



www.aikencountysc.gov

Aiken County
Planning and Development Department
1930 University Parkway, Suite 2800
Aiken, SC 29801
(803) 642-1520

PROCEDURES FOR RE-OCCUPATION OF EXISTING COMMERCIAL STRUCTURES AND NONCONFORMING USES

A re-occupation of an existing building or structure located on a property within a residential, commercial or industrial zoning district may be permitted by Chapter 24, Land Management Regulations (LMR) of the Aiken County Code of Ordinances provided the proposed use is allowed or has not lost its nonconforming (grandfathered) status and upon approval of the attached Re-Occupation and Nonconforming Use Application. A property will be deemed to have lost its grandfathered status if the owner, tenant, or manager fails to prove the nonconforming use of a building or parcel of land has not ceased to operate continuously for a period of 540 days since July 1, 1992.

Any modification of existing buildings and structures or alterations to a parcel of property may require a site plan review for issuance of an Aiken County LMR Development and/or Building Permit. Request for information concerning these issues or other questions may be directed to the Planning and Development Department.

If it is determined that a site plan review is required, all associated applications and other documentation are available in the Planning and Development Department. The site plan review fee will vary depending on the property being developed. Any required fees may be submitted with your application by cash or check made payable to Aiken County.

When completing the Re-Occupation and Nonconforming Use Application, you will need to provide the requisite information concerning both the applicant and property as indicated. You may need to consult with the current property owner for information about previous uses and activities that have been conducted on the site. In addition, a copy of your lease agreement or an executed Property Owner Permission Affidavit must be submitted with your application if you are not the owner of the property.

All business/commercial activities involving public health or environmental related issues, such as restaurants, may be addressed by contacting the South Carolina Department of Health and Environmental Control (DHEC). Additionally, you should consult the South Carolina Labor, Licensing, and Regulation Department to determine whether your business is compliant with applicable State Regulations by calling (803) 896-4300.

For further assistance obtaining any information for your application, such as the tax parcel number or zoning classification of the property, please contact the Planning Department at (803) 642-1520.



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APPLICATION FOR RE-OCCUPATION OF EXISTING
COMMERCIAL STRUCTURES AND NONCONFORMING USES

Applicant Information

Name of New Business Entity: _____

Applicant/s Full Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____ E-mail: _____

Property/Site Information

Name of Previous Use: _____ Date Vacated: _____ Tax Parcel #: _____

Site Address: _____

City: _____ State: _____ Zip Code: _____

Proposed Type of New Business/Nature of Use: (Applicant must describe any and all commercial activities and/or uses being conducted on the site)

Zoning: _____ Square Footage of Building: _____ Year Building/Structure Was Built: _____

Any Renovations Being Conducted: [] Yes [] No

Number of Existing Parking Spaces: _____ [] Paved [] Unpaved Any Landscaping on site: [] Yes [] No

Affidavit

Under penalties of perjury, I certify to the best of my knowledge that the information given in this Application is both true and correct. It is expressly understood that the issuance of any County permit upon approval of this Application does not relieve me of my responsibility to comply with and adhere to all applicable federal, state, and local laws. I further understand that I am subject to the provisions of the Business Registration Ordinance No. 06-10-31 of Aiken County, South Carolina requiring any and all business entities, including nonprofit organizations, to register with the Aiken County Tax Collector's Office. Failure to comply with the foregoing provisions is a misdemeanor, which may result in a fine of \$500.00 and/or imprisonment up to thirty (30) days for each violation.

Signature of Applicant/Agent

Date

OFFICE USE ONLY

Non-Conforming Use or Re-Occupation: _____

Does Existing Parking Meet Requirements: [] Yes [] No

Zoning Allows Proposed Use: [] Yes [] No

LMR Permit Required: [] Yes [] No

Building Code Approval: [] Yes [] No

Approved: [] Date: _____

Denied: [] Date: _____

Signed

Date



AIKEN COUNTY LAND MANAGEMENT REGULATIONS FUNCTIONAL PERFORMANCE STANDARDS

Section 24 - 3.3 Manufacturing, Commercial, and Other Nonresidential Uses

The following performance standards are designed to ensure that all permitted manufacturing, commercial, and other nonresidential uses listed in Table 1, Permitted Uses, produce no injurious or obnoxious elements related to the operation of such uses beyond the premises.

Please indicate whether the following standards apply by checking the appropriate space below.

(1) Vibration: **Applicable** **Not Applicable**

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:

- a) Residential property line: 0.02
- b) Nonresidential property line: 0.10

Vibration emanating from construction activities between 7:00 A.M. and 9:00 P.M. shall be exempt from these regulations.

(2) Fire and explosives: **Applicable** **Not Applicable**

All activities and all storage of flammable and explosive materials shall be provide with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and fire suppression equipment, as prescribed in the International Building Codes.

(3) Noise: **Applicable** **Not Applicable**

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the following values in any octave band or frequency. Sound pressure level shall be measured with a sound level meter and an octave band analyzer that conform to specifications published by the American Standards Association.

Frequency Band (Cycles Per Second)	Sound Pressure Levels (In Decibels)	
	At Residential Lot Line	At Non-Residential Lot Line
0 – 75	72	79
75 – 150	67	74
150 – 300	59	66
300 – 600	52	59
600 – 1200	46	53
1200 – 2400	40	47
2400 – 4800	34	41
4800 – 10000	32	39

(4) Air pollution: **Applicable** **Not Applicable**

The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control.

(5) Odor: **Applicable** **Not Applicable**

When an industrial plant is operating at close to maximum production the odors emissions, measured at the property line, shall not exceed a D/T (Dilution Threshold) of 100. Odor samples shall be taken and tested by an independent, qualified, odor-testing laboratory using ASTM (American Society of Testing and Materials) method of E79-91.

(6) Glare: **Applicable** **Not Applicable**

There shall be no direct or sky-reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.

(7) Fumes and vapors: **Applicable** **Not Applicable**

There shall be no emission of any fumes or vapors of a noxious, toxic, or corrosive nature, which can cause damage or irritation to health, animals, vegetation, or to any form of property.

(8) Heat, cold, dampness or movement of air: **Applicable** **Not Applicable**

Activities which would produce an adverse impact on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

(9) Toxic matter: **Applicable** **Not Applicable**

The applicant of a permit for any facility which would utilize toxic matter in the process of manufacturing, fabricating, assembling, packaging, or any related activity, shall provide with the application a certificate from the South Carolina Department of Health and Environmental Control, indicating compliance with the rules and regulations of such agency.

(10) Exterior illumination: **Applicable** **Not Applicable**

All outdoor light fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. Low-pressure sodium should be used wherever possible. The pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall not exceed 0.1-foot candles. Light sources visible in other areas shall not exceed 0.5-foot candles. Measurements shall be in a vented plane at the property line.

(11) Compliance guarantee: **Applicable** **Not Applicable**

The applicant of a permit for any manufacturing or processing plant or commercial or other nonresidential use which could produce any of the above "injurious or obnoxious elements" shall acknowledge in writing his or her understanding of the performance standards applicable to the proposed use and shall submit with the permit application an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this chapter and shall be treated accordingly. Enforcement of this agreement may be precipitated by complaint from any person allegedly aggravated by failure of the industrial use to comply with the provisions of this section. Where there is a potential problem in meeting any one of the performance criteria in this section, the applicant shall be required to mitigate to the satisfaction of the Planning and Development Director any potential adverse impacts of such operation and/or request a variance before the board of appeals, in accord with the provisions of Article 10.



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FUNCTIONAL PERFORMANCE STANDARDS COMPLIANCE GUARANTY
FOR MANUFACTURING, COMMERCIAL, & NON-RESIDENTIAL USES

This is to acknowledge that I, _____, as

[] Owner [] Executive Officer of _____
(Business Name)

have been provided a questionnaire concerning Chapter 24, Section 3.3 of the Land Management Regulations, Aiken County Code of Ordinances, which requires that certain performance standards governing manufacturing, commercial, and other nonresidential uses are designed to prevent potential injurious or obnoxious elements related to such operations from extending beyond the premises. I understand the requirements of said provisions of Section 3.3 of the Aiken County Code, that have indicated the specific functional performance standards, if any, which are applicable to my proposed development, and agree to conduct the business located at _____
(Address)

in compliance with such applicable standards at all times. I also understand that any violation of this Guaranty shall constitute a violation of Section 3.3, Land Management Regulations, and shall be treated accordingly, unless and until remedied to the satisfaction of Aiken County.

Date

Owner/Executive Officer

Name (printed)

Sworn to me before this _____
day of _____, 20_____

Notary Public of: _____

My Commission expires on: _____



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PROPERTY OWNER PERMISSION AFFIDAVIT

NOTE: If the applicant is not the owner of the property, this Affidavit must be completed by the applicant and property owner, or a copy of the lease agreement must be submitted.

I, _____ have knowledge of and agree to allowing
(Property Owner Name)

_____ to use the property located at:
(Applicant Name)

(Street Address) (City) (State) (Zip Code)

_____ to be used as _____
(Tax Parcel Number) (Type of Use and/or Business Name)

Property Owner's Signature

Applicant's Signature

Printed

Date

Printed

Date

Witness Signature

Witness Signature



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Aiken County
Code Enforcement Division
1930 University Parkway, Suite 2500
Aiken, SC 29801
(803) 502-9000 Ext 8790 Fax (803) 642-3284

APPLICATION FOR BUSINESS REGISTRATION

County Registration No.: _____ Year: 20____

Business Information

Name of Business: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: (_____) _____ E-Mail Address: _____

Property File No.: _____ or County Jurisdiction No.: _____

Type of Ownership: _____ Date Opened: _____

Type of Business: Please describe in detail products or services provided.

Owner Information

Name(s): _____

Address(es): _____

City: _____ State: _____ Zip: _____ Phone #: (_____) _____

All Business Registrations are due by July 1st and expire December 31st of each year

I understand that issuance of a County Business Registration does not relieve me of the responsibility of meeting all county zoning and building code requirements, and that I am subject to all provisions of the Business Registration Ordinance No. 06-10-31 of Aiken County.

I certify that the information given in this application is true, that the Real Estate and Merchant taxes due and payable to the County have been paid.

Owner or Authorized Representative

Title

Date

Failure to Comply is a misdemeanor and you may be fined up to \$500.00 and/or imprisonment for not more than thirty (30) days for each violation.