AIKEN COUNTY

LAND MANAGEMENT REGULATIONS

Prepared by the

AIKEN COUNTY PLANNING COMMISSION

AIKEN COUNTY PLANNING & DEVELOPMENT DEPARTMENT
1930 University Parkway, Suite 2800
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ADOPTED BY THE AIKEN COUNTY COUNCIL

Land Management Regulations
Aiken County, South Carolina

Table of Contents

ARTICLE I. IN GENERAL 1

Section 1.1 Title 1
Section 1.2 Authority 1
Section 1.3 Purpose 1
Section 1.4 Jurisdiction 1
Section 1.5 State and Municipalities Subject to This Chapter 2

ARTICLE II. ESTABLISHMENT, PURPOSE AND REGULATION OF ZONING DISTRICTS 3

Section 2.1 Establishment of Zoning Districts 3
Section 2.2 Purpose of Districts 3
Section 2.3 Establishment of Official Aiken County Zoning Map 8
Section 2.4 Interpretation of Zoning District Boundaries 8
Section 2.5 Establishment of District Regulations 9
Section 2.6 Use of Tables 9
Section 2.7 PUD, Planned Use District 42
Section 2.8 SPI, Special Public Interest District 47
Section 2.9 AO, Airport Overlay District 48
Section 2.10 FHO, Flood Hazard Overlay District 58
Section 2.11 WPO, Wellhead Protection Overlay District 101
Section 2.12 HCO, Highway Corridor Overlay District 102

ARTICLE III. CONDITIONAL USE REGULATIONS 141

Section 3.1 Concentrated Animal Feeding Operations and Slaughterhouses 142
Section 3.2 Horses and Other Equine 142
Section 3.3 Manufacturing, Commercial, and Other Nonresidential Uses 144
Section 3.4 Wrecking, Junk and Salvage Yards 147
Section 3.5 Communication Towers and Antennas 147
Section 3.6 Solid-Waste Landfill 179
Section 3.7 Bed and Breakfast Inns 181
Section 3.8 Camps and Recreational Vehicle Parks 181
Section 3.9 General Auto and Other Repair Establishments 183
Section 3.10 Sexually-oriented Businesses 183
Section 3.11 Multifamily Housing, Residential Care Facilities and Group-occupied Dwellings 193
Section 3.12 Townhouses, Duplexes, Triplexes, and Quadruplexes 194
Section 3.13 Patio and Zero-Lot-Line Housing 194
Section 3.14 Manufactured Housing 195
Section 3.15 Manufactured Home Parks 196
Section 3.16 Home Occupations 198

Section 3.17 Accessory Apartments 199
Section 3.18 Open Storage Areas 200
Section 3.19 Temporary Uses..... 200
Section 3.20 Vendors..... 202
Section 3.21 Motor Vehicle Race and Testing Tracks 202
Section 3.22 ATM Machines 203
Section 3.23 Truck Transportation 203
Section 3.24 Miniwarehouses 204
Section 3.25 Recycling Centers……204

ARTICLE IV. SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS..... 205

Section 4.1 General Requirements 205
Section 4.2 Design Standards..... 207
Section 4.3 Surfacing Standards..... 207
Section 4.4 Access To Parking 208
Section 4.5 Landscaping Parking Lots 209
Section 4.6 Lighting Parking Lots..... 209
Section 4.7 Drainage 209
Section 4.8 Parking Spaces for Handicapped Persons..... 210
Section 4.9 Off-Street Loading Areas 210
Section 4.10 Parking, Storage or Use of Travel Trailers or Recreational Vehicles in Residential Districts RC, RM, RD, and OR..... 211
Section 4.11 Parking, Storage and Use of Non-Recreational Vehicles and Equipment in Residential Districts RC, RM, RD, and OR..... 212
Section 4.12 Maintenance 212

ARTICLE V. BUFFERYARDS, SCREENING, COMMON OPEN SPACE, LANDSCAPING, TREE AND LIGHTING REGULATIONS 213

Section 5.1 Bufferyards..... 213
Section 5.2 Screening..... 220
Section 5.3 Common Open Space..... 221
Section 5.4 Landscaping..... 224
Section 5.5 Outdoor Lighting..... 228

ARTICLE VI. SIGN REGULATIONS 229

Section 6.1 Purpose..... 229
Section 6.2 Applicability and Conformance..... 229
Section 6.3 Signs on Private Property 229
Section 6.4 Common-Signage Plan Required..... 234
Section 6.5 Signs in the Public Right-of-Way..... 235
Section 6.6 Temporary Signs..... 236
Section 6.7 Prohibited Signs..... 237
Section 6.8 Development Standards..... 238
Section 6.9 Sign Measurement..... 239
Section 6.10 Removal of Signs..... 240

ARTICLE VII. LAND DEVELOPMENT REGULATIONS 241

Section 7.1 Purpose 241
Section 7.2 Site Design Standards 241
Section 7.3 Streets and Driveways 243
Section 7.4 Curb and Gutter 253
Section 7.5 Shoulders 254
Section 7.6 Signage and Names 254
Section 7.7 Street Lighting 255
Section 7.8 Easements 256
Section 7.9 Lots 257
Section 7.10 Blocks 262
Section 7.11 Areas Subject To Flooding 263
Section 7.12 Water Supply 263
Section 7.13 Sanitary Sewerage Facilities 265
Section 7.14 Fire Hydrants 266
Section 7.15 Sidewalks 266
Section 7.16 Surveys and Plats 267
Section 7.17 Dedications and Reservations 267
Section 7.18 Certifications and Disclosure Statements 269
Section 7.19 Stormwater Drainage Systems 269

ARTICLE VIII. GENERAL AND ANCILLARY REGULATIONS 270

Section 8.1 Application of Regulations 270
Section 8.2 Exceptions and Modifications 270
Section 8.3 Measurements 273
Section 8.4 Number of Principal Buildings/Uses on a Lot 274
Section 8.5 Visibility at Intersections 275
Section 8.6 Accessory Buildings and Uses 275
Section 8.7 Nonconformities 278
Section 8.8 Repair of Motor Vehicles in Residential Districts 281
Section 8.9 Garage and Yard Sales 281
Section 8.10 Placement of Objects and Vehicles on, In, or Adjacent to Road Rights-of-Way, Road Easements, and Roadways; Hazardous Objects 281

ARTICLE IX. ESTABLISHMENT, POWERS AND DUTIES OF OFFICIALS, COMMISSIONS AND BOARDS RESPONSIBLE FOR ADMINISTRATION OF THIS CHAPTER 283

Section 9.1 Planning and Development Director 283
Section 9.2 Planning Commission 283
Section 9.3 Board of Appeals (BA) 284

ARTICLE X. ADMINISTRATION, APPLICATION AND REQUIRED PERMITS 291

Section 10.1 Purpose 291
Section 10.2 Platting Authority 291
Section 10.3 Use of Plat 292

Section 10.4 Erection of Buildings 292
Section 10.5 Responsibility 293
Section 10.6 Types of Applications 293
Section 10.7 Eligible Applicants 295
Section 10.8 Application Procedures For Change (Rezoning or Text Amendment) or Variance 296
Section 10.9 Application Procedures for Land Development Projects 300
Section 10.10 Application Procedures for Subdivisions and Major Land Development Projects 300
Section 10.11 Performance Guarantee 320
Section 10.12 Variances 323
Section 10.13 Application Requirements and Fees 323
Section 10.14 Required Permits 328
Section 10.15 Types of Required Permits 328
Section 10.16 Certificates of Occupancy; Change of Occupancy of Existing Structures; Conversion of Houses; Enlargement 330
Section 10.17 Inspections for Compliance 332
Section 10.18 Expiration of Permits 332
Section 10.19 Vested Rights 332
Section 10.20 Reasons for Denial of Permit 337
Section 10.21 Complaints Regarding Violations; Stop Work Orders 337
Section 10.22 Penalties for Violations 338

ARTICLE XI. DEFINITIONS 339

ARTICLE XII. LEGAL STATUS PROVISIONS 370

Section 12.1 Conflict with Other Laws 370
Section 12.2 Validity 370
Section 12.3 Repeal of Conflicting Chapters, Ordinances and Parts of Ordinances; Revision of Related Chapters of the Aiken County Code of Ordinances; Adoption of this Chapter as Chapter 24 Land Management Regulations of the Aiken County Code of Ordinances 370
Section 12.4 Effective Date 372

Land Management Regulations
Aiken County, South Carolina

Table Index

Page

Table 1-A Permitted and Conditional Uses 12

Table 1-B Off-Street Parking Requirements, By Districts 26

Table 2 Schedule of Lot Area, Setback, Height, Density, and Impervious Surface Ratio, by Zoning Districts 38

Table 3 Bufferyard Requirements: Types Required 213

Table 4 Bufferyard Requirements: Plants Required 215

Table 5 Regulation of Signs by Type, Characteristics, and Zoning Districts 230

Table 6 Number, Dimension, and Location of Permitted Signs, By Zoning Districts 233

Table 7 Temporary Sign Regulations 236

Table 8 Construction Standards for Subdivisions 252

Table 9 Setback Modifications, Accessory Uses 277

Table 10 Applicant Eligibility Requirements 295

Table 11 Information Required to Support Applications for Land Subdivisions, Land Developments, Major Land Developments, Amendments of Text or Map (Rezonings), Variances, and Appeals 324

END OF CHAPTER

Appended and included in this binder are the following two related documents which are maintained by the Aiken County GIS Division and which are referred to in the Land Management Chapter adopted by the County Council:

1. AIKEN COUNTY PLAT STANDARDS 373
2. AIKEN COUNTY SURVEY TIE-DOWN STANDARDS…... 374
3. AIKEN COUNTY DIGITAL DATA SUBMISSION STANDARDS 379

Also included in this binder is the table entitled "TOTAL Capacity for SCDOT Travel Demand Models" for level of service C which is maintained by the SCDOT and referred to in Section 10.10.7(G)(ii)(c) of the Land Management Regulations adopted by the County Council. 381

AIKEN COUNTY
LAND MANAGEMENT REGULATIONS

IN GENERAL

Section 1.1 Title

This Chapter (Ordinance) shall be known as the Land Management Regulations of Aiken County, South Carolina.

Section 1.2 Authority

This Chapter (Ordinance) is adopted pursuant to the authority conferred by the General Statutes of South Carolina, 1976 Code of Laws, Title 6, Chapter 29, The Comprehensive Planning Enabling Act of 1994, as amended.

Section 1.3 Purpose

The purpose of this Chapter is to promote the public health, safety, appearance, prosperity and general welfare; to protect public, private and institutional investments; to lessen congestion in the streets; to secure safety from fire, panic and other danger; to provide adequate light, air, and open space, to protect and preserve scenic, historic, and ecologically-sensitive areas, to facilitate the timely and adequate provision of transportation, water, sewage disposal, and other services, and to guide development in accord with the County's Comprehensive Plan.

Section 1.4 Jurisdiction

This Chapter and the provisions contained herein shall hereafter govern all land development within the unincorporated areas of Aiken County, South Carolina as now or hereafter established.

Section 1.5 State and Municipalities Subject to This Chapter

Agencies, departments, and subdivisions of the State of South Carolina that use any real property, as owner or tenant, in Aiken County are subject to the provisions of this Chapter.

A municipality or an agency, department, or subdivision of a municipality that uses any real property, as owner or tenant, that is within the limits of Aiken County but not within the limits of the municipality is subject to the provisions of this Chapter.

ARTICLE II.
ESTABLISHMENT, PURPOSE AND REGULATION OF ZONING DISTRICTS

Section 2.1 Establishment of Zoning Districts

For purposes of this Chapter, the following zoning districts are hereby established:

PRIMARY DISTRICTS

AP	Agricultural Preservation
IND	Industrial Development
LD	Limited Development
NC	Neighborhood Commercial
OR	Office Residential
RC	Residential Single-Family Conservation
RRC	Residential Rural Commercial
RD	Residential Multi-Family Development
RH5	Residential – Horse 5
RH5B	Residential – Horse Business District
RM	Residential Limited Mixed Use
RUC	Rural Community
RUD	Rural Development
UD	Urban Development

SPECIAL PURPOSE DISTRICTS

AO	Airport Overlay
FHO	Flood Hazard Overlay
HCO	Highway Corridor Overlay
PUD	Planned Use
SPI	Special Public Interest
WPO	Wellhead Protection Overlay

Section 2.2 Purpose of Districts

Collectively, these districts are intended to advance the purposes of this Chapter and the Comprehensive Plan as stated in Article 1. Individually, each district is designed and intended to accomplish the following more specific objectives.

AP, Agricultural Preservation District: The intent of this District is to conserve, sustain, and protect from premature urban encroachment rural areas and resources, particularly agricultural and forested lands; and maintain a balanced rural-urban environment without interfering with the entrepreneurial abilities and endeavors of local residents

The retention of open lands, woodlands, and farmlands, which make up the bulk of this area, are essential to clean air, water, wildlife, many natural cycles, and balanced environment, among other things. Even more essential from an economic perspective are the agricultural lands and farming operations in this area, as well as the right of rural property owners to conduct owner based entrepreneurial businesses. Also protected by this district is a rural environment preferred by many people over subdivisions and higher density urban or community settings.

IND, Industrial District: The intent of this district is to protect and accommodate wholesaling, distribution, warehousing, processing, manufacturing, office and related business uses on individual lots and in business park settings. This district also is intended to protect for future development land with industrial potential.

LD, Limited Development District: The intent of this district is to accommodate multi-use development on a limited basis and to minimize land use conflicts along major transportation corridors where use controls and limitations are needed to enhance aesthetic values, ensure land use compatibility and promote a viable growth and development situation.

NC, Neighborhood Commercial District: The intent of this district is to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in this district are of the "convenience variety." The size of this district should relate to surrounding residential markets and the location should be at or near major intersections, in proximity to and/or on the periphery of residential areas, existing or proposed.

OR, Office-Residential District: This district is intended to accommodate office, institutional, and residential uses in areas whose character is changing, or where such a mix of uses is appropriate. It is designed principally for use in transitioning from residential to commercial or business use, and along major streets dominated by older houses in

transition. In this district, ancillary and directly-related services and uses may not be the principal uses on the property.

RC, Residential Single-Family Conservation District: This district is intended to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses, and to reserve sufficient undeveloped land to meet future single-family housing demands. This district also is intended to encourage infilling and expansion of "like development" consistent with the character of existing development.

RRC, Residential Rural Commercial: The intent of this district is to preserve the residential and agricultural nature of an area while allowing limited number of agricultural uses, small-scale commercial uses, and recreational uses.

RD, Residential Multi-Family Development District: This District is intended to promote and accommodate housing development that meets the diverse economic and social needs of a diverse population. To this end, this district is designed and intended to allow for the development of a variety of housing styles, types and densities on small lots or in project settings, including single-family, duplexes, triplexes, air-space condominiums, rental apartments, patio homes, townhouses, residentially-designed manufactured homes, etc., and to do so in a protected, compatible residential environment. This district is intended for application in areas accessible by major streets, and in proximity to commercial uses, employment opportunities and community facilities.

RH5, Residential-Horse 5 District: This district is intended to promote and accommodate low-density residential development on large lots of at least five-acre size by prohibiting multifamily residential, industrial, and most commercial activities.

RH5B, Residential-Horse Business District: This district is intended to promote and accommodate low-density residential development on large lots of at least five-acre in size in prohibiting multifamily residential, industrial, and most commercial activities except those related directly to equine and equestrian uses and selected agricultural uses.

RM, Residential Limited Mixed Use District: This district is intended to promote and accommodate a limited mix of residential development,

including single-family dwellings, duplexes, townhouses, patio homes, manufactured homes and related support uses, and do so in a protected, compatible residential environment.

RUC, Rural Community District: The intent of this district is to sustain existing rural-community values and environments, and to facilitate future development which will strengthen the economies of these areas, making them less dependent on outside services and resources, while ensuring land use compatibility and fostering a sense of community.

RUD, Rural District: The RUD District conforms with the area and development regulations of the Rural District designation contained in the County's 1984 Development Standards Ordinance. It also embraces the same development objectives of its predecessor: "To facilitate (for the area) the adequate provision of transportation, water, sewage disposal, and other public improvements and services."

UD, Urban Development District: This district is intended to accommodate much of the projected growth in the unincorporated area of Aiken County during the time span of the County's Comprehensive Plan. It also may be established in other intensely developing areas so designated by the Aiken County Planning Commission. This district is projected to have most public facilities and infrastructure needed to support urban development such as schools, sewer, water, streets, etc. It is applied in areas where development logically should locate as a consequence of planned public facilities and associated capital expenditures. This district is characterized by mixed-use development, providing for a full range of residential uses as well as commercial, institutional, and industrial uses.

Special Purpose Districts

AO, Airport Overlay District: It is the intent of this district to protect the dual interests of airports and neighboring land uses, and to:

1. Protect and promote the general health, safety, economy, and welfare of airport environs;

2. Prevent the impairment and promote the utility and safety of airports;

3. Promote land use compatibility between airports and surrounding development;

4. Protect the character and stability of existing land uses; and

5. Enhance environmental conditions in areas affected by airports and airport operations.

FHO, Flood Hazard Overlay District: It is the intent of this district to protect human life and health, minimize property damage, encourage appropriate construction practices, and minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

Additionally, this district is intended to help maintain a stable tax base by providing for the sound use and development of flood-prone areas and to ensure that potential home buyers are notified that property is in a flood area. The provisions of this district are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, street and bridges located in the floodplain, and prolonged business interruptions; and to minimize expenditures of public money for costly flood control projects and rescue and relief efforts associated with flooding.

HCO, Highway Corridor Overlay District: The intent of this district is to protect and to enhance the appearance of developments and to improve the traffic flow in primary commercial corridors on the main entrance roads into the municipalities in Aiken County.

PUD, Planned Use District: The intent of the Planned Use District is to encourage flexibility in the development of land in order to promote its most appropriate use, and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PUD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved

level of amenities, foster a harmonious variety of uses, encourage creative design, and produce an enhanced environment.

In view of the substantial public advantage of “planned use development”, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly where large undeveloped tracts are involved.

SPI, Special Public Interest District: The creation of Special Public Interest Districts is intended to identify and protect for future generations:

1. existing natural resources, and

2. historical buildings, grounds and other unique environs with special and substantial public interest.

WPO, Wellhead Protection Overlay District: The intent of this district is to protect ground water resources, a major source of drinking water in Aiken County, from contamination by potentially-high-risk land uses and activities.

Section 2.3 Establishment of Official Aiken County Zoning Map

Aiken County is divided into zoning districts as shown on the Official Aiken County Zoning Map which is maintained by the GIS Mapping Division of the Aiken County Planning & Development Department. This Map is adopted as the Official Aiken County Zoning Map by this Chapter. The Official Aiken County Zoning Map may be amended as set forth in Article 10 of this Chapter.

Section 2.4 Interpretation of Zoning District Boundaries

Unless otherwise shown on the Official Zoning Map of Aiken County, the boundary lines of districts coexist at lot lines, centerlines of streets or alleys, or such lines extended, railroad right-of-way lines, centerlines of creeks and streams, or corporate limit lines.

District boundary lines not coinciding with the above shall be determined by use of the scale of the Official Zoning Map unless actual dimensions are noted.

Where uncertainty exists regarding the boundaries as shown by the Official Zoning Map, the Planning Commission shall act to resolve any question or controversy arising over such district boundary line.

Section 2.5 Establishment of District Regulations

District regulations are presented with the use of tables. Table 1-A and 1-B identifies and lists all permitted uses in the several primary zoning districts established by Section 2.1, together with off-street parking requirements for each use or category of uses. Table 2 establishes lot area, yard, setback, height, density, and impervious surface requirements for all uses, by zone district.

Special purpose district regulations are contained in Section 2.7, PUD, Planned Use District; Section 2.8 SPI, Special Public Interest; Section 2.9, AO, Airport Overlay District; Section 2.10, FHO, Flood Hazard Overlay District; and Section 2.11, WPO, Wellhead Protection Overlay District, and HCO, Highway Corridor Overlay District.

Section 2.6 Use of Tables

The North American Industry Classification System, 2002, is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed on the table, the NAICS Manual should be consulted. In general, all uses listed by a given NAICS number and category shall be construed as being permitted in the assigned zoning district, unless separately listed.

Uses not listed in the NAICS Manual, or to which a reference is not applicable are identified by the letters “NA” (Not Applicable).

Where the letter “P” is shown on the Table, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Chapter.

Where the letter “C” is shown on the Table, the use to which it refers is conditionally permitted in the indicated district, subject to requirements for uses set out in Article 3.

Where the letter “N” is shown on the Table, the use to which it refers is not permitted in the indicated district.

Where a given use or NAICS reference is not listed on the table, said use shall not be permitted.

A section number reference following a use category means the use must meet the additional conditions and requirements of the referenced section.

To aid in the use of the Table, major land use categories are arranged numerically by NAICS Sectors, followed by the uses and codes included in each sector, as shown below:

Sector 11:	Agriculture, Forestry, Fishing and Hunting
Sector 21:	Mining
Sector 22:	Utilities
Sector 23:	Construction
Sector 31-33:	Manufacturing
Sector 42:	Wholesale Trade
Sector 44-45	Retail Trade
Sector 48-49:	Transportation and Warehousing
Sector 51:	Information
Sector 52:	Finance and Insurance
Sector 53:	Real Estate and Rental and Leasing
Sector 54:	Professional, Scientific, and Technical Services
Sector 55:	Management of Companies and Enterprises
Sector 56:	Administrative and Support and Waste Management and Remediation Services
Sector 61:	Educational Services
Sector 62:	Health Care and Social Assistance
Sector 71:	Arts, Entertainment, and Recreation
Sector 72:	Accommodation and Food Services
Sector 81:	Other Services (except Public Administration)
Sector 92:	Public Administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with Sector 11 (Agricultural, Forestry, Fishing and Hunting) and running through Sector 92 (Public Administration). Residential uses do not represent an industry classification

and therefore are not included in the NAICS code. However, they are listed on the Table 1-A and 1-B, after Sector 92.

Table 1-A: Permitted and Conditional Uses (Note g) P=permitted by right C=permitted conditionally N=not permitted NA=not applicable

Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Sector 11:	Agriculture, Forestry, Fishing and Hunting															
Agricultural production, crops	111	N	P	N	N	P	N	P	P	P	P	P	N	P	P	P
Agricultural production, livestock, and animals	112															
Livestock	112111	N	N	N	N	N	N	P	N	P	P	P	N	P	C	P
Concentrated Animals Feeding Operations, CAFO's (Section 3.1)	N/A	N	N	N	N	N	N	N	N	C	C	N	N	N	N	N
Hog and pig farming	1122	N	N	N	N	N	N	N	N	P	P	N	N	N	N	P
Poultry and eggs	1123	N	N	N	N	N	N	N	N	P	P	N	N	N	N	P
Sheep and goat farming	1124	N	N	N	N	N	N	N	N	P	P	N	N	N	N	P
Animal aquaculture	1125	N	N	N	N	N	N	P	N	P	P	N	N	N	N	P
Other animal production	1129	N	N	N	N	N	N	P	N	P	P	N	N	P	P	P
Horses and other equine (Section 24-3.2)	11292	C	C	C	N	C	N	C	N	P	P	C	N	C	C	P
Fur-bearing production	11293	N	N	N	N	N	N	P	P	P	P	N	N	N	N	P
Forestry and logging	113	N	N	N	N	P	N	N	P	P	P	P	N	P	P	P
Commercial fishing, hunting, and trapping	114	N	N	N	N	N	N	N	N	P	P	N	N	N	P	P
Support activities for agricultural/forestry	115	N	N	N	N	P	N	P	P	P	P	N	N	P	P	P
Support activities for animal production	115210	N	N	N	N	P	N	P	P	P	P	N	N	P	P	P
Sector 21:	Mining															
Mining	212	N	N	N	N	P	N	N	P	P	P	N	N	N	N	P
Sector 22:	Utilities															
Electric, gas, and sanitary services	221															
Electric	2211															

Table 1-A: Permitted and Conditional Uses (Note g) P=permitted by right C=permitted conditionally N=not permitted NA=not applicable

Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Generation	22111	N	N	N	N	P	N	P	P	P	P	N	P	N	N	N
Transmission substation	22112	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Natural gas distribution	2212	N	N	N	N	P	N	P	P	P	P	N	P	N	N	N
Water supply systems	22131															
Storage/treatment	22131	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Transmission		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sewerage systems	22132															
Collection	22132	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Treatment	22132	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Steam and air-conditioning supply	22133	N	N	N	N	P	P	P	P	P	P	N	P	N	N	N
Sector 23:	Construction															
Bldg. construction-general contract and operative builders	236	N	N	N	N	P	N	P	P	P	P	N	N	N	P	P
Heavy Construction other than bldg.	237	N	N	N	N	P	N	N	P	P	P	N	N	N	P	P
Special-trade contractors	238	N	N	N	N	P	N	P	P	P	P	N	N	N	P	P
Sector 31-33:	Manufacturing (Section 3.3)															
Food	311	N	N	N	N	C	N	N	C	P	N	N	N	N	N	C
Beverage and tobacco	312	N	N	N	N	C	N	N	C	P	N	N	N	N	N	C
Textile Mills	313	N	N	N	N	C	N	N	C	P	N	N	N	N	N	N
Textile product mills	314	N	N	N	N	C	N	N	C	P	N	N	N	N	N	N
Apparel	315	N	N	N	N	C	N	N	C	P	N	N	N	N	N	C
Leather and allied products	316	N	N	N	N	C	N	N	C	P	N	N	N	N	N	C
Wood products	321	N	N	N	N	C	N	N	C	P	C	N	N	N	N	C
Paper	322	N	N	N	N	C	N	N	C	P	N	N	N	N	N	N

Table 1-A: Permitted and Conditional Uses (Note g) P=permitted by right C=permitted conditionally N=not permitted NA=not applicable

Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Printing and related activities	323	N	N	N	N	C	N	C	C	P	N	N	N	N	N	C
Petroleum products	324	N	N	N	N	C	N	N	C	P	N	N	N	N	N	N
Chemical products	325	N	N	N	N	C	N	N	C	P	N	N	N	N	N	N
Plastic and rubber products	326	N	N	N	N	C	N	N	C	P	N	N	N	N	N	N
Nonmetallic mineral products	327	N	N	N	N	C	N	N	C	P	N	N	N	N	N	C
Primary metal	331	N	N	N	N	C	N	N	C	P	N	N	N	N	N	C
Fabricated metal products	332	N	N	N	N	C	N	C	C	P	N	N	N	N	N	C
Machinery	333	N	N	N	N	C	N	N	C	P	N	N	N	N	N	C
Computer and electronic products	334	N	N	N	N	C	N	C	C	P	N	N	N	N	N	C
Electrical Equipment, appliances, and components	335	N	N	N	N	C	N	C	C	P	N	N	N	N	N	N
Transportation equipment	336	N	N	N	N	C	N	N	C	P	N	N	N	N	N	C
Furniture and related products	337	N	N	N	N	C	N	N	C	P	N	N	N	N	C	C
Custom architectural woodwork	337212	N	N	N	N	C	N	C	C	P	C	N	N	N	C	C
Miscellaneous Manufacturing	339	N	N	N	N	C	N	N	C	P	N	N	N	N	N	C
Sector 42:	Wholesale Trade															
Wholesale trade-durable goods	423	N	N	N	N	P	N	P	P	P	N	N	N	N	N	N
Wrecking, junk, and salvage (Section 3.4)	42314	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N
Wholesale trade-nondurable goods	424	N	N	N	N	P	N	P	P	P	N	N	N	N	N	N
Wholesale electronic markets	425	N	N	N	N	P	P	P	P	P	N	N	N	N	N	N

Table 1-A: Permitted and Conditional Uses (Note g) P=permitted by right C=permitted conditionally N=not permitted NA=not applicable

Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Sector 44-45: Retail Trade																
Motor vehicle dealers	441	N	N	N	N	P	N	N	N	P	N	N	P	N	P	N
Automotive parts, accessories, and tires	4413	N	N	N	N	P	N	N	N	P	N	N	P	N	P	N
Furniture and home furnishings	442	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Electronic and appliances	443	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Building materials and garden supplies	444															
Home Centers	44411	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Paint and wallpaper stores	44412	N	N	N	P	P	N	P	N	P	N	N	P	N	N	N
Hardware Stores	44413	N	N	N	P	P	N	P	N	P	P	N	P	N	N	N
Other building material dealers	44419	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Lawn and garden equipment & supplies stores; farm supplies stores	4442	N	N	N	P	P	N	P	N	P	P	N	P	P	P	N
Food and beverage stores	445	N	N	N	P	P	N	P	N	P	N	N	P	N	P	N
Convenience stores	4451	N	N	N	P	P	N	P	N	P	P	N	P	N	P	N
Fruit and vegetable	44523	N	N	N	P	P	N	P	N	P	P	N	P	N	P	P
Liquor	4453	N	N	N	P	P	N	P	N	P	N	N	P	N	N	N
Health and personal care	446	N	N	N	P	P	N	P	N	P	N	N	P	N	N	N
Gasoline stations	447	N	N	N	P	P	N	P	N	P	P	N	P	N	N	N
Truck stops	44719	N	N	N	N	P	N	N	N	P	N	N	P	N	N	N
Clothing and accessory stores	448	N	N	N	P	P	N	P	N	P	N	N	P	N	N	N
Sporting goods, hobbies, books, and music	451	N	N	N	P	P	N	P	N	P	N	N	P	N	N	N

Table 1-A: Permitted and Conditional Uses (Note g) P=permitted by right C=permitted conditionally N=not permitted NA=not applicable

Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
General-merchandise	452	N	N	N	P (c)	P	N	P	N	P	N	N	P	N	N	N
Miscellaneous retail	453	N	N	N	P	P	N	P	N	P	N	N	P	N	N	N
Flea Markets (used merchandise stores)	4533	N	N	N	N	P	N	N	N	P	P	N	P	N	N	N
Manufactured home dealers	45393	N	N	N	N	P	N	N	N	P	N	N	P	N	N	N
Non-store retailers	454	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Fuel dealers	45431	N	N	N	N	P	N	N	P	P	P	N	P	N	N	N
Vendors (Section 3.21)	NA	N	N	N	C	C	N	C	N	P	C	N	C	C	C	N
Sector 48-49: Transportation and Warehousing																
Air Transportation	481	N	N	N	N	P	N	P	P	P	P	N	N	N	N	N
Rail Transportation	482	N	N	N	N	P	N	P	P	P	N	N	N	N	N	N
Water Transportation	483	N	N	N	N	P	N	P	P	P	N	N	N	N	N	N
Truck Transportation (Section 3.23)	484	N	N	N	N	C	N	N	C	C	N	N	N	N	N	N
Transit and ground passenger transportation	485	N	N	N	P	P	N	P	P	P	N	N	P	N	N	N
Pipeline transportation	486	N	N	N	N	P	N	P	P	P	N	N	P	N	N	N
Scenic and sightseeing transportation	487	N	N	N	N	P	N	P	P	P	N	N	P	N	N	N
Support activities for transportation	488	N	N	N	N	P	N	P	P	P	N	N	P	N	N	N
U.S. Postal Service	491	N	N	N	P	P	N	P	P	P	P	N	P	N	N	N
Warehousing and storage (dead storage only)	493	N	N	N	N	P	N	P	P	P	P	N	P	N	N	N
Sector 51: Information																
Publishing industries	511	N	N	N	N	P	N	P	P	P	N	N	P	N	N	N

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Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Motion pictures and sound industries	512	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Motion-picture theaters	512131	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Broadcasting and Telecommunications	515	N	N	N	N	P	N	P	P	P	N	N	P	N	P	N
Communication towers & antennas (Section 24-3.5)	5172	N (h)	C	N (h)	N (h)	C	N (h)	C	C	C	C	N (h)	C	N (h)	C	C
Internet and other information providers	518-9	N	N	N	N	P	P	P	P	P	N	N	P	N	P	N
Libraries	51912	N	N	N	P	P	P	P	N	P	P	N	P	N	P	N
Sector 52:	Finance and insurance															
Banks	521	N	N	N	P	P	P	P	P	P	N	N	P	N	N	N
Credit intermediation	522	N	N	N	P	P	P	P	P	P	N	N	P	N	N	N
ATM machines (Section 3.22)	52211	N	N	N	P	P	C	P	P	P	N	N	P	N	N	N
Pawn Shops	522298	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Security & financial investments	523	N	N	N	P	P	P	P	P	P	N	N	P	N	N	N
Insurance carriers and related activities	524	N	N	N	P	P	P	P	P	P	N	N	P	N	N	N
Funds, trust, and other fin.	525	N	N	N	P	P	P	P	P	P	N	N	P	N	N	N
Sector 53:	Real Estate, Rental, and Leasing															
Real estate	531	N	N	N	P	P	P	P	N	P	N	N	P	N	N	N
Miniwarehouses (Section 3.24)	53113	N	N	N	N	C	N	C	C	C	N	N	C	N	N	N
Rental and leasing services	532	N	N	N	N	P	N	P	P	P	N	N	P	N	N	N
Video rentals	53223	N	N	N	P	P	N	P	P	P	N	N	P	N	N	N

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Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Sector 54:	Professional, Scientific, Technical Services															
Professional, scientific, technical services	541	N	N	N	P	P	P	P	P	P	N	N	P	N	N	N
Display advertising (signs) services	54185	N	N	N	P	P	P	P	P	P	P	N	P	N	N	N
Veterinary services, partially unenclosed	54194	N	N	N	N	P	N	N	N	P	P	N	P	P	N	P
Veterinary services, completely enclosed	54194	N	N	N	N	P	N	P	N	P	P	N	P	P	N	P
Sector 55:	Management															
Management of companies and enterprises	551	N	N	N	N	P	P	P	P	P	N	N	P	N	P	N
Sector 56:	Administrative Support and Waste-Management Services															
Administrative and support	561	N	N	N	N	P	P	P	P	P	N	N	P	N	P	N
Landscape Services	56173	N	N	N	N	P	P	P	P	P	P	N	P	N	P	P
Waste-management services	562															
Waste collection	5621	N	N	N	N	P	N	N	P	P	P	N	N	N	N	N
Hazardous waste treatment and storage	562211	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Solid waste landfill (Section 3.6)	562212	N	N	N	N	C	N	N	C	P	C	N	N	N	N	N
Material recover facilities (Section 3.4)	562920	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N
Recycling deposit and transfer stations (Section 3.25)	562920	N	N	N	N	C	N	C	C	C	C	N	N	N	N	N
Solid-waste incinerators	562213	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N
All other waste management	56299	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N
Sector 61:	Educational Services															

Table 1-A: Permitted and Conditional Uses (Note g) P=permitted by right C=permitted conditionally N=not permitted NA=not applicable

Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Educational Services	611															
Elementary and middle schools	6111	P	P	P	N	P	P	P	N	P	P	P	P	P	P	P
High Schools	6111	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Junior colleges, colleges, universities, and prof. schools	6112-3	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Business schools, computer, schools, and management training schools	6114-5	N	N	N	N	P	N	P	P	P	N	N	P	N	N	N
Other schools and instruction	6116	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Educational support services	6117	N	N	N	N	P	N	P	P	P	N	N	P	N	N	N
Sector 62:	Health Care and Social Assistance															
Ambulatory health care ser.	621															
Offices of physicians and health practitioners	6211-3	N	N	N	N	P	P	P	N	P	N	N	P	N	N	N
Outpatient-care centers	6214	N	N	N	N	P	P	P	N	P	N	N	P	N	N	N
Medical and diagnostic labs	6215	N	N	N	N	P	P	P	N	P	N	N	P	N	N	N
Home-health-care services	6216	N	N	N	N	P	P	P	N	P	N	N	P	N	N	N
Other ambulatory health-care services	6219	N	N	N	N	P	P	P	N	P	N	N	P	N	N	N
Hospitals	622	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Nursing and residential care facilities (Section 3.11)	623															
Nursing care facilities	6231	N	C	C	N	C	N	C	N	C	N	N	C	N	N	N

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Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Residential mental retardation, mental health, and substance abuse facilities	6232	N	C	C	N	C	N	C	N	C	N	N	C	N	N	N
Community care for elderly	6233	N	C	C	N	C	N	C	N	C	N	N	C	N	N	N
Social assistance	624															
Individual and family services	6241	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Community food & housing, & emergency & relief services	6242	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Vocational-rehab. Services	6243	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Child/adult daycare services	6244	N	P	N	P	P	P	P	N	P	N	N	P	N	P	N
Sector 71: Arts, Entertainment, and Recreation																
Performing arts, spectator sports, etc.	711															
Performing arts	7111	N	N	N	N	P	N	P	N	P	N	N	P	N	P	N
Spectator sports	7112	N	N	N	N	P	N	P	N	P	N	N	P	P	N	N
Motorized vehicle race tracks (Section3.21)	711212	N	N	N	N	C	N	N	N	C	N	N	N	N	N	N
Horse race tracks	711212	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Other spectator sports	711219	N	N	N	N	P	N	P	N	P	N	N	P	P	P	P
Museums and similar Ins.	712	N	N	N	P	P	P	P	N	P	N	N	P	N	N	N
Zoos	71213	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N
Nature parks, boat landings, and public parks	71219	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Amusement and rec.	713															

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Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
industries																
Amusement parks, arcades	7131	N	N	N	N	P	N	N	N	P	N	N	N	N	N	N
Gambling Ind. (see definitions)	7132	N	N	N	N	P	N	P	N	P	N	N	N	N	N	N
Golf courses and country clubs	71391	P	P	P	N	P	N	P	N	P	P	P	P	P	P	P
Marianas	71393	N	N	N	N	P	N	P	N	P	P	N	P	N	N	P
Fitness and rec. sport centers	71394	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Bowling centers	71395	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
All other amusement, including indoor gun clubs and indoor firing ranges	713990	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Gun club and firing ranges (outdoor)	713990	N	N	N	N	N	N	N	N	P	N	N	N	N	N	P
Riding Stables	713990	N	N	N	P	P	N	N	N	P	N	N	P	P	P	P
Sector 72:	Accommodation and Food Services															
Hotels and motels	72111	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Bed & breakfast inns (Section 3.7)	721191	N	C	C	N	P	C	P	N	P	C	C	P	C	C	C
Camps and RV parks (Section 3.8)	72121	N	N	N	N	C	N	N	N	C	C	N	N	N	N	N
Rooming and boarding houses and dormitories	72131	N	P	N	N	P	N	P	N	P	N	N	P	N	N	N
Group Housing (Grooms)	72131	N	P	N	N	P	N	N	N (b)	P	N	N	P	P	N	N
Eating places, excluding drive-ins & drive-throughs	7221-2	N	N	N	P	P	N	P	N	P	P	N	P	N	N	N
Eating places, including drive-ins and drive-throughs	7221-2	N	N	N	N	P	N	P	N	P	P	N	P	N	N	N

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Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Special food services	7223	N	N	N	P	P	N	P	N	P	P	N	P	N	N	N
Drinking places	7224	N	N	N	P	P	N	P	N	P	P	N	P	N	N	N
Sector 81:	Other Services (except Public Administration)															
Repair and maintenance	811															
General auto repair (Section 3.9)	811111	N	N	N	N	C	N	C	N	P	N	N	C	N	C	C
Car wash (Section 3.9)	811192	N	N	N	N	C	C	C	N	P	N	N	C	N	N	C
Other repair (Section 3.9)	811214	N	N	N	N	C	N	C	N	P	N	N	C	N	C	C
Personal and laundry services	812															
Personal care services-beauty, barber etc. (not including tattoo parlors)	8121	N	N	N	P	P	N	P	N	P	N	N	P	N	P	P
Funeral homes and death care services	8122	N	N	N	N	P	N	P	N	P	N	N	P	N	N	N
Cemeteries	81222	N	N	N	N	P	N	N	N	P	N	N	P	N	N	N
Crematories	81222	N	N	N	N	P	N	N	P	P	N	N	P	N	N	N
Laundry & dry cleaning ser.	8123	N	N	N	P	P	N	P	N	P	N	N	P	N	N	N
Coin-operated laundries/dry cleaning	81231	N	P	N	P	P	N	P	N	P	N	N	P	N	N	N
Other personal services	8129	N	N	N	P	P	N	P	N	P	N	N	P	N	N	N
Pet care (kennels)	81291	N	N	N	P	P	N	P	N	P	N	N	P	P	P	P
Photo-finishing lab	812921	N	N	N	P	P	N	P	P	P	N	N	P	N	N	N
Automotive parking lots and garages	81293	N	N	N	P	P	P	P	P	P	N	N	P	N	N	N
Sexually-oriented businesses	81299	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N
All other personal	81299	N	N	N	P	P	N	P	N	P	N	N	P	N	N	N

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Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
services																
Religious, fraternal, civic, professional, political and business organizations	813															
Religious organizations	8131	P	P	P	P	P	P	P	N	P	P	P	P	P	P	P
All other organizations	8132-9	N	N	N	N	P	P	P	N	P	N	N	P	N	N	N
Sector 92:	Public Administration															
Executive, legislative, and general government	921	N	N	N	P	P	P	P	P	P	P	N	P	N	N	N
Justice, public order and safety	922	N	N	N	P	P	P	P	P	P	P	N	P	N	N	N
Courts	92211	N	N	N	P	P	N	P	P	P	P	N	P	N	N	N
Police protections	92212	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Correctional institutions	92214	N	N	N	N	P	N	N	P	P	N	N	P	N	N	N
Fire protection	92216	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Administration of human resources	923	N	N	N	N	P	P	P	P	P	P	N	P	N	N	N
Administration of environmental-quality and housing programs	924-5	N	N	N	N	P	P	P	P	P	P	N	P	N	N	N
Administration of economic programs	926	N	N	N	N	P	P	P	P	P	P	N	P	N	N	N
Residential Uses																
Site Built dwellings	NA															
Single-family detached dwellings	NA	P	P	P	P	P	P	P	N (b)	P	P	P	P	P	P	P
Duplex, triplex, and quadruplex dwelling (Section 3.12)	NA	N	C	C	C	C	C	C	N	C	C	N	C	N	C	N

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Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Multi-family, and apartments (Sect. 3.11)	NA	N	C	N	N	C	N	C	N	C	C	N	C	N	C	N
Townhouses (Section 3.12)	NA	N	C	C	C	C	C	C	N	C	C	N	C	N	C	N
Patio and zero-lot-line home (Section 3.13)	NA	N	C	C	C	C	C	C	N	C	C	N	C	N	C	N
Manufactured Dwellings																
Residential-design (Section 3.14)	NA	N	C	C	N	C	C	N	N(b)	C	C	N	C	N	C	C
Standard-design (Sec 3.14) (e)	NA	N	C	C	N	C	N	N	N	C	C	N	C	N	C	C
Manufactured home parks (Section 3.15)	NA	N	N	N	N	C	N	N	N	C	N	N	C	N	N	N
Modular homes	NA	P	P	P	P	P	P	P	N (b)	P	P	P	P	P	P	P
Accessory uses to residential uses																
Bathhouses and cabanas	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Domestic animal shelters	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Non-commercial greenhouses	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Storage buildings/workshops	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming pools, tennis courts	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Auxiliary sheds & workshops	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home occupations (Section 3.16)	NA	C	C	C	C	P	C	P	C	C	C	C	P	C	C	C
Horticulture, and gardening	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Table 1-A: Permitted and Conditional Uses (Note g) P=permitted by right C=permitted conditionally N=not permitted NA=not applicable

Zoning Districts	NAICS	RC	RD	RM	NC	UD	OR	LD	IND	RUD	RUC	RH5	HCO	RH5B	RRC	AP(i)
Accessory apartments (Section 3.17)	NA	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Detached garages	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Family-day-care-homes	NA	P	P	P	P	P	P	P	P	P	P	C (f)	P	P	P	C
Satellite dishes, etc.	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Uses to Non-Residential uses																
Building/structure (Section 8.6)	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Open Storage (Section 3.18)	NA	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Temporary Uses																
All temporary uses (Sec 3.19)	NA	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
Sector 11: Agriculture, Forestry, Fishing and Hunting		
Agricultural production crops	111	None
Agricultural production, livestock, and animals	112	
Livestock	112111	None
Concentrated Animal Feeding Operations, CAFOs (Section 3.1)	NA	None
Hog and pig farming	1122	None
Poultry and eggs	1123	None
Sheep and goat farming	1124	None
Animal aquaculture	1125	None
Other animal production	1129	None
Horses and other equine (Section 24-3.2)	11292	None
Fur-bearing production	11293	None

Zoning Districts	NAICS	Required Parking
Forestry and logging	113	None
Commercial fishing, hunting, and trapping	114	None
Support activities for agricultural/forestry	115	1 per 1,000 GFA
Support activities for animal production	115210	1 per 1,000 GFA
Sector 21: Mining		
Mining	212	None
Sector 22: Utilities		
Electric, gas, and sanitary services	221	
Electric	2211	
Generation	22111	1 per 500 GFA
Transmission substation	22112	1 per 500 GFA
Natural gas distribution	2212	1 per 500 GFA
Water supply systems	22131	
Storage/Treatment	22131	1 per 500 GFA
Transmission		1 per 500 GFA
Sewerage systems	22132	
Collection	22132	1 per 500 GFA

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
Treatment	22132	1 per 500 GFA
Steam and air-conditioning supply	22133	1 per 500 GFA
Sector 23: Construction		
Bldg. construction-general contact and operative builders	236	1 per 1,000 GFA
Heavy construction other than bldg.	237	1 per 1,000 GFA
Special-trade contractors	238	1 per 1,000 GFA
Sector 31-33: Manufacturing (Section 3.3)		
Food	311	1 per 800 GFA (d)
Beverage and tobacco	312	1 per 800 GFA (d)
Textile mills	313	1 per 800 GFA (d)
Textile product mills	314	1 per 800 GFA (d)
Apparel	315	1 per 800 GFA (d)
Leather and allied products	316	1 per 800 GFA (d)

Zoning Districts	NAICS	Required Parking
Wood products	321	1 per 800 GFA (d)
Paper	322	1 per 800 GFA (d)
Printing and related activities	323	1 per 800 GFA (d)
Petroleum Products	324	1 per 800 GFA (d)
Chemical products	325	1 per 800 GFA (d)
Plastic and rubber products	326	1 per 800 GFA (d)
Nonmetallic mineral products	327	1 per 800 GFA (d)
Primary metal	331	1 per 800 GFA (d)
Fabricated metal products	332	1 per 800 GFA (d)
Machinery	333	1 per 800 GFA (d)
Computer and electronic products	334	1 per 800 GFA (d)

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
Electrical equipment, appliances, and components	335	1 per 800 GFA (d)
Transportation equipment	336	1 per 800 GFA (d)
Furniture and related products	337	1 per 800 GFA (d)
Custom architectural woodwork	337212	1 per 800 GFA (d)
Miscellaneous Manufacturing	339	1 per 800 GFA (d)
Sector 42: Wholesale Trade		
Wholesale trade-durable goods	423	1 per 5,000 GFA
Wrecking, junk, and salvage (Section 3.4)	42314	1 per 5, 000 GFA
Wholesale trade-nondurable goods	424	1 per 5, 000 GFA
Wholesale electronic markets	425	1 per 5, 000 GFA
Sector 44-45: Retail Trade		
Motor vehicle dealers	441	1 per 1,000 GFA

Zoning Districts	NAICS	Required Parking
Automotive parts, accessories, and tires	4413	1 per 300 GFA
Furniture and home furnishings	442	1 per 1,000 GFA
Electronics and appliances	443	1 per 1,000 GFA
Building materials and garden supplies	444	
Home centers	44411	1 per 300 GFA
Paint and wallpaper stores	44412	1 per 300 GFA
Hardware stores	44413	1 per 300 GFA
Other building material dealers	44419	1 per 1,000 GFA
Lawn and garden equipment & supplies stores; farm supplies stores	4442	1 per 1,000 GFA
Food and beverage stores	445	3.5 per 1,000 GFA
Convenience stores	4451	1 per 200 GFA
Fruit and vegetable	44523	1 per 300 GFA
Liquor	4453	1 per 300 GFA

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
Health and personal care	446	1 per 300 GFA
Gasoline stations	447	1 per 200 GFA
Truck stops	44719	1 per 600 GFA
Clothing and accessory stores	448	1 per 300 GFA
Sporting goods, hobbies, books, and music	451	1 per 300 GFA
General-merchandise stores	452	1 per 300 GFA
Miscellaneous retail	453	1 per 300 GFA
Flea Markets (used merchandise stores)	4533	1.5 per stall
Manufactured home dealers	45393	1 per 1,000 GFA
Non-store retailers	454	1 per 500 GFA
Fuel dealers	45431	1 per 1,000 GFA
Vendors (Section 3.21)	NA	2 per vendor
Sector 48-49: Transportation and Warehousing		
Air transportation	481	By. Ind. Review
Rail transportation	482	1 per 500 GFA
Water transportation	483	1 per 500 GFA

Zoning Districts	NAICS	Required Parking
Truck transportation (Section 3.23)	484	1 per 500 GFA
Transit and ground passenger transportation	485	1 per 500 GFA
Pipeline transportation	486	1 per 500 GFA
Scenic and sightseeing transportation	487	1 per 500 GFA
Support activities for transportation	488	1 per 500 GFA
U.S. Postal Service	491	1 per 350 GFA
Warehousing and storage (dead storage only)	493	1 per 5,000 GFA
Sector 51: Information		
Publishing industries	511	1 per 750 GFA
Motion pictures and sound industries	512	1 per 500 GFA
Motion-picture theaters	512131	1 per 3 seats
Broadcasting and Telecommunications	515	1 per 500 GFA

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
Communication towers & antennas (Section 24-3.5)	5172	NONE
Internet and other information providers	518-9	1 per 500 GFA
Libraries	51912	1 per 300 GFA
Sector 52: Finance and Insurance		
Banks	521	1 per 300 GFA
Credit intermediation	522	1 per 300 GFA
ATM machines (Section 3.22)	52211	2 spaces
Pawn shops	522298	1 per 300 GFA
Security & financial investments	523	1 per 300 GFA
Insurance carriers and related activities	524	1 per 300 GFA
Funds, trust, and other financial	525	1 per 300 GFA
Sector 53: Real Estate, Rental, and Leasing		
Real estate	531	1 per 300 GFA
Mini-warehouses (Section 3.24)	53113	1 per 300 GFA office + 1 per rental vehicle

Zoning Districts	NAICS	Required Parking
Rental & leasing services	532	1 per 300 GFA office + 1 per rental vehicle
Video Rentals	53223	1 per 300 GFA
Sector 54: Professional, Scientific, and Technical Services		
Professional, scientific, technical services	541	1 per 300 GFA
Display advertising (signs) services	54185	1 per 300 GFA
Veterinary services, partially unenclosed	54194	1 per 300 GFA
Veterinary services, completely enclosed	54194	1 per 300 GFA
Sector 55: Management		
Management of companies and enterprises	551	1 per 500 GFA
Sector 56: Administrative Support and Waste-Management Services		
Administrative and support services	561	1 per 750 GFA
Landscape services	56173	1 per 1,000 GFA

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
Waste-management services	562	
Waste collection	5621	1 per 1,000 GFA
Hazardous waste treatment and storage	56221	1 per 1,000 GFA
Solid waste landfill (Section 3.6)	562212	1 per 1,000 GFA
Material recovery facilities (Section 3.4)	562920	1 per 1,000 GFA
Recycling deposit and transfer stations	562920	1 per employee
Solid-waste incinerators	562213	1 per 1,000 GFA
All other waste management	56299	1 per 1,000 GFA
Sector 61: Educational Services		
Educational Services	611	
Elementary and middle schools	6111	2 per classroom

Zoning Districts	NAICS	Required Parking
High Schools	6111	6 per classroom, plus 1 per 8 seats in assembly area
Junior colleges, colleges, universities, and prof. schools	6112-3	8 per classroom plus 2 per office
Business schools, computer, schools, and management-training schools	6114-5	8 per classroom plus 2 per office
Other schools and instruction	6116	9 per classroom plus 2 per office
Educational support services	6117	1 per 500 GFA
Sector 62: Health Care and Social Assistance		
Ambulatory health care Ser.	621	
Office of physicians and health practitioners	6211-3	1 per 200 GFA
Outpatient-care centers	6214	1 per 300 GFA

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
Medical and diagnostic labs	6215	1 per 400 GFA
Home-health-care services	6216	1 per 500 GFA
Other ambulatory health care services	6219	1 per 500 GFA
Hospitals	622	2 per bed
Nursing and residential care facilities (Section 3.11)	623	
Nursing care facilities	6231	1 per 4 beds
Residential mental retardation, mental health, and substance-abuse facilities	6232	1 per 4 beds
Community care for elderly	6233	1 per 4 beds
Social assistance	624	
Individual and family services	6241	1 per 350 GFA

Zoning Districts	NAICS	Required Parking
Community food & housing & emergency & relief services	6242	1 per 350 GFA
Vocational-rehab. Services	6243	1 per 350 GFA
Child/adult daycare services	6244	1 per 600 GFA
Sector 71: Arts, Entertainment, and Recreation		
Performing arts, spectator sports, etc.	711	
Performing arts	7111	1 per 500 GFA
Spectator Sports	7112	1 per 5 seats or 50 square feet of standing or seating area
Motorized vehicle race tracks (Section 3.21)	711212	
Horse race tracks	711212	
Other spectator sports	711219	
Museums and similar institutions	712	1 per 1,000 GFA
Zoos	71213	By individual review

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
Nature parks, boat landings, and public parks	71219	By individual review
Amusement and rec. industries	713	
Amusement parks, arcades	7131	1 per 500 GFA
Gambling Ind., (See definitions)	7132	1 per 500 GFA
Golf Courses and country clubs	71391	5 per hole
Marinas	71393	1.5 per slip
Fitness and rec. sport centers	71394	1 per 500 GFA
Bowling centers	71395	5 per lane
All other amusement, including indoor gun clubs and indoor firing ranges	713990	1 per 500 GFA
Gun club and firing ranges (outdoor)	713990	1 per target area
Riding Stables	713990	1 + 1 per stall

Zoning Districts	NAICS	Required Parking
Sector 72: Accommodation and Food Services		
Hotels and motels	72111	1.5 per rental unit
Bed & Breakfast inns (Section 3.7)	721191	1.5 per bedroom
Camps and RV parks (Section 3.8)	72121	Not applicable
Rooming and boarding houses and dormitories	72131	1 per bedroom
Group Housing (Grooms)	72131	1 per bedroom
Eating places, excluding drive-ins & and drive-throughs	7221-2	1 per 3 seats
Eating place, including drive-ins and drive-throughs	7221-2	1 per 3 seats
Special food services	7223	1 per 3 seats
Drinking places	7224	1 per 3 seats
Sector 81: Other Services (except Public Administration)		
Repair and maintenance	811	

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
General auto repair (Section 3.9)	811111	3 per service bay
Car wash (Section 3.9)	811192	2 per service bay
Other repair (Section 3.9)	8112-14	1 per 350 GFA
Personal and laundry services	812	
Personal care services-beauty, barbers etc. (not including tattoo parlors)	8121	2.5 per chair
Funeral homes and death-care services	8122	1 per 4 chapel seats
Cemeteries	81222	None
Crematories	81222	2 +1 per 4 chapel seats
Laundry & dry cleaning ser.	8123	1 per 500 GFA
Coin-operated laundries/dry cleaning	81231	1 per 250 GFA
Other personal services	8129	1 per 300 GFA

Zoning Districts	NAICS	Required Parking
Pet care (kennels)	81291	1 per 300 GFA
Photo-finishing lab	812921	1 per 500 GFA
Automotive parking lots and garages	81293	Not applicable
Sexually-oriented business	81299	1 per 250 GFA
All other personal services	81299	1 per 350 GFA
Religious, fraternal, civic, professional, political, and business organizations	813	
Religious organizations	8131	1 per 3 seats in Sanctuary
All other organizations	8132-9	1 per 350 GFA
Sector 92: Public Administration		
Executive, legislative, and general government	921	1 per 350 GFA
Justice, public order and safety	922	1 per 350 GFA
Courts	92211	1 per 350 GFA
Police Protection	92212	1 per 350 GFA

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
Correctional institutions	92214	By individual review
Fire protection	92216	4 per bay
Administration of human resources	923	1 per 350 GFA
Administration of environmental-quality and housing programs	924-5	1 per 350 GFA
Administration of economic programs	926	1 per 350 GFA
Residential Uses		
Site-built dwellings	NA	
Single-family detached dwellings	NA	2 per dwelling
Duplex, triplex, and quadruplex dwellings (Section 3.12)	NA	2 spaces per unit
Multi-family, and apartments (Section 3.11)	NA	1.5 spaces for 1 br unit; 2 spaces for all other units except 1 space per br for elderly

Zoning Districts	NAICS	Required Parking
Townhouses (Section 3.12)	NA	2 spaces per unit
Patio and zero-lot-line homes (Section 3.13)	NA	2 spaces per unit
Manufactured Dwellings		
Residential-design (Section 3.14)	NA	2 spaces per unit
Standard-design (Section 3.14) (e)	NA	2 spaces per unit
Manufactured home parks (Section 3.15)	NA	2 spaces per unit
Modular homes	NA	2 spaces per unit
Accessory uses to residential uses		
Bathhouses and cabanas	NA	None
Domestic animal shelters	NA	None
Non-commercial greenhouses	NA	None
Storage buildings/workshops	NA	None
Swimming pools, tennis courts	NA	None

Table 1-B
Off-Street Parking Requirements by District

Zoning Districts	NAICS	Required Parking
Auxiliary sheds & workshops	NA	None
Home occupations (Section 3.16)	NA	None
Horticulture, and gardening	NA	None
Accessory apartments (Section 3.17)	NA	Section 3.17
Detached garages	NA	None
Family-day-care homes	NA	None
Satellite dishes, etc.	NA	None
Accessory Uses to Non-Residential uses		
Buildings/structures (Section 8.6)	NA	None
Open storage (Section 3.18)	NA	None
Temporary Uses		
All temporary uses (Section 3.19)	NA	Section 3.20

(a) Off-street parking requirements computed on basis of number of spaces per square feet of gross floor area (GFA).

(b) Permitted on existing lot of recorded as of July 1, 1992, and on any new lot ten acres or greater in size, or any court-ordered subdivision.

(c) Permitted in NC District, not to exceed 5,000 square feet GFA.

(d) per 800 sq. ft. GFA, or as determined by review by the Planning and Development Director on a case-by-case basis to be sufficient for the largest number of employees on any shift, including any additional spaces required for overlapping shifts.

(e) Refer to Section 3.14(A) Manufactured Housing, which reads as follows: “However, such “pre-76” manufactured housing built before 1976 may be relocated within Aiken County until November 1, 2011 provided that such housing is registered with Aiken County in compliance with State and County Codes, that an Aiken County Moving Permit is obtained, and that such housing is owner-occupied.

(f) Family daycare homes in RH5 Districts are considered to be home occupations and therefore subject to the requirements described in Section 3.16 Home Occupations of this Chapter.

(g) In the event that the uses permitted by this Table 1-A and 1-B in the HCO District conflict with the uses permitted in the Districts which underlie the HCO District, the more restrictive and stringent use regulations shall prevail (see Section 2.12.15).

(h) Refer to Section 24-3.5.9 for these districts.

(i) In the AP district, commercial business where permitted in Table 1 shall meet the following condition to insure it remains “small scale” in keeping with its neighborhood: No more than 12 employees, - including fulltime and part-time employees, contract workers, and family member/residents of the property.

Table 2: Schedule of Lot Area, Setback, Height, Density, and Impervious Surface Ratio, By Zoning Districts (O)															
	RC	RD	RM	RH5	OR	NC	UD	LD	IND	RUD	RUC	HCO	RH5B	RRC	AP(P)
Minimum Lot Area (per 1,000 Square Feet)															
Residential (M)	(A)	(B)	10	217.5	10	NA	(B)	(B)	(N)	NA	(I)	NA	217.5	10	(Q)
Non-residential	43.5	20	20	43.5	10	5	5	5	20	43.5	20	5	217.5	20	43.5
Width at building line (ft.) (L)	80	80	80	80	80	40	40	40	100	80	50	40	80	80	80
Minimum Yard & Building Setback (measurement in feet from property line or easement width)															
Front															
Arterial Street	50	50	50	50	50	50	50	50	100	100/50*	50	50	50	50	100/50 (P)
Collector Street	40	40	40	40	40	40	40	40	75	75/40**	40	40	40	40	100/40 (P)
Local Street	30	30	30	30	30	30	30	30	50	50/30***	30	30	30	30	100/30 (P)
Side															
Residential (C)	10	10	10	10	10	NA	5	5	5	10	10	10	10	10	100/10 (P)
Non-residential	20	(D)	20	20	5	5	5	5	(K)	10	10	10	20	20	100/20 (P)
Rear															
Residential (C)	20	20	20	20	20	20	20	20	20	20	20	20	20	20	100/20 (P)
Non-residential	40	(D)	30	40	10	20	15	15	(K)	20	20	20	40	20	100/40 (P)
Rivers, creeks, water bodies	(E)	(E)	(E)	(E)	(E)	(E)	(E)	(E)	(E)	(E)	(E)	(E)	(E)	(E)	100/(E) (P)
Maximum Height (ft.) (G)	35	(F)	35	35	35	35	(F)	35	(F)	35	35	35	35	35	35
Maximum Impervious Surface Area Ratio	35%	45%	40%	35%	55%	70%	70%	70%	70%	NA	35%	35%	55%	55%	35%
Buildings on same lot	(H)	(H)	(H)	(H)	(H)	(H)	(H)	(H)	(H)	(H)	(H)	(H)	(H)	(H)	(H)

Notes to Table 2: NA = Not applicable.
***100' industrial only; 50' other uses. **75' industrial only; 40' other uses. ***50' industrial only; 30' other use**

(A) Minimum lot size shall be 80 percent of the average size of existing lots of record within the subdivision or neighborhood in which the lot is proposed, measured within 1,000 feet of the proposed lot. All existing lots three acres or smaller shall be included in the calculation of "average lot size". Existing lots larger than three acres shall be considered to be three acres for purpose of calculating average lot size. Lots not entirely contained within the 1,000-foot radius of the proposed lot shall not be included in the calculation. All lots included in the calculation must be recorded on the Aiken County tax maps. Where such measurement or calculation is inconclusive, the following minimums shall apply: one (1) acre per unit without community water and sewer; one-half acre minimum without community sewer; 14,000 square feet with community water and sewer.

(B) 10,000 square feet for one residential unit: 4,000 for each additional unit.

(C) For residential developments other than single-family detached dwellings, setbacks shall be determined on the basis of project density and adjacent land use, as follows:

Existing adjacent land use	Proposed Density (Dwelling Units per acre)	Required Setback (feet)
Single-family dwelling on local street	12 or more	30
	4 to 11	25
	2 to 3	20
All other uses	2 to 12	10

(D) 30-foot setback when proposed use abuts single-family use on local street; 20 foot setback when proposed use abuts all other residential uses; and 10 foot setback when proposed use abuts another non-residential use.

(E) A buffer setback not less than 50' shall be provided along the banks of all water bodies, streams and rivers. The buffer area shall remain largely undisturbed, except for piers, docks, benches or other outdoor furniture. Landscaping and Best Management Practices (BMPs) For Forestry in Streamside Management Zones, promulgated by the SC Forestry Commission shall be used to protect the embankment from erosion and prevent stormwater runoff from draining directly into the contiguous water resource. These provisions shall not apply to intermittent streams.

(F) No limit; however, required minimum side & rear setbacks shall be increased at the rate of 3.5 feet for each floor over the 2nd.

(G) Measurement from the average finished grade at the building line to the highest point of a flat roof or midpoint of a pitched roof.

(H) Unattached buildings occupying the same lot shall be separated by a distance of twenty (20) feet, plus 3.5 feet for each additional floor over the first floor, or as specified by the International Building Code.

(I) Minimum lot size or building site (where more than one dwelling per lot is proposed) shall be based on soil conditions and DHEC area requirements for on-site wastewater disposal and water supply systems.

(J) "Reserved"

(K) Minimum setbacks shall be thirty (30) feet from side and rear property lines, plus five (5) feet for each additional five thousand (5,000) square feet of gross cumulative plant floor area over twenty

thousand (20,000) square feet. Maximum setback shall be two hundred (200) feet from side and rear property lines.

(L) Width at building line for townhouses is specified in Section. 3.12 and for patio and zero lot line housing in Section. 3.13.

(M) Minimum lot area for townhouses is specified in Section 3.12 and for patio and zero lot line housing in Section. 3.13.

(N) Permitted on existing lot of record as of July 1, 1992, and on any new lot ten acres or greater in size, or any court-ordered subdivision.

(O) In the event that the standards made applicable to the HCO District by this Table 2 conflict with the standards applicable to the Districts which underlie the HCO District, the more restrictive and stringent standards shall prevail.

(P) In the AP district, manufacturing businesses where permitted in Table 1 shall meet the following condition: Any manufacturing building or activity must be located 100 feet from any property line.

(Q) Two-acre minimum. However, only small subdivisions involving the creation of 10 or fewer lots shall be permitted, and once approved, such small subdivisions shall not be enlarged beyond their initial platted boundaries, unless and until such subdivisions may be rezoned to a higher-density residential District, in accord with the County's Comprehensive Plan.

Section 2.7 PUD, Planned Use District

Section 2.7.1 Establishment of PUD, Planned Use District

There are hereby created two types of PUD Districts, Type A and Type B.

Type A. A type A PUD is one which is similar in use and intensity to the district in which it is to be located.

Type A PUDs may be established in any zoning district, subject to the requirements of this Section and review and approval by the Planning Commission. Rezoning is not required to establish a Type A PUD. Planning Commission approval shall be final for Type A PUDs.

Type B. A type B PUD is one which may include any use or combination of uses and intensity levels irrespective of prevailing zoning district requirements where it is to be located.

Type B PUDs shall be established on the Official Zoning Map by the same procedure as for amendments generally (Article 10) and in accord with the requirements of this Section.

Additionally, each PUD shall be identified by a prefix and number indicating the particular district, as for example "PUD-03-1" (Zone-Year-Number), together with whatever other identification appears appropriate.

Section 2.7.2 Permitted Uses in PUD

Type A PUDs

Permitted uses in Type A PUDs shall include only those listed in Table 1-A and 1-B-A for the district in which the PUD is to be established. No use shall be permitted in a Type A PUD that is not clearly permitted in the district in which it is to be established.

Type B PUDs

Any use or combination of uses meeting the objectives of this Section may be established in a Type B PUD upon review and approved amendatory action by the Planning Commission and County Council. Once approved,

the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential, multi-family residential, single-family detached housing, manufactured housing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PUD zoning applies to the land, unless otherwise amended by Ordinance.

Section 2.7.3 Development Standards

(A) Minimum Area Required

Minimum area requirement for establishing a PUD shall be five acres.

(B) Density

Residential density, setbacks, impervious surface ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water, and sewerage systems, recreation facilities, fire and police protection, etc.

(C) Overall Site Design

Overall site design shall be harmonious in terms of landscaping, enclosures of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

(D) Parking and Loading

Off-street parking and loading spaces for each PUD shall comply with the requirements of Table 1-A and 1-B, as applicable for the uses proposed for the PUD, and the requirements of Article 4.

(E) Buffer Areas

Buffer areas shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Section 5.1. Buffer areas are not required for internal use.

(F) Streets and Street Improvements

Private streets may be permitted in a PUD provided such streets meet the design and construction standards for public streets; further provided that an acceptable maintenance plan is submitted to and approved as part of the PUD plan.

(G) Landscaping and Common Open Space

Landscaping and open space requirements for each PUD shall comply with the provisions of Section 5.3 and 5.4 of this Chapter.

(H) Signage

Signage shall be in harmony and scale with and reflective of the proposed PUD.

(I) Offsetting Public Benefits

If the site design and/or plans of a PUD submitted for approval include or request concessions, relief or variances from the usual development standards prescribed in this Chapter, such as density, setbacks, roadway width, or other standards, additional public benefits shall be provided in the PUD by the applicant so as to offset and justify the concessions, relief, or variances. Such additional benefits may include the provision of additional open space over that normally required, parks, recreation facilities, walking trails, and other amenities. The Planning Commission and/or the County Council, as appropriate, shall determine whether the additional benefits to be provided are sufficient to offset and justify the requested concessions, relief or variances.

Section 2.7.4 Site Plan Required

A conceptual site plan or master plan for a PUD showing the entire proposed PUD development, including future phases, in sufficient detail so as to present a clear, general, graphic depiction of the overall elements of the PUD to the Planning Commission and to the County Council shall be prerequisite to the approval of a PUD. Further, the fully-detailed site plan presented for approval of each specific individual phase of a PUD,

including residential, commercial, and other phases and portions of the PUD, shall adhere to the requirements of this Section and also shall show all of the information called for in Table 11 of this Chapter as appropriate for the type of development involved in that phase of the PUD, whether that phase involves Land Subdivision (Preliminary Plat Approval or Final Plat Approval), Land Development, or Major Land Development as defined in Section 10.6.1 of this Chapter and described in full detail in Article 7 of this Chapter.

Section 2.7.5 Financial Guarantees

Where public improvements and/or common amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PUD plan.

Where proposed or required improvements have not been completed by the applicant/developer prior to the scheduled target date and certified by the Planning and Development Director, the applicant/developer may provide financial guarantees acceptable to the County, to ensure the proper installation of such required improvements.

Section 2.7.6 Action by the Planning Commission and Council

Action by the Planning Commission and Council may be to approve the plan and application to establish a PUD, to include specific modifications to the plan, or to deny the application to rezone or establish a PUD. If the plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be so notified.

Section 2.7.7 Final Administrative Action

Once the plan is approved, the Planning and Development Director shall issue or cause to be issued Building and Sign Permits in accord with the approved plan as a whole or in stages, or portions thereof, as approved. Said permits shall be issued in the same manner as for Building and Sign Permits generally.

Section 2.7.8 Changes in Approved PUD Plans

Except as provided in this Section, approved PUD plans shall be binding on the owner and any successor in title.

Minor changes in an approved PUD site plan may be handled administratively by the Planning and Development Director on application by the applicant, upon making a finding that such changes:

1. do not increase density;

2. do not change the exterior boundaries or height;

3. do not increase the intensity of land use;

4. do not materially change the location or amount of land devoted to specific land uses;

5. do not significantly change the exterior appearance of the project.

Minor changes may include, but not be limited to minor shifting of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan.

Temporary signs within a PUD which exceed the limit for temporary signs under the sign provisions may be approved by staff provided such approval does not exceed a one-year period.

Major changes to an approved Type A or B PUD shall require review by the County Planning Commission. Major changes include the following:

1. Any increase in intensity or use resulting in added floor area, number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.

2. Any change in parking areas resulting in an increase or reduction greater than 5% in the number of spaces.
3. Structural alterations significantly affecting the size, form, style, and location of buildings as shown on the fully-detailed approved plan.

4. Any reduction in the amount of open space or buffer area, or any change in the location or characteristics of open space.

5. Any change in pedestrian or vehicular access or circulation.

6. Any change in use from one use group to another. Any change in the use, intensity or density of a Type B PUD shall constitute a change requiring the reestablishment of the PUD through the amendatory process (Article 10).

Section 2.7.9 References

Refer to Sections 10.18 and 10.19 of this Chapter.

Section 2.8 SPI, Special Public Interest District

Section 2.8.1 Establishment of SPI District

An SPI District may be established as a primary or overlay zoning district in accord with the same procedures as for amendments generally, Article10. Additionally, each SPI District shall be identified by the SPI prefix and a number indicating the particular district, and shall contain information and proposals as indicated below concerning the area, building(s), and/or premises proposed for such regulation:

(A) Statement of Intent. The requested establishment of an SPI District on the zoning map shall include a statement of intent, specifying the nature of the special and substantial public interest involved and the objectives of the special regulations and procedures.

(B) Proposed District Boundaries. The proposed district shall be presented on a map or maps showing the boundaries and the designations of all portions of underlying districts, if any, which will remain after SPI zoning is superimposed.

(C) Proposed Regulations. Proposed regulations shall be set out in the statement of intent. Such regulations may require submission of detailed site plans, building plans and elevations and maps indicating the relation of proposed development to surrounding or otherwise affected property.

Section 2.8.2 Changes to Established SPI District

Once created by amendment, no change in the regulations or map boundaries of an established SPI District shall be approved except by amendatory action as provided for in Section 10.5.

Section 2.9 AO, Airport Overlay District

Section 2.9.1 Purpose

The purpose of this district is to promote the dual interests of airports and neighboring land uses, and to:

(A) Protect and promote the general health, safety, economy and welfare of residents of airport environs; Prevent the impairment and promote the utility and safety of airports;

(B) Promote land use compatibility between airports and surrounding development;

(C) Protect the character and stability of existing land uses; and

(D) Enhance environmental conditions in areas affected by airports and airport operations.

Section 2.9.2 Establishment or Expansion of Airport Overlay Districts

Airport Overlay Districts and expansions thereof shall be established by ordinance in accord with the same procedures as for amendments as prescribed in Article 10 of this Chapter. Said districts shall include as a minimum all of the area lying beneath the primary zones, approach zones, transitional zones, horizontal zones, heliport approach zones, heliport

transitional zones, and conical zones as herein defined and applicable to an existing or proposed airport or heliport.

No airport or expansion thereof shall be permitted for construction and allowed to operate in Aiken County unless and until said use and the surrounding area impacted by said use have been established in an airport overlay district in accord with the provisions of this Section.

The Aiken Municipal Airport Overlay District is hereby established as shown on the airport overlay district maps entitled "EXHIBIT 1 LAND USE/HEIGHT RESTRICTION ZONES, DATED DECEMBER 1993, SHEETS 1 AND 2 OF 3", which are maintained by the Aiken County Planning & Development Department and hereby incorporated into this Chapter and made a part thereof.

Section 2.9.3 Boundaries of Airport Overlay Districts

The boundaries of airport overlay districts shall be determined by application of the following zones, as applicable, to an existing or proposed airport or heliport. Such zones shall be shown on the airport district maps. Said maps also shall clearly depict the property boundary lines and tax parcel numbers of all properties included in the airport overlay district.

(A) Primary zone. All land along the runway that extends two hundred fifty (250) feet perpendicular to the centerline of the runway; and all land extending two hundred (200) feet from the end of any runway or proposed extension. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(B) Transitional zone. All land which lies directly under an imaginary surface extending outward and upward at a slope of seven to one (7:1) from the sides of the primary surface and from the sides of the approach surfaces, until they intersect the horizontal surface or the conical surface. Where a precision instrument runway approach zone projects beyond the conical zone, the transitional zone includes all land which lies directly under imaginary surfaces extending outward and upward at a slope of seven to one (7:1) from the sides of and at the same elevation as the approach surface, and extending a

horizontal distance of five thousand (5,000) feet measured at ninety-degree angles to the extended runway centerline.

(C) Horizontal zone. All land which lies directly under an imaginary horizontal surface one hundred fifty (150) feet above the established airport elevation (for Aiken Municipal Airport the horizontal surface elevation is 679 feet MSL) and is established by swinging arcs ten thousand (10,000) feet along from the ends of the primary surface along the extended runway centerline, then connecting the arcs by straight lines tangent to those arcs.

(D) Approach zone. All land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of the runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface.

The approach surfaces for runways at the Aiken Municipal Airport are hereby established as follows:

i. The approach surface for Runway 18/36 inclines outwards and upwards at a slope of twenty to one (20:1) for a distance of five thousand (5,000) feet from the end of the primary surface. The approach zone is two hundred fifty (250) feet wide at the inner edge and one thousand two hundred fifty (1,250) feet wide at a distance of five thousand (5,000) feet from the end of the primary surface centered on the runway centerline.

ii. The approach surface for Runway 6 inclines outward and upwards at a slope of thirty-four to 1 (34:1) for a distance of ten thousand (10,000) feet from the end of the primary surface. The approach is one thousand (1,000) feet wide at the inner edge and three thousand five hundred (3,500) feet wide at a distance of ten thousand (10,000) feet from the end of the primary surface centered on the runway centerline.

iii. The approach surface for Runway 24 inclines outward and upwards from a width of one thousand (1,000) feet at the inner edge to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the

primary surface centered on the runway centerline. This approach slope is presently for height restriction only. Actual approach slope for aircraft is thirty-four to one (34:1). The slope of this incline is fifty to one (50:1) for the first ten thousand (10,000) feet, then forty to one (40:1) for the remaining forty thousand (40,000) feet.

(E) Conical zone. All land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet measured radially.

(F) Heliport approach zone. All land which lies directly under an imaginary surface whose inner edge coincides with the width of the heliport primary surface (80 feet) and which expands outward uniformly at a slope of eight to one (8:1) to a width of five hundred (500) feet at a horizontal distance of four thousand (4,000) feet from the primary surface.

(G) Heliport transitional zone. All land which lies directly under an imaginary surface which begins at the sides of and at the same elevation as the primary surface and the heliport approach zones and extends at a slope of two to one (2:1) a distance of two hundred fifty (250) feet measured horizontally from and at ninety-degree angles to the primary surface centerline and heliport approach zones centerlines.

Section 2.9.4 Interpretation of airport overlay district boundaries

Where uncertainty exists with respect to the boundary of any district shown on an airport overlay district map, the following rules shall govern:

(A) Where any district boundary is indicated on a district map as following approximately the County boundary line or the corporate limits line of any incorporated place within the County, then such County boundary or corporate limits line shall be construed to be such district boundary.

(B) Unless otherwise indicated, the district boundaries shall follow natural features such as marsh edges and stream banks.

(C) Where indicated, district boundaries are parallel to the centerlines of streets, highways, or railroads, or the right-of-way of same; property lines; streams or other bodies of water; or said lines extended at such distances therefore as indicated on the district map. If no distance is given, such distance shall be determined by the use of the scale on said district map.

(D) Where district boundary lines are so indicated that they approximately follow property or lot lines, such property or lot lines shall be constructed to be such boundary lines.

(E) Where a district boundary line divides a parcel or lot, the location of any such district boundary lines, unless indicated by dimensions shown on the district map, shall be determined by the use of the scale on said district map.

Section 2.9.5 Height restrictions

Except as otherwise provided or as necessary to airport operations:

(A) No structure or tree shall be constructed, altered, maintained, or allowed to grow in any zone created in Section 2.9.3 so as to project above any of the imaginary surfaces described.

(B) No structure or object which is classified as or considered to be an obstruction to air navigation shall be constructed, altered, or maintained in any zone created in section 2.9.3.

A structure or object is classified as or considered to be an obstruction to air navigation if it is of greater height than either of the following heights:

i. A height of five hundred (500) feet above ground level at site of the structure or object.

ii. A height that is two hundred (200) feet above ground level or two hundred (200) feet above the established airport elevation, whichever is higher, within three (3) nautical miles of the established reference point of the airport. The established elevation of Aiken Municipal Airport is five hundred twenty-nine

(529) feet MSL. Where an area is covered by more than one (1) height limitation, the more restrictive limitations shall prevail.

Section 2.9.6 Use restrictions

In an airport overlay district, permitted uses are determined by the underlying or primary zoning district (IND, UD, RUD, etc.). However, the provisions of this Chapter are intended to temper and modify the use and development standards of the primary district to the extent necessary to achieve the objectives of Section 2.9.1. To that end, primary district regulations are hereby amended as follows:

(A) In all airport zones, the following are prohibited:
Any use which would:

(B) Create electrical interference with navigational signals or radio communication between the airport and aircraft;

(C) Diminish the ability of pilots to distinguish between airport lights and other lights;

(D) Result in glare in the eyes of pilots using the airport;

(E) Impair visibility in the vicinity of the airport;

(F) Create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

In Safety Zones A as described in Section 2.9.6(D), the following uses are prohibited:

(A) Single-family residential dwellings, including mobile, manufactured, or modular dwellings, in excess of two (2) units per acre;

(B) Multi-family dwellings, cluster housing projects, mobile home parks, and group housing;

(C) Transient lodging, motels and hotels;

(D) Hospitals, sanatoriums and nursing homes;

(E) Schools and day care centers;

(F) Churches, theaters, auditoriums and similar place of assembly. However, for the purposes of this Section of this Chapter, restaurants are excluded from the term “places of assembly”, and therefore restaurants are allowed within Safety Zones A.

The following four (4) supplemental provisions are applicable in the Aiken Municipal Airport Overlay District:

(A) There shall be free and unobstructed passage of aircraft in, through and across the air space above the glide angle of thirty-four to one (34:1) of Runway 6, fifty to one (50:1) of Runway 24 and twenty to one (20:1) of Runway 18/36 on extension of each runway over and across so much of the property and lands situated in Aiken County and lying adjacent to the runway approaches hereinabove set out.

(B) Aiken County shall have the right to remove underbrush, trees and other obstacles in the pathways of said runways so as to prevent interference with the slopes hereinabove set out, and no buildings or other structures shall be constructed of a height so as to interfere with such slopes.

(C) Aiken County shall have the right to clear an area beyond the border of the airport property:

i. Extending two hundred fifty (250) feet each side of each runway as measured from runway centerline.

ii. Along the extended runway centerlines of Runway 18/36 from a width of two hundred fifty (250) feet at a distance two hundred (200) feet from end of the runway to a width of four hundred fifty (450) feet at a distance one thousand two hundred (1,200) feet from the end of the runway.

iii. Along the extended runway centerline, from a width of one thousand (1,000) feet at a distance two hundred (200) feet from the end of Runway 6, widening to one thousand five hundred

ten (1,510) feet at a distance one thousand nine hundred (1,900) feet from the runway end.

iv. Additional clear area will extend to a width of one thousand seven hundred fifty (1,750) feet at a distance of two thousand five hundred (2,500) feet from the Runway 24 end.

(D) Safety zones. In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Aiken Municipal Airport, thereby creating sufficient open space so as to protect life and property and in case of an accident, there are hereby created and established certain safety zones, as delineated on the Aiken Airport Overlay District Maps as described as follows:

i. Safety Zone A. All land in the primary and approach zones of a runway as defined in Section 2.9.3 of this Chapter which extends outward from the end of the primary surface for a distance of two thousand five hundred (2,500) feet from Runway 24, one thousand seven hundred (1,700) feet from Runway 6 and one thousand (1,000) feet from all other runways. Those safety zones A which are located in the approach zones are identified as runway protection zones (RPZ's).

ii. Safety Zone B. All land in that portion of the approach zones of the runway, as defined in Section 2.9.3 of this Chapter, which extends outward from Safety Zone A for a distance of four thousand (4,000) feet; and also all land in that portion of the area defined as the transitional zone in section 2.9.3 of this Chapter which lies below the horizontal surface as described in Section 2.9.3 of this Chapter.

iii. Safety Zone C. All land which is enclosed within the perimeter of the horizontal zone and conical zone as defined in Section 2.9.3 of this Chapter and which is not included in safety zones A or B.

Section 2.9.7 Noise restrictions and contours.

(A) Noise restrictions. Where permitted within the noise contour Areas (see item (2) below) of an airport overlay district, residential dwellings and portions of buildings to which the public has access shall be structurally designed and constructed to achieve an outdoor-to -indoor peak noise level reduction (NLR) of at least thirty (30) db (decibels). All other permitted uses and structures are exempt from this Section.

Normal construction can be expected to provide an NLR of twenty (20) db, thus the actual recommended reduction is only ten (10) db. Lowering the NLR can be achieved through incorporation, into the design and construction of all proposed uses, of appropriate sound insulation materials and methods for improving acoustic insulation performance.

(B) Noise contours. The expected noise exposure of areas near an airport is defined by the average day-night sound level (Ldn) noise estimation methodology. There are two (2) differing sound exposure areas identified for the Aiken Municipal Airport: Ldn curve area fifty-five (55) and Ldn curve area sixty (60). These two areas are shown on the Aiken Airport Overlay District Map.

Section 2.9.8 Lighting restrictions.

No permitted use, subdivision or project in an airport overlay district shall have outdoor lighting or illumination arranged and/or operated in such a manner as to be misleading to or pose a danger to aircraft operations.

Section 2.9.9 Airport location restrictions

In order to promote land use compatibility between airports and surrounding development, and in order to protect the character and stability of existing residential land uses; airport runways and taxiways, aircraft parking areas, aircraft hangers, and related uses shall be located no closer than two thousand (2,000) feet from any RC or RM district (measured in a straight line).

Section 2.9.10 Regulations applicable to existing structures and vegetation

The owner of any existing structure or vegetation that is currently penetrating any referenced surface within an established airport overlay district shall permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration or the South Carolina Aeronautics Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of that airport obstruction. These markers and lights shall be installed, operated and maintained at the expense of the airport operator.

However, the regulations prescribed in this Section shall not be construed to require the removal, lowering, or other change or alteration of any existing structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of an existing use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter and is diligently prosecuted.

Section 2.9.11 Private airfields/airstrips/airports

(A) All requests for private airfields/airstrips within the County shall be made known to the County and to the operators of all other airports in the County, as defined in Article 11 of this Chapter, by means of submission of an Federal Aviation Administration Form 7480-1 “Notice of Landing Area Proposal” to the County and to the operators of all said other airports in the County by the developer or owner of such private airfields/airports/airports.

(B) No permit for construction of private airfields/airstrips/airports will be granted by the County under this chapter if it is determined by FAA review that such a facility would encroach on public lands and airways.

Section 2.9.12 Variances

Any person or entity desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this Section

may apply for a variance from such regulations to the Aiken County Board of Appeals, in accord with the provisions of ARTICLE 10 of this Chapter. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

Additionally, no application for a variance from the requirements of this Section may be considered by said Board unless a copy of the application has been furnished to the airport operator for advice as to the aeronautical effects of the variance. If the airport operator does not respond to the application within fifteen (15) days after receipt, said Board may act on its own to grant or deny the application for a variance.

Any permit or variance granted, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure in question to install, operate and maintain at the owner's expense such markings and lights as may be deemed necessary by the Federal Aviation Administration, the South Carolina Aeronautics Commission, or the airport operator.

Section 2.10 FHO, Flood Hazard Overlay District

The Flood Hazard Overlay District includes (1) flood plains, (2) areas of shallow flooding, (3) areas of special flood hazard, and (4) floodways. The development of these areas, where shown on Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Aiken County, may not occur where alternative locations exist, because of the inherent hazards and risks involved. Before a Building Permit and/or a Development Permit are issued, the applicant shall demonstrate that new structures cannot be located out of the Flood Hazard District. Where there is no alternative to a location in a Flood Hazard Overlay District, proposed development shall be regulated by the following.

Section 2.10.1 Findings of Fact

(1) The special flood hazard areas of Aiken County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services,

extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section 2.10.2 Statement of Purpose

It is the intent of this Section 2.10 to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filing, grading, dredging and other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 2.10.3 Objectives

(1) The objectives of this Section are:

(2) To protect human life and health;

(3) To minimize expenditure of public money for costly flood control projects;

(4) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(5) To minimize prolonged business interruptions;

(6) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;

(7) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(8) To ensure that potential property buyers are notified that property is in a flood area.

Section 2.10.4 Lands to Which This Section Applies

This Section 2.10 shall apply to all areas of special flood hazard within the unincorporated portions of Aiken County.

Section 2.10.5 Basis for Establishing Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, Aiken County, South Carolina, dated June 19, 2012, with accompanying maps and other supporting data, are adopted by reference and declared to be a part of this Chapter as if fully contained herein.

Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Aiken County, with accompanying map and other data are adopted by reference and declared part of this ordinance.

Section 2.10.6 Building Permits and/or Development Permits

A Building Permit and/or a Development Permit shall be required in conformance with this Section 2.10 and with the provisions of Article 10 of this Chapter prior to the commencement of any development activities proposed to be located within areas of special flood hazard on the FEMA flood maps for Aiken County.

Section 2.10.7 Compliance

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this Section 2.10 and other applicable regulations.

Section 2.10.8 Abrogation and Greater Restrictions

This Section 2.10 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section 2.10 and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 2.10.9 Interpretation

In the interpretation and application of this Section 2.10, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes or County ordinances.

(4) This section is intended to instruct a court or other adjudicatory body on how it must interpret the rest of the ordinance. It is instructive and does not grant other authority.

Section 2.10.10 Warning and Disclaimer of Liability

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

Section 2.10.11 Keeping of Records

All records pertaining to the provisions of this Section 2.10 shall be maintained in the office of the Building Official in the County Planning & Development Department and shall be open for public inspection.

Section 2.10.12 Definitions

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section 2.10 it's most reasonable application.

Accessory Structure (Appurtenant Structure) – structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory Structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition to an Existing Building – any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Agricultural structure – a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising

of livestock. Agricultural structures are **not** exempt from the provisions of this ordinance.

Appeal – a request for a review of the local Floodplain Administrator's interpretation of any provision of this Section 2.10 or a request for a variance.

Area of Shallow Flooding – a designated AO or VO Zone on a community's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet, where a clearly-defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard – the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year (or subject to a "100-year" flood).

Base Flood – the flood having a one (1) percent chance of being equaled or exceeded in any given year; also known as the 100-year flood.

Basement – any enclosed area that is below grade on all sides.

Breakaway Wall – a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building – any structure built for support, shelter, or enclosure for any occupancy, storage, or use.

Building Official – the Aiken County Building Official.

Conditional Letter of Map Revision (CLOMR) – this document is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective National Flood Insurance Program (NFIP) map. It indicates whether the project, if built as proposed, would be recognized by FEMA.

Critical Development – development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

Development – any manmade change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated Building – a non-basement building built to have the lowest floor elevated above the ground level by means of; solid foundation, perimeter walls, pilings, columns, piers, shear walls parallel to the flow of water.

Executive Order 11988 (Floodplain Management) – issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Existing Construction – any structure for which the "start of construction" commenced before August 26, 1977, the original effective date of this Section 2.10.

Existing Manufactured Home Park or Subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before June 27, 1986, the effective date of this Section 2.10.

Expansion to an Existing Manufactured Home Park or Subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding – a general and temporary condition of partial or complete inundation of normally-dry land areas from:

i. The overflow of inland or tidal waters, and/or

ii. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) – an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) – an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study – the official report provided by the Federal Emergency Management Agency which contains flood profiles as well as the flood boundary-floodway map and the water surface elevation of the base flood.

Flood-Resistant Material – any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency, Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodplain Administrator – the person responsible for administering this ordinance. The Aiken County Administrator and/or his designee is

assigned this responsibility. The County Administrator assigns this duty to the Floodplain Manager as designated in Section 2.10.13.

Floodway – the channel of a river or other watercourse and the adjacent land areas that must be reserved from encroachment in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor – the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Freeboard – a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of watershed.

Functionally-dependent Facility – a use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facility that are necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade – the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure – any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic

district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    a. by an approved State program as determined by the Secretary of the Interior; or

    b. directly by the Secretary of the Interior in States without approved programs.

Some structures or districts listed on the State or local inventories MAY NOT be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the Department of the Interior (DOI). In order for these structures to meet National Flood Insurance Program (NFIP) historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets Department of Interior (DOI) historic structure criteria.

Increased Cost of Compliance (ICC) – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

Limited Storage – an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot

be temperature controlled. If the area is located below the base flood elevation in an A, AE, and A1-A30 zone it must meet the requirements of Section 2.10.18 (4) of this ordinance. If the area is located below the base flood elevation in a V, VE, and V1-V30 zone it must meet the requirements of Section 2.10.15 (3) of this ordinance.

Lowest Adjacent Grade (LAG) – is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

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

Manufactured Home – a structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level – means, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.

National Geodetic Vertical Datum (NGVD) – as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Refer to "mean sea level," above).

New Construction – any structure for which the "start of construction" commenced after June 27, 1986, the effective date of this Section 2.10.

New Manufactured Home Park or Subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 27, 1986, the effective date of this Section 2.10.

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

Repetitive Loss – a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

Section 1316 of the National Flood Insurance Act of 1968 – the act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state of local ordinances.

Start of Construction – for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348), includes substantial improvement, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or

the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank that is principally above ground, or other manmade facilities or infrastructures.

Substantial Damage – damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

Substantial Improvement – any repairs, reconstruction, rehabilitation, addition, or other improvements of a structure which cost equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. In the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) any project of improvement to a structure required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions or,

(b) any alteration of historic structure, provided that the alteration will not prelude the structure's designation as a historic structure.

Permits shall be cumulative for a period of five (5) years. IF the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial Improvement" will occur.

Substantially Improved Existing Manufactured Home Park or Subdivision – an existing manufactured home park or subdivision where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repairs, reconstruction or improvement commenced.

Variance – a grant of relief to a person from the requirements of this Section 2.10 which permits construction in a manner otherwise prohibited by this Section 2.10 where specific enforcement would result in unnecessary hardship. (See Section 2.10.16.)

Violation – The failure of a structure or other development to be fully compliant with these regulations.

ADMINISTRATION

Section 2.10.13 Designation of Building Official As Floodplain Manager

The Building Official and/or Designee are designated as the Floodplain Manager to administer and implement the provisions of this Section.

Section 2.10.14 Adoption of Letter of Map Revisions (LOMR)

All LOMRs that are issued in the areas identified in Section 24-2.10.5 of this ordinance are hereby adopted.

Section 2.10.15 Permit Procedures

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

(1) Floodproofing Certification – When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of Section-24-2.10.19.

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

(3) As-Built Certification – Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of Section 2.10.16 that the development is built in accordance with the submitted plans and previous pre-development certifications.

Section 2.10.16 Duties and Responsibilities of the Building Official

A. Duties of the Building Official shall include, but not be limited to:

(1) **Permit Review** – Review all development permits to assure that the requirements of this ordinance have been satisfied.

(2) **Requirement of Federal and/or State Permits** – Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

(3) **Watercourse Alternations –**

a. Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

b. In addition to the notifications required watercourse alterations per Section 24-2.10.16, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspections.

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

d. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Section 2.10.16, the applicant shall submit as-built certification by a registered

professional engineer, to the Federal Emergency Management Agency.

(4) **Floodway Encroachments** – Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 24-2.10.16 are met.

(5) **Adjoining Floodplains** – Cooperate with neigh boring communities with respect to the management of adjoining floodplains and/or flood –related erosion areas in order to prevent aggravation of existing hazards.

(6) **Notifying Adjacent Communities** – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood –related erosion hazards.

(7) **Certification requirements** –

a. Obtain and review actual elevation (in relation to mean seal level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in Section 24-2.10.15.

b. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outline in Section 24-2.10.16.

c. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Section 24-2.10.19 (2)

(8) **Map Interpretation** – Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between an mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(9) **Prevailing Authority** – Where a map boundary showing an area of special food hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in Section 24-2.10.19 (6).

(10) **Use of Best Available Data** – When base flood elevation data and floodway data has not been provided in accordance with Article I.D. obtain, review, and reasonably utilize best available base available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in Section 2.10.21, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch.1, Part 67.5 and 67.6, the data does not have to be used.

(11) **Special Flood Hazard Area/Topographic Boundaries Conflict** – When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.

(12) **On-Site Inspections** – Make on-site inspections of projects in accordance with the administrative procedures outlined in Section 24-2.10.16 (B).

(13) **Records Maintenance** – Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.

(14) **Annexations and Detachments** – Notify the South Carolina Department of Natural Resources Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations of detachments that include special flood hazard areas.

(15) **Federally Funded Development** – The President issued *Executive Order 11988, Floodplain Management May 1977*. *E.O.* 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.

(16) **Substantial Damage Determination** – Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.

(17) **Substantial Improvement Determinations** – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

The market values shall be determined by one of the following methods:

a. The current assessed building value as determined by the County's Assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.

b. One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and deprecation for functionality and obsolescence*.

c. Real Estate purchase contract within 6 months prior to the date of the application for a permit.

B. Administrative Procedures

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

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

(3) **Revocation of Permits** – The local floodplain administrator

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

(4) **Periodic Inspections** – The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action**. Periodic inspections will be performed when a complaint is received, when construction is in progress without a permit, or when request4ed by the property owner.**

(5) **Violations to be Corrected** – When the local floodplain Administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the owner of occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns. **The owner of occupant of the building violation will receive a 30 day warning to abate the violation.**

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

(a) The building or property is in violation of the Flood Damage Prevention Ordinance,

(b) A hearing will be held before the local floodplain administrator at a designated place and time, not later than

10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

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

(d) Appeals of the Floodplain Manager's decision shall be made to the Aiken County Board of Appeals.

(7) **Order to Take Corrective Action**: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

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

(9) **Denial of Flood Insurance Under the NFIP**: If a structure is declared in violation of this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood Insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local

floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 rescinded.

(10) The following documents are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov;

a) FEMA 55 Coastal Construction Manual
b) All FEMA Technical Bulletins
c) All FEMA Floodplain Management Bulletins
d) FEMA 348 Protecting Building Utilities from Flood Damage
e) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets

Section 2.10.17 Variances

Any person who wishes to make an appeal for a variance from the requirements of this Section 2.10 may apply for such variance to the Board of Appeals in accord with the provisions of Sections 9.3.5 and 10.17 of this Chapter.

1. Establishment of Appeal Board

   The Aiken County Board of Appeals as established by Aiken County Council, shall hear and decide requests for variances from the requirements of this ordinance.

2. Right to Appeal

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

3. Historic Structures

   Variances may be issued for the repair of rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation

as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

4. Functionally Dependent Uses

Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Section are not met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

5. Agricultural Structures

Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Sub-section 8, in this section, and the following standards.

(a.) Use of the structures must be limited to agricultural purposes as listed below:

1) Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,

2) Steel grain bins and steel frame corncribs,

3) General–purpose barns for the temporary feeding of livestock that are open on at least one side;

4) For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Section 2.10.16 (7) of this ordinance; and

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

(c.) The agricultural structure must be adequately anchored to prevent floatation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where food velocities exceed 5 feet per second, fast flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.

(d.) The agricultural structure must meet the venting requirement of Section 2.10.18 (7) of this ordinance.

1) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE) so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 2.10.19 of this ordinance.

2) The agricultural structure must be compliant with the floodway encroachment provisions of Section 2.10.19 (8) of this ordinance.

3) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoist for readily elevation contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

6. Considerations

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

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

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

(h) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(i) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and street and bridges; and

(j) Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the

agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

7. Findings

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

8. Floodways

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of this variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

9. Conditions

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

(a) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(c) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the

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

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

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

(f) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance.

Violations must be corrected in accordance with Section 2.10.16 (A) of this ordinance.

PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 2.10.18 General Standards

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized.

In all areas of special flood hazard the following provisions are required:

1) Anchoring – All new construction and substantial improvements shall be anchored to prevent flotation, collapse **and lateral movement of the structure.**

2) Flood Resistant Materials and Equipment – All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, *Flood Damage – Resistant Materials Requirements,* dated 8/08, and available from the Federal Emergency Management Agency.

3) Minimize Flood Damage – All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

4) Critical Development – shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data.

5) Utilities – Electrical, heating, ventilation, plumbing, air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus one foot.

6) Water Supply Systems – All new and replacement water supply system shall be designed to minimize or eliminate infiltration of flood waters into the system.

7) Sanitary Sewage System – New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

8) Gas Or Liquid Storage Tanks – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.

9) Alteration, Repair, Reconstruction, or Improvements – Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new Construction" as contained in this ordinance. This includes post – FIRM development and structures.

10) Non-Conforming Buildings or Uses – Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair reconstruction, or replacement meets all of the other requirements of this ordinance.

11) American with Disabilities Act (ADA) – A building must meet the specific standards for floodplain construction outlined in Section 24-2.10.19, as well as any applicable ADAR requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvements.

Section 2.10.19 Specific Standards

In all areas of special flood hazard where base-flood elevation data has been provided, as set forth in Section 2.10.4 or in Section 2.10.15(H), the following provisions are required:

1. **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base-flood elevation (one hundred-year flood elevation). Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

2. **Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, elevated no lower than plus one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces shall be provided in accordance with the elevated buildings requirements in Section 2.10.19 (3). No basements are permitted. Structures located in "A" zones may be flood-proofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Official as set forth in Section 2.10.15. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Section 2.10.17 (4) of this ordinance. Agricultural structures not meeting the criteria of Section 2.10.17 (4) must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.

3. **Elevated Buildings.** New construction and substantial improvements of elevated buildings that include fully-enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to

preclude finished space and be designated to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

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

a) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

b) The bottom of all openings shall be no higher than one (1) foot above the higher of the interior or exterior grade immediately under the opening.

c) Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.

d) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

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

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

g) Enclosures Below Lowest Floor

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

ii. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.

iii. One wet location switch and/or outlet connect to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Section 2.10.19.

iv. All construction materials below the required lowest floor elevation specified in the specific standards outlined in Section 2.10.19 should be of flood resistant materials.

4. <u>Standards for Manufactured Homes and Recreational Vehicles.</u>

a) All manufactured homes placed, or substantially improved, on individual lots or parcels in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

1. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in Section 2.10.19 of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than plus one foot than above base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

2. Manufactured homes shall be anchored to prevent floatation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 10-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 26 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

3. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filled with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.

5. **All recreational vehicles placed on sites must either:**

   a) Be fully licensed and ready for highway use; or meet the development permit and certification requirements of Section 2.10.15 general standards outlined in Section 2.10.18.

   b) On site for fewer than 180 consecutive days.

   c) A recreational vehicle is ready for highway use if it is:

      i. On wheels or jacking system

      ii. Attached to the site only by quick-disconnect type of utilities and security devices; and

      iii. Has no permanently attached additions.

6. **Map Maintenance Activities**- The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Article I.D. accurately represent flooding conditions so

appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

a) Requirement to Submit New Technical Data

(1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable, but no later than six months of the date such information becomes available. These development proposals included but not limited to:

i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

iii. Alternation of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

iv. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 2.10.22.

(2) It is the responsibility of the applicant to have technical data, required in accordance with Section 2.10.19, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.

(3) The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

i. Proposed floodway encroachments that increase the base flood elevation; and

ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

iii. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 2.10.19.

b) Right to Submit New Technical Data – The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

7. **Accessory Structures.** An accessory structure or garage, the size of which is greater than 200 square feet, must comply with the elevated structure requirements of Sections 2.10.19(3). When accessory structures 200 square feet or less are to be placed in the floodplain, the following criteria shall be met:

a. Accessory structures shall not be used for any uses other than the parking of vehicles and storage.

b. Accessory structures shall be designed to have low flood damage potential.

c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters. Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure. Service facilities such as electrical and heating equipment shall be installed in accordance with Section 2.10.18(5).

d. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Section 2.10.19.

8. **Floodways.** Located within areas of special flood hazard established in Section 2.10.5 are areas designated as floodways. Since the floodway may be an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles, and has erosion potential, the following provisions shall apply within designated floodway areas:

(A) No encroachments, including fill, new construction, substantial improvements, additions and other developments shall be permitted unless:

i. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.

ii. A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.

(B) If Section 2.10.19 (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.10.19.

(C) No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of the Section 2.10.19(3) and the encroachment standards of Section 2.10.19(A) are met.

(D) Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require

a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

2.10.20 Fill

Fill is discouraged because storage capacity is removed from areas of special flood hazard. Elevating buildings by other methods must be considered. An applicant shall demonstrate that fill is the only alternative to raising the building to at least one (1) foot above the base flood elevation, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in special-flood-hazard areas:

1. Fill may not be placed in the floodway unless it is certified in accordance with Section 2.10.18(G)(i).

2. Fill may not be placed in wetlands without the required State and Federal permits.

3. Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps, and sanitary landfills are not permitted in the areas of special flood hazard.

4. Fill used to support structures must comply with ASTM \Standard D-698, and its suitability to support structures certified by a registered professional engineer.

5. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.

6. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

7. Will meet the requirements of FEMA Technical Bulletin 10-1, *ensuring that structures built on fill in or near special flood hazard areas are reasonably safe from flooding*.

Section 2.10.21 Standards for Streams Without Established Base Flood Elevations and/or Floodways.

Within the areas of special flood hazard established in Section 2.10.5, are small streams where no base-flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

1) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

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

3) If Subsection 2.10.21 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Section 2.1.18 & Section 2.10.19 and shall be elevated or floodproofed in accordance with elevations established in accordance with Section 2.10.19.

4) Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin I-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on

the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6 the data does not have to be used.

5) When base flood elevation (BFE) data is not available from a Federal, State, or other source, the following methods may be used to determine a BFE. For further information regarding the methods for determining BFE's listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:

a. Contour Interpolation

i. Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.

ii. Add one-half of the contour interval of the topographic map that is used to the BFE.

b. Data Extrapolation – A BFE can be determined if a site within 500 feet upstream of a reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristic are relatively similar to the downstream reaches. No hydraulic structures shall be present.

c. Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFE's using FEMA approved methods and software.
Standards for Streams with Established Base Flood Elevations but without Floodways – Along rivers and streams where Base Flood Elevation (BFE) data is provided by no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

i. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development,

will not increase the water surface elevation of the base flood more than one foot at any point within the community.

6) Subdivision proposals and other developments shall also comply with all of the other applicable provisions of this Chapter, and shall meet the requirement to submit technical data to FEMA in Section 2.10.19 when a hydrologic and hydraulic analysis is completed that generates base flood elevation.

Section 2.10.22 Standards for Subdivision Proposals and Other Development

1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.

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

3. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.

4. Base-flood elevation data shall be provided by the applicant for subdivision proposals and other proposed developments which are greater than the lesser of fifty (50) lots or five (5) acres.

Section 2.10.23 Standards for Areas of Shallow Flooding (AO Zones)

Located within the areas of special flood hazard established in Section 2.10.5 are areas designated as shallow flooding areas. The following provisions apply within such areas:

1) All new construction and substantial improvements of residential structures shall have the lowest floor, elevated to

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

2) All new construction and substantial improvements of nonresidential structures shall:

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

b. together with attendant utility and sanitary facilities, be completely flood-proofed to or above the level described in Subsection (i) immediately above so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as state in Section 2.10.16.

3) All structures on slopes must have drainage paths around them to guide water away from the structures.

Section 2.10.24 Standards for All Site Design and Development Within Flood Hazard Overlay District

All standards prescribed in this Section 2.10 shall apply to all site design and development hereafter undertaken within the Flood District. The Flood District corresponds to special flood hazard areas officially designated on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated June 19, 2012, as revised.

1. Indication of special flood hazard areas. Plats of development lying in a special-flood-hazard area shall have such areas clearly delineated on the plat by indication of the topographic contour line

corresponding to the 100-year flood elevation shown on official county floodplain maps and/or on maps prepared by the Federal Emergency Management Agency.

2. Flood-hazard design standards. Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the maximum extent possible that:

    a. water supply systems will be constructed to minimize or eliminate infiltration by floodwaters;

    b. wastewater disposal systems, including septic tanks, will be constructed to preclude infiltration by floodwaters; and

    c. types of and construction of fill materials used for building foundations are such so as to minimize settlement, slope erosion, siltation, and facilities drainage of potential surrounding floodwaters.

3. Protective deed restrictions required. Covenant or deed restrictions shall be placed in the deeds for all lots in a development lying within a special flood hazard area stipulating to the owner that:

    a. construction of a structure on any lot lying within a special flood hazard area shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation (100-year flood elevation) as designated on official County floodplain maps and/or maps prepared by the Federal Emergency Management Agency; and that

    b. all other requirements of Aiken County Building Codes relating to construction in special flood hazard areas must be met.

4. Disclosure statements required. On all plats of development for which lots, sites, or structures lying within special-flood-hazard areas are to be sold or leased, the following statement shall be clearly affixed to the plat(s) and readily visible:

    "The areas indicated on this plat as special-flood-hazard areas have been identified as having at least a one (1) percent

chance of being flooded in any given year by rising waters. Local regulations require that certain flood hazard protective measures be incorporated in the design and construction of structures in these designated areas. Reference shall be made to the covenants and deed restrictions of this development and the requirements of the Aiken County Building Codes."

"In addition, Federal or State law may require mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated special-flood-hazard areas."

"Aiken County originally adopted the Flood Insurance Program by Ordinance No. 86-6-47."

All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.

If any provisions of this Ordinance or if the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

This Ordinance shall become effective on _____.

Section 2.11 WPO, Wellhead Protection Overlay District

Wellhead Protection Overlay Districts shall be established on the Official Aiken Zoning Map by ordinance in accord with the same procedures as for amendments generally. Such WPO Districts shall be established only at the written request of the official board of the water district involved. Such request shall include a scaled wellhead map which depicts the wellhead areas to be protected by the WPO District.

Each WPO District shall be identified by the WPO prefix and a number indicating the particular District, as for example "WPO-1".

Copies of all permit applications for development in established Wellhead Protection Overlay Districts shall be provided by the Planning and Development Director to the drinking water suppliers for the Districts for

comment and questions regarding preventive measures that the applicant will use to assure that water contamination will not occur.

Section 2.12 HCO, Highway Corridor Overlay District

Section 2.12.1 Purpose

The intent of this district is to protect and to enhance the appearance of developments and to improve the traffic flow in primary commercial corridors on the main entrance roads into the municipalities in Aiken County. The County Council may establish Highway Corridor Overlay Districts by ordinance on highway corridors in various areas of Aiken County.

Section 2.12.2 Permitted Uses

Refer to Table 1-B: Permitted and Conditional Uses and Off-Street Parking Requirements, By Districts (Note g).

Section 2.12.3 Delineation of Highway Corridor Overlay Districts

This section applies to property parcels fronting on or within two hundred (200) feet of the right-of-way of the roads listed below, except property zoned and used for a single-family residential use, such as residential property located in an RC or UD District:

(A) S-19 (Whiskey Road) from Boardman Road to the New Ellenton City Limits.

(B) S-125 (Atomic Road) from US-1 (Jefferson Davis Highway) to the North Augusta City Limits.

(C) S-230 (Martintown Road) from US-1 (Jefferson Davis Highway) to the North Augusta City Limits.

(D) S-126 (Belvedere Clearwater Road) from US-1 to US-25.

(E) US-25 (Edgefield Road) from the North Augusta City Limits to the Edgefield County Line.

(F) US-1 (Jefferson Davis Highway) from the Savannah River to S-125 (Atomic Highway).

(G) S-936/SC-302 (Silver Bluff Road) from Whiskey Road to Richardson's Lake Road.

(H) US-1 (Jefferson Davis Highway) from SC-125 (Atomic Road to SC-118 (Hitchcock Parkway).

If such property is rezoned for any use other than single-family, such property shall be subject to all Highway Corridor Overlay District regulations contained in this Section. Development of property zoned RC is subject to the other applicable provisions of this Chapter. This Section also applies to a development in a PUD District located within an HCO District except for the single-family residential portion of such a PUD.

Section 2.12.4 Applicability

This Section applies to all new construction other than single-family residential. The chapter also applies to an entire site or development other than single-family residential if the Building Official determines that any renovation or expansion of the site or development exceeds 50% of its appraised value as set by the Aiken County Tax Assessor, the South Carolina Tax Commission, or any other State or local governmental entity or official with authority to do so, or by the Building Official for developments that are tax-exempt. For a development composed of individual lots, the determination of whether the aforesaid limit has been exceeded shall be based on the appraised value of the individual lot or lots on which the proposed improvement or improvements will be located and not on the appraised value of the entire development, including other lots.

Section 2.12.5 Building Height

Refer to Table 2: Schedule of Lot Area, Setback, Height, Density and Impervious Surface Ratio, By Zoning Districts.

Section 2.12.6 Open Space

A minimum of 25% of the site must be devoted to open space not covered by buildings or pavement for a nonresidential use and 40% for a multifamily residential use.

Section 2.12.7 Signs

A. Applicability

The regulations of this Section shall apply only to signs visible from any point on a street right-of-way in this Overlay District.

B. Design Standards

i. All signs shall conform to the provisions for Signs and Outdoor Displays of the International Building Code and of this Section.

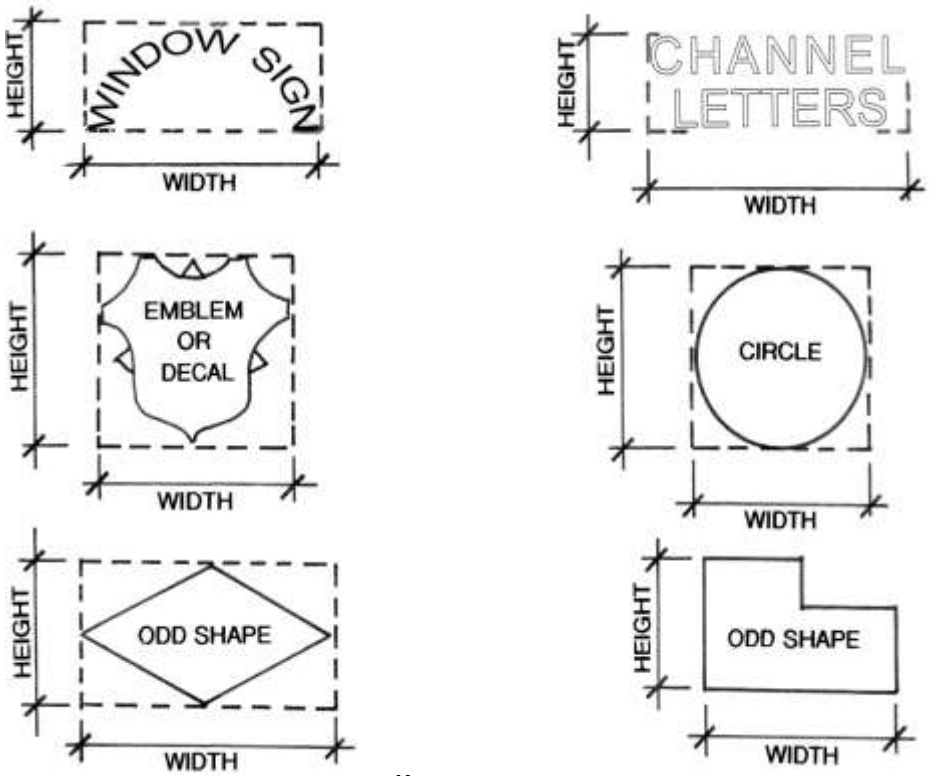
ii. No sign or sign structure shall be erected, constructed, or maintained so as to obstruct any fire escape, window, door, opening, or any means of ingress and/or egress used for fire-fighting purposes.

iii. Illuminated signs shall be so placed and so shielded that glare from the sign does not adversely affect any residential district or use nor interfere with the operation of a vehicle on any public right-of-way.

C. Sign Measurement

i. Sign Area

The square footage of a sign face shall be the area enclosed within a perimeter consisting of a series of straight lines at right angles enclosing all parts of the sign face. The area of a freestanding sign includes the area of the sign face on one side only. The certification of measurements by a licensed professional engineer, the sign manufacturer, or other professional may be accepted for irregularly shaped or uniquely shaped signs, subject to review and approval by the Planning and Development Director.



ii. Height

The height of a sign shall be measured from the edge of the pavement of the street abutting or closest to the sign structure to the top of the sign or sign structure, whichever is higher.

iii. Federal-Mandated or State-Mandated Requirements

Signs or components of signs that are expressly mandated to be of a specific required minimum size by Federal or State laws or regulations are exempt from the sign area limitations, but only to the extent of such minimum requirements.

D. Prohibited Signs and Exceptions

The following signs, in addition to those prohibited by Article VI – Signs, are prohibited in this Overlay District:

i. Off-Site Signs. No sign identifying or advertising a business or use shall be permitted other than on the premises of such building or use. Acknowledgements for

sponsorships or sizable contributions for public projects related to recreation facilities, public buildings, or public infrastructure will not be considered off-premise advertising.

ii. Signs Imitating Warning Signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse any vehicle driver, except for temporary construction signs and lights indicating a hazard.

iii. Certain Attached and Painted Signs. Signs painted on or attached to trees, fence posts, and telephone or other utility poles; signs painted on or attached to rocks or other natural features; or signs painted on the roofs of buildings.

iv. Flashing and Pulsating Signs. Signs which contain a high-intensity illuminating device causing it to blink, flash, pulsate, fluctuate, or animate, except signs giving public service information such as time, temperature, date, weather, or similar information intermittently with low-intensity lights.

v. Changeable face signs and Changeable-Copy signs on which the message changes statically more than once every ten (10) seconds. See definition for Sign, Changeable-Face/Copy/Electronic Message Board.

vi. Mobile or Portable Signs. Signs and sign structures which are not attached to a permanent foundation. Portable signs incorporated into monument bases and in compliance with Article 6, Table 5 are permitted.

vii. Ribbons, Streamers, and Similar Materials or Devices. Any ribbon, streamer, pennant, spinner, or similar object or material, whether moving or not.

viii. Signs within Street or Highway Right-of-Way. No sign, sign structure, or obstruction of any character shall be erected in the street right-of-way except:

a) One newspaper box per family.

b) Standard highway signs and markers that the South Carolina State Department of Transportation and Aiken County may authorize.

c) Historical, commemorative and other monuments and memorials approved by staff.

d) Signs for public events located in the right-of- way.

e) Signs for the entrance or identification of subdivisions or PUD developments which are approved by the Planning and Development Director, so long as such signs are not located on right-of-way property owned by a government.

ix. Abandoned signs.

x. Signs placed with the primary purpose of providing a sign not otherwise allowed by this Section.

(E) Wall or Projecting Signs

i. Wall Signs

Signs on the walls of a building (including signs attached flat against the wall, painted wall signs, and projecting signs) shall meet the following requirements:

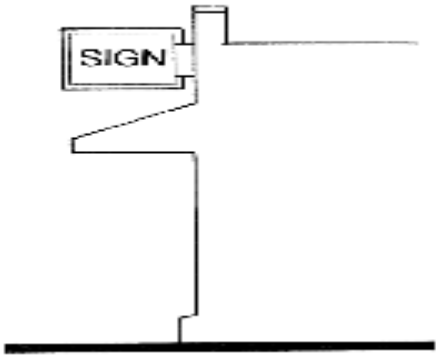
a) Signs on the Front Surface of a Building. The total area of signs on the exterior front surface of a building shall not exceed 20 percent of that surface.

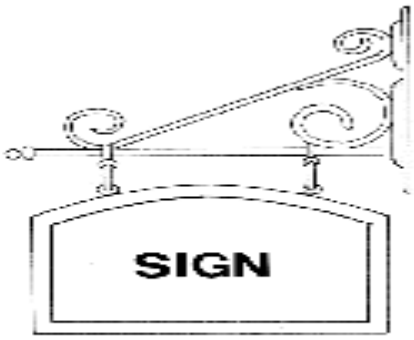
b) Signs on the Side and Rear Surface of a Building. The total area of signs on the exterior side or rear surface of a building shall not exceed 25 percent of that surface.

c) Depth of Wall Signs. Wall signs attached flat against a wall may extend not more than 18 inches from the wall. A wall sign which extends more than 2 inches from the wall shall be placed a minimum of 8 feet above any sidewalk.

ii. Projecting Signs

A projecting sign perpendicular to the wall of a building may be substituted for a wall sign. Projecting signs shall be placed a minimum of eight feet above any sidewalk and may project a maximum of six feet. Total area of projecting signs shall not exceed 10 percent of front surface area of building.





(F) Freestanding Signs

i. General

a. Any freestanding sign must be a monument sign complying with item c. Monument Signs, below.

b. A freestanding sign is a sign not attached to a building and containing a sign face on one or more sides.

c. Freestanding signs shall not project into any street or highway right-of-way.

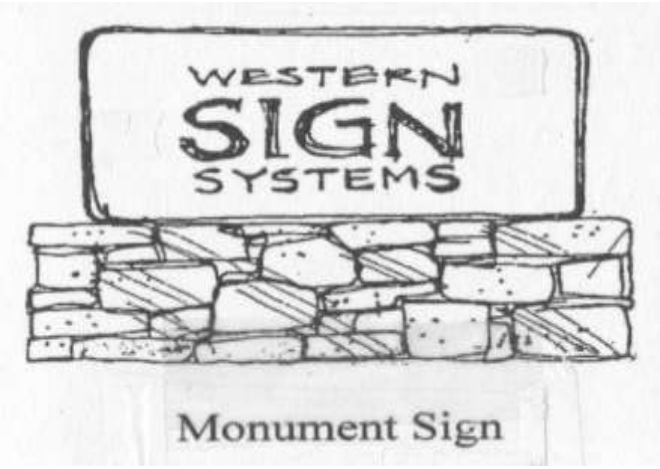
d. All freestanding signs must be monument signs with a maximum height ranging from four feet to twelve feet; refer to Sections 2.12.7(I) and (J) below for details. All such signs shall have a consistent style or unifying theme.

ii. Number of Signs

Not more than one freestanding sign shall be permitted per lot, except where the lot fronts on two major arterials as determined by the Planning and Development Director, in which case an additional freestanding sign may be permitted with no more than one such sign located along each arterial.

iii. Monument Signs

The structure supporting a ground-level, freestanding monument sign shall not be included in calculating the area of the sign permitted by this Article. The area of the supporting structure shall not exceed 50 percent of the total combined area of the sign and supporting structure. Any pedestal on which a sign rests shall be at least 67 percent of the width of the entire sign.



Monument Sign

iv. Reader Boards

Reader boards on which the message changes more than eight times per 24-hour day are not permitted.

v. Shopping Center Signs

a) Signs identifying the name of the shopping center as well as the individual stores shall be consolidated on one monument sign standard.

b) Not more than one such sign standard shall be permitted per shopping center except where a shopping center fronts on two major arterials as determined by the Planning and Development Director. If a shopping center fronts on two major arterials with more than 150 feet of frontage on each, one additional sign standard shall be permitted with no more than one such standard being placed on each such arterial.

(G) Miscellaneous Sign Types

i. Entrance, Identification or Institutional Signs

For institutional signs for such uses as schools and churches, one double-face sign or 2 single face signs shall be permitted for each entrance to the project or use. If a double sign is proposed, the total area of the faces of both signs shall not exceed the maximum permitted sign area for a single sign. All such signs shall be ground-mounted, monument-type signs. No additional freestanding sign shall be permitted. Where approved by the Planning and Development Director, such signs may be located in a landscaped median in the right-of-way.

ii. Banners for Governmental or Civic Organizations

Banners for governmental or civic organizations are allowed at the entity's main location or at the location of the activity promoted on the banner. No banners shall be

erected in a street right-of-way except as approved by the Planning and Development Director.

iii. Flags

A maximum of three flags may be displayed on each lot of record zoned any category other than single-family residential. There are no restrictions on flags displayed on a lot zoned for single-family residential use unless the lot is used for another purpose.

iv. Canopy or Awning Signs

Canopy or awning signs in place of wall or projecting signs are allowed in accordance with the following provisions:

a) Canopies or awnings extending over the sidewalk or walkway may display one business identification sign at each building entrance with a combined area not to exceed 20 percent of the surface of the awning or canopy.

b) Canopy or awning signs shall not project beyond the curb line of the adjacent street or alley.

c) One business identification sign not exceeding 1.5 square feet is permitted to hang underneath the awning or canopy, in addition to the sign displayed on the canopy.

(H) Temporary Signs

i. Signs on New Projects Under Construction

One non-illuminated sign, not exceeding 32 square feet in nonresidential areas and 16 square feet in residential areas, displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling, and development agencies, is

permitted upon the premises of any project under construction, alteration, or relocation. Such sign shall be removed from the site within 30 days after substantial completion of the project, as determined by the Planning and Development Director.

ii. Construction, Remodeling and Other Signs

Signs not exceeding 5 square feet in size identifying the contractor involved in remodeling, re-roofing, landscaping or other similar service are permitted provided they are removed within 10 days after substantial completion of the project, as determined by the Planning and Development Director.

(I) Real Estate Signs

Any real estate sign advertising a property for sale or lease is permitted provided it conforms to all of the following standards:

a) Size shall not exceed 5 square feet in any residential district or for a single-family residential unit in a PUD District and 32 square feet in any other district, including all peripheral attachments.

b) Copy shall be limited to: (1) the name of the owner or the listing agent, (2) the real estate company, (3) the type of offering, and (4) telephone numbers.

c) The quantity shall be limited to one per street frontage of the affected premises.

d) A freestanding sign shall be mounted so that its top edge is no higher than four feet above grade, and the top of a facade-mounted sign shall be mounted no higher than eight feet above grade.

e) The sign shall not be illuminated.

f) A second sign announcing an open house that is no larger than the primary sign or a smaller sign attached to the primary sign may be erected for a period not to exceed 48 hours on the subject property.

g) Signs offering tenant space shall not be freestanding, but may be placed as a tenant panel on a permitted directory sign or in the window of the tenant space being offered.

(B) Grand Opening Signs

A banner is permitted for the grand opening of a retail establishment for a period not to exceed 21 days. One banner not to exceed 75 square feet in size may be allowed on the facade of the building. This regulation shall not be construed to regulate the use of small balloons.

(C) Size and Height of Signs Permitted for Residential Uses

The maximum size of a sign for a multifamily residential project or a project with attached single-family units shall be 32 square feet in area and six feet in height on any arterial roadway and 20 square feet in area and four feet in height on any street other than an arterial roadway. Any such sign may be illuminated only by exterior incandescent lighting.

(D) Size and Height of Signs Permitted for Nonresidential Uses

Any individual nonresidential use on an individual lot may have one freestanding sign not to exceed 50 square feet in area and twelve feet in height on any major thoroughfare and one sign not to exceed 30 square feet and four feet in height on any street that is not a major thoroughfare.

Any shopping center with two or more businesses may have one freestanding sign not to exceed 60 square feet for the first two tenants and an additional 10 square feet for each additional tenant over two, with a maximum of 120 square feet.

Section 2.12.8 Parking Spaces to Be Provided

(A) Spaces Required

Off-street parking for all structures and uses of land shall conform to the requirements shown in Table 1-B: Permitted Uses and Conditional Uses and Off-Set Parking Requirements, By District. The Planning and Development Director may accept a different number of spaces in accordance with Section 2.12.8(D)(i) below.

(B) Calculation of Off-Street Parking Requirements

i. When calculating the minimum number of off-street parking spaces in accordance with the table above, calculations shall be rounded to the nearest whole number.

ii. Calculation of required off-street parking for any eating establishment shall include all seating areas located outdoors.

(C) Parking for Uses not in Table

Parking for uses not expressly provided for above shall be governed by the provisions in those paragraphs most suitable for that use as determined by the Planning and Development Director.

(D) Developer-Submitted Parking Data

i. The Planning and Development Director at his discretion may accept a higher or lower number of parking spaces than required in 2.12.8(A) above (or a specific number of spaces for a use not listed) based on developer-submitted parking data such as a shared parking analysis or appropriate standards from another accepted source.

ii. If the Planning and Development Director accepts a lower number of parking spaces than is required in 2.12.8(A) above, the site shall be required to accommodate the higher number of spaces in case of future need. The design and location of these additional parking spaces shall meet the site design standards at 2.12.8(A) above and the following:

a) The area necessary to accommodate these spaces shall not be included as part of the site's minimum open space requirement.

b) The area necessary to accommodate these spaces shall be included in the impervious coverage for the site and accounted for in the drainage design.

c) Until or unless such spaces are needed, as determined by the Planning and Development Director, the area shall be maintained as open space.

(E) Off-Street Parking Design Standards

i. General Design Standards

Every parcel of land developed as or changed to a parking area shall be developed in accordance with the following design standards:

a) Any parking facilities containing ten (10) or more parking spaces shall be paved with concrete or asphalt. If parking facilities containing fewer than ten (10) parking spaces are not paved with concrete or asphalt, the parking spaces reserved for handicapped parking and the pathway leading from the handicapped parking spaces to the entrance to the building shall be paved with concrete or asphalt.

b) No more than one bay of parking shall be allowed between a structure and the right-of-way of the primary street fronting the site.

c) Driveways and parking areas shall be designed to limit the removal of Significant and Grand trees to the maximum extent feasible. See 2.12.13 below.

d) Landscaped buffers for parking areas adjacent to any property zoned or used residentially shall be

provided in accordance with 2.12.14(D) below. No parking shall be permitted in required side yards adjacent to any residential district or use. Any light used to illuminate said parking area shall be directed away from any property zoned or used residentially.

e) All off-street parking facilities shall be designed with appropriate means of access to street, alley, or maneuvering area.

f) Each required parking space shall be at least 9 feet in width by 19 feet in length.

ii. Parking Fronting Arterials

All off-street parking in conjunction with development fronting on an arterial street shall be designed so that vehicles can turn around within the parking facility without backing into the street.

iii. Parking and aisle dimensions

Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of twenty percent (20) of the total number of stalls may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle widths shall be as follows:

90 degree parking ……24 feet
60 degree parking ……20 feet
45 degree parking ……15 feet

Only one-way traffic shall be permitted in driving aisles serving single-row parking spaces placed at an angle other than 90 degrees.

iv. Wheel-Stops Required

a) Secured wheel-stops shall be provided in all parking facilities without curbing. The vehicle side of the wheel-stop shall be no less than 18 inches from the end of the parking space.

b) Where sidewalks or other walkways occur in parking facilities, parked vehicles shall not overhang or extend over the sidewalk. In these parking facilities, wheel-stops shall be provided even if the parking facility has curbing. Where sidewalks are six feet or more in width, wheel stops-shall not be required.

Section 2.12.9 Driveway Standards

(A) All driveways shall comply with South Carolina Department of Transportation standards for separation. No more than one driveway shall be allowed for every 300 feet of street frontage on major thoroughfares as designated on the most current version of the Aiken County Official Major Thoroughfares Map.

(B) No driveway or curb cut into a public parking area shall exceed 30 feet in width for 2-lane driveways and 15 feet in width for single-lane driveways. For the purposes of this paragraph, the width of any landscaped median shall not be included in determining driveway width.

(C) No driveway serving a nonresidential use shall be permitted through a residential district or use, and no driveway serving a multifamily use shall be permitted through a single-family district or use.

(D) Detailed plans shall be submitted to the Planning and Development Director for approval of all driveway openings or curb cuts before a permit may be obtained.

(E) Interconnecting Driveways

Where a parking area is within 50 feet of a property line which is not on a street right-of-way, an easement shall be provided to

allow for a future driveway connection to the adjacent property. A cross-access easement and hold-harmless agreement shall be required for interconnecting drives.

Section 2.12.10 Off-Street Loading Space

(A) General

Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this Section to accommodate the delivery or shipment operations in a safe and convenient manner. Determination of the applicability of this Section shall be made by the Planning and Development Director.

(B) Typical Loading Area Requirements

The following table indicates the number and size of spaces that normally shall satisfy the standard set forth in this subsection. However, the Planning and Development Director may require more or fewer spaces if necessary to satisfy the intent of this standard, upon evaluation of adequate data submitted by the applicant.

Gross Floor Area in Structure	Number of Loading Spaces
0 to 25,000 SF	1
25,001 to 40,000 SF	2
40,001 to 100,000 SF	3
100,001 to 160,000 SF	4
Over 160,000 SF	4 plus 1 space for each additional 80,000 SF above 160,000 SF

(C) Design Standards

i. Minimum dimensions for each space shall be 12 X 40 feet. Additional length or width may be required by the Planning and Development Director if deemed necessary for a given expected type of vehicle use. An overhead clearance of 14 feet from pavement grade shall be required.

ii. Loading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a street right-of-way and complete loading and unloading operations without obstructing or interfering with any public right-of-way, parking space, or parking lot aisle. No backing into the street shall be permitted.

iii. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities. Detached single-family dwellings are not subject to this requirement.

(D) Exceptions

Whenever there exists a lot that meets all of the requirements below, then the developer need only comply with this Section to the extent reasonably possible:

i. one or more structures on the lot were constructed before the effective date of this Chapter; and

ii. a change in use is proposed that does not involve any enlargement of a structure; and

iii. the loading area requirements of this Section cannot be satisfied because there is insufficient area available on the lot that can practically be used for loading and unloading.

Section 2.12.11 Large Retail Projects

A Large Retail Project is defined as any new, predominantly retail development or collection of retail uses with a gross indoor floor area in

excess of 40,000 square feet or any enlargement or alteration to an existing predominantly retail project that would result in a gross indoor floor area in excess of 40,000 square feet.

Any new Large Retail Project or one for which the cost of alterations, renovation, or expansion in any one-year period exceeds 50% of the appraised value of the development as set by the Aiken County Tax Assessor shall comply with the following.

(A) Permitted Locations

Such a project shall be located only in the Planned Use District (PUD) or Urban District (UD) zones within the Overlay District. Site/landscape plan approval shall be required prior to issuance of a building permit.

(B) Character of Design

Buildings shall be designed in a way that will reduce massive scale, provide visual interest, and avoid overwhelming surrounding development. The buildings shall be configured in a manner harmonious with topography and vegetation.

(C) Architectural Controls

i. Materials. Predominant exterior building materials may include brick, wood, stone, tile, split concrete block, or stucco. Smooth-faced concrete block are not permitted.

ii. Colors. Exterior façade colors must be low-reflecting, low-intensity, subtle, and neutral or earth-toned. Building trim may feature brighter, complementary colors that do not overwhelm the primary colors. Neon tubing is not allowed as an accent material.

iii. Rooflines. Rooflines shall be varied to add interest, minimize massive scale, and complement the character of nearby neighborhoods by using parapets, gables, eaves, or other similar designs.

iv. Exterior Walls. No large expanse of blank exterior walls will be allowed. Variation may be achieved by using recesses, projections, windows, columns, horizontal and vertical offsets, awnings, canopies, and other features.

v. Screening of Rooftop or Other Mechanical or Electrical Equipment. Equipment shall be screened to minimize noise and views from all directions except overhead. If the equipment is roof-mounted, the screening shall be designed to conform architecturally to the design of the building. Walls or evergreen shrubbery must screen ground-mounted mechanical or electrical equipment; shrubbery must be large enough at the time of planting to screen the equipment.

vi. Location of Walkways and Entrances. The building design shall clearly indicate to visitors where entrances are located. Walkways shall be well-lighted and marked, easily accessible to parking areas, and in the safest areas.

vii. Location and Appearance of Outdoor Sales and Storage Areas. Outdoor sales areas shall be incorporated into the overall design of the building and shall be screened with walls and/or fences not to exceed 15 feet in height. Materials, colors, and design of such walls and fences shall conform to those used predominantly on the principal building. To prevent unsightly clutter, outdoor storage of products in an area where customers are not permitted is prohibited.

viii. Outdoor Lighting. Lighting shall comply with Section 2.12.12 below.

ix. Types, Heights, and Location of Perimeter Fences. Fences shall not exceed eight feet in height except those for outdoor sales and storage areas. Chain-link fencing is not permitted.

(D) Landscaping

i. General. A landscape plan for a Large Retail Project shall be incorporated as part of site-plan approval. Prior to issuance of a Building Permit or a Development Permit (site permit), a detailed landscape plan conforming to the Tree Preservation and Landscaping provisions in Sections 2.12.13 below and 2.12.14 below and conforming to the provisions of Article 5 Bufferyards, Screening must be approved except where such provisions would conflict with the following provisions, which shall prevail over any conflicting provisions of Sections 2.12 and Article 5:

ii. Bufferyard Along a Street Right-of-Way.

a) Along any frontage adjacent to a street right-of-way, including out-parcels, there shall be a landscaped Bufferyard 2 at least 30 feet in depth.

b) In the bufferyard, in addition to the required trees there shall be a continuous screen consisting of either evergreen shrubbery and/or a berm with plantings complying with the provisions of Section 5.1 and with the following provisions:

(1) The shrubbery shall be at least three feet high after pruning at the time of planting and shall be planted no more than five feet on center in at least two staggered rows.

(2) Any berm must be at least three feet high. Any berm less than five feet high must be planted with evergreen shrubbery at least two feet high after pruning at the time of planting and shall be planted no more than five feet on center in at least two staggered rows.

(3) The screen shall be maintained at a minimum of five feet in height after plantings have matured.

c) The bufferyard may include a sidewalk or pathway parallel to the street and/or sidewalks or pathways perpendicular to the street to provide a pedestrian connection to parking areas.

iii. Screening of Garbage and Trash Collection Areas and Delivery and Loading Areas. These areas shall be screened from view of adjacent property and street rights-of-way with a masonry wall or wooden fence and/or evergreen shrubbery, shall be located away from pedestrian and vehicular traffic, and shall be out of sight to the maximum feasible extent.

(E) Delivery and Loading

i. General. Delivery and loading areas shall be designed and located to minimize visual and noise impacts to residential areas.

ii. Setbacks and Buffers. Each delivery and loading dock shall be set back at least 75 feet from adjacent land zoned or used residentially including a landscaped buffer at least 30 feet in depth along the property line conforming to the provisions of Section 5.1 Bufferyards of this Chapter.

iii. Trucks. Delivery trucks shall not be parked during non-delivery hours with any motor, compressor, refrigerator or similar device running unless it is at least 100 feet from property zoned or used residentially.

(F) Signage

In addition to complying with the sign provisions in Section 2.12.7 above, all signs within in a new or altered Large Retail Project shall be compatible and use similar design elements.

(G) Traffic

The applicant shall submit a traffic impact study for the proposed project. The study shall include information as

required by the Planning and Development Director. The developer/owner shall be responsible for any new or additional roads or improvements, turn lanes, traffic signals, or other improvements made necessary by the project.

(H) Waiver of Requirements

The Board of Appeals may waive any requirements of this Section for alteration or enlargement of an existing project where compliance would be impractical.

Section 2.12.12 Outdoor Lighting

(A) General. All lighting shall be designed to minimize the amount of ambient light perceptible from adjacent properties or that would impair the vision of motorists.

(B) Fixture Design.

i. Each fixture shall be a full cut-off, down-directional lighting fixture whose source is recessed within an opaque housing.

ii. Each fixture under a building canopy shall be flush-mount with a flat lens.

iii. Electricity levels per fixture shall not exceed the following:

i. on a pole, 420 watts.

ii. in a wall-pack, 250 watts.

iii. under a canopy, 400 watts

iv. The cone of light from any fixture shall not be directed at a property line.

v. Only incandescent, fluorescent, metal halide, mercury vapor, or high-pressure sodium sources may be used generating either white or off-white light.

(C) Pole Height. No pole may exceed 42 feet in height including the base except that no pole within 100 feet of any property zoned or used residentially shall exceed 25 feet.

(D) Maximum Lighting Levels. Maximum lighting levels in footcandles shall not exceed the following:

Location or Type of Lighting	Minimum	Average	Maximum
Parking Lots	.6	2.4	10
Outdoor Display of Merchandise	.5	1	15
Landscape and Decorative	0	.5	5
Walkways and Driveways	.2	1	10
Canopies	20	25	30

(E) Maximum Spillover. Light intensity shall not exceed two footcandles at the property line adjacent to a street right-of-way or property zoned to allow commercial use and .5 footcandle at the property line adjacent to any property zoned or used residentially.

(F) Underground Connections. All wiring and service connections for lighting must be underground.

(G) Site Lighting Plan. A plan depicting the proposed lighting shall be submitted in conjunction with the site plan at a minimum scale of 1” = 20’ and include the following:

i. the location, design, type of lamp, distribution, manufacturer’s photometric data (including number of lumens and wattage), and mounting information for each light fixture including those under a canopy;

ii. the location and height of each light standard;

iii. light intensity levels in footcandles at points on a ten-foot grid and the minimum average and maximum footcandle

calculations excluding the area of any buildings; and a notation that all requirements of the lighting provisions will be met.

(H) Reduced Lighting After Closing. Lighting levels shall be reduced to 50% of the full operational levels within 30 minutes after the close of business but no later than 11:00 p.m., whichever is earlier, by turning off and/or dimming lights except that a business open 24 hours a day shall not be subject to this provision. However, security lighting shall be maintained at night on the grounds of any property at a minimum of 2 footcandles measured horizontally at the surface of the ground whether the structures on the property are occupied or not.

(I) Planning and Development Director Discretion. After the issuance of a Certificate of Occupancy for a project, the Planning and Development Director may require changes to fixtures to bring the lighting levels into compliance with these provisions or to alleviate particular impacts on residential areas or motorists.

(J) Compliance by Existing Projects. Any existing Large Retail Project shall come into compliance with these provisions if the cost of any renovation or expansion in any one-year period exceeds 50 percent of the appraised value of the development as set by the Aiken County Tax Assessor, the South Carolina Tax Commission, or any other State or local government entity or official with authority to do so, or by the Building Official for developments that are tax-exempt. For a development composed of individual lots, the determination of whether the aforesaid limit has been exceeded shall be based on the appraised value of the individual lot or lots on which the proposed improvement or improvements will be located and not on the appraised value of the entire development.

(K) Light from Vehicles. To prevent vehicle lights from affecting adjacent property which is zoned or used residentially, parking areas and driveways shall be screened from such property by evergreen shrubbery planted at least five feet on center and three feet high at the time of planting after pruning or by a berm

at least three feet high. The Planning and Development Director may waive this provision if it is not necessary because of topography or other reasons.

(L) Lights intended to Attract Attention. Searchlights, flashing lights, or other lights used to attract attention to a site are prohibited.

(M) Lighting During Construction. All site lighting during construction must be full cut-off or directionally shielded fixtures that are aimed and controlled so the directed light is substantially confined to the object intended to be illuminated. A building is considered no longer under construction once exterior walls and windows are installed and permanent lighting replaces temporary lighting as the primary source of lighting for the building.

(N) Exemptions. Holiday lighting displays and neon lighting used to outline a structure are exempt though such lighting may not extend above the roofline.

(O) Variances. A request for a variance from the developer or his engineer for relief from any of the fourteen (14) lighting requirements described above (1) must be accompanied by a detailed explanation of the additional impact the granting of the variance would have on surrounding properties and (2) must comply with the variance provisions of Section 24-9.3.

Section 2.12.13 Tree Preservation

(A) Significant Tree and Grand Tree

A Significant Tree is an oak, pine, magnolia, or other tree that grows to be large with a DBH of 8 to 24 inches, or a dogwood, redbud, or other tree that does not grow to be large with a DBH of 4 to 6 inches. A Grand Tree is an oak, pine, magnolia or other tree over 24 inches DBH or a dogwood, rosebud, or other tree over 8 inches DBH.

(B) Removal of Existing Trees

i. The natural landscape, including existing trees, shall be preserved wherever possible. On all non-residential and multifamily developments within the Overlay District, no Significant or Grand Tree may be removed in the setback, bufferyard or open-space areas (tree-protection areas) of a development site unless one or more of the following can be demonstrated to the satisfaction of the Planning and Development Director, at his discretion:

a) it is in the interest of good forestry management;

b) the tree is diseased, dying, or dead;

c) the tree causes a safety hazard to nearby buildings or pedestrian or vehicular traffic;

d) the tree is a pine, pecan, or magnolia that is dropping debris or sap that is significantly affecting vehicles in a parking lot;

e) the tree is causing significant structural damage to a building or other structure that reasonable maintenance cannot prevent;

f) the tree is interfering with an existing underground utility line; and/or

g) it is necessary to allow construction of a road or driveway essential for access to the site, subject to the requirement that the inches of Grand and Significant Trees removed therefore shall be replaced when the site is developed.

ii. If Significant or Grand trees are removed on land zoned to permit single-family residential, no application for rezoning to a commercial or multi-family residential zoning classification will be considered for two years after staff determines that such removal has occurred.

(C) Removal of Trees Associated with Development Prior to issuance of a Development Permit (site permit) for a nonresidential or multifamily residential project, a site/landscape plan must be approved in accordance with Section 2.12.14 below and the following provisions:

i. Tree Survey

a) For every non-residential and multi-family project within the Overlay District, there shall be submitted a detailed Tree Survey of the tree-protection areas (setback areas, bufferyard areas, and open-space areas) of the entire development site depicting the DBH, variety, and location of all Significant and Grand Trees at the same scale as the site plan including the information listed in 2.12.14 below.

b) Information required by paragraph 1 above shall be prepared by a licensed engineer, surveyor, landscape architect, forester, arborist or other person with demonstrated experience in preparing accurate tree surveys as determined by the Planning and Development Director. Such information shall not be more than two years old on the date of submission of the application for landscape plan approval.

iii. Tree-protection Areas (Setback, Bufferyard, and Open-Space Areas)

a) Protection of Significant and Grand Trees. Within the tree-protection areas, all Grand and Significant trees shall remain unless their preservation would prevent the installation of a necessary driveway, sidewalk, permitted sign, or essential utility. All such driveways, sidewalks, signs, and utilities shall be located so as to preserve the maximum number of Grand and Significant trees as determined by the Planning and Development Director. To insure tree survival, a protected area pursuant to 2.12.13(D)(ii)

below shall be provided around each tree as required by the Planning and Development Director.

b) No Grand Tree may be removed from the tree-protection areas unless the Planning and Development Director determines there is absolutely no alternative because of unavoidable grading or because of the required configuration of paving, essential utilities, or buildings. No more than 80% of the DBH inches of Significant Trees may be removed from the tree-protection areas (setback, bufferyard and open-space areas) unless the Planning and Development Director determines there is absolutely no alternative because of unavoidable grading or because of the required configuration of paving essential utilities, or buildings.

c) Grand and Significant DBH inches removed from the tree-protection areas shall be replaced somewhere within the tree-protection areas, or elsewhere on the development site as approved by the Planning and Development Director, except for trees removed (1) pursuant to the requirements of County ordinances and regulations, (2) after determination by the County staff to be diseased, dying, or dead, or (3) in conjunction with construction of athletic fields at a public or private school required by the South Carolina State Department of Education or other licensing or accreditation organizations for such schools.

d) The cumulative DBH of replacement trees shall at least equal the cumulative caliper of the Grand and Significant Trees removed except that the DBH of any Grand or Significant tree on the Approved Tree List saved or newly planted may count double as replacement trees under this provision.

e) Trees planted to meet other requirements of this Section may be counted as replacement trees. The minimum caliper for a replacement tree shall be two inches and the tree must be from the Approved Tree List.

f) The Planning and Development Director shall approve the type, size, and location of each replacement tree.

g) Where the Planning and Development Director determines that planting the required number of trees on the site will result in an unacceptable density of trees based upon good forestry management, the Planning and Development Director may reduce that number; provided, however, in such event, that off-street parking shall be limited to no more than ten percent over the minimum number of parking spaces required by 2.12.8(A) above if necessary to maximize the number of replacement trees to be planted on the site.

(D) Tree Protection During and After Development

i. Standards

Trees that are to remain or are planted shall be protected in accordance with standards provided in paragraph b below and the Tree Protection and Landscaping Manual. The standards in the Manual shall provide for protective barriers around trees, the prevention of compaction or other disturbance within the protected tree dripline, and the installation of utilities.

ii. Protected Construction Areas

During grading and construction, a circular protected area with a radius equal to one foot for every inch of DBH of each tree shall be provided within which paving, grading,

or the storage of dirt, building materials, debris, or any other materials or any other equipment shall not be allowed. Each protected area shall be enclosed by a barrier constructed in a manner required and approved by the Planning and Development Director prior to commencement of clearing and grubbing and grading of the site and prior to issuance of the Development Permit (site permit) or Building Permit. Failure to maintain barriers may result in revocation of the Building Permit and/or Development Permit. Protective barriers shall be maintained until issuance of a Certificate of Occupancy. The protected areas shall be permanent and maintained by the property owner. No pavement shall be installed in the protected areas. The Planning and Development Director may reduce the protected areas or allow intrusions into them if such actions would not adversely affect the survival and health of the trees.

iii. Tree Maintenance

The following tree-maintenance provisions shall apply to all permanent trees on the subject site. No matter what pruning methods are used, no more than one-third of the crown shall be removed in any one growing season.

a) Where necessary to improve visibility for public safety purposes, suckers of limbs below seven feet in height may be removed through proper crown raising or elevations as described in ANSI Tree Maintenance Guide, Best management Practices, Tree Pruning, ANSI A300 (part 1), 2001 Printing, revision of ANGIA 3000 1995.

b) Maintenance of trees shall take their natural shape and growth patterns into account. Trees that are intended to grow full to the ground, such as magnolias, shall not be limbed up.

c) No topping or heading back shall be permitted which involves the cutting of limbs back to a stub,

bud, or lateral branch not large enough to assume the terminal role. Crown reduction shall be used to reduce the size of a tree and is best accomplished by cutting limbs back to laterals that are at least one third the diameter of the parent limb.

(E) Approved Site/Landscape Plan to Be On Site

During construction and until issuance of a Certificate of Occupancy, a copy of the approved site/landscape plan must be kept on the site.

(F) Removal of Trees After Development

After issuance of a Certificate of Occupancy for a commercial or multifamily residential project in the Overlay District, no Significant or Grand Tree or a tree planted pursuant to this Section may be removed without the approval of the Planning and Development Director pursuant to 2.12.13(B) above.

Section 2.12.14 Open Space, Landscaping, and Buffering Requirements

(A) Area required for open space

The minimum required open space area shall be 25 percent of the site for commercial uses and 40 percent of the site for multifamily residential uses. The bufferyards, setbacks, and retention/detention pond areas may be included in calculating the required open, landscaped area. Where a portion of a larger undeveloped tract is being developed, only landscaped area reasonably associated with the project as determined by the Planning and Development Director shall be counted in meeting the requirements of this provision.

(B) Application Requirements

i. An application for approval of the site plan, including the landscape plan, shall be submitted to the Planning and Development Director, with the number of copies set by

the Planning and Development Director, along with the appropriate fee.

ii. The site/landscape plan shall include the following (unless waived by the Planning and Development Director):

a) name of the project;

b) tax parcel number;

c) acreage or square footage of the lot or parcel on which the project is situated;

d) acreage or square footage to be disturbed;

e) dimensions of the lot or parcel on which the project is situated;

f) graphic scale and north arrow;

g) name, address, and telephone number of the property owner;

h) name, address, and telephone number of the plan preparer;

i) zoning of the site;

j) location map at a scale sufficient to depict the exact location of the site;

k) calculation of the area of the total site required to be landscaped as open space and that actually provided;

l) in the tree-protection areas (setback, bufferyard, and open-space areas), the location, type, and caliper of all Grand and Significant trees, indicating those to be removed and existing trees to be counted in meeting the requirements for bufferyards in Section 5.1;

m) the total DBH of Significant Trees in the tree-protection areas (setback, bufferyard, and open-space areas) and the total DBH of such Significant Trees being removed;

n) the protected area required around each Grand and Significant Tree based on one-foot radius for each inch DBH;

o) a statement of the total caliper of the replacement inches required and the total caliper of those provided;

p) clear delineation of the limits of clearing;

q) the number, location, and botanical and common names of plants to be installed including:

1. the caliper of required trees

2. shrubbery, berms, and fences;

3. a clear indication of the areas to be seeded or sodded;

r) a notation that protective measures for trees, installation methods for new plant material, maintenance of landscaped areas, and maintenance and pruning of trees and shrubs will comply with the standards established by this Section, the Tree Protection and Landscaping Manual, and the County staff;

s) existing and proposed improvements, including structures, parking areas, detention facilities, exterior lighting, driveways, open space areas, setbacks, street rights-of-way and paving; and buffering in accordance with Article 5, Sections 5.1 through 5.5 of this Chapter; and

t) other information as required by County staff to facilitate review.

iii. Buffering and Screening.

Buffering and screening shall be provided for non-residential and multifamily projects in accordance with the provisions of Article 5, Sections 5.1 through 5.5 of this Chapter. However, landscaping in parking areas shall be provided in accordance with the following Subsection (iv) Landscaping in Vehicular Use Areas.

iv. Landscaping In Vehicular Use Areas

a) Perimeter Planting Areas

Each parking area should be defined by linear landscaped areas to delineate driveways and control traffic flow. Such linear landscaped areas should be at least eight feet in width and include canopy trees as determined by the Planning and Development Director unless such trees would interfere with traffic movement in which case other types of trees may be used.

b) Islands In Between Parking Spaces

In a parking area with more than one double bay of parking spaces, no more than 10 spaces are allowed in a row without a landscaped island of at least 300 square feet excluding curbing and having a minimum width of eight feet. Each such island shall have at least one canopy tree allowed in parking lots as set forth in the Approved Tree List. Such islands must be offset so that they are evenly distributed in the parking area and are not in straight lines.

c) Islands at End of Row

A landscaped island of at least 100 square feet in area shall be provided at the ends of each single row of parking spaces closest to a building; each such island shall have a berm two feet high planted with ground cover, or, where there are two such islands together totaling at least 200 square feet, a small tree allowed in parking lots as set forth in the Approved Tree List. A landscaped island of at least 150 square feet shall be provided at the ends of each single row of parking spaces nearest the street frontage; where there are two such islands together totaling at least 300 square feet, there shall be one canopy tree. The islands shall be designed and maintained so as not to obstruct visibility for motorists. The Planning and Development Director may modify or waive this provision if compliance would not be practical.

d) Trees in Islands

Islands shall be located to preserve the maximum number of existing trees. The maximum number of trees must be planted as determined by the Planning and Development Director taking into account the size of the trees at maturity. The Planning and Development Director shall approve the size, type, and location of the trees. Any combination of large and small trees may be planted to meet the minimum number required by this provision with the approval of the Planning and Development Director.

e) Screening of Dumpsters

Dumpsters, utility boxes, and similar structures must be screened in accordance with the provisions of Section 5.2 of this Chapter.

v. Detention Ponds and Lakes

A detention pond may be counted as open landscaped area unless it is unable to support healthy trees, as determined by the County. Each detention pond shall be screened for aesthetic purposes pursuant to the standards in the Tree Protection and Landscaping Manual provided for by 2.12.14(B)(ix) below or as otherwise directed by the Planning and Development Director to accomplish the purposes of this Section. A lake shall be counted as landscaped area if approved by the Planning and Development Director as effecting the purposes of this Section.

vi. Design of Project Landscaping

Landscaping installed during development should meet the following design guidelines.

a) Landscaping should be designed for the long term; the size of plants at maturity should be considered when selecting plant material and designing its installation.

b) Landscaping should continue thematic elements, if any, found in the surrounding area, including plant types and planting patterns.

c) Landscaping should be designed to be functional (reducing the heat island effect of impervious surfaces, helping to control runoff, etc.), as well as beautiful.

vii. Irrigation

An automatic irrigation system must be installed to water all new landscaped areas. The system must remain operational and have a timer set to water plantings to keep them alive.

viii. Completion and Maintenance of Landscaping

a) Completion

All landscaping shall be installed in accordance with the approved landscape plan unless substitutions are approved by the Planning and Development Director and noted in writing on the plan. A Certificate of Occupancy for any business or use on a site with such an approved plan shall not be issued until the required landscaping is installed by the property owner and approved by the Planning and Development Director or a cash or equivalent performance guarantee is posted with the Planning and Development Director in the minimum amount of 110 percent of the total cost of the required uncompleted landscaping, including the labor, as determined by the Planning and Development Director. A site not requiring a Certificate of Occupancy may not be used until the required landscaping is installed or a guarantee posted.

The guarantee and accompanying surety shall be in a form approved by the Planning and Development Director and shall be released and returned to the party posting the guarantee upon installation by the property owner of all required landscaping and acceptance by the Planning and Development Director of such installation. The landscaping shall be installed within three months of the posting of the performance guarantee with the Planning and Development Director. However, the Planning and Development Director may extend the time period for installation of landscaping for a maximum of an additional three months if weather conditions are not suitable for such installation or trees are not available during the initial three-month period. If the landscaping is not installed within the required period, the guarantee shall be forfeited to and used by the County to complete the approved landscaping with any remaining funds being returned to the party who posted the guarantee. For

a project in an unincorporated area receiving City services and for which a landscape plan has been approved, the use of those services may not commence until the requirements of this Section are met.

b) Maintenance

The property owners, occupants, and tenants or their agents shall be jointly and severally responsible for the maintenance of all landscaping. All landscaping required by or installed pursuant to landscaping plans approved under this Section or prior ordinances shall be maintained in good condition so as to present a healthy, neat and orderly appearance; shall be kept free of refuse, debris, and dead, diseased, or severely damaged plants or vegetation; and shall contain at all times the number, variety, and location of plants and trees required thereby.

ix. Tree Protection and Landscaping

The County staff shall promulgate mandatory standards for the installation, maintenance, survival, health and protection of trees and landscaping required to be retained, planted, installed, or maintained by this Section or prior ordinances. Those standards shall promote and effect the purposes set forth in Section 2.12.1 above and be compiled in a Tree Protection and Landscaping Manual. The Manual shall also establish an Approved Tree List setting forth trees allowed to be planted including those permitted in parking lots.

Section 2.12.15 Conflict with Other Regulations.

In the event that the provisions of this Section 2.12 HCO, Highway Corridor Overlay District conflict with other regulations, including the permitted uses of the zoning districts which underlie the HCO Districts, the more restrictive and stringent regulations shall prevail.

Section 2.12.16 Compliance with other Regulations.

Non-residential and multifamily projects within the Overlay Districts must comply with all other applicable provisions of Chapter 24 Land Management Regulations which are not in conflict with the preceding provisions of this Section 2.12.

ARTICLE III.
CONDITIONAL USE REGULATIONS

The regulations contained in this Article are intended to ameliorate the impact and improve the siting of uses, buildings, and projects whose design and/or operational characteristics could adversely affect surrounding property and environmental conditions. To this end, the standards and criteria set out below are imposed herein on all conditional uses listed in the preceding Table 1-A Permitted and Conditional Uses.

	Section Reference
Concentrated Animal Feeding Operation (CAFO)	3.1
Horses and Other Equine	3.2
Manufacturing Uses	3.3
Wrecking, Junk and Salvage Yards	3.4
Communication Towers and Antennas	3.5
Solid Waste Landfill	3.6
Bed and Breakfast Inns	3.7
Camps and Recreational Vehicle Parks	3.8
General Auto and Other Repair Establishments	3.9
Sexually-oriented Businesses	3.10
Multifamily, Residential Care and Group Occupied Dwellings	3.11
Townhouses, Duplexes, Triplexes, & Quadruplexes	3.12
Patio and Zero Lot Line Homes	3.13
Manufactured Dwellings	3.14
Manufactured Home Parks	3.15
Home Occupations	3.16
Accessory Apartments	3.17
Open Storage	3.18
Temporary Uses (portable buildings, tents, etc.)	3.19
Vendors	3.20

Motor Vehicle Race and Testing Tracks	3.21
ATM Machines	3.22
Truck Transportation	3.23
Miniwarehouses	3.24
Recycling Centers	3.25

Section 3.1 Concentrated Animal Feeding Operations and Slaughterhouses

Concentrated animal feeding operations (CAFOs) or feedlots (swine operations and slaughterhouse operations are defined in Article 11 Definitions of this Chapter. No structure or other facility of a CAFO for swine shall be located closer than 1,000 feet to the adjoining property line, unless the titleholder of the adjoining land executes a waiver with the titleholder of the land where the CAFO for swine is established or proposed to be established, under terms and conditions that the parties negotiate. However, if the CAFO for swine is located on the adjoining property or within 1,000 feet of a proposed facility, the property line setback applicable to the proposed facility cannot be reduced by consent of the adjoining property owner.

CAFOs for swine shall be located no closer than 2,000 feet from the outer edge of a lake, river or stream, including ephemeral, intermittent, and perennial streams as defined by the SC Forestry Commission.

CAFOs for swine containing 1,000,000 pounds (normal production live weight) or more shall be separated a distance of 25 miles. CAFOs for swine containing more than 500,000 pounds but less than 1,000,000 pounds shall be separated a distance of not less than two (2) miles.

Setback and separation standards for CAFOs for animals other than swine shall be as required by the regulations of the State Department of Health and Environmental Control.

Section 3.2 Horses and Other Equine

Owing to the consequences of keeping horses and other equine in residential areas and elsewhere, horse stables, pens and areas for keeping horses shall meet the following requirements:

(A) Minimum lot area for the first three horses and/or stalls shall be one acre, plus 20,000 square feet for each additional horse and/or stall.

(B) Lot must be designed to drain, and must be maintained so as to prevent ponding and propagation of insects, pollution of adjacent streams and water bodies.

(C) Lot must be maintained in sanitary condition through the proper use of lime and pesticides.

(D) Manure

i. On lots less than five (5) acres in size, manure piles must be maintained in covered containers located not less than fifty (50) feet from the nearest residential property line and twenty-five (25) feet from any other property line, and must be removed at least twice weekly to prevent propagation of insects and odors.

ii. On lots five (5) acres or greater in size, manure piles may be maintained subject to the requirements in Section 24-3.2(D)(i) immediately above, or must be maintained in covered containers located not less than one hundred (100) feet from the nearest residential property line and fifty (50) feed from any other property line and must be removed at least once weekly to prevent propagation of insects and odors.

iii. On lots ten (10) acres or greater in size, manure piles may be maintained subject to the requirements in Section 24-3.2(D)(i) above, or may be maintained subject to the requirement in Section 24-3.2(D)(ii) immediately above, or may be maintained in the open provided that they are properly maintained to control insects and odors and to prevent pollution of adjacent streams and water bodies, and provided that any open manure storage is located not less than two hundred (200) feet from the nearest residential property line and one hundred (100) feet from any other property line. Manure piles maintained in the open that are visible from any adjoining residential property line

must be screened to prevent visibility from the adjoining residential property.

iv. Manure shall be properly composted in order to be eligible for use as fertilizer or for spreading.

(E) Feed must be stored in rodent-proof containers.

(F) Feed spillage must be promptly removed to prevent attraction of flies and rodents.

(G) Exercise and training areas must be dampened to prevent dust accumulation.

(H) Prompt veterinary care and service must be provided for sick horses, which shall be removed from the premises when deemed necessary by a licensed veterinarian.

Section 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-A Permitted Uses produce no injurious or obnoxious elements related to the operation of such uses beyond the premises.

(A) Vibration. 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:

i. Residential property line: 0.02

ii. Non-residential 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.

(B) Fire and Explosives. All activities and all storage of flammable and explosive materials shall be provided 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.

(C) Noise. 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 Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association.

			Sound Pressure Levels (In Decibels)	
Frequency Band (Cycles Per Second)			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	-	1,200	46	53
1,200	-	2,400	40	47
2,400	-	4,800	34	41
4,800	-	10,000	32	39

(D) Air Pollution. 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.

(E) Odor. 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 E679-91.

(F) Glare. 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.

(G) Fumes and Vapors. 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.

(H) Heat, Cold, Dampness or Movement of Air. Activity which would produce an adverse impact on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.

(I) Toxic Matter. 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.

(J) Exterior Illumination. 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.

(K) Compliance Guarantee. The applicant of a permit for any manufacturing or processing plant or commercial or other nonresidential uses 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 & 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.

Section 3.4 Wrecking, Junk and Salvage Yards

The location of these uses, where permitted by Table 1-A, shall be regulated by the following:

(A) No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park.

(B) No material or products shall be burned on the premises.

(C) No material shall be placed in open storage in such a manner that it may be transferred out by wind, water or other causes.

(D) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully closed buildings.

(E) All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding points of ingress or egress, at least eight (8) feet in height.

(F) No such use shall front on or be visible from a major thoroughfare as designated on the official major thoroughfare map.

Section 3.5 Communication Towers and Antennas

Section 3.5.1 Definitions

For purposes of this Section 24-3.5, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meanings given in this

Section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

"Accessory facility or structure" means an accessory facility or structure serving or being used in conjunction with a wireless telecommunications facility, and located on the same property or lot as the wireless telecommunications facility, including but not limited to, utility or transmission equipment storage sheds or cabinets.

"Applicant" means any wireless service provider or agent submitting an application for a permit for a wireless telecommunications facility.

"Application" means the documentation that an applicant is required to submit by this Section in order to receive a permit for a wireless telecommunications facility.

"Antenna" means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

"Co-location" means the use of an existing tower or structure to support an antenna for the provision of wireless services.

"Commercial impracticability" or **"commercially impracticable"** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not make a situation "commercially impracticable" and shall not render an act or the terms of an agreement "commercially impracticable"

"Completed application" means an application that contains all information and data required by this Section 24-3.5.

"DAS" or **"distributive access system"** means a technology using antenna combining technology allowing for multiple carriers or wireless service providers to use the same set of antennas.

“FAA” means the Federal Aviation Administration, or its duly designated and authorized successor agency.

“Fall Zone” means the maximum area (the furthest distance from the tower base) in which a wireless telecommunications facility will collapse in the event of a failure, usually less than the total height of the structure. The zone must be defined by a professional civil or structural engineer licensed in the State.

“FCC” means the Federal Communication Commission, or its duly designated and authorized successor agency.

“Federal” means the United States of America.

“Height” means, when referring to a tower or other structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

“Material modification” or **“materially modify”** means the addition, removal, or change of any of the physical and visually discernible components of aspects of a wireless telecommunications facility, such as antennas, or cabling equipment shelters, or changing the color or materials of any significant components. Adding a new wireless carrier or service provider to a telecommunications facility on site as a co-location is a modification. A modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or any matters that involve the normal repair and maintenance of a wireless telecommunications facility without adding, removing, or changing anything.

“NIER” means non-ionizing electromagnetic radiation.

“Permit” means the official document or permit by which an applicant is allowed to file for a site permit or building permit to construct and use a wireless telecommunications facility, as granted or issued by the County.

“Person” means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other legally recognized entity.

“Personal wireless facility” See definition for “Wireless telecommunications facilities”.

“Personal wireless services” or **“PWS”** or “personal telecommunications service” or “PCS” shall have the same meaning as defined and used in the Telecommunications Act of 1996.

“Planning Commission” means the Planning Commission of Aiken County appointed by County Council.

“Repairs and maintenance” means the replacement or repair of any components of a wireless telecommunications facility where the replacement is identical to the components being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the components or aspects of a wireless facility that will modify the visible appearance of the facility as originally permitted.

“Stealth” or **“camouflage”** means disguising a tower or wireless telecommunications facility so as to make it less visually intrusive and not recognizable to the average person as a wireless telecommunications facility.

“Telecommunications” means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

“Telecommunications site” See definition for wireless telecommunication facilities.

“Telecommunications structure” means a structure used in the provision of services described in the definition of “Wireless telecommunications facilities”.

“Temporary” means something intended to, or that does, exist for ninety (90) day or fewer.

"Tower" means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal. A "freestanding tower" shall mean a tower supported and stabilized through the use of guys wires.

"Wireless telecommunications facilities" means and includes a "telecommunications site" and "personal wireless facility." It means a structure, facility, or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes, without limit, towers of all types, kinds, and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or other transmitting or receiving devices or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters, and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

Section 3.5.2 Overall Policy and Desired Goals for Permits for Wireless Telecommunications Facilities.

In order to ensure that the placement, construction, and modification of wireless telecommunications facilities protect the County's health, safety, public welfare, environmental features, and nature and character of the community, the County hereby adopts an overall policy with respect to permits for wireless telecommunications facilities for the express purpose of achieving the following:

(A) Requiring permits for any new wireless telecommunications facilities, tower, co-location of antennas, or material modification of an existing wireless telecommunications facility.

(B) Implementing an application process for person(s) seeking permits for wireless telecommunications facilities;

(C) Establishing a policy for examining an application and issuing permits for wireless telecommunications facilities that is both fair and provides consistent disposition.

(D) Promoting and encouraging, wherever possible, the sharing and/or co-location of wireless telecommunications facilities among service providers.

(E) Regulating the location of wireless telecommunications facilities in such a manner as to minimize adverse, aesthetic and visual impacts on the land, property, buildings, and other facilities located in the area of wireless telecommunications facilities.

Section 3.5.3 Permits Required for Wireless Telecommunications Facilities

(A) No person shall be permitted to site, place, build, construct, materially modify, or prepare any site for the placement or use of a wireless telecommunications facility as of the effective date of this ordinance without having first obtained the required permits. Notwithstanding anything to the contrary in this Section, no permits shall be required for those non-commercial exceptions noted in Section 24-3.5.

(B) If constructed as required by permit and applicable laws, regulations and ordinances, all legally-permitted wireless telecommunications facilities that existed on or before the effective date of this ordinance shall be allowed to continue as they presently exist, provided however, that any visible modification, any increase to the structural load, or increase in height of an existing wireless telecommunications facility will require the complete facility and any new installation to comply with this Section 24-3.5.

(C) The routine repair and maintenance of a wireless facility does not require a permit. However, any material modification shall require a permit.

(D) Notwithstanding any other provisions of this Section 24-3.5 and all subparts thereof, the co-location and/or shared use of antennas on existing telecommunications towers or other structures such as utility poles, water towers, and other towers, shall be exempt from the public hearing requirement otherwise required for a tower, and shall be exempt from the public hearing requirement otherwise required for a tower, and shall be subject only to an administrative review process by the County Planning & Development Department.

Section 3.5.4 Exemptions:

The following facilities shall be exempt from Section 24-3.5

(A) Any facilities expressly exempt by law from the County's siting, building and permitting authority.

(B) Over-the-air reception devices including the reception antennas for direct broadcast satellites (DBS), multi-channel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS), and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception, but not including microwave dishes.

(C) Facilities used exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar noncommercial telecommunications.

(D) Facilities used exclusively for providing unlicensed spread spectrum technologies, such as IEEE 802.11a,b,g services (e.g. Wi-Fi and Bluetooth) where the facility does not require a new tower.

(E) When placing wireless facilities on government-owned property or facilities, only non-commercial wireless carriers and users are exempt from the permitting requirements of this Section 24-3.5.

Section 3.5.5 Application Requirements for New Wireless Telecommunications Facilities and Co-locations that Increase the Height of the Structure.

(A) All applicants for a permit for a wireless telecommunications facility or a co-location that increases the height of such facility shall comply with the requirements set forth in this Section 24-3.5. The County Planning & Development Department is the officially designated agency of the County to which applications for such permits must be made, and that is authorized to review, analyze, evaluate and make recommendations regarding granting, denying or revoking of such permits. The County Council hereby authorizes the staff of the

County Planning & Development Department to accept, review, analyze, evaluate and make recommendations to the Planning Commission with respect to the granting or not granting or revoking permits for wireless telecommunications facilities.

(B) The County may reject or delay action on application not meeting the requirements stated in this Section 24-3.5 or which are otherwise not complete.

(C) No wireless telecommunications facilities shall be installed, constructed or materially modified until the application is reviewed and approved by the County and the permit has been issued.

(D) An application for a permit for a wireless telecommunications facility shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

(E) The application must provide documentation to verify it has the right to proceed as proposed on the site. This requires an executed copy of the lease with the owner or a signed letter of agreement acknowledging authorization for the applicant to erect a tower or co-locate on the site. If the applicant owns the site, a copy of the ownership documents is required.

(F) The application shall include the following statements in writing:

i. The applicant's proposed wireless telecommunications facility shall be maintained in a safe manner, and in compliance with all conditions of the permit, without exception, unless specifically granted relief by the County in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal laws, rules, and regulations; and

ii. The construction of the wireless telecommunications facility is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in the State and County.

(G) Where a certification is called for in this ordinance, such certification shall bear the signature and seal of a Professional Civil or Structural Engineer licensed in the State.

(H) An application for a new wireless telecommunications facility or for a co-location that increases the height of a structure shall contain the following information:

Documentation of Need for Facility

i. A description and explanation of the specific objective(s) of the new facility or material modification of the existing wireless facility, expressly including and explaining the purpose and need for the facility, such as coverage and/or capacity needs or requirements and the specific geographic area of intended coverage.

ii. Technical documentation that demonstrates the need for the facility. Such documentation shall include a propagation study of the proposed site and all adjoining planned, proposed or existing sites that illustrates any significant gaps in coverage. If a capacity issue is involved, include an analysis of the current and projected usage in the serve area.

Ownership and Management

iii. The name, address and phone number of the person preparing the application.

iv. The name, address, and phone number of the property owner and the applicant, including the legal name of the applicant. If the owner of the facility is different that the applicant, the owner's name and all necessary contact information shall be provided.

v. The postal address and tax map parcel number of the property.

vi. A copy of the FCC license applicable for the intended use of the facility.

vii. The zoning district or designation in which the property is situated.

viii. The size of the property on which the structure to be attached is located, stated both in square feet and acres, and a survey showing the location and dimensions of all lot lines, fall zone, and the location, size and height of all existing structures located within 110% of the fall zone on the property on which the structure is located that is the subject of the application and on those portions of adjacent properties which are located within the fall zone.

ix. If attaching to an existing wireless telecommunications facility identifying all users and attachments to the wireless telecommunications facility and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting.

x. If attaching to a building or other structure, a site plan and elevation drawing showing the proposed attachments and all related fixtures, structures, appurtenances and apparatus, including height above the roof or balustrade, whichever is appropriate.

xi. The azimuth, size and center line height location of all proposed and existing antennas on the supporting structure.

xii. The type, location, and dimensions of all proposed and existing landscaping and fencing.

xiii. The number, type and design of the telecommunications tower(s) and antenna(s) proposed and the basis for the calculation of the wireless telecommunications facility's capacity to accommodate multiple users.

xiv. The applicant shall disclose in writing any agreement in existence prior to submission or during the application that

would limit or preclude the ability of the applicant to share any new wireless telecommunication facility that it constructs.

Safety

xv. If attaching to an existing tower, the age, make, model, type (guyed, self-supporting lattice or monopole) and manufacturer of the tower and the structural design characteristics, certified by a Professional Civil or Structural Engineer licensed in the State of South Carolina, certifying the tower's capability to safely accommodate the applicant's antennas without change or modification.

xvi. If any material modification of the tower or other structure is needed, a detailed narrative explaining what changes are needed, why they are needed, and who will be responsible for such changes.

xvii. If attaching to an existing structure other than a tower, a structural report signed and sealed by a Professional Civil or Structural Engineer licensed to do business in the State of South Carolina certifying the structural adequacy of the structure to accommodate the proposed wireless facility(s), including any equipment shelter, unless the equipment shelter is located on the ground floor or lowest floor of a building.

xviii. A statement certifying that the proposed telecommunications facility will be operated in compliance with the FCC's current (Radio Frequency) RF emissions standards.

(I) The applicant will provide a written copy of an analysis completed by a qualified individual or organization to determine if the proposed new wireless telecommunications facility is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This analysis shall also be required for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, the FAA determination shall be provided prior to the issuance of any building permit for the facility.

(J) Application for New Wireless Telecommunications Facility

i. In the case of a new wireless communications facility, the applicant shall submit a written report demonstrating its meaningful efforts to secure shared use of the existing wireless communications facilities or the use of other structures within the County that are at or above the surrounding tree height or the tallest obstruction within one (1) mile of the proposed wireless communications facility. Copies of such requests and responses for shared use shall be provided to the County in the application, along with any letters of rejection.

ii. The applicant shall examine the feasibility of designing the proposed wireless telecommunications facility to accommodate future demand for additional commercial applications. The wireless communications facility shall be structurally designed to accommodate at least three (3) additional antenna arrays equal to those of the applicant. This requirement may be waived, provided that the applicant, in writing, certifies that the provisions of future shared usage of the wireless communications facility is not technologically feasible, is commercially impracticable, or creates an unnecessary and unreasonable burden.

iii. The owner of any wireless telecommunications facility approved pursuant to this Chapter shall negotiate in good faith for the shared use of the proposed wireless telecommunications facility by other wireless service providers and/or local government in the future, and shall:

a) Respond within 60 days to a request for information from a potential shared-use applicant;

b) Negotiate in good faith concerning future requests for shared use of such wireless communications facility by other telecommunications providers; and

c) Allow shared use of the wireless communications facility if another telecommunications provider

agrees in writing to commercially reasonable terms; and

d) Allow Aiken County to share the wireless telecommunications facility for emergency services and government use at no cost.

iv. Failure to abide by the conditions set forth above in Section 24-3.5.5 may be grounds for revocation of the permit.

(K) The applicant shall provide certification from a professional civil or structural engineer licensed in the State that the telecommunications facility is designed and will be constructed to meet all County, State, and Federal structural requirements for loads, including wind and ice loads and including but not limited to all applicable ANSI (American National Standards Institute) guidelines.

(L) If the proposal is for a co-location or modification on an existing tower, the applicant is to provide signed documentation of the tower condition in the form of an ANSI Report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or the most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopole and self-supporting towers.

(M) If the application is for a new tower, a new antenna attachment to an existing structure other than a tower, or a material modification to an existing structure, the applicant shall furnish a Visual Impact Assessment, which shall include digital pictorial representations of "before and after" (digital photo simulations) views from key viewpoints inside of the County as may be appropriate and required, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. The applicant shall provide a map showing the locations of where the digital pictures were taken and the distance from the proposed structure.

(N) The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed wireless facility.

(O) The wireless facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or camouflage or concealment as feasible.

(P) All utilities at a wireless telecommunications facility site shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the County, State, or United Sates including specifically, but not limited to the NFPA Life Safety Code and the National Electrical Code where appropriate.

(Q) At a wireless telecommunications facilities site an access road shall be provided to assure adequate emergency and service access.

(R) All wireless telecommunications facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the County, State, or United Sates, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply.

(S) A holder of a permit granted under this ordinance shall obtain, at its own expense, all permits and licenses required by applicable law, ordinance, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the applicant.

(T) The holder of a permit shall notify the County of any intended material modification to a wireless telecommunications facility and shall apply

to the County to materially modify, relocate, or rebuild a wireless telecommunications facility.

(U) There shall be a pre-application meeting for all intended applications. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process.

Section 3.5.6 Requirements for an Application to Attach to an Existing Wireless Telecommunications Facility or Other Structure without Increasing the Height of the Wireless Telecommunications Facility or Other Structure.

(A) An application to increase the height of a wireless communications facility shall be deemed a new wireless telecommunications facility application and shall not qualify for treatment as an attachment to an existing wireless telecommunication facility or other structure under this Chapter.

(B) There shall be no public hearing required for an application to attach to an wireless communications facility as long as there is no proposed increase in the height of the tower or other structure. However, the Planning Commission may require such a public hearing for good cause. The permit shall be issued administratively by the Planning & Development Department once all requirements of this ordinance are met.

(C) An application for a permit to attach a wireless facility to an existing structure, including but not limited to a cellular, PCS, or microwave facility, shall contain the information and comply with the requirements of the following subsections.

(D) The applicant must provide documentation to verify it has the right to proceed as proposed on the site. This requires an executed copy of the lease with the owner or the signed letter of agency acknowledging authorization for the applicant to attach an antenna to a wireless telecommunications facility on the site. If the applicant owns the site, a copy of the ownership documents is required.

(E) The applicant shall include the following written statement:

i. The applicant's proposed wireless telecommunications facility shall be maintained in a safe manner and in compliance with all conditions of all applicable permits and authorizations, without exception, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal Laws, rules, and regulations; and

ii. The construction of the wireless telecommunications facility is legally permissible, including but not limited to the fact that the applicant is authorized to do business in the State.

(F) An application to attach to an existing structure without increasing the height shall be made on forms provided by the County and shall contain the following information:

Documentation of Need

i. A narrative description and explanation of the specific objectives for the new facility, expressly including and explaining the purpose and need for the facility, such as coverage and/or capacity needs or requirements, and the specific geographic area of intended coverage.

ii. Technical documentation demonstrating the need for the wireless telecommunications facility. Such documentation shall include a propagation study of the proposed site and all adjoining planned, proposed, or existing sites that illustrate any significant gaps in coverage. If a capacity issue is involved also include an analysis of the current and projected usage.

Ownership and Management

iii. The name, address and phone number of the person preparing the application.

iv. The name, address, and phone number of the property owner and the applicant, including the legal name of the applicant. If the owner of the structure is different than the applicant, the

owner's name and all necessary contact information shall be provided.

v. The postal address and tax map parcel number of the property.

vi. A copy of the FCC license applicable for the intended use of the facility.

Zoning and Planning

vii. The zoning district or designation in which the property is situated.

viii. The size of the property on which the structure to be attached is located, stated both in square feet and acres, and a survey showing the location and dimensions of all lot lines.

ix. The location, size and height of all existing and proposed structures within the fall zone plus 10% on the property on which the structure is located and that is the subject of the application.

x. If attaching to an existing wireless telecommunications facility, a site plan and elevation drawing showing the vertical rendition of the wireless telecommunications facility identifying apparatus, including height above pre-existing grade, materials, color and lighting;

xi. If attaching to a building or other structure, a site plan and elevation drawing showing the proposed attachments and all related fixtures, structures, appurtenances and apparatus, including height above the roof or balustrade, whichever is appropriate.

xii. The azimuth, size and center line height location of all proposed and existing antennas on the supporting structure.

xiii. The number, type and model of the antenna(s) proposed, along with a copy of the specification sheet(s) for the antennas.

Safety

xiv. If attaching to an existing wireless telecommunications facility, the age, make, model, type (guyed, self-supporting lattice, or monopole) and manufacturer of the wireless telecommunications facility and the structural design characteristics, certified by a Professional Engineer licensed in the State, certifying the wireless telecommunications facility's capability to safely accommodate the facilities of the applicant without change or modification.

xv. If any change to the wireless telecommunications facility or other structure to be attached to is needed, a detailed narrative explaining what changes are needed, why they are needed and who will be responsible for making the changes.

xvi. If attaching to an existing structure other than a tower, a structural report signed and sealed by a Professional Civil or Structural Engineer licensed in the State certifying the structural adequacy of the structure to accommodate the proposed wireless facility, including any equipment shelter, unless the equipment shelter is located on the ground floor or on the lowest floor of a building.

xvii. A signed statement that the applicant will expeditiously remedy any physical or RF interference with the other wireless devices or services.

xviii. A statement certifying that the proposed telecommunication facility will be operated in compliance with the FCC's current RF emission standards.

(G) To protect the nature and character of the area and create the least visually intrusive impact reasonably possible under the facts and circumstances, for any attachment to a building or other structure with a fascia the antennas shall be mounted on the fascia and all such attachments and exposed cabling shall use camouflage or stealth techniques to match as closely as possible the color and texture of the existing structure.

(H) The applicant shall provide a certification by a Professional Engineer licensed in the State that the tower or other structure and its foundation as proposed to be utilized are designed and constructed to meet all local, County, State, Federal, and ANSI structural requirements for loads, including wind and ice loads and the placement of any equipment on the roof of a building after the addition of the proposed new facilities.

(I) If the application is to attach to or modify the existing facilities on a wireless telecommunications facility, the applicant shall provide signed documentation of the tower condition, specifically a report done pursuant to the latest edition of ANSI-EIA/TIA 222F – Annex E for any self-supporting tower that is five (5) years old or older or for a guyed tower that is three (3) years old or older. Any deficiencies, other that strictly cosmetic ones, must be completed or remedied prior to the issuance of a permit for the attachment of any component of the proposed wireless facilities.

(J) All antennas attached to a tower or other structure shall be flush mounted or as near to flush mounted as possible unless the applicant can demonstrate technically the flush mounting cannot be used and would serve to prohibit or have the effect of prohibiting the provision of service.

(K) All utilities installed for a new wireless telecommunications facility shall be installed in compliance with all laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

(L) If deemed necessary or appropriate, an access road or driveway shall be provided to assure adequate emergency and service access. This road or driveway shall be maintained by the owner of the facility.

Section 3.5.7 Location of Wireless Telecommunication Facilities

(A) The Planning Commission may disapprove an application for any of the following reasons based upon substantial evidence in the record before it:

i. Conflict with safety and safety-related codes and requirements.

ii. Conflict with a designated historical site.

iii. The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers.

iv. Conflicts with the provisions of this Section 24-3.5.

(B) Notwithstanding anything to the contrary in this Section 24-3.5, for good cause shown, such as the ability to utilize a shorter or less intrusive facility elsewhere and still accomplish the primary service objective, the County may require the relocation of a proposed site, including allowing for the fact that relocating the site chosen by the applicant may require the use of more than one (1) site to provide substantially the same service, if the relocation could result in a less intrusive facility or facilities, singly or in combination.

Section 3.5.8 Shared Use of Wireless Telecommunications Facilities and Other Structures.

(A) The County, as opposed to the construction of a new wireless telecommunications facility, requires wireless facilities to be located on existing wireless telecommunications facilities or other structures without increasing the height of the wireless telecommunications facility or structure, unless such is proven to be technologically impracticable. The applicant shall submit a comprehensive report inventorying all existing wireless telecommunications facilities and other suitable structures within one (1) mile of the location of any proposed new wireless telecommunications facility, unless the applicant can show that some other distance is more appropriate and reasonable, and demonstrate conclusively why an existing wireless telecommunications facility or other suitable structure cannot be used.

(B) An applicant intending to locate on an existing wireless telecommunications facility or other suitable structure shall be

required to document the intent of the existing owner to permit its use by the applicant.

Section 3.5.9 Height of Wireless Telecommunications Facilities.

(A) The type and maximum height of new self-supporting, lattice, monopole, or guyed wireless telecommunications facilities shall be limited as follows, based on the zoning district in which located. Variances from the height limitations exceeding an additional 10% of the height allowed in that zoning district or type of wireless telecommunications facility found below in this Section 24-3.5.9 shall not be granted or approved.

Residential (OR, NC, RM, RH5, RC, RH5B) – Wireless telecommunications facilities are not allowed in these districts, except for co-locations to existing structures that shall not increase the height of the existing structures.

Residential (RD) – Monopole towers with height not exceeding 100 feet, providing that there are no residences within 1,500 feet of the structure.

Limited/Urban Development Use (LD, UD, HCO, RRC) – Monopole towers with height not exceeding 150 feet.

Industrial/Agricultural Use (IND, AP) – Monopole, self-supporting, lattice, or guyed tower with height not exceeding 250 feet.

Rural (RUD, RUC) – **More than one mile from existing RC zoning district** - Monopole, self-supporting, lattice, or guyed tower with height not exceeding 350 feet.

Rural (RUD, RUC) – **One mile or less from existing RC zoning district** – Monopole, self-supporting, lattice, or guyed tower with height not exceeding 100 feet. Monopole, self-supporting, lattice or guyed towers within one mile of an existing RC zoning district may be approved up to a height of 250 feet by the Board of Appeals upon the granting of a Special Exception. In making the determination, the Board of Appeals must find each of the following:

1. The proposed tower will be set back a distance equal to at least two times the height of the proposed tower from an existing RC zoning district;

2. The applicant demonstrates the purpose and need for the height of the proposed tower based on the coverage and/or capacity need or requirements of the applicant's telecommunication system for Aiken County (Aiken County reserves the right to secure a third-party wireless telecommunication facility engineer at the applicant's expense to verify that the requested height is required to provide service;

3. The proposed tower shall be structurally designed to accommodate at least four (4) additional antenna arrays equal to those of the applicant;

4. Sufficient natural vegetation exists on the subject property or adequate landscaping will be provided to shield the view of the ground equipment associated with the proposed tower from any public right of way or adjacent property used for residential purposes; and

5. The proposed tower will be made available to Aiken County for emergency services and government use at no cost.

Planned Development (PUD) – Tower design and height shall be as specified in the approved PUD plan under conditions set forth in plan, and shall be limited as described above for the zoning district in which the PUD is located.

(B) The following types of towers shall be exempt from the three hundred fifty (350) foot height cap in the RUD district; however they are subject to all remaining requirements of this Section 24-3.5.

i. Antenna support structures, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the FCC shall be regulated in accordance with Federal, State and County regulations.

ii. Any cable television head end or hub tower and antennas used solely for cable television services.

Section 3.5.10 Visibility of Wireless Telecommunications Facilities.

(A) Wireless telecommunications facilities shall not be artificially lighted or marked except as required by law.

(B) All new wireless telecommunications facilities, including but not limited to towers shall utilize stealth or camouflage techniques and technology to the extent such is commercially or technologically practicable.

(C) Towers shall be galvanized and/or painted with a rust-preventative paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Section 24-3.5.

(D) If lighting is required, it shall be provided pursuant to current Federal regulations and guidelines.

(E) If attached to a building, all antennas shall be mounted on the facade of the building and camouflaged so as to match the color and, if possible given the facts and circumstances involved.

(F) In the event a wireless telecommunications facility that is lighted is materially modified, at the time of the modification the County may require that the tower be retrofitted with the lighting technology currently required by FAA regulations and guidelines.

Section 3.5.11 Security of Wireless Telecommunications Facilities.

All wireless telecommunications facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

(A) All antennas, towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

(B) Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

Section 3.5.12 Signage

Wireless telecommunications facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to person in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. Other safety-related and notice signs no longer than four (4) square feet are also allowed. A sign of the same size is also to be installed to contain the names(s) of the owners(s) and operator(s) of each antenna as well as emergency phone numbers(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration sign as applicable shall also be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising shall be permitted.

Section 3.5.13 Setbacks

(A) All wireless telecommunications facilities shall be setback from abutting parcels, existing structures including habitable (residential) buildings, and right-of-way of roads and streets by the great of the following distances: the fall zone plus 10%, or the existing setback requirement of the zoning district, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property and zoning district in which it is situated.

(B) There shall be no development or construction of habitable (residential) buildings within the fall zone or setback area set forth in the immediately-preceding Section 24-3.5.13(A). The applicant shall provide written proof that the owner of property on which tower is proposed to be erected has been notified of this limiting provision regarding habitable (residential) buildings. Such proof of notification of this limiting provision shall be in the form of a written and properly-executed agreement between the applicant and the owner of the

property, or in other form which is approved by the Planning and Development Director.

Section 3.5.14 Retention of Expert Assistance.

The County may hire any licensed engineer and/or qualified expert necessary to assist the County in reviewing and evaluating the application, including construction and modification of the site, once permitted, and any site inspections.

Section 3.5.15 Public Hearing and Notification Requirements.

(A) Prior to the approval of any application for a permit for a new wireless telecommunication facility or for any wireless telecommunication facility that increases the height of the structure to which it is to be attached, a public hearing shall be held by the County Planning Commission, notice of which shall be published by the County staff in a newspaper of general circulation in the County no less than ten (10) calendar days prior to the scheduled date of the public hearing. In order that the nearby landowners are aware of the public hearing, the County staff shall provide written notice of the hearing no less than ten (10) calendar days prior to the scheduled date of the public hearing to all landowners within seven hundred and fifty feet (750') of any property line of the lot or parcel on which the new wireless telecommunications facility is proposed to be located or on which the proposed wireless telecommunication facility that increases the height of the structure to which it is to be attached is located. In addition to the newspaper notice and written notice to nearby property owners, no less than ten (10) calendar days prior to the scheduled date of the hearing the County staff also shall post the property proposed for the wireless telecommunication facility. At least one notice sign shall be posted conspicuously so as to be visible from each public thoroughfare that adjoins the site property. Each sign shall bear conspicuously the words as follows:

NOTICE OF PUBLIC HEARING

THIS PROPERTY IS UNDER CONSIDERATION
AS THE SITE FOR THE ERECTION OF A
WIRELESS TELECOMMUNICATIONS

FACILITY (CELL TOWER) OR A FACILITY THAT INCREASES THE HEIGHT OF A TOWER.

HEARING DATE:_____TIME:_____
BUILDING:_____
LOCATION:_____
_____
APPLICANT:_____

(B) The County shall schedule the public hearing referred to in Subsection (A) of this Section once the application is complete and is not required to schedule such hearing if the application is not complete. The County, at any stage prior to issuing a permit, may require such additional information as it deems necessary as such relates to the issue of the siting, construction or modification of a wireless telecommunications facility.

Section 3.5.16 Action on an Application for a Permit for Wireless Telecommunications Facilities.

(A) After the public hearing and after formally considering the application, the County Planning Commission may determine in writing the approval, approval with conditions, or denial or a permit.

(B) If the Planning Commission approves the permit for a wireless telecommunications facility, then the applicant shall be notified of such approval in writing within ten (10) calendar days of the Planning Commission's action, and the permit shall be issued within thirty (30) days after all conditions of such approval is met. Except for necessary Building Permits and subsequent Certificates of Occupancy, once a permit has been granted hereunder, no additional permits or approvals from the County shall be required by the County for the wireless telecommunications facility covered by the permit.

(C) If the Planning Commission denies the permit for a wireless telecommunications facility, the applicant shall be notified of such denial in writing within ten (10) days of the action and shall set forth in writing the reason for the denial. Appeals may be made to the Board of Appeals.

Section 3.5.17 Extent and Parameters of Permit for Wireless Telecommunications Facilities.

The extent and parameters of a permit for wireless telecommunications facilities shall be as follows:

(A) Such permit may not be assigned, transferred or conveyed without the prior written notification to the County.

(B) In the event that the County determines that a violation of a permit or of this Section 24-3.5 has occurred, the County shall proceed as provided under Sections 24-10.21 and 24-10.22 of the Aiken County Code.

Section 3.5.18 Application Fee.

At the time that an applicant submits an application for a permit under this Section 24-3.5, such applicant shall pay an application fee to the County intended to cover the County's reasonable cost to review such application and to provide required inspections of the facility. The amount of such fees shall be set by the County Council.

Section 3.5.19 Removal and Performance Security.

The applicant and the owner of record of any wireless telecommunications facility shall, at its cost and expense, be required to execute and file with the County a bond or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least $75,000.00 for a wireless telecommunications facility and $25,000 for a co-location on an existing wireless telecommunications facility or other structure and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Section 24-3.5 and conditions of any permit issued pursuant to this Section 24-3.5. The full amount of the bond or security shall remain in full force and effect throughout the term of the permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original permit.

Section 3.5.20 Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a permit for a wireless telecommunications facility and any and all lessees, renters, and/or licensees of a wireless telecommunications facility, place, construct and operate such facility, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the County may inspect all facets of the placements, construction, modification and maintenance of such facility, including, but not limited to, towers, antennas, and buildings or other structures constructed or located on the permitted site.

Section 3.5.21 Liability Insurance.

(A) A holder of a permit for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for bodily injures, death and property damage, umbrella insurance coverage, automobile insurance coverage, and workers compensation insurance for the duration of the permit in amount as set forth below:

i. Commercial general liability covering bodily injures, death and property damage: One million dollars ($1,000,000) per occurrence/two million dollars ($2,000,000) aggregate; and

ii. Automobile Coverage: One million dollars ($1,000,000) per occurrence/two million dollars ($2,000,000) aggregate; and

iii. Three million dollars ($3,000,000) umbrella coverage; and

iv. Workers compensation in statutory amounts.

(B) For wireless telecommunications facility on property owned or leased by the County, the commercial general liability insurance policy shall specifically include all of the County and its officers, officials, appointees, employees, attorneys, agents and consultants as additional insured(s).

(C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

(D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the county with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.

(E) Renewal or replacement policies or certificates shall be delivered to the county at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

(F) Before construction of a permitted wireless telecommunications facility is initiated, but in no case later than fifteen (15) days after the issuance of the development permit, the holder of the permit shall deliver to the county a copy of each of the policies or certificates representing the insurance in the required amount.

(G) A certificate of insurance that states that it is informational purposes only and does not confer rights upon the county shall be deemed to not comply with this Section.

Section 3.5.22 Indemnification.

(A) Any application for a wireless telecommunication facility that is proposed for County property pursuant to this Section 24-3.5 shall contain a provision on indemnification. Such provision shall require the applicant, at all times to defend, indemnify, protect, save, hold harmless, and exempt the County, and all of its officers, officials, appointees, employees, attorneys, agents, and consultants from any and all penalties, liabilities, damages, costs, fines, or charges arising out of any and all claims, suits, demands, cause of action, or awards of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of , or are caused by, the placement, construction, erection, modification, location, products-performance, use operation, maintenance, repair, installation, replacement, removal, failure, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County. With respect to the cost referenced herein, reasonable attorney's fees, consultants' fees, and expert-witness fees are included in those costs that are recoverable by the County.

(B) Notwithstanding the requirements noted in subsection (A) of this Section, and indemnification provision will not be required in those instances where the County itself applies for and secures a permit for a wireless telecommunications facility.

Section 3.5.23 Default and/or Revocation.

If a wireless telecommunications facility is repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Chapter or of the permit, then the County shall notify the holder of the permit in writing of such violation. A permit holder in violation may be considered in default and subject to the penalties and remedies in Section 24-10.21 and 24-10.22, and if a violation is not corrected to the satisfaction of the County in six months, the permit is subject to revocation.

Section 3.5.24 Removal of Wireless Telecommunications Facilities.

(A) The owner of any wireless telecommunications facility shall be required to provide a minimum of thirty (30) days' written notice to the County Planning & Development Department prior to abandoning or ceasing the operation of any wireless telecommunications facility.

(B) Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require the removal of a wireless telecommunications facility:

i. Wireless telecommunications facilities with or without a permit have been abandoned or have ceased operation (i.e. not used a wireless telecommunications facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or acts of God, in which case repair or removal shall commence within ninety (90) days; or

ii. Permitted or unpermitted wireless telecommunications facilities have fallen into such a state of disrepair that they create a health or safety hazard; or

iii. Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required permit under Section 24-3.5 or any other necessary authorization or permit.

(C) If the County makes such a determination as noted in Subsection 3.5.24(B) of this Section, the County shall notify the holder of the permit for the wireless facility within two working days of such determination that said facility shall be removed. In such cases the County may approve an interim temporary-use agreement/permit to enable the sale of the wireless telecommunications facility.

(D) The holder of the permit, or its successors or assigns, shall dismantle and remove such wireless telecommunications facility and all associated structures from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical impossibility, within ninety (90) days of receipt of written notice from the County. However, if the owner of the property upon which the wireless facility is located wished to retain any access roadway to the facility, the owner may do so with the approval of the County.

(E) If the wireless telecommunications facility is not removed or substantial progress has not been made to remove the facility within ninety (90) days after the permit holder has received notice, then the County may order official or representatives of the County to remove the wireless telecommunications facility at the sole expense of the owner or permit holder.

(F) If the County removes or causes to be removed the wireless telecommunications facility, and the owner of said facility does not claim and remove the components comprising the wireless telecommunications facility from the site to a lawful location within ten (10) days of the County's removal, then the County

may take steps to declare the wireless telecommunications facility abandoned and sell the components.

(G) Notwithstanding anything in this Section 24-3.5 to the contrary, the County may approve a temporary use permit/agreement for the wireless telecommunications facility, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or relocation of the affected facility shall be developed by the holder of the permit subject to the approval of the County and an agreement to such plan shall be executed by the holder of the permit and County. If such a plan is not developed, approved, and executed within the ninety (90)-day time period, then the County may take possession of and dispose of the affected wireless telecommunications facility in the manner provided in this Section and utilize the bond described in Section 24-3.5.18.

Section 3.5.25 Relief.

(A) Any applicant desiring relief, variance, waiver, or modification, from any aspect or requirement of Section 24-3.5 may request such relief from the Board of Appeals in the submitted application for a new permit, or in the case of an existing or previously-granted permit, in a request for modification of the previously-permitted tower and/or other facilities. Such requested relief, variance, waiver, or modification, shall be approved unless the applicant demonstrates, in addition to the other requirements for such relief, variance, waiver, or modification will have no significant effect on the health, safety and welfare of the County, its residents and other service providers.

(B) The Board of Appeals may attach to the approval of any relief, variance, waiver, or modification such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area and/or to promote the public health, safety, or general welfare.

(C) The provisions of Section 24-9.3 of this Chapter shall apply to such requests for relief, variance, waiver, modification, or exemption.

(D) Relief from any limitation or requirement of Section 24-3.5 may be considered by the Board of Appeals prior to, concurrent with, or subsequent to the consideration of an application for any permit required by Section 24-3.5.3 at the discretion of the applicant.

Section 3.5.26 Compliance State and Federal Laws and Regulations.

(A) The holder of a permit issued under this Section 24-3.5 shall comply with all applicable State and Federal laws, regulations and rules pertaining to the wireless telecommunications facility for which the permit was issued.

(B) The County shall enforce this Section 24-3.5 in a manner consistent with applicable State and Federal laws, regulations, and rules.

(C) Table 1-A and 1-B in Section 24-2.6 shall be amended to changes made in this ordinance.

(D) Application fees for wireless telecommunication facilities will be as follows:

i. Towers and Co-locations that Increase the Height of the Structure: $10,000

ii. Co-locations Which Attach to an Existing Tower or Structure without Increasing the Height of the Tower of Structure: $5,000

Section 3.6 Solid-Waste Landfill

Solid-waste landfills are divided by this Section into two categories -- Sanitary Landfills and Inert Landfills -- and regulated as follows. All landfills must obtain necessary SCDHEC permits prior to issuance of any County permit. All sanitary and inert landfills must have direct access only to a

paved public road, and must be located no closer than 500 feet from a lake, river or perennial stream (but not from an ephemeral or intermittent stream) as defined by the SC Forestry Commission.

Section 3.6.1 Sanitary Landfills

(A) Sanitary landfills shall be located no closer than 2,500 feet from the property line of any existing residential, recreational, religious, educational, medical or public use (measured in a straight line.)

(B) A geo-technical engineering firm approved by the Development Official shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.

(C) The facility shall be enclosed by an opaque fence or wall structure illustrated by Section 5.2, on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.

(D) A plan showing details of restoration and re-vegetation of the site on completion of use as a landfill shall accompany the request.

Section 3.6.2 Inert Landfill

There are two types of inert landfill: construction and demolition (C&D) landfill and land-clearing debris landfill.

(A) An inert landfill may be located up to, but not closer than 300 feet from any property line, except such landfill shall not be located closer than 500 feet from any dwelling, school building, and day care center, religious, recreational, or medical facility(measured in a straight line).

(B) No material shall be placed in open storage or areas in such a manner that it may be transferred out by wind, water, or other causes.

(C) All materials and activities shall be screened in such fashion as not to be visible from off-site. The Planning and Development Director may waive the provisions of this Subsection where such facility will be utilized for a period not to exceed 90 days.

(D) The site shall be restored and re-vegetated on completion of use as a landfill.

Section 3.7 Bed and Breakfast Inns

Bed and Breakfast Inns are intended to provide a unique transient lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where conditionally permitted by this Chapter, shall:

(A) be dwellings occupied by the owner;

(B) serve no regularly scheduled meal other than breakfast unless location is properly zoned for restaurant use;

(C) maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guestrooms above the number of bedrooms in the original structure;

(D) maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area;

(E) provide off-street parking on the basis of 1½ space per guest room; further provided that sufficient off-street parking space shall be available on-site to accommodate private gatherings where proposed by the applicant; and

(F) be permitted one externally-illuminated identification sign, not to exceed six (6) square feet in area.

Section 3.8 Camps and Recreational Vehicle Parks

Camps and recreational vehicle (RV) parks, where conditionally permitted by Table 1-A and 1-B, shall comply with the following standards.

(A) The site shall contain at least two (2) acres and shall have a minimum of 50 feet of street frontage on a public road or have a 50 foot wide deeded ingress egress easement to a public road.

(B) The site shall be developed in a manner that preserves natural features and landscape, of which not less than 20 percent shall be set aside and maintained as common open space.

(C) The following dimensional requirements shall serve as parameters beyond which development shall not exceed.

i. Maximum impervious surface ratio shall not exceed 15 percent of the project site.

ii. Minimum setbacks for all structures and recreational vehicles shall be:

Street right-of-way	30'
Local street	40’
Collector street	50’
Arterial street	50’
All other property lines	50'
Separation between RV’s or other structures	20’

iii. Maximum density shall not exceed 12 vehicles or campsites per acre.

Iv. Bufferyards shall be as specified by Section 5.1 on parks 5 acres or greater.

a. For campground and RV parks locating on parcels smaller than 5 acres in size: Type 3 or greater planted bufferyard on all sides and rear property lines, except for along railroad tracks, rivers, ad creeks as long as no residential

structures are located on the adjoining property. Type 1 bufferyard along the street frontage.

(D) Except for designated driveways, areas designated for parking and loading or for traffic-ways shall be physically separated from public streets by suitable barriers.

(E) All streets within camps and RV Parks shall be private and not publicly-owned and/or maintained.

(F) Each RV park site shall be serviced by public water and sewer or other systems approved by DHEC.

Section 3.9 General Auto and Other Repair Establishments

General auto and other repair establishments shall be conducted within fully enclosed and secured buildings. There shall be no open storage of junked vehicles, dismantled parts, scrap parts or other salvage material other than outdoor storage of not more than 10 disabled vehicles with current license plates. Servicing shall be conducted in an area that can be cleaned.

Section 3.10 Sexually-oriented Businesses

Section 3.10.1 Purpose

It is the purpose of these requirements to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually-oriented businesses within the county. The provisions of this Chapter 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 nor effect of this Chapter to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor the effect of this Chapter to condone or legitimize the distribution of obscene material.

Owing to the nature and potential impact of this type of development, the Planning Commission and County Council shall both call for and conduct a public hearing on any application to establish a sexually oriented business in Aiken County, having given due notice to the parties in interest, including adjoining property owners. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least fifteen (15) days in advance of the public hearing. Notice shall also be posted on or adjacent to the affected property with at least one such notice visible from each public thoroughfare that abuts the property.

The Planning Commission shall review and evaluate each application with respect to all applicable development standards contained herein and elsewhere in this chapter. At the conclusion of the public hearing, the Planning Commission may recommend the approval of proposal as presented, approve it with specified modifications, or disapprove it. Within thirty (30) days of making its decision, the Planning Commission shall submit its report and recommendation to County Council for final action.
County Council shall consider the recommendation of the Planning Commission and vote to approve, deny, or modify the proposal, refer it back to the Planning Commission for further study, or take other action as the Council may deem necessary.

Section 3.10.2 Classification

(A) Sexually-oriented businesses are classified as follows:

(B) Adult arcades.

(C) Adult bookstores or adult video stores.

(D) Adult cabarets.

(E) Adult motels.

(F) Adult motion picture theaters.

(G) Adult theaters.

(H) Escort agencies

(I) Nude model studios.

(J) Sexual-encounter centers.

Section 3.10.3 Permit Required

A person commits a misdemeanor if he operates a sexually-oriented business without a valid permit issued by the County for the particular type of business.

An application for a permit must be made on a form provided by the County Planning and Development Department.

The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches per dimension.

The applicant must be qualified according to the provisions of this Section and the premises must be inspected and found to be in compliance with the law by the Health Department, Fire Department, and Building Official.

If a person who wishes to operate a sexually-oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually-oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually-oriented business or as the entity which wishes to operate such a business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a permit as applicant.

The fact that a person possesses other types of State or County permits and/or licenses does not exempt him from the requirement of obtaining a Sexually-oriented Business Permit from Aiken County.

Section 3.10.4 Issuance of Permit

The County Planning and Development Director shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless the Planning and Development Director finds one (1) or more of the following to be true:

(A) an applicant is under eighteen (18) years of age;

(B) an applicant or an applicant's spouse is overdue in the payment to the County of taxes, fees, fines or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually-oriented business;

(C) an applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form;

(D) an applicant is residing with a person who has been denied a permit by the County to operate a sexually-oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually-oriented business has been revoked by the County within the preceding twelve (12) months;

(E) the premises to be used for the sexually-oriented business have not been approved by the Health Department, Fire Department, and/or the Building Official as being in compliance with applicable laws and ordinances. If any of the required inspections have not been completed in the forty-five day period after application submittal, the Planning and Development Director shall, upon written request of the applicant, issue a Sexually-oriented Business Permit contingent upon successful completion of the required inspection, provided that, along with the written request for the contingent permit, the applicant submits written documentation that it requested the inspections in a timely manner and that all other requirements for issuance of the permit have been satisfied. For purposes of this Subsection, a request for an inspection shall be deemed to be "timely" if requested between sixty (60) and thirty (30) days prior to expiration of the Permit. An inspection is not timely if done prior to sixty (60) days before expiration. The contingent permit shall be immediately deemed null and void if the applicant fails any inspection;

(F) the fee required by this Chapter has not been paid;

(G) an applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Chapter.

The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually-oriented business. The permit shall be posted in a conspicuous place at or near the entrance of the sexually-oriented business so that it may be read easily at any time.

Section 3.10.5 Fee

The fee for a Sexually-oriented Business Permit must accompany each application.

Section 3.10.6 Inspection

An applicant or permittee shall permit representatives of the Sheriff's Department, Health Department, Fire Department, Planning & Development Department, or other County or State departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business. A person who operates a sexually- oriented business or that person's agent or employee commits a misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

Section 3.10.7 Expiration of Permit

Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided by Section 3.10.3. Application for renewal should be made at least thirty (30) days before the expiration date, but not more than sixty (60) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected. It is the responsibility of the applicant to ensure that he or she meets these deadlines.

When the Planning and Development Director denies renewal of a permit, the applicant shall not be issued a permit for one (1) year from the date of denial. If, subsequent to denial, the Planning and Development Director finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date denial became final.

Section 3.10.8 Suspension of Permit

The Planning and Development Director shall suspend a permit for a period not to exceed thirty (30) days if the Planning and Development Director determines that a permittee or an employee of a permittee has:

(A) violated or is not in compliance with any section of this Chapter;

(B) engaged in excessive use of alcoholic beverages while on the sexually-oriented business premises;

(C) refused to allow an inspection of the sexually-oriented business premises as authorized by this Section; and/or

(D) knowingly permitted gambling by any person on the premises of the sexually-oriented business.

Section 3.10.9 Revocation of Permit

The Planning and Development Director shall revoke a permit if a cause of suspension in Section 3.10.8 above occurs and the permit has been suspended within the preceding twelve (12) months.

The Planning and Development Director shall revoke a permit if the Planning and Development Director determines that:

(A) a permittee gave false or misleading information in the material submitted to the Planning and Development Director during the application process;

(B) a permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;

(C) a permittee or an employee has knowingly allowed prostitution on the premises;

(D) a permittee or an employee knowingly operated the sexually-oriented business during a period of time when the business's permit was suspended;

(E) a permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises; and/or

(F) a permittee is delinquent in payment to the County or State for any taxes or fees past due.

When the Planning and Development Director revokes a permit, the revocation shall continue for one (1) year and the permittee shall not be issued a Sexually-oriented Business Permit for one (1) year from the date revocation became effective. If subsequent to revocation, the Planning and Development Director finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.

Section 3.10.10 Transfer of Permit

A permittee shall not transfer his permit to another person, nor shall a permittee operate a sexually-oriented business under the authority of a permit at any place other than at the address designated in the permit.

Section 3.10.11 Location

Owing to the seriously-objectionable operational characteristics of sexually-oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be limited to the UD District, and shall be subject to the supplemental siting criteria of this Section.

No such use shall be located within one thousand five hundred (1,500) feet (measured in a straight line) of the nearest property line of:

(A) a residential use;

(B) a church or religious institution;

(C) public or private schools or educational facilities;

(D) public parks and recreational facilities; or

(E) any other sexually-oriented businesses.

Such use shall have direct access off collector or arterial streets only.

For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest portion of a residential lot, or to the nearest exterior wall of another sexually-oriented business.

Section 3.10.12 Adult motels – additional regulations

Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined by this Chapter.

A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually-oriented permit, rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, rents or sub-rents the same sleeping room again.

Section 3.10.13 Exhibition of Sexually-explicit Films or Videos

A person who operates or causes to be operated a sexually-oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts

specific sexual activities or specified anatomical areas, shall comply with the following requirements:

(A) The application for a Sexually-oriented Business Permit shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally-prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches per dimension. The Planning & Development Director may waive the foregoing diagram for renewal applications if the applicant adopts and submits a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(B) The application shall be sworn to be true and correct by the applicant.

(C) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Planning and Development Director.

(D) It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(E) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction or viewing

equipment. If the premises have two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one (1) of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.

(F) It shall be the duty of the owners and operator, and it shall be the duty of any agents and employees present on the premises, to ensure that the view area specified in Subsection (E) above remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (A) of this Section.

(G) No viewing room may be occupied by more than one (1) person at any time.

(H) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) footcandle as measured at the floor level.

(I) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

Section 3.10.14 Exemptions

Exempt from these requirements is any person appearing in a state of nudity who does so in a modeling class operated:

(A) by a proprietary school licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation;

(B) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(C) in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude model is on the premises at any one (1) time.

Section 3.11 Multifamily Housing, Residential Care Facilities and Group-occupied Dwellings

Multifamily housing projects consisting of five (5) or more attached dwelling units, or two or more residential care facilities, dormitories, rooming houses or group- occupied dwellings designed to accommodate 20 or more individuals shall meet the following design standards:

(A) buildings shall be set apart not less than 20 feet;

(B) not less than 20 percent of the project site shall be designated, landscaped and permanently reserved as usable common open space, as specified in Section 5.3;

(C) buildings shall not exceed 400 feet from end to end;

(D) multiple buildings shall be oriented toward common open space, away from abutting single-family residential uses and abutting off-street parking areas;

(E) trash receptacles shall be oriented away from and screened from abutting residential uses; and

(F) pedestrian facilities such as sidewalks shall be provided to connect structures and amenities. Connections must be provided to any existing adjoining pedestrian facilities. Sidewalks shall meet the construction standards specified by Section 7.15.

Section 3.12 Townhouses, Duplexes, Triplexes, and Quadruplexes

Because of the unique design features of townhouses, duplexes, triplexes and quadruplexes, the following supplemental design requirements shall apply to such developments:

(A) such projects shall have a minimum of 1 acre;

(B) not more than six (6) nor fewer than three (3) townhouses may be joined together. Townhouses will have approximately the same (but staggered) front line;

(C) minimum distance between rows of buildings and the side property line shall not be less than 20 feet;

(D) minimum lot width shall be 18 feet;

(E) minimum lot area shall be 2,000 square feet per unit;

(F) pedestrian facilities such as sidewalks shall be provided to connect structures and amenities. Connections must be provided to any existing adjoining pedestrian facilities. Sidewalks shall meet the construction standards specified by Section 7.15; and

(G) not less than 20 percent of the project site shall be devoted to common open space, as specified by Section 5.3.

Section 3.13 Patio and Zero-Lot-Line Housing

Because of the unique design features of patio and zero-lot-line housing, the following supplemental design requirements shall apply:

(A) such projects shall have a minimum of 2.5 acres;

(B) minimum lot area shall be 3,000 square feet per unit;

(C) minimum lot width shall be 40 feet;

(D) where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot;

(E) at least one side yard extending not less than five (5) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five (5) feet;

(F) the side yard of the exterior units shall be as prescribed by Table 2; and

(G) not less than 20 percent of the project site will be devoted to common open space, as specified by Section 5.3.

Section 3.14 Manufactured Housing

Manufactured housing, where permitted by this Chapter, shall:

(A) be built according to the Federal Manufactured Housing Construction and Safety Standards Code (24 CFR 3280), enacted June 15, 1976. Manufactured housing built prior to the effective date of that Code shall not be permitted to be placed or relocated for any use within Aiken County, for reasons of safety, except for relocation to a manufactured-home dealer's lot or to an authorized recycling, salvage, or landfill facility. However, such "pre-76" manufactured housing built before 1976 may be relocated within Aiken County until November 1, 2011, provided that such housing is registered with Aiken County in compliance with State and County Codes and further provided that an Aiken County Mobile Home Moving Permit is obtained. After November 1, 2011, such "pre-76" manufactured housing built before 1976 may be relocated within Aiken County only if such housing is owner-occupied. Such "pre-76" manufactured housing may not be brought into Aiken County from any location outside Aiken County;

(B) be installed in accord with the manufacturer's installation manual. In the absence of such a manual, the home must be installed in accord with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations;

(C) be under-skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation;

(D) have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing and steps at each exterior doorway, in accord with applicable building codes;

(E) have all moving or towing apparatus removed or concealed, including hitch, wheels and axles;

(F) be provided with a sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each application to install a manufactured home; and

(G) 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. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of all approved permits.

Section 3.15 Manufactured Home Parks

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

(A) the park site shall not be less than five (5) acres and shall have not less than 150 feet frontage on a publicly- dedicated and publicly-maintained street;

(B) the park shall be served by public or community water and sewer systems or other systems approved by DHEC, a system of storm drainage, and refuse-disposal facilities, plans of all of which shall be approved by DHEC;

(C) all manufactured home spaces shall abut upon an interior all-weather roadway of crushed stone, asphalt, concrete, or other all weather material of not less than sixteen (16) feet in width which shall have unobstructed access to a public street or road. Such interior roadways shall be considered private roadways, shall be maintained privately, and shall be neither deeded to nor maintained by Aiken County;

(D) all on-site roadway intersections shall be provided with a street light;

(E) each individual mobile home shall be at least 25 feet from any other mobile home and at least 25 feet from the right-of-way of any roadway providing common circulation;

(F) all homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations;

(G) not less than 20 percent of the park site shall be set aside and developed for common open space and recreation usage in accord with Section 5.3.3;

(H) for space numbers, permanent street address numbers assigned by Aiken County E-911 Addressing Division shall be provided on each manufactured home space and shall be located so as to be visible from the roadway. Street address numbers shall be provided at each intersection of a driveway and the roadway;

(I) the maximum number of manufactured home spaces shall not exceed six (6) per acre;

(J) two off-roadway parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas. Parking on roadways in the manufactured home park is not permitted;

(K) existing trees and other natural site features shall be preserved to the extent feasible;

(L) bufferyards shall be provided on the perimeter of the park or court in accord with the requirements of Section 5.1;

(M) a Development Permit shall be required to open or operate a manufactured home park; said permit may be revoked by the Planning and Development Director for a violation of this Chapter;

(N) a site plan showing the above required data, and in all other respects meeting the minimum requirements for a Development Permit, shall accompany all applications to establish a manufactured home park; and

(O) manufactured home parks also shall comply with the provisions of Section 3.14 of this Chapter.

Section 3.16 Home Occupations

Home occupations, as defined by this Chapter and where conditionally permitted by Table 1-A and 1-B-A, shall meet the following requirements:

(A) the home occupation shall be carried on wholly within the principal building;

(B) the floor area dedicated to such use shall not exceed 25 percent of the gross floor area of the principal building, up to 400 square feet;

(C) no activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard;

(D) no signs shall be allowed for home occupations in RC, RD, RM, or RH5 Districts;

(E) no merchandise or articles shall be displayed so as to be visible from outside the building;

(F) no more than one (1) person not residing in the residence shall be employed by the home occupation;

(G) no traffic shall be generated by the home occupation in an amount above that normally expected in a residential neighborhood;

(H) no off-street parking shall be needed above that required by the principal residential use;

(I) there shall be no alteration whatsoever of the residential character of the building(s) and/or premises;

(J) the home occupation shall generate no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses; and

(K) the home occupation shall not involve the retail sale on the premises of merchandise manufactured off the premises.

Section 3.17 Accessory Apartments

Accessory apartments, where permitted by Table 1-A and 1-B as conditional uses, shall meet the following conditions:

(A) the apartment, whether attached or detached, cannot exceed 50 percent gross floor area of the principal dwelling, or contain more than two bedrooms;

(B) the apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit;

(C) an accessory apartment may be accessory only to a single-family owner-occupied dwelling, and not more than one apartment shall be allowed per dwelling lot;

(D) minimum lot size for detached accessory apartments shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment is to be located. However,

this requirement does not apply to lots five acres or greater in size;

(E) the apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 20 feet from the principal dwelling; and

(F) one additional off-street parking space will be provided on the dwelling lot for the accessory apartment.

Section 3.18 Open Storage Areas

Open storage, as an accessory to non-residential uses, may be permitted where indicated by Table 1-A and 1-B-A , provided such storage area does not occupy over 20 percent of the buildable area, is not located in any required setback area, and is screened from public view. This Section does not apply to retail sales items.

Section 3.19 Temporary Uses

Section 3.19.1 Permit Required

The Planning and Development Director is authorized to issue a permit for temporary uses as specified in this Section. No temporary use may be established without receiving such permit.

Temporary-use permits may be renewed no more than twice within one calendar year, provided said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Planning and Development Director.

Section 3.19.2 Type and Location

The following temporary uses and no others may be permitted, subject to the conditions herein.

(A) Tents or other temporary structures for the conduct of any permitted use in the non-residential zoning districts for a period not to exceed sixty (60) days.

(B) Contractor's office and equipment shed, in any district, for a period covering the construction phase of a project not to exceed one (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.

(C) Portable classroom buildings in any district for cultural, community, educational or religious uses for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be met and the portable structures shall be located on the same site as the principal structures. Manufactured homes are not considered to be portable classrooms.

(D) Temporary office trailers for the conduct of business in any non-residential zoning district while the principal building is being expanded, rebuilt, or remodeled.

(E) Festival, carnival, circus, fair or outdoor concert in any district where such activities are permitted for a period not to exceed ten (10) days provided: (a) said use shall be located no closer than 500 feet to any residential property line, (b) the permit application shall be accompanied by a parking plan, showing the number of spaces and adequate ingress and egress to the site.

(F) Open-lot sale of Christmas trees for a period not to exceed 45 days in any non-residential zoning district.

(G) Real estate sales office in any district for a period not to exceed one year, provided no cooking equipment other than microwave ovens and coffee-making equipment or sleeping accommodations are maintained in the structure.

(H) Temporary structure for use or storage of material or goods following destruction of a principal use, not to exceed 60 days, unless re-permitted.

Section 3.19.3 Removal

Temporary uses and structures from which temporary uses are operated shall be removed promptly from the site after the temporary permit has expired.

Section 3.20 Vendors

Vendors, where conditionally permitted by Table 1-A and 1-B, shall be governed by the following:

(A) All vending operations shall be located not less than twenty (20') feet from the nearest street right-of-way and shall provide at least two off-street parking spaces.

(B) No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking stall or area.

(C) Only one sign per vendor shall be allowed, regardless of where it is mounted or placed. Advertising materials attached to or painted onto automobiles are construed to be signs. Signs shall not exceed ten (10) square feet in area and shall meet all applicable sign permit requirements contained in Article 6.

Section 3.21 Motor Vehicle Race and Testing Tracks

Motor vehicle race and testing tracks, where conditionally permitted by Table 1-A and 1-B-A, shall adhere to the following:

(A) No such use shall be located within 2,500 feet of the property line of any off-site residential use, church, or school (measured in a straight line).

(B) Dirt tracks shall be located no closer than one mile from the property line of any off-site residential use, church or school (measured in a straight line).

(C) Type 4 bufferyards shall be provided along all property lines.

(D) Proposed tracks shall have direct access off an arterial street only.

Section 3.22 ATM Machines

ATM machines, where conditionally permitted by Table 1-A and 1-B-A, shall adhere to the following requirement:

ATM machines must be located on the same lot as the financial institution or attached to that institution's building.

Section 3.23 Truck Transportation

Truck transportation includes facilities which provide a variety of trucking services such as general freight trucking, both local and long-distance; specialized freight trucking; moving of new and/or used household and office goods, both local and long-distance; and truck-staging operations. Because of the potential impact of such facilities, the following conditions shall apply to applications for approval of truck-transportation facilities.

(A) A public hearing shall be held by the Planning Commission during one of its regularly-scheduled monthly meetings to consider applications for such truck-transportation facilities. Public notice of the hearing shall be given in accordance with the public-notice provisions applicable to hearings held by the Board of Appeals as described in Section 24-9.3.4(D) and 24-9.3.4(E) of this Chapter.

(B) As a part of such applications for approval of truck-transportation facilities, the applicant shall provide to the Planning and Development Director, at least thirty days prior to the date of the Planning Commission public hearing, a traffic-impact study meeting the provisions of Section 10.10.7 Traffic Impact Analysis and Mitigation of this Chapter. The Planning & Development Director shall decide whether the traffic study provided is sufficient for the application for approval of the truck-transportation facility to be placed on the agenda of the meeting of the Planning Commission.

(C) Following the public hearing, the Planning Commission shall review and evaluate the application. At the end of its review, the Planning Commission shall approve the application as presented; or request additional information; or approve the

application with specified modifications; or disapprove the application.

Section 3.24 Miniwarehouses

Because of the need to integrate miniwarehouses into the urban fabric of the community, the following standards shall apply to such uses:

(A) Lot cover. Lot coverage of all structures shall be limited to fifty (50) percent of the total area.

(B) In/Out. Vehicular ingress-egress shall be limited to one (1) point for each side of property abutting any street lot line.

(C) Storage only. No individual rental storage unit shall be used for any purpose other than storage.

(D) Bufferyards and screening. Miniwarehouses shall meet the bufferyard requirements for General Commercial uses as described in Section 5.1.3, Table 3.

(E) Other use. Any other use of the parcel must meet appropriate development standards (e.g., parking, setbacks, stormwater, etc.).

Section 3.25 Recycling Centers

The location of these uses, where permitted by Table 1-A, shall be regulated by the following:

(A) No such use shall be located closer than 1000 feet to any residential use, church, school, historical place or public park.

(B) No material or products shall be burned on the premises.

(C) No material shall be placed in open storage in such a manner that it may be transferred out by wind, water or other causes.

(D) All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative

material, excluding points of ingress or egress, at least eight (8) feet in height.

(E) Recycling centers shall be subject to the functional performance standards of Section 3.3 of this code.

(F) Written documentation demonstrating compliance with state environmental policies and compliance with the functional performance standards shall be provided to the Planning & Development Department on a yearly basis.

ARTICLE IV
SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS

The requirements of this article shall supplement the off-street parking requirements contained in Table 1-A and 1-B of this Chapter.

Section 4.1 General Requirements

(A) Areas suitable for parking or storing shall be required at the time of initial construction or conversion in use of any principal building which produces or proposes to produce an increase in dwelling units, guest rooms, floor area, seating or bed capacity.

(B) The land to provide parking must be on the same site as the use it is intended to serve; however street separation is permissible.

(C) All off-street parking facilities including, but not limited to surfacing, drainage, markings, lighting and landscaping, shall be maintained in a safe, clean and orderly condition at all times.

(D) The number of off-street parking spaces for uses requiring 100 or more spaces may be reduced by the Planning and Development Director up to twenty (20%) percent on the basis of such data as shared parking, ride-sharing programs, provision of public transit, or other acceptable provisions or standards, provided the following requirements are met:

i. the applicant shall enter into a written agreement with the County to provide the additional parking spaces in the future should it be determined that the total required parking spaces are necessary to satisfy the needs of the particular use pursuant to the standards imposed by this Chapter; and

ii. the applicant shall be required to reserve sufficient area to ensure the provision of the additional parking spaces as may be required in the future. The reserved parking area shall not include areas that would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Chapter.

(E) If there is more than one principal use in the same building or on the same premises, off-street parking may be provided collectively for such uses provided the total number of spaces shall equal the sum of the required spaces for each use calculated separately. The parking spaces provided for one use shall not be used to satisfy the required number of spaces for another.

(F) Any change in the use of an existing building or premises shall require compliance with the minimum parking requirements applicable to the new use. Any expansion of an existing use shall be required to provide additional off-street parking related to the expansion area only, and shall not be required to provide additional off-street parking related to the existing use.

(G) Up to fifty (50) percent of the parking spaces required for a proposed non-residential use may be provided and used jointly with an adjoining non-residential use not normally open, used, or operated during the same hours as the proposed use. However, a written agreement assuring retention of such parking spaces for parking shall be properly drawn and executed by the parties concerned, approved as to form and content by the County Attorney, filed with the application for a Development Permit, and recorded by Aiken County staff in the office of the County Registrar of Mesne Conveyance upon issuance of said permit.

Section 4.2 Design Standards

(A) Parking Dimensions.

i. Parking Spaces. Required parking spaces shall be not less than ten (10) feet in width and nineteen (19) feet in length, exclusive of any access drives, aisles or columns and shall have a vertical clearance of not less than six (6) feet, six (6) inches, with the exception of the following:

ii. Compact Spaces. Not more than twenty (20%) percent of the total number of required parking spaces may be designated as spaces for compact vehicles. Such spaces shall be not less than eight (8) feet, six (6) inches in width and eighteen (18) feet in length, and must be clearly marked as compact spaces by way of signs and/or surface markings.

iii. Parallel Parking Spaces. Parallel parking spaces shall be not less than nine (9) feet in width and twenty-four (24) feet in length.

iv. Aisles. The width of all driving aisles shall be determined as follows. The angle shall be measured between the centerline of the parking space and the centerline of the aisle.

Parking Angle	Minimum Driving Aisle Width
90º	24 feet
60º	18 feet
45º	16 feet
Parallel	12 feet
Aisle without parking	20 feet

Section 4.3 Surfacing Standards

Required parking facilities containing ten (10) or more parking spaces shall be paved with concrete or asphalt, which shall be marked by way of painted lines, curbs or other means to delineate individual parking spaces; except that in the RUD and RUC zoning districts, required parking facilities

containing twenty (20) or more parking spaces shall be paved with concrete or asphalt, which shall have surfaces marked by way of painted lines, curbs or other means to delineate individual parking spaces. However, such requirements may be waived by the Aiken County Board of Appeals for rural places of worship. If parking facilities which contain fewer than ten (10) parking spaces are not paved with concrete or asphalt, the parking spaces reserved for handicapped parking and the pathway leading from the handicapped parking spaces to the entrance to the building shall be paved with concrete or asphalt.

Section 4.4 Access To Parking

Entrances and exits to off-street parking areas shall be designed so as not to obstruct or hinder the free flow of traffic or pedestrian movement on adjacent streets or walkways. Parking facilities (for other than single-family dwellings) which access local streets shall be designed so that all movement of vehicles from the parking area onto the street is in a forward motion.

Any property with more than fifty (50) feet of frontage on an adjoining street shall have one point of access from that adjoining street.

Where a property has frontage on two streets, one point of access may be permitted from each, provided that safe and adequate vision clearance can be maintained.

The maximum access-point width shall be thirty (30) feet for a two-lane access point and fifteen (15) feet for a one-lane access point.

Where a property has frontage on two streets and the owner agrees to provide access from the secondary street only, the number of parking spaces required may be reduced by not more than twenty (20%) percent.

Where a property has frontage of five hundred (500) feet or more on an arterial or collector street, a second point of access may be permitted, provided that the distance between the points of access, and between any adjacent points of access, can be established as follows. On arterial or collector streets, the distance between the centerlines of the access points shall be as follows:

Operating Speed of Adjoining Street	Minimum Distance Between Points of Access
35 mph or less	150 feet
40 mph	200 feet
45 mph	250 feet
50 mph	300 feet
55 mph or above	350 feet

Where adjoining property owners agree to provide access to their respective properties through a single mutual point of access, the number of parking spaces required for each property may be reduced by not more than twenty (20%) percent.

Section 4.5 Landscaping Parking Lots

To mitigate the impacts of noise, glare, pollution and other nuisances, and to enhance the appearance and ecology of the site and surrounding area, parking areas consisting of 10 or more parking spaces (20 or more parking spaces in RUD and RUC Districts) shall be landscaped in accord with the applicable provisions of Section 5.4.

Section 4.6 Lighting Parking Lots

Off-street parking facilities shall be adequately illuminated. All light sources shall be white or off-white in color and shall be concealed or shielded so that no light is directed toward adjacent streets or properties.

Section 4.7 Drainage

All off-street parking facilities shall be designed so as to ensure the adequate drainage of stormwater and to minimize run off from the site. Parking lots shall not drain onto or across streets or sidewalks or adjacent property except where there exists a natural watercourse or drainage easement. The stormwater detention system for parking facilities must be designed to accept runoff based on the facility's being impervious regardless of whether they are paved at the time of construction. The stormwater detention system of a parking facility must be built with the assumption that the driveways, streets, and parking areas will be paved so as to be impervious.

Section 4.8 Parking Spaces for Handicapped Persons

Where off-street parking is required for any use, with the exception of residential dwellings with fewer than twenty (20) units, parking for handicapped persons shall be included in the overall parking requirements as follows.

Total number of off-street parking spaces required	Number of parking spaces required for handicapped persons
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
Over 500	2% of total number required

(A) Location. Handicapped parking shall be located as close as possible to ramps, walkways and entrances. The spaces shall be positioned so that a handicapped person need not wheel or walk behind parked vehicles in order to reach the ramp, walkway or entrance.

(B) Dimensions. Parking spaces reserved for handicapped parking shall be not less than twelve (12) feet in width and twenty (20) feet in length, and shall be clearly marked by way of signs and/or surface markings.

Section 4.9 Off-Street Loading Areas

Whenever the normal operation of any building or premises requires goods, merchandise or equipment to be delivered to the building or premises, off-street loading areas shall be provided as follows. Off-street loading areas shall not be used to satisfy parking area requirements, nor shall any parking areas be used to satisfy loading area requirements.

Gross Floor Area of Building	Number of Loading Spaces Required
0 to 25,000 sq. ft.	1
25,001 to 40,000 sq. ft.	2
40,001 to 100,000 sq. ft.	3
100,001 to 160,000 sq. ft.	4
Over 160,000 sq. ft.	4 plus 1 for each additional 75,000 sq. ft. above 150,000 sq. ft.

(A) Location. Off-street loading areas shall be located and designed so that vehicles may safely maneuver from the adjoining street and complete all loading and unloading operations without obstructing traffic.

(B) Dimensions. Required loading spaces shall be not less than twelve (12) feet in width and thirty (30) feet in length and shall have a vertical clearance of not less than fourteen (14) feet.

Section 4.10 Parking, Storage or Use of Travel Trailers or Recreational Vehicles in Residential Districts RC, RM, RD, and OR

Not more than one recreational vehicle or boat shall be parked or stored in any required front or side setback area or within 5 feet of the rear lot line in residential districts RC, RM, RD, and OR. However, such recreational vehicle or boat may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading, and recreational vehicles may be used for temporary lodging, up to seven (7) days per year.

Recreational vehicles may also be used for temporary lodging on vacant lots during the construction of a primary residence or for temporary lodging during extensive home renovation. The temporary use cannot exceed twelve (12) months in duration and must be accompanied by a current, valid building permit. Water and a septic/sewer connection must be

available on the parcel, and the recreational vehicle must be set up within the buildable area.

Section 4.11 Parking, Storage and Use of Non-Recreational Vehicles and Equipment in Residential Districts RC, RM, RD, and OR

(A) No automobiles, trucks, tractor-trailers or other trailers of any kind or type without required current license plates may be parked or stored on any lot zoned for residential use in RC, RM, RD, and OR Districts other than in completely enclosed buildings.

(B) Within any of said residential districts, the owner or occupant of a dwelling unit may park one commercial motor vehicle with required current license plates and with a carrying capacity of not more than two tons, but no commercial utility trailers or larger trailers such as tractor-trailers may be parked within any of said residential districts.

Specifically prohibited from parking in any of said residential districts, including the street right-of-way, when not actively involved in commerce which is specifically related to the needs of said residential districts, are flat-bed trucks, tow trucks, buses, dump trucks, tanker trucks and/or other trucks containing hazardous and/or toxic materials, tractor cabs and/or trailers or combinations thereof.

(C) Trailers, implements and equipment for commercial use also may be parked or stored on the same lot as a dwelling in any of said residential districts provided such trailers, implements, and equipment for commercial uses shall be parked or stored in completely enclosed buildings if such buildings are allowed by the provisions of this Chapter.

Section 4.12 Maintenance

Off-street parking and loading areas shall be maintained in a clean, orderly, dust free, and weed-free condition at the expense of the owner or lessee, and shall not be used for the sale, repair or dismantling or servicing of any vehicles or equipment, except for service and auto-repair stations.

ARTICLE V.
BUFFERYARDS, SCREENING, COMMON OPEN SPACE, LANDSCAPING, TREE AND LIGHTING REGULATIONS

The regulations contained in this Article are intended generally to ensure land use compatibility, improve aesthetics, promote the greening of development, protect certain trees, and ensure adequate provision of lighting and open space. The requirements of this Article do not apply to the development of individual single- or two-family residential lots.

Section 5.1 Bufferyards

Section 5.1.1 Definition

The bufferyard is a unit of yard together with the planting, fences, walls, and other screening devices required thereon.

Section 5.1.2 Purpose

The purpose of a bufferyard is to minimize any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

Section 5.1.3 Where Required

Proposed new uses or substantially expanded uses (over 50 percent gross floor area) shall be required to provide bufferyards in accord with Table 3.

Table 3:
Bufferyard Requirements: Types Required

	Existing adjacent use							
Proposed Use	Agricultural, vacant	Single-Family Dwelling, RC Zone	Single-Family Dwelling, all other zones	All Other Residential Uses	Office / Institutional	Commercial	Industrial	Street
Single & Two -Family Residential	0	0	0	0	0	0	0	0
Multi-Family / Manufactured Home Park	0	3	2	0	0	0	0	1
Neighborhood Commercial	0	3	2	2	0	0	0	1
General Commercial	0	4	3	2	0	0	0	1

Table 3: Bufferyard Requirements: Types Required								
	Existing adjacent use							
Office / Institutional	0	3	2	2	0	0	0	1
Industrial/Sewage System Treatment	0	4	4	4	0	0	0	3

Section 5.1.4 Specifications and Options

From Table 3, match the abutting use with the proposed new or expanded use to determine the type of bufferyard required. The type of bufferyard is determined by the numbers (1-4), with (1) being the lowest level of buffer in terms of density of plantings and distance (width), and (4) being the highest. Should a question arise as to the land use classification of a proposed or abutting use, the Planning and Development Director shall determine the classification.

Next, refer to the Bufferyard Requirements, Table 4, to determine the amount of bufferyard required. Several options of landscaping are available for each bufferyard. The requirements are given in 100-foot units as measured along the property line.

The length of a bufferyard shall extend the length of the property line separating two uses, except for property lines in excess of 200 feet, where the bufferyard need only extend 100 feet beyond either end of the existing use to be buffered.

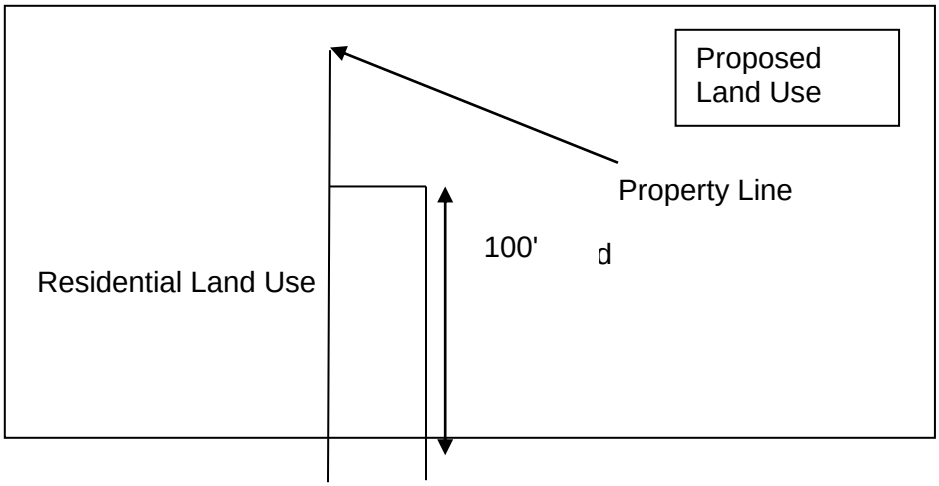
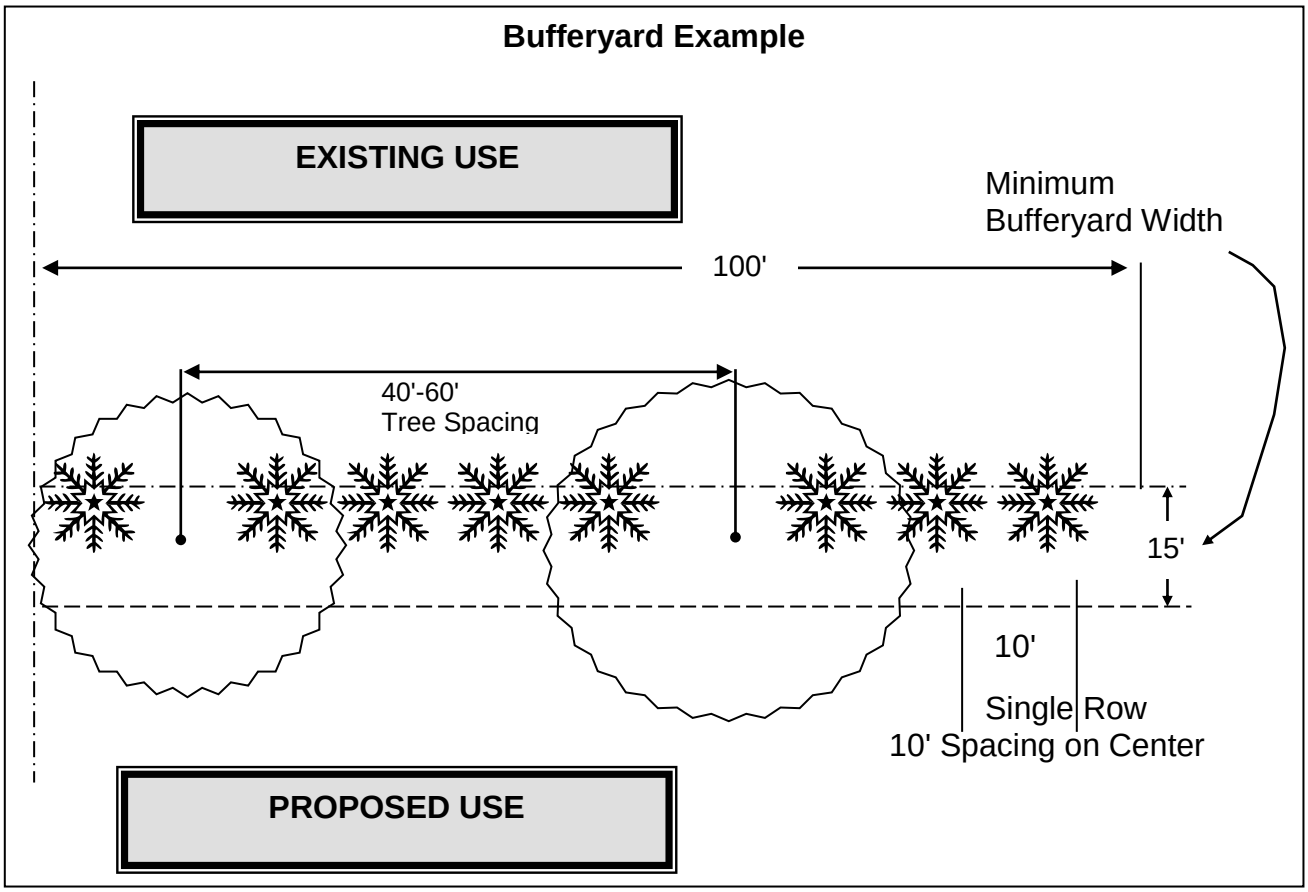


Table 4 Bufferyard Requirements: Plants Required		
Type	**Bufferyard Widths**	**Required Plant Units per 100'**
(1)	Five (5) feet Ten (10) feet (*)	2 Canopy Trees 2 Understory Trees 4 Evergreen/Conifers 4 Shrubs
(2)	Ten (10) feet Twenty (20) feet (*) Thirty (30) feet (**)	3 Canopy Trees 6 Understory Trees 6 Evergreen/Conifers 10 Shrubs
(3)	Fifteen (15) feet Twenty Five (25) feet (*) Thirty (30) feet (**)	4 Canopy Trees 6 Understory Trees 12 Evergreen/Conifers 24 Shrubs
(4)	Twenty (20) feet Thirty (30) feet (*) Forty (40) feet (**)	4 Canopy Trees 8 Understory Trees 16 Evergreen/Conifers 30 Shrubs

(*) If these bufferyard widths are selected, only one-half the number of required plant units per 100’ shall be necessary.

(**) If these bufferyard widths are selected, only one-quarter the number of required plant units per 100’ shall be necessary.

Example: If a particular boundary between land uses requires a Type (3) density classification, select either a 15', 25' or 30' wide bufferyard. If the 15' width is selected, the full complement of plantings listed must be placed in the bufferyard. If the 25' width is selected, only one half the number of listed plantings has to be provided, and for the 30' bufferyard, only one-quarter the required number of plants per 100 feet. (See the following Bufferyard Example).



Section 5.1.5 Use of Existing Vegetation

Existing vegetation, including all trees of any dimension, shall be retained to the extent practical and feasible. In no event shall an applicant clear-cut the site of a required bufferyard. Further, if the development is located in a Highway Corridor Overly (HCO) District, the applicant shall conduct a Tree Survey (Section 2.12.13 (C)(i)). of existing trees, identifying the location, species, and DBH (diameter breast-high) of all trees in the tree-protection areas (setback areas, bufferyard areas, and open-space areas), and complement the presence of such trees with appropriate shrubs and other vegetation to meet the requirements of this Section.

Section 5.1.6 Plant Material

Selection of plant material shall allow for a mix of large shade trees, small trees, and large and small shrubs to provide variable height and seasonal color. Evergreen trees are particularly useful since they create a year round opaque screen. Plants shall be sufficiently sized to insure buffering

and screening at the time of installation. However, seedling plants may be used where berms or structures are required as part of the bufferyard.

The following table shall serve as a guide for determining minimum plant size.

Plant Materials	*Planting in Bufferyards, Abutting Structures*	
Type	Fences, Berms	All Other Plantings
Canopy tree:		
Single stem	1½ inch caliper	2½ inch caliper
Multistem clump	6 feet (height)*	1½ inch caliper
Understory tree	4 feet (height)*	1½ inch caliper
Evergreen/conifer	3 feet (height)*	5 feet (height)*
Shrub		
Deciduous	15 inches (height)*	24 inches (height)*
Evergreen	12 inches (height)*	18 inches (height)*

* No caliper requirements

The exact location of plants and screening structures shall be the decision of the property owner, although evergreen or conifer plant materials shall be planted in clusters to maximize chances of survival.

Section 5.1.7 Plant Classification

Four basic plant types, adapted to local conditions, are specified for installation in bufferyards. They include:

(A) Canopy trees: large deciduous trees with a mature height of 30 feet or greater.

(B) Understory trees: deciduous trees or large shrubs with a mature height of 10 to 30 feet.

(C) Evergreen/conifers: trees or large shrubs that reach at least 10 feet in height at maturity, and have green foliage during all seasons of the year.

(D) Shrubs: prostrate or upright woody plants, evergreen or deciduous, with a mature height often less than 10 feet.

Section 5.1.8 Substitutions

The following substitutions may be approved by the Planning and Development Director.

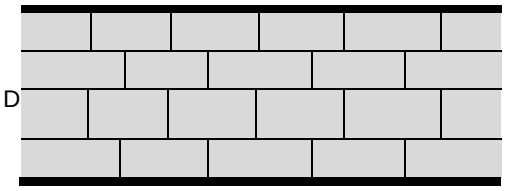
(A) Existing plants. Existing plant material 4 inches DBH (diameter breast-high) or more in diameter within the required bufferyard may be substituted and counted toward satisfying the requirements of this Section.

(B) Fence or Wall. Where, owing to existing land use, lot size or configuration, topography, or circumstance peculiar to a given piece of property, bufferyard requirements cannot reasonable be met, the substitution of appropriate screening in the way of a fence or wall structure along the property line of the proposed use may be approved by the Planning and Development Director in accord with the provisions of this Section.

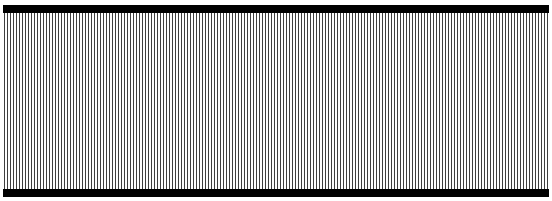
A six-foot high fence or wall may be substituted for a type 1 or 2 bufferyard and an eight-foot fence or wall may be substituted for a type 3 or 4 bufferyard.

All fences and walls used as part of the bufferyard requirement must have the finished side facing outward. Fences shall be wooden or other durable or opaque material approved by the Planning and Development Director. Wooden fences shall be made of rot- resistant material such as locust, cedar or redwood. If made of other woods, the post shall be rated for soil contact and the boards rated for outside use. Chain-link fences with wood, plastic, or metal strips are expressly prohibited. However, a chain-link fence with evergreen hedge is acceptable. Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, and brick.

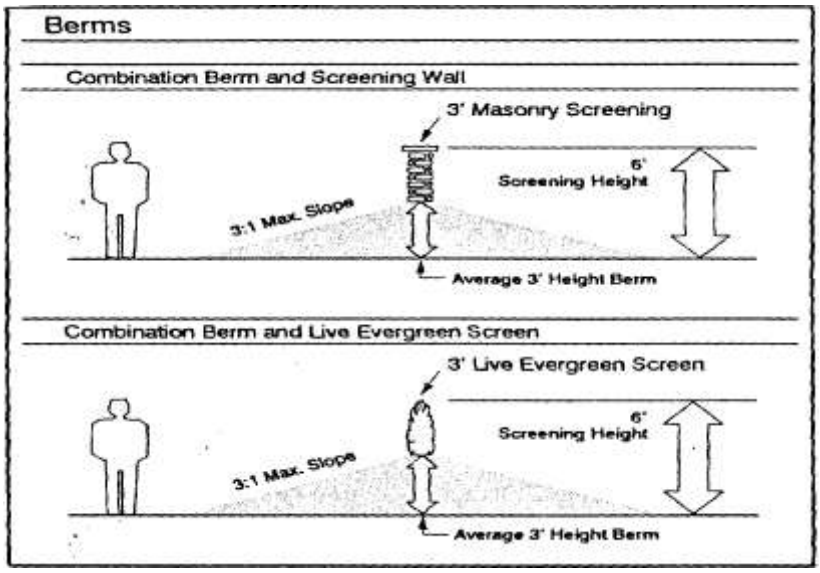
Masonry Wall



Wood Stockade



(C) Berms. Berms may be used to substitute for fences and walls. Fences and/or walls where approved by the Zoning Administrator may be a combination of berm and fence or wall to the total required height.



Section 5.1.9 Required Maintenance

The maintenance of required bufferyards shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily-available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Chapter, and may be remedied in the manner prescribed for other violations.

Section 5.1.10 Use of Bufferyards

Bufferyards may be used for passive recreation and may be interrupted by access driveways. All other uses are prohibited, including off-street parking.

Section 5.1.11 Sight Clearance; Safety Clearance

Bufferyards shall adhere to the requirements of Section 8.5. Trees and other plants selected for location under power lines shall be of a species or type that will not exceed eighteen (18) feet in height when fully grown.

Section 5.1.12 Ground Cover

A form of ground cover shall be placed on all portions of bufferyard surfaces not occupied by plant material. This may include: grass and low-lying plant material that does not exceed 12 inches in height at maturity, organic mulch materials, pine straw and crushed stone. Portions of these areas also may be comprised of flowerbeds, as long as they are maintained on a year-round basis.

Section 5.2 Screening

Section 5.2.1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

Section 5.2.2 Purpose

The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly uses.

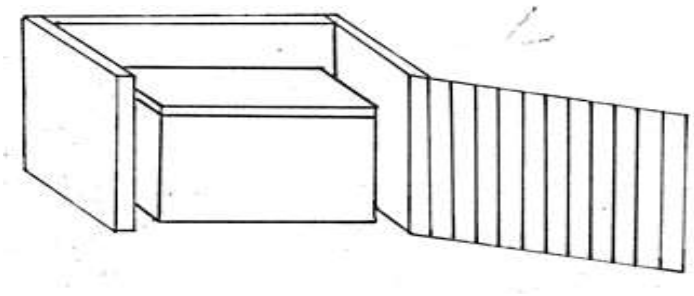
Section 5.2.3 Where Required

Screening specified by this Section shall be required for all open-storage areas not devoted to retail sales which are visible from any public street, including open-storage areas for shipping containers, building materials, appliances, equipment, utility structures, pumping stations, trash containers of 4 or more cubic yards, salvage materials and similar unenclosed uses.

Section 5.2.4 Type of Screening Required

Screening shall be accomplished by an opaque divider not less than six (6) feet in height or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Planning and Development Director.

Dumpster Screening



Section 5.3 Common Open Space

Section 5.3.1 Definition

Common open space is land and/or water bodies used for recreation, amenity or buffer. Common open space shall be freely accessible to all residents and property owners of a development, where required by this Chapter. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of open space, roads, or parking, nor shall it include the yards or lots of residential dwellings required to meet minimum lot area or parking area requirements.

Section 5.3.2 Purpose

The purpose of this requirement is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

Section 5.3.3 Where Required

The following uses/projects consisting of five (5) or more units shall provide common open space in the amounts prescribed:

Proposed Uses/Projects	Common Open Space Ratio (% Lot)
Cluster developments	20%
Patio & zero-lot-line developments	20%
Townhouse Projects	20%
Manufactured home parks	20%

Proposed Uses/Projects	Common Open Space Ratio (% Lot)
Multifamily projects	20%

Note: Up to 50 percent of landscaped bufferyards provided to meet the requirements of Section 5.1 for multi-family projects and manufactured home parks may be applied toward meeting the above requirements.

(A) New Sites: No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this Section.

(B) Existing Sites: No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this Section are provided to the extent of the alteration or expansion.

Section 5.3.4 Common Open Space Plan

Proposed uses/projects set forth in 5.3.3 shall submit an open-space or landscaping plan as part of the application for a Building Permit. The plan shall:

(A) designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site;

(B) designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.; and

(C) specify the manner in which common open space shall be perpetuated, maintained and administered.

Section 5.3.5 Types of Common Open Space and Required Maintenance

The types of common open space which may be provided to satisfy the requirements of this Chapter, together with the maintenance required for each, are as follows:

(A) Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

(B) Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.

(C) Greenways are linear green belts linking residential areas with other open-space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum or removal and avoidance of hazards, nuisances, or unhealthy conditions.

(D) Landscaped areas and lawns, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs, shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.

Section 5.3.6 Preservation of 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 County; and/or

(B) common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance; and/or

(C) deed-restricted private ownership, which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the County, in accordance with the development's open space plan and following reasonable notice, may demand that a deficiency of maintenance be corrected, and may enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Section 5.4 Landscaping

Section 5.4.1 Definition

Landscaping is a type of open space permanently devoted to and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

Section 5.4.2 Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to enhance environmental and visual characteristics; to promote the greening of development and the reduction of noise pollution, stormwater run-off, air pollution, and artificial light glare; and to safeguard property values, protect public and private investments, and promote quality development.

Section 5.4.3 Where Required

No proposed commercial, institutional, industrial or other nonresidential use, or multifamily project or manufactured home park, shall hereafter be established in an existing building or structure and subsequently used unless landscaping is provided in accord with the provisions of this Section. No existing building, structure, or vehicular use area shall be enlarged by 50 percent of more unless the minimum landscaping required by the provisions of this Section is provided throughout the building site.

Section 5.4.4 Landscaping Plan Required

A landscaping plan shall be required and submitted as part of the application for a Development Permit and /or Building Permit. The plan shall:

(A) designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site; and

(B) indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

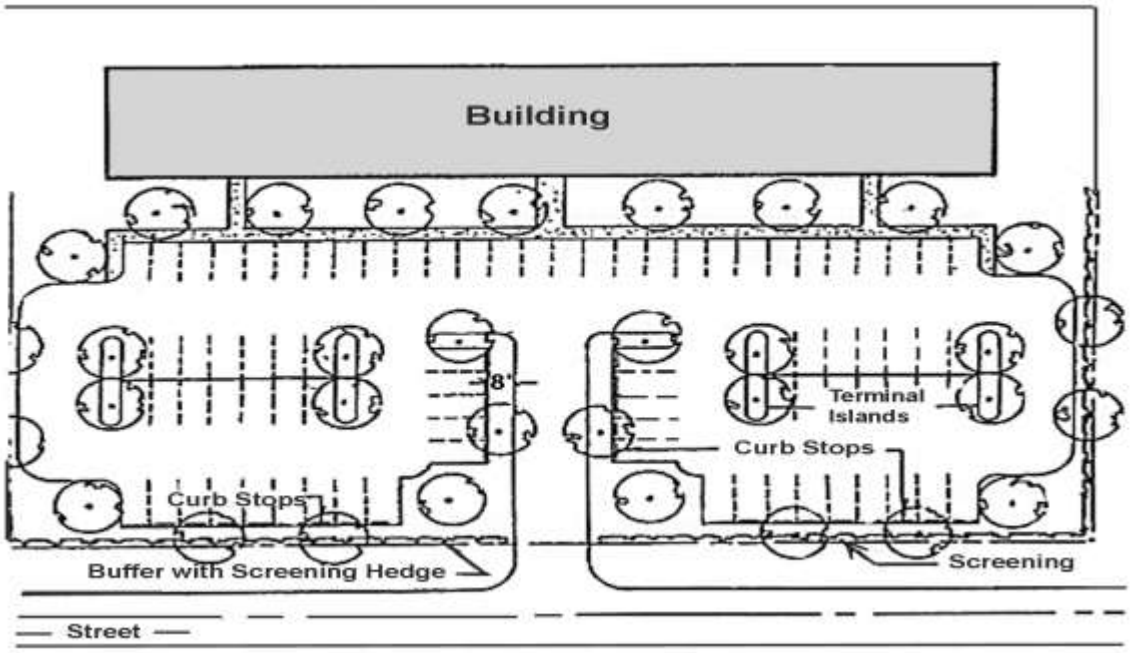
Once approved by the Planning and Development Director as required by this Section, all landscaping shall be installed in accord with the approved plan unless substitutions are subsequently approved by the Planning and Development Director and noted in writing on the plan. No Certificate of Occupancy for any business or use on a site with such an approved plan shall be issued until the required landscaping is installed by the property owner and approved by the Planning and Development Director.

Section 5.4.5 Landscaping Requirements

Required landscaping shall be provided as follows:

(A) Along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this Article, to buffer and separate incompatible land uses. The amount specified shall be as required by Section 5.1, Bufferyards.

(B) Within the interior, peninsula or island-type landscaped areas shall be provided for any open vehicular-use area containing 10 or more parking spaces (20 or more parking spaces in RUD and RUC Districts). Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and direction. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area.



At a minimum, interior lot landscaping shall be provided as follows.

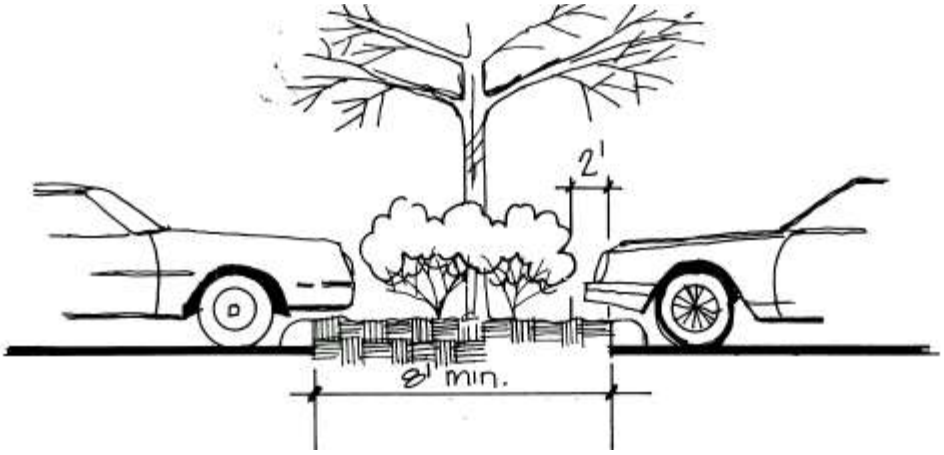
Use	**% of Lot**
Institutional	20%
Industrial/wholesale/storage	20%
Office	20%
Commercial-retail-service	20%
Multi-family projects	20%
Manufactured home parks	20%

Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.

(C) Within vehicular use areas no more than 10 parking spaces are allowed in a row without a landscaped island. Each such island shall have at least one canopy tree. Such islands must be offset so that they are evenly distributed in the parking area and are not in straight lines. A tree island also shall be provided at the end of each row of parking.

Section 5.4.6 Landscaped Area Development Standards

(A) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier not less than six (6) inches in height and eight (8) feet in width when separating two rows of parking. The barrier need not be continuous.



(B) Landscaped areas must be at least fifty (50) square feet in size, with a minimum width of five (5) feet.

Section 5.4.7 Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to maintain such areas is a violation of this Chapter, and may be remedied in the manner prescribed for other violations.

Section 5.5 Outdoor Lighting

The intent of this Section is to ensure that outdoor lighting, where provided, does not create a nuisance or hazard to adjoining properties and motorists.

(A) Exterior Lighting. Architectural, display and decorative lighting visible from public streets shall utilize concealed lighting sources that produce low levels of illumination.

(B) Interior Lighting. All interior lighting utilized for display, security, and general illumination shall be designed to minimize nuisance and hazards to adjoining property and motorists.

(C) Primary Access Points. Primary entryways shall be illuminated for traffic safety purposes. Light poles mounted within fifty (50) feet from the street right-of-way shall not exceed a height of twenty (20) feet, and only forward- throw lights shall be used to light entrances.

(D) Light Fixtures. Light fixtures shall be full cutoff luminary type whose light source is concealed within an opaque housing and directed away from public thoroughfares. This shall include lights on mounted poles and those utilized for display and decorative lighting.

(E) Light Source. Outdoor light sources shall be restricted to white or off-white incandescent, fluorescent, metal-halide, mercury-vapor or color-corrected high-pressure sodium lighting.

(F) Mounting. Mounting shall ensure that the cone of light is not directed at any property line, and the minimum mounting height on any pole shall be twelve (12') feet.

(G) Maximum Illumination Levels. The maximum allowable level of illumination shall conform to the recommended levels within the IESNA Lighting Handbook, the accepted industry standard.

ARTICLE VI.
SIGN REGULATIONS

Section 6.1 Purpose

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

Section 6.2 Applicability and Conformance

This Article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of this Chapter, no sign may be erected or enlarged within the jurisdiction of this Chapter unless it conforms to the requirements of this Article.

Section 6.3 Signs on Private Property

Signs shall be allowed on private property in each zoning district in accord with Table 5. If the letter “A” appears for a sign type or a sign characteristic in a column, such sign type or sign characteristic is allowed without prior permit approval in the zoning district represented by that column. If the letter “P” appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by that column. If the letter “N” appears for a sign type or a sign characteristic in a column, such a sign or sign characteristic is not allowed in the zoning district represented by that column under any circumstances.

The number, type, size, height and location of signs on private property, in each zoning district, shall conform with the requirements on Table 6.

Although allowed without a permit in Table 5, signs designated by an “A” are subject to all applicable requirements on Table 6.

Table 5, Regulation of Signs By Type, Characteristics, and Zoning Districts												
Sign type	**RC RD RM**	**RH5**	**OR**	**NC**	**UD LD**	**IND**	**RUD**	**RUC**	**INST(3)**	**HCO(6)**	**RH5B AP**	**RRC**
Permanent												
Freestanding												
Principal	(1)	(1)	P	P	P	P	P	P	P	P (5)	P	(1)
Incidental	A	A	A	A	A	A	A	A	A	A	A	A
Canopy/Awning	N	N	P	P	P	P	P	P	N	P (6)	P	P
Portable (9)	N	N	N	N	P(9)	P(9)	P(9)	P(9)	N	P(9)	N	N
Building												
Identification	A	A	A	A	A	A	A	A	A	A	A	A
Incidental	N	A	A	A	A	A	A	A	A	A	A	A
Marquee	N	N	N	P	P	P	P	P	N	P (6)	N	P
Projecting	N	N	N	P	P	P	P	P	N	P (6)	N	P
Roof	N	N	N	N	P	P	P	N	N	P	N	N
Roof, Integral	N	N	N	P	P	P	P	N	N	P	N	N
Wall	N	N	P	P	P	P	P	P	N	P (6)	P	P
Window	N	N	A	A	A	A	A	A	A	A	A	A
Temporary (2)												
A-Frame	N	N	N	A	A	N	A	A	N	A	N	N
Banner	N	N	N	N	A	A	A	A	N	P (6)	N	N
Posters	A	A	A	A	A	A	A	A	A	A	A	A
Portable	N	N	N	N	A	A	A	A	N	N	N	N
Inflatable	N	N	N	N	A	A	A	A	N	N	N	N
Pennant	N	N	N	N	A	N	A	A	N	N	N	N
Identification	A	A	A	A	A	A	A	A	A	A	A	A
Political	A	A	A	A	A	A	A	A	A	A	A	A
Real Estate	A	A	A	A	A	A	A	A	A	P (6)	A	A
Sign Characteristics for Permanent and Temporary Signs												
Animated	N	N	N	N	N	N	N	N	N	N	N	N
Changeable Copy	N	N	A	A	A	A	A	A	A	A (7)	A	A
Illumination Indirect (4)	A	A	A	A	A	A	A	A	A	A (6)	A	A
Illumination Internal	A	A	A	A	A	A	A	A	A	A (6)	A	A
Illumination, Exposed Bulbs or neon (4)	N	N	N	N	A	N	A	A	N	A (6)	N	N

Notes to Table 5:

(1) Signs identifying or announcing land subdivisions, or residential projects, including multi-family, nursing homes and group dwellings, or other uses permitted in the district.

(2) See Section 6.6 and 2.12.

(3) This column (INST) does not represent a zoning district. It applies to institutional and other nonresidential uses permitted in residential zoning districts i.e. churches, school, parks, etc. and includes historical markers.

(4) See Section 5.5 Outdoor Lighting.

(5) Off-site signs not permitted in HCO [see Section 2.12.7 (D)(i).]

(6) See Section 2.12.7 Signs.

(7) Including reader boards

(8) In the event that the standards made applicable to the HCO District by this Table 5 conflict with the standards applicable to the Districts which underlie the HCO District, the more restrictive and stringent standards shall apply.

(9) Portable signs can be used as non-temporary freestanding on-premise signs and are subject to the following conditions:

i. The signs will require a permit obtained in the Planning & Development Department. Planning & Development will issue a permit decal to be affixed to the structure.

ii. These signs shall be anchored in accord with the Aiken County Mobile Home Ordinance tie down requirement, mounted with an approved method of attachment on a pole(s) 14 feet high to provide visual clearance, or incorporated into a monument base.

iii. Portable signs not mounted on a pole or incorporated into a monument base will have three (3) years from the adoption of this ordinance to become permanently mounted (pole or monument base) or replaced by another permanently designed sign.

iv. Portable signs not mounted on a pole or incorporated into a monument base lose their grandfathered status 180 days after the business closes. The three (3) year requirement for compliance still applies regardless of the occupant of the building.

v. Portable signs in the HCO District must be incorporated into a monument base.

vi. These signs will be permitted as currently shown in Section 6, Table 5, permitted in Highway Corridor Overlay Districts, and required to meet the setback requirements of Section 6, Table 6.

vii. Portable signs will be limited to one per establishment and included as part of the total square fee of permitted free-standing sign face.

viii. Portable signs may still be used as temporary signs, except in a Highway Corridor Overlay District, providing they meet the regulations found in Section 6, Table 7.

Table 6 Number, Dimension, and Location of Permitted Signs, By Zoning District (K)									
	RC RD RM	**RH5**	**RRC OR RH5B**	**NC**	**UD**	**LD IND**	**AP RUD RUC**	**HCO (G)**	**INST (B)**
Freestanding Signs: Number Permitted Per Developed Lot (C)									
On premise									
Principal	1 (A)	1(A)	1	1	1	1	1	1(H)	1
Incidental	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off premise (F)									
Principal	0	0	0	1	1	1	1	0	0
Maximum Free Standing Sign Area (Square feet)									
Per lot	40	40’	40	80	300 (D)	160	140	(I)	40
Minimum setback from property line (feet)	5’	5’	5’	5'	5’	5’	5’	5’	5’
Minimum setback from right-of-way line (feet)	10’	10’	10’	10’	10’	10’	10’	10’	10’
Maximum Height (feet)	12’	12’	12'	24'	(E)	35’	24’	(I)	12’
Building Signs									
Number Permitted	1	N/A	1	N/A	N/A	N/A	N/A	(J)	1
Max Sign Area (sf)	4	4	8	N/A	N/A	N/A	N/A	(J)	8
Max Wall Area (%)	N/A	N/A	N/A	25%	50%	25%	25%	(J)	N/A
Temporary Signs	**See Section 6.6**								

Notes to Table 6:

NA= Not Applicable sf - Square feet

(A) One identification sign is permitted for each entrance of a subdivision or residential project, or other uses permitted in the district.

(B) This column (INST) does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zones, i.e. churches, schools, parks, etc.

(C) Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

(D) One square foot of signage is allowed for each linear foot of street frontage for the first 100 feet of frontage; one-half square foot of signage is allowed for each additional one foot of street frontage.

(E) Maximum height of signs shall not exceed 35 feet, except where located within 660 feet of any Interstate highway ROW, where maximum height of signs may extend to 50 feet.

(F) Off-premise freestanding signs must be at least 2,000 feet apart. Acknowledgements for sponsorships or sizable contributions for public projects related to recreation facilities, public buildings, or public infrastructure will not be considered off-premise advertising.

(G) See Section 2.12.7 Signs.

(H) See Section 2.12.7 (F).

(I) See Section 2.12.7 (I) and (J)

(J) See Section 2.12.7 (E)

(K) In the event that the standards made applicable to the HCO District by this Table 6 conflict with the standards applicable to the Districts which underlie the HCO District, the more restrictive and stringent standards shall apply.

Section 6.4 Common-Signage Plan Required

A Common-Signage Plan shall be prerequisite to the issuance of any sign permit involving:

(A) two or more contiguous lots or parcels under the same ownership;

(B) a single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one freestanding sign; or

(C) a PUD (Planned Use District) project.

The Plan shall contain all information required for Sign Permits generally (Section 10.15.4) and shall specify standards for consistency among all signs on the lot affected by the Plan with regard to:

(D) lettering or graphic style;

(E) lighting;

(F) location of each sign on the buildings;

(G) material; and

(H) sign proportions.

A Common-Signage Plan shall limit the number of freestanding signs to a total of one for each street on which there is frontage and shall provide for shared or common usage of such signs; however the maximum signage area permitted on each street may be increased by 50%.

Once approved by the Planning and Development Director, the Common-Signage Plan shall become binding on all businesses and uses occupying the lot(s), but may be amended by filing a new or revised Plan in conformance with the requirements of this Chapter.

If any new or amended Common-Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all on-premise signs not conforming to the proposed amended Plan or to the requirements of this Chapter in effect on the date of submission of the new or amended Common-Signage Plan.

Section 6.5 Signs in the Public Right-of-Way

No sign shall be allowed in the public right-of-way, except for the following:

(A) public signs erected by or on behalf of a governmental body;

(B) informational signs of a public agency or utility;

(C) church signs, in accord with State and Federal law;

(D) historical signs and markers in accord with State and Federal law;

(E) emergency signs; and/or

(F) directional signs of a temporary nature not to exceed three (3) square feet in area and 24 hours in duration for such events as yard

sales, auctions, public gatherings, etc.; provided they are located no closer than 500 feet apart.

Section 6.6 Temporary Signs

Table 7 Temporary Sign Regulations				
Sign Type	**Display Period**	**Display Intervals**	**Dimensions**	**Conditions (Notes)**
A-Frame	hours of operation only	off-hours	12 sq. ft.	A
Banner	30 days	6 months	None	B
Posters	30 days	None	6 sq. ft.	C
Portable	30 days	4 months	32 sq. ft.	D
Inflatable	30 days	1 year	None	E
Pennants	30 days	6 months	None	B
Identification	90 days, or project completion	None	100 sq. ft.	F
Political	30 days prior to election	Not Applicable	32 sq. ft.	C/G
Real Estate "For Sale"	N/A	N/A	32 sq ft	H

Conditions (Notes) to Table 7

(A) A-Frame signs, where located on sidewalks, shall be located in such a manner as not to obstruct pedestrian movement.

(B) Banners and pennants shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement.

(C) Posters shall not be allowed on any telephone or power poles or any street right-of-way, and shall be placed no closer than five (5) feet from a street or curb.

(D) Portable signs shall be limited to one per establishment, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord), shall not exceed six (6) feet in height, shall be anchored in accord with the Aiken County Mobile Home Ordinance tie down requirement, and shall not be converted to a permanent sign.

(E) Inflatable signs shall be properly anchored and shall not interfere with airport traffic.

(F) Temporary subdivision and work-under-construction identification signs shall adhere to the Development Standards of Section 6.8.

(G) Political signs shall be removed within 7 days following the election.

(H) One “For Sale” sign is allowed on each road frontage of the property for sale.

Section 6.7 Prohibited Signs

All signs not expressly permitted by this Chapter are prohibited. Such prohibited signs include, but are not limited to:

(A) Signs painted on or attached to trees, fence posts, telephone or other utility poles, stationary vehicles, or natural features.

(B) Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words “stop”, “danger”, or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorist.

(C) Animated signs.

(D) Signs which have been abandoned and no longer correctly direct or exhort any person or advertise a bona-fide business, lessor, owner, product, or activity.

(E) Signs which have fallen into disrepair (dilapidated), are not properly maintained, are insecure or otherwise structurally unsound, have defective parts in the support, guys and/or anchors, or which are unable to meet minimum safety requirements of the International Building Code.

Section 6.8 Development Standards

Section 6.8.1 Vision-Area Clearance

No sign shall be located within a vision-clearance area as defined in Section 8.5.

Section 6.8.2 Vehicle-Area Clearance

When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

Section 6.8.3 Pedestrian-Area Clearance

When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least 8 feet above the ground.

Section 6.8.4 Sign Materials; Code Compliance

Permanent and temporary identification signs must be constructed in accord with all applicable provisions of the Building Code and National Electrical Code, and consist of durable all-weather materials.
Images, logos, graphics, etc. painted on permanent signs or buildings must be performed in a professional and workmanlike manner.

Section 6.8.5 Double-Decked Sign Faces

Off-premise freestanding stacked or double-decked sign faces or side-by-side sign faces shall not be permitted.

Section 6.8.6 Sign Illumination

Illuminated signs shall not directly shine on abutting properties. No illumination which simulates traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

Section 6.9 Sign Measurement

Section 6.9.1 Sign-Face Area

(A) The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped freestanding sign is counted.

(B) For signs on a base material and attached without a frame, such as a wood board or plexiglas panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign-related display or decoration.

(C) For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces.

(D) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face.

(E) The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.

(F) For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign-related display or decoration.

Section 6.9.2 Clearances

Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face.

Section 6.10 Removal of Signs

(A) The lawful use of any permanently-mounted sign existing at the time of the enactment of this Chapter may be continued, even though such use does not conform with the provisions of this Chapter, except those signs declared abandoned or dilapidated; such signs shall be removed, or appropriate remedial action shall be taken for such signs upon notification by and as specified by the Planning and Development Director.

(B) Non-conforming permanent off-premise signs shall be removed or brought into conformity before an application for any additional sign on the same property may be approved.

(C) Any sign which exists as of the date of adoption of this Chapter and which is subsequently abandoned shall be removed. Any existing sign which exceeds the allowable face area by 25 percent and which is subsequently destroyed or damaged to the extent of 50 percent or more of its replacement cost shall be removed or brought into conformity with these regulations as directed by the Planning and Development Director.

(D) Any nonconforming temporary sign shall be removed or brought into conformity no later than sixty (60) days following the effective date of this Chapter.

(E) An order under this Section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located, to comply within thirty (30) days' time. Upon failure to comply with such order, the Planning and Development Director may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

(F) Any unauthorized small, temporary sign placed, erected or situated upon public property, including road right-of-way, may be removed without notice by appropriate Aiken County staff.

ARTICLE VII.
LAND DEVELOPMENT REGULATIONS

Section 7.1 Purpose

The purpose of this Article is to advance the objectives of Section 6-29-1120 of the Code of Laws of South Carolina, 1976, as amended, to require harmonious, orderly, and progressive development of land in pursuit of public health, safety, economy, good order, appearance, convenience, morals, and the general welfare. In furtherance of these objectives, the regulation of land development in Aiken County is designed:

(A) to encourage economically sound and stable development;

(B) to assure the timely provision of required streets, utilities, and other facilities and services to new land development;

(C) to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian in and through new land developments;

(D) to assure the provision of needed public open space and building sites in new land developments through the dedication or reservation of land for recreation, education, transportation, and other public purposes; and

(E) to assure, in general, the wise and timely development of new areas in harmony with the Comprehensive Plan of Aiken County.

Section 7.2 Site Design Standards

Section 7.2.1 Site Analysis

It is recommended that an analysis be made by the applicant of characteristics of the development site, such as site context, geology and

soil, topography, ecology, existing vegetation, structures, and road networks, visual features, and past and present use of the site.

Section 7.2.2 Site Design Considerations

Site design shall take into consideration all existing local and regional plans, and should be based on the site analysis. To the extent practical, development shall be located to preserve any natural features on the site, to avoid areas of environmental sensitivity, to minimize negative impacts and alteration of natural features, to avoid adversely affecting ground water and aquifer recharge, to reduce cut and fill, to avoid unnecessary impervious cover, to prevent flooding, to provide adequate access to lots and sites, and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

The following specific areas and resources shall be preserved to the extent consistent with the reasonable utilization of the site.

(A) Unique and/or fragile areas, including wetlands as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, as determined by the U.S. Corps of Engineers, and/or as defined by the State of South Carolina.

(B) Flood plain areas, as determined by FEMA (Federal Emergency Management Agency) and delineated on Flood Boundary Maps, Flood Insurance Rate Maps and Floodway Maps for Aiken County.

(C) Habitats of endangered wildlife, as identified on federal and state lists.

(D) Historically significant structures and sites, as listed on federal, state, and/or local lists of historical places.

(E) Archaeologically-significant sites, as listed on Federal, State, and/or local lists and reports of archaeological sites.

The Planning and Development Director and other County staff can assist by providing suggested sources for the data required in items (A) through (E) above.

Section 7.3 Streets and Driveways

Section 7.3.1 Unspecified Standards and Circulation System Design

Where standards for required road design and construction are not specifically set forth in this Chapter, the applicable standards or requirements of the Aiken County Council and the South Carolina Department of Transportation shall govern. All work must be performed in the manner prescribed in the standard specifications for road construction of the South Carolina Department of Transportation.

Street systems shall be designed to permit the safe, efficient, and orderly movement of traffic; to have a simple and logical pattern; to respect natural features and topography; to present an attractive streetscape; and to promote linkage of major collector streets.

Section 7.3.2 Layout and Alignment

(A) Proposed streets shall be coordinated with the existing street system in the surrounding area and, where possible, shall provide for the continuation of existing streets abutting the development. Existing roads shall be continued at the same or greater width, but in no case shall be less than the width required by the provisions of this Chapter.

(B) All streets shall be opened to the exterior property lines of the development unless permanently terminated by a vehicular turnaround or intersection with another street.

(C) Reserve strips controlling access to streets are prohibited except where their control is placed with the County, under conditions approved by the Planning Commission.

(D) Proposed streets should be aligned both vertically and horizontally to provide for the following clear-sight distances:

Arterial road	500'
Collector road	200'
All other roads	100'

Section 7.3.3 Alleys

Paved alleys are permitted and may be required by the Planning Commission in commercial, multi-family and industrial developments to provide service access, off-street loading and unloading, and parking consistent with and adequate for the proposed use. Dead-end alleys shall be avoided, but may be permitted, provided they terminate with a turnaround having a radius of not less than 40 feet. Alleys shall be maintained by means of a private perpetual maintenance agreement approved by the County Attorney and recorded in the RMC office by County staff.

Section 7.3.4 Cul-de-sacs

Dead-end streets designed to be permanently closed at one end shall not exceed 2,500 feet in length, measured from the right-of-way of the connecting street to the center point of the turn-around. In the case of a subdivision with only one entrance, the distance by street between the subdivision entrance and farthest end of any road within the subdivision shall determine the length of the cul-de-sac.

A turn-around shall be provided at the closed end of a street and shall have a minimum diameter of 80 feet to the outside edge of the pavement and 100 feet to the legal right-of-way line. Riding surface width shall have a minimum curb radius of forty (40) feet. A landscaped center island may be provided if sight lines are not obstructed. If such island is provided the pavement width of the turn-around may be reduced to thirty (30) feet.

Cul-de-sacs shall be avoided wherever possible by connecting new subdivision roads with nearby or adjacent existing roads. The Planning Commission shall determine whenever such connections are required.

In all subdivisions, whether single-phase or multi-phased, all reasonable efforts shall be made to provide current or future connections with existing nearby roads and/or with proposed future roads in an attempt to eliminate excessively long cul-de-sacs.

Temporary dead-end streets shall terminate with a temporary cul-de-sac having a diameter of not less than 80 feet.

Section 7.3.5 Intersections

(A) No more than two streets shall intersect at any one point.

(B) All streets shall intersect as nearly as possible at ninety-degree right angles. However, in no instance shall the angle be less than 80 degrees or more than 100 degrees. The maximum grade approaching intersections shall not exceed five (5) percent for a distance of less than 100 feet from the intersection.

(C) Streets entering upon opposite sides of a given street shall have their center lines directly opposite or shall be offset a minimum distance of 200 feet, measured along the centerline of the streets being intersected.

(D) Street intersections shall be located at least 200 feet from the right-of-way of any railroad track, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.

(E) Minor and collector streets and driveways shall not intersect with a major thoroughfare as designated on the most recent version of the Aiken County Official Major Thoroughfares Map dated August 8, 1998 at intervals of less than 300 feet. Streets and driveways which intersect a street other than a major thoroughfare shall not intersect the street less than 100 feet from other street intersections. All measurements are taken from centerlines of streets and driveways.

(F) Minor and collector streets shall be in alignment with existing and planned streets which intersect or will intersect with a major thoroughfare as designated on the most recent version of the Aiken County Official Major Thoroughfares Map.

(G) Right-angle intersections shall be used wherever practical.

(H) Clear-sight intersections shall be provided in accord with the requirements of Section 8.5.

Section 7.3.6 Right-of-way and Pavement Widths

Minimum street right-of-way and pavement widths shall be as follows:

Street Classification	Pavement Width	Right-of-way Width
Alley	20'	20'
Local Street	See Table 8	50'
Collector Street	36'	66'
Commercial Service Street	36’	66'
Arterial Street	48' minimum	80' minimum
Cul-de-sac (diameter)	80'	100'

The Planning Commission may require additional right-of-way where necessary for public safety and convenience, or parking in commercial, industrial or high-density residential areas. Refer to Table 8 for Construction Standards. Landscaped islands may be provided if sight lines are not obstructed. Such islands shall not be deeded to the County, but shall be maintained by a perpetual maintenance agreement approved by the County Attorney.

Section 7.3.7 Horizontal Curvature

Where connecting right-of-way lines deflect from each other by more than 10 degrees, the lines must be connected with a true, circular curve, the minimum radius of which shall be:

Arterial street	573'
Collector street	573'
Minor local street	150'
All other streets	100'

Arterial and Collector streets must be tangent a distance of not less than 100 feet between reverse curves, and 60 feet between a horizontal curve and an intersection with another street or railroad. Refer to Table 8 for Construction Standards.

Section 7.3.8 Construction Requirements

All streets, both public and private, shall be constructed in accord with Aiken County Construction Specifications, latest edition, and the Construction Standards of Table 8 of this Chapter.

Paved streets that are to be accepted into the County road-maintenance system shall be paved by the applicant and shall be constructed to the grades and dimensions drawn on the plans, profiles and cross-sections submitted by the applicant and approved by the Planning Commission and/or Planning and Development Director and/or County Engineer. However, before paving is begun, the applicant shall install all required utilities and provide adequate drainage in accord with these regulations, all to be approved by the County Engineer before the commencement of paving.

Drainage and detention facilities shall adhere to the provisions of Chapter 19 Public Works, Article IV, Section 19-80 Drainage and Storm Sewers of the Aiken County Code of Ordinances.

Private subdivisions are intended for exclusive use by their developers, the lot owners, and their guests. The public may not be privileged to the use of private roads, parks, and other improvements in private subdivisions; and in private subdivisions the public shall not be responsible or liable for street and drainage repair, maintenance of water and sewerage systems, subdivision-park maintenance, or any other maintenance of any improvements in private subdivisions normally provided by public tax dollars in public subdivisions. Private subdivisions are subject to all other requirements of this Chapter, including the following.

(A) Preliminary and Final Plat review and approvals; and

(B) All road standards, drainage standards, and other development standards shall comply with sound engineering principals and be designed by and inspected by a South Carolina Licensed Professional Engineer. The Engineer of Record shall provide a certified letter to the Planning and Development Department , along with the final plat, stating that the project was constructed according to the plans and specifications approved by the Planning Commission.

The Planning Commission may not grant Preliminary Plat Approval to any private subdivisions until satisfactory documentation has been provided, and approved by the County Attorney, for the perpetual private care and maintenance of all roads, easements, water and sewerage systems, drainage facilities, parks, and other improvements, including provisions for such perpetual private-maintenance requirement in all deeds conveying lots in such subdivisions. After its approval by the County Attorney, this documentation shall be recorded by the Planning and Development Director in the RMC office, with the recording fee to be paid by the applicant to the Planning and Development Director.

County Council will not accept any new or existing unpaved street or new or existing private road subdivision into the County street-maintenance system. All streets accepted into the County maintenance system must serve a public purpose, must connect to an existing publicly-maintained street, must be open to the public at all times, must serve a minimum of three (3) tax parcels owned by different individuals, and must have a minimum of three (3) dwellings present whose entrances front on the road. Said dwellings shall have been present for a minimum of five (5) years prior to the date of request for acceptance of the street as evidenced by County property-tax records. Unpaved streets in subdivisions approved by the Aiken County Planning Commission shall not be eligible for acceptance into the County maintenance system unless such streets and related drainage facilities are brought up to current Aiken County standards for paved streets and drainage facilities.

In the event an applicant wishes to enter into an agreement with the County to improve existing County roads by paving them, the following procedures shall apply:

(D) The applicant shall, in writing, offer to enter into a cooperative agreement to pave existing County roads.

(E) The County Administrator shall bring the offer before the Development Committee of County Council. After consultation with appropriate County staff, the Development Committee shall make a recommendation to the full Council as to the advisability of entering into such a cooperative agreement. If Council so desires,

the County and the applicant shall enter into an agreement which specifically delineates the responsibilities of each of the parties.

(F) The applicant shall provide to the County a right-of-way deed of 66' for roadways with open ditches and 50' for roadways with valleys and gutters.

(G) The applicant shall provide all required engineering drawings and other work for road paving and drainage to meet applicable requirements of this Article.

(H) The applicant shall supply all drainage material, such as pipe, tops, boxes, etc. and coordinate with all utility companies the relocation of poles and boxes.

(I) The County will provide the equipment and labor to clear the roadway, will grade the road and install the pipe, will compact the sub-grade, and will install and compact the sand/clay base to required densities.

(J) Upon completion of the base, the applicant will apply primer and will pave the road according to approved County and/or State standards.

(K) The County will dress the shoulders and ditches.

(L) The applicant will provide all required grassing to shoulders and ditches.

(M) The County will furnish and install all required road signs.

Section 7.3.9 Driveway Standards For Residential Building Lots

(A) General

i. Driveways must have a minimum width of twelve (12) feet and serve no more than two (2) parcels of land.

ii. Driveways must have stable shoulders and adequate drainage and stormwater controls to prevent erosion of the

driveway and excessive stormwater or sediment runoff onto connecting public or private road rights-of-way.

iii. Driveway pipes for stream crossing or stormwater drainage must be sized appropriately for the passage of at least the 10-year design storm and able to withstand the anticipated loads of emergency vehicles and other vehicles without deforming.

iv. If an existing driveway serves more than two (2) lots, the driveway shall be named and a driveway-name sign erected in accordance with the provisions of the Aiken County Guidelines for Naming Roads and Erecting Road Signs

v. Vertical and horizontal curves and grades must accommodate the safe passage of emergency vehicles.

vi. Refer to applicable intersection requirements for driveways in Section 7.3.5 above.

(B) Unpaved Driveways

i. The first thirty (30) feet of length (measured from the edge of the travel surface of the access road) of driveways that are constructed with material other than concrete or asphalt must be covered by at least a two-inch-thick compacted all-weather surface material such as gravel, crushed stone, or shell. Porous paving blocks or other similar materials may be used. The use of recycled materials also may be used with approval from the Planning and Development Director.

ii. Driveways that are constructed with material other than concrete or asphalt must not exceed five (5) percent grade for the first twenty (20) feet of driveway length, measured from the edge of the travel surface of the street. An exception may be granted by the Planning & Development Director provided a qualified engineer can certify that adequate stormwater and sediment controls have been installed. This information must be provided prior to recording of a final plat or before a Certificate of Occupancy is issued.

(C) Paved Driveways

i. The first ten (10) feet of length (measured from the edge of the travel surface of the access road) of driveways that are constructed with material other than concrete or asphalt shall not exceed six (6) percent slope. While it is desirable to maintain the same grade for the next ten (10) feet, it should not exceed fifteen (15) percent slope. Additionally, changes in slope deflection should not exceed 10% so as not to cause vehicles to “bottom out”.

ii. The subsection (C) (i) immediately above does not apply to driveways with negative grades when measured from a public or private right-of-way provided the site complies with applicable building codes and stormwater regulations. The Planning and Development Director may grant exceptions provided the following construction standards are followed:

a) Asphalt or concrete has been crowned or sloped to ensure that excessive stormwater does not impact connecting public or private rights-of-way.

b) Shoulders of the driveway are properly constructed, landscaped, and stabilized so as to prevent erosion and to prevent stormwater runoff and sediment deposits onto connecting public or private road rights-of-way.

Table 8 Construction Standards For Subdivisions		
	Subdivisions with Lots:	
Lot Size	**Smaller Than 1 Acre**	**1 Acre or Larger**
Street Standards		
Minimum R/W Width	50'	50'
Minimum paving width	24'	22'
Paving Type	1 1/2 type 3 asphalt mix	11/2 type 3 asphalt mix or double treatment bituminous
Minimum paved and unpaved street grade	1%	1%
Maximum Paved Street grade	12%	12%
Max. Unpaved Street grade (private only)	5%	5%
Base and paving	Standards promulgated by SC Department of Transportation and approved by the County Engineer.	
Minimum shoulder width	10'	6'
Shoulder dressing	Standards contained in Aiken County Construction Specifications	
Sidewalks	May be required (see Section 7.15)	
Open Ditches	Not Allowed	Allowed up to 4% street grade
Underground Piping	Required	May be required
Curb & gutter or raised asphalt edge	Required	Not Required
Minimum street ditch slopes adjacent to roadway	3:1	3:1
Minimum back slope	2:1	2:1
Utility Easements Side lot Rear lot	 5' 10'	 5' 10'

Table 8 Construction Standards For Subdivisions		
	Subdivisions with Lots:	
Lot Size	**Smaller Than 1 Acre**	**1 Acre or Larger**
Drainage Easements* Side lot Rear lot	 10’ 20’	 10' 20’
Pedestrian Easements	12'	12'

* Wider drainage easements may be required at the discretion of the County Engineer

Section 7.4 Curb and Gutter

Section 7.4.1 Requirement

Curbs and gutters shall be installed where required by Table 8. The Planning Commission also may require the installation of curbs and gutters in subdivisions or portions of subdivisions devoted to commercial or industrial development, where considered necessary to ensure public safety and convenience.

Section 7.4.2 Construction Specifications

Curbs and gutters shall be constructed in accordance with Section 9 of the Aiken County Construction Specifications, latest edition. (Also refer to the Construction Standards of Table 8)

The radii of curbs and gutters at intersections shall be determined by the types of intersecting streets, as follows:

Arterial intersecting arterial	32'
Arterial intersecting collector	32'
Collector intersecting collector	25'
Collector intersecting minor	25'
Minor intersecting minor	20'
Service drive or alley	10'

Section 7.4.3 Transition

The transition from one type of curb or gutter to another shall be made only at street intersections with adequate provisions being made for driveway entrances.

Section 7.5 Shoulders

Shoulders shall consist of stabilized turf or other material acceptable to the County and shall be prepared in compliance with the Construction Standards of Table 8 and applicable provisions of the Aiken County Construction Specifications, latest edition.

Section 7.6 Signage and Names

Section 7.6.1 Street, Road, and Driveway Signs

(A) Design and placement of traffic signs shall follow State regulations or the requirements specified in the Manual of Uniform Traffic Control Devices for Streets and Highways, latest edition, published by the U.S. Department of Transportation. The applicant shall be responsible for the cost of manufacture and erection of required signs. The County Public Works Department shall be responsible for the manufacture and erection of said signs except as noted in item below.

(B) Any party requesting a change in a road sign shall be responsible for the expense of the change. However, should the County initiate the change, the County shall bear the expense. Custom-made signs, if requested, shall be subject to approval by the County Public Works Department.

(C) At least two street-name signs shall be placed at each four-way street intersection, and one at each “T” intersection. Signs shall be installed under streetlights, where possible, and free of visual obstruction.

(D) Custom-manufactured street signs shall not be allowed on publicly-maintained streets. Custom-manufactured street signs, stop signs, yield signs, and other traffic signs, if requested for privately-

maintained streets and driveways, shall be subject to approval by the County Public Works Department and shall meet the same standard County requirements for height, location, placement, erection, and reflectivity as for such signs manufactured by the Public Works Department. All street names for publicly-maintained streets and privately-maintained streets and driveways shall be approved by the Aiken County E-911 Division to prevent duplication or similarity in street names which might interfere with the swift provision of emergency services such as police, fire, and ambulance. Street signs and other traffic signs for private driveways shall be manufactured and erected by Aiken County. All street signs for privately-maintained streets and driveways shall bear the street numbers assigned by Aiken County and also shall be the designation "Private".

Section 7.6.2 Names

Street names shall be subject to approval of the Planning Commission and shall be substantially different in sound and spelling from existing streets in the County unless at a future date plans call for a tie-in between the proposed street and an existing street. The naming of streets shall comply with Section 19-30 of the County Code of Ordinances and with the County "Guidelines for Naming Roads".

Section 7.7 Street Lighting

Section 7.7.1 Location

Street lighting, when provided, shall be provided at street intersections and between intersections in commercial and industrial areas where the distance is 800 feet or more from an intersection.

Section 7.7.2 Height

The maximum height of streetlights shall be 25 feet.

Section 7.7.3 Shielding

Street lighting shall be properly shielded so as not to create a hazard to drivers or a nuisance to residents.

Section 7.8 Easements

The provision of easements shall be governed by Table 8 and the following, as applicable to a particular type of easement.

Section 7.8.1 Drainage Easements

Drainage easements shall be provided whenever a subdivision or development is traversed by a watercourse, drainage way, channel, or stream. The easement shall conform substantially to the lines of such watercourse, and be not less than 20 feet wide or of sufficient width to preserve the unimpeded flow of the natural drainage way for a 100-year storm event, as determined by the County Engineer, to carry off stormwater and provide for maintenance and improvements of the watercourse. Approval of such easements by the County does not obligate the County for perpetual maintenance of the easements nor for liabilities or damages resulting from the watercourse, drainage way, channel, or stream.

Section 7.8.2 Utility Easements

Utility easements, where provided, should be adjacent to or centered on side or rear lot lines. Easements shall be not less than 10 feet in width and no structures or trees shall be placed within such easements. The location of utility easements shall be coordinated with the utility provider.

Section 7.8.3 Access Easements

(See Section 7.9.4 Flag Lots and Access Easements)

Section 7.8.4 Maintenance of Easements

(A) A note shall be placed on the final plat of a subdivision which contains utility easements, stipulating that the County or utility with lines in such easements shall have full right of access.

(B) Easements shall be maintained by the property owner(s) and may be used to satisfy yard requirements, unless specifically accepted for public maintenance by the County or utility with lines in such easement.

Section 7.9 Lots

Section 7.9.1 Accessibility

All lots shall be accessible by a public street maintained by a public body, except for:

(A) lots in approved PUDs, as provided for in Section 2.7,

(B) lots on approved access easements, as provided for in Section 7.9.4, and

(C) lots on private streets with approved maintenance agreements.

Section 7.9.2 Design

Lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated. Maximum ratio of average width to average depth of a lot shall be 1:4 for residential subdivisions. However, the maximum required road frontage of a lot shall not exceed three hundred (300) feet regardless of depth of lot.

Section 7.9.3 Dimensions

All lots shall meet the minimum lot area and dimensional requirements of Table 2, unless elsewhere specified by this Chapter.

Section 7.9.4 Flag Lots and/or Access Easements

The creation of flag lots and/or access easements shall not be allowed except under the following conditions:

(a) to permit full use of an existing lot of record; and/or

(b) to overcome unusual topographic conditions or existing lot configurations.

(c) to permit access to an additional single parcel of land.

When meeting the above conditions, as determined by the Planning and Development Director, flag lots shall be created and access easements shall be permitted in accord with the following development standards:

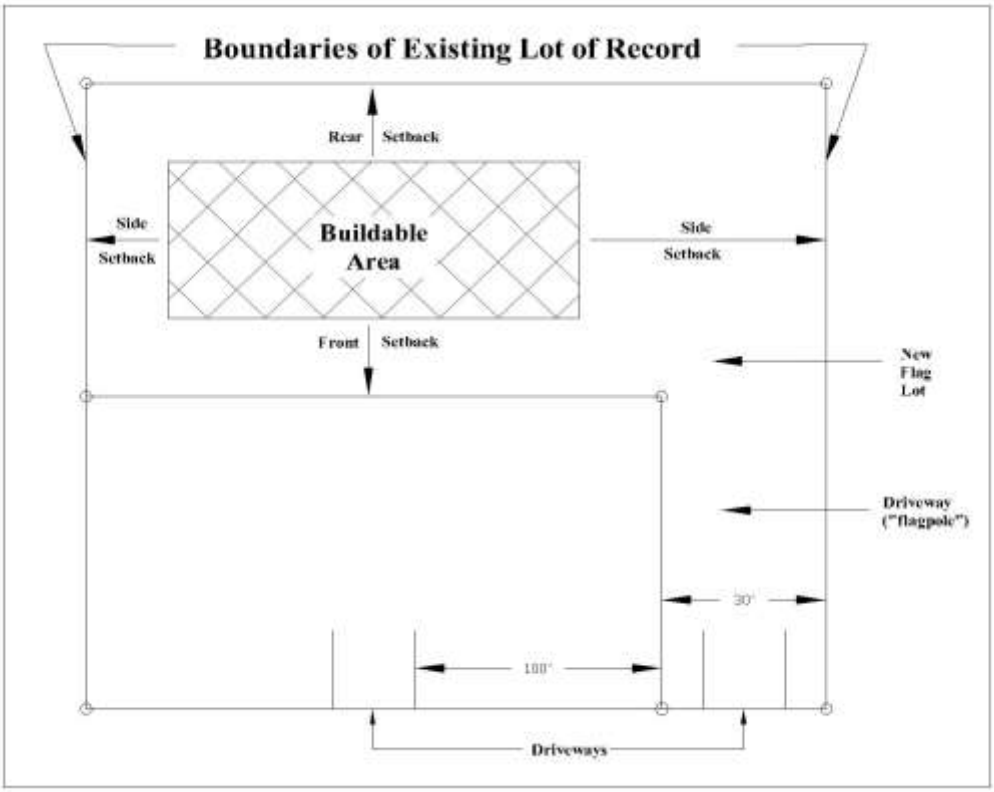
a) <u>Creation of Flag Lot or Access Easement to Permit Full Use of an Existing Lot of Record.</u>

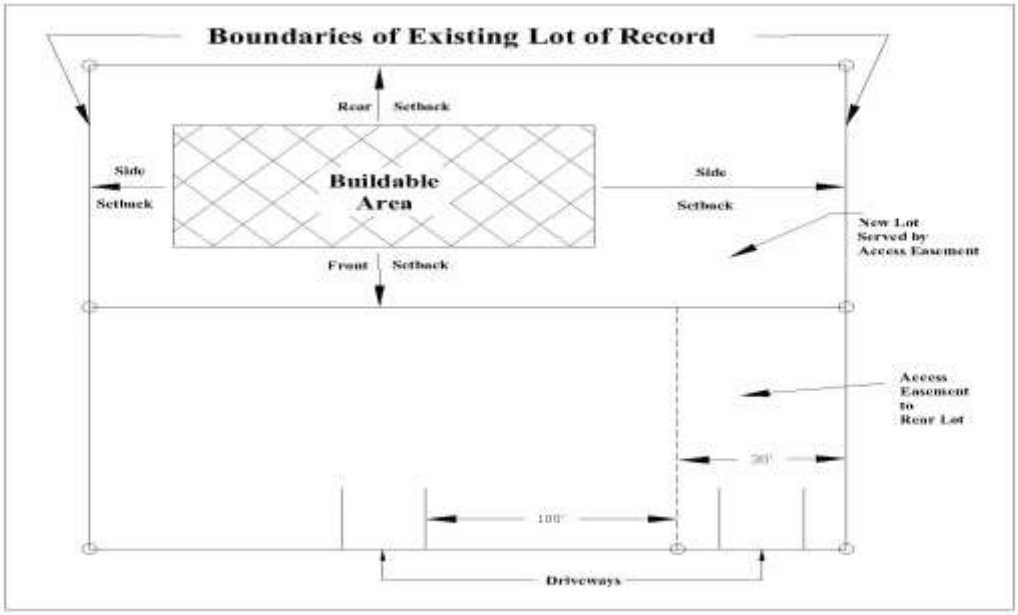
A flag lot or access easement may be created from an existing lot of record to allow full and complete development thereof, provided that:

1) the existing lot of record meets all zoning requirements specified for the zoning district in which it is located, both before and after subdivision; and

2) the "flag" section of the flag-shaped lot, or of a single lot accessed by an access easement, shall meet or exceed the dimensional requirements specified for the zoning district in which the lot is located. The area of the access driveway of the flag lot or access easement (the flagpole portion) shall not be included in computing minimum lot area requirements. Title to the access driveway (the "flagpole" portion of the flag lot) must be conveyed by general warranty deed in the same manner as title to the "flag" portion of the lot, or in the case of an easement, recorded with the deed to the accessed lot; and

3) the driveway ("flagpole") section of the flag lot or of the access easement shall be not less than 30 feet wide, and the nearest edge of the driveway ("flagpole") section shall be located no closer than 100 feet to any driveway or street, measured from the edge of the nearest driveway or street. In order to facilitate possible future development, for any parcel of 50 or more acres in size, the flag pole section of a flag lot or of an access easement shall not be less than 50 feet in width for its entire length and shall have a minimum road frontage of 50 feet.


Boundaries of Existing Lot of Record
Rear Setback
Side Setback
Buildable Area
Side Setback
Front Setback
New Flag Lot
Driveway ("flagpole")
30'
100'
Driveways


Boundaries of Existing Lot of Record
Rear Setback
Side Setback
Buildable Area
Side Setback
New Lot Served by Access Easement
Front Setback
Access Easement to Rear Lot
30'
100'
Driveways

4) Once subdivided to include a flag lot, the existing lot of record shall not be further subdivided for a period of 12 months from and after the creation and recording of the flag lot.

5) A driveway shall provide access to no more than two (2) parcels of land.

b) <u>Creation of Flag Lot to overcome unusual natural or topographic conditions or existing lot configurations.</u>

Flag lots may be created in new subdivisions only where natural or topographic conditions or where existing lot configurations create access problems, provided:

1) Access easements or the "flagpole" parts of flag lots shall be not less than 30 feet wide for their entire length, and shall front for at least 30 feet on a public street. In order to facilitate possible future development, for any parcel of 50 or more acres in size, the flag pole section of a flag lot or of an access easement shall not be less than 50 feet in width for its entire length and shall have a minimum road frontage of 50 feet.

2) Centerlines of flag-lot and access-easement driveways shall be separated by the required minimum lot width for the zoning district in which the flag lot is to be created, measured at the front property line. Contiguous or adjoining flag lots and/or access easements are prohibited.

3) Use of flag-lot and access-easement driveways by adjoining lots on either side of the driveway is encouraged as a means of limiting curb cuts, but neither a flag-lot driveway nor an access-easement driveway shall be used to access a second flag lot or access easement.

4) Neither the area of a "flagpole" section of a flag lot nor the area of an access easement shall be counted when computing the minimum area of a lot as required by Article 2, Table 2 of this Chapter.

5) A driveway shall provide access to no more than two (2) parcels of land.

c) <u>Creation of Flag Lot or Access Easement to Permit Access to an Additional Single Parcel of Land.</u>

A flag lot or access easement may be created to access an additional single parcel of land, provided that:

1) the parcel meets all zoning requirements specified for the zoning district in which it is located, both before and after subdivision; and

2) the "flag" section of the flag-shaped lot, or of a single lot accessed by an access easement, shall meet or exceed the dimensional requirements specified for the zoning district in which the lot is located. The area of the access driveway of the flag lot is located. The area of the access driveway of the flag lot or access easement (the flagpole portion) shall not be included in computing minimum lot area requirements. Title to the access driveway (the "flagpole" portion of the flag lot) must be conveyed by general warranty deed in the same manner as title to the "flag" portion of the lot, or in the case of an easement, recorded with the deed to the accessed lot; and

3) the driveway ("flagpole") section of the flag lot or of the access easement shall be not less than 30 feet wide *in width for its entire length and shall have a minimum road frontage of 30 feet*, and the nearest edge of the driveway ("flagpole") section shall be located no closer than 100 feet to any driveway or street, measured from the edge of the nearest driveway or street. In order to facilitate possible future development, for any parcel of 50 or more acres in size, *it is recommended that* the flag pole section of a flag lot or of an access easement should not be less than 50 feet in width for its entire length and *should* have a minimum road frontage of 50 feet.

4) Once subdivided to include a flag lot or access easement, the lots may not be further subdivided unless additional access is provided via a public or private road.

5) A driveway shall provide access to no more than two (2) parcels of land.

Access easements shall not be permitted in new multi-lot subdivisions.

Section 7.9.5 Double-frontage Lots

Lots in residential subdivisions involving new streets, where proposed for areas adjacent to an arterial street, shall be denied direct access to and separated from such arterial streets by double- or reverse-frontage lots. Elsewhere, double-frontage lots shall be prohibited.

Residential reverse-frontage lots shall have a minimum rear yard of fifty (50) feet next to the arterial street, measured from the shortest distance of the proposed back building line to the street right-of-way. Within such rear yard and immediately adjacent to the right-of-way, there shall be a non-access planting-screen easement at least ten (10) feet in depth.

Section 7.9.6 Alignment

Side lot lines shall be aligned at approximately right angles to straight street lines and radial to curved street lines.

Section 7.10 Blocks

Section 7.10.1 Residential

(A) Block lengths shall be appropriate to topographic conditions and density to be served, but shall not exceed 1,200 feet in length, or be less than 300 feet in length.

(B) Blocks should be of sufficient width to allow for two tiers of lots of appropriate depth, except where reverse-frontage lots are required along a major street, or where prevented by size, topographical conditions, or other inherent conditions of the property.

Section 7.10.2 Commercial and Industrial

Blocks intended for commercial or industrial development may vary from the standards of design detailed above in favor of dimensions more suitable to their prospective use; provided such blocks permit adequate traffic circulation and efficient pickup and delivery.

Section 7.11 Areas Subject To Flooding

If the area being developed, or any part thereof, is located within the boundary of a designated Flood Hazard Area, as delineated on FEMA Maps for Aiken County, that development shall conform to the requirements of Section 2.10.

Section 7.12 Water Supply

Section 7.12.1 DHEC Approval Required

All development and lots within subdivisions shall be provided by the applicant with water supplies and systems conforming to the requirements, rules, and policies of the South Carolina Department of Health and Environmental Control (DHEC), and approved by said agency.

Section 7.12.2 When Required to Connect to a Public or Community Water System

Depending on the number of housing units, residential subdivisions shall be required to connect to a public or community water supply system if such water system is available within the following distances, provided that the water system does not require annexation, whether immediate or future, and further provided that the operator of the water system has not determined in writing that such connection is not feasible:

Size of Development	Distance
2 lots	200 feet
3-10 lots	600 feet
More than 10 lots	1,500 feet

Multifamily and nonresidential developments, but not agricultural uses, shall be required to connect to a public or community water supply system if such system is located within 1,500 feet, provided that the water system does not require annexation, whether immediate or future, and further provided that the operator of the water system has not determined that such connection is not feasible.

The above distances are measured in a straight line between the nearest access point of the available water system to the nearest edge of any portion of the development property. In the case of phased developments, the above connection requirements apply regardless of the order of development of the phases. Subdivisions comprised of lots five (5) acres or more in size or exempt from the above requirements to connect with a water system. In the case of such subdivisions with lots of five acres or more in size, if connection is not made to a sewer system, the final recorded plat of the subdivision shall be inscribed with a statement reading "No further subdivision of any of the parcels depicted hereon into any parcels less than five (5) acres in size is allowed unless the parcels are connected to a public or community sewer system prior to such further subdivision."

If a water system is not in place or cannot be extended, the developer must provide individual well-water systems, subject to applicable DHEC regulations and approval.

Section 7.12.3 Water System Requirements

The water supply system shall be adequate to handle domestic demand including fire flow, based on complete development, and shall be installed in accord with Aiken County Construction Specifications, latest edition, and DHEC regulations.

Section 7.12.4 Water System to Include Fire Hydrants

The applicant shall install fire hydrants in accordance with Section 7.14.

Section 7.13 Sanitary Sewerage Facilities

Section 7.13.1 DHEC Approval Required

All development and lots within subdivisions shall be provided by the applicant with sanitary sewer facilities conforming to requirements, rules, and policies of the South Carolina Department of Health and Environmental Control (DHEC), and approved by said agency. Said facilities shall be "stubbed out" prior to road surfacing.

Section 7.13.2 When Required to Connect to Public or Community Sewerage System

Depending on the number of dwelling units, residential subdivisions, including manufactured home subdivisions, and other residential developments such as duplex, triplex, quadruplex, and multifamily developments, including apartment complexes, and manufactured home parks shall be connected to a public or community sanitary sewer system if such sewer system is available within the following distances, unless the operator of the sewer system has determined in writing that such connection is not feasible:

Size of Development	Distance
6 -10 lots or dwelling units	600 feet if by gravity flow
11-20 lots or dwelling units	1,500 feet
21-30 lots or dwelling units	2,000 feet
More than 30 lots or dwelling units	2,500 feet

Nonresidential developments, but not agricultural uses, shall be required to connect to a public or community sewer system if such sewer system is located within 1,500 feet, provided that the operator of the sewer system has not determined in writing that such connection is not feasible.

The above distances are measured in a straight line between the nearest access point of the available sewer system to the nearest edge of any portion of the development property. In the case of phased developments, the above connection requirements apply regardless of the order of development of the phases. Subdivisions comprised of lots five (5) acres or more in size are exempt from the above requirements to connect with a

sewer system. In the case of such subdivisions with lots of five acres or more in size, if connection is not made to a sewer system, the final recorded plat of the subdivision shall be inscribed with a statement reading "No further subdivision of any of the parcels depicted hereon into any parcels less than five (5) acres in size is allowed unless the parcels are connected to a public or community sewer system prior to such further subdivision."

If a sewer system is not in place or cannot be extended, the developer must provide individual subsurface disposal systems, subject to applicable DHEC regulations and approval.

Section 7.13.3 Sewer System Requirements

The sanitary sewer system shall be adequate to handle the necessary flow based on complete development, and shall be installed in accord with Aiken County Construction Specifications, latest edition, and DHEC regulations.

Section 7.14 Fire Hydrants

(A) When a public or community water system is used in a residential subdivision or other development, fire hydrants shall be installed and spaced throughout each subdivision or development to maintain a 500' radius between hydrants. The County Engineer or appropriate fire official shall approve the location and spacing of hydrants.

(B) At their discretion, especially when a public or community water system is not used in a residential subdivision, or other subdivision, the Planning Commission may require the installation of "dry" fire hydrants if suitable bodies of water are available, as recommended by County staff and/or appropriate fire officials.

Section 7.15 Sidewalks

Sidewalks shall be required on one side of each street in all subdivisions with 50 lots or more with an average lot size of one half acre or less. Sidewalks also may be required by the Planning Commission to continue an existing walk in an adjacent subdivision or along an existing street to access nearby schools and/or public recreation areas. Within subdivisions,

sidewalks shall be at least 4 feet wide; when providing access to public facilities, sidewalks shall be not less than five feet wide.

Where proposed for construction, sidewalks shall be installed in accord with Aiken County Construction Specifications, latest edition.

Section 7.16 Surveys and Plats

All land developments within the jurisdiction of this Land Management Regulations Chapter shall be surveyed, platted, and marked in accordance with the Aiken County Plat Standards and the Aiken County Survey Requirements as maintained by the GIS Mapping Division of the Aiken County and in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 21.

Section 7.17 Dedications and Reservations

The responsibility for installing improvements required by Sections 7.3 through 7.16 rests with the applicant. Upon installation of these improvements, the owner of any developments within the unincorporated areas of Aiken County shall take steps to dedicate them and to have them accepted by County Council as follows:

(A) Prepare a deed conveying the improvements to the County.

i. Use standard deed forms for property conveyance.

ii. The title of conveyance shall be: "Aiken County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina."

iii. In the conveyance of roads and/or easements the deed must include a phrase reading that "…and appurtenances to said premises belonging or in any way incident or appertaining" in order to convey related structures such as drainage structures, catch basins, etc., to the County.

iv. A derivation clause must be included in the deed, referencing tax map, block, parcel numbers, recordation date, book and page number of the related plat.

v. Prior to acceptance by County Council of any conveyance deed, it shall be submitted to the Planning & Development Department for approval by the County Attorney.

(B) Provide title certification and affidavit.

i. The applicant shall provide to County Council a title certification by an attorney licensed in South Carolina, certifying that the applicant owns fee-simple title to such improvements, free and clear of liens and encumbrances. Should exceptions be noted, they must be specifically recited and recognized in the resolution for acceptance of such improvements by County Council.

ii. Prior to acceptance of title to a newly-constructed street (one completed within 2 years of consideration by Council), the applicant and the road contractor shall provide County Council with an affidavit stating that all construction costs have been paid and that the road is clear of all encumbrances.

(C) Record dedicated improvements.

Recording by the Planning & Development Department of an approved final plat constitutes a dedication of all public roads to public use, a dedication of all publicly-maintained neighborhood parks (not privately-maintained and/or privately-dedicated) and other public areas to public use, and a reservation for possible future public acquisition of such areas as may be required by the Planning Commission or County Council.

(D) Response of County Council.

The offer to dedicate roads and other improvements does not impose any obligation on County Council until Council has made an actual acceptance by resolution.

(E) Submittal of Maintenance Bond

Prior to the acceptance of new roads, drainage facilities, stormwater detention facilities and related appurtenances into the county maintenance system, the applicant shall furnish a maintenance bond in an amount determined by the Engineering Department to secure the maintenance of said improvements for a period of at least one (1) year. The bond shall be in a form available from the Planning & Development Department and shall be approved by the County Attorney. The surety, as specified in the bond, shall be a corporate surety licensed to do business in South Carolina. In lieu of such surety, the applicant shall post a cash bond or an irrevocable letter of credit from a bank licensed by the State of South Carolina or from a federally-insured lending institution.

Section 7.18 Certifications and Disclosure Statements

The following certifications, copies of which are available from the Planning & Development Department, shall be inscribed by the applicant on all copies of the Final Plat:

(A) Certificate of Final Approval;

(B) Engineer's or Surveyor's Certification;

(C) Owner's Certification;

(D) Disclosure Statements for flood hazard areas, if applicable (Section 2.10.22); and

(E) other certificates as required.

Section 7.19 Stormwater Drainage Systems

Stormwater drainage systems shall be designed and installed by the applicant to permit the unimpeded flow of natural water courses, to ensure drainage of all low points along the line of roads, to intercept stormwater runoff along roads, and to provide drainage away from on-site sewage disposal systems. No development shall be undertaken that appreciably increases the rate of surface water runoff. Refer to Chapter 19, Article IV,

Section 19-80 of the Aiken County Code of Ordinances for stormwater drainage requirements.

The best available technology shall be utilized to minimize off-site stormwater runoff, increase on-site infiltration, encourage natural filtration function, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water. Best-available technology may include measures such as detention/retention basins, recharge trenches, porous paving and piping, contour terraces, swales, and low-impact-development (LID) practices. Where detention/retention basins are used, privately or publically maintained, an all-weather access road is required to the facility.

ARTICLE VIII.
GENERAL AND ANCILLARY REGULATIONS

The regulations set forth in this Article are intended to clarify, supplement, or modify regulations set forth elsewhere in this Chapter.

Section 8.1 Application of Regulations

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

No part of a setback, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Chapter shall be included as part or all of the required setback, open space, or off-street parking for another building or structure, except as hereinafter provided.

Section 8.2 Exceptions and Modifications

Section 8.2.1 Setbacks - Corner Lots

The setback from the street upon which the principal building will face shall be the minimum required front setback. The setback from the street upon

which the side of the building will face also shall meet the minimum front setback requirements for the district within which the lot is located. The minimum side setback requirements for the district within which the lot is located shall be provided along all other lot lines.

Section 8.2.2 Setbacks - Through or Double Frontage Lots

Front setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front setback of the street upon which the principal building fronts.

Section 8.2.3 Setbacks - Partially Developed Areas

The front-setback requirements for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within 200 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setbacks of the aforementioned existing buildings, as shown below:

Section 8.2.4 Setbacks – Multiple Buildings on Lot

Whenever more than one building is to be located on a lot, the required setbacks shall be maintained around the group of buildings and buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.

Section 8.2.5 Height

The height limitations of this Chapter shall not apply to the following, except in the Airport Overlay District (AO), Section 2.9:

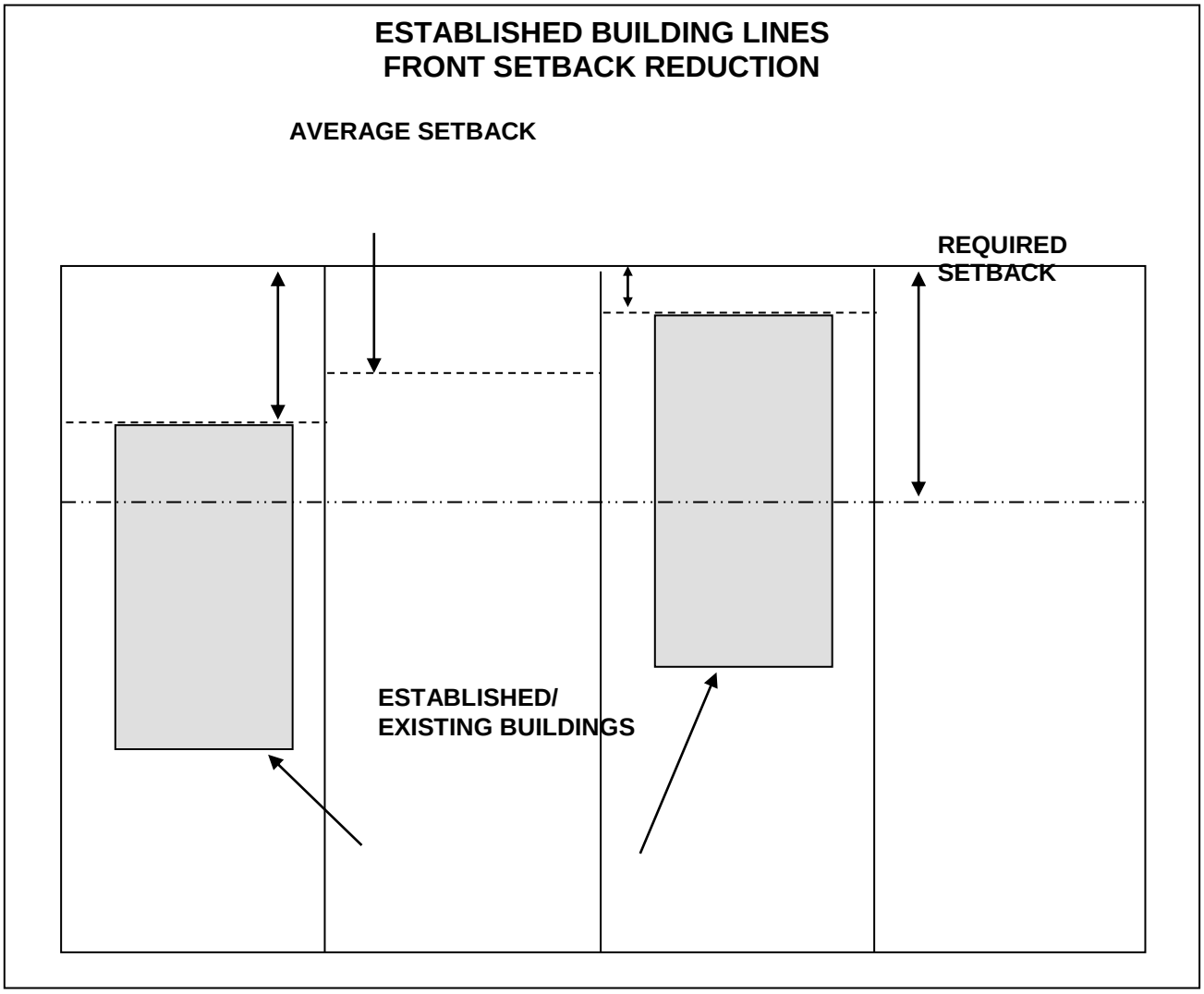
belfries	flag poles
chimneys	fire towers
church spires	public monuments
public utility poles	water tanks
cooling Towers	domes
cupolas	

These features shall be erected to the minimum height necessary to accomplish the purpose they are intended to serve. No height extension shall serve as a place for human habitation.

The height of communication towers and antennas shall comply with the height requirements of Section 24-3.5.5 and 6.

Section 8.2.6 Projections and Fences and Walls; Appearance

The space in any required setback shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such



features shall project no more than two feet into any required setback.

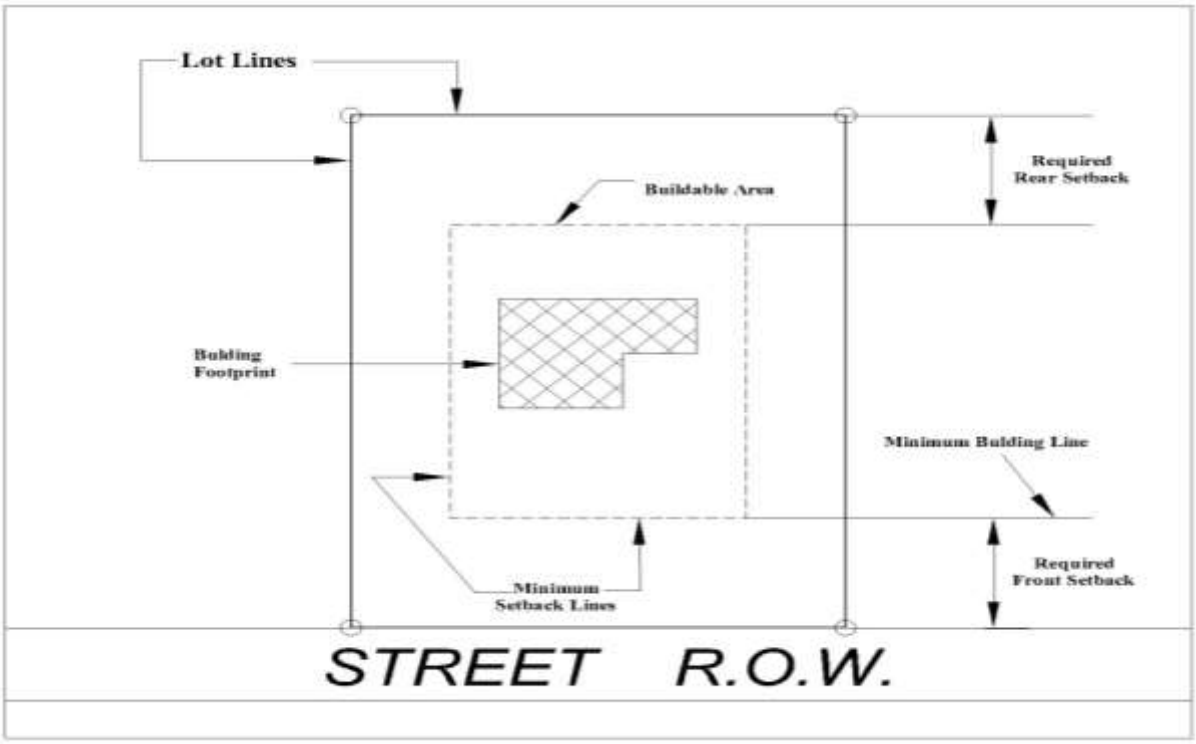
Steps and heating and cooling units may project into a required setback a distance not to exceed five (5) feet but no closer than three (3) feet of a property line. Fences, walls, and hedges may be erected in any required setback area or along the edge of a property line; provided, that no such structure or hedge shall impede visibility at intersections; further provided that such fence, wall or hedge shall not exceed in the front yard of a residential district four (4) feet in height or six (6) feet in height in any other yard. Any fences and/or walls greater than eight feet in height erected on any property shall be approved by the Building Official.

All fences and walls erected on any property must have a finished side that faces adjoining property. The interior side of the fence or wall may be finished as applicant or owner deems appropriate. Where fences and/or walls are proposed by the applicant or owner, but not required by the applicable bufferyard requirements, such fences and/or walls shall be established along the inside line of the bufferyard, toward the proposed use, except for ornamental fences or fences to the rear of the property, which may be built on the property line. Security fences and walls also may be established along the outer perimeter of the lot, in compliance with this Section 8.2.6 and Section 8.5.

Section 8.3 Measurements

Section 8.3.1 Setbacks, Buildable Area

The required front, side, and rear setbacks for individual lots, as set forth in Table 2 shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the setback areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot setback shall be known as the “buildable area” within which the approved structure(s) shall be placed.



Section 8.3.2 Height

The height of a building or structure shall be measured from the mean grade elevation within 20 feet of the structure or from the base of a tree when computing height in the Airport Overlay District, to the highest point of the building roof, structure, or tree.

Section 8.4 Number of Principal Buildings/Uses on a Lot

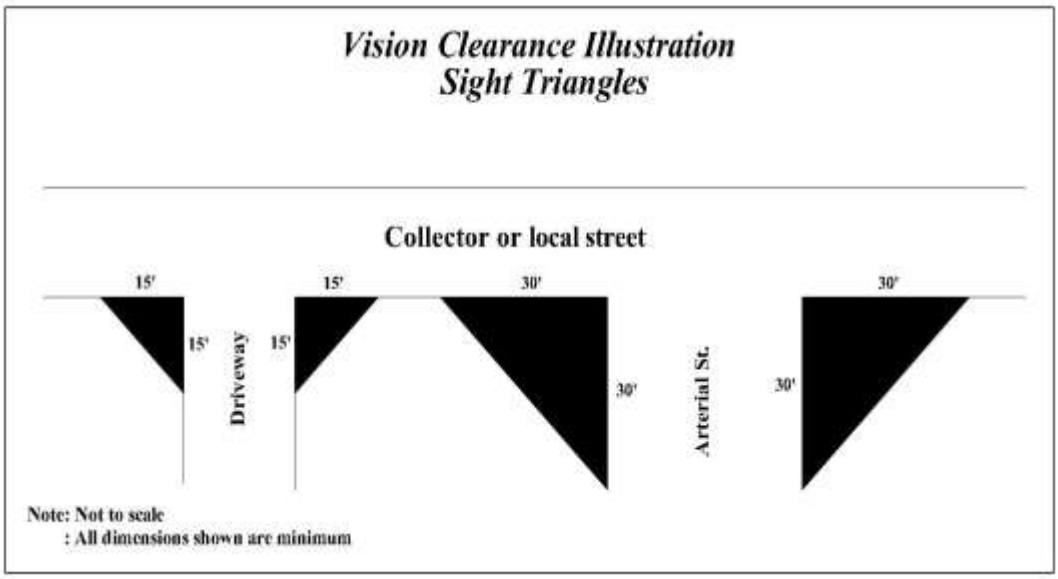
Not more than one principal residential building or use may occupy a lot of record in the RC, RM, OR, and RUC Districts.

Two (2) single -family residential dwellings and/or manufactured dwellings, where permitted, may be located on a lot of record in the RD District; provided all applicable lot area and setback requirements are met for each principal use (dwelling), as if it were established on a single lot and so arranged to ensure public access in the event the property is subsequently subdivided for sale or transfer. Property owners may sketch dwelling location(s) on an existing plat or tax map copy to demonstrate setback compliance at the time of application.

There is no limit to the number of principal uses and buildings on a lot in all other zone districts, including multi-family dwellings in the RD District; provided such uses shall meet lot area, setback and all other applicable requirements of this Chapter; further provided, that where three or more manufactured homes are to be located on a lot, said homes shall by definition constitute a manufactured home park and shall meet in full the development requirements of Section 3.16 and the location requirements of Table 1-A and 1-B.

Section 8.5 Visibility at Intersections

No planting on a corner lot shall be placed or maintained and no fence, building, wall, sign, or other structure shall be constructed at any point between a height of three and a half (3½) feet and nine (9) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines or driveway lines and on the third side by a straight line connecting points on the two street right-of-way lines or street and driveway lines as required by the site triangle and vertical vision clearance illustration below. However, poles and support structures less than 12" in diameter may be permitted in such areas.



Section 8.6 Accessory Buildings and Uses

1. No mobile or manufactured home shall be used as an accessory building. Shipping containers may be used as accessory buildings in IND, UD, and RUD.

2. When located within the buildable area in any zoning district, accessory buildings may be constructed to a height of 20 feet. If located in a required setback area, said buildings shall not exceed 12 feet in height. These height restrictions do not apply to accessory buildings in the RUD and IND zoning districts.

3. No accessory use shall occupy any part of a required bufferyard.

4. Accessory buildings in the RC, RD and RM Districts shall not exceed 50 percent of the gross floor area on record at the Aiken County Assessor's Office of the principal structure to which they are accessory, except on parcels five acres or more in size, and shall occupy no more than 30 percent a setback area. On such parcels of five acres or more in size in the RC, RD and RM Districts, no accessory building which exceeds fifty percent of the gross floor area of the principal structure shall occupy any portion of a required setback area. If an accessory building which exceeds 50 percent of the gross floor area of a principal building is constructed on a parcel, the parcel on which the accessory and principal buildings are located shall not be reduced to a parcel less than five acres in size.

5. Unless modified by Table 9, accessory uses and structures shall observe the required setbacks applicable to the principal building or use, as set forth in Table 2.

   Accessory buildings of five thousand (5,000) square feet gross floor area or greater in the RC, RD, RM, RH5, & RH5B Districts shall be set back a minimum of thirty (30) feet from front property lines, then (10) feet from side property lines, and twenty (20) feet from rear property lines, plus ten (10) feet for each additional one thousand (1,000) square feet of gross floor area over five thousand (5,000) square feet.

6. Additions attached to the primary structure, not under a common roof, and used in association with the outdoors may use accessory building setbacks for the side and rear setback (5 feet). These uses are limited to decks, porches, screened-in porches, and unheated sunrooms. The reduced setbacks are only available in cluster, patio, and zero-lot-line housing developments with lot sizes under 10,000 square feet.

TABLE 9 SETBACK MODIFICATIONS, ACCESSORY USES (A)				
Accessory Uses	**Required Setback**			
To Residential Uses	**Front**	**Side**	**Corner Lot**	**Rear**
Bathhouses & Cabanas	BL	10'	BL	10'
Domestic Animal Shelters	BL	5'	BL	5’
Non-commercial greenhouses	BL	5'	BL	5’
Detached garages & carports	BL	5'	BL	5’
Fences & walls	(B)	(B)	(B)	(B)
Swimming pools & tennis courts	BL	10'	BL	10'
Auxiliary shed, workshop, etc.	BL	5'	BL	5'
Off-street parking	10’	0’	10’	0’
Horticulture, gardening	0’	0’	0’	0’
Family day care home	BL	BL	BL	BL
Satellite dishes, etc.	BL	10'	BL	10’
To Non-Residential Uses				
Buildings, structures	BL	BL	BL	BL
Open Storage	BL	BL	BL	BL
Off-street parking area	0'	0'	0'	0'
Off-street loading are	0'	0'	0'	0'
Free standing signs	See Table 5			

(A) Setback modifications apply only to listed accessory uses that are less than 50 percent of the gross floor area of the principle structure to which they are accessory.

(B) Fences and walls may be located in all required setbacks along any property line provided the structure shall meet the requirements of Section 8.2 and 8.5.

BL Required Building setback Line.

Section 8.7 Nonconformities

Section 8.7.1 Continuation

Nonconforming uses, buildings, or structures are declared by this Chapter to be incompatible with permitted uses in the districts in which they are located. However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Chapter and/or the ZDSO may be continued ("grandfathered") even though such use, building, or structure does not conform with the provisions of this Chapter.

Nonconforming uses shall be allowed to continue on the parcel on which they were located at the time of adoption of this Chapter as long as the size of that property parcel is not increased and the nonconforming use is not expanded onto adjoining property parcels. For example, non-conforming manufactured-home parks shall be limited to the number of manufactured homes originally approved for the park by the County or by the State of South Carolina. Similarly, nonconforming wrecking yards, junkyards and salvage yards shall be limited to the parcel or parcels on which such uses were located at the time of enactment, amendment, or revision of this Chapter.

Section 8.7.2 Modification

A proposed change or modification to a nonconforming use shall be governed by the following:

(A) <u>Change of Nonconforming Use</u>

If a change from one nonconforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:

i. Nonconformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and

ii. The new nonconforming use shall not present an increase in the degree of nonconformity from the preceding use. The

following factors shall be considered in determining whether a new use increases the degree of nonconformity: required number of parking spaces, hours of operation, nature of business or land use, bufferyard requirements, noise generated, or other standards relevant to the proposed business or use.

If a change to a permitted use is proposed which is nonconforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.

For example, compliance with a requirement is not reasonably possible if it requires adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.

Whenever a nonconforming use of land or building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed back to a less-restricted or nonconforming use.

(B) Repair or alteration of Nonconforming Use, Building or Structure

The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by Subsection (A) (i) above.

(C) Replacement and/or Reconstruction of Nonconforming Use

A nonconforming building or structure may be replaced or reconstructed to the extent of fifty (50) percent of its appraised value. A Building Permit for the replacement or reconstruction of a nonconforming building or structure once removed, damaged or destroyed must be initiated within 180 days or the right of replacement shall be forfeited.

Replacement may occur within the original building "footprint"; provided the replacement structure shall in no way increase the nonconformity of said use, except as otherwise permitted by Subsections (A) (i) and (ii) above.

Replacement of a nonconforming mobile or manufactured home not located in a manufactured home park, once removed from a lot or parcel, shall be accomplished within 180 days of removal or forfeit nonconforming status shall be forfeited, and if the mobile or manufactured home is replaced it shall not infringe on established setbacks, and shall meet in full the requirements of Section 3.14 of this Chapter. Mobile or manufactured homes located in nonconforming manufactured home parks may be replaced without time limitations provided the total number of units in the park does not exceed the total number for which the park was approved at the time of enactment, amendment, or revision of this chapter. Nonconforming standard-design manufactured dwellings may be replaced by residential-design manufactured dwellings as long as any existing nonconformity with required setbacks is not increased.

Section 8.7.3 Discontinuance

No building or parcel of land, nor any portion of any building or parcel of land used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of 540 days, whether or not the equipment or fixtures are removed, shall be used again except in conformity with the regulations of the district in which such building or land is located.

Section 8.7.4 Proof of Nonconformity

When seeking relief under Section 8.7 it shall be the responsibility of the owner, manager or tenant of a nonconforming use to establish existence of such use prior to the effective date of this Chapter.

Section 8.7.5 Lot of Record

Where the owner of a lot at the time of the adoption of this Chapter does not own sufficient land to enable him to conform to the setback requirements of this Chapter, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by

more than 20%. Setback reductions greater than 20% shall be referred to the Board of Appeals for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Chapter.

Section 8.8 Repair of Motor Vehicles in Residential Districts

The repair of motor vehicles in the RC, RD, RM or the OR District shall be subject to the following restrictions:

(A) Only minor repairs and maintenance may be performed which, for purposes of this Section, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid and lubricating oil; the replacement of spark plugs and ignition points; the rotation of tires and replacement of drive belts and hydraulic lines.

(B) All other repairs shall be confined to totally enclosed spaces and only accomplished on privately registered vehicles having current license plates, or vehicles designated by the State as qualifying for antique carriage designation.

Section 8.9 Garage and Yard Sales

Garage, yard, tag, patio and apartment sales are permitted in all districts. However, such sales shall be limited in residential districts to four (4) per calendar year, with a maximum duration of two days per sale.

Section 8.10 Placement of Objects and Vehicles on, In, or Adjacent to Road Rights-of-Way, Road Easements, and Roadways; Hazardous Objects

(A) No signs, fences, walls, or other objects, including vehicles, may be placed either temporarily or permanently on or in any road rights-of-way, road easements, or roadways owned by the federal, state, or county government, except by a duly-authorized governmental department or agency and/or except as permitted by Federal, State, or County law, including Aiken

County Code Section 19-5. This provision does not prohibit the appropriate parking of vehicles in or on roadways where authorized, where not prohibited, and/or where such parking does not block any travel lane of the road.

(B) No hazardous vehicles such as fuel-tanker trucks, trucks for the transport of propane gas or natural gas, chemical tankers, or other similar vehicles or objects containing hazardous and/or toxic materials may be placed or parked either temporarily or permanently in or on any such road rights-of-way, road easements, or roadways. In addition, no such hazardous vehicles or objects may be placed or parked temporarily or permanently in or on the adjacent areas within ten (10) feet of the outer edge of any such road rights-of-way or road easements.

(C) There are two exceptions to the above provisions of this Section in regard to vehicles. The first exception is in the event of mechanical vehicular breakdown or accident; in such limited cases the vehicles and their contents shall be removed as soon as possible from said road rights-of-way, road easements, roadways, and adjacent areas within ten (10) feet of the outer edge of said rights-of way or road easements. The second exception is for brief stops of vehicles for the purposes of delivery and/or pickup of materials where appropriate off-street parking or loading space on private property is not available.

ARTICLE IX.
ESTABLISHMENT, POWERS AND DUTIES OF OFFICIALS, COMMISSIONS AND BOARDS RESPONSIBLE FOR ADMINISTRATION OF THIS CHAPTER

Section 9.1 Planning and Development Director

The Planning and Development Director is hereby designated and duly charged with the authority to administer and enforce the provisions of this Chapter, with the exception of the authority of the Building Official as specified in Section 2.10 FHO, Flood Hazard Overlay District.

The Planning and Development Director shall accept and examine all applications for construction, land use or reuse, and shall issue permits where such applications are in accord with the provisions of this Chapter and applicable building codes. He shall direct parties in conflict with this Chapter, and cause to be kept records and files of any and all matters referred to him.

If the Planning and Development Director finds that any of the provisions of this Chapter is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He 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; discontinuance of any illegal work being done; and shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.

Section 9.2 Planning Commission

Section 9.2.1 Establishment

The Aiken County Planning Commission is hereby reestablished under the provisions of the S.C. Code §6-29-320. Refer also to Article II of Chapter 17 of the Code of Ordinances of Aiken County.

Section 9.2.2 Powers and Duties of the Planning Commission

The Planning Commission shall have the powers and duties provided in S.C. Code §6-29-310, et seq.

Section 9.2.3 Composition of the Commission

The Planning Commission shall consist of nine (9) members. They shall be residents of Aiken County and appointed by County Council for staggered overlapping terms of four years which coincide with the terms of the County Council members who make each respective appointment.

To the extent possible, membership should be representative of the racial and gender composition of the County, and represent a broad cross-section of the interests and concerns of the County. No member shall be the holder of an elected public office in Aiken County.

Members shall serve until their successors are appointed and qualified. Members shall serve without pay but may be reimbursed for any eligible expenses incurred while representing the Commission.

Section 9.2.4 Removal of Members

Members of the Planning Commission may be removed at any time by County Council for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, S.C. Code, §30-4-70(a) (1). The determination of removal shall be by vote of County Council in public session, declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

Section 9.2.5 Organization and Rules of Procedure

The Planning Commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code, §6-29-360.

Section 9.3 Board of Appeals (BA)

Section 9.3.1 Establishment

A Board of Appeals is hereby established. Said Board shall consist of nine (9) members, who shall be residents of Aiken County and who shall be appointed by the County Council for overlapping terms of four (4) years which coincide with the terms of the County Council members who make each respective appointment. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the original appointment. Members shall serve without pay but may be reimbursed for any eligible expenses incurred while representing the Board.

Section 9.3.2 Proceedings

The Board of Appeals shall elect a Chairman and a Vice-chairman from its members who shall serve for one (1) year or until re-elected, and shall appoint a Secretary who is the Planning and Development Director of the County. The Board shall adopt rules and by-laws in accordance with the provisions of this Chapter and of the General Statutes of South Carolina, Title 6, Chapter 29, Article 5, Code of Laws of S.C., 1976 as amended. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public unless the Board determines that any portion of a meeting should be in executive session as permitted by the Freedom of Information Act. S.C. Code 30-4-70.

Section 9.3.3 Decisions

The concurring vote of at least a majority of a quorum of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Planning and Development Director or the Building Official, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Chapter, or to effect any variation of this Chapter. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. On all appeals, applications and matters brought before the Board of Appeals, the Board shall inform in writing all the parties involved in its decisions and reasons thereof.

Section 9.3.4 Appeals, Notice, Hearing

(A) Appeals to the Board may be taken by any person aggrieved or by an officer, department, board or bureau of the County. Such appeal shall be taken within thirty (30) days from the date that the appealing party has received actual notice of the action from which the appeal is taken, by filing with the Development Official (or with the Building Official if the appeal relates to Section 2.10) and with the Board of Appeals notice of said appeal specifying the grounds thereof. The Development Official (or the Building Official, if the appeal relates to Section 2.10) shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(B) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Planning and Development Director (or the Building Official if the appeal relates to Section 2.10) certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in the opinion of the Planning and Development Director or Building Official, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(C) Each applicant for an appeal or variance shall pay, at the time of making application, a required fee for the cost of advertising and mailing notices. In addition to any other application fee required, all costs to process and mail the additional written notices set forth in Section 9.3.4 (D) for a public hearing on a Special Exception Application provided for in Section 3.5.9 (A) shall be borne by the applicant. County staff shall notify the applicant of the costs to provide the required notifications prior to mailing, and no notices shall be mailed until the applicant has paid for those costs in full.

(D) The Board shall hold a public hearing and shall fix a reasonable time for the hearing of the appeal or other matter referred to it,

and give public notice thereof, as well as due notice to the parties in interest, including all adjacent property owners, and decide the same within a reasonable time. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least fifteen (15) days in advance of the scheduled hearing date. At the hearing any party may appear in person or by agent or attorney. Notice also shall be posted on or adjacent to the affected property no less than fifteen (15) days before the hearing, with at least one such notice being visible from each public thoroughfare that abuts the property.

Additional Requirements for Expanded Notification of Public Hearing for Special Exception Application for tower up to height of 250 feet one mile or less from existing RC zoning district. In addition to any other notice of public hearing required, the county staff shall also provide written notice of the hearing on a Special Exception Application provided for in Section 3.5.9 (A) no less than ten (10) calendar days prior to the scheduled date of the public hearing to all landowners whose property is located within a seven hundred fifty foot (750') radius of the property line of the lot or parcel on which the new wireless telecommunications facility is proposed to be located or on which the proposed wireless telecommunication facility that increases the height of the structure to which it is to be attached is located.

(E) If, in the judgment of the Planning and Development Director or any County Councilmember, the land with which the hearing is concerned is in such an isolated location that the sign erected on such land may not be readily noticed by the public, the Development Official shall erect sufficient additional signs in highly visible and reasonable locations as to provide appropriate notice to the public.

(F) It is the intention of this Chapter that all questions arising in connection with the enforcement of the Chapter shall be presented first to the Planning and Development Director (or to the Building Official if the questions relate to Section 2.10) and that questions shall be presented to the Board of Appeals only on appeal from the decision of the Planning and Development Director or Building Official.

Section 9.3.5 Powers and Duties

The Board of Appeals shall have the following powers and duties:

(A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the Development Official or Building Official in the enforcement of this Chapter.

(B) To hear and decide appeals for variance from the zoning requirements of this Chapter when strict application of the provision of the Chapter would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

i. There are extraordinary and exceptional conditions pertaining to the particular piece of property; and

ii. These conditions do not generally apply to other property in the vicinity; and

iii. Because of these conditions, the application of this Chapter 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.

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the Aiken County Official Zoning Map.

The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed

building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

(C) When an application for a variance involves property located within a Flood Hazard Area, the Board, in addition to the above, shall consider the following in its deliberations:

i. the danger that materials may be swept onto other lands to the injury of others;

ii. the danger to life and property due to flooding or erosion damage;

iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner;

iv. the importance of the services provided by the proposed facility;

v. the necessity of the facility to a waterfront location, in the case of a functionally-dependent facility;

vi. the availability of alternative locations, not subject to flooding or erosion damage for the proposed use;

vii. the safety of access to the property in times of flood;

viii. the expected heights, velocity, duration, rate of rise, and sediment transport of flood waters; and

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

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

In addition to the four findings described in Section 24-9.3.5(B) above, the following conditions also shall apply to any flood-related

variances considered by the Board under the provisions of this Section 24-9.3.5(C):

i. Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

ii. Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, and will not create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

iii. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

iv. The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and to the State of South Carolina upon request.

(E) All final decisions and orders of the Board must be in writing and be permanently filed in the Aiken County Planning & Development Department as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

(F) In exercising the above powers, the Board of Appeals may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or

determination and to that end shall have all the powers of the Planning and Development Director or Building Official from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the Circuit Court having jurisdiction.

(G) The Board does not have the authority to grant a vested right and no such right shall accrue as a result of their decisions.

ARTICLE X.
ADMINISTRATION, APPLICATION AND REQUIRED PERMITS

Section 10.1 Purpose

This Article sets forth the procedures required for obtaining Building Permits, Development Permits, Sign Permits, and Certificates of Occupancy. It also establishes procedures for processing land development applications, and defines the duties, powers, and limitations of officials, departments, commissions, boards, and other groups which are or may be involved in the administration and enforcement of this Chapter.

Section 10.2 Platting Authority

No plat of a subdivision within the County shall be entitled to be recorded in the office of the Aiken County Registrar of Mesne Conveyance and no Building Permit may be issued until the plat has the final approval of the Planning Commission or Planning and Development Director inscribed thereon. The Aiken County Registrar of Mesne Conveyance may not accept, file, or record a subdivision plat involving a land area subject to land development regulations adopted pursuant to this Chapter unless the subdivision has been properly approved. The filing or recording of a plat of a subdivision without the final approval as required by this Chapter is declared to be a misdemeanor and is subject to the penalties as provided by law. A public official who violates the provisions of this Section is, in each instance, subject to penalty as provided by law, and the affected governing body, private individual, or corporation has rights and remedies as to enforcement or collection as are provided, and may enjoin any violations of them.

Section 10.3 Use of Plat

The owner or agent of the owner of any land to be subdivided shall be prohibited from transferring, selling or conveying such land by reference to, exhibition of or other use of a plat of such proposed subdivision before such plat has been approved in accordance with this Chapter and recorded in the office of the Aiken County Registrar of Mesne Conveyance. A transfer of title in violation of this Section is a misdemeanor and, upon conviction, must be punished in the discretion of the court. The inclusion of a metes and bounds description in the instruments that transfer or sell shall not validate the transaction. The County may enjoin or invalidate any transaction or grievance involving the conveyance of any lots not approved in conformance with this Chapter.

Nothing in this Section shall prohibit any person from entering into a contract to sell any lot in a proposed subdivision provided that the consideration for the contract of sale is nominal and there is a clause in the contract which would make the contract contingent upon Final Approval of the subdivision being granted. In addition, there shall be a notice in the contract of sale in conspicuous language which informs the potential buyer that the subdivision has not received Final Plat Approval and that the contract is contingent upon Final Approval. For the purposes of this Section, nominal consideration shall not be more than one hundred dollars ($100.00).

Section 10.4 Erection of Buildings

No Building Permit shall be issued and no building shall be erected on any lot in the County unless the street giving access thereto has been designed and approved in accordance with the provisions of this Chapter; or unless such street has otherwise obtained the legal status of a “public street”; or is a properly-maintained private street in accordance with Section 7.3.8 and 7.9.1; or unless that lot is provided legal access by duly-recorded access easement. If a plat is recorded showing such easement, there must be a deed of conveyance which references the easement as shown on said plat in order to qualify as a duly-recorded access easement (refer to Section 7.9.4,. Any building erected in violation of this Section shall be deemed an unlawful structure, and the County Building Official may bring appropriate action to enjoin such erection or cause it to be vacated or removed.

A “public street” as used in this Section may be maintained by a public body or may be privately-maintained. A “public street” may be dedicated by a deed, prescription or by dedication. A street may be public even if it has never been accepted by or maintained by a public body such as the Aiken County Government. A street may be public even if there is no deed conveying the road to Aiken County. There are no standards as to the condition required of a public street, such as width, construction, etc., when a landowner wishes to obtain a Building Permit. Such standards are only applicable when a property owner wishes to subdivide property.

Section 10.5 Responsibility

All requests for permits and licenses required by this Chapter, Chapter change, or variance from the terms of this Chapter shall be in the form of an application. The provisions of this Article shall govern the basic requirements for processing different types of applications from initiation to final action and issuance of a permit.

It shall be the responsibility of the Planning and Development Director (or the Building Official if Section 2.10 of this Chapter is involved) to administer the requirements for processing applications and issuing permits in accord with the provisions of this Chapter.

It shall be the responsibility of an applicant to provide the required information to process a permit application, to secure or renew a license or permit, and to present facts about circumstances which would justify a proposed change or modification to the terms and/or application of this Chapter.

The Aiken County Planning & Development Department is the designated intake point for all applications. It is also the records center of all activity authorized by this Chapter.

Section 10.6 Types of Applications

The applicant shall request from the Planning & Development Department staff a determination of application and permit processing requirements. The staff shall, in turn, evaluate the nature of the applicant’s request, and direct the applicant accordingly.

Types of applications for processing matters subject to the requirements of this Chapter include:

Section 10.6.1 Applications to Develop or Alter the Use of Land

This Section includes all land use and development activity covered by this Chapter. Applications to develop or alter the use of land are classified for administrative purpose into four (4) categories.

(A) **Small Subdivision** is one which (a) does not involve the creation of more than ten (10) lots, (b) is no larger than 10 acres, and (c) does not involve the creation of any new street or substantial change of an existing street. The term Small Subdivision includes manufactured home subdivisions.

(B) **Major Subdivision** is any subdivision other than an exempt or small subdivision. The term Major Subdivision includes manufactured home subdivisions.

(C) **Land Development** is any land development or land-altering activity requiring a permit from the County, other than a Subdivision or Major Land Development. Land Development does not include the construction of single-family or two-family residential dwellings or the installation of individual manufactured homes.

(D) **Major Land Development** includes business and industrial parks, Manufactured Home parks, shopping centers, multiple-occupancy buildings, and other developments, or additions thereto defined by Section 10.10.6 of this Chapter.

Section 10.6.2 Applications for Change (Rezoning) or Variance

This Section includes applications for changes to and/or a variance from any part or provision of this Chapter, of which there are three types of applications:

(A) Amendment is a change to the text or map (rezoning) of the Chapter.

(B) Variance is an adjustment or modification of any regulation alleged to impose an unnecessary hardship on the use or development of land. Also refer to definition in Article 11.

(C) Appeal is a petition by an applicant to reverse or modify a decision of an administrative officer, Board, Commission or Council.

Section 10.7 Eligible Applicants

Parties and individuals required and/or eligible to initiate an application to alter, develop, subdivide or utilize land for purposes and activities regulated by this Chapter, or to seek a variance from or to change requirements of this Chapter are identified on Table 10.

Parties not listed below may petition the Planning Commission and/or Council to initiate a change, but neither the Commission nor the Council is bound to act on behalf of such non-listed petitioner.

Table 10 Applicant Eligibility requirements					
	Applicants To Develop or Alter Use of Land	**Applicants for Change and/or Variance From Chapter Requirements**			
Eligible Applicants		**Amendment Text**	**Amendment Map**	**Variance**	**Appeal**
Property Owners	YES	NO	YES	YES	YES
Agent of Property Owner	YES	NO	YES	YES	YES
Option Holder	YES	NO	NO	NO	NO
Aggrieved Person or Party	NO	NO	NO	NO	YES
Planning and Development Director	NO	YES	YES	NO	NO
Planning Commission	NO	YES	YES	NO	YES
Governing Council	YES	YES	YES	YES	YES

Section 10.8 Application Procedures For Change (Rezoning or Text Amendment) or Variance

Section 10.8.1 Administrative Examination

Upon receipt of an application, the Planning and Development Director or Building Official, as appropriate, shall examine it for completeness, and shall, within ten (10) days, either return the application for additional information or deem it complete. An application must be deemed complete at a point at least 30 days prior to the date of the next regularly-scheduled meeting of the Planning Commission or Board of Appeals, as appropriate, in order to be placed on the agenda of that meeting.

Section 10.8.2 Public Notice

(A) All Applications

Public notice shall include announcing the application for change (rezoning or text amendment) or variance in a newspaper of general circulation in Aiken County at least 15 days prior to the date the application is scheduled for a public hearing. The notice shall state the nature of the change or variance and the time, date, and place of the hearing.

(B) Application for Zoning Map Change or Variance

Notice of an application for a map change (amendment) or variance shall be in accord with the provisions of Section 24-9.3.4, paragraphs (D) and (E).

Section 10.8.3 Public Hearing

The Planning Commission and the County Council shall each conduct a public hearing on all applications for change involving the text of the Land Management Regulations Chapter or for change involving the Zoning Map(s) (rezoning).

The Board of Appeals (BA) shall conduct a public hearing on all applications for relief involving variances and appeals.

Section 10.8.4 Review and Action

(A) By The Planning Commission

i. The Planning Commission shall act on a completed application within forty-five (45) days after receipt thereof to recommend either denial or approval. The decision shall be determined by at least a majority of a quorum. Failure to act within said time frame shall constitute a recommendation of approval. However, said 45-day time- frame may be extended by the mutual agreement of the Planning Commission and the applicant.

ii. The Planning Commission shall evaluate the proposed amendment and prepare a report relative to the following:

a) How the proposed amendment relates to and affects the Comprehensive Plan.

b) The need to correct an error or deficiency in the Chapter.

c) The relationship of the proposed amendment to surrounding land uses.

d) Whether the uses permitted by the proposed amendment would be appropriate.

e) Other circumstances and conditions affecting the property, surrounding land and the community at large.

Within 30 days of making its decision, the Planning Commission shall submit its report and a recommendation to County Council for final action.

(B) By the County Council

County Council shall consider the recommendation of the Planning Commission and vote to approve, deny, or modify the proposed amendment, refer it back to the Planning Commission

for further study, or take other action as the Council may deem necessary.

(C) By the Board of Appeals

Applications for a variance shall be evaluated by the Board of Appeals in accord with the applicable conditions prescribed by Subsections 24-9.3.5(B) and (C), as appropriate, of this Chapter.

Section 10.8.5 Notification

All applicants for change (rezoning or text amendment) or variance from the provisions of this Chapter shall be notified in writing of final action by the County Council or the Board of Appeals, as appropriate.

A variance or appeal approved by the Board of Appeals shall be confirmed by an order of the Board of Appeals, issued by the County Attorney.

Section 10.8.6 Appeals

(A) Of a Planning Commission Decision

i. An appeal from decision of the Planning Commission must be taken to the circuit court within thirty (30) days after actual notice of the decision is mailed.

ii. A property owner whose land is the subject of a decision of the Planning Commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Sec 6-29-1155 of the Code of Laws of South Carolina 1976, as amended.

(B) Of a County Council Decision

No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this Section, may be made sixty (60) days after the decision of the County Council if there has been substantial compliance with the notice

requirements of this Section or with established procedures of the County Council or the Planning Commission.

(C) Of a Board of Appeals Decision

i. A person who may have a substantial interest in any decision of the Board of Appeals may appeal from a decision of the Board to the circuit court in and for the County, by filing with the clerk of the court a petition in writing settling forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the decision of the Board is mailed.

ii. A property owner whose land is the subject of a decision of the Board of Appeals may appeal either:

a) as provided in Subsection (i) immediately above; or

b) by filing a notice of appeal with the circuit court in and for Aiken County accompanied by a request for pre-litigation mediation in accordance with Section 6-29-825 of the Code of Laws of South Carolina 1976 as amended. Any notice of appeal and request for pre-litigation mediation must be filed within 30 days after the decision of the Board is postmarked.

Section 10.8.7 Consideration of Denied Applications

Neither the Planning Commission, nor the County Council, nor the Board of Appeals shall reconsider an application for change (rezoning) or variance to the same lot, parcel or portion thereof, within a period of one year from the date of final determination and notification of a denied application.

Section 10.9 Application Procedures for Land Development Projects

Applications for land development projects, defined herein in Section 10.6.1(C), shall include filing the necessary forms required by Section 10.13 and submitting the permit data required by Table 11.

Section 10.10 Application Procedures for Subdivisions and Major Land Development Projects

The application process consists of three phases:

(A) Pre-application (optional).

(B) Application.

(C) Review.

These three phases are described below. Refer also to Section 10.10.7.

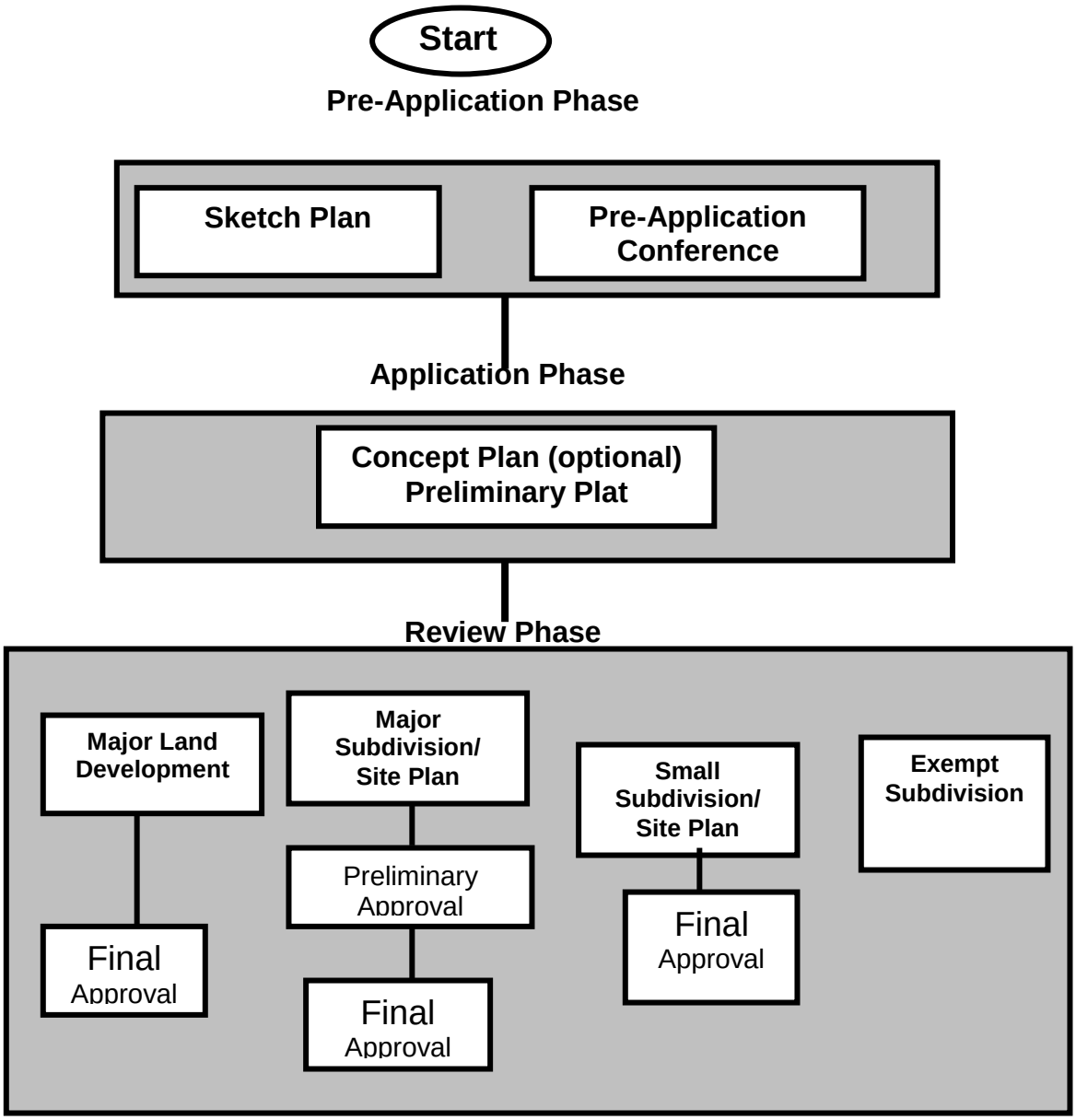
Section 10.10.1 Pre-Application (optional)

For the purpose of securing advice in the formative stages of development design, expediting applications, and reducing development costs, the applicant is encouraged to request a pre-application conference and/or submit a sketch plan for review and consultation, as follows.

(A) Pre-Application Conference

At the request of the applicant, the Planning and Development Director shall arrange a pre-application conference to discuss requirements of this Chapter, suggested Best Management Practices (BMPs) land development practices, proposed plans of the applicant, suitability of the site for development, applicable provisions of the Comprehensive Plan, and related matters. The Administrator may invite to the conference or consult with other County Departments and other agencies.

Procedures For Processing Subdivision and/or Major Land Development Applications



(B) Sketch Plan

In addition to or as an alternative to the pre-application conference, the applicant may request an informal review of a sketch plan for the proposed subdivision or other development. All data, correspondence and other information relating to a preliminary sketch plan shall be kept strictly confidential. Information concerning a proposed development becomes available to the public only in the event of the

submittal to the Planning & Development Department of a Concept Plan application or a Preliminary or Final Plat application.

The sketch plan shall be reviewed on the basis of its relationship to the Comprehensive Plan, suitability of the site for development, availability of necessary services and facilities, and requirements of this Chapter and all other applicable ordinances and regulations.

Section 10.10.2 Application

Applications will be assigned to one of the following four categories, as determined by the Planning and Development Director, and processed accordingly:

(A) an exempt subdivision, or

(B) a small subdivision, or

(C) a major subdivision, or

(D) a major land development project.

The designated responsibility for reviewing and approving each of the above is as follows:

Exempt Subdivisions	Planning and Development Director
Small Subdivisions	Planning and Development Director
Major Subdivisions	Planning Commission
Major Land Development Project	Planning Commission

Section 10.10.3 Exempt Subdivisions

Applicants for subdivisions which are exempt from the requirements of this Chapter (see Article 11 Definitions) shall nonetheless submit to the Planning and Development Director three (3) copies of the plats of such exempt subdivisions, such plats to be drawn to the requirements of the Aiken County Plat Standards, Aiken County Survey Tie-down Standards

and the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

Section 10.10.4 Small Subdivisions

(A) Applicants requesting approval of a proposed small subdivision, as defined by this Chapter, shall submit to the Planning & Development Director an application meeting all the requirements of Section 10.13.

(B) The Planning and Development Director shall review the application for compliance with the requirements of this Chapter, and if the Planning and Development Director finds the application to be in compliance, the Planning and Development Director will instruct the applicant to prepare a Final Plat, including all requirements for Final Plat Approval listed in Table 11.

(C) Action on the Final Plat shall be taken by the Planning & Development Director. If the plat is approved, said approval shall be so noted on the plat for recording.

The Planning and Development Director shall act on said plat within 60 days of submission of a complete application or the plat shall be deemed approved. The approval will be noted on the plat for recording.

Action by the Planning and Development Director may be appealed to the Planning Commission by any party in interest, and shall be acted on by the Commission within 60 days of receipt of the appeal by the Commission.

Section 10.10.5 Major Subdivisions

Applications requesting approval of a Major Subdivision, as defined by this Chapter, shall submit a Preliminary Plat, including the information required by Section 10.10.7, if applicable, and a Final Plat in accord with the following procedures:

(A) PRELIMINARY PLAT APPROVAL

The applicant shall submit to the Planning and Development Director 11 paper copies and one CAD file of the Preliminary Plat, together with all information and documents stipulated by Section 10.13.

The Planning and Development Director shall review the application for compliance with the requirements of this Chapter, and submit copies to all affected County and State agencies for review and comment.

Upon completion of these reviews, the Planning and Development Director shall forward the Preliminary Plat to the Planning Commission, together with all staff and agency comments and recommendations. The Planning Commission shall act on the application within 60 days of receipt of the application. In its deliberation, the Planning Commission shall approve, approve conditionally, or disapprove the Plat. If the Preliminary Plat is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan or Land Management Regulations Chapter with which the plat does not conform. In the event of conditional approval, the Commission may require the applicant to resubmit the Preliminary Plat with all required changes before approving said plat.

If the Preliminary Plat is found to conform to all requirements of the Comprehensive Plan and all applicable ordinances and regulations, approval shall be given by the Planning Commission and a certificate of Preliminary Plat Approval shall be inscribed on the plat as follows: "Pursuant to the Land Development Regulations of Aiken County, South Carolina, all requirements for Preliminary Plat Approval having been fulfilled, this preliminary plat was given approval by the Aiken County Planning Commission _____ 20__. This certificate of Preliminary Plat Approval shall expire and be null and void on _____, 20__." This certificate may be executed on behalf of the Aiken County Planning Commission by the Planning and Development Director.

(B) EFFECT OF PRELIMINARY PLAT APPROVAL

Preliminary Plat Approval shall confer upon the applicant the following rights for the time specified in the certificate of approval, unless extended by the Planning Commission upon written application by the applicant:

i. to proceed under the supervision of the County with the installation of site improvements; and

ii. to proceed with the preparation of a Final Plat.

Preliminary Plat Approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision. Lots may be pre-sold however, provided the applicant has guaranteed the final installation of all required improvements in accord with Section 10.11.

Revocation of Preliminary Plat Approval may occur, following due public notice and a hearing by the Planning Commission, if the Commission finds that a material change in conditions involving the subdivision has occurred which would adversely affect public health, safety or welfare.

(C) PRELIMINARY PLAT TIME LIMITATION

An applicant may, within two (2) years from the date of approval of a Preliminary Plat, submit an application for the approval of a Final Plat, as specified in Subsection (E) below.

If an applicant does not submit a Final Plat application within the two-year period and has not received an extension of time by the Planning Commission as provided in Subsection (D) below, the Preliminary Plat Approval of the Planning Commission is automatically voided.

Also see Section 10.19 Vested Rights.

(D) PRELIMINARY PLAT TIME EXTENSION

Before expiration of the allowed two-year period for filing a Final Plat application, an applicant may request in writing an extension of time. If the Planning Commission finds sufficient reason, it may grant one (1) twelve-month extension. The decision to grant or to deny an extension shall be communicated to the applicant in writing.

If an applicant allows the two-year period for filing a Final Plat application to expire without requesting a time extension request, the Planning Commission shall not grant a time extension and all work in the subdivision must be suspended; in order to continue work, the applicant must file a request for a Preliminary Plat Approval which satisfies all requirements of this Chapter and of any other applicable County ordinances, including payment of prescribed fees. Further, if the two-year period is allowed to lapse, all other permits, such as Development Permits, shall also expire effective with the end of the one-year period. A nonrefundable fee as provided for in the current fiscal year budget for the County shall be paid to the County before the request for an extension of Preliminary Plat Approval is placed before the Planning Commission.

Further, if the original two-year period or the one-year extension period is allowed to lapse, all permits, such as Grading Permits and Development Permits, except Building Permits, shall also expire effective with the end of said two-year or one-year period. However, a validly-issued Building Permit does not expire or is not revoked upon expiration of a vested right, except for public-safety reasons or as prescribed by the applicable Building Code. Regardless of the date of expiration of a vested right, the expiration of a Building Permit is prescribed by the Building Code.

A nonrefundable fee as provided for in the current fiscal-year budget for the County shall be paid to the County before the request for an extension of Preliminary Plat Approval is placed before the Planning Commission.

Also see Section 10.19 Vested Rights.

(E) FINAL PLAT APPROVAL

Final Plat Approval is an administrative action. No public notice or hearing is required in connection with approval proceedings involving the Final Plat.

An applicant requesting Final Plat Approval shall submit to the Planning and Development Director an application with all materials stipulated in Section 10.13, including a Maintenance Bond as described in Section 7.18 and/or a Performance Guarantee as described in Section 10.11 to assure completion of those improvements not yet installed. A computer-file version of the Final Plat, in a format acceptable to the County GIS-Mapping Division shall be required if the plat is produced using electronic means. Final Plat Approval shall be granted or denied within 60 days after submission of a complete application to the Planning and Development Director or within such further time as may be consented to by the applicant.

No subdivision or major land development plat, portion, or phase thereof shall be accepted for recording by the Registrar of Mesne Conveyance (RMC) until the plat has been approved by the Planning Commission or Planning and Development Director, and so indicated on the plat by the signature of the authorized agent. No such signature shall be affixed to the plat until the applicant has completed all required improvements or has posted a Performance Guarantee in accord with the requirements of Section 10.11.

(F) EFFECT OF FINAL PLAT APPROVAL

Final Plat Approval shall confer upon the applicant the following rights:

i. To have the plat recorded by the Planning and Development Director in the RMC office, and

ii. Once the plat is recorded, to proceed with the sale and/or transfer of lots and parcels in accord with the approved and recorded plat.

(G) RECORDING

Upon approval of a Final Plat and within 30 days of the satisfaction of all requirements, conditions and contingencies of such approval, the Planning and Development Director shall have the official copy of the Final Plat recorded in the RMC office.

The reproducible copy and one copy of the recorded Final Plat, along with all required certifications (Section 7.19) inscribed thereon, shall be retained by the Planning & Development Department.

In addition to the RMC office, a copy of the recorded Final Plat shall be provided by the Planning & Development Department to the applicant, Tax Assessor, County Engineer, County E-911 Addressing Division, the affected US Post Office, and the affected offices of DHEC.

Section 10.10.6 Major Land Development Projects

No Development Permit or Building Permit shall be issued for a shopping center; apartment or condominium complex; commercial, business, or industrial park; Manufactured Home park; or other multi-use or multi-occupant project or addition thereto, unless and until an applicant for such use submits to the Planning and Development Director the information required by Section 10.10.7, if applicable; Section 10.13; and by Table 11 for Major Land Developments. The Planning Commission and Planning and Development Director shall evaluate the application in relation to the following design and improvement criteria:

(A) Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.

(B) Off-street parking, off-street loading, refuse-collection facilities and service areas shall be designed to minimize their visual and physical impact on neighboring property. Where a project generates the need for 100 or more off-street parking spaces, a traffic-impact analysis shall be required in accordance with the provisions of Section 10.10.7.

(C) Street right-of-way, and pavement design and construction shall be adequate to accommodate the type and volume of traffic anticipated. Refer to Section 10.10.7 below.

(D) Where the project will create a need for off-site improvements, including improvements to streets, drainage systems, sidewalks, and curbs, the Planning Commission may require the installation of such improvements as a condition of approval.

If, upon review of these standards, the project is determined to be in compliance, the Planning Commission shall approve the land development application and cause the issuance of a Development Permit.

Any proposed changes to an approved project shall be resubmitted to the Planning Commission and re-evaluated in light of the above.

Section 10.10.7 Traffic Impact Analysis and Mitigation

(A) Purpose

It is the purpose of this Section to guide development in accordance with the existing and future needs of Aiken County and in order to protect, promote and improve the public health, safety, and general welfare of the County.

(B) Intent

i. To enable the County to conduct an appropriate review and evaluation of the traffic impact of proposed development, to provide for the ability of the County to furnish adequate road facilities to all the citizens, and to prescribe necessary road-mitigation measures as outlined in professionally-prepared traffic-impact-analysis plans;

ii. To ensure that no development approvals are granted unless road facilities with adequate capacity to accommodate the traffic generated by the proposed development are available concurrently with the scheduled opening of development, unless adequate mitigation and/ or performance guarantees are provided;

iii. To coordinate better the short-term growth potential of the County with the immediately- available road system capacity, taking into account exempt developments to the extent to which these may be eligible for development-plan approval, without being subject to the traffic-impact- analysis plan requirements of this Section;

iv. To coordinate better the long-term growth potential of the County with a realistic assessment of the road capacity which is currently and may in the future become available, recognizing the limitations of the County's limited financial resources, the constraints presented by geography, and the desire to preserve the County's aesthetic- quality and environmental resources;

v. To coordinate better the type, location, amount, timing, and rate of development for proposed land uses, pursuant to the Comprehensive Plan and the zoning regulations and map, with the present and projected future availability of road-systems capacity; and

vi. To establish and maintain a traffic-monitoring system to determine regularly the volume of traffic on the County's road systems and the degree to which capacity limits (i.e. Thresholds) are approached or exceeded.

(C) Applicability

The traffic-impact-analysis plan, monitoring and mitigation requirements and procedures set forth herein are applicable to development as defined in this Chapter, except for that specifically exempted below.

(D) Exemptions

i. Activities and uses not constituting development, or exempt from development-plan approval as defined in this Chapter.

ii. Any development that would generate fewer than 500 AVT (Average Vehicle Trips per day). A second or subsequent

phase, or an addition that takes a property over the trip limitation when taken as a whole, shall require a traffic-impact-analysis plan even though the development may not qualify on its own. Trip generations shall be taken from Section 10.10.7.(G)(ii)(d) below or from the most current edition of the Institute of Transportation Engineers' Trip Generation Manual (ITE Manual); provided however that an applicant may elect to perform a trip-generation study which may be submitted to the County to consider as a possible alternative. A qualified transportation-engineering firm shall undertake such trip-generation study. For proposed uses not specifically listed in the ITE Manual, the Planning & Development Director shall determine the most appropriate trip-generation rate. Staff may accept input from the applicant in making this decision.

(E) Traffic-Impact Approval Required

A traffic-impact study shall be required (1) with applications for any development, re-development, or subdivision that is projected to generate 500 or more AVT based on trip-generation rates contained herein or taken from the latest edition of the Institute of Transportation Engineers' Trip Manual; (2) and/or when a project is a truck or bus terminal, including service facilities designed principally for such uses. The Planning and Development Director or his designee shall also be authorized to require traffic-impact studies when it is determined by the Planning and Development Director or his designee that a proposed development or redevelopment is likely to have a significant impact on transportation capacity, transportation levels or service or traffic safety in the vicinity of the proposed development.

(F) Traffic-Impact Study Scope

When a traffic-impact study is required, the type and scope of the study shall be determined during an initial meeting with the Planning and Development Director. The meeting may also involve representatives of or result in a request for assessments from other agencies or departments. The elements of the study to be determined during the meeting shall include the following:

i. The possible types of reports to be included: a letter report, full traffic-impact-analysis report or special report (i.e., sight-distance survey).

ii. The points of access and key streets and intersections that may be affected by development of the subject tract shall define the impact area. Traffic-recorder and turning-movement-assessment locations shall be determined if necessary.

iii. Periods of analysis that may include but are not limited to: daily traffic, morning and afternoon peak hours, or weekends.

iv. Scenarios for analysis to be included: existing conditions with and without the development.

v. The process for determining trip generation and distribution including: trip-generation category, diversion assumptions and distribution assumptions.

vi. The rate of growth assumed in background traffic assumptions.

vii. Developments in the area that have been approved or are currently under review.

(G) Traffic-Impact Study Elements

A letter report or full traffic-impact-analysis report shall include those elements agreed upon in the initial meeting. A full traffic-impact study shall include the following elements:

i. Existing-condition Survey

a) The street system shall be described, including geometric features, lane usage, traffic control, signage, sight distances, and adjacent uses and curb cuts.

b) Existing traffic volumes shall be provided for the impact area including both AVT (Average Vehicle Trips per day) and "Design" volumes. AVT may be derived from current counts of the South Carolina Department of Transportation (if available) or may be done from field counts. Data shall be adjusted for daily and seasonal variations. Turning-movement counts shall be provided for critical intersections.

c) Existing unused capacity of signalized and unsignalized intersections.

d) Other items may be required at the discretion of the Planning and Development Director depending upon the type and scale of the project.

ii. Traffic Standards (Roadway and Street Intensity and Service Level Standards).

a) Road classification. In order to carry out the purposes of subsection (A) above, all streets and roads in Aiken County are hereby classified on the basis of their traffic carrying capacities, and their design function in the circulation system.

The classification system is based on concepts and criteria contained in the latest edition of the "FHWA Highway Functional Classification System". These guidelines classify streets and roads into one of these functional categories: (1) principal arterial streets, (2) minor arterial streets, (3) collector streets, and (4) local streets; all for urbanized areas.

1) Minor local (residential) street: A minor local street is one designed primarily to access abutting residential properties. This street normally terminates in a cul-de-sac, loop or other turnaround, usually with only one access point but with no more than two access points.

2) Major local (residential) street: A major local street is one designated primarily to access abutting residential properties. This street is characterized as one having two or more access points, and receiving traffic from minor local streets.

3) Collector street: A collector street is one that carries primarily residential traffic, but which provides no or only limited residential frontage and/or access.

4) Arterial street*:* A street designated (1) to carry traffic from collector streets to the major arterial system, (2) to carry through traffic and (3) to carry inter-county traffic. Arterials are characterized as having access control, channelized intersections, restricted parking and signalization. The concept of service to abutting land is subordinate to the provision of travel service. The term includes minor arterial streets and principal arterial streets.

b) <u>Service level classification.</u> The level of service for streets and roads is defined in terms of vehicular delay. Delay is a measure of driver discomfort, frustration, fuel consumption, and lost travel time. Varied and complex factors contributing to delay include intersection geometry, frequency of curb cuts, traffic volumes, signalization and cycle length, etc.

The various levels of service are classified A through F, depending on the delay factor and traffic flow conditions, as follows:

1) *Level of Service A*
   a. Free flow conditions
   b. Low volumes
   c. Little or no delays
   d. Uninterrupted flow
   e. No restriction on maneuverability
   f. Drivers maintain desired speed

2) *Level of Service B*

a. Stable flow conditions

b. Operating speeds beginning to be restricted

3) *Level of Service C*

a. Stable flow but speed and maneuverability restricted by higher traffic volume

b. Satisfactory operating speed for urban conditions

c. Some delays at signals

4) *Level of Service D*

a. High density, but stable flow

b. Restricted speeds

c. Noticeable delays at signals

d. Little freedom to maneuver

5) *Level of Service E*

a. Low, but relatively uniform operating speeds

b. Volumes at or near capacity

c. Approaching unacceptable delays at signals

6) *Level of Service F*

a. Force flow conditions

b. Stop and go operation

c. Volumes below capacity may be zero

d. Average vehicle delay at signals is greater than one minute

c) Standards. The following design capacity standards and service level designations shall govern the intensity of development along streets and roads in Aiken County. (Refer to the current SCDOT Chart entitled "TOTAL Capacity for SCDOT Travel Demand Models" for level of service C and to the federal Functional

Classification System Map for complete details. Both documents are available either from SCDOT or from the Planning & Development Director.)

Road Classification	Maximum AVT*	Service Level Designations
Local Street	1,600	B
Collector Street	**	C
Arterial Street	**	C

*AVT (Average Vehicle Trips per day)
** Refer to said current chart "TOTAL Capacity for SCDOT Travel Demand Models".

d) Traffic Generation Standards. The following table of Traffic Generation Standards may be used in computing the number of trips to be generated by a given use. Also, traffic generated by existing uses on the impacted street shall be calculated by the table to determine aggregate daily traffic volumes and the capacity of the street to accommodate the proposed new use. However, the trip-generation rates in the latest edition of the Institute of Traffic Engineers' Trip Manual also may be used.

TRAFFIC GENERATION STANDARDS

Land Use	*Average Vehicle Trips Per Day (AVT)*
Residential	Per Dwelling Unit (DU)
Single-family	10.0
Duplex	7.0
Townhouses, Patio Homes	7.0
Multifamily (apartments)	6.0
Retirement Homes	3.5
Manufactured Home Park	5.5
Nonresidential	Per 1.000' gross floor

	area (GFA)
Retail, freestanding	
Supermarket	135.3
Discount Store	50.2
Department Store	36.1
Auto Supply	88.8
Auto Dealership	44.3
Convenience Store	577.0
Retail, Shopping Center	
Regional	33.5
Community	45.9
Neighborhood	97.0
Industrial	5.5
Offices:	
General	11.7
Medical	63.5
Governmental	21.0
Research Center	9.3
Restaurants	
Quality	56.3
Other Sit-down	198.5
Fast Food	533.0
Banks	388.0
Hospitals (per staff member)	6.1
Educational (per student)	
College	2.5
Secondary	1.4
Primary	0.6
Commercial	0.8
Libraries	41.8
Other	As shown in the most current edition of the Institute of Traffic Engineers' Trip Generation Manual (ITE Manual)

(H) Mitigation Plan

Where the study indicates that the project will create significant deficiencies in the impact area, (i.e., when the study indicates (a) that the proposed development will generate AVT in excess of the limits established in Section 10.10.7(G)(ii)(d)(immediately above); (b) and/or will increase traffic on roads which already exceed said AVT standards; (c) and/or will create a lower level of service than designated in said Section 10.10.7(G)(ii)(b)), improvements shall be recommended in the traffic-impact-analysis plan which shall include projected cost estimates and the project will be referred to the Planning Commission for review and decision as to required improvements. The traffic-impact analysis shall include all appropriate mitigation projects, including road-widening, new road construction, turn lanes, signalization, alternate transportation modes, connection of new streets with existing streets, and shared driveways. The traffic-impact analysis also shall assess the connection of the property to adjoining properties. Where the use, scale of development, or size of adjoining properties is such that trips would be anticipated between the proposed uses and the other properties, the analysis shall make recommendations on interconnections. The analysis shall recommend interconnections to provide a smooth flow of traffic between uses along arterials and collector roads to ensure that as much traffic as possible uses secondary roads and other interconnections rather than major roads for short trips. Mitigation plans are required to address only the additional traffic created by a specific development project, not those forecast traffic problems resulting from other development projects.

The design of improvements shall be in accordance with specifications of the South Carolina Department of Transportation or as approved by County staff. Where County staff or the Planning Commission, where applicable, determines that a mitigation plan is not adequate to address the traffic impacts of the project, such determination may serve as a basis for denial of the application request to develop.

(I) Consultants

The Planning and Development Director may require that a mutually-agreed-upon independent consultant be hired by the County to perform required traffic-impact studies or to review all or part of a study prepared by the applicant's consultants. The Planning and Development Director is authorized to administer the contracts for such independent consultants based upon the approval by the County Council of said contracts.

i. The Planning and Development Director shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services from the independent consultant.

ii. The applicant shall provide an amount equal to the estimate of the cost for the study to the County, which will deposit the amount in an escrow or special account set up for this purpose. Any funds not used for the independent consultant shall be returned to the applicant at the completion of the project in a timely manner without interest.

iii. The Planning and Development Director may require additional fees for the independent review if: the County staff or the Planning Commission, as appropriate expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultants are requested by the applicant; the consultant's appearance is requested at more Planning Commission or County Council meetings than was initially anticipated; and/or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services.

(J) Action on Traffic-Impact-Analysis Plan

Following review of the required traffic-impact-analysis plan, the Planning and Development Director or, where applicable, the Planning Commission shall take one of the following actions:

i. Approve the traffic-impact-analysis plan as submitted by the applicant; or

ii. Approve the traffic-impact-analysis plan with conditions or modifications. An acceptable traffic-impact-analysis plan with traffic-mitigation measures may include the reduction of the density or intensity of the proposed development; phasing of the proposed development to coincide with State- and/or County-programmed transportation improvements; applicant-provided transportation improvements; or any other reasonable measures to insure that the adopted traffic service level goals are met as established in Section 10.10.7(G)(ii)(b). If mitigation is required, it shall be required as a condition of any approval from Aiken County; or

iii. Deny a traffic-impact-analysis-plan which does not meet the County traffic standards of Section 10.10.7(G)(ii).

(K) Timing of Implementation

If a traffic-mitigation program is part of an approved traffic-impact-analysis plan, the developer may be required to provide a performance guarantee for all traffic-mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area

(L) Responsibility for costs of improvements.

The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No Building Permits shall be issued unless all provisions of the transportation-impact-analysis are met.

(M) Public Notification and Hearing for Applications

Public notification is required for applications for Preliminary Plat review of all Major Subdivisions and for applications for all Major Land Development Projects. Public notification and hearing shall conform to the notification requirements of Section 24-9.3.4, paragraphs (D) and (E).

Section 10.11 Performance Guarantee

Section 10.11.1 Policy

It shall be the general policy of Aiken County that all improvements required by this Chapter be completed prior to Final Plat Approval. However, recognizing that completion of all required improvements prior to obtaining Final Plat Approval may not in some cases be feasible, practical, or financially possible, this Section provides a mechanism by which Final Approval may be granted, contingent upon required improvements being completed as and when specified by the Planning and Development Director and upon the applicant providing financial guarantees for the completion of such required improvements.

No more than 25% of the estimated costs, as determined by the County Engineer, of materials and installation of required improvements may be placed under a Performance Guarantee.

Section 10.11.2 Financial Guarantees

Where Final Plat Approval is requested by the applicant prior to the completion of all required improvements, the Planning and Development Director shall accept financial guarantees of such type and in such amounts (not less than 125 percent of cost of remaining materials and installation, as calculated by the County Engineer) sufficient to guarantee with reasonable certainty that the required improvements will be completed. Said financial guarantees to be used for such purposes may include one or more of the following types, if approved by the County Attorney and the Planning and Development Director:

(A) Security Bond from a corporate surety which is licensed to do business in South Carolina.

(B) Irrevocable Letter of Credit from a bank licensed by the State of South Carolina or from a federally-insured lending institution.

(C) Escrow Account where applicant may deposit cash, or other instruments readily convertible into cash at face value, with the County in escrow with a bank.

Any document providing such financial guarantee required by the Planning and Development Director under this Section shall be in such form and substance as specified by and satisfactory to the County Attorney. The required financial guarantee (completed and fully executed) shall be a condition of Final Plat approval and shall be delivered to and approved by the Planning and Development Director and the County Attorney prior to the recordation of the Final Plat and/or prior to the subdivision of the affected property by plat, deed, or otherwise. In no case shall the Performance Guarantee be valid for more than one year, or for less than six (6) months.

Section 10.11.3 Option To Refuse Guarantee

The Planning and Development Director shall have the right to refuse any of the optional financial guarantees and require construction and installation of all improvements by the applicant, where:

(A) past performance of the applicant is unsatisfactory, or

(B) the selected option is unacceptable, or

(C) for other reasons so stated by the Planning and Development Director.

Section 10.11.4 Allocation of Guarantee

Any funds received from financial guarantees required by this Section shall be used only for the purpose of making the improvements for which said guarantees are provided. When the improvements have been completed in conformity with these regulations, the Performance Guarantee may be released and returned to the applicant.

Section 10.11.5 Default of Guarantee

In the event the applicant fails to install or construct the required improvements during the specified time allotted and in conformity with these regulations, the Performance Guarantee shall be forfeited to the County to be used for completion of the improvements.

Section 10.11.6 Extension of Guarantee

If it appears to the applicant that he may not complete construction of the required improvements before expiration of the Performance Guarantee, it shall be the applicant's obligation, at least 45 days prior to the expiration date, to submit an extended guarantee request. Such extension, if approved by the County Attorney and the Planning and Development Director, shall be for a period of six months. A maximum of two such 6-month extensions shall be allowed.

Section 10.11.7 Acceptable Format for Performance Guarantee and Financial Guarantee

The Performance Guarantee and Financial Guarantee shall be in forms available from the Planning & Development Department, and shall be submitted to the Planning and Development Director for review and approval by the County Attorney. Any deviation from the approved forms may delay acceptance of these instruments.

Section 10.12 Variances

Regulations governing Subdivisions and Major Land Development projects defined by Section 10.6 are the minimum required for achieving the objectives of Section 7.1. However, where a regulation, except for the requirements of Tables 1 and 2 of this Chapter, would cause demonstrably unique and undue hardship as it applies to any particular development project, the Planning Commission, by a majority vote of its membership present, may grant a variance from the strict application of the regulations; provided the variance does not nullify the stated objectives of Section 7.1. In granting the variance, the Planning Commission may impose conditions that will secure the objectives of the particular regulation being varied. A complete record of the reasons for the approval of a variance shall be entered in the official minutes of the Planning Commission. Refer also to Sections 24-9.3 and 10.6.2 through 10.8 for other provisions concerning variances.

Section 10.13 Application Requirements and Fees

All applications shall be filed on forms provided by the County Planning & Development Department and contain or be accompanied by the information required on Table 11.

Fees to help cover the cost of processing land development and subdivision applications shall be as established by County Council. A schedule of all required fees is available at the Planning & Development Department.

Table 11 Information Required To Support Applications	
Type of Application	Information Required (Requirements are Cumulative)
LAND SUBDIVISION	
Preliminary Plat	Eleven (11) copies of plat, at scale not less than 1" = 200', sheet size 18" x 24", not to exceed 24" x 36", (and an 8.5" x 11" transparency, if required) showing or specifying: 1. All information required of General Property and Closing Surveys, in accord with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, promulgated under authority of the Code of Laws of South Carolina 1976, §40-21-110; 2. Land acreage, number of lots, and minimum lot size; 3. Stormwater analysis and control plan, as required by Chapter 19, Article IV, §19-80 of the Aiken County Code of Ordinances, and erosion and sediment-control plan, by qualified professional, showing all structures and easements. 4. Tax parcel number of property to be subdivided; 5. Proposed layout and dimension of all streets, rights-of-way, pavement widths, lot lines, and easements, specifying purpose of easements; 6. Minimum front and rear yard setback lines and zoning classification; 7. Proposed bufferyards, open space, landscaping & tree protection plan if applicable.

Table 11 Information Required To Support Applications	
Type of Application	Information Required (Requirements are Cumulative)
	8. Utilities on and adjacent to tract, and underground utility plan; 9. Land within identified areas of special flood hazard; 10. All existing physical features within or adjoining the tract, including lakes, streams, ditches; sanitary and inert landfills, whether in operation or closed; etc.; 11. Detailed street cross section and center line showing profiles for each street at minimum scale of 1' = 50'; 12. A tentative road plan for an entire tract where only part of the tract in which an applicant has an interest is proposed for development; 13. Location and identification of off-site streets, public facilities, major physical features, names of owners and subdivisions contiguous or in proximity to the subdivision; 14. In case of a re-subdivision, the name and all portions of the previously recorded subdivision, together with the changes that are proposed.
Final Plat and Small Subdivision Plat	15. All information required by the Aiken County Plat Standards, Aiken County Survey Tie-Down Standards, and Aiken County Digital Data Submission Standards as applicable. 16. Revised plat amendments as required by the Planning Commission or Planning and Development Director; 17. Exact locations, bearings and distances of all political lines, tract boundary lines, pavement widths, right-or-way widths, road centerlines, easements, lot lines, monuments and markers;

Table 11 Information Required To Support Applications	
Type of Application	Information Required (Requirements are Cumulative)
	18. Type of water supply and sewerage service; 19. Road treatment - paved or unpaved; 20. Certificates of survey accuracy, ownership and dedication, and approval by the Planning Commission or Planning and Development Director (Section 7.18); 21. Supporting documents, to include the following: a. Final detailed as built plans for all improvements, b. A copy of all restrictions (covenants) to run with land, c. A resolution by county council accepting dedicated improvements or a performance guarantee, d. DHEC approval of water and sewer systems; e. County engineer approval of installation and construction work, or Council acceptance of performance guarantee, f. Road maintenance bond, and g. Required encroachment permits from SC Dept. of Transportation.

Table 11 Information Required To Support Applications	
Type of Application	Information Required (Requirements are Cumulative)
LAND DEVELOPMENT	1. Information required by 1,3,6,7, and 9 immediately above; 2. Location of all proposed structures, including freestanding signs; 3. Required off-street parking; 4. Tax parcel number of property; and 5. All information specified by Article 3, Conditional Uses, as applicable.
MAJOR LAND DEVELOPMENT	1. Information required by 1, 3, 5, 6, 7, 8, 9, 10, 13, and 15 through 21 under LAND SUBDIVISION, above; 2. Location of all proposed structures, including freestanding signs; 3. Required off-street parking; 4. Tax parcel number of property; and 5. All information specified by Article 3, Conditional Uses, as applicable;
AMENDMENT (text or map)	1. For text amendment: draft of new text to be added and existing text to be deleted; 2. For map amendment: existing and proposed zoning districts; and 3. Reasons for change
VARIANCE	1. Nature of variance; 2. Evidence of unnecessary hardship; and 3. Necessity for variance
APPEAL	State reasons for appeal, with specific reference to action being appealed.

Section 10.14 Required Permits

No building or development activity, including the following, shall be commenced until all required permits have been issued:

(A) Building activity not specifically exempt by this Chapter.

(B) Changing the use of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot.

(C) The installation of a manufacturing or other industrial use whose operation may not meet the performance standards in Section 3.3.

(D) Installation of any sign for which a permit is required.

(E) The establishment of a temporary use described in Section 3.20.

(F) Electric or gas utility companies and/or cooperatives extending service or utilities to a given site.

No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this Chapter and related codes and regulations.

No permits inconsistent with the provisions of this Chapter shall be issued unless accompanied by an approved variance or deviation.

The provisions of this Section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, cross-arms, guys, wire, cable and drops.

Section 10.15 Types of Required Permits

One or more of the following permits shall be required in advance of any land alteration or development in Aiken County:

(A) Development Permit.

(B) Building Permit.

(C) Sign Permit.

Failure to obtain a required permit shall be a violation of this Chapter and punishable under Section 24-10.21.

Section 10.15.2 Development Permits

A Development Permit shall be required prior to any land-disturbing activity except that a Development Permit is not required for the construction of single-family or two-family residential dwellings or for the installation of individual manufactured homes. No Development Permit shall be issued unless and until a land development project described in Section 10.6.1, (A) through (D), has been approved by the Planning Commission and/or the Planning and Development Director, or a Building or Sign Permit has been issued.

Section 10.15.3 Building Permits

A Building Permit shall be required of all proposed buildings unless expressly exempted by the County Building Code. Whenever a Development Permit is required, the Development Permit shall be issued prior to the issuance of related Building Permits.

Section 10.15.4 Sign Permits

Where a sign permit is required by Article 6 of this Chapter, the permit application shall be accompanied by the following:

(A) A Common-Signage Plan, where applicable, in accord with the requirements of Section 6.4.

(B) Identification of landowner and/or leaseholder of property on which the sign is to be erected, including street address.

(C) Name and address of owner of the sign.

(D) Site plan sketch with dimensions (non-professionally-drawn plan is acceptable) showing the location of the sign with respect to the

property and right-of-way lines, building and setback lines, and buildings, parking areas, existing freestanding signs, and buffer areas.

(E) Accurate size, shape, configuration, face area, height, nature, number, and type of sign to be erected, including the size of letters and graphics.

(F) The value of the sign and sign structure.

(G) Signs exceeding thirty-six (36) square feet in area shall be accompanied by a drawing and written certification from a registered South Carolina engineer or architect that the sign is structurally sound and safe, does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity, and that the sign is in compliance with all building or other construction codes and the requirements of this Chapter.

(H) The Planning and Development Director may waive any of the informational requirements listed above deemed unnecessary to process an application.

Section 10.16 Certificates of Occupancy; Change of Occupancy of Existing Structures; Conversion of Houses; Enlargement

Section 10.16.1 Certificates of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the Planning and Development Director and/or Building Official stating that the proposed use of the building and/or land conforms to the requirements of this Chapter and the County Building Code. A temporary Certificate of Occupancy may be issued for a portion of a building or installation, subject to any conditions required by the Planning and Development Director and/or Building Official.

Section 10.16.2 Change of Occupancy of Existing Structures; Conversion of Houses; Enlargement

(A) Change of occupancy for a nonresidential use of a structure previously occupied by a nonresidential use shall require compliance with the Required Parking standards of Table 1-A and 1-B of this chapter. Change of occupancy for a manufacturing use (see Sector 31-33 of Table 1-A and 1-B and the provisions of Section 5.4.3 of this Chapter) of a structure previously occupied by either a manufacturing use or other nonresidential use shall require compliance with all parking, landscaping, buffering, and other requirements of this Chapter for manufacturing uses, including the provisions of Section 3.3 Manufacturing Uses and the provisions of Section 5.4.3 where required of this Chapter.

(B) Change of occupancy of a structure also shall require compliance with the provisions of the most current version of Section 3406 of the International Building Code, which reads as follows as of April, 2007:

No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code (IBC) for such division or group of occupancy. Subject to the approval of the Building Official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code (International Building Code) for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

(C) Conversion of a house to a nonresidential use shall require compliance with all applicable codes for nonresidential structures. Where a house will be converted for use both as a dwelling and for a nonresidential use, that section of the house that will be open to the public shall meet all applicable code requirements for a nonresidential building. Conversion of a house, whether partly or entirely, for commercial use shall require compliance with all parking,

landscaping, buffering, and other requirements of this chapter for nonresidential use, including Section 5.4.3 where required.

Section 10.16.3 Enlargement of Existing Building, Structure, or Vehicular Use Area

Refer to Section 5.4.3 Where Required of this Chapter.

Section 10.17 Inspections for Compliance

The Planning and Development Director or his designee, including the Building Official, may enter into private property to make inspections of any land use or land-disturbing activity, construction or maintenance operation to ascertain compliance with the provisions of this Chapter and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

Section 10.18 Expiration of Permits

A Development Permit or Sign Permit is valid for a period of two (2) years from its date of approval. However, before the permit expires, the permit-holder may request in writing an extension of one (1) year. If a permit expires, it must be renewed in the original manner of approval. Refer also to Section 10.19 below for expiry of Building Permits.

Section 10.19 Vested Rights

Section 10.19.1 Definitions

(A) "Landowner" means an owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site-specific development plan or a phased-development plan pursuant to this Chapter.

(B) "Phased-development plan" means a development plan submitted to the Aiken County Planning Commission or to County staff by a landowner that shows the types and density or intensity of uses for

a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site-specific development plan.

(C) "Site-specific development plan" means a development plan submitted to the Aiken County Planning Commission or to County staff by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of, but is not limited to, the following plans or approvals: planned unit development; subdivision plat; preliminary or general development plan; variance; conditional-use plan; mobile home park or mobile home subdivision; or other land-use-approval designations as are used by Aiken County.

(D) "Vested right" means the right to undertake and complete the development of property under the terms and conditions provided in this Section.

Section 10.19.2 Duration and Extension

A vested right is established for two years upon the approval of plans for any of the following four categories of land-development projects: (1) a PUD project, including a phased-development PUD; (2) a preliminary plan for a Major Subdivision; (3) a Land Development project; and/or (4) a Major Land Development project; all such four categories of developments as provided for in Sections 2.5 and 10.6.

A vested right may be extended before the end of the two-year vesting period for an additional 12 months upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected. The Commission's decision shall be communicated to the landowner in writing.

If the landowner has not commenced work authorized by the approval of a plan by the Planning Commission by the end of the 2-year vesting period and has not received an extension of time by the Planning Commission as provided above, the original approval by the Planning Commission is automatically voided, the Planning Commission shall not grant a time extension. Similarly, if the landowner has not commenced work authorized by the original approval of the plan by the Planning Commission by the end

of an extension of time granted by the Commission, the original approval by the Commission is automatically voided and the Planning Commission shall not grant any further extension of time. In order to commence work after expiration of the vested-rights period and any extension thereof, the landowner must file a request for Plan Approval which satisfies all requirements of this Chapter and of any other applicable County codes, including payment of prescribed fees.

However, prior to the landowner filing such request to commence work in a PUD development, after expiration of the vested-rights period and any extension thereof, the Planning and Development Director shall review the circumstances and recommend to the Planning Commission one of the following three options:

(A) That PUD zoning for the entire area be continued with revised time limits; or

(B) That PUD zoning be continued for part of the area, with or without revised time limits, and the remainder be rezoned to an appropriate category; or

(C) That the entire district be rezoned from PUD to an appropriate category. Such recommendations shall include proposals for appropriate action in respect to any legal instruments in that case.

The Planning Commission shall consider the Planning and Development Director's recommendation pursuant to the procedure described in Section 10.8 Application Procedures for Change of this Chapter. The Commission shall make its recommendation to County Council as prescribed by Section 10.8(4). Council shall consider the Planning Commission's recommendation pursuant to the same Section 10.8(4).

Further, if the original two-year approval period or the one-year extension approval period is allowed to lapse, all permits, such as Grading Permits and Development Permits, except Building Permits, shall also expire effective with the end of said two-year or one-year period. However, a validly-issued Building Permit does not expire or is not revoked upon expiration of a vested right, except for public-safety reasons or as prescribed by the applicable Building Code. Regardless of the date of

expiration of a vested right, the expiration of a Building Permit is prescribed by the applicable Building Codes and Regulations.

A nonrefundable fee as provided for in the current fiscal year budget for the County shall be paid to the County before the request for an extension approval is placed before the Planning Commission.

Section 10.19.3 Amendment

A vested site-specific development plan or vested phased-development plan may be amended if approved by the Planning Commission or County Council, as applicable, pursuant to the provisions of this Chapter.

The Planning Director shall determine whether proposed revisions of an approved Preliminary Plat are of sufficient significance as to warrant resubmission to the Planning Commission for approval. If so, the procedures applicable to the original submission shall apply, including the payment of fees. If the Commission approves the revised Preliminary Plat, the vested-right time periods and deadlines established at the time of the original preliminary-plat subdivision approval or extension remain unchanged and are not affected or extended by the granting by the Planning Commission of approval of the revised Preliminary Plat.

Section 10.19.4 Revocation

A vested right to a site-specific development plan or phased-development plan is subject to revocation by the Planning Commission or County Council, as applicable, upon determination by the Commission or Council after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval; or if the Planning Commission determines that a material change in conditions has occurred affecting the proposed subdivision, including new information regarding the physical conditions of the site of proposed public works, which would adversely affect to substantial degree public health, safety, or welfare.

Section 10.19.5 Applicability of Other Regulations

(A) A vested site-specific development plan or vested phased-development plan is subject to later-enacted federal, state, or local

laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming-structure regulations and nonconforming-use regulations which do not provide for the grandfathering of the vested right. The issuance of a Building Permit vests the specific construction project authorized by the Building Permit to the building, fire, plumbing, electrical,

(B) And mechanical codes in force at the time of the issuance of the building permit.

(C) A vested site-specific development plan or vested phased-development plan is subject to subsequent local governmental overlay zoning that imposes site-plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses.

(D) A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site-specific development plan or vested phased-development plan without consent of the landowner.

(E) Each phase of a phased development must be approved by the Planning Commission when each phase becomes site-specific. Each phase must comply with the development regulations in effect at the time of vesting.

(F) A site-specific development plan or phased-development plan for which a variance is necessary does not confer a vested right until the variance is obtained.

(G) The Board of Appeals does not have the authority to grant a vested right and no such right shall accrue as a result of their decisions.

(H) The Planning Commission or County Council, as applicable, must not require a landowner to waive his vested rights as a condition of approval of a site-specific development plan or a phased-development plan.

Section 10.19.6 Vested Right to Run with Property

A vested right pursuant to this Section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming-structure regulations and nonconforming-use regulations which do not provide for the grandfathering of the vested right exists pursuant to other statutory provisions. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

Section 10.19.7 References

Refer also to the following sections of the Aiken County Code of Ordinances:

(A) Section 2.7 PUD, Planned Use District of this Chapter.

(B) Sections 10.10.5(D) and 10.10.5(E) Major Subdivisions of this Chapter.

(C) Article 11 DEFINITIONS of this Chapter.

(D) Section 5-81 Conditions of Chapter 5 BUILDINGS AND BUILDING REGULATIONS of the Aiken County Code of Ordinances.

Section 10.20 Reasons for Denial of Permit

If the Planning and Development Director disapproves or conditionally approves an application for a permit, the reasons for such action shall be conveyed to the applicant if requested by the applicant.

Section 10.21 Complaints Regarding Violations; Stop Work Orders

(A) Whenever a violation of this Chapter occurs, or is alleged to have occurred, the Planning and Development Director shall record and

investigate such complaint, and take such action as provided by this Chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

(B) Upon notice from the Planning and Development Director that work on any development is being done contrary to the provisions of this Chapter, such work shall be stopped immediately.

Such notice shall be in writing and shall be given to the owner, his agent or to the person doing the work and shall state the condition under which the work may continue. Stop Work Orders are subject to appeal to the Board of Appeals.

Any person who shall continue any work on the development after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 10.22 Penalties for Violations

Any person violating any provisions of this Chapter shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Chapter, the Planning and Development Director may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

ARTICLE XI.
DEFINITIONS

Words not defined herein shall have the meanings stated in the International Building Code, International Plumbing Code, International Gas Code, or International Fire Prevention Code. Words not defined in the Codes shall have the meanings in Webster's Tenth Edition Collegiate Dictionary, as revised.

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

The words "shall" and "must" are always mandatory.

The word "may" is permissive.

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

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

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

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

The term "Planning Commission" refers to the Aiken County Planning Commission.

The term "Planning Director" refers to the Director of the Aiken County Planning & Development Department.

The term "Council" refers to the Aiken County Council.

The term "Board of Appeals" refers to the Aiken County Board of Appeals.
Other words and terms defined herein are as follows:

Abutting - Sharing a common border; physically touching.

Access - A means of pedestrian or vehicular approach or entry to or exit from property.

Airport - A tract of land maintained for the landing and takeoff of airplanes and for receiving and discharging passengers and/or cargo, and usually including facilities for the shelter, supply, and repair of planes. This definition also includes related uses generally associated with airport operations, and publicly owned and privately owned airports and related uses and facilities. It does not include privately owned airports, airfields, airstrips, runways, or related uses which serve and/or house fewer than three (3) aircraft on a regular and/or frequent basis. This definition includes the Aiken Municipal Airport, Perry Airport, Twin Lakes Executive Air Park, and Sizemore Air Park.

Airport Elevation - The established elevation of the highest point on the usable landing area. The airport elevation at Aiken Municipal Airport is 529' msl (mean sea level).

Airport Hazard - Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

Airport Reference Point - The point established as the appropriate geographic center of the airport landing areas and so designated.

Alley - A public way which provides secondary access to the rear or side of abutting property.

Antenna - Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas such as panels, microwave dishes and satellite dishes and omni-directional antennas such as whip antennas.

Applicant - The owner, developer, sub-divider, or agent thereof, of property proposed for development who applies for development approval, for change or amendment of zoning classification, for variance, or for other action described in this Chapter.

Appreciably - In a manner capable of being perceived or measured.

Area of Shallow Flooding - A designated AO or VO Zone shown on Flood Insurance Rate Maps (FIRM) with base flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard - The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

Automotive Wrecking Yard - A location (1) where vehicles are retained on the premises without current license tags; and/or (2) where such vehicles are damaged so as not to comply with state or federal safety regulations, or are incapable of self-propulsion or are partially dismantled; and/or (3) where such vehicles and/or their parts are bought, traded, exchanged, sold, packaged or disassembled for profit, trade or hire.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Bed and Breakfast Inn - Any owner-occupied dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation.

Boarding House - A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders, who for a consideration are furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

Buildable Area – The portion of a lot remaining after required yards and bufferyards have been provided and any conservation or preservation areas, submerged lands, easements or road rights-of-way have been subtracted from the lot area.

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. By this definition, all buildings are structures, but not all structures are buildings.

Building, Accessory - A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building, Alteration - Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

Building, Principal - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

CAFO (Concentrated Animal Feeding Operation) – An agricultural facility where 100 or more swine are confined and fed or maintained for a total of 45 days or more in a 12-month period, and crops, vegetated forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Structures used for the storage of swine waste from swine in the operation also are part of the operation. The term CAFO includes slaughterhouses as defined in this Section, but does not include agricultural facilities for animals other than swine.

Caliper - The diameter of a tree trunk as measured six (6) inches above the ground.

Canopy Tree - A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

Certificate of Occupancy - A document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this Chapter and the Building Codes.

Child/Adult Day Care Services - Day care services shall mean and include any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received

for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or any number of successive days.

Church - A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain worship.

Cluster Home Development - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Collocate - Locating wireless communications equipment from more than one carrier on a single tower or site.

Commercial - The use of land, building or structure for the purpose of buying, selling and/or production of commodities and/or supplying of services.

Common Open Space - Land and/or water bodies within or related to a development used for recreation, amenity or buffer, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

Communication Tower - See the definition of Tower, Communication.

Community Center - (1) Any tract of land or building or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the government, a local government-appointed board, or agent thereof. (2) A building or part of a building used for community activities without purpose of gain.

Concentrated Animal Feeding Operations - See the definition of CAFO.

Conditional Use - A use of land or structure, which is permitted in a district under conditions specified in this Chapter.

Condominium - A unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure.

Dedication - The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Density - The number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this Chapter are based on the total land area within a development tract or subdivision, excluding nothing.

Detention Facility - A facility designed to detain stormwater runoff temporarily for a minimum length of time as determined by the County Engineer, and then release the detained water at a predevelopment-design flow. Detention facilities must be designed so that no stormwater remains in the facility during dry weather conditions. Aiken County will not accept for maintenance any detention facility which retains water on a permanent basis, i.e, a retention facility.

Developed Lot - See the definition of Lot, Developed.

Developer - An individual, partnership, or corporation (or agent therefor) that undertakes the activities covered by these regulations.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, or subdivision of land; or mining, dredging, filling, grading, paving, excavation, or drilling operations.

DHEC - South Carolina Department of Health and Environmental Control.

Domestic Animal Shelter - A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including potbellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

Drainage - The removal of surface water or groundwater from land by drains, grading, or other means.

Driveway - A paved or unpaved area used for ingress and egress of vehicles, allowing access from a street to a building or other structure or facility. A driveway shall provide access to no more than two (2) parcels of land.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment – See the definition of Dwelling, Multifamily.

Dwelling, Attached - A single-family dwelling unit attached to two or more single-family dwelling units by common vertical walls. See also the definition of Dwelling, Multifamily.

Dwelling, Cluster Development - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally-sensitive features. The design technique is applied principally to single-family residential subdivisions.

Dwelling, Detached - A single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex - A building containing two (2) dwelling units.

Dwelling, Group-Occupied - A dwelling unit occupied by five (5) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Multifamily - A building containing five (5) or more dwelling units which share access from a common hall, stairs or balcony. See also the definition of Dwelling, Attached.

Dwelling, Patio-House - A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero-lot-line dwellings.

Dwelling, Quadruplex - A building containing four (4) dwelling units.

Dwelling, Residential-design Manufactured Home - A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which:

1. has a minimum width over 20 feet (multiple-section); and

2. has a minimum of 900 square feet of enclosed living area; and

3. has a minimum 3:12 roof pitch and has a type of shingle commonly used in standard residential construction; and

4. is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, Masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and

5. has a roof overhang of not less than eight (8) inches.

Dwelling, Single-family - A building containing one dwelling unit.

Dwelling, Standard-design Manufactured Home - A single family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which does not meet the definition of a Residential Designed Manufactured Home.

Dwelling, Townhouse - A series of attached single-family dwelling units on separate lots, which may or may not have a common roof and are separated from each other by common vertical walls.

Dwelling, Triplex - A single building containing three (3) dwelling units.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Zero-lot-line - A zero-lot-line dwelling is a single-family detached unit which, instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio homes.

Easement - A right-of-use granted by a property owner to another party for a specific limited use, such as access, drainage facilities, or utilities.

Easement, Access - A right granted by a property owner to another party for ingress and egress to another property.

Elevated Building - A non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, (post and piers), shear walls, or breakaway walls.

Evergreen Tree - A coniferous or other tree that remains green throughout the year.

Fall Zone - An area, generally circular, into which a structural engineer has predicted a communications tower will collapse under catastrophic failure caused by mechanical fatigue, wind, seismic activity, and/or icing conditions.

Family - One or more persons related by blood, marriage, adoption, or guardianship, and not more than four (4) persons not so related, except that mentally- and physically-handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of Section 6-29-770 (E) of the South Carolina Code of Laws.

Family-Day-Care Home - Where permitted as an accessory use, shall mean a home in which care is given by a family member and no others, during the day only, for one and not more than seven children, including the day care parents' own children, and/or for handicapped, aged adults.

Farm - Any tract or real property which is principally used to raise, harvest or store crops, feed, breed, or manage livestock or to produce plants, trees, fowl or animals useful to man, including the preparation of the products raised thereon for man's use and disposed of by marketing or other means.

Federal Manufactured Home Construction and Safety Standards - Regulations promulgated by the United States Department of Housing and Urban Development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality

of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

Feedlot – An open or closed compound, where livestock is fed, graded, bought, sold, or maintained for transfer.

Firing Range, Commercial or Club; Pistol, Rifle, or Skeet Range - A facility or use which is located out-of-doors and operated either commercially or as a club for the purpose of discharging a rifle, pistol, or shotgun and which includes the following activities: construction of more than two (2) fixed or moving targets and the conduct of scheduled events involving firing by more than four (4) persons in the same general area. Legal hunting of wildlife, military or governmental activities, and occasional events such as "turkey shoots" operated on a temporary basis for fund-raising purposed by nonprofit and eleemosynary and organizations such as volunteer fire departments and civic organizations are not included in this definition. Indoor firing ranges are not included in this definition.

Flood – See Section 2.10.12 of this Chapter.

Floor - The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles.

Floor Area Ratio - The ratio of permitted floor area to the gross land area of the lot.

Gambling Industries – Establishments primarily engaged in operating gambling facilities, such as casinos, bingo halls and video-gaming terminals, or in the provision of gambling services, such as lotteries and off-track betting.

Garage, Private - (As defined by the International Building Code.)

Garage, Public - (As defined by the International Building Code.)

Gross Floor Area (GFA) - The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the

structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building floor space which is designed for parking of motor vehicles.

Hardship, Unique and Undue – A condition resulting from the strict applications of these regulations to land which possesses unique shapes, sizes, geological and/or topographical characteristics. For the purpose of this chapter, the term "hardship" does not indicate or recognize a condition of personal or economic disadvantage, but one of reasonable application of land-use regulations. Financial consideration alone shall not constitute justification for the granting of a variance.

Hazard to Air Navigation - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous Materials - Any substance identified on the List of Extremely Hazardous Substances of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 40 CFR Part 355 – Appendix A, as amended, which are present in an amount or amounts above the Threshold Planning Quantity, as specified in said Appendix A to Part 355.

Hazardous Waste - Materials or substances which are not biodegradable and which, due to such fact, pose a threat to living organisms through chemical contamination of the ecosystem. Materials and substances considered to be hazardous waste are those contained within the listing published by the U.S. Environmental Protection Agency, as amended, under the provisions of the Toxic Substances Control Act of 1976. A further listing of such materials is found in Regulation No. 61-79.1 et seq. (especially subsection 61-79.261.3) of the South Carolina Department of Health and Environmental Control (DHEC), appended to the 1976 Code of Laws of South Carolina, as amended.

Height - The vertical distance between the mean elevation at the finished grade along the front of the structure to the highest point of the structure, including towers, or in the case of buildings to the highest point of a flat or mansard roof or to the mean height between eaves and ridge for a pitched roof. The term also applies to vegetation and signs.

Home Occupation – An occupation or occupations for gain or support conducted entirely within a dwelling by a member of the family residing in such dwelling. Home occupations must comply with the conditions listed in Section 3.16 Home Occupations.

Individual Subsurface Disposal System - A system which will treat and dispose of domestic sewage from a single house or residence without creating a nuisance or a potential health hazard. The term is synonymous with the term "septic tank".

Industrial Solid Waste - Solid waste that results from industrial processes including, but not limited to, factories and treatment plants.

Impervious Surface - Surfaces that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Planning and Development Director to be impervious within the meaning of this definition will also be classed as impervious surfaces.

Impervious Surface Ratio - A measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Improvement - Any man-made immovable item that becomes part of, placed upon, or is affixed to real estate.

Junk - The term "junk" shall include, but is not limited to, abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery (not including acm machinery), and the following old, scrap, or used items: metal, rope, rages, batteries, paper, cardboard, plastic, rubber, pallets, appliances, motors, industrial or commercial fixtures, rubbish, debris, and wrecked, dismantled or disabled motor vehicles or parts thereof. The term shall also mean, but not be limited to, old or scrap copper, brass, aluminum, rope, rags, paper trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or no-ferrous materials.

Junkyard or Salvage Yard - Any premises, whether or residential, industrial, commercial or other nature, where salvage or junk as defined

herein is found and has been permitted to remain outside a completely enclosed building with the consent of the owner, lessee, or person(s) responsible for maintenance of such premises. See the definition of Wrecking, Junk and Salvage yards.

Kennel – An establishment, facility or structure where four (4) or more dogs or other small animals are boarded principally outdoors for compensation, or where such dogs or other small animals are raised and/or bred on a commercial scale, or where such dogs or other small animals are boarded, raised and/or bred for the benefit of clubs, associations, or other organizations. This definition does not include veterinary clinics or other animal boarding facilities where the boarding of the animals is enclosed.

Landfill - A disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.

Landfill, Construction and Demolition Debris - A facility that is used solely for the disposal of wastes resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. The wastes include, but are not limited to bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps. Solid waste from agricultural or silvicultural operations is not included.

Landfill, Industrial Solid Waste - An area of land or an excavation that receives industrial solid wastes. Industrial Solid Waste Landfills are classified based on results obtained from a TCLP (toxicity characteristic leaching procedure) test.

Landfill, Inert - A landfill which receives construction and demolition debris, land clearing debris, and yard trash.

Landfill, Land-clearing Debris - An area of land or excavation that receives solid waste generated solely from land-clearing activities. Solid waste from agricultural or silvicultural operations is not included in the types of waste allowed in this type of landfill.

Landfill, Sanitary - A land-disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes

environmental hazards and meets the design and operation requirements of DHEC.

Landfill, Solid-waste - Any sanitary landfill or landfill unit, publicly- or privately-owned, that receives household waste.

Landowner - An owner of a legal or equitable interest in real property including heirs, devisees, successors, assigns, and personal representatives of the owner. "Landowner may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site-specific development plan or a phased-development plan pursuant to this Chapter.

Landscaping Area – A type of open space permanently devoted to and maintained for the growing of shrubbery, grass, and other plants and decorative features to the land.

Lighting Fixture, Full Cut-off – A flush-mounted outdoor lighting fixture, such as used under canopies and soffits that is designed or shielded in such a manner that all light rays emitted by the fixture are directed downward and projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

Livestock – Chickens, turkeys, cattle, hogs, horses, mink, rabbits, sheep, goats or any other domestic animal used for human consumption.

Loading Area, Off-street - Space logically and conveniently located for pickups and deliveries off public right-of-way, scaled to delivery vehicles, expected to be used, and accessible to such vehicles.

Lot - A parcel of land considered as a unit. The terms "lot", "lot of record", "property", or "tract", whenever used in this Chapter, are interchangeable.

Lot, Corner - A lot located at the intersection of two or more streets.

Lot, Developed - A developed lot or parcel is one which contains fifty thousand dollars ($50,000) in commercial, industrial or business improvements, according to records in the County Tax Assessor's office or receipt of a valid Building Permit in such amount.

Lot, Flag – A lot which may have less road frontage than is normally required in a zoning district; however, minimum road-frontage width of flag lots may not be less than 30 feet. The “flagpole” portion of the lot is used as an access corridor for the greater, buildable area of the lot located behind lots having normally-required street frontage.

Lot, Through or Double-frontage - A lot which has frontage on more than one street; also known as reverse-frontage lot.

Lot, Interior - A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot Depth - The average horizontal distance between front and rear lot lines.

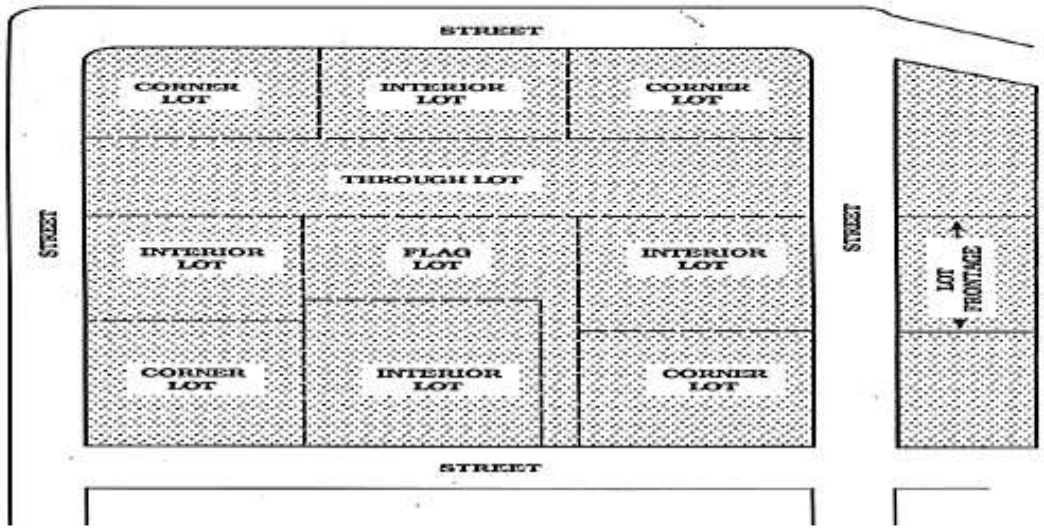
Lot Line – The boundary line of a lot; a line bounding a lot which divides one lot from another or from a street or any other public or private space.

Lot of Record - A lot, the boundaries of which are filed as legal record.

Lot, Reverse-frontage – See the definition of Lot, Through or Double-frontage.

Lot Width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lot Area - The area contained within the boundary line of a lot.



Major Thoroughfare -- A road identified as a Major Thoroughfare on the Aiken County Official Major Thoroughfares Map, as revised.

Manufactured Home Park – Any parcel of land or combination of contiguous or adjoining parcels of land owned by one (1) person or group of persons doing business as one (1) entity being used for the purpose of supplying parking space for five (5) or more manufactured homes and which may include buildings, structures, vehicles, or enclosures used or intended for use as part of such manufactured home park., Land subdivided and subsequently sold for the purpose of siting manufactured homes is not considered a manufactured home park under this Chapter. Such subdivision of land is subject to the provisions of Article 7 of this Chapter.

Manufactured Home Park Space - A plot or ground within a manufactured home park designed for the accommodation of one unit.

Mining - The act or process of digging, excavating or tunneling for the purposes or removing some natural material.

Miniwarehouse - A building or group of buildings in a controlled-access and fenced compound that contains individual compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

Mixed-occupancy Building - Any building that is used for two or more occupancies classified by different occupancy-use groups.

Modular Home, Building Unit or Other Structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the Modular Buildings Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any zoning district.

Nonconformity - Any lot of record, use, building, structure or vegetation in existence prior to the adoption, revision, or amendment of this Chapter, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of this Chapter.

Nonresidential Use - A principal use of land other than residential purposes, i.e. commercial, industrial, institutional, or other uses.

Occupancy -To reside in as owner or tenant on a permanent or temporary basis.

Off street Parking Space - An area, not in a street or alley, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a driveway which provides ingress and egress.

Open Space Ratio - A measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area.

Open Storage - Any accessory storage in the open air and outside of a principal or main building or structure on a lot, including the storage of equipment, goods, raw or processed materials, or merchandise outside of any building or structure, but not including wrecking, junk or salvage materials, as defined by this Chapter.

Parcel - A land area bounded by property lines that is recognized as such by the County Assessor's Office.

Person - An individual, proprietorship, partnership, corporation, association, or other legal entity.

Phased-development plan – A development plan submitted to the Aiken County Planning Commission or to County staff by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site-specific development plan.

Planning Director – The Director of the Aiken County Planning & Development Department or his designee.

Plat – A map or drawing showing a plan of a subdivision or other land development.

Plat, Final – A plat describing a subdivision or other land development that has been recorded in the office of the Registrar of Mesne Conveyance.

Premises - A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

Residential District - Any of the following zoning districts: RC, RD, RM, and OR.

Retail Establishment – A store or part thereof in which foods, wares, merchandise, substances, articles, or other items are offered or kept for sale directly to the public at retail. The term “retail establishment” includes restaurants and department stores.

Right-of-way - A strip of land acquired by reservation, dedication, prescription, or condemnation and intended for a purpose such as ingress/egress or utility location.

Road – See the definition of Street.

Salvage - Any materials consisting of waste matter, discarded matter or salvage matter which is bought, sold, exchanged, stored, baled, packaged or disassembled for profit, trade or hire. The term shall also mean any vehicle without current license tags which is (1) damaged so as not to

comply with state or federal safety regulations, or (2) incapable of self-propulsion, or (3) partially dismantled; if such vehicle is retained on the premises for more than (30) days unless scheduled for repair as evidenced by a repair order not more than (6) months old. The term shall also mean, but not be limited to, old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material. See also the definition of "junkyard or salvage yard."

School - A public school, a separate school, a university, a college or a private school authorized by the authority having jurisdiction and operated on a not-for-profit basis; includes a day nursery and residence building for staff and students, provided that such buildings are on the same lot as the place of instruction; excludes schools such as dance schools, karate schools, gymnastic schools, and similar commercial instructional or educational facilities.

Septic Tank – See the definition of Individual Subsurface Disposal System.

Service Establishment – A building or part thereof used for the provision of services, such as repair of motor vehicles; exhaust system replacement; repair of television and other electronic devices; appliance repairs; and similar facilities, including automotive service stations for the servicing and repairing of motor vehicles and for the sale of fuel, oils, accessories for motor vehicles, food, and refreshments.

Setback, Front - A setback extending the full width of the front of a lot in the area between the front (street) right-of-way line or property line and the front building line.

Setback, Rear - A setback extending the full width of the lot in the area between the rear lot line and the rear building line.

Setback, Required - That part of a lot between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Chapter.

Setback, Side - A setback extending the full length of the lot in the area between the side lot line and a side building line.

Sexually-oriented Business - For purposes of this Chapter, the term “sexually- oriented business” shall mean and include the following:

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically-, electrically-, or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore or Adult-video Store means a commercial establishment, which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

2. Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult-video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult-video store so long as: one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Cabaret means a nightclub, bar, restaurant or similar commercial establishment, which regularly features:

1. Persons who appear in a state of nudity; or

2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

3. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the description of "specified sexual activities" or "specified anatomical areas".

Adult Motel means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

3. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Theater means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Sexual-encounter Center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

Sign - Any object, device, display or structure, or part thereof, situated outdoors or indoors, 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” includes banners, posters, inflatable signs, tethered balloons and pennants.

Sign, Abandoned - A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, Animated - Any sign that uses movement or change of lighting to depict action or to create a special effect or scene. See the definition of “Sign, Changeable-Copy.”

Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, Bench - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Building - Any sign attached to any part of a building.

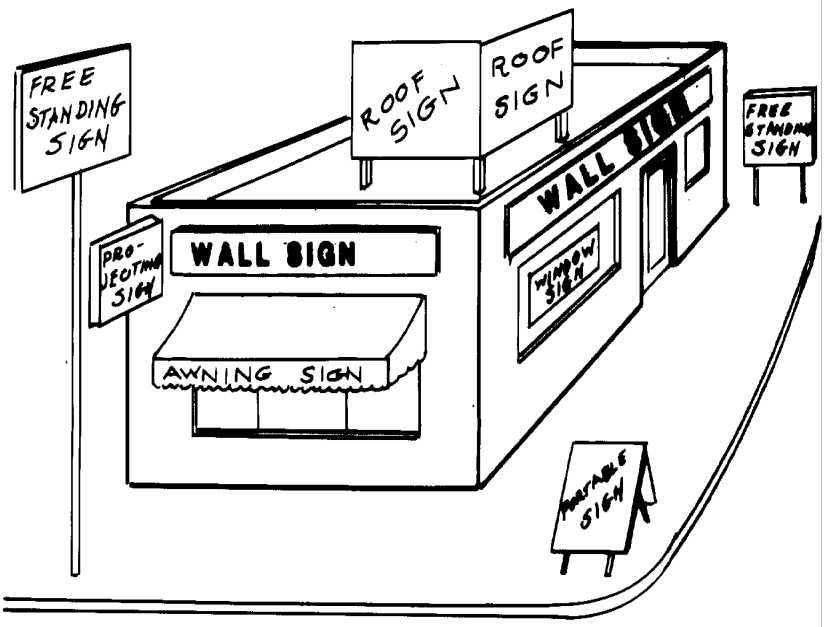
Sign, Changeable-Face/Copy/Electronic Message Board – A sign designated to allow the changing of letters, words, logos, or symbols through manual, electronic, or digital means only in a static manner without altering the face or surface of the sign, or creating movement or the appearance of movement upon the sign face or by any other structural component. A sign on which the message changes statically more than once every ten (10) seconds provided the message does not change through flashing, scrolling, or any type of animation shall be considered an animated sign and not a changeable-face/copy/electronic message board sign for purpose of this Chapter. See the definition of “Sign, Animated”. Images displayed using electronic/digital technology must be static messages and the content shall not include animated, flashing, scrolling, or full-motion video elements. All digital business signs shall have a method for controlling the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorist. These signs shall not exceed a maximum illumination of 7500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign face. This illumination can be regulated either by an automatic dimmer and photo cell sensor or through the use of computerized controls that accurately replicates these maximum illumination requirements.

Sign Face - The area or display surface of a sign used for the message.

Sign, Freestanding - Any non-movable sign not affixed to a building.

Sign, Identification - A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

Sign, Incidental - A sign not to exceed six (6) square feet in area, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.



SIGN TYPES

Sign, Monument – A ground-level, freestanding sign not mounted on a pole or poles. The area of the structure supporting the sign shall not exceed 60 percent of the total combined area of the sign and the supporting structure.

Sign, Permanent - A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use.

Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable – A sign that is not permanent or affixed to a building or other structure or to the ground.

Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, Reader-Board – A changeable-copy or changeable-face sign. A sign on which the message changes more than once every ten seconds shall be considered an animated sign and not a reader-board sign for purposes of this Chapter.

Sign, Roof - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the ridge line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof. Signs mounted on the sloping section of a roof or the gable end of a roof shall be classified as a wall sign.

Sign, Roof-integral - A sign whose structure is integrated into the structure of the roof, and is an integral part thereof.

Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted.

Sign, Wall - Any sign attached to and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, Window - A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Site-specific development plan – A development plan submitted to the Aiken County Planning Commission or to County staff by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of, but is not limited to, the following plans or approvals: planned unit development; subdivision plat; preliminary or general development plan; variance; conditional-use plan; mobile home park or mobile home subdivision; or other land-use-approval designations as are used by Aiken County.

Slaughterhouse – Means an agricultural facility which slaughters or processes more than two hundred pounds of livestock, hogs, aquatic animals, equine, chickens, turkeys, poultry, or other food normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes. Also see definition of CAFO.

Solid Waste - Includes any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and

other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina.

South Carolina Manufactured Housing Board – The Board which is authorized by South Carolina State statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which Board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Storage - The containment of solid waste, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such solid waste; provided, however, that storage in containers by persons of solid waste resulting from their own activities on their property, leased or rented property, if the solid waste in such containers is collected at least once a week, shall not constitute “storage” for purposes of this act. The term does not apply to containers provided by or under the authority of the county for the collection and temporary storage of solid waste prior to disposal.

Stormwater Dentention Facility - See the definition of Detention Facility.

Street - Any publicly-maintained or privately-maintained thoroughfare (drive, byway, avenue, circle, way, or boulevard) or space which has been dedicated, deeded or designated for vehicular traffic and which serves more than two parcels of land. The term is synonymous with the term “road” and includes the term “alley”. The term does not include driveways (see the definition of Driveway). New streets must be built to meet the Aiken County standards for street construction.

Street, Arterial - Includes all State primary and Federal Aid highways and streets that serve to circulate traffic, having signals at important

intersections, and stop signs on side streets, and/or having controlled access and channelized intersections.

Street, Collector – A street designed principally to collect traffic from subdivisions and to feed arterial streets.

Street, Cul-de-sac – A street with a single common ingress and egress and with a turnaround at the end.

Street, Dead-end – A street with a single common ingress and egress point and without a turnaround at the end.

Street, Minor Local - A street designed principally to provide access to abutting property.

Street, Private - A street not dedicated for public use or maintenance.

Street, Public - A street maintained by a public body.

Structure – Anything erected, built, or constructed, the use of which requires temporary or permanent location on or in the ground or soil, or attached to anything having temporary or permanent location on or in the ground or soil, but not including pavement, curbs, walks, open-air surfaced areas, moving vehicles, or fences less than six feet in height. By this definition, all buildings are structures, but not all structures are buildings.

Structural Alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Subdivision – All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development; the term includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law; and the term includes combinations of lots of record.

<u>Subdivision, Exempt</u> – A subdivision which meets any of the following conditions:

1. The combination or recombination of portions of previously-platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Chapter and other applicable regulations.

2. The division of land into parcels of five (5) acres or more where no new street is involved; plats of these exceptions must be received as information by the Aiken County Planning & Development Department, which Department shall indicate that fact on the plats.

3. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

4. The partition of land by court decree.

5. A one-hundred-percent transfer of ownership in a parcel of property.

6. A division of property among the heirs of an estate. However, this exemption does not relieve the estate from following the accessibility provisions found in Section 7.9 of this Chapter.

7. The sale or division of property by an owner of a tract of land if the owner is not in the business of developing real property. For purposes of this exemption, a person is determined to be in the business of developing real property if that person has, within the preceding twelve (12) months, created and recorded six (6) or more new parcels. However, this exemption does not relieve the subdivision from the accessibility provisions found in Section 7.9 of this Chapter. This exemption shall not apply to businesses, corporations, or associations, etc., but only to natural people.

The Aiken County Planning & Development Department must approve and may retain a copy of the plats of the above-described exempt subdivisions.

Subdivision, Major – Any subdivision other than an exempt or minor subdivision.

Subdivision, Small – A subdivision which does not involve any of the following: (a) the creation of more than ten lots, (b) the creation of any new street, (c) the extension of public water or sewer lines, or (d) the installation of drainage improvements through one or more lots to serve one or more other lots.

Substantial Improvement - Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include Americans with Disabilities Act compliance standards): or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years.

Tower, Communication – Any ground- or roof-mounted pole, spire, or combination thereof of height greater than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, which is intended primarily for the purpose of mounting a communications antenna, meteorological device, or similar apparatus above grade.

Travel Trailer or Recreational Vehicle - A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

Trucking terminal - A use included in NAICS category number 484 Truck Transportation. The term also includes truck-staging operations. Also refer to Section 3.23 of this Chapter.

Understory Tree - A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Use - The purpose or activity, for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Accessory - See the definition of Building, Accessory.

Use, Nonconforming – See the definition of Nonconformity.

Use, Principal - The primary purpose for which land is used.

Variance - A modification of the regulations of this Chapter, granted by the Board of Appeals or by the Planning Commission, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the Chapter would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Vegetation - Any object of natural growth.

Vendor - A temporary or occasional operation the primary activity of which is retail sales, such as produce stands, fireworks stands, etc.

Vested Right – The right to undertake and complete the development of property under the terms and conditions provided in this Section.

Wetlands - Areas of one-quarter (.25) acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Jurisdictional wetlands are those over which the U.S. Corps of Engineers and/or the State of South Carolina has permitting jurisdiction.

Wrecking Yards, Junkyards, and Salvage Yards - Any land or structure used for a salvaging operation, including but not limited to the storage and sale of waste paper, rags, scrap metal, discarded materials, consumer goods, equipment and the collection, dismantlement, storage and salvage of ten (10) or more unlicensed or inoperative vehicles; or a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged,

stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition or used or salvaged materials as part of manufacturing operations. Also see the definition of Junkyard or Salvage yard.

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Chapter.

Zoning District - A specifically-delineated area or district within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

ARTICLE XII.
LEGAL STATUS PROVISIONS

Section 12.1 Conflict with Other Laws

Whenever the regulations of this Chapter require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Chapter, the provisions of such statute shall govern.

Section 12.2 Validity

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

Section 12.3 Repeal of Conflicting Chapters, Ordinances and Parts of Ordinances; Revision of Related Chapters of the Aiken County Code of Ordinances; Adoption of this Chapter as Chapter 24 Land Management Regulations of the Aiken County Code of Ordinances.

(A) All Chapters, ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Chapter full force and effect. Specifically, this Chapter repeals ordinances and parts of ordinances codified in the following Chapters and Sections of the Aiken County Code of Ordinances:

i. Chapter 9 Flood Damage Prevention and Protection in entirety;

ii. Section 13.5-2 through Section 13.5-8 and Section 13.5- 10 through Section 13.5-63.5 of Chapter 13.5 Mobile Homes;

iii. Chapter 21 Subdivision Regulations in entirety;

iv. Chapter 24 Zoning and Development Standards in entirety; and

v. Chapter 23.5 Wireless Telecommunications facilities in entirety.

(B) Current Code Section 13.5-9 is hereby renumbered 13.5-2 and the following new Code subsection 13.5-3 is hereby adopted:

i. Section 13.5.3 Zoning & Development Standards

Refer to Chapter 24 Land Management Regulations of this Code for zoning and development standards for individual mobile homes and manufactured homes and for mobile home parks and manufactured home parks and subdivisions.

(C) Current County Code Section 5-81 (a) is hereby revised to read as follows:

i. Section 5-81. Conditions.

(a) For contractors and for property owners, the following provisions apply: The Building Official shall act upon an application for a Building Permit required by this chapter with documents filed or as amended without unreasonable or unnecessary delay. A Building Permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of the applicable codes, this chapter or applicable state and federal laws or regulations, nor shall such issuance of a Building Permit prevent the Building Official from thereafter requiring correction of errors in plans or in construction or of violations of the applicable codes or this chapter. Every Building Permit issued shall become invalid unless the work authorized by such permit is commenced within one year after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one year after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than one year each. The extension shall

be requested in writing and justifiable cause demonstrated. If the Building Official approves the request, the work project may be transferred to a new Building Permit provided the established transfer fees are paid.

(D) All of the preceding Articles 1 through 11 of this Land Management Chapter shall be codified as Chapter 24 LAND MANAGEMENT REGULATIONS of the Aiken County Code of Ordinances. Section numbers of this Land Management Chapter shall be revised accordingly when codified in Chapter 24; for example, "Section 1.1 Title" of this Chapter shall be renumbered as "Section 24-1.1 Title" when codified in Chapter 24. All references to "Zoning Administrator" in this Land Management Chapter shall be changed to "Planning & Development Director".

Section 12.4 Effective Date

This Chapter (Ordinance) became effective on November 2, 2006 under the pending-ordinance doctrine and was revised and adopted at third reading of the Chapter (Ordinance) at the regular meeting of the Aiken County Council on June 5, 2007.

ATTEST: SIGNED:

_____ _____

Tamara Sullivan, Council Clerk Ronnie Young, Chairman

IMPACT STATEMENT:

COUNCIL VOTE:

AIKEN COUNTY PLAT STANDARDS

As maintained by Aiken County IT-GIS Mapping Division

(These requirements are for **all** plats in Aiken County, SC jurisdiction)

1. The tax parcel number noted as first note or in title box on plat, along with a note stating whether the plat is a survey of an entire existing tax parcel(s) or of a portion of existing tax parcel(s).

2. Bearing and distance tie-down from property corner or access point on an existing road to the nearest road intersection, creek, river, major utility easement or geodetic control monument.

   - Exception: If the tie-down is greater than one mile from any of the above named nearest objects, a locator tie can be made using a point identifiable on the most current County orthophotos such as a building corner, a road intersection with a driveway or other point that can accurately spotted on the orthophoto. If this option is used, a bearing and distance tie must also be made as noted below:

     1) Subdivision of property plat – a bearing and distance tie must be made to the parent parcel boundary line(s).

     2) 100% conveyance plat - a bearing and distance tie must be made to the neighboring parcel boundary line(s).

3. A 3” x 4” blank area reserved for County stamps.

END

AIKEN COUNTY SURVEY TIE-DOWN STANDARDS

Connecting Surveys to State Plane Coordinate System

1. Purpose

Aiken County has a major investment in a modern computerized multipurpose land information system that will serve the mapping needs of all the County governmental activities. The base maps for this system are referenced to the Lambert Conformal single-zone South Carolina State Plan Coordinate System, which is based on the North American Datum of 1983 (NAD 83-86). Geodetic survey monuments, usually consisting of a metal disk placed in top of a concrete post, have been placed throughout the County. Data sheets containing descriptions, and state plane coordinate values for these monuments are available from the South Carolina Geodetic Survey. These geodetic control monuments control the County mapping system. For the purpose of these standards, monumented geodetic control points are only those geodetic monuments recognized by the South Carolina Geodetic Survey as being part of the state geodetic network.

The intent of this standard is to require certain land parcels, located within reasonable distance from monumented geodetic control points, to be referenced by field survey to geodetic control points which are defined by state plane coordinates. In cases where monumented geodetic control points are not within a reasonable distance as defined in this document, the requirement will be to reference the survey to points which are identifiable on the County orthophoto maps. Property surveys affected by this standard will be referenced to their accurate geographic locations, and therefore can be plotted in their correct position on the state plane coordinate based County mapping system. These positions can be reproduced to the same accuracy as the original determination, even if all physically platted corners or supporting evidence, or both has been destroyed.

The act of positioning property corners will improve County land records by allowing ground surveys to be easily and accurately translated to County maps – hard copy or electronic. In addition, land owners will benefit in that property corners tied directly to monumental geodetic control by field surveys are defined by mathematical references which cannot be

destroyed; therefore in the future, missing or destroyed property corners can be more easily re-established with a high level of confidence.

This concept has existed for many years, but it has not been practical to apply on the County level until recent developments in technology that allow the cost-effective production of accurate mapping systems and the placement of closely-spaced geodetic control monuments defined by very accurate coordinates. The recent development of the satellite base Global Positioning System (GPS) is further revolutionizing control surveys.

2. Survey Requirements for Property Transfer:

A. In order for ownership of a land parcel to be divided and transferred, a survey or plat of the parcel that meets the mapping standards of the Aiken County GIS mapping system, including the State Minimum Standards; must be on record in the County RMC office; or the parcel must be a lot of record in the county GIS system at time of deed execution. Referenced plats shall be dated no earlier than April 23, 1982. Exception to this requirement is made for property transferring through probate court.

B. When property is subdivided a copy of the survey or plat shall be recorded in the RMC office.

3. Surveys Requiring Tie To Geodetic Control Monument:

The following surveys require ties to geodetic control monuments:

A. Any subdivision of five (5) or more lots total aggregate, including all phases and sections severed from parent parcel at the time of this standard, within a one mile traverse distance along public roads of geodetic control.

B. Any boundary survey for which the sum of the length of the lines platted is greater than the traverse distance along public roads to geodetic control.

C. Any subdivision of twenty-five (25) or more lots total aggregate, including all phases and sections severed from the parent parcel at the time of this standard, regardless of distance to geodetic control.

D. Any non-agricultural industrial/commercial development of 25 or more acres regardless of distance from geodetic control.

4. Survey Exempt from Geodetic Control Monument Tie:

It is considered desirable for surveyors to tie surveys, whenever possible, to the state plane coordinate system. Nothing in these exemptions is intended to discourage surveyors from tying surveys to the state plane coordinate system.

The following surveys are exempted from geodetic control monument tie:

A. Retracement surveys of property in existing, platted subdivisions already recorded in the County RMC Office.

B. Any survey not specified in Section 3.

5. Surveys Requiring Orthophoto Locater Tie:

All surveys not included in Section 3 and surveys exempted in Section 4 shall have a “locator tie”. A locator tie is defined as a bearing and distance tie from a property corner to a point identifiable on the orthophoto map such as a building corner, a road intersection with a driveway or other point that can be accurately spotted on the orthophoto.

To support this requirement, the County will make copies of the County orthophoto maps available to licensed surveyors at a reasonable cost. Reasonable pricing to surveyors will be contingent upon these maps being for the surveyors’ use only.

6. Survey Requirements

Survey requirements specified in this document are only for control survey connections between geodetic survey monuments and land parcels. Boundary surveys shall be performed in accordance with the State Minimum Standard published by the state Board of Registration for Professional Engineers and Land Surveyors unless more stringent requirements are specified herein. In so far as possible, control surveys between geodetic monuments and property boundaries shall be extended

from the nearest geodetic control monument(s). County specifications for horizontal control are as follows:

A. Terrestrial Surveys:

A. If control is extended no more than ½ mile from control monument to property boundary a closure of 1/10,000 or 0.2 feet, whichever is greater, shall be achieved.

B. If control is extended more than ½ mile from the control monument to the property boundary a closure of 1/20,000 or 0.2 feet, whichever is greater, shall be achieved.

1) Global Positioning System (GPS) Surveys:

1. If GPS is used, procedures shall be followed to ensure survey grade compatibility with the nearest geodetic control monuments. Survey grade GPS receivers shall be used with a manufactures stated accuracy of at least ± 5 cm ± 2 ppm. It is realized that the nearest station may not always be suitable for occupation by GPS because of obstructions, property owner permission or other reasons. The intent here is to make ties to network stations within 10 kilometers of the project and to establish new coordinates on property corners to a spatial accuracy of 0.2 feet.

2) Plat Requirements:

1. State plane coordinates shall be shown on the plat for at least two property corners. The coordinates and names of geodetic monuments(s) used for control will be noted on the plat with the grid and distance and azimuth shown to at least one or the coordinated property corners.

2. Horizontal ground distances (not grid distance) will be shown on the plat for all segments of the boundary survey. A combined state plane coordinate – sea level reduction factor will be noted on the plat. Area will be based on horizontal ground distances.

3. All bearings will be referenced to state plane coordinate gird north.

4. Survey caps identifying the surveyor shall be placed on all new corners established on surveys covered by this standard.

7. Electronic Data Files:

If the subdivision is generated with computer-aided drafting procedures, the County requires a copy of the electronic file to be provided meeting the Aiken County Digital Data Submission Standards.

8. Penalty For Non Conformance:

By following these guidelines, the South Carolina Geodetic Survey will grant an exception to the State Regulations contained in Chapter 2, Section 27-2-60 that requires all coordinates on the South Carolina Coordinate System to be established to Second-Order Class-2 standards as established by the Federal Geodetic Control Committee (now renamed as the Federal Geodetic Control Subcommittee). Failure to comply will be determined by local jurisdiction and may result in the disapproval or the survey or plat.

Aiken County Digital Data Submission Standards

These standards are maintained by and subject to revision by the Aiken County IT Department GIS Mapping Division.

Graphic File (.dxf or .dwg) Specifications

Color/Layer Number	Layer Name	Feature Type	Layer Description
1	BLDG1	Polyline	Building/structure outline or footprint
2	PARCEL1	Polyline	Parcel/lot boundaries
3	SUBDIV1	Polyline	Subdivision boundaries
4	ROW1	Polyline	Rights of way delineating private/public land boundary
5	GCP1	Point	Ground control points (existing, surveyed, or GPSed)
6	CNTRLIN1	Polyline	Street/road centerlines (paved and unpaved)
7	RAIL1	Polyline	Railroads
8	HYDLIN1	Polyline	Linear hydrography, creeks/streams
9	HYDPOL1	Polyline	Polygonal hydrography, lakes/ponds
10	EAS	Polyline	Utilities, wildlife, transp., storm drainage/detention, etc.
11	FP	Polyline	Flood plain
12	FW	Polyline	Flood way
13	WETLAND	Polyline	Wetlands
14	SDLINK	Polyline	Storm drain culvert, ditch, pipe, etc.
15	SDNODE	Point	Storm drain structure (manhole, junction box, etc.)
16	SSLINK	Polyline	Sanitary sewer pipe
17	SSNODE	Point	Sanitary sewer manholes, pumps, junctions, etc.
18	WTRLINK	Polyline	Water pipe
19	WTRNODE	Point	Water access/junction box, valves, etc.
20	FIREHYD	Point	Fire hydrant
21	CTOUR1	Polyline	Un-broken contour lines (* design/as-built)
1	LOTNUM1	Text	Proposed parcel lot number
2	LOTAC1	Text	Acreage, and x/y of POB
3	RDNAME1	Text	Street/road name & number
4	PAVTYPE1	Text	Pavement type
5	RAILNAM1	Text	Railroad name
6	HYDNAM1	Text	Hydrographic feature name
7	EASTYPE	Text	Type of easement (utility, transp., wildlife, storm, etc.)
8	CTOURVAL	Text	Elevation of individual contours

Metadata Text File (‘metadat.txt’) Specifications

Subdivision Name: Submittal Date:
County:
City:

Parent Parcel #:
Number of Lots:

Type of Geodetic Control:

<u>GPS</u>	Traverse to Monument
Unit Type:	Referenced Monument Name/Number:
PDOP of Control Points:	Distance to Monument:
Differentially Corrected: Y / N	

Prepared by/Firm Name:
Drawing/File Name:
Software/Version Used:

TOTAL Capacity
for SCDOT Travel Demand Models

		Total # of Lanes								
LG1 Code	Functional Class	1	2	3	4	5	6	7	8	9
1	***Freeway***	n/a	29,300	44,000	58,600	73,250	87,800	102,550	117,200	131,850
2	***Expressway***	n/a	21,000	24,100	42,000	48,250	63,000	72,400	84,000	96,600
	Principal Arterial									
11	Divided	8,400	16,800	19,300	33,600	38,600	50,400	57,900	67,200	77,200
12	Undivided	7,300	14,600	16,800	29,200	33,600	43,800	50,400	58,400	67,200
	Minor Arterial									
13	Divided	6,200	12,400	14,300	24,800	28,600	37,200	42,900	49,600	57,040
14	Undivided	5,400	10,800	12,400	21,600	24,800	32,400	37,200	43,200	49,600
	Collectors									
21	Divided	4,900	9,800	11,300	19,600	22,600	29,400	33,900	39,200	45,080
22	Undivided	4,300	8,600	9,800	17,200	19,600	25,800	29,400	34,400	39,200

TOTAL Capacity
for SCDOT Travel Demand Models

		Total # of Lanes								
LG1 Code	Functional Class	1	2	3	4	5	6	7	8	9

The above figures represent level of Service C

Multiply by 1.15 for Level of Service D
Multiply by 1.35 for Level of Service E