

A detailed map of Chesterfield, Missouri, showing various zoning districts. The map features a network of streets, including major roads like Highway 145 and Highway 102. Shaded areas represent different zoning districts, and a dashed line indicates a specific boundary. The text 'ZONING ORDINANCE THE TOWN OF CHESTERFIELD' is centered over the map, flanked by two horizontal lines.

ZONING ORDINANCE
THE TOWN OF CHESTERFIELD

2026

Zoning Ordinance of the Town of Chesterfield

2026

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Article 1

Purpose, Authority, and Enactment Clause

1-1 Purpose

The purpose of the ordinance is to guide development in accordance with the existing and future needs and to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the Town of Chesterfield. The regulations set forth herein are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of expenditures; to conserve the value of land and buildings; and to encourage the most appropriate use of land and buildings and structures.

1-2 Scope

From the effective date of this ordinance, in the Town of Chesterfield, the use of all land and all buildings or portions thereof erected, altered with respect to area, added to, or relocated, and every use within a building or use accessory thereto, shall be in conformity with the provisions of this ordinance. Any existing buildings or structures and existing use of buildings or land not in conformity with the regulations herein prescribed shall be regarded as non-conforming but may be subject to the regulations herein provided in respect to non-conforming buildings or uses.

1-3 Authority and Enactment Clause

The provisions of this ordinance are adopted under the authority granted by the South Carolina Code of Law, 1976, 1994 Cumulative Update, Title 6, Chapter 29.

1-4 Short Title

This ordinance shall be known and may be cited as the “The Zoning Ordinance of Chesterfield, South Carolina.”

1-5 Interpretation

The provisions of this ordinance are minimum requirements and, where conflicts with other laws occur, the stricter shall apply.

1-6 Jurisdiction

The regulations set forth in this ordinance shall be applicable within the corporate limits of the Town of Chesterfield.

1-7 Effective Date and Compliance

The ordinance shall take effect and all regulations included herein shall be enforced after the date of its adoption by the Chesterfield Town Council.

Article 2

Definitions

2-1 Purpose

For the purpose of interpreting this ordinance, certain words, concepts, and ideas are defined herein.

2-2 Interpretation

- a. Words used in the present tense include the future tense.
- b. Words used in the singular include the plural, and words used in the plural include the singular.
- c. The word “shall” is always mandatory.
- d. The word “may” is permissive.
- e. The word “lot” includes the words “plot,” “plat,” and “parcel.”
- f. The word “structure” includes the word “building,” and the word “building” or “structure” includes any part thereof.
- g. The term “street” shall include the word “road.”
- h. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- i. The word “used” or “occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.
- j. The word “contiguous” as applied to lots or districts shall be interpreted as meaning “sharing a common boundary of 10 ft. or more in length.”
- k. The term “Joint Planning Commission” refers to the Joint Planning Commission of Chesterfield County.
- l. The terms “Council,” “Town Council,” or “Mayor and Council” refer to the legally constituted and elected governing body of the Town.
- m. The term “Board of Zoning Appeals” refers to the Board of Zoning Appeals of the Town.
- n. The term “Zoning Map” shall mean the Official Zoning Map of the Town of Chesterfield.
- o. The term “Administrator” shall mean the Zoning Administrator.
- p. The term “Ordinance” shall refer to the “Town of Chesterfield Zoning Ordinance.”

2-3 Definitions

2-3.1 *Abandonment*: To cease, either intentionally or unintentionally, from actively using land, structures, or any premises for the intended or previous purpose, but excluding temporary periods of inactivity due to remodeling, maintaining, or otherwise improving a facility.

2-3.2 *Access*: The right and/or ability of pedestrians and vehicles to enter and leave property.

2-3.3 *Accessory Dwelling Unit (ADU)*: A dwelling unit that is attached or detached from a principal building located on the same lot, for use as a complete, independent living facility. Examples include detached guest or carriage houses, basement apartments, and apartments located above garages or barns.

2-3.4 *Accessory Structure*: A detached structure that is on the same lot as a principal structure and the use of which is incidental to the use of the principal structure.

2-3.5 *Accessory Use*: A use customarily incidental and subordinate to the principal use of a structure or lot.

2-3.6 *Addition*: An extension or increase in the footprint or floor area of an existing building or structure.

2-3.7 *Adjacent*: Having common property boundaries or lot lines or being located directly across a street right-of-way.

2-3.8 *Alley*: A public or private way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

2.3-9 *Alteration of Building*: Any changes in the supporting members of a building such as bearing wall, 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.

2.3-10 *Amendment, Text*: A change to any text of the Zoning Ordinance of Chesterfield.

2.3-11 *Amendment, Zoning Map (Rezoning)*: A change of the zoning designation of a property or properties on the Zoning Map.

2.3-12 *Appeal*: A request by an applicant for the Board of Zoning Appeals to review a decision or interpretation made by the Zoning Administrator.

2.3-13 *Awning*: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

2.3-14 *Barn*: An accessory structure used for the housing of livestock or for the storage of grain, hay, feed, crops, farm or equine equipment.

2.3-15 *Bed and Breakfast Inn*: Establishments that provide short-term lodging in private homes or small buildings converted for this purpose and include a full breakfast.

2.3-16 *Boarding House*: Establishments that provide temporary or longer-term accommodation which, for the period of occupancy, may serve as a principal residence, e.g.: fraternity houses, sorority houses, and off-campus dormitories, and workers' camps.

2.3-17 *Buffer*: A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area includes any required screening or landscaping for the site.

2.3-18 *Buildable Area*: The area of a lot remaining after the minimum yard and open space requirements of this ordinance have been met.

2.3-19 *Building*: A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced by an unbroken line for the complete circumference of the structure, which is permanently

affixed to a lot or lots, and used or intended for shelter, support or enclosure of people, animals, or property of any kind.

2.3-20 *Building Line*: A line which represents the distance that a building or structure must be set back from a lot boundary line or street right-of-way line. In all cases, the building lines of a lot shall be determined to run parallel to right-of-way lines and lot boundary lines.

2.3-21 *Building Permit*: A permit obtained from Chesterfield County which sets the inspection schedule and construction techniques for a project.

2.3-22 *Campgrounds*: Establishments that accommodate campers and equipment, including tents, tent trailers, travel trailers, and RVs (recreational vehicles). These establishments may provide access to facilities such as washrooms, laundry rooms, recreation halls, playgrounds, stores, and snack bars. A manufactured home park shall not be deemed a campground.

2.3-23 *Canopy*: A permanent structure other than an awning attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

2.3-24 *Cemetery*: Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries.

2.3-25 *Certificate of Appropriateness*: A 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 of the historic district.

2.3-26 *Child Care Services*: Establishments that provide early learning opportunities for infants and children. These establishments generally care for children from birth through school age and may also offer pre-

kindergarten, kindergarten, and/or before- or after-school educational programs. The care and early learning provided by these establishments may include opportunities for development in health, social and emotional learning, and family engagement.

2.3-27 *Church*: See “Religious Organizations.”

2.3-28 *Commercial, Professional Services*: Establishments that provide services which supply general needs of an intangible nature to the public, e.g.: financial and insurance services, real estate/rental/leasing services, legal and account service, etc.

2.3-29 *Common Open Space*: Land and/or water areas within a site designated for development, not individually owned or dedicated for public use, designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

2.3-30 *Common Open Space, Improved*: Common open space which has been improved with recreational areas and amenities, such as, but not limited to: ballfields, tennis courts, swimming pools, nature trails, clubhouses, etc.

2.3-31 *Conditional Use*: A use which is subject to the regulations set forth by this ordinance and may be permitted after review and approval by the Zoning Administrator. Appendix A identifies, within each district, uses that may be allowed by conditional use.

2.3-32 *Contiguous*: Lots/Districts next to, abutting, or sharing a common boundary of 10ft. or more in length, which include properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term “contiguous” shall also mean “abutting” “adjoining” or “adjacent.”

2.3-33 *Country Club*: A private facility, open to members and their guests, that operates golf courses, along with dining facilities and other recreational facilities/services.

2.3-34 *Density*: A ratio expressed as the number of dwelling units per acre. The ratio is derived by dividing the total number of dwelling units by the

total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open spaces. Unless otherwise stated in this Ordinance, density requirements are expressed in units per gross acre.

2.3-35 Development: The construction of any building or structure, any increase in impervious area, the making of any material change in the use of any structure or land, or the division of land into 2 or more parcels, lots, building sites, or building units.

2.3-36 Distribution Use: A use in which products or goods are brought in or manufactured on-site and are trucked off-site.

2.3-37 District: See Zoning District

2.3-38 Drinking places: A commercial establishment that engages in the preparation and serving of alcoholic beverages for immediate consumption. These establishments may also provide limited food services. Also known as “bars” and “taverns.”

2.3-39 Drive-through use/facility: A facility designed to enable a person to transact business while remaining in a motor vehicle. This includes drive-in facilities in which vehicles pull into a designated parking spot to transact business.

2.3-40 Dwelling: A building or portion of a building arranged or designed to provide living quarters for one household. The terms "dwelling" and "residence" shall be interchangeable.

2.3-41 Dwelling, Single-Detached: A detached dwelling, other than a manufactured home, designed or occupied exclusively by one household on a single lot.

2.3-42 Dwelling, Duplex: A dwelling arranged or designed to be occupied by 2 households in separate dwelling units living independently of each other on a single lot.

2.3-43 Dwelling, Multiple: A building or series of buildings on the same lot or portions thereof used or designed as dwelling for 3 or more households

living independently of each other, with the number of households in residence not exceeding the number of dwelling units provided. The terms "multiple dwelling" and "multi-dwelling" are synonymous and are used interchangeably throughout this ordinance.

2.3-44 Gross Floor Area: The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas.

2.3-45 Ground Cover: Low growing plants such as grasses, ivies, creeping bushes, and similar decorative plantings. Where required by this ordinance, ground covers shall have the capability of soil stabilization and erosion control.

2.3-46 Group Home: Establishments that provide residential and personal care services for individuals that cannot live with their families, excluding residential intellectual and developmental disability facilities, residential mental health and substance abuse facilities, continuing care retirement communities, and assisted living facilities for the elderly.

2.3-47 Height, Building: The vertical distance from the average grade of a structure at ground level to the top of the highest roof beam of the roof, provided that chimneys, spires, and other permitted appendages are not included in the height measurement.

2.3-48 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.

2.3-49 Historic Property: An area (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 the a historic district.

2.3-50 *Home Occupation*: Any use conducted entirely within a dwelling and carried on by the occupants thereof, of 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 who is not a resident of the premises is employed specifically in connection with the activity.

2.3-51 *Home Occupation, Child Care*: A home occupation that may provide care for children within a residence occupied by the operator. A license from the South Carolina Department of Social Services (DSS) is required and the provider must meet all DSS regulations/requirements.

2.3-52 *Household*: 1 or more people who live in the same dwelling.

2.3-53 *Hotel, Motel*: A facility offering transient lodging accommodations to the public and may provide additional services such as restaurants, meeting rooms, and recreation facilities.

2.3-54 *Impervious Surface*: A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. This includes, but is not limited to, surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, swimming pool surrounds and other similar structures. Slatted decks are not considered impervious.

2.3-55 *Improvement*: The construction of buildings and the establishment of basic services and amenities associated with development activity including, but not limited to, streets and sidewalks, parking areas, water and sewer systems, drainage systems, property markers and monuments, and recreational facilities (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks, etc.).

2.3-56 *Junkyard (Salvage yard)*: Any land or part thereof, whether inside or outside of a 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.

2.3-57 *Loading Space, Off-Street*: An off-street space or berth on the same lot with a building or contiguous with a group of buildings for the temporary

parking of commercial vehicles while loading or unloading merchandise or materials.

2.3-58 *Lot*: A single parcel of land. The terms “parcel,” “property,” “plot,” and “tract” are interchangeable.

2.3-59 *Lot, Corner*: A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lines to the lot meet at an interior angle of less than 135 degrees.

2.3-60 *Lot, Double Frontage*: A lot, other than a corner lot, which has frontage on two streets that are not intersecting. Also known as a “through lot.”

2.3-61 *Lot, Flag*: An irregularly shaped lot where the building portion of the lot is connected to its street frontage by an arm or “pole” of the lot. The pole portion does not meet the minimum lot width requirement of the district, but the building portion of the lot does.

2.3-62 *Lot, Interior*: A lot, other than a corner lot, with only 1 frontage on a street.

2.3-63 *Lot, Reverse Frontage*: A lot on which the frontage is at right angles or approximate right angles (interior angles less than 135 degrees) to the general pattern in the area. A reverse frontage lot may also be a corner lot, an interior lot or a through lot.

2.3-64 *Lot Area*: The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way; then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 ft. from the center of the traveled portion of the street.

2.3-65 *Lot Depth*: The horizontal distance between the front and rear lot lines. Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear

property line or, where there is no rear lot line, to the most distant point on any other lot line.

2.3-66 *Lot Line*: A line bounding a lot that divides one lot from another or from a street or any other public or private space.

2.3-67 *Lot of Record*: A lot which, individually or as a part of subdivision, has been separately designated by plat or deed, and recorded with the Register of Deeds.

2.3-68 *Lot Width*: The horizontal distance between the side lot lines, measured at the required minimum front yard setback parallel to the front property line. For flag lots, the front setback shall be set at the location where the minimum lot width is first met.

2.3-69 *Manufactured (Mobile) Home*: Movable or portable dwellings on wheels or on a permanent foundation of masonry units cemented together and supported on concrete footings; conforming to typical construction standards for the area of location. The unit is constructed to be towed on its own chassis and designed for year-round occupancy, which includes 2 or more units separately towable but designed to be joined into 1 integral unit, as well as a portable dwelling composed of a single unit.

2.3-70 *Manufactured (Mobile) Home Park*: Premises where 2 or more manufactured homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for manufactured homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of manufactured homes on such premises.

2.3-71 *Manufacturing*: The assembly, fabrication, production, or processing of goods and materials. This shall not include resource extraction and recycling or salvage operations.

2.3-72 *Mining/Quarrying*: The act or process of digging, excavating or tunneling for the purpose of removing some natural material for sale or trade.

2.3-73 Modular Home: A dwelling unit which is constructed in compliance with the Southern Standard Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

2.3-74 Nonconforming Lot: A lot that complied with the ordinance at the time it was established, but which, because of subsequent changes in the ordinance, no longer fully complies. Also known as “Nonconforming Lot of Record” or “Nonconforming Sites.”

2.3-75 Nonconforming Sign: A sign that complied with the ordinance at the time it was erected, but which, because of subsequent changes to the ordinance, no longer fully complies.

2.3-76 Nonconforming Structure: A structure that complied with the ordinance at the time it was built, but which, because of subsequent changes to the ordinance, no longer fully complies.

2.3-77 Nonconforming Use: A use that was allowed under the ordinance at the time the use was established, but which, because of subsequent changes in the ordinance, is no longer permitted.

2.3-78 Nonpermanent Building/Structure: A building/structure that is erected or installed while a permanent location is being constructed, renovated, or otherwise modified. Building/structure intended for a limited use of more than 1 year but less than 5 years, e.g.: relocatable classrooms, mobile/transportable medical units, and commercial portable/relocatable/modular buildings.

2.3-78 Nuisance: Any activity which is judged by the Town Council or the appropriate agency thereto to emit noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation, or other injurious or obnoxious conditions beyond the premises of such activity, or which poses a documented threat to water or wetlands within the Town limits of the Town of Chesterfield.

2.3-79 Office Use: Professional occupations within a building or buildings which do not generally involve the on-site sale of goods to customers.

2.3-80 *Opaque Screen*: The composition of a buffer that completely screens a use from adjacent properties using one or combination of the following: evergreen landscaping, solid fence or wall, or landscaped berm.

2.3-81 *Outdoor Storage*: The storage of goods, products, or vehicles as an accessory use by their owner or on a commercial basis outside of a permanently constructed building.

2.3-82 *Owner*: An owner of property or the authorized agent of an owner.

2.3-83 *Park*: Areas developed either for passive or active recreational activities. The term "park" shall not include zoos, travel trailer parks, amusement parks, or vehicle, equestrian or dog racing facilities.

2.3-84 *Parking Lot*: Any public or private open area used for the express purpose of parking automobiles and other vehicles.

2.3-85 *Parking Space*: A space of not less than 9 ft. by 18 ft. provided within any public or private open area used for the express purpose of parking automobiles or other vehicles.

2.3-86 *Personal Care Services*: Services that provide appearance care services to individuals.

2.3-87 *Premises*: A lot or tract of land, including the buildings or structures thereon.

2.3-88 *Principal Structure*: A building in which the principal use is conducted on the lot on which said building is situated or the main building on a parcel of land. Also known as the "principal building."

2.3-89 *Principal Use*: The primary or predominant use of any lot.

2.3-90 *Recreation Facility/Recreation Industries*: Establishments that operate facilities where patrons can primarily engage in sports, recreation, amusement, and/or provide other amusement and recreation services.

2.3-91 *Recreation Vehicle*: A vehicular-type portable structure without a permanent foundation, which can be towed, hauled, or driven, and is

primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes. Any such unit bearing RVIA, ANSI 119.5, and/or NFPA 1192 certification.

2.3-92 Religious Organizations: Establishments that operate religious organizations and/or administer an organized religion. Sites may include an accessory area for the interment of the dead.

2.3-93 Residential Care Facilities: An institutional facility that provides inpatient nursing and residential care to the elderly and other persons who are unable to fully care for themselves and/or persons who do not desire to live independently, or to people with intellectual and developmental disabilities, mental illness, or substance abuse problems.

2.3-94 Retail Trade: Establishments that engage in selling goods or merchandise to the public for personal or household consumption and offer after-sales services.

2.3-95 Rezoning: See Amendment, Zoning Map.

2.3-96 Right-of-Way: Land subject to use as a street, alley, or crosswalk or for drainage or other public purposes.

2.3-97 Screening: A fence, wall, hedge, landscaping, earth berm, buffer area, or any combination of these provided to create a visual and/or physical separation between certain land uses or around outdoor storage or mechanical equipment.

2.3-98 Setback: A required yard between a street right-of-way or lot line and the principal building on a lot. Parking is permitted in setback areas.

2.3-99 Setback, Front: The required distance from the fronting or primary street right-of-way to a structure.

2.3-100 Setback, Rear: The required distance from the rear property line to a structure

2.3-101 *Setback, Side*: The required distance from the side property line to a structure.

2.3-102 *Setback, Side Corner*: The required distance from the non-fronting or non-primary street right of way to a structure.

2.3-103 *Setback, Sign*: The required distance from the property line or right-of-way to the nearest point of the sign or its supporting member.

2.3-104 *Sexually Oriented Business*: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, or sexual encounter center.

2.3-105 *Sign*: Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

2.3-106 *Site*: A space or piece of ground occupied or planned for occupation by structures or a set of structures and support improvements.

2.3-107 *Special Exception*: A use that is not permitted by right, but which may be permitted after review and approval by the Board of Zoning Appeals. Appendix A identifies, within each district, uses that may be allowed by special exception.

2.3-108 *Street*: A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

2.3-109 *Street Centerline*: The line surveyed and recorded 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.

2.3-110 *Structure*: Anything constructed, erected or established, the use of which requires permanent location on the ground. A "building," as defined in this section, is a "structure."

2.3-111 *Telecommunication Tower*: A tower, pole, or similar structure which supports a telecommunication antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building. This does not include private home-use television reception antennae and satellite dishes, or communication towers for amateur radio operation licensed by the Federal Communications Commission (FCC).

2.3-112 *Telecommunication Tower Fall Zone*: The area within which a telecommunication tower can be predicted to collapse in the event of failure.

2.3-113 *Temporary Uses*: Buildings placed on a lot for a specific purpose, and which are to be removed within a specified time period.

2.3-114 *Use*: The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied and maintained.

2.3-115 *Utility*: Establishments that provide electric power, natural gas, steam supply, water supply, and/or sewage treatment and disposal through a permanent infrastructure of lines, mains, and pipes.

2.3-116 *Variance*: A departure from the strict terms or express provisions of this ordinance granted by the Board of Zoning Appeals under the conditions of this ordinance.

2.3-117 *Vested Right*: The right to undertake and complete a development or use of property under the terms and conditions of an approved Site-Specific Plan currently in effect or as otherwise allowed by law.

2.3-118 *Yard*: An open, unoccupied space on the same lot with a principal building and unobstructed by building or structures from ground to sky, except where encroachments and accessory buildings and structures are expressly permitted.

2.3-119 *Yard, Front*: An open, unoccupied space on the same lot with a principal building, situated between the front building line and the front lot line which extends the full width of the lot.

2.3-120 *Yard, Rear*: An open, unoccupied space on the same lot with a principal building, situated between the rear building line and the rear lot line which extends the full width of the lot.

2.3-121 *Yard, Side*: An open, unoccupied space on the same lot with a principal building, situated between a side lot line and a side lot line extending from the front yard to the rear yard.

2.3-122 *Warehouse, Self-Storage*: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis that does not include outdoor storage.

2.3-123 *Warehouse (and Storage)*: Establishments that provide warehouse and storage facilities for goods/products. These establishments do not sell goods/products but may provide logistic services related to the distribution of goods/products, e.g.: general, refrigerated, farm, and other warehousing and storage.

2.3-124 *Wholesale Trade*: Establishments that engage in wholesaling merchandise or rendering services incidental to the sale of merchandise, e.g.: motor vehicles, furniture, construction materials, machinery and equipment (including household-type appliances), metals and minerals (except petroleum), sporting goods, toys and hobby goods, recyclable materials, and parts.

2.3-125 *Zoning Compliance Permit*: A document issued by the Zoning Administrator that ensures the use or building proposed for a particular location is permitted in that District and meets the requirements of the ordinance. A Zoning Compliance Permit is required to obtain either a building permit or a business license.

2.3-126 *Zoning District*: The term applied to various geographical areas of the Town of Chesterfield for purposes of interpreting the provisions of this ordinance. The Districts are designated with the use of symbols on the

Official Zoning Map. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this ordinance.

Article 3

Establishment of Zoning Districts and Map

3-1 Establishment of Zoning Districts

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

Map Symbol	Districts
FA	Forest Agricultural
R10	Low Density Residential
GR	General Residential
NC	Neighborhood Commercial
GC	General Commercial
CC	Core Commercial District
BI	Basic Industrial District
HP	Historic Preservation District

3-2 Zoning District Boundaries and the Official Map

The boundaries of the zoning districts are shown on a map entitled “Official Zoning Map Town of Chesterfield, South Carolina,” which, together with all explanatory matter, is 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 bear the seal of the town under the following words: “Official Zoning Map Town of Chesterfield, South Carolina," together with the date of the adoption of the ordinance.

If, in accordance with the provisions of this ordinance and the South Carolina Code of Laws, 1976, 1994 Cumulative Update, Title VI, Chapter 29, Section 760, changes are made in the districts, boundaries, or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the amendment(s) have been made by the Chesterfield Town Council. No amendment(s) to this ordinance which involves matters portrayed on the Map shall become effective until after such changes have been made on the Map.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made, sold, or published, the Official Zoning Map shall be located in the Town Clerk's office for the Town of Chesterfield, and an official copy shall be maintained in the office of the Chesterfield County Administrator. The Official Zoning Map for the Town of Chesterfield shall be the final authority as to the current zoning status of the lands, water areas, buildings, and other structures in the Town of Chesterfield.

3-3 Interpretation of District Boundaries

Where boundaries of districts are shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries are intended to follow the centerline of streets, highways, or alleys, platted lot lines, or Town limits.
- b. Boundaries not indicated on the Official Zoning Map shall be determined by the scale of the Map.
- c. Disputes over district boundaries shall be settled by the Board of Zoning Appeals.

3-4 Zoning of Annexed Property

Where town limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

- a. The new land area(s) incorporated or otherwise annexed shall be assigned a zoning classification at the time of annexation. The ordinance to annex the territory will establish a zoning classification for the property based on the consideration of the current use of the property, the Joint Comprehensive Plan of Chesterfield County, and the current zoning of neighboring property.
- b. In all cases where additions or deletions in the Town of Chesterfield's total land area(s) require adjustments in the Zoning District boundaries, aforementioned amendments shall be made on the Zoning Map within 60 days and the date of Council action shall be noted.

Article 4

Zoning District Regulations

The following regulations pertain to the districts established by this ordinance:

4-1 FA – Forest Agricultural District

4-1.1 *Purpose:* The intent of this district is to protect and preserve areas of the Town which are presently rural or agricultural in character/use and are not likely to be developed in the immediate future. Where low density residential use is permitted within the district, strict quality standards should be followed.

4-1.2 *Permitted Principal Uses:* A building or premise shall be used only for the purposes identified by a 'P' in the FA column of Appendix A of this ordinance.

4-1.3 *Conditional Uses:* Administrative review and approval in accordance with Article 8 shall be a prerequisite to the issuance of a building permit for any conditional use identified by a 'C' in the FA column of Appendix A of this ordinance.

4-1.4 *Special Exceptions:* Review and approval by the Town of Chesterfield Board of Zoning Appeals in accordance with Article 10, Section 10-2.2 shall be a requirement before any uses identified by an 'S' in the FA column of Appendix A of this ordinance.

4-1.5 *Development Standard:* Notwithstanding development standards set forth elsewhere by this ordinance, the following requirements shall apply within the FA District:

Lot Requirements Single-Detached Dwellings	
Minimum Lot Area in Square Feet	217,580 sq. ft.
Minimum Lot Area in Acre(s)	5 acres
Minimum Lot Width	100 ft.

Lot Requirements Single-Detached Dwellings	
Minimum Yard and Building Setbacks	Front: 100 ft.
	Side: 25 ft.
	Rear: 50 ft.
Maximum Height of Buildings	35 ft.

4-1.6 *Off-Street Parking*: Off-street parking requirements for the uses permitted herein or conditionally allowed are established in Article 7.

4-2 R10 – Low Density Residential District

4-2.1 *Purpose*: The intent of this district is to foster, preserve, and protect areas of the community in which the principal use of land is single-detached dwellings and related support facilities.

4-2.2 *Permitted Principal Uses*: Within the R10 District a building, structure, or premise shall be used only for the purposes identified by a ‘P’ in the R10 column of Appendix A of this ordinance.

4-2.3 *Conditional Uses*: Administrative review and approval in accordance with Article 8 shall be a prerequisite to the issuance of a building permit for any conditional use identified by a ‘C’ in the R10 column of Appendix A of this ordinance.

4-2.4 *Special Exceptions*: Review and approval by the Town of Chesterfield Board of Zoning Appeals in accordance with Article 10, Section 10-2.2 shall be a requirement before any uses identified by an ‘S’ in the R10 column of Appendix A of this ordinance.

4-2.5 *Development Standard*: Notwithstanding development standards set forth elsewhere by this ordinance, the following requirements shall apply within the R10 District:

Lot Requirements Single-Detached Dwellings	
Minimum Lot Area in Square Feet	12,500 sq. ft.
Minimum Lot Area in Acre(s)	0.29 acre
Maximum Density (dwelling units per gross area)	2 dwelling units
Minimum Lot Width	60 ft.
Minimum Yard and Building Setbacks	Front: 25 ft.
	Side: 10 ft.
	Rear: 15 ft.
Maximum Height of Buildings	35 ft.

4-2.6 Off-Street Parking: Off-street parking requirements for the uses permitted herein or conditionally allowed are established in Article 7.

4-3 GR - General Residential District

4-3.1 Purpose: The intent of this district is to foster, preserve, and protect areas of the community in which the principal use of land is low and medium density residential dwellings and related support facilities.

4-3.2 Permitted Principal Uses: Within the GR District a building, structure, or premise shall be used only for the purposes identified by a ‘P’ in the GR column of Appendix A of this ordinance.

4-3.3 Conditional Uses: Administrative review and approval in accordance with Article 8 shall be a prerequisite to the issuance of a building permit for any conditional use identified by a ‘C’ in the GR column of Appendix A of this ordinance.

4-3.4 *Special Exceptions*: Review and approval by the Town of Chesterfield Board of Zoning Appeals in accordance with Article 10, Section 102.2 shall be a requirement before any uses identified by an ‘S’ in the GR column of Appendix A of this ordinance.

4-3.5 *Development Standard*: Notwithstanding development standards set forth elsewhere by this ordinance, the following requirements shall apply within the GR District:

Lot Requirements Single-Detached Dwellings	
Minimum Lot Area in Square Feet	7,500 sq. ft.
Minimum Lot Area in Acre(s)	0.17 acre
Maximum Density (dwelling units per gross area)	5.8 dwelling units
Minimum Lot Width	50 ft.
Minimum Yard and Building Setbacks	Front: 25 ft.
	Side: 10 ft.
	Rear: 15 ft.
Maximum Height of Buildings	35 ft.

Lot Requirements Duplex Dwelling	
Minimum Lot Area in Square Feet	8,000 sq. ft.
Minimum Lot Area in Acre(s)	0.18 acre
Maximum Density (dwelling units per gross area)	10 dwelling units
Minimum Lot Width	50 ft.

Lot Requirements Duplex Dwelling	
Minimum Yard and Building Setbacks	Front: 25 ft.
	Side: 10 ft.
	Rear: 15 ft.
Maximum Height of Buildings	35 ft.

Lot Requirements Multiple Dwelling	
Minimum Lot Area in Square Feet	21,780 sq. ft.
Minimum Lot Area in Acre(s)	0.5 acre
Maximum Density (dwelling units per gross area)	12 dwelling units
Minimum Lot Width	50 ft.
Minimum Yard and Building Setbacks	Front: 25 ft.
	Side: 10 ft.
	Rear: 15 ft.
Maximum Height of Buildings	35 ft.

4-3.6 Off-Street Parking: Off-street parking requirements for the uses permitted herein or conditionally allowed are established in Article 7.

4-4 NC – Neighborhood Commercial District

4-4.1 Purpose: The intent of this district is to foster, preserve, and protect areas of the community in which the principal use of land is low density residential dwellings and neighborhood-oriented uses.

4-4.2 *Permitted Principal Uses:* Within the NC District a building, structure, or premise shall be used only for the purposes identified by a ‘P’ in the NC column of Appendix A of this ordinance.

4-4.3 *Conditional Uses:* Administrative review and approval in accordance with Article 8 shall be a prerequisite to the issuance of a building permit for any conditional use identified by a ‘C’ in the NC column of Appendix A of this ordinance.

4-4.4 *Special Exceptions:* Review and approval by the Town of Chesterfield Board of Zoning Appeals in accordance with Article 10, Section 102.2 shall be a requirement before any uses identified by an ‘S’ in the NC column of Appendix A of this ordinance.

4-4.5 *Development Standard:* Notwithstanding development standards set forth elsewhere by this Ordinance, the following requirements shall apply within the NC District:

Lot Requirements Single-Detached Dwellings	
Minimum Lot Area in Square Feet	6,000 sq. ft.
Minimum Lot Area in Acre(s)	0.14 acres
Minimum Lot Width	50 ft.
Minimum Yard and Building Setbacks	Front: 25 ft.
	Side: 10 ft.
	Rear: 15 ft.
Maximum Height of Buildings	35 ft.

Lot Requirements Duplex Dwelling	
Minimum Lot Area in Square Feet	3,000 sq. ft.
Minimum Lot Area in Acre(s)	0.07 acre
Minimum Lot Width	50 ft.
Minimum Yard and Building Setbacks	Front: 25 ft.
	Side: 10 ft.
	Rear: 15 ft.
Maximum Height of Buildings	35 ft.

4-4.6 Off-Street Parking: Off-street parking requirements for the uses permitted herein or conditionally allowed are established in Article 7.

4-5 GC – General Commercial District

4-5.1 Purpose: The intent of this district is to accommodate the broadest possible range of commercial uses, determined principally by market conditions, while protecting the environment from potentially objectionable uses.

4-5.2 Permitted Principal Uses: Within the GC District a building, structure, or premise shall be used only for the purposes identified by a ‘P’ in the GC column of Appendix A of this ordinance.

4-5.3 Conditional Uses: Administrative review and approval in accordance with Article 8 shall be a prerequisite to the issuance of a building permit for any conditional use identified by a ‘C’ in the GC column of Appendix A of this ordinance.

4-5.4 Special Exceptions: Review and approval by the Town of Chesterfield Board of Zoning Appeals in accordance with Article 10, Section 10-2.2 shall

be a requirement before any uses identified by an ‘S’ in the GC column of Appendix A of this ordinance.

4-5.5 Development Standard: Notwithstanding development standards set forth elsewhere by this ordinance, the following requirements shall apply within the GC District:

Lot Requirements Commercial and Nonresidential Uses	
Minimum Lot Area in Square Feet	6,000 sq. ft.
Minimum Lot Area in Acre(s)	0.14 acre
Minimum Lot Width	50 ft.
Minimum Yard and Building Setbacks	Front: 25 ft.
	Side: 10 ft.
	Rear: 15 ft.
Maximum Height of Buildings	35 ft.

4-5.6 Off-Street Parking: Off-street parking requirements for the uses permitted herein or conditionally allowed are established in Article 7.

4-6 CC - Core Commercial District

4-6.1 Purpose: The intent of this district is to promote the concentration and vitality of general business development, while discouraging industrial and wholesale developments.

4-6.2 Permitted Principal Uses: Within the CC District a building, structure, or premise shall be used only for the purposes identified by a ‘P’ in the CC column of Appendix A of this ordinance.

4-6.3 Conditional Uses: Administrative review and approval in accordance with Article 8 shall be a prerequisite to the issuance of a building permit for

any conditional use identified by a ‘C’ in the CC column of Appendix A of this ordinance.

4-6.4 Special Exceptions: Review and approval by the Town of Chesterfield Board of Zoning Appeals in accordance with Article 10, Section 10-2.2 shall be a requirement before any uses identified by an ‘S’ in the CC column of Appendix A of this ordinance.

4-6.5 Development Standard: Notwithstanding development standards set forth elsewhere by this ordinance, the following requirements shall apply within the CC District:

Lot Requirements Commercial and Nonresidential Uses	
Minimum Lot Area in Square Feet	Not Applicable
Minimum Lot Area in Acre(s)	Not Applicable
Minimum Lot Width	Not Applicable
Minimum Yard and Building Setbacks	Front: Not Applicable
	Side: Not Applicable
	Rear: Not Applicable
Maximum Height of Buildings	Not Applicable

4-6.6 Off-Street Parking: Off-street parking requirements for the uses permitted herein or conditionally allowed are established in Article 7.

4-7 BI – Basic Industrial District

4-7.1 Purpose: The intent of this district is to accommodate wholesaling, distribution, storage, processing, and light to medium manufacturing in an environment suited to such uses and to preserve undeveloped tracts of land for such uses.

4-7.2 *Permitted Principal Uses:* Within the BI District a building, structure, or premise shall be used only for the purposes identified by a 'P' in the BI column of Appendix A of this ordinance.

4-7.3 *Conditional Uses:* Administrative review and approval in accordance with Article 8 shall be a prerequisite to the issuance of a building permit for any conditional use identified by a 'C' in the BI column of Appendix A of this ordinance.

4-7.4 *Special Exceptions:* Review and approval by the Town of Chesterfield Board of Zoning Appeals in accordance with Article 10, Section 10-2.2 shall be a requirement before any uses identified by an 'S' in the BI column of Appendix A of this ordinance.

4-7.5 *Development Standard:* Notwithstanding development standards set forth elsewhere by this ordinance, the following requirements shall apply within the BI District:

Lot Requirements Commercial and Nonresidential Uses	
Minimum Lot Area in Square Feet	435,600 sq. ft.
Minimum Lot Area in Acre(s)	10 acres
Minimum Lot Width	100 ft.
Minimum Yard and Building Setbacks	Front: 50 ft.
	Side: 50 ft.
	Rear: 50 ft.
Maximum Height of Buildings	35 ft.

4-7.6 *Off-Street Parking:* Off-street parking requirements for the uses permitted herein or conditionally allowed are established in Article 7.

4-8 HP – Historic Preservation Overlay District

4-8.1 Purpose: The intent of this district is to enhance, preserve, and protect the distinctive architectural and cultural heritage of the community.

4-8.2 Permitted Principal Uses: This is an overlay district and shall operate in conjunction with any zoning district over which it is imposed.

Within the HP Overlay District, a building, structure, or premise shall be used only as permitted by the underlying zoning district, subject to the additional requirements and standards of Article 8, Section 10-3.

4-8.3 Conditional Uses: The Architectural Review Board (ARB), shall approve all conditional uses in accordance with Article 8, Section 10-3.

4-8.4 Development Standard: The ARB shall construct and maintain a set of specific design standards for the HP Overlay District.

Article 5

General and Supplement Regulations

The regulations set forth in the Article clarify, supplement, or modify the district regulations in Article 4 of this ordinance.

5-1 Application of Regulations

The various zoning district regulations herein are declared to be the minimum requirements necessary to carry out the purpose of this ordinance. These regulations apply to each class or kind of structure or land and are the minimum aesthetic standards for all site clearing, development, buildings, structures or alterations to land within the Town of Chesterfield.

5-2 Use of Land, Buildings, or Structures

- a. No land shall hereafter be used, occupied, or subdivided except in conformity with all the restrictions specified for the zoning district in which it is located.
- b. No structure shall hereafter be used, constructed, erected, moved, or altered:
 - i. To greater height, size, bulk or other dimension;
 - ii. To accommodate a greater number of households;
 - iii. To occupy a greater percentage of lot area;
 - iv. To leave a narrower or smaller rear yard, front yard, side yard, or other open space than herein required.
- c. No part of a setback, or other open space, off-street parking, or loading area required in connection with any building for the purpose of complying with this ordinance, shall be included as part of a setback, open space, or off-street parking or loading space similarly required for any other building.

5-3 Lot Reduction Prohibited

No setback 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. Setbacks or lots created after the effective date of this ordinance shall at least meet the minimum requirements established by this ordinance.

5-4 Yard Regulations

5-4.1 *Yards Abutting Streets:* Yards which abut streets shall be measured from the abutting street right-of-way line.

5-4.2 *Yards Abutting Service Lanes:* Whenever a lot abuts upon a service lane (i.e. alley), 50% of the service lane width may be considered as a portion of the required yard.

5-4.3 *Yards Located on Lots with More Than One Principal Building:*

- a. Unless expressly permitted elsewhere by this ordinance, only 1 principal structure shall be located on an individual lot of record or combination of 2 or more lots of record.
- b. Whenever a principal commercial structure with 2 or 3 uses is to be located on a lot, the required yards shall be maintained around the group of buildings.

5-4.4 *Front Yards:*

- a. The front yard requirements for the various districts shall not apply to any lot where the average existing setback line on lots located wholly or in part within 100 ft. on each side of such lot, within the same block and zoning district and fronting on the same side of the street or road as such lot, is less than the minimum setback required. In such cases, the front setback shall not be less than the average of the existing front yard on the adjacent developed lots, and in no case less than 15 ft.
- b. Where a lot fronts on 2 or more non-intersecting streets, front yards shall be provided on both streets.
- c. Where the principal building or structure is oriented to face inward, away from the street on which it fronts, said building or structure shall observe the required front yard setback for the district in which it is located.
- d. Where a frontage is divided among districts with different front yard requirements, the deepest front yard shall apply to the entire frontage.

- e. No structure other than a driveway, sign, fence, gate, sidewalk, or berm shall be erected or permitted to be located in a required front yard area.

5-4.5 *Side Yards*: Where a side yard abuts a street (corner lot), the minimum side yard requirement shall meet the minimum front yard requirements on the side adjacent to the street.

5-5 Rights-of-Way Not to Be Considered a Part of Yard, Lot, or Open Space

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

5-6 Structures Projecting into Required Yards

The following structures within the limits set forth may project into the required yards:

- a. Those objects which are excluded from the definition of a “structure” shall not be subject to regulation under interpretation of the definition of “yard.”
- b. Steps and open porches without roofs shall be allowed in any required yard.
- c. Permitted accessory structures shall be allowed in the required rear yard.
- d. Eaves, cornices, gutters, and other minor architectural features projecting less than 24 in. from the main portion of a building shall be allowed to project into any yard.
- e. Open fire escapes may extend into any required yard not more than 3.5 ft.
- f. Heat pumps or air conditioning units outside principal or accessory structures shall be placed no closer than 3 ft. from any side or rear property line.

5-7 Height and Proximity Regulations for Fences Allowed in Required Yards

Fences may be erected in front yards of any zoning district to a height not to exceed 48 in. In rear and side yards, fences may be built not closer than 3 in. to a property line and no taller than 8 ft. Any taller fencing shall be granted only as a variance by the Board of Zoning Appeals. Fencing surrounding utility sites and structures shall be exempt from the provisions of this ordinance.

5-8 Buffer Yards

Buffer yards are intended to screen non-residential development from residentially used or zoned property. Buffers shall be measured from all subject property lines into the site to be developed. Buffer yards shall not be located on any portion of public or private right-of-way. Buffer yard width shall not affect the required building setback for each zoning district.

5-8.1 *Location*: A screening buffer shall be located along the outer perimeter of a lot, extending to the lot boundary lines.

5-8.2 *Type of Buffer Yards*: Buffers shall consist of a vegetative, opaque screen measuring 4 ft. deep and 6 ft. tall or a fence measuring at least 6 ft. tall. Any combination of such buffers that offer equal protection is permitted.

5-8.3 *Vegetation*: Where natural greenery is to be used as screening, the buffer shall be a mix of either evergreen or deciduous:

- a. Shrubs which are arranged in 1 row, at a minimum, and planted at the initial height of at least 3 ft. Shrubs shall be a variety that has an average height of 6 ft. and could be expected to reach such height within 2 years; and,
- b. Trees which are arranged to reduce gaps and increase the screening effect within the view of adjacent properties.

5-8.4 *Responsibility for Buffer Yard*: When a lot is zoned and used for an industrial or commercial purpose and adjoins, at the rear or side lot line, a lot zoned and used for a residential purpose, the commercial or industrial development shall be responsible for providing screening.

5-8.5 *Topographic Circumstances*: Under certain circumstances, the Zoning Administrator may waive or modify the requirements outlined in this section. This may occur where other buffers satisfy the stipulations of this section or where strict application of the provisions would be impractical or serve no useful purpose. Circumstances may arise where underground utility locations, overhead utility line location, or mechanical equipment conflict with the implementation of these requirements.

5-9 Visibility at Intersections

5-9.1 Sight Clearance to be Maintained: On corner lots in all districts, except the Core Commercial District, a sight area shall be maintained. No obstruction (i.e. structure, fence, wall sign, shrubbery, etc.) to a sight area is to be permitted.

5-9.2 Dimensions of Sight Areas: The horizontal dimensions of sight areas are defined as triangular areas formed by the intersection right-of-way lines and a straight line joining said right-of-way lines at points which are 15 ft. from the point of intersection of the right-of-way lines in commercial and industrial districts and 25 ft. from the point of intersection of the right-of-way lines in residential districts, measured along the right-of-way lines. Such sight areas shall be established regardless of the angle of intersection of the right-of-way lines. The vertical dimensions of sight areas are defined as the vertical space between the heights of 2.5 ft. and 10 ft. in elevation above the nearest edge of street pavement of a paved street or above the nearest edge of the riding surface of an unpaved street.

5-10 Common Open Space

Common open space is land and/or water areas within the site designated for development, not individually owned or dedicated for public use, designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

5-11 Improved Common Open Space

Common open space which has been improved with recreational areas and amenities, such as, but not limited to: ballfields, tennis courts, swimming pools, nature trails, playgrounds, parks, etc.

5-12 Preservation and Maintenance of Common Open Space

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

- a. Dedication of and acceptance by the governing authority.

- b. Common ownership of the open space by a homeowners' association which assumes full responsibility for its maintenance.
- c. Deed-restricted private ownership which shall prevent development or subsequent subdivision of the open space land and provide for the maintenance responsibility.

If any private owner of open space fails to maintain the open space, the Town, in accordance with this ordinance and following reasonable notice, shall demand that deficiency of maintenance be corrected. If the owner does not comply within 30 days, the Town shall report the owner to Codes Enforcement as provided by the Town or State.

Article 6

Sign Regulations

Sign regulations serve to maintain and enhance the aesthetics of the community, minimize the possible adverse effects of signs on nearby properties, and enable fair and consistent enforcement of these regulations. A sign may be erected, placed, created, or maintained in the Town only in conformance with the standards, procedures, and requirements of these regulations.

6-1 General Provisions

The following regulations shall apply to all permitted signs:

- a. A permit shall be required for the erection, alteration, or reconstruction of any sign and shall be issued by the Zoning Administrator.
- b. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
- c. Sign illumination devices shall be placed and shielded so 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 driver. All illumination devices shall be installed in a safe manner.
- d. The placement of signs shall ensure visibility at intersections and ingress and egress drives in accordance with Article 5, Section 5-8.
- e. All sign and sign structures shall be removed within 90 days following a business closure.

6-2 Prohibited Signs

The following signs are prohibited:

- a. 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 phrase, symbol, or character in a manner that might mislead or confuse the driver of an automobile.
- b. No sign, whether temporary or permanent, except traffic signs and signals and information signs erected by a public agency approved by the Zoning Administrator, is permitted within any street or highway right-of-way.

- c. No sign shall be painted on or attached to trees, fence posts, telephone or other utility poles, rocks or other natural features. No sign shall be painted on the roof of any structure.
- d. No sign shall be placed or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed by this ordinance.
- e. No outdoor advertising (billboard) signs shall be constructed.

6-3 Signs for Which a Permit is Not Required

A permit is not required for the following types of signs:

- a. Window displays which include merchandise, pictures, or models of products/services that are incorporated as an integral part of an interior display.
- b. ATM, drive-thru, and gasoline pump signs which are attached to or made integral to such structures and give operational instructions to users, the price of the product, the brand name of the product, or descriptive information about the product.
- c. A-Frame/Sandwich board signs which are non-permanent, non-illuminated, commercial advertisements located on public sidewalks near storefronts. Such signs shall not exceed 6 sq. ft in area and 4.5 ft. in height and must maintain at least 48 in. of unobstructed pedestrian space. Signs must be removed at the close of each business day.
- d. Address/Tenant identification sign which indicates the name, street number, and owner/occupant of a lot. Such signs shall not exceed 6 sq. ft. in area.
- e. Plaques or historical markers which include names of buildings, dates of erection, historical tablets, and the like.
- f. Temporary civic, government, and institutional Signs which include official notices, community bulletins, and organizational announcements erected at the direction of a governmental agency.
- g. Temporary political campaign signs which shall not be placed on any Town-owned property. Such signs shall not exceed 16 sq. ft. in area and shall not exceed a period of 7 days following the conclusion of the campaign.
- h. Temporary seasonal displays which are located on private property and do not advertise a product/service. Such displays shall not exceed a period of 45 days.

- i. Temporary residential signs which include personal messages (birth announcements, anniversaries, birthdays, etc.) and do not exceed 4 sq. ft. in area and 3 ft. in height. Such signs shall not exceed a period of 7 days.
- j. Temporary real estate sales and leasing signs which include 1 sign per individual lot and do not exceed
 - i. 4 sq. ft in area and 4 ft. in height in residential districts.
 - ii. 16 sq. ft. in area and 6 ft. in height in commercial districts.
 - iii. Such signs shall not exceed a period of 15 days after the closing of the sale or lease.
- k. Temporary construction signs which identify the name of the project, the architect, engineer, contractor, and owner. Such signs shall not exceed 100 sq. ft. in area and 8 ft. in height and shall not exceed a period of 30 days after completion of construction.

6-4 Permitted Sign Standards by Type

Permitted Signs are subject to the standards detailed in the table below.

Permitted Sign Standards

Sign Type	Maximum Area	Maximum Height	Other Requirements	Maximum Number
Awning Signs: Signs integrated into traditional storefront awnings that project over a sidewalk from the building facade.	30% of the awning area	3 ft.	Signs shall not be illuminated.	1 per public entrance
Free Standing/Ground Signs: Signs erected independent of a building, with an integral support structure.	80 sq. ft. in sign area	15 ft.	5 ft. minimum setback from street right-of-way.	1 per street frontage
Projecting Signs: Pedestrian-scaled signs mounted to the side of the building which can be read from both sides.	8 sq. ft. in sign area	No signs shall extend above roofline.	All lettering and graphics shall be permanent.	1 per public entrance

Sign Type	Maximum Area	Maximum Height	Other Requirements	Maximum Number
Temporary Commercial Signs: Signs displayed on a premise for a limited amount of time, including banners, feather flags, inflatables, portable signs, message boards, etc.	24 sq. ft. in sign area	5 ft.	5 ft. minimum setback from street right-of-way.	1 per street frontage per business, not to exceed 90 days per calendar year.
Wall Signs: Signs attached, erected against, or painted (parallel) on the wall or window of a building or structure.	Front: 20% of exterior wall.	No signs shall extend above roofline.	12 in. maximum protrusion.	Not to exceed the total amount of sign area permitted within the zoning district where the sign is to be located.
	Side or Rear: 25% of exterior wall.			

6-5 Other Permitted Sign Standards

6-5.1 Digital and Electronic Changing Message Signs: Digital and Electronic Changing message signs are permitted subject to the following provisions:

- a. All messages, images, or displays on a digital sign or electronically changing message sign shall remain unchanged for a minimum of 6 seconds.
- b. The time interval used to change from one complete message, image, or display to the next complete message, image, or display shall be a maximum of 1 second.
- c. There shall be no appearance of a visual dissolve or fading, in which any part of 1 message, image or display appears simultaneously with a part of a 2nd message, image or display.
- d. There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement or flow of the message, image or display within the sign.
- e. The intensity and contrast of light levels shall remain constant throughout the sign face.

- f. Each digital sign or electronically changeable message sign shall be equipped with automatic day/night dimming software to reduce the illumination intensity of the sign from one hour after sunset to one hour prior to sunrise.
- g. The conversion of a pre-existing nonconforming off-site outdoor advertising structure sign to a digital sign or electronically changeable message sign, including structural improvements related thereto, is permitted and shall not be considered as a removal, replacement, change, expansion, or restoration of a nonconformity. Any necessary modifications to a pre-existing nonconforming off-site sign to a digital sign or electronically changing message sign, including structural alterations, shall be allowed, as long as all dimensions of the sign display shall stay the same as the current dimension of the sign display.
- h. Any digital display installation on existing sign structures as of the date of the adoption of this sign ordinance amendment shall be a minimum of 1,000 ft. from any other digital display facing the same direction.

6-6 Permitted Sign by Type within Zoning Districts

See Appendix B.

6-7 Maintenance and Upkeep of Signs

All signs shall be maintained in a state of good repair. No sign shall be erected or allowed to remain erected which is structurally unsafe, hazardous, or which constitutes a danger to public safety. Should the Zoning Administrator find any sign has become insecure, in danger of falling, or otherwise unsafe, the owner thereof or the person/firm maintaining the sign shall, upon written notice from the Administrator, secure or remove the sign within 30 days after written notification is delivered. Failure to comply with an order from the Administrator shall constitute a violation.

6-8 Violations Specific to this Chapter

Any violation(s) of this chapter is subject to the enforcement of remedies and penalties provided by this ordinance and state law.

Article 7

Off-Street Parking Regulations

Off-street parking regulations ensure adequate and well-designed off-street automobile parking is provided in the Town of Chesterfield.

7-1 General Provisions

- a. Off-street parking and storage shall be required in all zoning districts except in the Core Commercial (CC).
- b. The number of off-street parking spaces provided shall be at least as great as the number specified in Section 7-3, Parking Requirements Table.
- c. When application of these provisions results in a fractional space requirement, the next larger requirement shall prevail.
- d. Parking regulations shall be considered at the time of initial construction or when there is an increase in size, capacity, or floor area, number of employees, number of dwelling units, seating or bed capacity, or when a conversion in use occurs.
- e. Off-street parking areas shall be properly maintained, in all respects, by both the owner and operator of the land/structure on which off-street parking is required.
- f. No automotive sales, repairs, or dismantling; or servicing of any vehicles, equipment, materials, or supplies are permitted in required off-street parking areas.

7-2 Parking Design Standards

Off-street parking areas shall be in accordance with the following specifications:

- a. A standard car off-street parking space shall be no less than 9 ft. by 19 ft., and a compact car off-street parking space shall be no less than 8 ft. by 16 ft. in size.
- b. The width of the aisles providing direct access to individual parking spaces shall be in accordance with the requirements specified below:

Guidelines for Parking Lot Aisles

Parking Angle (Degree)	Aisle Width (Feet)
30	12
45	13
60	18
90	25

- c. Off-street parking areas shall be properly graded for drainage to prevent damage to abutting property and/or public streets and alleys. Parking lots shall be surfaced with asphalt, concrete, or other surfaces. Off-street parking lots shall include concrete curbs and gutters maintained in a clean, orderly, and dust-free condition.
- d. All off-street parking and storage areas shall be designed so that parked vehicles do not encroach upon, extend onto, or cause vehicles to back into public rights-of-way or sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- e. Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public vehicles.
- f. Entrances and exits shall be so located as to minimize traffic congestion.

7-3 Number of Parking Spaces Required

- a. All uses shall provide a sufficient number of on-site parking spaces to accommodate the number of vehicles that are generated by the parking demand for the specified use, as shown in the Parking Requirements Table on the following pages.
- b. If the required on-site parking spaces cannot be reasonably provided, such spaces may be provided on other off-street property provided such property lies within 400 ft. of the main entrance to such principal use.
- c. Required parking space may extend up to 120 ft. into a residential zoning district, provided that:
 - i. the parking space adjoins a commercial or industrial residential district.
 - ii. the parking space only accesses or fronts the same street as the property in the commercial or industrial districts.
 - iii. the parking space is separated from abutting properties in the residential district by a 10 ft. wide evergreen buffer strip.

- d. The Town recognizes that the Parking Requirements Table set forth in this Section cannot cover every possible situation that may arise. Therefore, in cases not specifically covered, the Zoning Administrator is authorized to determine the parking requirements using the Table as a guide to determine the most similar uses(s).
- e. The Zoning Administrator may reduce the minimum number of parking spaces required by up to 10% if the applicant can demonstrate that the number of parking spaces required is excessive due to use or property constraints.
- f. The Zoning Board of Appeals may grant a reduction or increase in the parking requirements set forth in the Parking Requirements Table, of more than 10% if it is determined that the reduced/increased number of parking spaces can satisfy demand or is necessary to satisfy demand.
- g. When 2 or more uses share a parking area, the total number of spaces cannot be less than the sum of the spaces required for each use, except as permitted by Section 7-4.

Parking Requirements Table

Residential	Minimum Number of Spaces
ADUs	1 per dwelling unit
Bed and Breakfast Inn	1 per guest room + 2 for owner
Group Home	1 per 2 bedrooms
Home occupations	1 space in addition to residential use requirement
All other residential uses	2 per dwelling unit
Civic, Government, & Institutional	Minimum Number of Spaces
Cemeteries	N/A
Correctional Facility	1 per employee on peak shift
Childcare Service	2 per classroom + 1 per 150 sq. ft. of gross floor area
Event Space	1 per 4 seats/attendees or 1 per 200 sq. ft. gross floor area
Hospitals, Residential Care Facilities, and Similar Institutions	1 per 4 patient beds + 1 per 3 employees on peak shift
Libraries and Museums	1 per 300 sq. ft. of gross floor area
Public or Private Office Buildings	1 per 300 sq. ft. of gross floor area

Religious Organization	1 per 4 seats + 1 per 2 staff members
Schools, elementary & middle	1 per classroom & admin office
Schools, high	4 per classroom & 1 per admin office
Schools, college, trade & vocational	1 per 4 students
Office & Service	Minimum Number of Spaces
Animal Services	1 per 250 sq. ft. of gross floor area
ATMs	2 spaces
Automotive Service Station	1 per 300 sq. ft. of retail floor area + 1 per employee at peak shift
Commercial, Professional Services	1 per 300 sq. ft. of gross floor area
Funeral Homes, Mortuaries, Crematoriums	1 per 4 seats in chapel/parlor + 1 per company vehicle
Health Care Offices	1 per 250 sq. ft. of gross floor area
Hotels, Motels	1 per 3 rooms, 1 per 5 employees
Personal Services	1 per 250 sq. ft. of gross floor area
Retail & Wholesale	Minimum Number of Spaces
Automobile Fuel Sales	2 spaces per pump
Retail Trade	1 per 300 sq. ft. of gross floor area
Restaurants & Drinking Places	1 per 4 seats
Wholesale Trade	1 per each 3 employees at peak shift
Recreation & Entertainment	Minimum Number of Spaces
Country club, Golf Course, & Related Uses	1 per every 4 persons of maximum rated capacity
Common Open Spaces, Parks, Playgrounds	1 per 2,000 sq. ft. of outdoor space
Recreation Facility	1 per every 4 persons of maximum rated capacity
Sexually Oriented Business	1 per 250 sq. ft. of gross floor area
Shooting Range (indoor)	1 per 300 sq. ft. of gross floor area
Theater (indoor)	1 per 4 seats
Industrial, warehousing, & transportation	Minimum Number of Spaces
Manufacturing, Processing, & Assembly	1 per 1,500 sq. ft. of building area or 2 per employee at peak shift + 1 per company vehicle at peak shift, whichever is more
Transportation Terminals	1 per employee at peak shift + 1 per company vehicle at peak shift

Warehouse & Distribution Uses	1 per 2,000 sq. ft. of building area or 2 per employee at peak shift + 1 per company vehicle at peak shift, whichever is more
Warehouse, Self-Storage	1 per 20 storage units
Other	Minimum Number of Spaces
Unspecified	1 per 400 sq. ft. of gross floor area, not to be used for storage

7-4 Shared Parking

Adjacent property owners, 2 or more, may agree to the joint use of shared off-street parking. The Zoning Administrator may reduce parking requirements when uses in the same or adjacent development have different peak parking hours and provide written evidence of willingness to share spaces. The request must be accompanied by adequate proof of parking use.

7-5 Parking Spaces for the Physically Handicapped

When off-street parking is required for any non-residential use, parking for the handicapped shall be included when calculating the overall parking requirements for a building or use, based on the following formula:

ADA Parking Requirements

Number of Required Spaces	ADA Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 +	2% of total required

7-6 Off-Street Loading

Every commercial and industrial use shall have space for off-street loading on the same lot for the activity that it serves in order to accommodate the delivery or shipment of goods in a safe and convenient manner. Such space shall be

arranged so that no vehicle being loaded or unloaded in connection with normal operations shall be parked in a public street or extend into a public walkway.

7-7 Parking, Storage, or Use of Campers or Other Recreational Vehicles

No recreational vehicle or trailer, with or without a current license plate, shall be parked/stored on any lot in a residential district except in a carport or enclosed building. However, such vehicles may be parked anywhere on a residential premise for a period not to exceed 24 hours during loading and unloading.

Recreational vehicles may not be used for temporary lodging or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such uses.

Article 8

Performance Criteria for Certain Buildings, Uses, and Projects

The Town of Chesterfield finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain criteria. This Article specifies the guidelines and criteria that must be met by all the uses listed as Conditional Uses for each district. Uses classified as Special Exceptions require approval by the Board of Zoning Appeals.

8-1 Residential Uses

8-1.1 Accessory Dwelling Unit (ADU):

- a. No more than 1 ADU shall be permitted per parcel.
- b. The maximum size for an ADU, whether attached or detached, cannot exceed 35% of the gross floor of the principal dwelling.
- c. Lot size shall be at least 50% greater in area than the minimum lot requirements for the district in which the dwelling is located.
- d. Detached ADUs shall be separated by no less than 20 ft. from the principal dwelling and shall be located to the side or rear of the principal building.
- e. In no case shall the height of an ADU exceed the height of the principal building.
- f. An ADU must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
- g. An ADU shall not contain more than two bedrooms.
- h. An ADU shall be architecturally compatible with the principal structure.
- i. An ADU shall be permitted in the GC and BI districts provided the dwelling is exclusively used for residential occupancy which is in conjunction to the principal use.

8-1.2 Accessory Structure:

- a. All accessory structures shall comply with the standards of the district in which they are located.
- b. No accessory structure shall be established or erected prior to the establishment or erection of the principal use to which it is accessory.

- c. Accessory structures shall be located to the side or rear of the principal structure, and in no case may be located in front of the front building wall of the principal structure.
- d. No accessory structure may occupy more than 30% of the required rear yard.
- e. No accessory structure may be closer than 5 ft. from any side or rear property line or building.
- f. The total combined area of accessory structures shall not exceed the size of the principal structure, and no single accessory structure shall exceed 40% of the size of the principal structure in square footage.
- g. The maximum height for residential accessory structures shall be the height of the principal structure. Accessory structures that are greater than 15 ft. tall shall meet the district setbacks set forth. Accessory structures that are less than 15 ft. tall shall maintain 5 ft. side and rear setbacks.
- h. No manufactured home, mobile home, shipping container, recreational vehicle or similar structure or non-structure shall be used as an accessory structure.
- i. The following are permitted residential accessory structures:
 - i. Detached garages and carports
 - ii. Storage sheds
 - iii. Greenhouses
 - iv. Private swimming pools
 - v. Pool houses.

8-1.3 Group Home:

- a. The applicant shall provide copies of State approval, licensing, and/or certification.
- b. The applicant shall provide an agency profile consisting of:
 - i. Type and number of clients served
 - ii. Organization/agency mission statement
 - iii. Services provided on-site
 - iv. Site hours of operations and staff availability
 - v. Contact information.
- c. The applicant shall disclose to the Chesterfield County Sheriff's Office and Town if client(s) have a history of sexual violence and/or misconduct.

- d. Any proposed group home in a neighborhood or area where a group home already exists requires a public hearing to discuss the matter and offer an alternative location.
- e. A group home must maintain a residential appearance compatible with the surrounding area.
- f. No signage displaying agency/organization name, hours of operation, contact, or any other information shall be on the property.
- g. Parking shall be in rear of the home and shall comply with off-street parking standards, at least 5 ft. from property lines, and if parking extends beyond the home's corner, it shall be shielded from the roadway by landscaping.
- h. Accessory structures shall be in the rear at least 5 ft. from any structure(s) and property lines.
- i. Exterior lighting shall not cause noxious glare, become a nuisance, or migrate onto adjacent property(ies) or rights-of-way. Exterior lighting shall be directed in a downward position or incorporate a shield to direct light in a downward fashion.

8-1.4 *Manufactured (Mobile) Home:*

- a. Only manufactured homes that meet the minimum HUD standards for construction shall be permitted. No manufactured home constructed prior to 2012 may be moved or relocated within the Town of Chesterfield.
- b. All transportation appurtenances including wheels, tongue, axles, etc. shall be removed from a manufactured home prior to occupancy.
- c. All manufactured homes shall have continuous skirting or a masonry foundation wall, unpierced except for utility connections and required ventilation.
- d. Porches, decks, and stairs providing access to a manufactured home shall be constructed to the standards of the building code.
- e. All manufactured homes shall be provided with a sanitary sewer system approved by the South Carolina Department of Environmental Services (DES). Evidence of such approval shall accompany every permit request to install a manufactured home.
- f. All manufactured homes shall be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter.

8-1.5 *Manufactured (Mobile) Home Parks:*

- a. A Manufactured Home Park Plan shall be submitted to and receive a recommendation from the Planning Commission. The plan shall be presented on a map of not less than 1 in. to 50 ft. and must include:
 - i. A plot plan drawn to scale by a registered engineer, registered surveyor, or registered architect showing the exact dimensions of the parcel(s) under consideration.
 - ii. The location and dimensions of all manufactured home spaces.
 - iii. The location of interior streets. All roads within the park shall be a minimum of 20 ft. wide and paved to Chesterfield County specifications.
 - iv. The locations of driveways, pedestrian ways, and off-street parking. 1 parking space shall be permitted per dwelling unit.
 - v. The location, height, and density of all trees or planting used for screening. A 15 ft. buffer shall be planted along the property line when abutting a residential use.
 - vi. The location and description of all utilities. All water, sewer, and drainage facilities must be approved by DES.
 - vii. The location and dimensions of open space and recreational areas.

Lot Requirements Manufactured Home Park	
Minimum Lot Area in Square Feet	217,800 sq. ft.
Minimum Lot Area in Acre(s)	5 acres
Maximum Density (dwelling units per gross area)	10 dwelling units
External Setbacks	50 ft. from any minor street and 70 ft. from any major street
Internal Setbacks	15 ft. from any other dwelling unit or roadway within the park
	Front yard setbacks are established by the district in which the park is located
Maximum Height of Buildings	35 ft.

8-1.6 *Mixed-Use Development:*

- a. A Development Plan shall be submitted to the Zoning Administrator prior to approval. The plan must include:
 - i. A site plan drawn to scale by a registered engineer or registered architect showing the exact dimensions of the proposed building(s) and accessory structure(s).
 - ii. The location and dimension of lighting, landscaping, retention or detention ponds, and passive and/or recreation space.
- b. A Parking Study shall be submitted in conjunction with the Development Plan. The study shall include a shared parking analysis to project the demand for parking and to determine whether the planned spaces will be adequate to accommodate the projected demand.

8-2 Institutional and Public Uses

8-2.1 *Cemetery:*

- a. Uses shall be sited on lots no less than 5 acres or 217,800 sq. ft.
- b. Uses shall have a front setback of no less than 70 ft. from a street or 10 ft. from the street right-of-way, whichever is further.
- c. Such facilities shall not include a crematorium.
- d. Such facilities are permitted 1 non-illuminated sign, not to exceed 30 sq. ft. in area and 10 ft. in height.

8-2.2 *Government Office:*

- a. The 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 sq. ft. on Main Street between Page Street and Green Street/Scotch Road shall be occupied by government agencies and/or for the purpose of conduction of governmental affairs. [Ordinance 2006-19, Effective 12/14/2006]

8-2.3 Other Educational Facilities:

- a. Such facilities may be stand-alone or within an inline retail plaza.
- b. Such facilities shall not include uses generally associated with vocational training (welding, construction, mechanic) unless otherwise approved by the Zoning Administrator.
- c. Such facilities shall not include uses which require the outdoor storage of goods/materials or outdoor workstations.

8-2.4 Religious Institutions:

- a. Structures shall be sited on lots 20,000 sq. ft. in area or 0.46 acre and be located no less than 25 ft. from abutting residential lots.
- b. If operated as a part of the institution, childcare services shall be permitted.
- c. All religious institutions must be housed in a permanent structure.

8-3 Commercial Retail Uses

8-3.1 Animal Service (with kennels/boarding):

- a. No outdoor containment of animals shall be located less than 40 ft. from any residentially zoned or used property.
- b. Kennel areas must be surrounded by an opaque fence of not less than 6 ft. in height and enclosed to prevent escape.
- c. Kennels shall be designed to effectively buffer noise audible to surrounding properties.
- d. All animals shall be kept indoors overnight.

8-3.2 Automotive Repair, Maintenance, Service, & Car Wash:

- a. Hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, and similar equipment shall be entirely enclosed within a building.
- b. All outdoor storage must be screened.
- c. No vehicle shall be temporarily stored outdoors for more than 180 days.
- d. All vehicles to be accommodated must be arranged in an orderly manner.

- e. No outdoor service, repair, or disassembly of vehicles shall be permitted.
- f. All waste collection areas shall be located at the rear of the lot or building and kept in a 4-sided enclosure.
- g. Service area(s) shall be separated from adjoining residential properties by a suitable planting screen, fence, or wall at least 6 ft. in height.

8-3.3 Bed & Breakfast Inn:

- a. The primary use of the structure must remain as a single-detached residence and be located no closer than 400 ft. from an existing Bed & Breakfast Inn.
- b. The residence must be owner-occupied.
- c. The duration of a guest stay may not exceed 15 consecutive days.
- d. The inn shall not require any alteration or change in the essential residential character of the dwelling.
- e. The number of guest rooms shall not increase above the number of bedrooms in the original structure.
- f. The property owner shall provide off-street parking of 1 space per guest room and 2 spaces for the resident innkeeper. Off-street parking shall be available to accommodate business/club meetings, social gatherings, and private parties.
- g. Bed & Breakfast Inns are permitted 1 non-illuminated identification sign, not to exceed 4 sq. ft. in area.
- h. Breakfast is the only scheduled meal permitted, however other meals may be prepared and served for business meetings, clubs, and social gatherings. Catering for parties on and off-premises is permitted.
- i. Approval of a property for use as a bed and breakfast establishment shall be transferable with the sale of the property, provided the new property owner certifies compliance with the above stated provisions as part of the issuance or transfer of a business license for the new bed and breakfast establishment.

8-3.4 Childcare Service/Childcare Service as Home Occupation:

- a. The applicant shall apply to the South Carolina Department of Social Services (DSS) for a license to operate the facility and receive a letter from the regulatory agency (DSS) that the facility in question is

suitable to accommodate the maximum number of children to be accommodated.

- b. A fenced play area which meets the requirements of the DSS shall be provided.
- c. An area adequate for the loading and unloading of children to be accommodated shall be provided. The area shall not be located within any public right-of-way.
- d. Operations and maintenance shall meet the requirements of DSS.
- e. Childcare Service, not as a home occupation, shall be sited on a lot no less than 20,000 sq. ft. and no structure shall be closer than 25 ft. to any abutting residential property.

8-3.5 *Drinking Place (alcoholic beverages):*

- a. This use shall not be within 300 ft. (measured in a straight line from structure to structure) of a residential use, church, school, or a public playground on a separately platted parcel.
- b. Where residential uses are directly adjacent to this use, a planting screen, fence, or wall at least 6ft. in height shall be installed.
- c. The permitted hours of operation shall be Monday to Sunday from 11 AM until 12 AM/Midnight.
- d. Outdoor entertainment and amplified music that is audible from the property line shall be prohibited between the hours of 10:30 PM and 11 AM.

8-3.6 *Event Space/Facility:*

- a. An on-site manager shall be present and available for the duration of all events occurring at the venue. Updated contact information shall be provided to the Zoning Administrator any time the on-site manager's contact information changes.
- b. Event spaces in all districts shall have maximum hours of operation from 7AM until 11PM. Event support operations, such as set-up and cleaning, may begin before or continue after these times.
- c. All structures and parking areas shall be located a minimum of 50 ft. from adjoining property lines when abutting a property zoned for or occupied by a residential use.
- d. Event spaces shall be required to obtain a Special Exception from the Board of Zoning Appeals when outdoor event spaces are proposed

within 100 ft. of abutting property zoned for or occupied by residential use.

8-3.7 Fruit and Vegetable Retailer, Temporary or Permanent:

- a. All setbacks and yard requirements of the zoning district in which the use is located shall be maintained.
- b. At least 4 off-street parking spaces are provided and suitably maintained.
- c. Permitted merchandise shall be limited to produce. The sale of all tobacco products/smoking supplies is prohibited.

8-3.8 Home Occupation:

- a. A home occupation, or home-based business, is that accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling.
- b. The primary use of the structure must remain as a residential dwelling. No more than 25% of the floor area of the dwelling unit shall be used for the purposes of a home occupation.
- c. A home occupation shall be conducted solely by resident occupants.
- d. The activity shall produce no alteration or change in the residential character or outside appearance of the primary structure.
- e. There shall be no exterior display or signage allowed except for one unlighted sign less than 4 sq. ft. in size mounted on a wall of the principal building.
- f. There shall be no outside storage or processing. All activity must be conducted within a pre-existing structure.
- g. No goods are located on site except for samples or designs produced on-site.
- h. Activities specifically prohibited include repair or service of motor vehicles and other large equipment; service or manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightly appearance, heat, glare, vibration, smoke, dust, electrical interference, unhealthy conditions or odor; and any activity which may affect surrounding property.

- i. The activity shall be subject to all business licenses, other ordinances of the Town of Chesterfield, and all rules, regulations, and statutes of the State of South Carolina.

8-3.9 Hotel & Motel:

- a. Occupancy by guests shall not exceed 30 consecutive days.
- b. Guest rooms shall not be permitted to have kitchen facilities beyond a microwave and/or mini refrigerator.
- c. All guest room access shall be by a fully enclosed interior corridor.
- d. Outdoor swimming pools shall be located in the rear or side yard of the lot and meet the setbacks of the district. All lighting must be shielded or directed away from adjoining residences.

8-3.10 Meat Retailer:

- a. No slaughtering shall be permitted.
- b. Any cleaning of fish or poultry must be conducted within the principal building.

8-3.11 Outdoor Storage (non-residential):

- a. All outdoor storage shall be located in the side or rear yard only.
- b. All outdoor storage for RVs, boats, and similar equipment shall be located a minimum of 100 ft. from property zoned or used for residential purposes.
- c. All outdoor storage shall be screened from view of the street and separated from adjoining residential properties by a suitable planting screen, fence, or wall at least 6 ft. in height.

8-3.12 Tattoo Parlor:

- a. No tattoo parlor shall be permitted within 250 ft. of:
 - i. Any public or private daycare center, kindergarten, elementary or secondary school.
 - ii. The boundary of any designated residential zoning district.
 - iii. The property line of a lot devoted to residential use.
 - iv. Another tattoo parlor.

8-3.13 *Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailer:*

- a. No smoking supply retailer shall be permitted within 250 ft. of:
 - i. Any public or private daycare center, kindergarten, elementary or secondary school.
 - ii. The boundary of any designated residential zoning district.
 - iii. The property line of a lot devoted to residential use.
 - iv. Another smoking supply retailer.

8-3.14 *Sexually Oriented Business:* It is the purpose of this Section to regulate sexually oriented businesses to promote the health, safety, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment nor to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

8-3.14.1 *Permit Required:*

- a. A sexually oriented business is prohibited from operating without a valid permit and/or license issued by the Town. The permit, if granted, shall state the name of the person(s) to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a clearly visible place at or near the entrance so that it may be easily read at any time.
- b. The application for a permit must be accompanied by a sketch plan, drawn to scale, showing the property and the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram must be drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 in.
- c. If a person who wishes to operate a sexually oriented business is an individual, they must sign the application for a permit as the applicant. If the business owner or operator is other than an individual, each person who has a 10% or greater interest in the

business must sign the application for a permit. If a corporation is listed as owner of the business or as the entity that wishes to operate such a business, each individual having a 10% or greater interest in the corporation must sign the application for a permit.

- d. Before a permit can be issued, the applicant shall permit representatives from the Health, Fire and Zoning departments to inspect the premises to ensure compliance with the law. At the conclusion of their inspection, each department or agency shall indicate in writing the results of the inspection, date it, sign it, and forward a copy of the inspection to the Zoning Administrator.
- e. Within 30 days after receiving a complete application, the Zoning Administrator shall either approve or deny the application.
- f. The application shall be denied by the Zoning Administrator if they find that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the Town.
- g. If the application is denied, the Zoning Administrator shall notify the applicant of the denial in writing and shall state the reason(s) for the denial.
- h. If a person applies for a permit for a particular location within a 12 month period from the date of denial of a previous application for a permit at the location, and there has not been an intervening change in the circumstances that could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied.
- i. Permit fees are set forth by the Town of Chesterfield. This fee is in addition to any other permits, licenses, and/or fees which apply to in connection with the operation of a business within the Town.

8-3.14.2 *Permit Expiration:*

- a. Each permit shall expire 1 year from the date of issuance and may be renewed only by making an application as provided herein.
- b. Application for renewal should be made at least 30 days before the expiration date.
- c. If a permit expires, or an application for a permit renewal is denied, the applicant shall not be issued a permit for 1 year from the date of denial. If, subsequent to denial, the Zoning Administrator finds that the basis for denial of a renewal permit

has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date of denial.

8-3.14.3 Suspension of Permit:

- a. The Zoning Administrator may suspend a permit at any time if they determine that a permittee is not in compliance with any portion of this sub-section or if the sexually oriented business is in violation of a building, fire, health, or zoning statute, code, or regulation. Such determination shall be based on investigation by the department or agency charged with enforcing said statute, code, or regulation.
- b. The suspension shall remain in effect until the violation has been corrected.

8-3.14.4 Revocation of Permit:

- a. The Zoning Administrator shall revoke a permit if a cause for suspension in Section 8-4.3.3 occurs, and the permit has been suspended within the preceding 12 months.
- b. When the Zoning Administrator revokes a permit, the revocation shall continue for 1 year from the date the revocation becomes effective. If, subsequent to revocation, the Zoning Administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became effective.

8-3.14.5 Transfer of Permit: A permittee shall not transfer the existing permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the permit application.

8-3.14.6 Location of Sexually Oriented Business:

- a. No sexually oriented business shall be permitted within 750 ft. of:
 - i. Any religious institution.
 - ii. Any public or private daycare center, kindergarten, elementary or secondary school.

- iii. A public park, landscaped area designed for public use or recreation area.
 - iv. Another sexually oriented business
 - v. The boundary of any designated residential zoning district.
 - vi. The property line of a lot devoted to residential use.
- b. For purposes of this sub-section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building/structure used as a sexually oriented business, to the nearest property line of the premises of a church or public or private daycare center, kindergarten, elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

8-3.14.7 Advertising, Parking, and Lighting:

- a. Any activity prohibited by any applicable state statute or local ordinance shall not be advertised at any sexually oriented business.
- b. Displays or exhibitions of materials and/or performances at any sexually oriented business shall not be visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business provided that the name of the business is not expressed in sexually explicit or offensive nomenclature.
- c. All off-street parking areas shall be located in front of the building for safety reasons. All off-street parking and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation.

8-3.14.8 Hours of Operation: No sexually oriented business shall remain open for business, nor shall any employee of such business engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 1:00 AM and 9:00 AM on any particular day and between 12:01 AM Sunday and 9:00 AM Monday.

8-3.15 Short Term Rental:

- a. Short term rentals shall only be permitted by special exception.
- b. All new parking must be located in the rear of the home.
- c. No more than 2 guests are allowed per room that is available for rent.
- d. There must be at least 1 designated parking space per room for rent.
- e. No signage is permitted indicating that the property is available for rent on a short-term basis.
- f. No events are to be held on the premises, including but not limited to parties, receptions, gatherings where a meal is served, etc.

8-3.16 Nonpermanent Buildings/Structures:

- a. Non-permanent buildings/structures shall only be permitted by special exception.
- b. Non-permanent buildings/structures erected within the Town shall not be older than 5 years.
- c. Non-permanent buildings/structures shall comply with the applicable building codes.
- d. Non-permanent buildings/structures shall comply with the regulations of this ordinance and the district in which it is erected.

8-4 Medical Uses

8-4.1 Residential Care Facility:

- a. All structures and parking areas shall be located a minimum of 50 ft. from adjoining property lines when abutting a property zoned for or occupied by a residential use.
- b. Areas provided for solid waste collection and disposal shall be located a minimum of 50 ft. from adjoining property lines when abutting a property zoned for or occupied by a residential use.
- c. The applicant shall provide the plans for such facility to the Chesterfield County Health Department and receive written approval prior to the issuance of any permits for construction and operation.

8-5 Recreational & Entertainment Uses

8-5.1 Shooting Range (indoor):

- a. Shooting range facilities shall be located within a fully enclosed building.
- b. Proper ventilation is required for the removal of lead dust and similar particulate matter. No exhaust fans for the expulsion of air from an indoor shooting range shall discharge within 100 ft. of a residentially zoned or used property.
- c. The construction of the structure housing a shooting range shall be designed to ensure that noise from shooting activities inside of the building does not exceed 65 decibels at any external property line.

8-6 Industrial, Warehousing, Distribution, and Transportation Uses

8-6.1 Manufacturing, Processing, and Assembly:

- a. Uses shall be sited on lots having direct access to an arterial or collector roadway. All acceleration and deceleration lanes shall meet SCDOT specifications, and, where located less than 500 ft. from a property zoned or used for residential purposes, no truck traffic shall be permitted on the site between the hours of 9 PM and 7 AM.
- b. The parking/storage of commercial class trucks and loading docks must be located to the rear or side of the facility.
- c. All outdoor storage areas for machinery, raw materials, and finished products shall be located at least 100 ft. from a property line and screened in.
- d. The emissions of visible dust, smoke, steam, dirt, or particulate matter into the air, from any openings, shall comply with the regulations of the Environmental Quality Control Division of the SCDES.
- e. No vibration that is transmitted through the ground and discernible without the aid of instruments, or at any point beyond the property line, shall be permitted.
- f. No noise exceeding 65 decibels perceptible at the property line are permitted. Sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to specifications published by the American Standards Association.

- g. No external discharges requiring water quality permits are permitted. Industrial pretreatment of water discharges is permitted, provided that such are made into a sanitary sewer system and all pretreatment occurs within a fully enclosed structure.
- h. No emissions of odorous gases, fumes, vapor, or activities which could produce adverse effects on the temperature beyond the property line shall be permitted.
- i. No radioactive materials may be used in the processing or assembly of products on the site.
- j. All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosions, including adequate firefighting and fire suppression equipment.

8-6.2 Self-storage:

- a. Self-storage facilities shall be located on a minimum lot size of 1 acre.
- b. Building height shall be subject to district standards.
- c. Commercial activity which offers the sale of any item, personal property, or service and/or conducting any business other than the leasing of storage units is prohibited.
- d. Residential use (i.e. dwelling) within a storage unit is prohibited.
- e. Outdoor storage is prohibited.

8-6.3 Warehouse & Distribution:

- a. Uses shall be sited on lots having direct access to an arterial or collector roadway. All acceleration and deceleration lanes shall meet SCDOT specifications, and, where located less than 500 ft. from a property zoned or used for residential purposes, no truck traffic shall be permitted on the site between the hours of 9 PM and 7 AM.
- b. The parking/storage of commercial class trucks and loading docks must be located to the rear or side of the facility.

8-7 Agricultural Uses

8-7.1 Support Activities for Animal Production

- a. Uses shall be sited on lots not less than 2 acres or 87,120 sq. ft.

- b. No structure or animal enclosure shall be located closer than 100 ft. from any property line.

8-8 Utilities

8-8.1 *Electric Power Generations, Transmission, and Distribution:*

- a. Site review must include an Environmental Impact Analysis and disclosure of emergency procedures.

8-8.2 *Public Utilities, Government:* This section applies to minor and major utilities. Minor utilities include infrastructure services that are in or near the neighborhood where the services are provided. Major utilities include infrastructure services that provide regional or community wide services.

- a. Minor and major utility plans shall be reviewed by the Zoning Administrator for compliance with the Comprehensive Plan, as required by S.C. Code 1976, § 6-29-540.
- b. All utilities must be enclosed by a suitable fence or wall at least 6 ft. in height and a landscaped strip not less than 5ft. in width is planted and maintained around the facility.
- c. No commercial operation, storage of vehicles or equipment is permitted on the premises.

8-8.3 *Telecommunication Tower:* This Section applies to any structure designed to receive telecommunication and data communications signals from orbiting satellites including, but not limited to, antennae, satellite receiving dishes, and telecommunication towers.

8-8.3.1 *Special Exception Process for Telecommunication Towers:*

Telecommunication towers are permitted only as a Special Exception.

Special exceptions are reviewed by the Board of Zoning Appeals.

Additional factors or those which should be given special consideration by the Board of Zoning Appeals concerning telecommunication towers include the following factors:

- a. The design, location, and height of the proposed tower must not detract from the aesthetic and neighborhood character or impair the use of neighboring properties.

- b. The applicant must demonstrate that additional height is necessary for providing service to occupants of an area within the Town.
- c. The applicant must demonstrate that the tower is designed to fall in such a way that it provides for public safety, specifically that the tower's fall zone does not include residential property or residentially zoned land.
- d. Whether all other provisions of this ordinance have been met.

8-8.3.2 *Development Standards for Telecommunication Towers:* The following development standards shall apply to all telecommunication towers:

- a. Setbacks:
 - i. Telecommunication towers shall be set back a distance equal to the height of the tower plus 50 ft. from any residential structure. This setback may be waived or reduced by the owner of the affected residential structure through a notarized affidavit.
 - ii. Telecommunication tower setbacks from all lot lines shall be a minimum of 20 ft. plus the linear measurement of the tower's fall zone as certified by a registered South Carolina Professional Engineer.
 - iii. Guy wire anchors, equipment buildings, and other facilities supporting telecommunication towers shall satisfy the minimum setback requirements in the underlying zoning district.
 - iv. All setback distances for towers shall be measured from the outermost edge of the base of the tower.
- b. Lighting: Telecommunication towers shall only be illuminated as required by FCC, FFA, or other applicable regulatory agencies. Night-time strobe lighting shall not be incorporated unless required by state or federal regulations.
- c. Appearance: Telecommunication towers shall have either a galvanized steel or neutral finish unless otherwise required by the Federal Aviation Administration.
- d. Signage: No commercial signs or advertising shall be placed on communication towers. Signs pertaining to trespassing,

emergency, or other information required by state or federal regulations are allowed.

- e. Security Fencing: Telecommunication towers shall be enclosed by security fencing not less than 6 ft. in height. Razor wire shall not be permitted on fences. Access to communication towers shall be through a lockable gate.
- f. Landscaping: The visual impacts of telecommunication towers shall be mitigated to the extent reasonably possible. At a minimum, the following landscaping requirements shall be met in order to screen the tower and support facilities from adjacent properties and roadways:
 - i. Telecommunication towers shall be set back a distance equal to the height of the tower plus 50 ft. from any residential structure. This setback may be waived or reduced by the owner of the affected residential structure through a notarized affidavit.
 - ii. Telecommunication tower setbacks from all lot lines shall be a minimum of 20 ft. plus the linear measurement of the tower's fall zone as certified by a Registered Professional Engineer.
 - iii. Guy wire anchors, equipment buildings, and other facilities supporting telecommunication towers shall satisfy the minimum setback requirements in the underlying zoning district.

8-8.3.3 Roof-Mounted Telecommunication Towers: Roof-mounted telecommunication towers may not be located in any residential district and shall not extend more than 20 ft. above the highest part of the structure on which they are located.

8-8.3.4 Location Requirements: An applicant for a new telecommunication tower shall have made a reasonable attempt to co-locate proposed antenna(s) on existing towers, buildings, or other structures. A telecommunication tower shall not be approved unless the applicant provides written documentation that no existing structure is available or sufficient to accommodate the proposed antenna(s) by providing evidence of any of the following:

- a. Existing structures located within the geographic area in which the applicant's antenna must be located are of insufficient height to meet the applicant's technical design requirements.
- b. Existing structures do not have sufficient structural strength to support the applicant's proposed antenna.
- c. The applicant's proposed antenna would cause electromagnetic interference with antennae on existing structures, or antennae on existing structures would cause interference with the applicant's proposed antenna.
- d. The fees, costs or other contractual provisions required by the owner of the existing structure for co-location or the engineering costs to adapt an existing structure for co-location are unreasonable given current market rates in the region.
- e. The applicant shall be required to allow other users to co-locate on the proposed communication tower when constructed.

Telecommunication towers:

- i. Less than 180 ft. in height shall provide space for at least one co-location.
- ii. Over 180 ft. in height shall provide space for at least two co-locations.
- iii. Over 220 ft. in height shall provide space for at least four co-locations.
- iv. All communication towers shall be structurally engineered to support the appropriate number of co-locations.

8-8.3.5 Telecommunication Tower Application Submittals: All applications for new telecommunication towers shall include the following items:

- a. A site plan drawn to scale (no more than 1 in. = 50 ft.), signed and sealed by a South Carolina Registered Professional Engineer, showing:
 - i. Boundaries of the property involved. Location of the proposed tower, existing and proposed buildings, parking, driveways, guy anchors (if any), and other improvements.
 - ii. Location of adjacent structures, roads, driveways, and other improvements.
 - iii. Proposed landscaping and fences.

- iv. Proposed setbacks of existing and proposed structures from adjacent properties, residential structures, and road rights-of-way.
- b. A map of the geographic area in which the applicant's antenna must be located to reasonably serve the applicant's coverage area, showing all existing and approved tower sites and all other structures equal to or greater than 75% of the height of the proposed tower within this area.
- c. Written documentation that co-location on existing towers or structures in the vicinity of the proposed tower was attempted by the applicant but found unfeasible with reasons explained. This documentation should include, at the least, verification by a registered South Carolina Professional Engineer that no alternative to the construction of a new tower exists.
- d. Copies of all applicable submissions made by the applicant to any state or federal regulatory agency relative to the proposed project, including a written statement from the Chesterfield County Airport.
- e. Elevation drawings showing the height and design of the tower, materials to be used, color and lighting. For applications requiring special exception review, the applicant shall also submit visual renderings of the proposed tower as it will look from public roadways and adjacent non-commercially zoned areas.
- f. A report, signed and sealed by a South Carolina Registered Professional Engineer, that describes the tower height and design and demonstrates the tower's compliance with the structural requirements of the Standard Building Code and the co-location requirements of this ordinance. The engineering report shall further certify that the tower will satisfy minimum wind load standards imposed by the American Society of Consulting Engineers and shall certify the tower's fall zone.
- g. A notarized affidavit that states the applicant's willingness to allow co-location on the proposed tower at a fair market rate and in a timely manner to any other service provider licensed by the Federal Communications Commission for the Town of Chesterfield market area.
- h. Identification of the owners of all antennae and equipment to be located on the site.

- i. Written authorization from the owner of the site, if different from the tower owner, to apply for approval of the proposed tower.

8-8.3.6 *Abandoned Telecommunication Towers:*

- a. A telecommunication tower not used for communication purposes for a period of 120 consecutive days shall be presumed to be abandoned.
- b. The owner of such tower shall notify the Town and remove the tower and all associated structures, equipment, foundations, and other improvements within 60 days.
- c. Removal costs shall be the responsibility of the tower owner. The tower owner may apply to the Town for a one-time extension of an additional 120 days upon proof that a licensed antenna will be in use on the structure prior to the end of the 120 day extension period.

8-9 Temporary Uses and Structures

Some uses or structures are temporary in nature and should not be confused with permanent activities or structures that require site plan approval. The Zoning Administrator is authorized to issue a Temporary Zoning Compliance Permit for the following:

- a. Special events, hosted by noncommercial entities, which may include cultural, religious, entertainment, or charitable events, farmers' markets, and comparable events. Events are not to exceed 24 hours.
- b. Carnival, circus, or fair, for a period not to exceed 21 days, subject to the approval of the Town Council.
- c. Yard sales shall be limited to 3 consecutive days and shall be limited to 3 permits per calendar year for any parcel.
- d. Contractors' offices, sales offices, security buildings, sanitary facilities, or storage buildings which are located at a building site and where a valid building permit is present.
- e. For temporary uses/structures that are not listed, the Zoning Administrator, using this ordinance as a guide, is authorized to determine whether such use shall be granted a permit.

Article 9

Nonconforming Zoning Uses and Sites

The use of or improvement to real property may become nonconforming due to the enactment of this ordinance. To avoid undue hardship, this Article permits the continued use and operations of these nonconforming uses and nonconforming sites; however, the goal is not to encourage the persistence of nonconformities but to ease the burden on property owners and eventually to ensure that all zoning uses, structures, and lots comply with the requirements of this ordinance.

It is the further intent of this ordinance that nonconforming uses, nonconforming sites, or portions thereof, shall not be:

- a. Changed to any other nonconforming use.
- b. Demolished/removed and reestablished or rebuilt with the same or similar nonconforming structure.
- c. Extended, enlarged, or intensified in a way which increases its nonconformity.
- d. Reused or reoccupied after discontinuation of use or occupancy for a period of 6 consecutive months.
- e. Rebuilt, repaired, or altered after being damaged in excess of 60% of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within 6 months after damage incurred.

Nothing in this section shall be meant to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Zoning Administrator.

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.

9-1 Nonconforming Lots of Record

- a. If an existing lot of record is not of sufficient size to conform to the dimension requirements of the zoning district (minimum lot area, minimum lot width) such lot may be used for by-right permitted uses as a building site without need for a variance from the Board of Zoning Appeals provided the minimum yard area and building setback requirements can be met.
- b. If an existing lot of record is not of sufficient size to conform to the dimensional requirements of the zoning district (minimum lot area, minimum lot width) and cannot meet minimum yard area and building setback requirements to construct a project, but the owner of the lot also owns an adjacent lot that shares a common parcel boundary unseparated by public right-of-way that could be combined with the nonconforming lot in such a manner as to allow compliance with minimum yard area and building setback requirements, the owner must combine the 2 lots into 1 lot prior to undertaking a building project.
- c. If an existing lot of record is not of sufficient size to conform to the dimensional requirements of the zoning district (minimum lot area, minimum lot width) and cannot meet minimum yard area and building setback requirements to construct a project, and the owner of the lot does not own additional land that can be combined with the nonconforming lot of record, development variances approved by the Board of Zoning Appeals shall be required prior to issuance of any building permit(s).

9-2 Discontinuance of Certain Nonconforming Uses

After this ordinance is enacted into law, and notwithstanding other provisions, certain nonconforming uses or nonconforming structures shall be discontinued, torn down, altered, or otherwise made to conform within the time set forth by this ordinance. The Board of Zoning Appeals may permit no more than one extension.

Notice shall be sent by the Zoning Administrator to all nonconforming uses stating wherein they do not conform and the date by which they must comply or cease to exist. That date shall be measured from the date of enactment and shall be observed regardless of whether notice of nonconformity is received by the affected owner.

Timeline for Conformity

Nonconformities	To Be Discontinued	Extension
Wrecking, junk, scrap, or salvage yards, automotive storage & sales lots, outdoor storage yards, contractor's equipment,	2 years	6 months
Fences & hedges impeding vision at intersections	180 days	30 days
Signs	2 years	6 months

Article 10

Administration and Enforcement

The purpose of this Article is to set forth the powers and duties of the Zoning Administrator, Board of Zoning Appeals, Planning Commission, and Town Council as they relate to this ordinance. This Article also establishes the penalties for violations of the ordinance.

10-1 Zoning Administrator

10-1.1 *Responsibility for Administration:* The Zoning Administrator designated by the Town Council shall administer and enforce this Ordinance.

10-1.2 *Duties of the Zoning Administrator:* The duties of the Zoning Administrator shall include the following:

- a. Interpreting this ordinance and issuing zoning permits and certificates of zoning compliance.
- b. Reviewing and approving subdivisions in consultation with the Joint Planning Commission.
- c. Processing applications for zoning amendments to be presented to the Joint Planning Commission.
- d. Processing applications for variances and special exceptions to be presented to the Board of Zoning Appeals.
- e. Enforcing this ordinance by investigating and resolving complaints regarding violations of this ordinance.
- f. Maintaining the Official Zoning Map and public records relating to zoning.
- g. Serving as staff to the Board of Zoning Appeals.
- h. Other duties as assigned by the Mayor or Town Council.

10-1.3 *Appeal of Zoning Administrator's Decisions:* All questions arising in connection with the enforcement of this ordinance shall be presented first to the Zoning Administrator; however, appeals from the decision of the Zoning Administrator shall be referred to the Board of Zoning Appeals.

10-2 Board of Zoning Appeals

The Board of Zoning Appeals shall consist of 5 members appointed by the Town Council. The members shall serve for overlapping terms of 4 years or thereafter until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the Town Council at the recommendation of the Town Administrator. The members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board. None of the members shall hold any other public office or position in the Town.

10-2.1 Proceedings of the Board of Zoning Appeals: The Board shall meet at the call of the Board Chair and such other times as the Board may determine. The Chair, or in their absence, the acting Chair, may administer meetings and compel the attendance of witnesses. All meetings shall be open to the public and publicly noticed in accordance with South Carolina public records laws.

10-2.2 Duties of the Board: The duties of the Board of Zoning Appeals shall include the following:

10-2.2.1 Appeals:

- a. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved by any decision of the Zoning Administrator.
- b. Appeals shall be made within 30 days from the date the appealing party received the decision from the Zoning Administrator. Appeals shall be filed with the Zoning Administrator and a Notice of Appeal, specifying the grounds on which the appeal is based, shall be filed with the Board of Zoning Appeals.
- c. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.
- d. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals, after Notice of Appeal is filed with them, that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be

stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

- e. All final decisions and reasons thereof, on appeals and other matters brought before the Board of Zoning Appeals, shall be stated in writing and delivered to all the parties involved. A copy of all decisions shall be filed in the offices of the Zoning Administrator as public record.

10-2.2.2 *Variances:*

- a. The Board of Zoning Appeals may not grant a variance that would:
 - i. Allow the establishment of a use not otherwise permitted in a zoning district,
 - ii. Physically extend a non-conforming land use,
 - iii. Change the zoning district boundaries shown on the Official Zoning Map.
- b. The Board of Zoning Appeals may grant a variance upon finding such unnecessary hardship:
 - i. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - ii. These conditions do not generally apply to other property in the vicinity;
 - iii. 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
 - iv. 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.
- c. In granting a variance, the Board of Zoning Appeals may prescribe conditions and safeguards in conformity with this ordinance.

10-2.2.3 *Special Exceptions:* The Board of Zoning Appeals may grant special exceptions for uses specifically set forth in Appendix A – The Permitted Use Table as special exceptions.

10-2.3 *Contempt and Penalty*: In case of contempt by a party, witness, or other person before the Board of Zoning Appeals, the Board may certify this fact to the Circuit Court; and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

10-2.4 *Appeal from the Board of Zoning Appeals*: Any person having standing to appeal a decision of the Board of Zoning Appeals may make such appeal in the manner set forth in S.C. Code 1976, § 6-29-820.

10-3 Architectural Review Board

The Architectural Review Board (ARB), established by Ordinance 2000-8, shall consist of 7 members appointed by the Mayor and Town Council. Terms of 3 members shall expire in odd years and terms of 4 members shall expire in even years, or thereafter until their successors are appointed. Members shall be removable for cause by the Town Council at the recommendation of the Town Administrator. Any vacancy in the membership shall be filled within 60 days for the remainder of the unexpired term. None of the members shall hold any other public office or position in the Town.

10-3.1 *Member Qualifications*: All members of the Board shall have demonstrated interest in historic preservation. If available, the Board should have at least 1 member who is qualified as:

- a. A historian, knowledgeable in local history.
- b. An architect or someone knowledgeable in building design and construction.
- c. A lawyer.
- d. A real estate agent.
- e. An engineer.
- f. A representative of the historical society.

10-3.2 *Jurisdiction and Duties of the Board*: The ARB may only take action on historic properties and areas within the town limits. The duties of the ARB include the following:

- a. Review and recommend the designation of individual historic properties and historic districts to Town Council.

- b. Review properties nominated for the National Register of Historic Places and make recommendations to the State Historic Preservation Office.
- c. Review and approve all exterior alterations and additions pertaining to or affecting historic properties.
- d. Review and approve all demolition pertaining to or affecting historic properties.
- e. Review and approve all construction and development of new structures within the historic overlay district.
- f. Review and approve all conditional uses which are to be located within the historic overlay district. If a proposed conditional use requires approval from the BZA, the ARB shall issue its recommendation to the BZA.

10-3.3 *Certificate of Appropriateness (COA)*: Within the historic district, a Certificate of Appropriateness shall be obtained prior to issuing a building permit for exterior alterations, additions, demolition, or construction. Any building permit not issued in conformity with the ordinance shall be considered void. The review and approval process is as follows:

10-3.3.1 *Pre-Application Meeting*: Applicants are not required, but are encouraged, to meet with the Zoning Administrator prior to an application submission. The purpose of such meeting is to review preliminary drawings and plans and to acquaint the applicant with the historical design guidelines. This is an advisory meeting and nothing discussed in such a meeting shall be considered binding.

10-3.3.2 *Applications*: Applications shall be submitted to the Zoning Administrator no less than 7 days prior to the regularly scheduled ARB meeting. Complete applications shall be placed on the agenda for review. Incomplete applications may be returned or may require additional information. At minimum, the application shall include:

- a. The location of the property, tax map number, and the site of the proposed work.
- b. A site plan showing setback dimensions, the location of driveways, landscape areas, accessory buildings, and signs.
- c. A description of all proposed work including proposed materials and photographs.

Upon receipt of a completed application, the Zoning Administrator 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.

10-3.3.3 *Decisions/Approvals*: The ARB shall review an application and determine if the proposed work is compliant with the historical design guidelines set forth in Section 10-7. The ARB may approve, approve with conditions, or deny an application for COA. In the event the of:

- a. A request for additional or clarifying information by the ARB, action on an application may be postponed to the next regularly scheduled meeting or to a special meeting. If the Board fails to act on any completed application within 45 days, the application shall be considered approved, except in cases where:
 - i. 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 aid in preserving the property.
- b. An approval, the COA shall be signed by the Chairperson, and 1 copy shall be sent to the applicant, and 1 copy shall be filed in the offices of the Town's building official.
- c. A denial, the Zoning Administrator shall notify the applicant in writing and shall state in writing the reason(s) for the denial.
- d. A denial, a new application affecting the same property may be submitted only if substantial changes are made to the proposed plan(s).
- e. A denial, the property owner may apply for an exemption citing substantial hardship. The owner must provide supporting documents to show their inability to comply with the historical design guidelines, and 1 or more of the following circumstances must exist for the Board to grant an exemption:
 - i. The property cannot reasonably be maintained in the manner dictated by Section 10-7.

- ii. There are no other reasonable means of saving the property from deterioration or collapse.
- iii. 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.

10-3.4 *Maintenance and Repair Excepted*: A COA is not required for the ordinary maintenance or repair of any exterior architectural feature, which does not involve a change in design, material, color, or outer appearance. The ARB may authorize the Zoning Administrator to approve minor projects involving repairs and ordinary maintenance that are not subject to design review. Supporting documentation may still be requested by the Zoning Administrator.

10-3.5 *Appeal from the Architectural Review Board*: Any person having standing to appeal a decision of the Board may make such appeal in the manner set forth in S.C. Code 1976, § 6-29-900.

10-3.6 *Historical Design Guidelines*: In granting a COA, the Board shall use the Secretary of the Interior's Standards of Rehabilitation as guidelines in making decisions. In addition, the Board may adopt more specific guidelines for local historic properties and districts. These guidelines serve as the basis for determining the denial, approval, or approval with conditions of an application. The standards are as follows:

- a. 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.
- b. 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.
- c. 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.
- d. Changes to a property that has acquired historic significance in their own right will be retained and preserved.

- e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- f. 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 design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- g. Chemical or physical treatment, if appropriate, will be undertaken using the gentlest means possible. Treatment that causes damage to historic materials will not be used.
- h. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- i. 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 historical materials, features, size, scale, proportion, and massing to protect the integrity of the property and its environment.
- j. 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.

10-3.7 *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.

10-3.8 *Designation of Historic Properties*: All recommendations for historic designation shall be based on the following criteria:

- a. A property has significant inherent character, interest, or value as part of the heritage of the community, state, or nation.
- b. A property is the site of an event significant in history.
- c. A property is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation.

- d. A property exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation.
- e. A property embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering.
- f. A property is the work of a designer that significantly influenced the development of the community, state, or nation.
- g. A property contains elements of design, detail, materials, or craftsmanship which represents significant innovation.
- h. A property is part of or related to a distinctive element of community planning.
- i. A property represents an established and familiar visual feature of the community.
- j. A property has yielded, or may be likely to yield, historical information.

Owners of properties proposed for historic designation shall be notified 30 days prior to consideration by Town Council. Owners may appear before the Council to voice approval or opposition to such designation. All additional historic designations shall be included within the overlay district on the Zoning Map.

10-4 Planning Commission

Pursuant to S.C. Code 1976, § 6-29-320, the establishment of a joint planning commission which shall be known as the "Joint Planning Commission of Chesterfield County" and shall perform all planning functions for participating jurisdictions within the County. The commission shall conform to the requirements of the Comprehensive Planning Enabling Act of 1994.

10-4.1 Duties of the Commission: The duties of the Joint Planning Commission shall include the following:

- a. Review and recommend amendments to Zoning Ordinances.
- b. Review and recommend amendments to Official Zoning Maps.
- c. Review and decide requests for Vested Rights extensions.
- d. Review and make recommendations on Minor Subdivisions.
- e. Review and make recommendations on Major Subdivision Preliminary and Final Plats.

10-5 Violations and Penalties

- a. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; and 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.
- b. Any person may file a written complaint whenever a violation of this ordinance occurs or is alleged to have occurred. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. The Zoning Administrator shall properly record such complaint, immediately investigate, and take action as provided by this ordinance.
- c. The Zoning Administrator shall deny a Zoning Compliance Permit for any use or work that fails to comply with this ordinance. The Zoning Administrator shall withhold all other Town permits for properties where a violation of this ordinance has been determined to exist until the time such violation is remedied.
- d. The Zoning Administrator is authorized to issue a stop work order requiring work to cease until specified ordinance violations are corrected. Failure to comply with a stop work order of the Zoning Administrator is a misdemeanor punishable under the General Penalty provisions of Town Code.
- e. Nothing contained in this Section shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation of this ordinance.

Article 11

Review and Approval Procedures

The purpose of this Article is to establish an orderly process to develop land within the Town of Chesterfield. It is also the intent of this Article to provide a clear process that is fair and equitable to all.

11-1 Applicability

The review and approval process applies to all new development(s) and alterations of existing development within the Town of Chesterfield.

Request	Zoning Administrator	Joint Planning Commission	Town Council	Board of Zoning Appeals
Zoning Compliance Permit	Approval			
Final Zoning Compliance Permit	Approval			
Amendments	Staff Report	Recommendation	Approval	
Variance	Staff Report			Approval
Special Exception	Staff Report			Approval
Appeal	Staff Report			
Street Name Change	Staff Report	Approval		

11-2 Fees

Fees will be levied to partially defray expenditures associated with application processing. These fees are due upon submission of an application and shall be determined by the Town of Chesterfield. No permit shall be issued unless and until such fees have been paid in full.

11-3 Zoning Compliance Permit

11-3.1 Zoning Compliance Permit Requirements: No building or other structure shall be erected, moved, added to, or structurally altered without a Zoning Compliance Permit issued by the Zoning Administrator. A Zoning

Compliance Permit shall not be issued by the Zoning Administrator except in conformity with the provisions of this ordinance. If the permit is denied, the reason for the denial shall be stated in writing.

11-3.2 Applications for Zoning Compliance Permits: All applications for Zoning Compliance Permits shall be accompanied by 2 copies of plans drawn to scale and shall include additional information that may be necessary to determine conformance with this ordinance. Lawful information that may be required:

- a. Existing or proposed buildings,
- b. Existing or proposed uses of buildings and land,
- c. Conditions existing on the lot,
- d. Alterations of existing buildings or land,
- e. The number of families, housekeeping units, or rental units the building is designed to accommodate.

One copy of the plans shall be returned to the applicant by the Zoning Administrator with approval or disapproval noted and shall be attested to the same by the signature of the Zoning Administrator on such copy. The original copy of the plans, similarly marked, shall be retained by the Zoning Administrator.

11-3.3 Expiration of Zoning Compliance Permit: If the work described in any Zoning Compliance Permit has not begun within 6 months from the date of issuance thereof, the permit shall expire. The permit shall be canceled by the Zoning Administrator, and written notice shall be given to the person(s) affected, together with notice that further work as described in the canceled permit shall not proceed until a new zoning permit has been obtained.

If the work described in any Zoning Compliance Permit has not been substantially completed within 1 year of the date of issuance thereof, said permit shall expire. The permit shall be canceled by the Zoning Administrator, and written notice shall be given to the person(s) affected, together with notice that further work as described in the canceled permit shall not proceed until a new zoning permit has been obtained.

In the case of work which may reasonably be expected to require more than 1 year for completion, the Zoning Administrator may specify a time limit of more than 1 year at the time of original issuance of the zoning permit.

11-4 Temporary Zoning Compliance Permit

A Temporary Zoning Compliance Permit may be issued by the Zoning Administrator.

11-4.1 Applications for Zoning Compliance Permits: A temporary use or structure which lasts less than 6 months and restores the existing property to its original state, including pervious areas, shall not be required to submit a site plan with an application.

11-4.2 Fees: Fees are in accordance with Section 11-2.

11-4.3 Extension for Zoning Compliance Permits: An extension of a temporary permit cannot be granted.

11-4.4 Transfer: No permit shall be transferable to another location or to another permittee.

11-4.5 Revocation: A temporary use permit shall be revoked if the Zoning Administrator finds that the terms of the permit have been violated or that there is a hazard to the public health, safety, and welfare.

11-5 Construction and Use to be as Approved

A Zoning Compliance Permit, where additional approval is required, only authorizes the use set forth in such plan/applications. No other use is permitted.

11-6 Amendments

An amendment to this ordinance may be proposed from time to time, by the Town Council, Joint Planning Commission, or property owner(s), but no amendment shall become effective unless it shall have first been submitted to the Joint Planning Commission for review and recommendation.

11-6.1 *Procedures for Amendments:*

- a. Pre-application meetings with the Zoning Administrator are not required but can help minimize costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of the ordinance.
- b. Completed applications, other required materials, and application fee must be submitted to the Zoning Administrator.
- c. Applications must be submitted no later than 22 days prior to the next regularly scheduled Joint Planning Commission meeting.
- d. Under no condition shall the required fee be refunded, in full or in part, for failure of the amendment to be adopted.
- e. Applicants may not request an amendment affecting the same parcel or lot, or any part thereof, for a period of 12 months following the denial of such request. This time limit shall not apply to amendments initiated by the Town Council, Joint Planning Commission, or Zoning Administrator.

11-6.2 *Review by the Zoning Administrator:* The Zoning Administrator shall review the amendment request for general compliance with the requirements of this ordinance and consistency with the Joint Comprehensive Plan. The Zoning Administrator shall present such requests to the Joint Planning Commission for recommendation and to the Town Council for determination.

11-6.3 *Review by the Joint Planning Commission:* The Joint Planning Commission shall study and make recommendations on any proposed amendments. The Joint Planning Commission shall consider the following factors:

- a. The relationship of the proposed amendment to the Joint Comprehensive Plan and whether the request violates or supports the Plan;
- b. Whether the use permitted by the proposed change would be appropriate in the area concerned;
- c. Whether adequate public school facilities, roads, and other public services exist or can be reasonably provided to serve the needs of the development likely to take place because of such change and the consequence of such change;

- d. Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewer to the area. In the absence of such infrastructure capabilities, the proposed change must demonstrate that a safe and sanitary living environment exists through the provision of facilities sanctioned by the South Carolina Department of Environmental Services (DES).

The Joint Planning Commission shall have 30 days from the meeting at which the request was presented to make a recommendation to the Town Council. If the Joint Planning Commission fails to make a recommendation within 30 days, the request shall be deemed recommended for approval.

11-6.4 Public Hearing and Notice: Before considering an application for an amendment, the Town Council shall hold a public hearing. A notice indicating the time and place of the hearing shall be published 15 days prior to the hearing. When a proposed amendment affects the district classification of property, notice shall be posted on or adjacent to the affected property, with one notice being visible from each road that abuts the property.

11-6.5 Action by the Town Council: The Town Council shall consider the recommendations of the Joint Planning Commission on each proposed amendment. However, the Council is not bound by the recommendation in making a final decision and may call for additional information.

11-6.6 Updates to the Ordinance or Official Zoning Map: If the Town Council approves the amendment, then the Zoning Administrator shall update the ordinance or the Official Zoning Map to reflect the approved amendment within 5 working days of said approval. A written record of the type and date of such change shall be maintained by the Zoning Administrator.

Article 12

Legal Status Provisions

12-1 Separability

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

12-2 Conflict with Other Laws

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