall be required to conform to the following standards:

- a) Minimum Lot Area: Two (2) acres.
- b) Minimum Land Area per Dwelling Unit: None.
- c) Maximum Dwelling Units per Net Acre: None.
- d) Minimum Lot Width, measured at the Building Line: One hundred (100) feet.

- e) Minimum Front Yard Depth measured from the nearest street right-of-way line: One hundred (100) feet; except that stands or shelters for the selling and/or display of seasonal agricultural produce or other permitted commercial activities may be located within the Minimum Front Yard area but no closer to the nearest street right-of-way than twenty (20) feet. For exceptions to this requirement, see Sections 605 and 606.
- f) Minimum Side Yard: Twenty-five (25) feet for each side. For side yard requirements pertaining to corner lots, see Sections 603 and 605.
- g) Minimum Rear Yard: Fifty (50) feet. For rear yard requirements pertaining to double frontage lots, see Section 605.
- h) Maximum Building Height: Sixty (60) feet. For exceptions to height regulations, see Section 622.
- i) Additional Requirements: Where appropriate, uses permitted in FA Zoning Districts shall meet all standards set forth in Article VI, Section 613 pertaining to off-street parking, loading and other requirements.
- j) Signs: Signs permitted in FA Zoning Districts, including the conditions under which they may be located, are set forth in Article V.

Section 410. HPD Historic Preservation District.

410.1. Intent of District. It is the intent of the HPD Historic Preservation District to protect, preserve and enhance the distinctive architectural and cultural heritage of the Town; to promote the educational, cultural, economic and general welfare of the people; to foster civic pride; to encourage harmonious, orderly and efficient growth and development; to strengthen the local economy; and, to improve property values.

It is hoped that by encouraging a general harmony of style, form, proportion and material between buildings of historic design and those of contemporary design, the Town's historic buildings and historic districts will continue to be a distinctive aspect of the Town and will serve as visible reminders of the significant historical and cultural heritage of the Town of Chesterfield and the State of South Carolina.

This section is a part of the Zoning Ordinance and is enacted pursuant to the South Carolina Code of Laws, Sections 6-29-710 and 6-29-870, et sequitur.

The HPD is an overlay district. As such, permitted uses are determined by the underlying or primary zoning district. Where this district overlays a residential zoning

district, for example, only those uses permitted in the residential zoning district shall be permitted in the HPD, subject to the additional requirements and standards of this Section.

410.2 Definitions.

- a) Certificate of Appropriateness. Document issued by the Board of Architectural Review, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.
- b) Historic District. An area, designated by the Town Council, upon the recommendation of the Board of Architectural Review and pursuant to the provisions of this Ordinance.
- c) Historic Property. Any place (including an archaeological site or the location of a significant historical event), building, structure, work of art, fixture or similar object that has been individually designated by Town Council or designated as a contributing property within a historic district.
- d) Public Space within a Building. Spaces designed for use by the public, such as auditoriums, courtrooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.
- e) Substantial Hardship. Hardship caused by unusual and compelling circumstances, based on one or more of the following:
 - 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 nonprofit organization and it is not feasible financially or physically to achieve the charitable purposed of the organization while maintaining the property appropriately.

410.3 Architectural Review Board Established. To implement the provisions of this section, there is hereby established a Board of Architectural Review, hereinafter referred to as the ARB, consisting of consisting of seven members shall be appointed by the Town Council.

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a) Composition and Qualifications. All members of the Board shall have a demonstrated interest in historic preservation. If available, the Board should have at least one member who is qualified as:

- 1) a historian, knowledgeable in local history;
- 2) an architect, or if an architect is not available to serve, someone knowledgeable in building design and construction;
- 3) lawyer;
- 4) real estate agent;
- 5) engineer; and,
- 6) representative of the historical society.

Members shall assume their duties at the first regular meeting after their appointment. Members shall serve without compensation except for reimbursement for authorized expenses attendant to the performance of their duties.

b) Terms of Office. ~~The term of office for each member shall be two years. Any person~~ Terms of three members shall expire in the odd years; ~~terms for the other four~~ members shall expire in the even years. A member shall continue to serve until his successor is appointed and qualifies. Each Councilmember and the Mayor shall make an appointment to the commission. Any member who resigns shall be replaced by appointment for the unexpired term of that member. In the event of removal, a finding of cause shall not be required, as provide by law. Terms of office shall be four years. Members shall be a resident of the town.

Ord. 2000-8

c) Removal. Any member of the Board may be removed by the Mayor upon confirmation of the Town Council, for repeated failure to attend meetings of the Board or for any other cause deemed sufficient by the Mayor of the Town Council.

d) Appointment to Fill a Vacancy. If any place on the Board becomes vacant due to resignation, removal, or for any reason, the Mayor of the Town Council shall appoint a replacement within 60 days for the remainder of the unexpired term, subject to confirmation by the Town Council.

e) Conflicts of Interest. Any member of the Board who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the decision of the Board concerning the property.

f) Liability of Members. Any member of the Board acting within powers granted by the Ordinance shall be relieved from personal liability for any damage and held harmless by the Town of Chesterfield. Any suit brought against any member of the Board shall be defended by a legal representative furnished by the Town until the termination of the proceedings.

410.4. Powers and Duties. It is the responsibility of the Board to promote the purposes and objectives of this Ordinance, to review and recommend to Town Council the designation of individual historic properties and historic districts, and to review plans and applications, as hereinafter provided for all construction within historic districts and construction or demolition pertaining to or affecting duly designated historic properties. The Board shall have the power to approve, approve with modifications or deny approval for such applications in accordance with the prescribed procedures and guidelines.

410.5 Historic Property Inventory. The Board shall maintain a local inventory of buildings, structures, objects, and sites more than fifty years old. These records shall be available to the public.

410.6 Designation of Historic Properties.

- a) Criteria for Historic Designation. The Board shall review the local inventory and make recommendations for historic designation(s) to Town Council based on the following criteria. A property may be designated historic if it:
- 1) has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or,
 - 2) is the site of an event significant in history; or,
 - 3) is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation; or,
 - 4) exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or,
 - 5) individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering; or,
 - 6) is the work of a designer whose work has influenced significantly the development of the community, state, or nation; or,

- 7) contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or,
 - 8) is part of or related to a square or other distinctive element of community planning; or,
 - 9) represents an established and familiar visual feature of the neighborhood or community; or,
 - 10) has yielded, or may be likely to yield, information important in pre-history or history.
- b) Owner Notification. Owners of properties proposed to be designated historic shall be notified in writing thirty days prior to consideration by Town Council. Owners may appear before the Town Council to voice approval or opposition to such designation.

Additionally, the Planning Commission shall provide its formal comment to the Town Council on ordinance adoption, amendment, and designation and shall conduct the required public hearing.

- c) Identification on Town Zoning Map. All locally designated historic properties and historic districts shall be clearly shown on the Zoning Map.
- d) Opposition to Designation. Any property owner may object to the decision by the Town Council to designate his property as historic by filing suit against the Town of Chesterfield before the Courts of the State of South Carolina.

410.7 Jurisdiction of the Board of Architectural Review. The jurisdiction of the Board, in general, is the Chesterfield town limits. The jurisdiction of the Board for the recommendation of properties to be designated historic is the Chesterfield town limits. The jurisdiction of the Board for the review of proposed alteration to exteriors of buildings, new construction, and demolition is the individual properties and areas that have been designated by the Town Council as historic.

410.8 Nominations to the National Register of Historic Places. The Board may conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the State Board of Review. The Board may send its recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The Board shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority unless expressly authorized by federal statute.

410.9 Certificate of Appropriateness.

- a) General. A Certificate of Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification or addition to a designated historic property. Any building permit not issued in conformity with this Ordinance shall be considered void.

Application for a Certificate of Appropriateness must be signed by the owner or his authorized representative 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.

- b) Required Procedure. An application for a Certificate of Appropriateness shall be obtained from Town Hall, 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 they have been filed at least seven (7) calendar days before the regularly scheduled meeting of the Board. If the Board fails to take action upon any application within 45 days after the complete application is received, the application shall be considered approved, except in cases where the Board has postponed an application to demolish a structure under the provisions contained in this Ordinance.
- d) Board Action on Application. The Board shall review the application, using the design guidelines appearing in Section 410.10 of this Ordinance to make findings of fact to decide whether or not the applicant's plans are appropriate. 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) Contents of Application. The Board shall, in its Rules of Procedure, require data as are reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all of the required data have been submitted.
- f) Notification of Affected Property Owners. Prior to the issuance of an approval or denial of a Certificate of Appropriateness, the Board shall inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.

- g) 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.
- h) Maintenance, Repair, and Interior Projects. 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. The Board shall not consider the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building is specifically described and designated as historic. The Board may authorize a staff member to approve minor projects involving repairs and ordinary maintenance that do not alter design, materials, color or the outer appearance of a structure or interior projects not subject to design review.
- i) Fines and Penalties. The system of fines applied by the Town of Chesterfield for violation of the building code will apply to violations of this Ordinance.
- j) Substantial Hardship. In the event a Certificate of Appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. Substantial hardship is to be considered by the Commission where one or more of the following unusual and compelling circumstances exists:
- 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 nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

The owner may be required to submit documents to show that he cannot comply with the design guidelines and earn a reasonable rate of return on his investment in the property. Information required may include:

- 1) costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the Board;
 - 2) structural report and/or a feasibility report;
 - 3) market value of the property in its present condition and after completion of the proposed project;
 - 4) cost of the property, date purchased, relationship, if any, between seller and buyer, terms of financing;
 - 5) for the past two years, annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service during that time; and,
 - 6) other information considered necessary by the Board to determine whether or not the property may yield a reasonable return.
- k) Demolition. If the Board denies, or postpones for 180 days, a request to demolish a historic building, the Board shall work closely with the owner to find an appropriate use for the property, to help find a buyer or to obtain funding for rehabilitation, including low interest loans or grants. The Board shall inform the community concerning the threat to the building, its value as part of the fabric of the community and, through publicity and contacts with civic groups, seek to provide assistance in preserving the property.

410.10. Design Guidelines.

- a) Intent. It is the intent of this Ordinance to ensure, insofar as possible, that properties designated as historic shall be in harmony with the architectural and historical character of the Town of Chesterfield. In granting a Certificate of Appropriateness, the Board shall take into account the architectural and historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.
- b) The Secretary of the Interior's Standards for Rehabilitation. When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, or restoration, the Commission shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the Board may adopt more specific guidelines for

local historic districts and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application.

The Secretary's Standards for Rehabilitation are:

- 1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- 2) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- 3) Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.
- 4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- 5) Distinctive materials, features, finished, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- 6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- 7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- 8) Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- 9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from

the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

- 10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

410.11. Appeals. Any person may appeal a decision of the board to the Courts of South Carolina pursuant to the South Carolina Code of Laws, Section 6-29-900, et sequitur.

ARTICLE V

SIGN REGULATIONS

The regulations herein shall apply and govern in all Zoning Districts. No sign shall be erected or maintained unless it is in compliance with the regulations of this Article, except a nonconforming sign which shall comply with the provisions set forth in Article VI.

Section 500. General Provisions. The following regulations shall apply to all permitted signs in the Town of Chesterfield.

- 500.1. A permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted, and shall be issued by the Building Official in accordance with Article VII of this Ordinance.
- 500.2. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.

Section 501. Prohibited Signs. The following signs are prohibited in the Town of Chesterfield:

- 501.1. Signs Imitating Warning Signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse an automobile or other vehicle driver.
- 501.2. Signs Within Street or Highway Rights-of-Way. Except as herein provided, no sign whatsoever, whether temporary or permanent except traffic signs and signals and information signs erected by a public agency, is permitted within any street or highway right-of-way.

- 501.3. Certain Attached and Painted Signs. Signs painted on or attached to trees, fence posts, and 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.

Section 502. Signs for Which a Permit is Not Required. A permit is not required for the following types of signs in any Zoning District.

- 502.1. Traffic, directional, warning, or information signs authorized by any public agency.
- 502.2. Official notices issued by any court, public agency, or officer.
- 502.3. One nonilluminated "for sale," "for rent," or "for lease" sign not exceeding six (6) square feet in area in residential districts and twenty (20) square feet in other than residential districts and located not less than ten (10) feet back from the street right-of-way line, unless attached to the front wall of a building.

Section 503. Regulations Applying to Specified Types of Signs. The following regulations apply to the following specified types of signs.

- 503.1. Roof Signs. Not more than one (1) roof sign structure may be erected on the roof of any one (1) building. No roof sign shall extend more than twenty (20) feet above the elevation of the roof.
- 503.2. Wall Signs. Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
- a) Signs on the Front Surface of a Building. The total area of signs on the exterior front surface of a building shall not exceed twenty (20%) percent of the front surface of the building, so long as the figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.
 - b) Signs on the Side and Rear Surface of a Building. The total area of signs on a side or rear surface of a building shall not exceed twenty-five (25%) percent of the exterior side or rear surface of the building respectively, so long as this figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.
 - c) The combined sign area on the front, side and rear surface of a building must not exceed the total sign area permitted within the Zoning District where the sign or signs are to be located.

- d) Projecting Signs. Wall signs attached flat against a wall may extend not more than twenty-four (24) inches from the wall. Signs projecting from a wall may extend outward from the wall of a building not more than six and one-half (6 1/2) feet and may be located not closer than eighteen (18) inches to a vertical plane at the street curb line. A projecting sign shall not extend above the roof line a distance greater than the height of the roof above the ground level. In no case shall signs project beyond property lines except that signs may project over public sidewalks in CC Districts provided that the minimum height above grade or sidewalk level of such signs shall be no less than ten (10) feet.

503.3. Signs on Work Under Construction. One nonilluminated sign, not exceeding one hundred (100) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling and development agencies is permitted upon the premises of any work under construction, alteration, or removal. Such sign shall be removed from the site within thirty (30) days after the completion of the project.

503.4. Temporary Subdivision Signs. Temporary signs, not exceeding twenty (20) square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision. They shall be set back not less than ten (10) feet from the right-of-way of any street or from any boundary line of the land subdivision. Such signs shall be spaced not less than three hundred (300) feet apart. They shall be removed when seventy-five (75%) percent of the lots are conveyed.

503.5. Private Directional Signs. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and have inscribed thereon the name of the owner, developer, builder, or agent may be erected and maintained, provided:

- a) the size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length;
- b) not more than one (1) such sign is erected in each five hundred (500) feet of street frontage.

Section 504. Sign Illumination. Illumination devices shall be so placed and so shielded that rays therefrom or from the sign itself will not be directly cast into any residential district, sleeping room in any district, or in the eyes of an automobile or vehicle driver.

Section 505. Height Limitations. No signs, except as otherwise provided, shall exceed the height limit of the district in which they are located.

Section 506. Signs Permitted in Residential Districts.

506.1. Permitted Signs and Conditions. The following types of signs are permitted in R-10, R-6, APT, and GR Districts.

- a) Signs for which permits are not required.
- b) For multiple family dwellings, hotels, group dwellings, and for buildings other than dwellings, a single nonilluminated business identification sign or bulletin board not exceeding twenty (20) square feet in area. Such sign or bulletin board shall be set back not less than ten (10) feet from any street right-of-way line.
- c) Temporary subdivision signs and private directional signs, under the provisions of Subsections 503.4 and 503.5.

Section 507. Signs Permitted in Commercial and Industrial Districts.

507.1. Permitted Signs and Conditions. The following types of signs are permitted in OC, NC, GC, CC, LI, and BI Districts:

- a) All signs permitted in residential districts are permitted in commercial and industrial districts.
- b) On any occupied zoning lot in a commercial or industrial district, not more than four (4) signs of any type having a total area of not more than six hundred (600) square feet of sign area shall be permitted except that the Board of Zoning Appeals may permit additional sign area not to exceed seven hundred fifty (750) square feet per commercial or industrial enterprise.
- c) Commercial or industrial uses located on major streets in commercial or industrial districts may include as part of their total permitted sign area one (1) business identification pylon sign which shall be erected so that no portion of the sign shall be less than ten (10) feet back from the street right-of-way line.
- d) Roof signs or wall signs shall, in no case, exceed the requirements of Section 503.

No new freestanding sign structure shall be constructed regardless of the zoning. Further, those similar signs and their support structures existing on the effective date of this amendment to the Zoning Ordinance and not protected from amortization by Federal and State statutes existing on the effective date of this amendment shall be removed within ten years from the date of this amendment. Ord # 2005-12

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- f) Signs in any commercial or industrial district may be illuminated.

ARTICLE VI

GENERAL PROVISIONS

Section 600. Water and Air Pollution. All uses must satisfactorily comply with the requirement of the State Board of Health DHEC and the Chesterfield County Board of Health Department regarding the protection of waterways from pollution by waste materials and the protection of the atmosphere from pollution by dust, smoke, or other waste materials.

Section 601. Street Access. Except as herein provided, no building shall hereafter be erected, constructed, moved or relocated on a lot not located on a publicly dedicated, publicly accepted or publicly maintained street with a right-of-way of not less than thirty (30) feet.

Section 602. Classification of Streets. For purposes of this Ordinance, all public streets in the Town of Chesterfield, South Carolina, are hereby classified as being either major or minor streets. The classification of each public street in the Town is designated on the Zoning Map.

Section 603. Corner Lots. On lots having frontage on more than one street at an intersection, the minimum front yard requirements may be reduced to one-half the regulated distance on the portion of the lot fronting on the street or streets of less importance. If the streets are designated on the Zoning Map as being of equal importance, then the property owner can choose the street along which he wishes to reduce his front yard requirement. However, in no case, shall the setback be reduced to less than fifteen (15) feet. The minimum front yard for the portion of the lot fronting on the street of greater importance shall be provided in accordance with the provisions established by this Ordinance for the district in which the lot is located.

Section 604. Location of Buildings on Lots and Residential Limitations. Every building or use hereafter erected or established shall be located on a Lot of Record; and every one- and two-family residential structure, except as herein provided, shall be located on an individual Lot of Record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines at outer boundaries and, in no case, shall such buildings infringe beyond the building lines into the respective front, side, rear yards or other setbacks required for the District in which the lot is located.

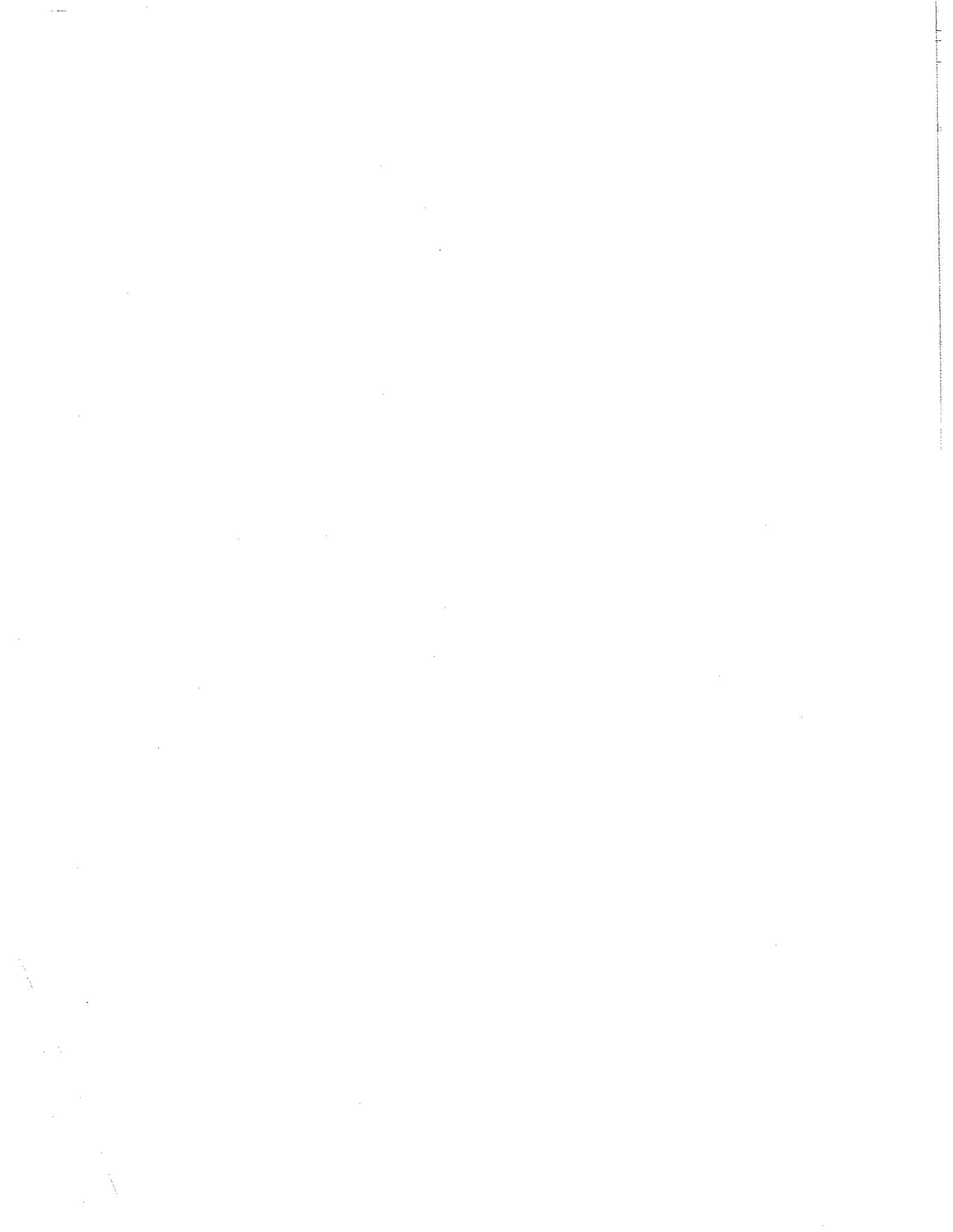
Section 605. Double Frontage Lots. On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of Section 603.

1. Section 608. Nonconforming Buildings or Uses. Nonconforming buildings or land uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land uses at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or land use or portions, thereof, shall not be:

- (1) changed to another nonconforming use;
- (2) reused or reoccupied after discontinuance of use or occupancy;
- (3) reestablished, reoccupied or **replaced*** with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of this Ordinance;
- (4) repaired, rebuilt, or altered after damage exceeding sixty (60%) percent of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred, or
- (5) enlarged or altered in a way which increases its nonconformity.

Nothing in this section 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.

*** To prevent an undue hardship the primary resident property owner of a mobile home in a General Residential zoned area may request permission from Council to replace that mobile home with an upgraded model if that property is otherwise unbuildable as of (October 9, 2008). The primary resident property owner must provide a letter indicating the acceptance of the waiver of standard setbacks from any adjacent property owner who is impacted by a reduction in the standard setback associated with the replacement of this mobile home. (Ord. 2008-15)**



ORDINANCE 2006-3

AN ORDINANCE TO REZONE PROPERTY ON E BLVD
& CHANGE CORE COMMERCIAL.

WHEREAS, The Town of Chesterfield has reviewed the recommendation of the Planning Commission to rezone property on East Blvd. from General Residential to General Commercial.

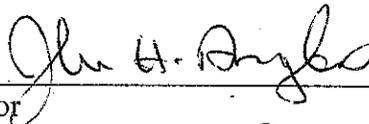
WHEREAS, said hearing was duly advertised and held with the recommendation of the Planning Commission received, now, therefore,

BE IT ORDANED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CHESTERFIELD, SC;

1. The preamble as set forth above is declared to be true and correct in all respects.
2. The area encompassing the entire property located at 320 East Blvd., owned by The Church of God be rezoned from General Residential to General Commercial.
3. That churches be removed from the permitted uses in Core Commercial 406.2 a.
4. The Zoning Map of the town shall be amended to reflect this change.
5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such inconsistency.
6. This ordinance shall become effective upon its final reading.

First reading February 9, 2006

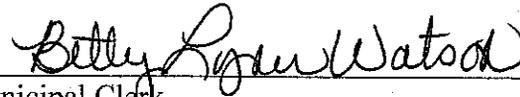
Mayor



Second reading February 21, 2006

Attest:

Municipal Clerk





Section 606. Front Yard Requirements. The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots located wholly or in part within one hundred (100) feet on each such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case, shall setbacks be less than fifteen (15) feet.

Section 607. Measurement of Front, Side, Rear Yards; Determination of Buildable Area. The required front, side, and rear yards for individual lots, as set forth for the particular Zoning District within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "Buildable Area."

Section 608. Nonconforming Buildings or Uses. Nonconforming buildings or land uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or land use or portions, thereof, shall not be:

- (1) changed to another nonconforming use;
- (2) reused or reoccupied after discontinuance of use or occupancy;
- (3) reestablished, reoccupied or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of this Ordinance;
- (4) repaired, rebuilt, or altered after damage exceeding sixty (60%) percent of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred, or
- (5) enlarged or altered in a way which increases its nonconformity.

Nothing in this section 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.

Section 609. Nonconforming Building or Use Discontinuance. Notwithstanding other provisions of this Ordinance certain nonconforming buildings or land uses, after this Ordinance is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform with this Ordinance within the periods of time set forth below. Upon application to the Board of Zoning Appeals, the Board, either according to general rule or upon findings in the specific case, may permit not more than one extension for not more than the time indicated below. Notice shall be sent by the Building Official to all nonconforming users stating wherein they do not conform to said Ordinance and stating the date by which they must either comply or cease to exist. The date by which they must either comply or cease to exist shall be measured from the date of enactment of this Ordinance and

shall be observed regardless of whether notice of nonconformity is sent by the Building Official or received by the affected owner.

<u>Nonconformities</u>	<u>To Be Discontinued Within</u>	<u>Extension</u>
1. Wrecking, junk, scrap, or salvage yards and other open uses of land, signs, outdoor advertising structures, automotive storage yards or outdoor storage yards for lumber, building materials, contractor's equipment.	2 years	6 months
2. Nonconforming fences and hedges impeding vision at intersections.	180 days	30 days

Section 610. Home Occupation. A home occupation shall be permitted in any residential district provided that such occupation:

- (1) is conducted by no other persons than members of the family residing on the premises;
- (2) is conducted within the principal building;
- (3) utilizes not more than twenty-five (25) percent of the total floor area of the principal building;
- (4) produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- (5) displays no products which shall be visible from the street and sells only articles made on the premises; except that nondurable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises;
- (6) creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- (7) is not visibly evident from outside the dwelling except for a sign of four (4) square feet or smaller in size and mounted against a wall of the principal building.

Section 611. Accessory Uses. In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

611.1 Uses customarily accessory to dwellings.

- a) Private garage not to exceed the following storage capacities:
one or two family dwelling — 4 automobiles;

multiple-family dwelling — 2 automobiles per dwelling unit;
group dwelling — 1.5 automobiles per sleeping room.

- b) Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed under Subsection 611.1(a) above; and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one ton or less in capacity per family residing on the premises.
- c) Shed or tool room for the storage of equipment used in grounds or building maintenance.
- d) Private kennel for no more than three (3) dogs or three (3) cats, four (4) months of age or older.
- e) Private swimming pool and bath house or cabana.
- f) Structures designed and used for purposes of shelter in the event of manmade or natural catastrophes.
- g) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

611.2. Uses customarily accessory to church building.

- a) Religious education building.
- b) Parsonage, pastorium or parish house, together with any use accessory to a dwelling as listed under Subsection 611.1.
- c) Offstreet parking area for the use without charge of members and visitors to the church.

611.3. Uses customarily accessory to retail businesses, office uses and commercial recreation facilities.

- a) Off-street parking or storage area for customers, clients or employee owned vehicles.
- b) Completely enclosed building for the storage of supplies, stock, or merchandise.

- c) Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.

Section 612. Setback and Other Yard Requirements for Accessory Uses. In any district, all accessory uses operated in structures above ground level shall observe all setbacks, yard and other requirements set forth for the District within which they are located.

Section 613. Off-street Parking. Areas suitable for parking or storing automobiles in offstreet locations shall hereafter be required in all zoning districts, except in the CC, Core Commercial area, at the time of the initial construction of any principal building producing an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. Such offstreet parking areas shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements.

RESIDENTIAL USES

REQUIRED PARKING

Any residential use consisting of one (1) or more dwelling units.	One (1) space for each dwelling unit.
Tourist homes, boarding houses, and motels.	One (1) space for each accommodation plus one (1) space for each three (3) employees.
Mobile Home parks.	One (1) space for each trailer space.
Hotels.	One (1) space for each three (3) guest rooms plus one (1) space for each five (5) employees.
Group Dwellings.	One (1) space for each two (2) bedrooms.

PUBLIC AND SEMIPUBLIC USES

REQUIRED PARKING

Hospitals and Clinics and Nursing Homes.	One (1) space for each two (2) beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees including nurses at maximum employment on a single shift.
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PUBLIC AND SEMIPUBLIC USES

REQUIRED PARKING

Funeral Homes.

One (1) space for each four (4) seats in chapel or parlor plus sufficient space to park or store all company vehicles.

Churches, Spiritual Institutions and Places of Public Assembly.

One (1) space for each two (2) staff members or employees plus one (1) space for each four (4) seats in the principal assembly room.

Places of Assembly or Recreation Without Fixed Seats.

One (1) space for each two hundred (200) square feet of gross floor space directed to patron use.

Schools, Elementary and Junior High.

One (1) space for each classroom and administrative office.

Schools, Senior High.

One (1) space for each classroom and administrator plus one (1) space for each twenty (20) seats or one (1) space for each four hundred (400) square feet of area used for public assembly whichever is greater.

Public Buildings.

One (1) space for each two hundred (200) square feet of gross floor space.

BUSINESS USE

REQUIRED PARKING

Doctors' and Dentists' Offices.

Five (5) spaces per doctor or dentist.

Professional and Business Offices.

One (1) space for each three hundred (300) square feet of gross floor space.

Banks.

One (1) space for each three hundred (300) square feet of gross floor space.

Service and Repair Establishments, not Otherwise Specifically Mentioned.

One (1) space for each two hundred fifty (250) square feet of floor area not used for storage.

Retail Businesses, not Otherwise Specifically Mentioned.

One (1) space for each two hundred (200) square feet of retail floor space.

BUSINESS USE

REQUIRED PARKING

Car Sales, House and Truck Trailer Sales, Outdoor Equipment and Machinery Sales, Commercial Nurseries.

Four (4) spaces for each salesperson, plus one (1) space for each two (2) other employees.

Restaurants, Theaters, Night Clubs and Other Such Places of Public Assembly.

One (1) space for each four (4) seating accommodations, plus one (1) space for each two (2) employees on shift of greatest employment.

Service Stations.

Two (2) spaces for each gasoline pump plus three (3) spaces for each grease rack or wash rack.

WHOLESALE AND INDUSTRIAL USES

REQUIRED PARKING

Wholesaling and Industrial Uses including lumber, brick, coal, junk and supply yards.

One (1) space for each two (2) employees at maximum employment on a single shift, plus one (1) space for each company vehicle operating from premises.

Section 614. Parking Space Area Requirements. Including aisles, entrances, and exits, each required off-street parking area, lot or other facility shall contain a minimum of three hundred (300) square feet of space for each automobile to be accommodated.

Section 615. Location on Other Property. If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within four hundred (400) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

Section 616. Common Off-Street Parking Area. Two or more principal uses may utilize a common area in order to comply with off-street requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that the owner of said lot relinquishes his development rights over the property until such time as parking space is provided elsewhere.

Section 617. Use of Public Rights-of-Way for Maneuvering. When determining parking area requirements for individual uses, portions of the public rights-of-way on minor streets may be

considered as permissible for maneuvering incidental to parking. On major streets, parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

Section 618. Extension of Parking Space Into a Residential District. Required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district, (2) has its only access to or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking space, and (3) is separated from abutting properties in the residential district by a ten (10) foot wide evergreen buffer strip.

Section 619. Off-Street Loading and Unloading Spaces. Except in CC Core Commercial District every lot on which a business, trade, or industry is hereafter established, shall provide space as indicated herein for the loading and unloading of vehicles off the street. Such space shall have access to an alley or if there is no alley, to a street. For the purpose of this section an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and be clear and free of obstructions at all times. Required space shall be considered as follows:

1. Retail Business: One (1) space for each five thousand (5,000) square feet of gross floor area.
2. Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions: One (1) space for the first twenty-five thousand (25,000) square feet of total floor area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

<u>Square Feet</u>	<u>No. of Spaces</u>
25,001-99,999	2
100,000-159,999	3
160,000-239,999	4
240,000-349,999	5
for each additional 100,000 or fraction thereof	1 additional

3. Multifamily residences with ten (10) or more dwelling units: One (1) space.

Section 620. Visibility at Street Intersections. In all zoning districts established by this Ordinance, except the CC Core Commercial District, no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of three (3) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

Section 621. Visibility at Private Drives and Entrances Intersecting with Public Streets. At the intersection of any private drive or entrance or exit with public street, no fence, wall, hedge or other planting or sign forming a material impediment to visibility over a height of two and one-half (2 1/2) feet shall be erected, planted, placed or maintained.

Section 622. Exceptions to Height Limits. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, roof signs, flag poles, masts and aerials, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

Section 623. Parking, Storage or Use of Campers or Other Major Recreational Equipment. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. Such equipment shall observe all setbacks, yard and other requirements set forth within the residential districts in which they are located. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses.

Section 624. Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed building.

ARTICLE VII

ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

Section 700. Administration and Enforcement. It shall be the duty of the duly appointed Building Official and he is hereby given the authority to administer and enforce the provisions of this Ordinance.

If the Building Official shall find that any of the provisions of this Ordinance are 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 uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 701. Building and Sign Permits Required. No building, sign or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Building Official. No building or sign permit shall be issued by the Building Official except in conformity with the provisions of this Ordinance, unless he receives special exception, or variance as provided by this Ordinance.

The Building Official shall issue sign permits in accordance with the provisions of the Building Code in effect in the Town of Chesterfield. Unlawful signs shall be made to comply with all regulations or shall be removed in accordance with the appropriate provisions set forth in the Building Code.

Section 702. Application for Building Permit. All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact size and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; 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 Building Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the Building Official.

Section 703. Certificates of Occupancy for New, Altered, or Nonconforming Uses. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Building Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

No nonconforming structure or use shall be maintained, renewed, changed, or extended until a certificate of occupancy shall have been issued by the Building Official. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall have three months to apply for certificates of occupancy. Failure to make such application within three months shall be presumptive evidence that the property was in conformance at the time of enactment or amendment of this Ordinance.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application for a period not exceeding six (6) months during alterations or partial occupancy of

a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Building Official shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person. Failure to obtain a certificate of occupancy shall be a violation of this Ordinance, and punishable under Section 707 of this Ordinance.

Section 704. Conditional and Temporary Uses. Conditional uses, as set forth in Article IV of this Ordinance, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the District within which they are proposed for location.

- 704.1. General Requirements. Conditional uses shall be permitted subject to a determination by the Building Official that they conform to all regulations set forth herein and elsewhere in this Ordinance, with particular reference to those requirements established for those districts in which they are proposed for location.
- 704.2. Conditional Use Administration and Duration. Applications for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this Article, prior to the issuance of any permits.
- 704.3. Temporary Uses. The Building Official is authorized to issue a temporary certificate of zoning compliance for temporary uses, as follows:
- a) Carnival or circus for a period not to exceed twenty-one (21) days, subject to the approval of the Town Council.
 - b) Religious meeting in a tent or other temporary structure in GC, LI, and BI Districts, for a period not to exceed sixty (60) days.
 - c) Open lot sale of Christmas trees, in the NC, OC, GC, CC, LI, and BI Districts for a period not to exceed forty-five (45) days.
 - d) Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.
 - e) Contractor's office and equipment sheds, in any district, for a period of one (1) year, provided that such office be placed on the property to which it is appurtenant.
 - f) All temporary certificates of zoning compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will

cause no traffic congestion and will not create a nuisance to surrounding uses.

Section 705. Expiration of Building Permit. If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Building Official, and written notice thereof shall be given to the persons affected.

Section 706. Complaints Regarding Violations. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

Section 707. Penalties for Violation. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined, as determined by the Court for each offense. Each day such violation continues shall constitute a separate offense.

Nothing therein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 708. Appeal from the Decision of the Building Official. 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 Building Official and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Building Official.

ARTICLE VIII

BOARD OF ZONING APPEALS

Section 8. Zoning Board of Appeals. Section 800 of the Zoning Ordinance shall be removed in its entirety and replaced with the following. Section 800. ESTABLISHMENT OF BOARD OF ZONING APPEALS. A Board of Zoning Appeals is hereby established. Said Board shall consist of seven members, who shall be citizens of the Town of Chesterfield and each Councilmember and the Mayor shall appoint one member for overlapping four year terms. Initial appointment shall be as follows: two (2) members for a term of four years, two members (2) for a three year term, two (2) members for a two year term and one (1) member for a one year term. In the event of removal, a finding of cause shall not be required, as provide by law. A member shall continue to serve until his successor is appointed and qualifies. Any member who resigns shall be replaced by appointment for the unexpired term of that member. No member of the Zoning Board of Appeals.

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the Board of Zoning Appeals. The Board shall adopt rules and bylaws in accordance with the provisions of this Ordinance and of the General Statutes of South Carolina, 1976 Code of Laws,

Title 6, Chapter 29 of the Comprehensive Planning Enabling Act of 1994, as amended. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

Section 802. Decisions of the Board of Zoning Appeals. 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 Building Official 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. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. On all appeals, applications and matters brought before the Board of Zoning Appeals, the Board shall inform in writing all the parties involved of its decisions and the reasons therefor.

Section 803. Appeals, Hearings, and Notice. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals notice of appeal specifying the ground thereof. The Building Official shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

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

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

Section 804. Powers and Duties of the Board of Zoning Appeals. The Board of Zoning Appeals shall have the following powers and duties:

- 804.1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official in the enforcement of this act.
- 804.2. To hear and decide appeals for variance from the terms of the Ordinance when strict application of the provisions of the Ordinance would result in unnecessary

hardship. A variance may be granted in an individual case of unnecessary hardship upon a finding by the Board of Zoning Appeals that:

- a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b) these conditions do not generally apply to other property in the vicinity;
- c) because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and,
- d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district.

804.3. To decide on other such matters where a decision of the Board of Zoning Appeals may be specifically required by the provisions of the Ordinance.

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

Section 805. Appeals from Decisions of Board of Zoning Appeals. Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal any decision of the Board to the circuit court in and for the County of Chesterfield by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.

ARTICLE IX

AMENDMENTS

Section 900. Authority. This Ordinance, including the Official Zoning Map of Chesterfield, South Carolina, may be amended from time to time by the Town Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. The Planning Commission

shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Section 901. Requirements for Change. When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the Town Council may undertake the necessary steps to amend the Zoning Ordinance.

Section 902. Procedure for Amendments. Requests to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

902.1. Initiation of Amendments. A proposed amendment to the Zoning Ordinance may be initiated by the Town Council, the Planning Commission or by application filed with the Secretary of the Planning Commission by the owner or owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every twelve (12) months.

902.2 Application Procedure. Application forms for amendment requests shall be obtained from the Secretary of the Planning Commission. Completed forms, together with an application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent, will be filed with the Secretary of the Planning Commission. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

Applications for amendments must be submitted, in proper form, at least two (2) weeks prior to a Planning Commission meeting in order to be heard at that meeting.

Application fees shall be forwarded by the Secretary of the Planning Commission to the Town Clerk who shall supervise the application of same to the costs of advertising and other administrative expenses.

902.3. Hearing by the Planning Commission. All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission.

The Planning Commission, at regular meeting, shall review and prepare a report, including its recommendation, for transmittal to the Town Council.

All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney.

No member of the Planning Commission shall participate in a matter in which he has any pecuniary or special interest.

Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted to the Town Council for final action.

902.4. Public Hearing by the Planning Commission. Before enacting an amendment to this Ordinance, the Planning Commission shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the Town, pursuant to Section 6-29-760 of the Code of Laws, as amended. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Such notice shall be posted at least 15 days prior to the announced hearing.

902.5. Changes in the Zoning Map. Following final action by the Town Council, any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Town Clerk. Until such change is made, no action by the Town Council on map amendments to the Zoning Ordinance shall be considered official, unless the Town Clerk fails to make the change within seven (7) days after formal action by the Town Council. In the latter event, action by the Town Council shall be considered official seven (7) days after the date of the action even if the Town Clerk has failed to make the appropriate changes.

ARTICLE X

DEFINITION OF TERMS USED IN THIS ORDINANCE

Section 1000. Interpretation of Certain Terms of Words. Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purposes of this Ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "structure" includes the word "building".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged, or designed to be used or occupied.

The word "map" or "zoning map" shall mean the Official Zoning Map of the Town of Chesterfield, South Carolina.

The term "Planning Commission" refers to the Chesterfield Planning Commission. The terms "Council," "Town Council," or "Mayor and Council" refer to the legally constituted and elected governing body of the Town of Chesterfield. The term "Building Official" refers to that person so designated by the Council and so employed as the Building Official for the Town of Chesterfield. The term "Board of Zoning Appeals" refers to the Board of Zoning Appeals of the Town of Chesterfield.

Section 1001. Definitions.

- 1001.1. Accessory. A use or building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot therewith.
- 1001.2. Alley. A secondary way which affords access to the side or rear of abutting property.
- 1001.3. Alteration of Building. Any change in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.
- 1001.4. Automobile Service Station. Buildings and premises on any parcel or lot where gasoline, oils, and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where the following services may be rendered, and none other:
- a) sale and servicing of spark plugs, batteries, and distributors;

- b) tire repair and servicing, but no re-capping;
- c) replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings;
- d) washing and polishing;
- e) greasing and lubrication;
- f) exchanging fuel oil pumps and installing fuel lines;
- g) minor servicing and replacing carburetors;
- h) emergency wiring repairs;
- i) adjusting and repair of brakes;
- j) minor adjustment of engines, not involving removal of the head and/or crank case, or racing the motor;
- k) sale of cold drinks and packaged foods, as accessory only to the principal operation.

1001.5. Boarding House. Any dwelling in which three (3) or more persons either individually as families are housed for rent with or without meals.

1001.6. Buildable Area. That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear yard requirements required for the District have been subtracted from the total lot area. For instructions related to the determination of Buildable Area, see Section 607.

1001.7. Building. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals or property of any kind.

1001.8. Building, Principal. A building in which is conducted the principal use of the lot on which said building is situated.

- 1001.9. Building Line. That line which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this Ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street center lines or other lot boundary lines.
- 1001.10. Camper. A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two or more wheels and either self-propelled or rigged for towing, provided such vehicle is less than thirty (30) feet in length and is not used for residential purposes within the Town of Chesterfield.
- 1001.11. Care Home. A rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons.
- 1001.12. Clinic. An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.
- 1001.13. District. The term applied to various geographical areas of the Town of Chesterfield for the purpose of interpreting the provisions of this Ordinance. The Districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the Town of Chesterfield are set forth in Article V of this Ordinance. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this Ordinance.
- 1001.14. Dwelling. A building or portion of a building arranged or designed to provide living quarters for one or more families.
- 1001.15. Dwelling, One-Family. A detached dwelling other than a mobile home designed for or occupied exclusively by one family on a single lot.
- 1001.16. Dwelling, Two-Family. A dwelling arranged or designed to be occupied by two (2) families in separate dwelling units living independently of each other on a single lot.
- 1001.17. Dwelling, Group. A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or

families. The term "group dwelling" includes but is not limited to the terms rooming house, apartment hotel, fraternity house, sorority house, Y.M.C.A. or Y.W.C.A. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

- 1001.18. Dwelling, Multiple-Family. A building or series of buildings for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The term "Multiple-Family" and "multi-family" are synonymous and are used interchangeably throughout this Ordinance.
- 1001.19. Dwelling Unit. One or more rooms connected together and constituting a separate, independent housekeeping establishment for use on a basis with provision for cooking, eating, and sleeping, and physically set apart from any other rooms or dwelling units in the same structure or another structure.
- 1001.20. Drive-In. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal building. The term "drive-in" includes drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores, car washes, or other similar retail service activities.
- 1001.21. 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 five persons, but further provided that domestic servants employed on the premises may be housed on the premises.
- 1001.22. Garage, Private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.
- 1001.23. Garage, Public. Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting or equipping of automobiles or other vehicles.
- 1001.24. Garage, Repair. Buildings and premises designed or used for purposes indicated under "automobile service station" and/or major commercial repairs; provided that body work and painting shall be conducted within fully enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in a fully enclosed and secluded area.
- 1001.25. Home Occupation. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and

secondary to the use of the dwelling for residential purposes and does not change the character thereof, and no person, not a resident of the premises, is employed specifically in connection with the activity, except that not more than one (1) non-resident assistant may be employed by the following home occupations: lawyer, physician, dentist, and chiropractor. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes, and that not over twenty-five (25%) percent of the total floor space of any structure is used for home occupations.

- 1001.26. Hotel. A building or buildings in which lodging, with or without meals is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "hotel" includes the terms "motel" and "tourist court."
- 1001.27. Junk or Salvage Yards. The use of any part of a lot, whether inside or outside of building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles, machinery, equipment, or parts thereof.
- 1001.28. Loading Space, Off-Street. Space logically and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.
- 1001.29. Lot. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Chesterfield County, as maintained in the Chesterfield County Court House. The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance, are interchangeable.
- 1001.30. Lot, Corner. A lot located at the intersection of two or more streets.
- 1001.31. Lot, Double Frontage. A lot which has frontage on more than one street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.
- 1001.32. Lot, Interior. A lot, other than a corner lot, which has frontage on only one street other than an alley.
- 1001.33. Lot Depth. The mean horizontal distance between front and rear lot lines.

- 1001.34. Lot of Record. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed as filed in the official records of Chesterfield County, as maintained in the Chesterfield County Court House. The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance, are interchangeable.
- 1001.35. Lot Width. The distance between side lot lines measured at the front building line.
- 1001.36. Mobile Homes. "Mobile Homes" means a movable or portable dwelling on wheels or a permanent foundation over thirty-two feet in length and eight feet or over in width, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.
- 1001.37. Mobile Home Park. Premises where two or more mobile homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants or mobile homes on such premises.
- 1001.38. Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one mobile home.
- 1001.39. Motel. A building or buildings in which lodging, with or without meals is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "motel" includes the terms "hotel" and "tourist court."
- 1001.40. Nonconforming Use. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance.
- 1001.41. Parking Lot. Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot or an accessory use to the principal use on a given lot.

- 1001.42. Parking Space. A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.
- 1001.43. Plot. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Chesterfield County, as maintained in the Chesterfield County Court House. The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance, are interchangeable.
- 1001.44. Residence. A building or portion of a building arranged or designed to provide living quarters for one or more families. The terms "dwelling" and "residence" shall be interchangeable.
- 1001.45. Service Station. See definition of "Automobile Service Station," 1001.4.
- 1001.46. Sign. The term "sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public, traveling along a public street right-of-way.
- a) Free-Standing Sign Structure. A freestanding sign structure may contain a sign or signs on one side only or it may be a V-shaped structure or one containing signs back to back. A freestanding sign structure is one sign.
 - b) Sign Area. The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a freestanding sign structure is the area of the face or faces on one side only.
 - c) Business Identification Sign. A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.
 - d) Business Identification Pylon Sign. A business identification pylon sign is a sign erected on a single pole or multiple poles which contains only the name or the nature of the business conducted on the premises on which it is located.

- e) Illuminated Signs. When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an illuminated sign.
- 1001.47. Special Exception. A use so specifically designed in this Ordinance, that would not be appropriate for location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the Board of Zoning Appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.
- 1001.48. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it.
- 1001.49. Story, Half. A story in which one (1) or more exterior walls intersect a sloping roof not more than two (2) feet above the floor of such story.
- 1001.50. Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.
- 1001.51. Street Centerline. That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between, and parallel to the general direction of, the outside right-of-way lines of such streets.
- 1001.52. Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A "building," as defined in 1001.7, is a "structure."
- 1001.53. Subdivision. "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdividing or to the land or area subdivided; provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the local planning commission be informed and have record of such subdivisions

- (1) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.
- (2) The division of land into parcels of five acres or more where no new street is involved.
- (3) Combining or recombining entire lots of record where no new street or change in existing streets is involved.

- 1001.54. Tourist Home. A dwelling in which sleeping accommodations in less than ten (10) rooms are provided or offered for the use of guests in return for compensation, and meals may or may not be offered. Any dwelling in which such accommodations are offered in ten (10) or more rooms shall be deemed to be a hotel as herein defined. The use of a dwelling as a tourist home shall not be considered an accessory use nor a customary home occupation.
- 1001.55. Tract. See "lot," 1001.30.
- 1001.56. Trailer. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to: 1) provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation; 2) serve as a carrier of people, new or used goods, products or equipment; 3) be used as a selling, advertising or display device. For purposes of this Ordinance, the term "trailer" shall not include the terms "camper," "mobile home," or "house trailer."
- 1001.57. Trailer House. The term "house trailer," for purposes of this Ordinance, shall be interchangeable with the term "Mobile Home," as defined in 1001.37.
- 1001.58. Use, Accessory. See "Accessory," 1001.1.
- 1001.59. Use, Principal. The primary purpose for which a lot is occupied and/or used.
- 1001.60. Variance. A modification of the strict terms of this Ordinance granted by the Board of Zoning Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property

owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

- 1001.61. Yard. A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.
- 1001.62. Yard, Front. A yard situated between the front building line and the front lot line extending the full width of the lot.
- 1001.63. Yard, Rear. A yard situated between the rear building line and the rear lot line and extending the full width of the lot.
- 1001.64. Yard, Side. A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.
- 1001.65. Zoning District. See "District," 1001.13.
- 1001.66. Extraterritorial Limits. The territorial boundaries of the planning area established pursuant to the extraterritorial jurisdiction agreement entered into with the Chesterfield County delegation in January of 1971.

ARTICLE XI

LEGAL STATUS PROVISIONS

~~Section 1100. Adoption of Ordinance. The Zoning Ordinance of The Town of Chesterfield, prepared for the town in June, 1971, by the State Planning and Grants Division, Office of the Governor, is hereby adopted, nunc pro tunc, to June 1, 1971. All acts by the Mayor and Council, the Planning Commission and the Board of Zoning Appeals and of any town employees, pursuant to said Ordinance, are hereby declared to be lawful and valid.~~

~~Section 1100. Separability. Should any section or provision of this Ordinance or application of a provision under this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part or application so declared to be unconstitutional or invalid.~~

~~Section 1101. Conflict with Other Laws. Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the~~

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

~~Section 1102. Validity. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.~~

~~Section 1103. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.~~

~~Section 1104. Effective Date. This Ordinance shall take effect and be in force from and after the date of its adoption by the Chesterfield Mayor and Council.~~

ADOPTED THIS _____ DAY OF _____, 1999.

First reading _____ Mayor _____

Second reading _____ ATTEST: _____
Town Clerk