

# **Zoning Ordinance**

## **City of Aiken, South Carolina**



*Adopted*

**November 22, 1999**

*Revised*

***June 2009***



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## **CHAPTER 1. GENERAL PROVISIONS**

### **ARTICLE 1. GENERAL**

#### **1.1.1. SHORT TITLE**

This Ordinance shall be known as the "Zoning Ordinance," and the map herein referred to, which is identified by the title "Zoning Map, City of Aiken, South Carolina," shall be known as the "Zoning Map".

#### **1.1.2. AUTHORITY**

This Ordinance is adopted pursuant to the authority granted by Chapter 29 of Title 6 of the Code of Laws of South Carolina, as amended, including the amendments in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, except where specific reference is made to authority granted by other provisions of said Code.

#### **1.1.3. PURPOSE**

This Ordinance is intended to ensure that development is compatible with existing and future needs of the community, while promoting the public health, safety, convenience, order, appearance, prosperity, and general welfare, in accordance with the purposes provided in Section 6-29-710, Code of Laws of South Carolina. Specific purposes of this Ordinance include, but are not limited to, the following.

1. Provide for adequate light, air, and open space.
2. Prevent the overcrowding of land, avoid undue concentrations of population, and lessen street congestion.
3. Facilitate creation of a convenient, attractive, and harmonious community.
4. Protect and preserve scenic, historic, or ecologically sensitive areas.
5. Regulate population density and distribution of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.
6. Facilitate economic growth and business development.
7. Facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage disposal, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services.
8. Secure safety from fire, flood, and other dangers.
9. Further the public welfare in any other way specified by City Council.

#### **1.1.4. JURISDICTION**

This Ordinance and the provisions it contains shall govern all development within the incorporated area of the City of Aiken, as now or may be hereafter established, together with such unincorporated areas of Aiken County which City Council and the Aiken County Council may jointly agree to become governed by this Ordinance.

#### **1.1.5. ZONING AFFECTS EVERY BUILDING, STRUCTURE, AND USE**

No building, structure, or premises shall be used, and no building, structure, or part thereof shall be erected, moved, remodeled, extended, enlarged, or altered, except in conformity with this Ordinance. In addition, no other activity, including land clearing or tree removal, regulated by this Ordinance shall be authorized unless in conformity with this Ordinance.

#### **1.1.6. MINIMUM REQUIREMENTS**

In interpreting and applying provisions of this Ordinance, these provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare.

#### **1.1.7. REDUCTION OF LOT AREA OR INCREASE IN DENSITY**

No lot shall be so reduced or subdivided in a way that causes it not to meet the requirements in this Ordinance for minimum lot area and lot width, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.

#### **1.1.8. CONFLICTING PROVISIONS**

Where there is a conflict or apparent conflict between provisions of this Ordinance, the more restrictive provision shall control.

Where it is possible to implement, administer, or construe a particular provision in more than one way, it shall be implemented, administered, or construed in the way that eliminates or minimizes conflicts with other provisions of this Ordinance.

Whenever this Ordinance imposes a more restrictive standard than required by any other City ordinances or requirements, the provisions of this Ordinance shall govern. Conversely, whenever any City ordinance or requirement imposes a stricter standard than required by this Ordinance, the provisions of such City ordinance or requirement shall govern.

#### **1.1.9. RELATIONSHIP TO DEED RESTRICTIONS**

Public regulation of land is entirely separate from and independent of private deed restrictions. No weight shall be given to the effect of deed restrictions in construing this Ordinance, nor shall this Ordinance be given inappropriate consideration in the construction of deed restrictions. Where there is a conflict between this Ordinance and any private restrictions, the more restrictive provisions shall apply.

#### **1.1.10. RELATIONSHIP TO COMPREHENSIVE PLAN**

It is intended that this Ordinance implement the planning policies adopted as part of the City's Comprehensive Land Use and Transportation Plan (hereafter, the "Comprehensive Plan"), as amended and periodically updated, including all supplements and attachments thereto.

#### **1.1.11. ENACTMENT OF INTERIM ORDINANCES**

The provisions of this Ordinance may be superseded from time to time by the enactment of interim ordinances that affect the timing and issuance of approvals or other standards or provisions of this Ordinance during the period specified by the interim ordinance. Any provision of this Ordinance not specifically regulated by the interim ordinance shall not be affected.

#### **1.1.12. EFFECTIVE DATE**

The effective date of this codified, updated, and amended Ordinance shall be November 22, 1999.

#### **1.1.13. VALIDITY**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

#### **1.1.14. CIVIL LIABILITY OF CITY**

Nothing contained in or omitted from this Ordinance is or shall be construed as a basis for imposing civil liability upon the City, its officers, or employees. The City, its officers, and employees shall not be liable for any injury, damage, loss, expense, or death arising from or related to any act performed pursuant to this Ordinance, including but not limited to inspections, certifications, approvals, denials, and acceptances; the failure to perform any such act; or the adherence to or failure to adhere to any provision, standard, or requirement set forth in this Ordinance.

## **ARTICLE 2. TRANSITIONAL PROVISIONS**

### **1.2.1. PENDING CONSTRUCTION**

#### **A. Building Permits**

Nothing in this Ordinance shall require any change in the plans, construction, size, or designated use of any building, structure, or part thereof, for which a building permit has been granted prior to the adoption of this Ordinance or a change in this Ordinance, provided construction shall start consistent with the terms and conditions of the building permit and proceed to completion in a timely manner.

#### **B. Approved Site Plans**

Nothing in this Ordinance shall require a change to a site plan approved prior to the adoption of this Ordinance, provided a building permit is issued within 60 days of the effective date of this Ordinance and construction starts consistent with the terms and conditions of the building permit and proceeds to completion in a timely manner.

#### **C. Approved Concept Plans for PR or PC**

Nothing in this Ordinance shall require a change to a concept plan for a Planned Residential or Planned Commercial district approved prior to the adoption of this Ordinance. Any additional approval required to implement a concept plan for which application is made after the effective date of this Ordinance shall follow the requirements in effect at the time of application.

### **1.2.2. EXISTING HOME OCCUPATIONS**

Any home occupation with a current, valid City of Aiken business license existing as of the effective date of this Ordinance shall be permitted to continue indefinitely as long as a business license is obtained each year. If a valid business license is not obtained, or if the business license is revoked, the home occupation may be re-established only in accordance with the provisions of this Ordinance.

### **1.2.3. DISTRICT CONVERSION**

The district names in effect prior to the effective date of this Ordinance are hereby converted, as shown on the following table.

Old	DISTRICT CONVERSION TABLE	New
<b>RESIDENTIAL DISTRICTS</b>		
R-1	Residential Single-Family	RS-15
R-1A	Residential Single-Family	RS-10
R-1B	Residential Single-Family	RS-8
R-1C	Residential Single-Family	RS-6
R-1H	Residential Single-Family/Horse	RSH
R-1S	Residential Single-Family/Stable	RSS
R-1M	Residential Manufactured Home	RSM
R-2	Residential Multifamily Low-Density	RML
R-2A	Residential Multifamily Low-Density	RML
R-3	Residential Multifamily High-Density	RMH
R-4	Residential Manufactured Home Park	RMP
<b>SPECIAL PURPOSE DISTRICTS</b>		
PR	Planned Residential	PR
HD	Horse District	HD
OS/P	Open Space	OS
<b>COMMERCIAL DISTRICTS</b>		
P	Limited Professional	LP
NB	General Business	GB
PSC	Planned Commercial	PC
CBD	Downtown Business	DB
<b>INDUSTRIAL DISTRICTS</b>		
LI	Light Industrial	LI
SI	Industrial	I



## CHAPTER 2. ZONING DISTRICTS

### ARTICLE 1. GENERAL

#### 2.1.1. DIVISION OF CITY INTO DISTRICTS

In order to regulate and restrict the location of uses and buildings designed, erected, altered, moved, or occupied for specified purposes; to regulate and limit the height, bulk, and size of buildings hereafter erected, altered or moved; to regulate and limit the density of population and vehicular congestion; and to protect historic landmarks and districts, the City of Aiken, South Carolina, is hereby divided into Zoning Districts designated as follows.

BASE ZONING DISTRICTS	
RESIDENTIAL DISTRICTS	
RS-15	Residential Single-Family: 15,000 sq.ft. lot
RS-10	Residential Single-Family: 10,000 sq.ft. lot
RS-8	Residential Single-Family: 8,000 sq.ft. lot
RS-6	Residential Single-Family: 6,000 sq.ft. lot
RSH	Residential Single-Family/Horse
RSS	Residential Single-Family/Stable
RSA	Residential Single-Family Attached
RSM	Residential Manufactured Home
RML	Residential Multifamily Low-Density
RMH	Residential Multifamily High-Density
RMP	Residential Manufactured Home Park
SPECIAL PURPOSE DISTRICTS	
PR	Planned Residential
HD	Horse District
OS	Open Space
COMMERCIAL DISTRICTS	
LP	Limited Professional
LB	Limited Business
O	Office/Institutional
GB	General Business
PC	Planned Commercial
PI	Planned Institutional
DB	Downtown Business
INDUSTRIAL DISTRICTS	
LI	Light Industrial
LM	Limited Manufacturing (Ord. 10112004C)
I	Industrial
OVERLAY ZONING DISTRICTS	
- H	Historic District
- OA	Old Aiken Overlay District

### **2.1.2. ZONING MAP**

The Zoning Districts referred to above shall be designated by boundaries on the Zoning Map which is attached hereto and is expressly made a part of this Ordinance. The map shall be updated within 60 days following annexation, rezoning, or other change.

### **2.1.3. RULES GOVERNING DISTRICT BOUNDARIES**

#### **A. Existing Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply.

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines. Where a street vacation has occurred, boundaries shall follow the revised lot lines approximating the previous centerline of the street.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines. No lot shall be divided by such boundary.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the center lines of ditches, streams, rivers, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in paragraphs 1 through 5 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the Planning Director.
7. Where boundaries cannot be determined using the paragraphs above, the Planning Director shall interpret the district boundaries in accordance with 6.2.2.

#### **B. New District Boundaries**

Any new zoning district boundary created after the effective date of this Ordinance shall follow a property line.

### **2.1.4. ANNEXATIONS AND OTHER ADJUSTMENTS TO CITY LIMITS**

Where City limits change by virtue of annexation or some other means, the following provisions shall apply.

- A. Public notice shall be required for any proposed annexation. The City shall post a public notice sign on each street frontage of the subject property no later than 20 days prior to the public hearing before the Planning Commission.
- B. An appropriate zoning district for the land areas proposed to be annexed shall be recommended to City Council by the Planning Commission.
- C. Adjustments shall be made on the Zoning Map within 60 days after the effective date of any annexation. Information regarding the annexation shall be made readily available to the public in the interim.



## **ARTICLE 2. RESIDENTIAL DISTRICTS**

### **2.2.1. SINGLE-FAMILY (RS-15, RS-10, RS-8, RS-6) DISTRICTS**

The Residential Single-Family Districts provide for low-density residential neighborhoods by prohibiting multifamily residential, commercial, industrial, and any other incompatible use of land. The district designations incorporate the minimum lot size for easy reference (for example, RS-10 has a 10,000-square-foot minimum lot size).

### **2.2.2. SINGLE-FAMILY/HORSE (RSH) DISTRICT**

The Residential Single-Family/Horse (RSH) District provides for low-density residential neighborhoods on lots of at least one acre by prohibiting multifamily residential, commercial, industrial, and any other incompatible use of land, while allowing horses and stables that are not used for commercial purposes on single-family lots as an accessory use by right. This District shall be applied only to areas annexed to the City after April 11, 1988.

### **2.2.3. SINGLE-FAMILY/STABLE (RSS) DISTRICT**

The Residential Single-Family/Stable (RSS) District provides for low-density residential uses on large lots of at least three acres by prohibiting multifamily residential, commercial, industrial, and any other incompatible use of land, while allowing for open spaces suitable for horse pleasure stables and for single-family residential properties on which horses are kept.

### **2.2.4. SINGLE-FAMILY ATTACHED (RSA) DISTRICT**

The Residential Single-Family Attached (RSA) District provides for the development of three or more separate dwelling units each on its own lot but having common walls. The RSA District is intended primarily for areas near low-intensity commercial zones and may serve as a transition between such uses and areas of detached single-family dwellings. The RSA District includes mandatory design standards to promote appropriate design and compatibility with surrounding uses. (Ord. 06112007A)

### **2.2.5. MANUFACTURED HOME (RSM) DISTRICT**

The Residential Manufactured Home (RSM) District provides for low-density residential neighborhoods by prohibiting multifamily residential, commercial, industrial, and any other incompatible use of land, while allowing for manufactured housing units.

### **2.2.6. MULTIFAMILY (RML, RMH) DISTRICTS**

The Multifamily Districts provide for medium- to high-density residential neighborhoods made up of attached single-family and multifamily units protected from incompatible land uses.

### **2.2.7. MANUFACTURED HOME PARK (RMP) DISTRICT**

The Manufactured Home Park (RMP) District provides a sound and healthy residential environment for manufactured home parks through design standards and protection from incompatible uses.

## **ARTICLE 3. SPECIAL PURPOSE DISTRICTS**

### **2.3.1. PLANNED RESIDENTIAL DEVELOPMENT (PR) DISTRICT**

The Planned Residential (PR) District permits greater flexibility and more creative and imaginative design for the development of residential areas than is generally possible in other residential districts while potentially allowing a limited range of nonresidential uses primarily serving the residents of the PR project. In exchange for there typically being no minimum lot sizes and widths or minimum setbacks, and a variety of housing types, the developer gives City Council control of the details of a proposed project through approval of a concept plan. The District promotes more economical and efficient use of the land, a harmonious variety of housing types, a higher level of amenities, compatibility with surrounding uses, preservation of natural features and open space, and the interconnection of trails and sidewalks. (Ord. 11272006A)

### **2.3.2. HORSE (HD) DISTRICT**

The Horse (HD) District provides for the protection and creation of open spaces and facilities necessary for horse-training businesses, polo, and other equestrian activities, and prohibits land uses incompatible with such activities.

### **2.3.3. OPEN SPACE (OS) DISTRICT**

The Open Space (OS) District is intended for environmentally sensitive areas and areas of open space (and related structures) that represent a valuable aesthetic asset, including such natural areas as remnant Carolina bays and the portions of Hitchcock Woods within the City limits, along with such historic open space areas as Rye Patch and Hopeland Gardens.

## **ARTICLE 4. COMMERCIAL DISTRICTS**

### **2.4.1. LIMITED PROFESSIONAL (LP) DISTRICT**

The Limited Professional (LP) District provides locations for blending limited-scale professional offices and selected institutions and service uses with residential uses. The floor area and design of such uses is regulated to ensure compatibility with adjacent residential areas. The District prohibits retail trade and is primarily intended to serve as a transition between more intense commercial uses and existing residential areas.

### **2.4.2. LIMITED BUSINESS (LB) DISTRICT**

The Limited Business (LB) District provides for blending a limited range of retail and service activities of a pedestrian-oriented nature with residential uses. The floor area and design of such uses is regulated to ensure compatibility with adjacent residential areas. The District is primarily intended to serve as a transition between more intense commercial uses and existing residential areas.

### **2.4.3. OFFICE/INSTITUTIONAL (O) DISTRICT**

The Office/Institutional (O) District provides locations for a wide range of professional offices, institutions, selected service uses, and, where appropriate, residential uses. Primarily intended for location along major roadways, the District is also intended for areas dominated by institutions such as a hospital or college.

### **2.4.4. GENERAL BUSINESS (GB) DISTRICT**

The General Business (GB) District allows a broad range of commercial uses offering both retail goods and services, and, where appropriate, residential uses. Because the district is intended to serve people from throughout the community who use automobiles to reach the uses, it is located along major roadways, but uses should also be accessible to pedestrians.

### **2.4.5. PLANNED COMMERCIAL (PC) DISTRICT**

The Planned Commercial (PC) District provides for a group of commercial establishments offering a wide range of retail goods and services that are planned and developed as a unit, and, where appropriate, residential uses. The District requires adequate traffic controls on public streets, sufficient off-street parking and off-street loading, and protection of adjacent neighborhoods through buffering.

### **2.4.6. PLANNED INSTITUTIONAL DISTRICT**

The Planned Institutional zone provides locations for schools, churches, and some other institutional uses in locations which may affect residential or other more restrictive zones or less intense uses. The District requires a concept plan approved by City Council after Planning Commission review which may address site layout, building design, tree protection and buffers, and other issues to assure compatibility with surrounding uses. (Ord. 09082008C)

### **2.4.7. DOWNTOWN BUSINESS (DB) DISTRICT**

The Downtown Business (DB) District provides for the central commercial and civic functions in the City in a compact area offering maximum convenience. Although activities are intended to be walking-scale, they serve the entire community. The integration of retail, service, entertainment, government, and residential uses is encouraged.

## **ARTICLE 5. INDUSTRIAL DISTRICTS**

### **2.5.1. LIGHT INDUSTRIAL (LI) DISTRICT**

The Light Industrial (LI) District provides for low-intensity industrial uses, warehousing, and wholesaling activities that do not overburden the available streets, infrastructure, or public services.

### **2.5.2. LIMITED MANUFACTURING (LM) DISTRICT**

The Limited Manufacturing (LM) District provides low and medium-intensity manufacturing and industrial uses, warehousing, and wholesaling activities that do not overburden the available streets, infrastructure, or public services. (Ord. 10112004C)

### **2.5.3. INDUSTRIAL (I) DISTRICT**

The Industrial (I) District provides for a wide variety of industrial uses, warehousing, and wholesaling activities that do not overburden the available streets, infrastructure, or public services.

## ARTICLE 6. OVERLAY DISTRICTS

### 2.6.1. HISTORIC PRESERVATION (-H) OVERLAY DISTRICT

- A. It is essential that the qualities, areas, sites, structures, and natural and man-made objects relating to the history of the City of Aiken, as well as that of Aiken County, the State of South Carolina, and the United States of America, be preserved and that a generally harmonious exterior appearance of areas, sites, structures, and objects that preserves property values and attracts businesses, tourists, and residents alike be promoted. The purpose of the Historic Preservation (-H) Overlay District is to promote the educational, cultural, economic, and general welfare of the public through preservation and protection of historically, architecturally, and archeologically valuable areas, sites, structures, objects, districts, and neighborhoods along with the promotion of a general harmony as to style, form, proportion, and texture between historic structures and those of more modern design.
- B. Through historic preservation and the encouragement of harmonious outward appearance, the Historic Preservation Overlay District and its related review procedures will help ensure the following.
1. Safeguard the heritage of the City of Aiken so that its historic areas, sites, structures, neighborhood districts, and objects continue to be a distinctive aspect of the City and a visible reminder of the special historical and cultural heritage of the City;
  2. Preserve the integrity and stability of neighborhoods and business areas;
  3. Conserve and enhance property values of historic areas, sites, structures, districts, neighborhoods, and geographically associated areas; and
  4. Promote the continued attraction of businesses, residents, and tourists thereby strengthening the local economy.

### 2.6.2. OLD AIKEN OVERLAY (- OA) DISTRICT

This district is designed to promote a high level of aesthetics and the economic stability of the downtown area by protecting and enhancing the appearance of existing structures and the appearance of new structures. The downtown area is the heart of the city and deserves special protection that this district provides.



## **CHAPTER 3. USE REGULATIONS**

### **ARTICLE 1. USE TABLES**

#### **3.1.1. TYPES OF USE**

All of the Use Categories listed in the following Use Tables are defined and described in Article 2 of this Chapter. The following paragraphs serve as a key to the Use Tables and indicate how each specific use is treated.

##### **A. Uses Permitted By Right**

A “P” indicates that a use is allowed by right. Such uses are subject to all other applicable regulations of this Ordinance.

##### **B. Conditional Uses**

A “C” indicates a use that is allowed provided that it meets the additional listed standards contained in Article 3 of this Chapter. Conditional uses are subject to all other applicable regulations of this Ordinance.

##### **C. Special Exceptions**

An “SE” indicates that a use is allowed only if approved as a special exception by the Board of Zoning Appeals in accordance with the procedures of 6.2.18. Special exception uses are subject to all other applicable regulations of this Ordinance, including the additional listed standards contained in Article 3 of this Chapter.

##### **D. Use Permitted in Planned Residential**

A “♦” indicates a use that may be permitted within a Planned Residential if approved by City Council, in accordance with the procedures of 6.2.16, including the additional listed standards contained in Article 3 of this Chapter.

##### **E. Uses Not Allowed**

The symbol “--” indicates that a use is not allowed.

##### **F. Design Standards**

The final column titled “Design Standards” contains a cross-reference to standards that apply to specific uses in Article 3.

##### **G. Uses Not Listed**

The Planning Director shall use the criteria in 3.2.1.C to determine how an unlisted use should be treated.

### **3.1.2. PROHIBITED USES**

#### **A. Uses Not Permitted in Commercial Districts**

Uses determined by the Building Official to constitute a hazard, danger, or nuisance to the public because of noise, odor, glare, particulate matter, traffic impediments, or similar reasons, including the storage of hazardous materials (as defined by the National Fire Protection Association Guide or any successor publication thereto officially used by the Building Official) shall not be permitted in any commercial district.

#### **B. Other Uses Not Permitted**

Due to the limited industrial character and environmental assets of Aiken, the following uses are considered noxious and inappropriate and are therefore prohibited within the City limits.

1. Battery manufacturing or recycling.
2. Intensive agriculture, including hog farming.
3. Meat packing.
4. Petroleum refining and storage.
5. Plastics manufacturing.
6. Pulp and paper manufacturing.
7. Rubber manufacturing.
8. Tanneries.

### **3.1.3. USES PERMITTED IN THE OS DISTRICT**

The only principal use permitted by right in the OS District is passive recreation. Accessory uses may be permitted as special exceptions by the Board of Zoning Appeals, including, but not limited to: stables and training of horses; parks and picnic grounds; horseback riding trails or paths; bicycle paths; caretaker's facilities; amphitheaters and stages; meeting facilities; museums; accessory restaurants and food service areas; botanical gardens; nature study areas; and similar uses.

### **3.1.4. ACCESSORY USES LISTED IN USE TABLES**

Only those accessory uses that are regulated by district are included in the following use tables. Other typical accessory uses are found in the Use Category definitions in Article 2 of this Chapter.



**3.1.5. RESIDENTIAL DISTRICT USE TABLE****USE TABLE KEY:**

P = Use Permitted By Right

C = Conditional Use

SE = Special Exception Use

-- = Not Permitted

USE CATEGORY	SPECIFIC USE	RS-15	RS-10	RS-8	RS-6	RSH	RSS	RSA	RSM	RML	RMH	RMP	PR	Design Stds.
<b>RESIDENTIAL USES (See 3.2.2)</b>														
Household Living	Single-Family, Detached	P	P	P	P	P	P	P	P	P	P	C	◆	
	Duplex	--	--	--	--	--	--	--	--	P	P	--	◆	
	Single-Family, Attached	--	--	--	--	--	--	P	--	--	--	--	◆	3.3.18
	Multifamily	--	--	--	--	--	--	--	--	P	P	--	◆	
	Group Home, Type 1	P	P	P	P	P	P	--	P	P	P	P	◆	
	Manufactured Home	--	--	--	--	--	--	--	C	--	--	C	◆	3.3.16
	Mfd. Home Subdivision	--	--	--	--	--	--	--	P	--	--	--	◆	4.2.7
Group Living	Group Home, Type 2	--	--	--	--	--	--	--	--	P	P	--	◆	3.3.12
	Residential Assisted Living Facility	--	--	--	--	--	--	--	--	P	P	--	◆	
	All Other Group Living	--	--	--	--	--	--	--	--	SE	SE	--	◆	3.3.13
<b>HORSE-RELATED USES (See 3.2.3)</b>														
Horses	Equestrian Facility (Polo, Dressage, Race Track, Training Facility)	--	--	--	--	--	SE	--	--	--	--	--	◆	
	Equine Hospital, Surgical Facility, Farrier	--	--	--	--	--	SE	--	--	--	--	--	◆	
	Riding or Driving School	--	--	--	--	--	SE	--	--	--	--	--	◆	
	Stable, Commercial	--	--	--	--	--	SE	--	--	--	--	--	◆	
	Stable, Pleasure	SE	SE	SE	SE	C	C	SE	--	SE	SE	--	◆	3.3.21
<b>PUBLIC AND CIVIC USES (See 3.2.4)</b>														
Community Service	All Community Service	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	◆	
Day Care	All Day Care (caring for over 6 persons)	--	--	--	--	--	--	--	--	C	C	C	◆	3.3.7
Educational Facilities	College, Other Higher Educational Facility	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	◆	
	School, Public or Private	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	◆	
Government Facilities	City Public Project	P	P	P	P	P	P	P	P	P	P	P	◆	
Institutions	Religious Institution	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	◆	
Parks and Open Areas	Cemetery	SE	SE	SE	SE	--	--	--	--	--	--	--	◆	
	Golf Course	SE	--	--	--	--	SE	--	--	--	--	--	◆	
	Private Noncommercial Recreation, Country Club	--	--	--	--	--	SE	--	--	SE	SE	SE	◆	
Utilities	Minor Utility	P	P	P	P	P	P	P	P	P	P	P	◆	

## Chapter 3. Use Regulations

### Article 1. Use Tables

USE CATEGORY	SPECIFIC USE	RS-15	RS-10	RS-8	RS-6	RSH	RSS	RSA	RSM	RML	RMH	RMP	PR	Design Stds.
Utilities	Telecommunications Antenna (on existing structure other than a tower)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	◆	3.3.22
<b>COMMERCIAL USES</b> (See 3.2.5)														
Overnight Accommodation	Bed and Breakfast, Home Stay (1 to 3 rooms)	SE	--	--	--	SE	SE	--	--	SE	SE	--	◆	3.3.4
	Bed and Breakfast Inn (4 to 10 rooms)	--	--	--	--	--	SE	--	--	SE	SE	--	◆	3.3.4
	Bed and Breakfast Meeting Facility	--	--	--	--	--	--	--	--	--	--	--	◆	3.3.4
<b>ACCESSORY USES</b> (See appropriate section for principal use and Chapter 3, Article 4)														
Accessory Uses	Accessory Apartment	C	C	C	C	C	C	--	--	--	--	--	◆	3.4.1
	Second Accessory Apartment	--	--	--	--	--	SE	--	--	--	--	--	◆	3.4.1
	Home Occupation, Type 1	C	C	C	C	C	C	C	C	C	C	C	◆	3.4.5
	Home Occupation, Type 2	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	◆	3.4.5

**3.1.6. NONRESIDENTIAL DISTRICT USE TABLE****USE TABLE KEY:**

P = Use Permitted By Right    C = Conditional Use  
SE = Special Exception Use    -- = Not Permitted

◆ If allowed through approval of a concept plan by City Council.

USE CATEGORY	SPECIFIC USE	LP	LB	O	GB	PC	DB	PI	LI	LM	I	PR	HD	OS	Design Std.	
Household Living	Single-Family, Detached	P	P	C	C	C	P	◆	SE	SE	SE	◆	SE	See 3.1.3	3.3.19	
	Duplex	P	P	C	C	C	P	◆	SE	SE	SE	◆	SE		3.3.8	
	Single-Family, Attached	P	P	C	C	C	P	◆	SE	SE	SE	◆	SE		3.3.18	
	Multifamily	--	--	SE	SE	P	P	◆	SE	SE	SE	◆	--			
	Group Home, Type 1	P	P	C	C	C	P	◆	SE	SE	SE	◆	SE		3.3.11	
	Upper-Story Residential	P	P	C	C	C	P	◆	SE	SE	SE	◆	SE		3.3.24	
Group Living	Group Home, Type 2	--	--	C	C	C	SE	◆	--	--	--	◆	--			3.3.12
	Group Home, Type 3	--	--	--	SE	--	SE	◆	--	--	--	◆	--			3.3.12
	Nursing or Convalescent Home	SE	SE	P	P	--	SE	◆	--	--	--	◆	--			
	Residential Assisted Living Facility	--	--	P	P	P	P	◆	SE	SE	SE	◆	--			
	All Other Group Living	--	--	P	P	P	P	◆	SE	SE	SE	◆	SE			3.3.13
HORSE-RELATED USES (See 3.2.3)																
Horses	Equestrian Facility (Polo, Dressage, Race Track, Training Facility)	--	--	--	--	--	--	--	P	P	P	◆	P	See 3.1.3		
	Equine Hospital, Surgical Facility, Farrier	--	--	--	--	--	--	--	P	P	P	◆	P			
	Riding or Driving School	--	--	--	--	--	--	--	P	P	P	◆	P			
	Stable, Commercial	--	--	--	--	--	SE	--	C	C	C	◆	C			3.3.20
	Stable, Pleasure	SE	SE	--	--	--	--	--	C	C	C	◆	C			3.3.21
	Tack Shops (Ord. 05142001A)	--	--	--	P	P	P	--	P	P	--	◆	SE			
PUBLIC AND CIVIC USES (See 3.2.4)																
Community Service	All Community Service	SE	SE	SE	SE	SE	SE	◆	--	--	--	◆	--	See 3.1.3		
Day Care	All Day Care	C	C	C	C	C	C	◆	C	C	--	◆	--			3.3.7
Educational Facilities	College, Other Higher Educational Facility	SE	SE	P	P	P	P	◆	--	--	--	◆	--			
	School, Public or Private	SE	SE	P	P	P	P	◆	--	--	--	◆	--			
Government Facilities	Ambulance Service	--	--	P	P	P	SE	--	P	P	P	◆	--			
	City Public Project	P	P	P	P	P	P	--	P	P	P	--	P			
	All Other Public Projects	SE	SE	SE	SE	SE	SE	--	SE	SE	SE	◆	--			
Hospitals	All Hospitals	--	--	P	P	--	SE	--	--	--	--	◆	--			
Institutions	Religious Institution	SE	SE	P	P	P	P	◆	P	P	--	◆	--			
	All Other Institutions	SE	SE	SE	P	P	SE	◆	--	--	--	◆	--			
Parks and Open Areas	Cemetery	SE	SE	SE	SE	--	SE	--	--	--	--	◆	--			
	Golf Course	P	P	--	P	--	--	--	--	--	--	◆	--			

# Chapter 3. Use Regulations

## Article 1. Use Tables

USE CATEGORY	SPECIFIC USE	LP	LB	O	GB	PC	DB	PI		LI	LM	I	PR	HD	OS	Design Stds.
	Private Noncommercial Recreation, Country Club	SE	SE	P	P	P	P	--	--	--	--	--	◆	--		
	Passive Open Space	P	P	P	P	P	P	--	P	P	P	P	◆	P	P	
Passenger Terminal	All Passenger Terminals	--	--	--	P	--	SE	--	SE	SE	SE	SE	◆	--	See 3.1.3	
Utilities	Major Non-City Utility	--	--	--	SE	SE	SE	--	P	P	P	P	◆	--		
	Minor Utility	P	P	P	P	P	P	--	P	P	P	P	◆	P		
	Telecommunications Antenna (new or on existing structure)	C	C	C	C	C	C	--	P	P	P	P	◆	--		3.3.22
	Telecommunications Tower	--	--	SE	SE	SE	--	--	C	C	C	C	◆	--	3.3.22	
COMMERCIAL USES (See 3.2.5)																
Eating Establishments	With Drive-Through	--	--	--	P	P	--	--	SE	SE	SE	SE	◆	--	See 3.1.3	
	With Seating, No Drive-Through	--	C	SE	P	P	P	--	SE	SE	SE	SE	◆	SE		3.3.9
	Without Seating or Drive-Through	--	C	P	P	P	P	--	SE	SE	SE	SE	◆	SE		3.3.9
Entertainment, Outdoor	All Outdoor Entertainment	--	--	--	C	C	SE	--	C	C	C	C	◆	--		3.3.17
Office	Health Services Except Hospitals	P	P	P	P	P	P	--	--	--	--	--	◆	--		
	Other Offices	P	P	P	P	P	P	--	--	--	--	--	◆	--		
Overnight Accommodation	Bed and Breakfast, Home Stay (up to 3 rooms)	SE	--	--	--	--	--	--	--	--	--	--	◆	--		3.3.4
	Bed and Breakfast Inn (4 to 10 rooms)	SE	SE	P	P	P	P	--	--	--	--	--	◆	--		3.3.4
	Bed and Breakfast Meeting Facility	SE	--	--	--	--	--	--	--	--	--	--	◆	--		3.3.4
	Hotel, Inn or Motel	--	--	SE	P	P	P	--	--	--	--	--	◆	--		
Parking, Commercial	All Commercial Parking	--	--	--	P	P	P	--	P	P	P	P	◆	--		
Retail Sales and Service	Adult Business	--	--	--	--	--	--	--	--	--	--	SE	--	--		3.3.2
	Bank with Drive-through	--	--	P	P	P	P	--	--	--	--	--	◆	--		
	Bank without Drive-through	--	C	P	P	P	P	--	--	--	--	--	◆	--		3.3.3
	Convenience Store	--	C	SE	P	P	P	--	--	--	--	--	◆	--		3.3.6
	Copy Shop, Quick Printer, Quick Sign Shop	--	P	P	P	P	P	--	P	P	P	P	◆	--		
	Crematorium	--	--	--	--	--	--	--	SE	SE	P	--	--	--		
	Department or Discount Store, Large Retail Project, Superstore, Power Center	--	--	--	P	P	P	--	--	--	--	--	◆	--		3.3.15
	Funeral Home	--	--	--	P	P	P	--	P	P	--	--	◆	--		
	Furniture Store	--	P	--	P	P	P	--	--	--	--	--	◆	--		

USE CATEGORY	SPECIFIC USE	LP	LB	O	GB	PC	DB	PI		LI	LM	I	PR	HD	OS	Design Stds.
	Grocery Store	--	P	--	P	P	P	--	--	--	--	◆	--	See 3.1.3		
	Hardware, Paint, Glass, Wallpaper, or Carpet Store	--	P	--	P	P	P	--	--	--	--	◆	--			
	Health Club or Spa	--	--	P	P	P	P	--	--	--	--	◆	--			
	Kennel, Boarding	--	--	--	SE	SE	SE	--	SE	SE	SE	◆	--			
	Liquor Store	--	SE	--	P	P	P	--	--	--	--	◆	--			
	Manufactured Housing Sales	--	--	--	P	--	--	--	P	P	P	--	--			
Retail Sales and Service	Nightclub or Bar	--	--	--	P	P	P	--	--	--	--	◆	--			
	Shopping Center	--	--	--	P	P	P	--	--	--	--	◆	--			
	Truck Stop	--	--	--	P	--	--	--	--	--	P	◆	--			
	Vehicle Parts Sales	--	--	--	P	P	P	--	P	P	P	◆	--			
	Veterinary Hospital	--	--	--	C	P	SE	--	P	P	--	◆	--		3.3.25	
	Other Retail Sales or Service	--	SE	P	P	P	P	--	SE	SE	--	◆	--			
Self-Service Storage	All Self-Service Storage	--	--	--	SE	--	--	--	P	P	P	◆	--			
Vehicle Sales and Service	Auto Rental and Leasing	--	--	--	P	P	SE	--	P	P	P	◆	--			
	Car Wash	--	--	--	P	P	C	--	--	--	--	◆	--		3.3.5	
	Fuel Sales	--	--	--	P	C	C	--	--	--	--	◆	--		3.3.10	
	Taxicab Service	--	--	--	P	--	--	--	P	P	P	◆	--			
	Towing Service	--	--	--	--	--	--	--	P	P	P	◆	--			
	Truck or Trailer Rental	--	--	--	C	--	--	--	P	P	P	◆	--		3.3.23	
	Vehicle Repair and Service	--	--	--	P	P	SE	--	P	P	P	◆	--			
	Vehicle Sales	--	--	--	P	P	--	--	P	P	P	◆	--			
INDUSTRIAL USES (See 3.2.6)																
Heavy Industrial	All Heavy Industrial	--	--	--	--	--	--	--	--	--	C	◆	--		3.3.14	
Restricted Industrial	All Restricted Industrial	--	--	--	--	--	--	--	--	C	C	◆	--		3.3.14	
Light Industrial Service	All Light Industrial Service	--	--	--	--	--	--	--	C	C	C	◆	--		3.3.14	
Warehouse and Freight Movement	Moving and Storage	--	--	--	--	--	--	--	P	P	P	◆	--			
	Warehousing	--	--	--	--	--	--	--	P	P	P	◆	--			
Waste-Related Service	All Waste-Related Service	--	--	--	--	--	--	--	SE	SE	P	--	--			
Wholesale Trade	Contractor's Materials	--	--	--	SE	--	--	--	P	P	P	◆	--			
	Wholesale Business	--	--	--	SE	--	--	--	P	P	P	◆	--			
	Wholesale Business with Accessory Retail Outlet	--	--	--	SE	--	--	--	P	P	P	◆	--			
ACCESSORY USES (See appropriate section for principal use and Chapter 3, Article 4)																
Accessory Uses	Accessory Apartment	C	C	C	C	C	C	--	C	C	C	◆	SE		3.4.1	
	Home Occupation, Type 1	P	P	P	P	P	P	--	P	P	P	◆	P		3.4.5	

## Chapter 3. Use Regulations

### Article 1. Use Tables

USE CATEGORY	SPECIFIC USE	LP	LB	O	GB	PC	DB	PI		LI	LM	I	PR	HD	OS	Design Stds.
	Home Occupation, Type 2	SE	SE	SE	SE	SE	SE	--		SE	SE	SE	◆	SE		3.4.5
TEMPORARY USES (See Chapter 3, Article 5)																
Temporary Uses	Open Air Sales	--	SE	SE	P	P	P	--		P	P	--	◆	--		3.5.4

## ARTICLE 2. USE CATEGORIES

### 3.2.1. GENERAL

#### A. Basis for Classifications

Use Categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. The Use Categories provide a systematic basis for assigning land uses to appropriate zoning districts.

#### B. Principal Use Characteristics

A principal use is assigned to the Use Category that most closely corresponds to its nature as described in the “Characteristics” subsection of each Use Category.

#### C. Considerations Regarding Principal Uses

1. Determination of the appropriate category for a proposed principal use shall be made by the Planning Director in accordance with the provisions of 6.2.2.
2. The following shall be used to determine (1) the appropriate category for a use not specifically listed in the Use Tables or the examples in the Use Category descriptions, and (2) whether a use is considered principal or accessory.
  - a. The actual or projected characteristics of the activity in relationship to the stated characteristics of each Use Category.
  - b. The relative amount of site area or floor space and equipment devoted to the activity.
  - c. Relative amounts of sales from each activity.
  - d. The customer type for each activity.
  - e. The relative number of employees in each activity.
  - f. Hours of operation.
  - g. Building and site arrangement.
  - h. Vehicles used and their parking requirements.
  - i. The relative number of vehicle trips generated.
  - j. Signs.
  - k. How the use is advertised.
  - l. The likely impact on surrounding properties.
  - m. Whether the activity is likely to be found independent of the other activities on the site.
3. When considering appropriate districts for a use not listed in the Use Tables, the district intent statements in Chapter 2 shall be taken into consideration.

#### D. Developments with Multiple Principal Uses

Developments with multiple principal uses shall conform to the following.

1. When all principal uses of a development fall within one Use Category, the entire development is assigned to that Use Category.
2. When the principal uses of a development fall within different Use Categories, each principal use is classified in the applicable Use Category and each use is subject to all applicable regulations for that Use Category.
3. Developments with multiple principal uses (such as shopping centers) shall incorporate only those uses allowed in the underlying district.

#### E. Accessory Uses

Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated elsewhere in this Ordinance. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the Use Category descriptions.

#### F. Use of Examples

The “Examples” subsection of each Use Category lists uses common to that Use Category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. For example, a use that calls itself “Wholesale Warehouse,” but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.

#### G. Uses Not Included

The “Uses Not Included” subsection provides cross-references to uses that may appear to be part of a particular category, but which are explicitly handled in a different Use Category.

### 3.2.2. RESIDENTIAL USE CATEGORIES

#### A. Household Living

1. **Characteristics.** Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis.
2. **Examples.** Living in houses, duplexes, triplexes, other multi-dwelling structures, retirement center apartments, Type 1 group homes (group homes that are considered single-family residences), and other structures with self-contained dwelling units.
3. **Accessory Uses.** Recreational activities, raising of pets, hobbies, swimming pools, storage units, and off-street parking of the occupants’ registered vehicles. Home occupations, including in-home care for under six persons (3.4.5) and accessory apartments (3.4.1), are accessory uses subject to additional regulations.
4. **Uses Not Included.**
  - a. Lodging where unit is rented on a less-than-monthly basis (Overnight Accommodations).



- b. Group homes that are not considered single-family residences such as Type 2 or Type 3 group homes (Group Living).
- c. Nursing or convalescent home or residential assisted living facility not having individual dwelling units (Group Living).

#### B. Group Living

1. **Characteristics.** Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training, or treatment.
2. **Examples.** Type 2 group homes for the physically disabled, mentally retarded, or emotionally disturbed; Type 3 group homes for drug and alcohol treatment, and alternative or post-incarceration facilities; nursing or convalescent homes; residential assisted living facilities not having individual dwelling units; orphanages; dormitories, fraternities, and sororities; monasteries and convents.
3. **Accessory Uses.** Recreational facilities, associated offices, food preparation and dining facilities, and off-street parking of vehicles for occupants and staff.
4. **Uses Not Included.**
  - a. Lodging where tenancy may be arranged for periods of less than 30 days (Overnight Accommodations).
  - b. Lodging where residents meet the definition of a household, including Type 1 group homes (Household Living).
  - c. Congregate care facilities where individual units meet the definition of a dwelling unit (Household Living).
  - d. Hospices (Institutions).

### 3.2.3. HORSE-RELATED USES

1. **Characteristics.** Uses and facilities related to both commercial and pleasure use of horses.
2. **Examples.** Commercial or pleasure stables; keeping of horses in paddocks; special equestrian facilities such as polo fields, horse show areas, dressage areas, racing tracks, and training facilities; repair of leather goods and tack; equine hospitals and surgical facilities; farriers; and riding or driving schools.
3. **Accessory Uses.** Offices; stables; tack rooms; trailer parking areas; storage containers for manure piles and feed; and storage of equipment, trailers, and carriages. Accessory apartments (3.4.1) are accessory uses subject to additional regulations.

### 3.2.4. PUBLIC AND CIVIC USE CATEGORIES

#### A. Community Service

1. **Characteristics.** Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.

2. **Examples.** Libraries, museums, senior centers, community centers, youth club facilities, and social service facilities.
3. **Accessory Uses.** Offices; meeting areas; limited retail sales; food preparation and dining areas; off-street parking, health, day care, and therapy areas; indoor or outdoor recreation and athletic facilities.
4. **Uses Not Included.**
  - a. City community service (Public Project).
  - b. Private lodges or service clubs, and private or commercial athletic or health clubs (Retail Sales and Service).
  - c. Parks (Parks and Open Areas).
  - d. Treatment centers, hospices, and transient lodging or shelters (Institutions).
  - e. Counseling in an office setting (Office).

**B. Day Care**

1. **Characteristics.** Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.
2. **Examples.** Preschools, child care centers, nursery schools, latch-key programs, and adult day care programs.
3. **Accessory Uses.** Offices, recreation areas, food preparation and dining areas, and off-street parking.
4. **Uses Not Included.**
  - a. On-site public or private schools or facilities operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (Accessory Use).
  - b. In-home care for six or fewer individuals is considered a Type 2 Home Occupation (3.4.5).

**C. Educational Facilities**

1. **Characteristics.** Public and private schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.
2. **Examples.** Public and private daytime schools, boarding schools, military academies, universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
3. **Accessory Uses.**
  - a. Schools: Play areas, cafeterias, recreational and sports facilities, auditoriums, and before- or after-school day care.
  - b. Colleges: Offices, housing for students and faculty, food service, day care, libraries, laboratories, health and sports facilities, theaters, meeting areas, off-street parking, maintenance facilities, and support commercial (a college-operated bookstore, for example).

4. **Uses Not Included.**

- a. Preschools or nursery schools (Day Care).
- b. Business, driving, and trade schools (Retail Sales and Service).

D. **Government Facilities**

1. **Characteristics.** Offices, storage, maintenance, and other facilities for the operation of local, State, or federal government.
2. **Examples.** City Hall, maintenance facilities, fire stations, police stations, emergency medical and ambulance stations, detention centers, post offices, and local, State or federal offices.
3. **Accessory Uses.** Storage, maintenance and fueling facilities, satellite offices, cafeterias, auditorium and meeting rooms, day care, infirmaries, holding cells, and off-street parking areas.
4. **Uses Not Included.**
  - a. City facilities (Public Projects).
  - b. County, or State parks or recreational facilities (Parks and Open Areas).
  - c. Water and wastewater facilities, gas, electric, and other infrastructure services, whether public or private (Major or Minor Utility).
  - d. Waste and recycling services (Waste-Related Service).
  - e. Elementary and secondary schools, colleges, and technical schools (Educational Facilities).

E. **Hospitals**

1. **Characteristics.** Uses providing medical or surgical care to patients and offering overnight care.
2. **Examples.** Medical centers and hospitals.
3. **Accessory Uses.** Out-patient clinics, offices, recreational facilities, laboratories, teaching facilities, meeting areas, cafeterias, day care, off-street parking, maintenance facilities, limited support retail, pharmacy, housing for staff or trainees, and temporary housing for relatives of patients.
4. **Uses Not Included.**
  - a. Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (Institutions).
  - b. Medical clinics that provide care where patients are not kept overnight (Office).

F. **Institutions**

1. **Characteristics.** Uses that primarily provide meeting areas for religious activities, treatment of terminally ill or those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.
2. **Examples.** Churches, temples, synagogues, and mosques; treatment centers and hospices; and transient lodging or shelters for the homeless.

3. **Accessory Uses.** School and recreational facilities, meeting rooms, food service and dining areas, day care, cemeteries, columbariums, mausoleums, memorial parks, storage, off-street parking, and staff residences located on the same site.
4. **Uses Not Included.**
  - a. Congregate care facilities where individual units meet the definition of a dwelling unit (Household Living).
  - b. Residential assisted living facilities (Group Living).
  - c. Type 1 Group Homes (Household Living).
  - d. Type 2 or Type 3 group homes (Group Living).
  - e. Elementary and secondary schools, colleges, and technical schools as a principal use (Educational Facilities).

#### G. Parks and Open Areas

1. **Characteristics.** Non-City uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.
2. **Examples.** Parks, golf courses, public swimming pools, non-commercial swim and/or tennis clubs, cemeteries, mausoleums and memorial parks, plazas, recreational trails, botanical gardens, and nature preserves; and membership clubs and lodges.
3. **Accessory Uses.** Clubhouses, swimming pools, maintenance facilities, concessions, caretaker's quarters, and off-street parking.
4. **Uses Not Included.**
  - a. City parks (Public Projects).
  - b. Commercial swimming pools, driving ranges, and miniature golf courses (Outdoor Entertainment).
  - c. Commercial tennis or swim clubs, health clubs or spas (Retail Sales and Service).

#### H. Passenger Terminal

1. **Characteristics.** Non-City facilities for the takeoff and landing of airplanes and helicopters, and terminals for rail or bus service.
2. **Examples.** Airports, bus and train passenger terminals, and helicopter landing facilities.
3. **Accessory Uses.** Freight handling areas, concessions, offices, off-street parking, and maintenance and fueling facilities.
4. **Uses Not Included.** Private helicopter landing facilities that are accessory to another use (for example, Hospital or Government Facility).

#### I. Utilities

1. **Characteristics.** Non-City public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).

2. **Examples.**
  - a. Minor Utilities include water and sewage pump stations, stormwater retention and detention facilities, and telephone exchanges.
  - b. Major Utilities include water towers, waste treatment plants, communication towers, and electrical substations.
3. **Accessory Uses.** Control, monitoring, data or transmission equipment, limited storage, and off-street parking.
4. **Uses Not Included.**
  - a. City utilities (Public Projects).
  - b. Non-public maintenance yards and buildings (Light Industrial Service).
  - c. Non-public utility offices (Office).

### 3.2.5. COMMERCIAL USE CATEGORIES

#### A. Eating Establishments

1. **Characteristics.** Establishments that prepare and sell food for on or off-premise consumption.
2. **Examples.** Restaurants, drive-ins, fast-food establishments, yogurt or ice cream shops, outdoor vendors with permanent facilities, small-scale catering establishments, and pizza delivery.
3. **Accessory Uses.** Decks and patios for outdoor seating, drive-through facilities, customer and employee parking areas, and valet parking facilities.
4. **Uses Not Included.** Nightclubs and bars (Retail Sales and Service).

#### B. Entertainment, Outdoor

1. **Characteristics.** Large, generally commercial uses providing daily or regularly scheduled recreation or entertainment-oriented activities. Primarily outdoors, activities may take place in a number of structures.
2. **Examples.** Golf driving ranges, miniature golf facilities, commercial tennis facilities and swimming pools, commercial amphitheaters, publicly- or privately-owned active sports facilities such as ballfields and basketball courts, or drive-in theaters.
3. **Accessory Uses.** Restaurants, bars, concessions, off-street parking, and maintenance facilities.
4. **Uses Not Included.**
  - a. Indoor theaters (Retail Sales and Service).
  - b. Golf courses, private noncommercial recreation, or country club (Parks and Open Areas).
  - c. Special equestrian events or facilities (Horse-Related Use)
  - d. Indoor entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, or indoor firing ranges (Retail Sales and Service).

C. Office

1. **Characteristics.** Activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
2. **Examples.** Professional services such as lawyers, accountants, bookkeepers, engineers, or architects; financial businesses such as lenders, investment or brokerage houses, collection agencies, or real estate and insurance agents; advertising offices; data processing; mail order or direct-mail offices; sales offices; government offices and public utility offices; TV and radio studios; educational and scientific research offices; medical and dental clinics or labs; nursing services; and blood-collection facilities.
3. **Accessory Uses.** Cafeterias, health facilities, technical libraries, meeting rooms, day care, off-street parking, or other amenities primarily for the use of on-site employees.
4. **Uses Not Included.**
  - a. City offices (Public Projects).
  - b. Offices that are part of and located with a principal use in another category (Accessory Use).
  - c. Contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (Light Industrial Service).
  - d. Urgent care or emergency medical offices (Retail Sales and Service).

D. Overnight Accommodations

1. **Characteristics.** Residential units arranged for short term stays of less than 30 days for rent or lease.
2. **Examples.** Bed and breakfast establishments, hotels, motels, inns, and extended-stay facilities.
3. **Accessory Uses.** Swimming pools and other recreational facilities, limited storage, offices, food preparation and dining facilities, laundry facilities, meeting facilities, and off-street parking.

E. Parking, Commercial

1. **Characteristics.** Facilities that provide parking not accessory to a specific use for which a fee may or may not be charged.
2. **Examples.** Short- and long-term fee parking facilities; and mixed parking lots (partially accessory to a specific use, partly for rent to others).
3. **Accessory Uses.** Small structures intended to shield parking attendants from the weather.
4. **Uses Not Included.**
  - a. Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby (Accessory Use).
  - b. Public transit park-and-ride facilities (Major Utility).
  - c. Sales or servicing of vehicles (Vehicle Sales and Service).

## F. Retail Sales and Service

1. **Characteristics.** Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or entertainment to the general public.
2. **Examples.**
  - a. **Sales-Oriented:** Stores selling, leasing, or renting consumer, home, and business goods including alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, and videos.
  - b. **Personal Service-Oriented:** Animal grooming; banks; business, driving, martial arts and other trade schools; dance, art, or music studios or classes; security services; dry-cleaning and laundry drop-off establishments; emergency medical care offices; hair, tanning, and personal care services; health clubs and gyms; laundromats; mortuaries; photographic studios; photocopy, blueprint, and quick-sign services; psychics and mediums; taxidermists; and veterinarians.
  - c. **Entertainment-Oriented:** Bars and taverns; indoor entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, indoor firing ranges, and movie or other theaters.
  - d. **Repair-Oriented:** Locksmith; repair of appliances, bicycles, canvas products, clocks, guns, jewelry, musical instruments, office equipment, radios, shoes, televisions, and watches; tailor; and upholsterer.
3. **Accessory Uses.** Offices, food preparation and dining areas, a residential unit for security purposes, storage of goods, manufacture or repackaging of goods for on-site sale, off-street parking, and parking lot/sidewalk sales.
4. **Uses Not Included.**
  - a. Restaurants (Eating Establishments).
  - b. Small-scale catering (Eating Establishments) and large-scale catering (Manufacturing and Production).
  - c. Laundry and dry-cleaning plants (Industrial Service).
  - d. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation (Wholesale Sales).
  - e. Repair and service of motor vehicles, motorcycles, and light and medium trucks (Vehicle Sales and Service).

## G. Self-Service Storage

1. **Characteristics.** Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

2. **Examples.** Mini-warehouses.
3. **Accessory Uses.** Living quarters for a resident manager or security, leasing offices, and outside storage of boats and campers.
4. **Uses Not Included.**
  - a. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (Warehouse and Freight Movement).
  - b. Use of the storage areas for sales, service, and repair operations (Retail Sales and Service), or manufacturing (Manufacturing and Production).
  - c. Rental of trucks or equipment (Vehicle Sales and Service: Truck or Trailer Rental).

#### H. Vehicle Sales and Service

1. **Characteristics.** Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.
2. **Examples.** Full-service, mini-service, and self-service fuel stations; car washes; quick lubrication services; vehicle repair, transmission, or muffler shop; towing service; auto body shop; alignment shop; auto upholstery shop; auto detailing; tire sales and mounting; and sales, rental, or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles.
3. **Accessory Uses.** Offices, sales of parts, fueling, towing, and vehicle storage.
4. **Uses Not Included.**
  - a. Refueling facilities for fleet vehicles that belong to a specific use (Accessory Use).
  - b. Vehicle parts sales as a principal use (Retail Sales and Service).

### 3.2.6. INDUSTRIAL USE CATEGORIES

#### A. Heavy Industrial

1. **Characteristics.** Firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods using natural, man-made, raw, secondary, or partially completed materials. Activities may be considered noxious in terms of their impacts on surrounding uses due to noise, glare, dust, odor, or hazardous materials, or their high incidence of rail or truck traffic, and/or outdoor storage of products, materials, or equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but, if so, they are a subordinate part of sales. Few customers, especially the general public, come to the site.
2. **Examples.** Concrete batching and asphalt mixing; fuel oil distributors; production or fabrication of metals or metal products including enameling and galvanizing; processing of food and related products, including seafood processing; large-scale catering establishments; sawmills; woodworking, including cabinet makers and



furniture manufacturing; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; clothing or textile manufacturing; movie production facilities; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and other electrical items; production of artwork and toys; and sign making.

3. **Accessory Uses.** Offices, cafeterias, off-street parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and a residential unit for security purposes.
4. **Uses Not Included.**
  - a. Manufacturing of goods to be sold primarily on-site and to the general public (Retail Sales and Service).
  - b. Manufacture and production of goods from composting organic material (Waste-Related Service).
  - c. Small-scale catering establishments (Eating Establishments).

#### B. Restricted Industrial

1. **Characteristics.** Firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods using natural, man-made, secondary, or partially completed materials. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Activities considered noxious because of their impacts on surrounding uses due to noise, glare, dust, odor, or hazardous materials, high incidence of rail or truck traffic, and/or outdoor storage of products, materials, or equipment are prohibited.
2. **Examples.** Fabrication of metal or metal products including appliances; woodworking including cabinet-making and furniture manufacturing; clothing manufacturing; movie production facilities; assembly of equipment, instruments, appliances, precision items, and other electrical items.
3. **Accessory Uses.** Offices, employee recreational facilities, cafeterias, day care, on-site repair facilities, off-street parking, storage, and a residential unit for security purposes.
4. **Uses Not Included.**
  - a. Manufacture of passenger vehicles and heavy construction equipment (Heavy Industrial)
  - b. Concrete batching and asphalt mixing (Heavy Industrial)
  - c. Food processing (Heavy Industrial)
  - d. Fuel distribution (Heavy Industrial)
  - e. Sawmills (Heavy Industrial)
  - f. Textiles (Heavy Industrial)
  - g. Any use prohibited by 3.1.2 (Ord. 10112004C)

C. Light Industrial Service

1. **Characteristics.** Firms engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
2. **Examples.** Welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; building, heating, plumbing, or electrical contractors; printing, publishing, and lithography; exterminators; janitorial and building maintenance services; research, testing, and development laboratories; laundry, dry-cleaning, and carpet cleaning plants; and photo-finishing laboratories.
3. **Accessory Uses.** Offices, employee recreational facilities, cafeterias, day care, on-site repair facilities, off-street parking, storage, and a residential unit for security purposes.
4. **Uses Not Included.** Contractors and others who perform services off-site if major equipment and materials are not stored on-site and fabrication or similar work is not carried on at the site (Office).

D. Warehouse and Freight Movement

1. **Characteristics.** Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.
2. **Examples.** Separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; parcel services; and the stockpiling of sand, gravel, or other aggregate materials.
3. **Accessory Uses.** Offices, day care, truck fleet parking and maintenance areas, off-street parking, and a residential unit for security purposes.
4. **Uses Not Included.**
  - a. Uses that involve the transfer or storage of solid or liquid wastes (Waste-Related Service).
  - b. Mini-warehouses (Self-Service Storage).

E. Waste-Related Service

1. **Characteristics.** Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.
2. **Examples.** Waste transfer or composting, and recycling centers.
3. **Accessory Uses.** Offices, off-street parking, recycling of materials, on-site refueling and repair, and repackaging and transshipment of by-products.
4. **Uses Not Included.** Disposal of dirt, concrete, asphalt, and similar non-decomposable materials is considered fill.

## F. Wholesale Trade

1. **Characteristics.** Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.
2. **Examples.** Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail-order houses; and wholesalers of food, clothing, auto parts, and building hardware.
3. **Accessory Uses.** Offices, product repair, warehouses, cafeterias, day care, off-street parking, minor fabrication services, repackaging of goods, and a residential unit for security purposes.
4. **Uses Not Included.**
  - a. Firms that engage primarily in sales to the general public or on a membership basis (Retail Sales and Service).
  - b. Firms that are primarily storing goods with little on-site business activity (Warehouse and Freight Movement).

## ARTICLE 3. STANDARDS FOR SPECIFIC USES

### 3.3.1. APPLICABILITY

The provisions of this Article shall only apply to conditional or special exception uses in the Use Tables in Chapter 3, Article 1. Where a use is permitted in a PR or PC District that is considered a conditional or special exception use in another district, City Council may apply the specific use standards of this Article in approving the PR or PC District concept plans and any accompanying site plans.

### 3.3.2. ADULT BUSINESSES

#### A. Location

An adult business shall not be located as follows.

1. On any lot or parcel within 1500 feet of any zoning district within which residential uses are permitted by right or of any lot or parcel on which a residential use exists;
2. On any lot or parcel within 1500 feet of any lot or parcel on which a church, other house of worship, or any religious use is located;
3. On any lot or parcel within 1500 feet of any lot or parcel on which a private or public school or educational use is located;
4. On any lot or parcel within 1500 feet of any lot or parcel on which a public playground, public swimming pool, public recreational area, public park, or similar use is located; or
5. On any lot or parcel within 1500 feet of any lot or parcel on which an adult business use is located.

#### B. Measurement

Distances cited above shall be measured from lot line to lot line at the closest point between the two lots, parcels, or districts, without respect to intervening buildings, structures, or vegetation.

#### C. Miscellaneous

1. Adult businesses shall not allow persons under the age of eighteen years on the premises of the business.
2. This Section does not and shall not be construed to authorize or permit any form of activity, use, establishment, or business prohibited by other ordinances of the City or the laws of the State of South Carolina.

### 3.3.3. BANK, CREDIT UNION, OR OTHER FINANCIAL INSTITUTION

A bank, credit union, or other financial institution located in the LB District shall provide only indoor transactions, which shall be further limited to the hours between 6 a.m. and 10 p.m. No automated teller machine, drive-through windows, or night drop windows shall be permitted. Landscaped buffers adjacent to any residential district shall be provided in accordance with 4.6.7.E.

**3.3.4. BED AND BREAKFAST ESTABLISHMENTS**

In addition to promoting tourism, these provisions are also intended to allow the adaptive reuse of estates and dwellings of historic significance and appropriate new uses in Historic Districts.

**A. Bed and Breakfast Home Stay**

A Bed and Breakfast Home Stay with up to three bedrooms for registered overnight guests shall be subject to the following.

1. The use shall be owner-occupied.
2. The use shall not create noise, light, traffic, or other conditions detrimental to neighboring residents.
3. The use shall comply with City codes.
4. The resident owner shall maintain a register listing the name, address, and date of occupancy of each overnight guest.
5. The resident owner shall comply with all tax, business license, and revenue collection ordinances of the City and State.
6. The use shall comply with State law, including, but not limited to, Chapter 4 of Title 45, South Carolina Code of Laws.
7. Off-street parking shall comply with 4.5.1 and applicable portions of 4.5.4 as determined by the Planning Director and City Engineer.
8. A Bed and Breakfast Home Stay in the RSS District on a parcel at least three acres in size may provide a barn with a maximum of two stalls per guest bedroom for stall rental to registered guests.
9. The Zoning Official may inspect the premises without prior notice during normal business hours.
10. The principal structure shall be single-family residential in character and the principal use shall be single-family residential.
11. No exterior alterations to the building other than those necessary to meet building codes or assure the safety of the structure shall be allowed for the purpose of accommodating the use.
12. Meals shall only be served to registered guests.
13. Business meetings, receptions, and other events from which the property owner may benefit financially involving anyone other than registered overnight guests shall be prohibited.
14. Retail sales shall be limited to postcards, shirts, and other small gift items directly associated with the use for purchase by registered guests only.
15. One sign not to exceed 1.5 square feet in area may be allowed either on the building or at the street on a wall or pole not to exceed five feet in height.

**B. Bed and Breakfast Inn**

A Bed and Breakfast Inn with four to ten bedrooms for registered overnight guests shall be subject to the following.

1. The use shall comply with paragraphs 1 through 9 of 3.3.4.A applicable to a Bed and Breakfast Home Stay.
2. The structure shall be single-family residential in character
3. Meals may only be served to registered overnight guests and their invitees with maximum seating at any one time of two times the number of guest rooms plus registered guests unless a special exception allowing meetings in accordance with paragraph 5 below is granted.
4. Retail sales are limited to postcards, shirts, and other small gift items directly associated with the use for purchase by registered overnight guests and their invitees unless a special exception is granted in accordance with paragraph 5 below, in which case sales may be made to individuals associated with meetings.
5. Business meetings, receptions, and other events from which the property owner may benefit financially involving people other than registered overnight guests may be permitted by special exception if the criteria at 3.3.4.C.1 are met. The maximum number of attendees at meetings at any one time may be three times the number of guest rooms plus registered guests. The maximum occupancy requested for such meetings shall be stated in the application for the special exception, but may be further limited by the fire marshal, building codes, or by conditions imposed by the Board of Zoning Appeals to assure compatibility of the proposed use with surrounding uses. Meals may be served to all attendees at such events.
6. A wall-mounted sign not to exceed 1.5 square feet in area may be located on the exterior wall of the dwelling. In addition, on each street frontage, either a non-backlit, freestanding sign not to exceed 1.5 square feet in area and five feet in height or a wall-mounted sign not to exceed 1.5 square feet in area may be erected. Each sign may be externally illuminated by a low-wattage light (see 4.4.10.B.3).

**C. Bed and Breakfast /Meeting Facility**

A Bed and Breakfast/Meeting Facility with four to ten bedrooms for registered overnight guests and meeting rooms plus other areas for events may be allowed as a special exception in the Limited Professional (LP) District subject to the following requirements.

1. **The subject property:**
  - a. is at least four acres in area;
  - b. is listed on the Aiken Historic Register either individually or as part of a district and individually on the National Register of Historic Places;
  - c. can accommodate at least 50 of the required parking spaces on the site itself with the remainder of the required parking allowed to be on-street contiguous to the site but not in front of another home or business; and
  - d. is surrounded by a wall or dense vegetative screen at least six feet in height, which shall remain.
2. The use shall comply with paragraphs 1 through 9 of 3.3.4.A applicable to a Bed and Breakfast Home Stay.
3. The structure shall be single-family residential in character.

4. Exterior alterations to allow the use, including new parking areas and the associated removal of trees and vegetation, must obtain a Certificate of Appropriateness.
5. Meals not associated with meetings may be served to anyone from 7:30 a.m. (Ord. 09282009D) until 11:00 p.m. with a maximum seating capacity set by the Department of Public Safety.
6. Business meetings, receptions, and other events from which the property owner may benefit financially involving people other than registered guests may be held. The maximum number of attendees at meetings and events at any one time shall be set by the Department of Public Safety. Such meetings and events shall end by 11:00 p.m. Meals may be served to all attendees at such events.
7. Outdoor amplified music shall be allowed as follows:
  - a. paid admission concerts every other week that end no later than 10:00 p.m. except for New Year's Eve celebrations which shall end no later than 12:30 a.m. New Year's Day; (Ord. 09282009D)
  - b. music which accompanies dining is allowed but must conclude by 10:00 p.m.; and
  - c. outdoor amplified music for private events is not allowed except for nonprofit fundraisers in which case the music shall end no later than 10:00 p.m.
8. Retail sales are permitted to guests and their invitees and attendees at meetings and other events for items directly associated with the use and/or Aiken by using up to 1500 square feet which can be located in more than one area within the subject property. Gallery or exhibition space is allowed but is not subject to the 1500-square-foot limit. (Ord. 04092007)
9. A wall-mounted sign not to exceed 1.5 square feet in area may be located on an exterior wall of the dwelling. In addition, on each street frontage, either a non-backlit, freestanding sign not to exceed 1.5 square feet in area and five feet in height or a wall-mounted sign not to exceed 1.5 square feet in area may be erected. Each sign may be externally illuminated by a low-wattage light (see 4.4.10.B.3).

#### **3.3.5. CAR WASH**

A car wash located in the DB District shall not incorporate fuel sales.

Any car wash facility shall be paved and incorporate drainage meeting the City Engineer's standards.

Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.

#### **3.3.6. CONVENIENCE STORE**

No convenience store permitted in the LB District shall provide fuel sales.

Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.

### **3.3.7. DAY CARE**

#### **A. General**

Day care facilities shall be required to meet the following standards.

1. Day care facilities shall comply with all applicable State laws.
2. At least 100 square feet of outdoor play area shall be provided for each occupant (other than employees).
3. The outdoor play area shall be enclosed by a fence having a minimum height of four feet which shall be maintained in good condition.
4. Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.
5. An off-street drop-off and loading area shall be provided.

#### **B. Day Care Facilities in the RML, RMH, RMP, LP, or LB Districts**

Day care facilities located in the RML, RMH, RMP, LP, or LB Districts shall only be permitted to operate between the hours of 6 a.m. and 10 p.m.

### **3.3.8. DUPLEX RESIDENTIAL**

Duplex residential development is permitted in the O, GB, and PC Districts, provided that such residential development is part of a larger project, the residential component does not exceed 50 percent of the land area of the project, and a site plan for the project is reviewed in accordance with 6.2.9.

### **3.3.9. EATING ESTABLISHMENT**

Eating establishments permitted in the LB or HD District are subject to the following requirements:

1. The maximum gross floor area shall not exceed 2,500 square feet in the HD District;
2. All off-street parking shall be located behind the front yard setback line;
3. Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.
4. In the LB District, the hours of operation, including deliveries, shall be limited to 6 a.m. to 10 p.m.;
5. No outdoor entertainment or speaker system is permitted; and
6. Signs shall not be internally illuminated.

### **3.3.10. FUEL SALES**

#### **A. Considered a Principal Use**

Fuel sales that are associated with a convenience store or similar use shall always be considered a principal use and permitted only in those districts that allow fuel sales.



**B. In the PC District**

Fuel sales in the PC District shall be permitted only when the facility is incorporated in a larger commercial project, and when access to the facility is shared with such project.

**C. In the DB District**

Fuel sales in the DB District shall be permitted only when the facility is associated with a convenience store.

**3.3.11. GROUP HOME, TYPE 1**

A Group Home, Type 1 is permitted in the O, GB, and PC Districts, provided that such residential development is part of a larger project, the residential component does not exceed 50 percent of the land area of the project, and a site plan for the project is reviewed in accordance with 6.2.9.

A Group Home, Type I is subject to all applicable provisions under South Carolina law including, but not limited to, Section 6-29-770 et. seq.; any applicable regulations, registration procedures, building code mandates, as well as all licensing and operational requirements of all federal, State, and local governmental agencies with jurisdiction in this area. All applicable City application procedures must be met in addition. (Ord. 10132008A)

**3.3.12. GROUP HOME, TYPE 2 OR 3**

A Group Home Type 2 or Type 3 shall meet the following standards.

1. Compliance with all applicable State laws;
2. A site plan is approved in accordance with 6.2.9;
3. Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E; and
4. No Group Home Type 2 or 3 is located within 500 feet of any existing Group Home Type 2 or 3. Such distance shall be measured from lot line to lot line.

**3.3.13. GROUP LIVING**

Group living shall be located no closer than 50 feet to any property line.

Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.

**3.3.14. INDUSTRIAL USES**

Information about the following factors shall be provided to the Building Official in order to make a determination whether an industrial use is considered light or heavy industrial and whether the use is prohibited within the City limits. Standard accepted methods of measurement as called for by the Environmental Protection Agency (EPA) shall be utilized.

1. Noise.
2. Vibration.
3. Smoke.
4. Toxic gas.

5. Particulate matter.
6. Odor.
7. Heat.
8. Glare.
9. Electromagnetic interference.
10. Radioactivity.
11. Fire hazard.
12. Other similar conditions.

### 3.3.15. LARGE RETAIL PROJECT

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 Commercial (PC), Planned Residential (PR), or General Business (GB) zones. For a Large Retail Project in any of the three zones, approval of a concept plan as set forth in the provisions for the PC zone, including landscaping and signage, shall be required. After the concept plan is approved, 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

1. **Materials.** Predominant exterior building materials may include brick, wood, stone, tile, split concrete block, or stucco. Smooth-faced concrete block are not permitted.
2. **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.
3. **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.
4. **Exterior Walls.** No large expanse of blank exterior wall will be allowed. Variation may be achieved by using recesses, projections, windows, columns, horizontal and vertical offsets, awnings, canopies, and other features.
5. **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.

6. **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.
7. **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.
8. **Outdoor Lighting.** Lighting shall comply with the requirements for the Planned Commercial zone at 4.3.8.
9. **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

1. **General.** A conceptual landscape plan shall be incorporated as part of concept plan approval. Prior to issuance of a building permit, approval of a detailed landscape plan conforming to the Landscaping and Tree Preservation provisions in Chapter 4 shall be approved except where such provisions would conflict with the following.
2. **Planting Strip 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 planting strip at least 30 feet in depth. Any of this strip subsequently dedicated to the City to be preserved as planting strip shall still be included in meeting the requirements of this section.
  - b. The maximum number of trees must be planted as determined by the Planning Director taking into account the size of the trees at maturity. The Planning Director shall approve the type, size, and location of trees as well as any combination of large and small trees to meet this requirement. Any area in the planting strip beyond the minimum area required shall not be included in determining the required number of trees.
  - c. There shall be a continuous screen consisting of either evergreen shrubbery and/or a berm with plantings complying with the following.
    - i. If only shrubbery is used, the plantings 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.
    - ii. Any berm must be at least two 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.

- iii. If a berm without shrubbery is used, it shall be at least five feet high and be planted with ground cover.
  - iv. The screen shall be maintained at a minimum of five feet in height after plantings have matured.
  - d. The planting strip 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.
3. **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

- 1. **General.** Delivery and loading areas shall be designed and located to minimize visual and noise impacts to residential areas.
- 2. **Setbacks and Buffers.** Each delivery and loading dock shall be set back at least 75 feet from land zoned or used residentially including a landscaped buffer at least 30 feet in depth along the property line conforming to 4.6.7.E.
- 3. **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 50 feet from property zoned or used residentially.

#### F. Signage

In addition to complying with the sign provisions in Chapter 4, 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 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

City Council may waive any requirements of this section for alteration or enlargement of an existing project where compliance would be impractical. (Ordinance 05102004B)

### 3.3.16. MANUFACTURED HOME

See the standards in 4.2.7, Manufactured Home Subdivisions, or 4.2.8, Manufactured Home Parks.

### 3.3.17. OUTDOOR ENTERTAINMENT

Outdoor entertainment establishments located adjacent to a residential district or use may be permitted subject to the following conditions.

- 1. The use shall only be permitted to operate between the hours of 6 a.m. and 10 p.m.

2. Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.
3. Any outdoor speakers or public address system shall only be permitted where no sound so produced can be heard at the residential district boundary.

### **3.3.18. SINGLE-FAMILY ATTACHED RESIDENTIAL**

Any attached single-family housing must comply with the standards at 4.2.9 and with the review process at 6.2.16. In addition, attached single-family residential development is permitted in the O, GB, and PC Districts, only if such residential development is part of a larger project, the residential component does not exceed 50 percent of the land area of the project, and a site plan for the project is reviewed in accordance with 6.2.9.

### **3.3.19. SINGLE-FAMILY DETACHED RESIDENTIAL**

Detached single-family residential development is permitted in the O, GB, and PC Districts, provided that such residential development is part of a larger project, the residential component does not exceed 50 percent of the land area of the project, and a site plan for the project is reviewed in accordance with 6.2.9.

### **3.3.20. STABLE, COMMERCIAL**

A commercial stable allowed in accordance with the Use Tables in Chapter 3, Article 1 must comply with 3.3.21.C and D.

### **3.3.21. STABLE, PLEASURE**

A pleasure stable allowed in accordance with the Use Tables in Chapter 3, Article 1, must comply with the following. These provisions are intended to cover the keeping of horses, whether in enclosed stables or in open paddocks. See the standards in 8.1.11 for nonconforming stables in the RSS District. See the standards in 8.1.12 for horses on nonconforming lots.

#### **A. Required Area**

The lot shall have a minimum area of one acre and a minimum width of 100 feet. Nonconforming lots of less than one acre may request permission for a pleasure stable through the special exception process in accordance with 6.2.18.

#### **B. Number of Horses Allowed**

1. There are no restrictions on the number of horses allowed in the RSS and HD Districts.
2. On a lot on which horses are allowed by special exception, a maximum of two horses are allowed on the first acre, with one horse allowed for each additional one-half acre.
3. In the RSH District, three horses are allowed on the first acre, with one horse allowed for each additional one-half acre.

#### **C. Maintenance**

The following standards shall apply to all stables, lots, and the horses thereon.

1. The lot must be designed and maintained to drain so as to prevent ponding and propagation of insects.
2. The lot must be designed and maintained so as to prevent the pollution by drainage of adjacent streams and other water bodies.
3. The premises must be maintained in a sanitary condition by such means as the proper use of lime in stalls and on manure piles. (Ord. 09252000D)
4. The premises must be maintained by keeping manure piles in covered containers at least 50 feet from any dwelling or any pool, patio, or other recreational structure on an adjoining lot and at least 25 feet from any property lines. Covered containers shall not be required in RSH, RSS, and HD districts.
5. Except in the RSS and HD Districts, horses must be stabled and otherwise kept in areas on the premises that are no closer to the dwellings, buildings, accessory buildings, and recreational structures on adjoining lots than they are to the dwelling on the premises.
6. All manure must be removed from paddocks and stable areas at least twice weekly so as to prevent propagation of flies and creation of odors. All manure containers will be emptied properly at least once per week. (Ord. 09252000D)
7. All grain on the lot must be stored in rodent-proof containers.
8. All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents, and birds, and creation of odors.
9. The exercise and training areas on the lot should be dampened as necessary to prevent dust. (Ord. 09252000D)
10. Prompt veterinary care and services must be provided for sick horses, and such horses shall be removed promptly when deemed necessary by a licensed veterinarian selected by the City.
11. Turnouts and paddocks must be kept in sanitary condition and free from odor.

#### D. Complaints

Complaints regarding a lot not maintained in compliance with the foregoing provisions shall be filed with the Zoning Official. Violation of these provisions may result in revocation of a special exception approval for the pleasure stable.

### 3.3.22. TELECOMMUNICATIONS FACILITIES

#### A. Permitted Locations

1. **Location in Industrial Districts.** A telecommunications facility, tower, or antenna may be located in the LI or I District following approval of an application meeting the requirements set forth in 6.2.5 and demonstration that the conditions in paragraph B. below are met.
2. **Location in O, GB, and PC Districts.** A telecommunications facility, tower, or antenna may be approved by special exception in accordance with the provisions of 6.2.18 when located in the GB or PC Districts. An application meeting the requirements set forth in 6.2.5 shall be required, along with demonstration that the conditions in paragraph B. below are met.

3. **Location on Existing Structure on City-Owned Property.** Wireless communications devices may be located on existing structures on City-owned property following approval of an application meeting the requirements set forth in 6.2.5, demonstration that the conditions in this Section have been met, and approval by City Council. Steps shall be taken to assure that the antenna will not be readily visible, including hiding the antenna within the structure, painting it the same color as the structure, or otherwise camouflaging the antenna.
4. **Location on Existing Structure on Private Property.** An antenna may be located on an existing structure on private property following approval of an application meeting the requirements set forth in 6.2.5 and demonstration that the applicable conditions in this Section have been met. In residential districts, approval of a special exception by the Board of Zoning Appeals shall also be required. Steps shall be taken to assure that the antenna will not be readily visible, including hiding the antenna within the structure, painting it the same color as the structure, or otherwise camouflaging the antenna.
5. **Location on Existing Tower.** The addition of an antenna to an existing tower shall be approved by the Building Official if the antenna would not add to the tower's height and if certification from a structural engineer licensed in South Carolina is submitted confirming that the tower structure is adequate to accommodate the antenna.
6. **Demolition of Existing Tower.** The Building Official may issue a permit for an existing tower to be demolished and a new tower built as long as the new tower does not exceed the height of the original tower and is designed to allow other antennas. A new tower may exceed the height of the original tower only if it is approved through the Board of Zoning Appeals as a special exception.
7. **Not Permitted on Historic Sites or Districts.** No telecommunications tower is permitted within a district or on an individual site listed on the Aiken Historic Register.

#### B. Conditions

An application for approval to erect a communications tower must meet the requirements set forth in 6.2.5 and demonstrate that all of the following conditions are met. An application to place an antenna on an existing structure must provide applicable information as determined by the Building Official.

1. **General.** All applicable health, nuisance, noise, fire, building, and safety code requirements shall apply in addition to the conditions in this Section. Regulations covering visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, signs, storage, and all other general zoning district regulations except those superseded by this Section shall apply.
2. **Location.**
  - a. A permit for a proposed tower within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower would not meet the applicant's structural specifications and technical design requirements without unreasonable modifications, or that a co-location agreement could not be obtained.
  - b. The applicant must show that a suitable site could not be found on publicly owned property.

- c. When considered as a special exception, the Board of Zoning Appeals must determine that the visual impact of the tower will not adversely affect the area.
3. **Maximum Height.**
  - a. Freestanding tower: 200 feet.
  - b. Tower or antenna mounted on a structure other than a freestanding tower: one-fourth of the height of the structure or 50 feet, whichever is less, over and above the height of the existing structure.
4. **Setbacks.**
  - a. The tower must be set back from any property occupied by a residential use or on which a residential use is permitted a distance at least 50 percent of the height of the tower but no less than 100 feet.
  - b. Where adjoining property is not used or zoned to allow residential use, the tower should comply with the setback required of any other structure or 25 percent of the tower height, whichever is greater.
  - c. The tower must be set back from the boundaries of a property any portion of which is listed on the Aiken Historic Register or the National Historic Register a distance of at least 50 percent of the tower height.
5. **Screening.** In addition to any landscaping required by 4.6.7.E, prior to initiation of use of a tower, the base of a tower must be screened by evergreen plantings at least three feet high at time of planting and no less than ten feet on center at the time of planting, with a height at maturity that exceeds seven feet.
6. **Fencing.** A tower and any associated structures or facilities must be surrounded by a fence at least eight feet high. See also 4.1.4.
7. **Color.** A tower should be a light grey or similar color to blend with the sky unless it is required to be painted a different color by the Federal Aviation Administration.
8. **Illumination.** A tower shall not be lighted unless required by the Federal Aviation Administration or a variance is granted for safety reasons. After dusk and before dawn, lights shall be red only. If permitted by federal authorities, lights shall be shielded to minimize visibility from the ground. Strobe lighting shall not be allowed unless required by a regulatory agency.
9. **Signage.** One sign no larger than two square feet in area shall be placed in a visible location identifying the owner and his street address, the identification code of the tower, and an all-hours emergency telephone number. Such sign may also identify other users of the tower.
10. **Initiation of Operation.** An antenna on a new tower shall begin operation no later than 180 days after installation.
11. **Abandonment.** If a tower which has been operational is not used for a period of more than 180 days, then, upon written notice given to the owner or his agent, the tower shall be removed unless use is resumed within 90 days of such notice.



**3.3.23. TRUCK OR TRAILER RENTAL**

Truck or trailer rental facilities located in the GB District shall provide only vehicles that can be driven by an operator with a standard Class "D" License. No maintenance or servicing of vehicles or trailers shall occur on the site, and no disabled vehicles shall be stored overnight at the site. Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.

**3.3.24. UPPER-STORY RESIDENTIAL**

Upper-story residential development is permitted provided it is part of a larger project, the residential component does not exceed 50 percent of the land area of the project, and a site plan for the project is reviewed in accordance with 6.2.9.

**3.3.25. VETERINARY HOSPITAL**

A veterinary hospital located in the GB District shall not incorporate outdoor kennels when the subject property abuts a residential use or a residential district boundary. Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.

**3.3.26. WATER STORAGE TANK**

Approval of a water storage tank shall require a demonstration that no alternative location where such use would be permitted by right is feasible. In addition, to the extent practicable, the base of such tower shall be screened with vegetation and constructed and painted in such fashion as to be compatible with the surrounding neighborhood.

## ARTICLE 4. ACCESSORY USES

### 3.4.1. ACCESSORY APARTMENT

#### A. In Residential Districts

One accessory apartment per lot may be permitted in a residential district (except in the RSS District, which may allow a second accessory apartment) in accordance with the Use Tables in Chapter 3, Article 1, and subject to the following.

1. **Lot Size and Area.** The lot must have an area of at least 10,000 square feet and a minimum width of at least 75 feet.
2. **Location.** The apartment may be within the principal dwelling or in an accessory building.
3. **Size of the Apartment.** The minimum floor area of an accessory apartment shall be at least 450 square feet (see 4.2.2). The floor area of an apartment in an accessory building may not exceed 35 percent of the gross heated floor area of the principal dwelling. (Ord. 01122009)
4. **Owner-Occupancy Required.** Either the principal dwelling or the accessory apartment must be occupied by the property owner.
5. **Nonconforming Buildings.** An accessory apartment may not be located in a nonconforming building without a special exception.
6. **Expansion or Enlargement to Allow an Accessory Apartment.**
  - a. The footprint of a principal or accessory building may not be enlarged to allow an accessory apartment without a special exception.
  - b. A second floor may not be added to an accessory building to allow an accessory apartment without obtaining a special exception, and in no case shall the height of the accessory building exceed the height of the principal building.
  - c. If there is an existing accessory building, a second accessory building may not be erected to allow an accessory apartment unless the lot is at least one-half acre in area.
7. **Off-Street Parking.** One off-street parking space is required for each accessory apartment. Parking for an apartment in an accessory building shall not be in the front yard of the principal building.
8. **Applicability in RML and RMH Districts.** An accessory apartment may not be located in the RML and RMH District unless the lot is occupied only by a detached single-family dwelling and the number of dwelling units does not exceed the allowable density of the District.
9. **Second Unit in the RSS District.** A second accessory apartment may be allowed in the RSS District by special exception in accordance with 6.2.18 as long as the lot is at least one acre in area and all relevant provisions of this paragraph 3.4.1.A are met.
10. **Conversion of Accessory Building with Reduced Setback Allowed Through Variance or Administrative Waiver.** An accessory building for which a reduced setback has been allowed through a variance granted by the Board of Zoning Appeals or an administrative waiver pursuant to 3.4.2.H may not be converted to an accessory apartment unless a Special Exception is approved by the Board of Zoning Appeals. (Ord. 07122010A)

**B. In Nonresidential Districts**

As accessory apartment is permitted in nonresidential districts, whether in a single-family dwelling or an associated accessory building, in accordance with the Use Tables in Chapter 3, Article 1, and the provisions of 3.4.1.A.

**3.4.2. ACCESSORY BUILDING OR STRUCTURE****A. Applicability**

Paragraphs B, D, and E shall not apply to (1) any lot in the Horse District zone, (2) any lot in the RSS zone in the Historic Overlay District, or (3) any lot of one acre or more in the RSS zone outside of the Historic Overlay District. (Ord. 01122009)

**B. Location**

1. Detached accessory buildings shall only be permitted in the rear yard and side yard no closer to a street right-of-way than the principal building on the lot except for garages, carports, automatic teller machines, canopies over fuel pumps, and similar structures as determined by the Planning Director.
2. In any residential zones or the Limited Professional or Limited Business zones, an accessory building may not be closer to a street right-of-way than the plane of the front wall of the principal building on an adjacent lot. (Ord. 10242005B)

**C. Setback Required**

1. Any accessory building totally detached from the principal building shall be set back not less than ten feet from the side or rear lot line.
2. In the LI and I districts, the Planning Director shall determine the specific distance an accessory building shall be set back from the side and rear lot lines based upon the use of the lot involved, the scale of the accessory building, the adjoining lots, and any other relevant factors, but in no event shall it be set back less than 10 feet from the side and rear lot lines.

**D. Height**

The height of an accessory building may not be more than the primary building on the lot. (Ord. 10242005B & 01122009)

**E. Floor Area**

The floor area of all accessory buildings on a lot may not exceed 50% of the heated gross floor area of the principal building. (Ord. 10242005B & 01122009)

**F. Converted Manufactured Homes and Shipping Containers Prohibited**

A manufactured unit constructed for residential use may not be used for storage even if converted for that purpose. (Ord. 06122000) No container primarily intended for the shipment of freight or other materials on a boat, truck, or other vehicle may be used for storage except in the LI, LM, and I zones. (Ord. 10242005B)

**G. Swimming Pools**

A non-inflatable swimming pool on a lot occupied by a single-family dwelling shall comply with this section. (Ord. 10242005B)

**H. Administrative Waiver for Setbacks**

The Planning Director may allow a reduction in the side and/or rear yard setback for an accessory building if the applicant can demonstrate that there is no other reasonable place for the building that would meet the required setbacks and can justify the request based on one or more reasons including, but not limited to, the following.

1. The size, shape, and/or topography of the property would make it difficult to comply.
2. Compliance would substantially affect the usability of the property.
3. The location of other structures on the property would make it difficult to comply.
4. The location of vegetation would make it difficult to comply.
5. The proposed location would allow preservation of valuable vegetation.
6. The area of the reduced setback is adjacent to land that will not be developed.

The waiver may not be granted without the approval of the Department of Public Safety and the Department of Public Works/Engineering.

Public notice of an application for such waiver shall be accomplished by mailing of a letter to the owner of each lot directly contiguous to the subject lot excluding one across a street right-of-way and by the posting of a sign on the subject property visible from the abutting street. Approval of the request may not be granted until 15 days after the mailing of the notice letters and posting of the sign.

Subsequent conversion to an accessory apartment shall require approval of a Special Exception by the Board of Zoning Appeals pursuant to 3.4.1.A (10). (Ord. 07122010A)

**3.4.3. AMUSEMENT, VIDEO POKER, OR GAMING MACHINES**

**A. Location**

The location or operation of coin-operated, non-payout amusement or gaming machines or devices in any number involving any form of payments or reimbursements of money for accumulated free games shall be allowed only in the GB, PC, LI, and I districts subject to the restrictions set forth in this Section.

**B. Distance Requirements**

A building or premises in or on which any such machines or devices are situated or operated in any number shall not be located as follows.

1. On any lot or parcel within 300 feet of any residential zoning district or any lot or parcel on which a residential use exists.
2. On any lot or parcel within 300 feet of any lot or parcel on which a church, other house of worship, or any religious use is located.

3. On any lot or parcel within 300 feet of any lot or parcel on which a private or public school or any educational use is located (this shall include, but not be limited to, kindergartens and daycare facilities).
4. On any lot or parcel within 300 feet of any lot or parcel on which public playground, public swimming pool, public recreational area, public park, or similar use is located.
5. On any lot or parcel within 300 feet of any lot or parcel on which the location or operation of such machines or devices is in existence.

#### C. Distance Measurement

Pursuant to §1-22-710(C) of the Code of Laws of South Carolina, 1976, as amended, the distances in this Ordinance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot on which a building or structure is used as a licensed video poker establishment to the nearest property line of the location set forth in paragraph B. above.

#### D. Signs

Pursuant to §12-22-760(A) of the Code of Laws of South Carolina, 1976, as amended, a video poker establishment may utilize one green square not exceeding a size of four by four feet. This one green square may be placed on any side of the building in which the licensed video poker establishment is located. The establishment shall continue to comply with the other ordinances promulgated by the City of Aiken with respect to signage for its establishment.

#### E. Other Laws

Anything contained in this Section shall not be construed to authorize or permit any form of activity, use, operation, establishment, or business prohibited by other ordinances of the City or the laws of the State of South Carolina.

### 3.4.4. FUEL SALES

See 3.3.10.

### 3.4.5. HOME OCCUPATION

There are two types of home occupations allowed subject to the following provisions. Home occupations existing as of the effective date of this Ordinance shall be governed by Sec. 1.2.2.

#### A. Type 1 Home Occupation

1. A Type 1 Home Occupation is an accessory use allowed by right as long as it meets the following requirements.
  - a. Receives and annually renews a business license.
  - b. Is conducted entirely within a principal dwelling or integral part thereof and involves no outside storage of any kind including in an accessory building.
  - c. Is clearly incidental and secondary to the principal use of the dwelling and does not use more than 25 percent of the gross floor area of the dwelling.

Article 4. Accessory Uses

- d. Does not affect the residential character of the dwelling nor cause the dwelling to be extended.
  - e. Does not create any disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, or traffic or parking problem.
  - f. Does not involve on-site retail sales or services which involve visits by customers on any sort of regular basis (not including home party type sales occurring infrequently).
  - g. Is conducted only by persons residing on the premises.
2. A Type 1 Home Occupation may have a non-illuminated identification sign no larger than 1.5 square feet mounted on the wall of the dwelling, but no freestanding sign. If a bed and breakfast is located in the same dwelling, the sign may include the names of either or both.

**B. Type 2 Home Occupation**

A Type 2 Home Occupation may be permitted as a special exception subject to conditions imposed by the Board of Zoning Appeals and the following requirements.

1. Compliance with paragraphs 1 through 5 of 3.4.5.A regarding Type 1 Home Occupations.
2. Not more than one non-resident of the dwelling is employed.
3. Applicable City codes regarding wiring, plumbing, handicapped accessibility, etc., are addressed prior to issuance of the business license and initiation of the home occupation.
4. Does not involve any displays pertaining to the home occupation visible outside of the dwelling.
5. Is subject to inspection of the premises by the Zoning Official without prior notice during normal business hours.
6. May have one sign not exceeding 1.5 square feet in area for each lot-of-record mounted against the wall of the principal building (see 4.4.10.B).

**3.4.6. SATELLITE DISH ANTENNA**

**A. Residential Location**

Satellite dish antennas greater than 3 feet in diameter shall be permitted only in rear yards in all residential districts and residential developments in any other district.

**B. Commercial/Industrial Location**

Satellite dish antennas used in conjunction with a commercial/industrial use shall be permitted in any location in the O, GB, PC, DB, LI, or I districts.

**3.4.7. SWIMMING POOL**

All swimming pools shall meet the latest building code requirements for fencing.

## **ARTICLE 5. TEMPORARY USES**

### **3.5.1. GENERAL REGULATIONS**

The following general regulations shall apply to all temporary uses.

- A. Permanent changes to the site (including tree removal) are prohibited;
- B. Temporary activities shall not prevent the use of or cause the elimination of required off-street parking; and
- C. All other required permits must be obtained.

### **3.5.2. CONSTRUCTION/STORAGE TRAILERS**

A contractor's construction/storage trailer may be approved by the Planning Director in conjunction with any approved development project for which a building permit has been issued. The trailer must be located on the same site as the permitted project and must be removed within one month of issuance of a final Certificate of Occupancy for the project.

### **3.5.3. FAIRS, CARNIVALS, AND PUBLIC GATHERINGS**

Fairs, carnivals, and other major public gatherings are allowed subject to approval by the Department of Public Safety. The Department may refer such uses for approval to City Council in accordance with Section 14-40 of the City Code, where it is deemed necessary.

### **3.5.4. OPEN AIR SALES**

Open air sales on vacant lots of seasonal items such as Christmas trees, pumpkins, seafood, and produce are permitted in certain districts according to the Use Tables in Chapter 3, Article 1, provided that the sales activity does not last longer than 30 days per season and all other applicable codes, including sanitation and electrical codes, are met. Such open air sales must also receive and annually renew a business license.

### **3.5.5. PARKING LOT/SIDEWALK SALES**

Parking lot/sidewalk retail sales are allowed provided that no required off-street parking is eliminated or made unusable and safe pedestrian flow is maintained. Such sales shall not be permitted to impede traffic flow. No permanent structures or fencing shall be permitted. Merchandise that is part of a parking lot or sidewalk sale shall not be considered to be a sign for the purpose of Chapter 4, Article 4.

### **3.5.6. TEMPORARY SALES/LEASING OFFICES**

A temporary sales or leasing office is permitted provided that it is located in a model unit for residential projects or on-site for commercial projects.





## CHAPTER 4. DESIGN STANDARDS

### ARTICLE 1. SETBACKS, YARDS, AND HEIGHT

#### 4.1.1. SIDE YARD SETBACKS FOR CORNER LOTS

In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards.

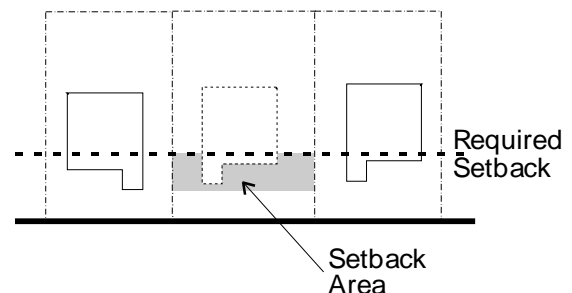
#### 4.1.2. SETBACK FROM HORSE TRACK

Any principal building, accessory building or use, residence, or paddock shall be located a minimum of 75 feet from the outside edge of a track surface where horse racing or training can take place, or from the outside rail of such a track, whichever would result in the maximum separation. This provision shall not apply to buildings located on the same lot as the track, where no minimum separation shall be required.

#### 4.1.3. MODIFICATION OF YARD REGULATIONS

##### A. Setback on Residential Infill Lots

New or replacement construction may be located in the required front yard setback to the same extent as the principal structure on the adjacent lot is in the required front yard setback. A lot in the RS-6, RML, or RMH zone not having a lot width of 60 feet may have a side yard setback of 7.5 feet to allow construction of a single-family dwelling unless the Building Official requires a greater setback. (Ord. 04102000C)



##### B. Side Yard Waived

Attached residential dwellings with common walls located over the lot line shall not be required to provide side yards.

##### C. Projection Into Yards

The following may extend or project into a required yard.

1. Cornices, sills, eaves, belt courses, chimneys, or other similar architectural feature.
2. Unroofed platforms, landings, steps, or balconies.
3. Heating and air conditioning units, transformers, or other similar machinery.

#### 4.1.4. FENCES AND WALLS

##### A. Location

A fence or wall may be located in accordance with B, C, and D below except where prohibited by corner setbacks for intersection visibility (see 4.1.5 below). (Ord. 02142005)

##### B. In Nonresidential Districts

A fence or wall in any nonresidential district shall not exceed eight feet in height.

##### C. In Residential Districts

In the area between the plane of the front of the principal building and any street, no fence or wall shall exceed four feet in height except where a higher fence conforming to these regulations exists on a common property line of an adjacent lot in which case the proposed fence may be no higher than that fence. No fence or wall on any other portion of the lot may exceed six feet in height. (Ord. 02142005)

##### D. In Historic Districts

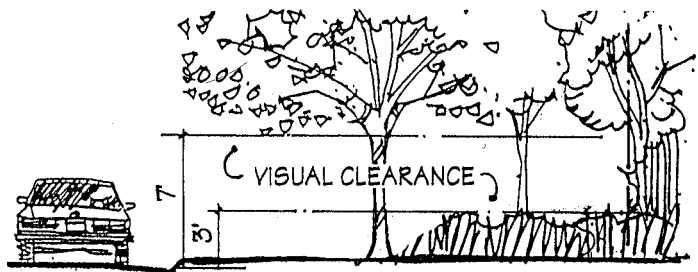
The Design Review Board shall have the authority to permit a fence or wall in an Historic District up to a height of twelve feet. (Ord. 02142005)

#### 4.1.5. CORNER SETBACK AND INTERSECTION VISIBILITY

##### A. General

The following standards shall apply at any corner of intersecting streets or driveways, except in the DB District.

1. Corner setbacks extend within the area formed by the legs of a triangle whose apex is the point of intersection of the rights-of-way of the adjacent streets.
2. No structure or planting (at mature growth) that exceeds three feet in height shall be permitted within a corner setback. Exceptions are permitted for utility poles, lighting standards, mail boxes, City or State traffic signs, and existing trees if the lower canopy of the trees allow a clear line of sight between three feet and seven feet above the street grade and the trunks of such trees are sufficiently spaced or are so located as to be unlikely to substantially interrupt the line of sight. A sign structure permitted by Chapter 4, Article 4 may be located within the intersection visibility area provided that visual clearance exists between three feet and seven feet above the ground.

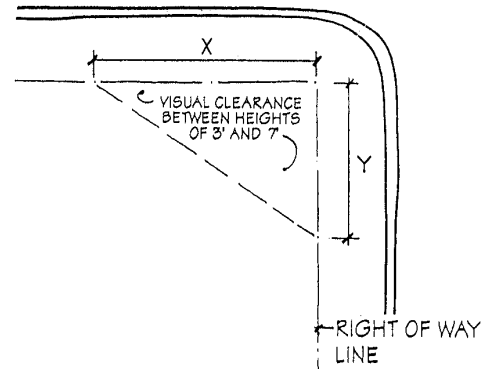


**B. Required Corner Setbacks**

- The following corner setbacks shall be required.

Street Type (x)	Street Type (y)		
	Non-Arterial Roadway	Minor Arterial	Major Arterial
Major Arterial	30 feet/15 feet	30 feet/25 feet	30 feet/30 feet
Minor Arterial	25 feet/15 feet	25 feet/25 feet	
Non-Arterial Roadway	15 feet/15 feet		

- These distances may be reduced by the Building Official upon a showing that no public safety issues exist.

**4.1.6. EXCEPTIONS TO HEIGHT REQUIREMENTS**

The following structures may extend above the height limits in Articles 2 and 3 of this Chapter, provided that the portion of the structure exceeding the height limit is not used for dwelling purposes.

- Chimneys or smokestacks;
- Cooling towers, gas containers, elevator penthouses, skylights, stairways, or ventilating fans;
- Steeple or spires;
- Fire or parapet walls;
- Flagpoles;
- Communication towers;
- Silos, water tanks, or standpipes; and
- Any other similar structures.

**4.1.7. FIRE SUPPRESSION REQUIRED**

No building or structure may be erected that exceeds two stories in height, exceeds 15,000 square feet in area, or has more than four dwelling units, unless the building or structure has a sprinkler system approved by the Department of Public Safety.

**ARTICLE 2. RESIDENTIAL DESIGN STANDARDS****4.2.1. TABLE OF RESIDENTIAL DESIGN STANDARDS**

STANDARD	RS-15	RS-10	RS-8	RS-6	RSH	RSS	RSA	RSM	RML	RMH	RMP	PR
District Size, min. sq. ft. or acres	--	--	--	--	--	--	--	10 acres	12,500	10,000	8 acres	4 acres
Lot Area, minimum sq. ft. or acres	15,000	10,000	8,000	6,000	1 acre	3 acres	--	6,000	3,500	2,500	--	See 4.2.6.C, 4.2.6.D, 4.2.6.E, 4.2.6.G
Lot Width, minimum	100 feet	75 feet	70 feet	60 feet	100 feet	100 feet	--	80 feet	35 feet	25 feet	150 feet	
Front Yard, minimum	20 feet *					50 feet	--	20 feet **				
Side Yard, minimum	10 feet					25 feet	--	10 feet			25 feet	
Rear Yard, minimum	20 percent of lot depth, not to exceed 50 feet					25 feet	--	20 percent of lot depth, not to exceed 50 feet			25 feet	
Accessory Building Setback (side or rear yard)		10 feet										
Height, maximum	35 feet	35 feet	35 feet	35 feet	35 feet	50 feet	35 feet	35 feet	35 feet	35 feet	25 feet	
Land Area per Principal Dwelling, minimum square feet or acres	15,000	10,000	8,000	6,000	1 acre	3 acres	--	6,000	3,500	2,500	3,600	20%
Open Space, minimum percentage	--	--	--	--	--	--	20%	40%	40%	40%	40%	

\* RS-6 See 4.1.3.A

\*\* RML, RMH See 4.1.3.A

**4.2.2. MINIMUM UNIT SIZE**

Every new dwelling unit shall have minimum gross floor area of 450 square feet.

**4.2.3. MINIMUM BUILDING SEPARATION**

Where there is more than one primary structure on a single lot of record, there shall be at least 15 feet between one-story structures and at least 20 feet between two-story or taller structures and any other structure. The Building Official may reduce this required separation where no public safety concerns exist.

**4.2.4. UNDERGROUND WIRING**

When there is a conflict between the ordinance and an existing franchise agreement, the City Manager or his designee will determine whether the utilities are installed aboveground or belowground. The following applies as long as there is no conflict with an existing franchise agreement between the City and the service provider. Any new electric service lines to multifamily structures or manufactured home parks shall be installed underground. Electric service lines to a new single-family dwelling shall be installed underground. New electric distribution lines shall be placed underground. All new wiring for telephone, cable, or any other purpose shall also be installed underground. In some circumstances, it may not be reasonable, technically feasible, or economically practical to install new wiring underground. In these instances, permission to install the utilities aboveground may be requested. If deemed appropriate, the City Manager or his designee may grant permission to install the utilities aboveground. The undergrounding requirement does not apply to any wiring related

to maintenance, repair, or upgrades of existing aboveground facilities, and it does not apply to the placement of any aboveground facilities, such as cabinets and pedestals, that are necessary for provision of service using the underground facilities.

#### **4.2.5. PARKING OF RECREATIONAL, OVERSIZE, AND EMERGENCY VEHICLES**

##### **A. Recreational Vehicles**

A recreational vehicle (including motor homes, travel or camper trailers, pickup campers, boats, and boat trailers) may be parked or stored on any lot in a residential zoning district in accordance with the following standards.

1. On an interior lot, the recreational vehicle is parked in an enclosed building, or in the rear yard, or in the side yard not projecting beyond the front of the roof line of the principal dwelling on the lot.
2. On a corner lot, the recreational vehicle is parked in an enclosed building, or in the rear yard, or in the side yard not projecting beyond the front of the roof line of the principal dwelling on the lot; if parked in the rear or side yard, the recreational vehicle must be completely screened by evergreen vegetation from view from all streets that run along the rear yard or side yard in which it is parked.
3. The recreational vehicle is parked or stored entirely on the residential lot in a safe and orderly condition, and if parked or stored on a driveway, it shall not be a hazard to persons or vehicles entering or exiting the driveway, persons passing on the sidewalk, or persons in vehicles passing on any adjoining street.
4. The combined total number of recreational vehicles and oversized vehicles permitted pursuant to 4.2.5.B so parked or stored on any residential lot shall be limited to three, not including those kept in a garage or other enclosed building.
5. A recreational vehicle may be parked anywhere on a residential lot for a period not to exceed 24 hours for the purposes of loading and unloading.
6. A recreational vehicle shall not be used for the purposes of permanent human habitation while parked or stored on any residential lot. Temporary storage or parking of a recreational vehicle for housing of temporary guests shall be permitted for a period not to exceed two consecutive weeks during any one calendar year.

##### **B. Oversize Vehicles Other Than Recreational Vehicles**

1. Any vehicle or combination of vehicles exceeding 26,000 pounds Gross Vehicle Weight Rating (GVWR), or any vehicle designed to transport 16 or more passengers including the driver, or any vehicle placarded for hazardous materials shall be prohibited in a residential zone except to allow deliveries or provide services to residents.
2. Any vehicle which has an overall vehicle length exceeding 22.5 feet in length or 8 feet in height, excluding trailer hitches, winches, handicapped accessories, roof racks, etc. . . must be located and screened in the same manner as a recreational vehicle as set forth at 4.2.5.A. The total combined number of these oversize vehicles and recreational vehicles permitted pursuant to 4.2.5.A parked or stored on any residential lot shall be limited to three.

3. No such vehicle may be parked on a lot in a residential zone unless the lot is occupied by a single-family dwelling and the vehicle is operated by the occupant of the dwelling.
4. This section shall not apply to (1) any vehicle kept in a garage or other enclosed building, or (2) horse-related vehicles in the Horse District or RSS zones.

**C. Emergency Vehicles**

One emergency vehicle may be located on a lot occupied by a single-family dwelling as long as the vehicle complies with the standards for recreational vehicles at 4.2.5.A, and the vehicle does not use its siren or flashing lights while on the lot. Emergency vehicles may be located in a multi-family or attached single-family residential project in an area screened from view. For the purposes of this section, an emergency vehicle is an ambulance or a tow truck displaying a decal in a prominent location verifying that it is licensed by the State of South Carolina to provide emergency road service. (Ord. 09102001A) (Ord. 08112003)

**4.2.6. PLANNED RESIDENTIAL PROJECTS**

**A. Location**

Land in the Horse District or listed on the Aiken Historic Register may not be zoned PR.

**B. Approval of Concept Plan**

1. Concurrent with the zoning of land to PR, a concept plan must be approved by City Council in accordance with 6.2.16 and the design criteria below.
2. Prior to submission of an application for the concept plan, the potential applicant shall meet at least once with Planning Department staff to review a preliminary proposed concept plan which shall include the following:
  - a. existing roads and utilities;
  - b. natural features including steep slopes, open areas, wooded areas with a general description of varieties and sizes of trees, location of streams and ponds, wetland areas, and soil types;
  - c. the location of proposed structures;
  - d. the location and types of dwelling units;
  - e. the location and amount of open space;
  - f. how the roads, trails, and pathways connect to surrounding areas; and
  - g. if the subject property is in the City limits, a description of how the design of the project will relate to the surrounding area.
3. Staff shall provide written comments to the potential applicant within 10 business days after the meeting.
4. Each concept plan is subject to detailed review by City Council, and there shall be no entitlement to either the maximum permitted density or minimum required open space. City Council may require additional special conditions to ensure compatibility with surrounding development, preservation of natural or historic features, provision of adequate infrastructure, and creativity of design. Where a

use permitted in a PR project is considered a conditional or special exception use, City Council shall consider the specific use standards in Chapter 3, Article 3.

#### C. Tract Size

The minimum size of any tract or parcel to be developed for a Planned Residential project shall be four acres and the tract shall have permanent paved access to a paved public road or a road to be paved and dedicated to the public.

#### D. Lot Size and Width

There shall be no minimum lot size, no minimum percentage of lot coverage, and no minimum lot width.

#### E. Building Setbacks, Separation, and Height

1. No building may be closer than 10 feet to the perimeter of the PR project.
2. Except for accessory buildings, no single-story building shall be erected within 15 feet of any other single-story building, and no multi-story building shall be erected within 20 feet of any other building except for encroachments permitted by 4.1.3.C.
3. Any accessory building must be at least three feet from any side or rear property line.
4. There shall be a maximum building height of 50 feet in nonresidential areas and 35 feet in residential areas.
5. Maximum structure heights and buildable area shall be shown on all subdivision plats submitted for the PR project, and each plat shall be annotated to inform purchasers of the City's requirements for building separation within the PR project.

#### F. Streets and Off-Street Parking

1. Private streets shall be allowed only if the development would not pose an obstacle to the creation of public roads and may not be permitted if the proposed development would be too large. If internal streets are intended to remain private, City Council may require additional right-of-way (including either additional streets or additional right-of-way width) to ensure that future interconnection with other City streets can be accommodated.
2. All streets shall conform with the requirements of the Land Development Regulations, and streets shall be acceptable to the City Engineer.
3. Off-street parking shall be provided for each individual land use in accordance with the requirements set forth in Chapter 4, Article 5.

#### G. Design Standards

##### 1. General

All PR developments shall be designed to meet or exceed the following criteria.

- a. An arrangement of proposed uses on the site that properly considers significant natural features and drainage patterns, roadway access, and surrounding land uses;

- b. Clustering of development sites so as to preserve natural or historic features and provide usable common open space;
- c. Design and sizing of streets, drainage, and utility systems to accommodate the overall service demand of the Planned Residential project.
- d. Design of buildings and structures that is appropriate and compatible with surrounding development. (Ord. 05142007A)

2. **Land in the City Being Rezoned to PR**

For land in the City limits being rezoned to PR, the project should relate appropriately to surrounding development in site and architectural design, dwelling unit density, and the types of buffers, walls, and fences.

3. **Residential**

- a. The maximum dwelling units density of the PR project shall be eight units per acre excluding any open space required at 4.2.6.G.5.
- b. Every dwelling unit shall have access to a public or private street, common court or walkway, or other area dedicated to public or common use.
- c. There shall be no continuous residential structure such as townhouses, rowhouses, attached dwellings, or multifamily dwellings exceeding 300 feet in length.
- d. Measures shall be taken to provide reasonable visual and acoustical privacy for dwelling units.

4. **Commercial and Institutional**

- a. A maximum of five percent of the total area of ten acres or larger is permitted to be devoted to uses other than residential and open space, but there is no entitlement to any commercial or institutional use.
- b. Commercial development shall be designed primarily to serve the residents of the Planned Residential project. Location of commercial development should follow one of two possible patterns.
  - i. Central to the PR project to provide convenient pedestrian access to goods and services for residents of the PR project.
  - ii. On the periphery of the PR project such that residents pass the commercial use as they enter or exit the PR project.
- c. City Council may place restrictions on signs for commercial development at the time of concept plan approval or revision.

5. **Open Space**

- a. A minimum of 20 percent of the gross area of the proposed development shall be open space. All open space areas shall be held in common for the enjoyment of the residents of the development or dedicated to the City for the use and enjoyment of the general public.
  - i. A minimum of one-half of the required open space area shall be improved for passive and active recreational use.



- ii. Required open space shall be in addition to any required landscape, buffer, or setback areas required for individual uses with the development.
- b. Multifamily residential development must meet the open space requirements set forth for the RML and RMH Districts, and nonresidential development must meet the open space requirements of the PC District within their respective portions of the PR project. Open space areas provided to meet these standards shall not be counted toward satisfying the overall PR open space requirement.
- c. Common open space required by these regulations shall be developed in accordance with the following.
  - i. The amount of open space required shall not include land area devoted to other uses, including buildings, except for recreational structures.
  - ii. Common open space shall be used for amenity or recreational purposes. The uses proposed for the common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
  - iii. Common open space is intended to serve as a community amenity, providing focal points for the development (including squares, plazas, or greenways), as well as passive and active recreational space that serves the needs of the residents. Residential development within the PR project is intended to have a close visual relationship to the provided open space.
  - iv. Common open space must be suitably improved for its intended use, but common open space containing natural features, existing trees, and groundcover worthy of preservation may be left unimproved.
  - v. The site planning of the PR project shall provide open space which provides for internal connectivity and is useable by the residents. For the purposes of this Section, parcels under 25 feet in width or located without access by residents shall not be counted as open space.
  - vi. Open space should connect with similar open spaces on adjacent properties in order to promote an interconnected network of greenways and trails.
  - vii. The buildings, structures, and improvements proposed in the common areas shall conserve and enhance the amenities of the common open space.
  - viii. Proposed development staging shall provide for coordination of the improvement of the common open space and the construction of dwelling units in the PR project.
  - ix. Legal instruments as provided under the Horizontal Property Act of South Carolina shall govern the permanent retention and maintenance of any common open space not dedicated to the City. A description of such lands shall be recorded with the proper authorities.

**H. Public Uses**

City Council may require the PR project to reserve land for the location of public uses including, but not limited to, Public Safety stations, parks, and regional detention/retention ponds.

**I. Buffers**

City Council may require buffers or other open space wherever necessary to protect nearby property. Council may require the buffer to be left in its natural state or to have additional vegetation and may restrict encroachments into it. This buffer may be included as part of the required open space, and the City shall inspect the buffer prior to issuance of a Certificate of Occupancy for each section or phase.

**J. Revision of Plans after Final Approval**

Changes to an approved concept plan not considered significant may be approved by the Planning Director. Any change in the approved concept plan that affects the intent and character of the development, the density or land use pattern, or similar changes shall require approval by City Council after receipt of the recommendation of the Planning Commission regarding the changes. A request for a revision of the concept plan shall be supported by a written statement explaining why the revisions are necessary or desirable and shall follow the approval procedure at 6.2.16. Review of a concept plan may be required if no building permits have been issued in the previous five years. (Ord. 11082004A) (Ord. 02132006A)

**4.2.7. MANUFACTURED HOME SUBDIVISIONS (RSM DISTRICT)**

**A.** A manufactured housing subdivision shall contain a minimum of ten acres.

**B.** All housing located in any subdivision in the RSM District shall meet the following standards.

1. The unit shall be the only habitable structure upon the lot on which it is placed.
2. The roof shall be pitched with a minimum vertical rise of 2½ feet for every 12 feet of horizontal run.
3. The roof shall have eaves that project a minimum of 12 inches from the exterior wall.
4. The home shall have a label or documents certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974.
5. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the unit.
6. The unit shall be placed on a permanent foundation consisting of masonry or concrete and constructed to local building code standards.
7. Skirting or a curtain wall, unpierced except for required ventilation and access door, shall be installed and maintained so that it encloses the area under the structure. The skirting or foundation must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and totally screens the crawl space under the unit. The foundation skirting or curtain wall

shall be of brick or stucco only. Material used for the skirting shall be erected so as not to create a fire hazard and maintained in a good state of repair.

8. Crawl space shall be provided under each unit with access and ventilation as required by the Council of American Building Officials (CABO) Code, latest edition as adopted by the City of Aiken.
9. The unit shall be located so that its longer dimension is parallel to the street upon which the lot fronts.
10. Steps to the ground level with handrails and a permanent landing shall be provided at each outside doorway in compliance with the requirements of the Council of American Building Officials (CABO) Code, latest edition as adopted by the City of Aiken.
11. All electrical service equipment shall be mounted on the structure in compliance with the conditions imposed by Exceptions No. 1 and No. 2 under Section 550-23(a) of the National Electric Code (NEC), latest edition, as adopted by the City of Aiken.

#### 4.2.8. MANUFACTURED HOME PARKS (RMP DISTRICT)

Any construction or alteration of a Manufactured Home Park shall meet the following requirements.

##### A. Manufactured Housing Construction

No home without a label or documents certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be admitted to any Manufactured Home Park unless it can be demonstrated that it meets the requirements of the Mobile Home Manufacturers Association Mobile Home Standards for Plumbing, Heating and Electrical Systems, or of any state or locally administered code insuring equal or better plumbing, heating, or electrical installations.

##### B. Hazardous Conditions

No Manufactured Home Park shall be so located as to be subjected to hazardous conditions, including, but not limited to, flooding, poor soil conditions, and poor drainage.

##### C. Water Supply and Sewage Disposal

Every Manufactured Home Park created after the effective date of this Ordinance shall be connected to a public water supply and a public sewage disposal system.

##### D. Site Design

1. **Streets.** Streets shall be privately owned, constructed, and maintained. Alignment and gradient shall be properly adapted to topography, to safe movement of traffic, and to adequate control of surface water, ground water, and drainage. All streets shall conform to the Land Development Regulations.
2. **Pedestrian Access.** Pedestrian walkways, three feet wide for individual lots and four feet wide for common space, shall be provided for safe pedestrian access between individual homes and between homes and service buildings within the Park. No walkway shall be so constructed as to be inundated or isolated during heavy rainfall or storms. Such walkways shall be surfaced with asphalt, concrete, or gravel, and shall be graded to prevent standing water.

3. **Manufactured Home Spaces.**

- a. Spaces for single-wide manufactured home units shall have an area of not less than 3,600 square feet with a minimum width at all points of 40 feet.
- b. Spaces for double-wide manufactured home units shall have an area of not less than 6,000 square feet with a minimum width at all points of 60 feet.
- c. Each space shall have all corners clearly marked.
- d. Each space shall be directly accessible from an approved internal Park street. No direct access to spaces from public streets shall be permitted.
- e. Homes shall be separated from each other by not less than 15 feet end-to-end, 20 feet side-to-side, and 36 feet on opposite sides of an internal street.
- f. No home shall be located less than 50 feet from the Park boundary.
- g. Each space shall be provided with a concrete patio, wooden deck, or similar structure of at least 100 square feet which shall be convenient to the entrance of the manufactured home. An awning may be placed over such patio, but no structure shall be placed thereon. This requirement may be waived in consideration of special design alternatives proposed by Park developers and approved by the Building Official.
- h. All homes shall be completely skirted.
- i. All steps providing access to homes shall be permanent and include a handrail.
- j. Expandable rooms on homes shall be deemed an integral part of the home and shall meet all requirements stated herein.
- k. Each space shall provide closed, watertight, weatherproof storage facilities, exclusive of space within the home, of not more than 70 square feet. No storage shall be permitted on the space other than in closed storage facilities, in completely skirted and closed spaces beneath homes, or within homes.

4. **Parking.** Off-street parking shall be provided at the minimum rates of 1½ spaces for each home space. Such parking shall be conveniently located to spaces for which it is so provided. Each parking space shall be at least 9 feet by 18 feet. Parking may be on the space or in off-street parking bays.

5. **Illumination.** Adequate illumination on all streets and sidewalks shall be provided to insure the safe movement of pedestrians and vehicles at night. Such illumination shall create no direct glare into surrounding residential areas.

E. **Open Space Standards**

Common open space as required at 4.2.1 shall be developed in accordance with the following.

1. The amount of open space required shall not include land area devoted to other uses including buildings except for recreational structures.
2. Common open space shall be used for amenity or recreational purposes. The uses proposed for the common open space must be appropriate to the scale and character of the development considering its size, topography, and the number of dwellings to be provided.

3. Common open space must be suitably improved for its intended use, but common open space containing natural features, existing trees, and groundcover worthy of preservation may be left unimproved.
4. The site planning of the development shall provide open space which provides for internal connectivity and is useable by the residents of the park. Parcels under 25 feet in width or located without access by residents shall not be counted as open space.
5. The buildings, structures, and improvements proposed in the common areas shall conserve and enhance the amenities of the common open space.
6. Where a manufactured home park abuts land that is zoned or used for residential purposes, a permanent open space at least 25 feet wide, or greater if deemed necessary by City Council, shall be provided along the property lines. City Council may require such open space along all property lines if it is deemed desirable. This open space area shall be left in its natural state or additional vegetation may be required; and no driveway or off-street parking shall be permitted in such open space. This buffer may be included as part of the required open space, and the City shall inspect the buffer prior to issuance of a Certificate of Occupancy for each section or phase to ensure there is adequate vegetation to create an effective perimeter buffer. The required perimeter buffer shall be appropriately landscaped and planted so as to provide a pleasing appearance to surrounding property.
7. Ground cover in the form of grass or other vegetation shall be provided throughout every manufactured home park so as to provide pleasant, and, insofar as practicable, dust-free conditions.
8. Legal instruments as provided under the Horizontal Property Act of South Carolina shall govern the permanent retention and maintenance of the commonly-owned open space not dedicated to the City. A description of such lands shall be recorded with the proper authorities.

#### F. Recreation

Not less than ten percent of the total area of every Manufactured Home Park shall be reserved and developed for a recreation area. Such area shall be conveniently located within each Park and shall contain individual areas which shall be equipped for passive adult recreation, children's play, and a fenced tot lot. If a swimming pool is furnished, it shall be separated from all other uses by a fence having a latched gate. Required setbacks shall not be counted as part of the required recreation area.

#### G. Building Code Standards

1. **Electrical Installation.** All new electrical service shall be located underground. All electrical installations external to manufactured homes shall meet all requirements of the latest locally adopted codes. All transformers and other equipment shall be ground-mounted and screened from public view.
2. **Plumbing Installation.** All plumbing external to homes shall be installed in accordance with the latest locally adopted codes.
3. **Gas Installation.** All natural or liquefied petroleum gas installations shall be installed in accordance with the latest locally adopted codes or codes enforceable by the South Carolina State Fire Marshal, whichever are more stringent.

4. **Fuel Oil System.**

- a. All fuel oil supply systems provided for homes, service buildings, and other structures shall be properly installed and maintained.
- b. All piping from outside fuel storage tanks or cylinders to homes shall be properly installed and securely fastened in place.
- c. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the home or less than five feet away from any home exit.
- d. Storage tanks located in areas subject to traffic shall be protected against physical damage.

5. **Utility Connections.** All lot utility ground connections shall be rodent and vermin proof.

6. **Buildings.** All buildings of whatever kind constructed in a Manufactured Home Park that are not manufactured homes shall be constructed in accordance with the Southern Standard Building Code, latest edition adopted by the City of Aiken.

7. **Fire Protection.**

- a. All Parks shall be equipped with fire protection equipment as required by the latest locally adopted codes.
- b. Park areas shall be kept free of litter, rubbish, and other flammable materials.
- c. Portable fire extinguishers of an approved type shall be kept in service buildings and at all other appropriate locations and shall be maintained in good operating condition.
- d. Standard fire hydrants shall be located within 500 feet of each home or service building unless waived by the Building Official.
- e. Fires shall be ignited only in stoves and other equipment intended for such purposes.

H. **Refuse Disposal**

1. The storage, collection, and disposal of refuse in a Manufactured Home Park shall be so managed as to eliminate health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
2. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located within 100 feet of every home space unless an alternative arrangement is approved by the City Engineer. Containers shall be provided in sufficient number and capacity to properly store all refuse.

I. **Insect and Rodent Control**

1. Grounds, buildings, and structures shall be maintained free of vermin and rodent harborage and infestation. Extermination methods and other measures to control vermin and rodents shall conform with the requirements of the Aiken County Health Department.
2. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

3. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building materials shall be stored at least four inches above ground.
4. Where the potential for rodent or vermin infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
5. The growth of brush, weeds, and grass shall be controlled. Parks shall be so maintained as to prevent the growth of noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

#### J. Common Storage Facilities

1. Storage facilities shall be provided in a centralized common facility located convenient to the home spaces. Not less than five percent of the total area of every Manufactured Home Park shall be reserved for a common storage area.
2. Such storage facilities shall be completely screened from view of all homes and from view of public streets.
3. Such facilities shall be located within a fence having a gate that is capable of remaining closed. Each home shall have a designated storage space within this area of not less than 300 square feet.

#### K. Recreational Vehicles

Travel trailers, campers, motor homes, or other recreational vehicles shall not be permitted on any manufactured home space or area reserved for manufactured home usage.

#### L. Transfer of Parks

A Manufactured Home Park owner shall give notice in writing to the City within 30 days after having sold, transferred, given away, or otherwise disposed of interest in or control of any such Park. Such notice shall include the name and address of the new owner of such Park.

### 4.2.9. ATTACHED SINGLE-FAMILY RESIDENTIAL PROJECTS

#### A. Approval of a Concept Plan

Prior to issuance of a building permit for any attached single-family residential units, a concept plan including a site plan and architectural elevations must be approved by City Council in accordance with 6.2.16 and the design standards below. Council may impose conditions on the approval of a concept plan. Council may also waive any provision of the Zoning Ordinance except the standards in this section through approval of a concept plan.

#### B. Street Layout, Off-Street Parking, and Driveways

1. **Street Layout and Off-Street Parking.** If off-street parking and driveways are to be accessed directly from the primary street, one of the following must be provided as determined by City Council: (1) a landscaped median at least 20 feet in width, or (2) open space in excess of the minimum of 20% required by 4.2.9.D to be used as a recreation area. Otherwise, off-street parking spaces shall be accessed from an alley off of the primary street; such parking may not be closer to the primary street than the

wall of any residential building and shall be screened from view from the principal street in accordance with 4.6.7.B.2. Required off-street parking does not have to be on the same lot as the dwelling unit but shall be within a reasonable distance. Any parking structure shall have the same architectural style as the dwelling units.

2. **Driveways.** Where driveways from the primary street are allowed, there shall be no more than one driveway per lot. Any driveway on a lot of 30 feet or less in width may not exceed 12 feet in width. Any driveway on a lot of more than 30 feet may have a driveway no more than 18 feet in width.

### C. Design Standards for Buildings

The following are intended to promote variation in appearance of the units from the primary street on which the unit fronts.

#### 1. Façade Variation.

- a. No building may be longer than 150 feet or appear to consist of more than six units.
- b. Façades should be varied to avoid long, flat building fronts by using such features as projections, porches, bay windows, and dormers, and by staggering the front walls so that no more than two abutting units are substantially the same and no more than four units in a group are substantially the same.
- c. There may be no more than three dwelling units in a row without a variation in the front façade of at least one foot in depth.

2. **Roofline Variation.** There may be no more than three dwelling units in a row without a variation in the roofline of at least one foot in height.

3. **Roof Pitch and Eaves.** Each one-story building must have a minimum roof pitch of 7:12 except that a building of at least two stories may have a flat roof. Eaves shall project a minimum of one foot from the exterior wall.

4. **Garages.** No more than 30% of the units may have a garage facing the primary street, and such a garage may not project beyond the front wall closest to the street.

5. **Building Materials.** Materials shall be those commonly used in single-family detached dwellings in the Aiken area.

6. **Building Setback.** Setbacks shall be as determined by City Council through approval of the concept plan except that no building shall be closer than 10 feet to a property line on the perimeter of the project excluding a street right-of-way.

7. **Building Separation.** Except for accessory buildings, no single-story building shall be erected within 15 feet of any other single-story building, and no multi-story building shall be erected within 20 feet of any other building except for encroachments permitted by 4.1.3.C. Attached dwelling units shall be considered one building.

8. **Building Height.** The maximum building height shall be 35 feet in the RSA zone.

### D. Open Space

A minimum of 20% of the gross area of the project shall be in open space held in common by the property owners. City Council may require that open space above the minimum be provided including, but not limited to, that provided in lieu of a landscaped median pursuant to 4.2.9.B.1.



**E. Tree Preservation, Buffers, and Landscaping**

1. **Tree Preservation.** The project must comply with the tree provisions at 4.6.4.
2. **Landscaping.** Trees and shrubbery shall be provided between driveways along the primary street.
3. **Buffers.** The project must comply with the buffer provisions at 4.6.7.E where it abuts land occupied by single-family dwellings or zoned in a single-family category. The buffer must be owned and maintained by the homeowners association. This provision shall not apply to land abutting a street right-of-way. (Ord. 06112007A)

**ARTICLE 3. NONRESIDENTIAL DESIGN STANDARDS****4.3.1. TABLE OF NONRESIDENTIAL DESIGN STANDARDS**

STANDARD	LP/LB	O	GB	PC	PI	DB	LM	LI	I	HD
District Size, minimum	--	--	--	5 acres	--	--	--	--	--	--
Lot Area, minimum sq. ft. or acres	5,000	7,000	6,000	--	--	--	15,000	15,000	15,000	10 acres
Lot Width, minimum	60 ft	60 ft	60 ft	150 ft	--	--	75 ft	75 ft	100 ft	100 ft
Front Yard, minimum	20 ft	30 ft	30 ft	30 ft	--	--	30 ft	30 ft	30 ft	30 ft
Side Yard, minimum	10 ft	10 ft	10 ft	25 ft	--	--	20 ft	20 ft	20 ft	20 ft
Rear Yard, minimum	25 ft	25 ft	25 ft	75 ft	--	--	25 ft	25 ft	25 ft	25 ft
Height, maximum	35 ft	50 ft	50 ft	50 ft	35	50 ft	50 ft	50 ft	50 ft	50 ft
Open Space, minimum	30%	20%	20%	25% *	**	--	20%	20%	20%	--
Land Area per Dwelling Unit, minimum square feet	4,000	3,000	3,000	3,000		--	3,000	3,000	3,000	--

\*\* less than 5 acres, 20%; 5 acres or more, 25%

\* lots less than 5 acres see 4.3.8.C.3

**4.3.2. NONRESIDENTIAL DEVELOPMENT IN LP AND LB DISTRICTS****A. Applicability of Standards**

1. The standards in this Section shall not apply to new or expanded detached single-family residential development.
2. For the purposes of this Section, the term “new construction” shall include expansion of existing, conforming nonresidential structures. Nonconforming structures shall be subject to the provisions in Chapter 8.

**B. Maximum Building Footprint**

All new construction in the LP and LB Districts shall result in a maximum building footprint that does not exceed 20 percent of the total lot size.

**C. Maximum Building Size**

All new construction on a lot in the LP and LB Districts shall not result in a total floor area exceeding 5,000 square feet.

**D. Minimum Open Space**

All nonresidential construction in the LP and LB Districts shall provide minimum open space in accordance with 4.3.1.

**E. Required Buffer**

Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.

**F. Off-Street Parking**

Off-street parking for any use other than detached single-family residential shall not be permitted in any front yard.

**G. Expansion of Existing Buildings**

No expansion of an existing building in the LP or LB District shall cause the standards of this Section to be exceeded.

**H. Residential Character Required**

All nonresidential construction, expansion, or renovation in the LP or LB Districts shall be residential in character, including such architectural features, bulk, and scale as are commonly found in the surrounding area. Architectural details include roof pitch, window size and shape, and exterior materials.

**I. Hours of Operation**

All nonresidential development in the LP or LB Districts shall limit the hours of public operation during which customers or clients are present on the site to the hours between 6 a.m. and 10 p.m.

**4.3.3. OUTDOOR STORAGE****A. Screening Fence or Wall Required**

Outdoor storage of merchandise, equipment or materials (excluding vehicle, boat, and similar sales) that is essential or incidental to the use and is not on temporary display for the purpose of being immediately available for sale to the public, and all outdoor storage in loading dock areas, shall be screened by a solid wall or fence at least seven feet high located to prevent visibility of the area from adjacent residential areas or the public right-of-way. Such fence or wall shall not be used for advertising purposes.

**B. Prohibited Storage**

Outdoor storage not essential or accessory to the principal use shall not be permitted. No container primarily included for the shipment of freight or other materials on a boat, truck, or other vehicle may be used for storage except in the LI, LM, and I zones. (Ord. 10242005B)

**C. Temporary**

Trailers, storage containers, or temporary portable structures placed on a lot or property and used or intended for storage may be permitted in writing by the Building Official for a period not to exceed three days.

**4.3.4. COMMERCIAL TRAILER PARKING**

The overnight parking of commercial trailers, except those trailers actively delivering goods, shall be prohibited in all districts except for the LI, LM, and I Districts.

**4.3.5. ABOVE-GROUND STORAGE TANKS**

Above-ground tanks that are accessory to a permitted use and have a capacity exceeding 660 gallons for the storage of flammable or combustible liquids or chemicals are prohibited in all districts except LI and I. All such above-ground storage tanks, regardless of capacity or

location, shall comply with all applicable federal and State laws and regulations and all City ordinances, regulations, and codes, including the Standard Fire Prevention Code, latest edition as adopted by the City of Aiken.

#### **4.3.6. UNDERGROUND WIRING**

When there is a conflict between the ordinance and an existing franchise agreement, the City Manager or his designee will determine whether the utilities are installed aboveground or belowground. The following applies as long as there is no conflict with an existing franchise agreement between the City and the service provider. Any new electrical service lines to nonresidential structures shall be installed underground. New electric distribution lines shall be placed underground. All new wiring for telephone, cable, or any other purpose shall also be installed underground. In some circumstances, it may not be reasonable, technically feasible, or economically practical to install new wiring underground. In these instances, permission to install the utilities aboveground may be requested. If deemed appropriate, the City Manager or his designee may grant permission to install the utilities aboveground. The undergrounding requirement does not apply to any wiring related to maintenance, repair, or upgrades of existing aboveground facilities, and it does not apply to the placement of any aboveground facilities, such as cabinets and pedestals, that are necessary for provision of service using the underground facilities. Any disputes arising with underground wiring will be resolved by the City Manager.

#### **4.3.7. VEHICLE REPAIR OR SERVICE FACILITIES**

Secondary use activities such as wrecker service or storage of inoperable vehicles may be included on the same site as vehicle repair or service activity, provided such secondary uses are conducted within an area no greater than one acre in size. Landscaped buffers shall be provided in accordance with 4.6.7.E along all property lines. Only currently registered and licensed vehicles awaiting repair or service shall be permitted on the site.

#### **4.3.8. PLANNED COMMERCIAL PROJECTS**

##### **A. Approval of Concept Plan**

Concurrent with the annexation of land to be zoned Planned Commercial (PC), a concept plan must be approved by City Council in accordance with 6.2.16 and the following design criteria. Each concept plan is subject to detailed review by City Council, and there shall be no entitlement to either the intensity of use, density, or minimum required open space. City Council may require additional special conditions to ensure compatibility with surrounding development, preservation of natural or historic features, provision of adequate infrastructure, and creativity of design. Where a use permitted in a PC is considered a conditional or special exception use, City Council shall consider the specific use standards in Chapter 3, Article 3 in approving the PC and any accompanying site plans.

##### **B. General Design Criteria**

Commercial projects in the PC District shall meet the following design standards to the maximum feasible extent.

1. The proposed arrangement of uses on the site properly considers significant natural features and drainage patterns, roadway access, and surrounding land uses.

2. A completely interconnected circulation system integrated with surrounding access and circulation patterns is provided. The project should rely on a limited number of major access points to adjacent arterials. Project outparcels should share these access points and be connected internally to the remainder of the project. Similarly, curb cuts may be limited, and shared parking is encouraged, provided it meets the standards of 4.5.2.
3. Circulation patterns should be designed to minimize conflicts between pedestrian, vehicular, and service traffic.
4. Streets, drainage, and utility systems should be designed to accommodate the overall service demand of the PC.
5. There must be provision for the ownership and maintenance of common space.

#### C. Area Limitations

1. **Minimum Size of Tract.** The minimum size of any tract or parcel to be developed for a Planned Commercial development shall be five acres and the tract shall have permanent paved access to a paved public road or a road to be paved and dedicated to the public.
2. **Maximum Residential Component.** Residential development incorporated in the design of a Planned Commercial development shall not exceed 50 percent of the total gross land area of the project.
3. **Open Space.** A minimum of 25% of any tract or parcel of five acres or more to be developed shall be open space not covered by buildings or pavement of any type. Any lot less than five acres may have a minimum of 20% open space.

#### D. Lot and Building Size Requirements

The following requirements shall apply in a PC.

1. **Structure Separation.** No structure or encroachment of any kind shall be erected within 15 feet of any other single-story structure or group of structures and no multi-story structure or encroachment of any kind, except roof overhangs, shall be erected within 20 feet of any other structure or group of structures.
2. **Building Length.** There shall be no continuous residential structure such as townhouses, rowhouses, attached dwellings, or multifamily dwellings greater than 300 feet in length.

#### E. Development Requirements

1. Projects shall be subject to review for issues related to building design and orientation, building spacing, and general site layout. (Ord. 05142007A)
2. Waste containers and utilities shall be appropriately located and screened from public view.
3. Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.
4. A traffic study shall be required during the application process in order to determine the impact of traffic to be generated by the proposed project. The content of the traffic study shall be as required by the Planning Director. The traffic study shall be prepared by a qualified traffic engineer as determined by the

Planning Director. If the traffic study demonstrates that the additional traffic to be generated by the proposed project results in the need for improvements to mitigate the impact, City Council may require the construction of such improvements as a condition of approval of the concept plan and/or a reduction in the intensity of the proposed development.

#### F. Outdoor Lighting

1. **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.
2. **Fixture Design.**
  - a. Each fixture shall be a full cut-off, down-directional lighting fixture whose source is recessed within an opaque housing.
  - b. Each fixture under a building canopy shall be flush-mount with a flat lens.
  - c. 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.
  - d. The cone of light from any fixture shall not be directed at a property line.
  - e. Only incandescent, fluorescent, metal halide, mercury vapor, or high-pressure sodium sources may be used generating either white or off-white light.
3. **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.
4. **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

5. **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.
6. **Underground Connections.** All wiring and service connections for lighting must be underground.
7. **Site Lighting Plan.** A plan depicting the proposed lighting shall be submitted in conjunction with the concept plan at a minimum scale of 1" = 20' and include the following:

- a. 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;
  - b. the location and height of each light standard;
  - c. 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;
  - d. a notation that all requirements of the lighting provisions will be met.
8. **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 footcandle measured horizontally at the surface of the ground whether the structures on the property are occupied or not.
9. **City Council Discretion.** City Council may limit the extent and intensity of lighting to any degree through the approval of a concept plan for a project in the Planned Commercial or Planned Residential zoning districts.
10. **Zoning Official Discretion.** After the issuance of a Certificate of Occupancy for a project, the Zoning Official 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.
11. **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.
12. **Lights from Vehicles.** To prevent vehicle lights from affecting adjacent property 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 Director may waive this provision if it is not necessary because of topography or other reasons.
13. **Lights Intended to Attract Attention.** Searchlights, flashing lights, or other lights used to attract attention to a site are prohibited.
14. **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.

15. **Exemptions.** Holiday lighting displays and neon lighting used to outline a structure are exempt though such lighting may not extend above the roofline.
16. **Variances.** Where appropriate, a request for a variance from the lighting provisions shall be accompanied by a report from a qualified engineer explaining the additional impact the granting of the variance would have on surrounding properties.

**G. Revision of Plans after Final Approval**

Changes to an approved concept plan not considered significant may be approved by the Planning Director. Any change in the approved concept plan that affects the intent and character of the development, the density or land use pattern, or similar changes shall require approval by City Council after receipt of the recommendation of the Planning Commission. (Ord. 02132006A) A request for a revision of the concept plan shall be supported by a written statement explaining why the revisions are necessary or desirable and shall follow the approval procedure at 6.2.16. Review of a concept plan may be required if no building permits have been issued in the previous five years. (Ord. 02132006A)

**4.3.9. PLANNED INSTITUTIONAL PROJECTS**

**A. Approval of Concept Plan**

Concurrent with the annexation of land to be zoned Planned Institutional (PI), a concept plan must be approved by City Council in accordance with 6.2.16 and the following design criteria. Each concept plan is subject to detailed review by City Council, and there shall be no entitlement to either the intensity of uses, density, or minimum required open space. City Council may require additional special conditions to ensure compatibility with surrounding development, preservation of natural or historic features, provision of adequate infrastructure, and creativity of design. Where a use permitted in a PI is considered a conditional or special exception use, City Council shall consider the specific use standards in Chapter 3, Article 3 in approving the PI and any accompanying site plans.

**B. General Design Criteria**

Nonresidential projects in the PI District shall meet the following design standards to the maximum feasible extent.

1. The proposed arrangement of uses on the site properly considers significant natural features and drainage patterns, roadway access, and surrounding land uses.
2. A completely interconnected circulation system integrated with surrounding access and circulation patterns is provided. The project should rely on a limited number of major access points to adjacent arterials. Project outparcels should share these access points and be connected internally to the remainder of the project. Similarly, curb cuts may be limited, and shared parking is encouraged, provided it meets the standards of 4.5.2.
3. Circulation patterns should be designed to minimize conflicts between pedestrian, vehicular, and service traffic.
4. Streets, drainage, and utility systems should be designed to accommodate the overall service demand of the PI.
5. There must be provision for the ownership and maintenance of common space.



**C. Area Limitations**

1. **Minimum Size of Tract.** There shall be no minimum size.
2. **Maximum Residential Component.** Residential development incorporated in the design of a Planned Institutional development shall not exceed 50 percent of the total gross land area of the project.
3. **Open Space.** A minimum of 25% of any tract or parcel of five acres or more to be developed shall be open space not covered by buildings or pavement of any type. Any lot less than five acres may have a minimum of 20% open space. Portions of the development used for single-family residential purposes shall not be counted in meeting this requirement unless the land is in common ownership to be preserved as open space.

**D. Lot and Building Size Requirements**

The following requirements shall apply in a PI.

1. **Structure Separation.** No building or encroachment of any kind shall be erected within 15 feet of any other single-story buildings or group of buildings and no multi-story building or encroachment of any kind, except roof overhangs, shall be erected within 20 feet of any other building or group of buildings.
2. **Building Length.** There shall be no continuous residential structure such as townhouses, rowhouses, attached dwellings, or multifamily dwellings greater than 300 feet in length.

**E. Development Requirements**

1. Projects shall be subject to review for issues related to building design and orientation, building spacing, and general site layout.
2. Waste containers and utilities shall be appropriately located and screened from public view.
3. Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E.
4. If a traffic study is not required by the Traffic Management Ordinance, the Planning Commission or City Council may require a study.

**F. Outdoor Lighting**

A project in the PI zone shall comply with the lighting provisions for the Planned Commercial zone at 4.3.8.F.

**G. Revision of Plans after Final Approval**

Changes to an approved concept plan not considered significant may be approved by the Planning Director. Any change in the approved concept plan that affects the intent and character of the development, the density or land use pattern, or similar changes shall require approval by City Council after receipt of the recommendation of the Planning Commission. A request for a revision of the concept plan shall be supported by a written statement explaining why the revisions are necessary or desirable and shall follow the approval procedure at 6.2.16. Review of a concept plan may be required if no building permits have been issued in the previous five years.

## ARTICLE 4. SIGNS

### 4.4.1. APPLICABILITY

The regulations of this Article shall apply only to signs visible from any point on a street right-of-way in all zoning districts.

### 4.4.2. SIGNS NOT REQUIRING A PERMIT

A permit shall be required for the erection, alteration, or reconstruction of any sign, except the following.

1. Any legal notice or public traffic directional/safety sign issued and required to be posted by any federal, State, county or municipal government or an official sign as so designated by resolution of City Council.
2. Any private street name sign or an on-site traffic directional/safety sign where the sign face does not exceed four square feet per sign face, has no more than 25 percent of the sign face devoted to commercial copy or graphics, and is no greater than three feet in height.
3. Seasonal decorations which do not cause glare hazardous to pedestrians or vehicle drivers or create a nuisance to adjacent properties.
4. Permanent signs in residential areas that advertise a security company provided they do not exceed one square foot in size and are located no further than five feet from the primary entrance to the structure.
5. A banner conforming with 4.4.8.B.
6. Signs required for insurance purposes, providing they do not exceed five square feet in size.
7. Any sign that, in the Planning Director's opinion, is to be viewed from the inside of a building only.
8. Temporary signs at 4.4.9. (Ordinance 05102010)

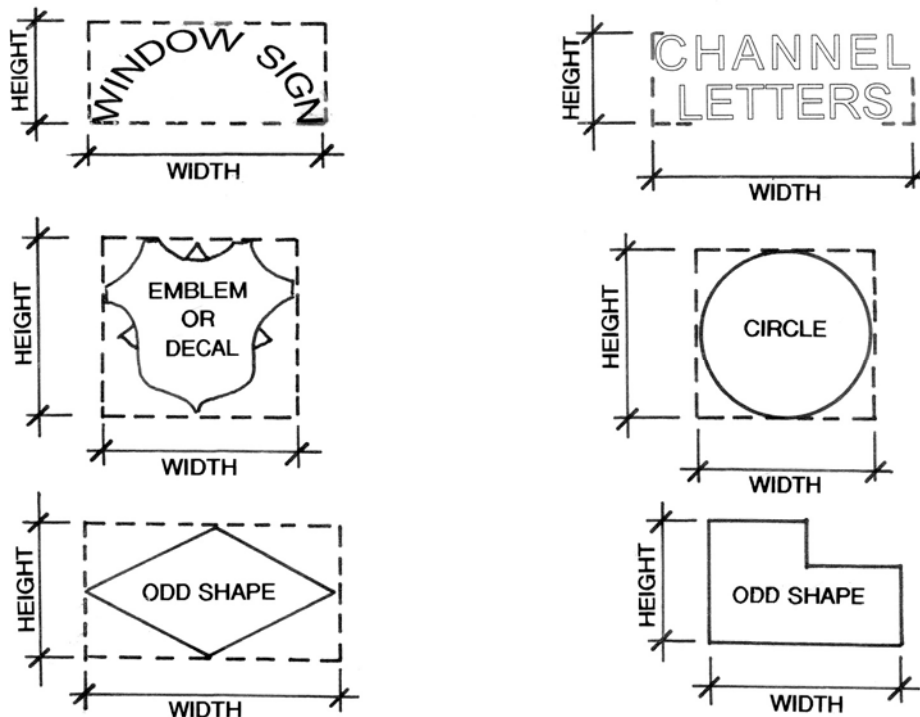
### 4.4.3. DESIGN STANDARDS

- A. All signs shall conform to the provisions for Signs and Outdoor Displays, Southern Standard Building Code, and ordinances of the City.
- B. 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.
- C. 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.
- D. No sign shall exceed the building height limit of the Zoning District in which it is located.

#### 4.4.4. SIGN MEASUREMENT

##### A. 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 Director.



##### B. 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.

##### C. Federal 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.

#### 4.4.5. PROHIBITED SIGNS AND EXCEPTIONS

The following signs are prohibited in any district.

1. **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, except as permitted by 4.4.9.I. (Ordinance 05102010)

2. **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.
3. **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.
4. **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.
5. **Mobile or Portable Signs.** Signs and sign structures which are not attached to a permanent foundation, except those banners permitted in 4.4.8.B. and portable signs in the DB zone as permitted by 4.4.9.I.
6. **Ribbons, Streamers, and Similar Materials or Devices.** Any ribbon, streamer, pennant, spinner, or similar object or material, whether moving or not.
7. **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 the City may authorize.
  - c. **Historical, commemorative and other monuments and memorials** approved by City Council with recommendation from the Design Review Board. (Ord. 10242005C)
  - d. **Temporary signs and banners for public events and projects** provided they are approved by City Council and placed so as not to interfere with traffic circulation and public safety (see 4.4.9.F).
  - e. **Subdivision Entrance or Identification Signs**, including those at the entrance to a Planned Residential or Planned Commercial development, which meet the standards of 4.4.8.A and are approved by the City Engineer.
  - f. **Portable Signs** in the DB zoning district as allowed by 4.4.9.I.

#### 4.4.6. WALL OR PROJECTING SIGNS

##### A. Wall Signs

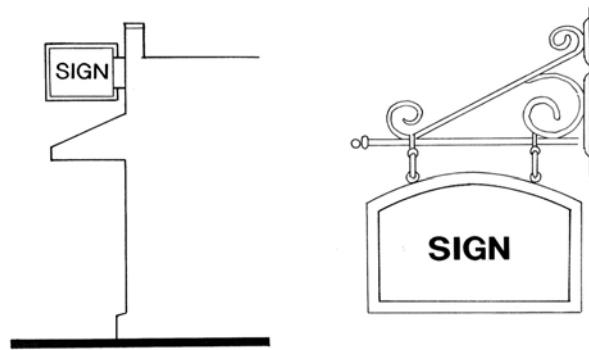
Signs on the walls of a building (including signs attached flat against the wall, painted wall signs, and projecting signs) shall meet the following requirements.

1. **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.
2. **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.

3. **Depth of Wall Signs.** Wall signs attached flat against a wall may extend not more than 18 inches from the wall.

#### B. Projecting Signs

A projecting sign perpendicular to the wall of a building may be substituted for a wall sign. A projecting sign 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.



### 4.4.7. FREESTANDING SIGNS

#### A. General

1. A freestanding sign is a sign not attached to a building and containing a sign face on one or more sides.
2. Freestanding signs shall not project into any street or highway right-of-way.

#### B. Number of Signs

1. 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 Director, in which case an additional freestanding sign may be permitted with no more than one such sign located along each arterial.
2. In the DB District, one freestanding sign shall be permitted per street frontage. A building on a corner lot may have an additional freestanding sign on its second frontage if that frontage is at least 50 feet and has a building setback of at least five feet.

#### C. 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 width of the entire sign.



#### D. Pole Signs in the DB District

A decorative, fluted, tapered, or turned pole shall be used to support any freestanding pole sign in the DB District. A shingle cantilevered from a pole may be substituted for a pole sign in the DB District.

**E. Reader Boards**

Up to 60 percent of the area of a freestanding sign may be a reader board (with changeable copy).

**F. Shopping Center Signs**

1. Signs identifying the name of the shopping center as well as the individual stores shall be consolidated on one monument sign standard.
2. 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 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.

**4.4.8. MISCELLANEOUS SIGN TYPES**

**A. Entrance, Identification or Institutional Signs**

For subdivision entrance or identification signs or institutional signs for such uses as schools and churches, one single or double sign 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. If erected as an institutional sign, no additional freestanding sign shall be permitted. Where approved by the Planning Director, such signs may be located in a landscaped median in the right-of-way (see 4.4.5.7.e).

**B. Miscellaneous Sign Types**

**1. Commercial Banners.**

- a. **Location.** Each business may have one banner per street frontage on the lot on which the business is located. The banner may be installed only on the building, canopy, or fence attached to the main building. The banner shall not extend above the roof line of the structure to which it is attached and may not be attached to a freestanding sign, between a freestanding sign and a canopy, or between a canopy and a building.
- b. **Size.** The banner may not exceed 60 square feet.
- c. **Text.** The banner may include the name of the business as long as it is not the only text.
- d. **Duration.** A banner may stay up indefinitely as long as it is in good condition, as determined by the Planning Director, unless it promotes a specific event, in which case it must be removed within 48 hours of the end of the event. If a special event banner is not removed within 48 hours, the Zoning Official may remove the banner and bill the business owner for the cost.
- e. **Condition of the Banner.** The banner must be securely fastened and remain in good condition, as determined by the Planning Director. The banner shall not flutter except to allow minor movement by the wind.

2. **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. Such banners at other locations including street rights-of-way may be approved by City Council (see 4.4.5.7.d.) (Ord. 10242005C)

#### C. 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.

#### D. Canopy or Awning Signs

Canopy or awning signs in place of wall or projecting signs are allowed in the LP, LB, O, GB, PC, PI, DB, LI, and I Districts and commercial areas within a PR in accordance with the following provisions.

1. 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.
2. Canopy or awning signs shall not project beyond the curb line of the adjacent street or alley.
3. One business identification sign not exceeding 1½ square feet is permitted to hang underneath the awning or canopy, in addition to the sign displayed on the canopy.

### 4.4.9. TEMPORARY SIGNS

#### A. 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.

#### B. Subdivision Signs

Temporary signs not exceeding 16 square feet in area announcing a land subdivision development are permitted only on the premises of the land subdivision. They shall be set back not less than ten feet from the right-of-way of any street or from any boundary line of the subdivision. Such signs shall be spaced not less than 300 feet apart and shall be removed when 75 percent of the lots have been conveyed.

#### C. Infill Construction, Remodeling and Other Signs

Signs not exceeding 5 square feet in size identifying the contractor involved in new residential construction on a single lot, remodeling, re-roofing, landscaping or other similar service are permitted provided they are removed within 10 days after substantial completion of the project.

#### **D. Real Estate Signs**

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

1. Size shall not exceed 5 square feet in any residential district or for a single-family residential unit in a PR and 16 square feet in any other district, including all peripheral attachments;
2. 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;
3. The quantity shall be limited to one per street frontage of the affected premises;
4. 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;
5. The sign shall not be illuminated;
6. 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; and
7. 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.

#### **E. Political Signs**

Political signs in residential districts and the PR, PI, LP and LB Districts shall not exceed three square feet in area. Political signs in all other districts shall not exceed 32 square feet in area. Such signs shall be removed within 15 days after the election to which they pertain, or the sign will be removed by City at the candidate's expense.

#### **F. Temporary Signs and Banners for Public Events or Public/Civic Projects**

Temporary signs and banners for public events or public projects may be approved by City Council provided they are placed so as not to interfere with traffic circulation and public safety. City Council shall set a time limit on such signs. Council may also adopt a list of entities for which the Planning Director may approve such signs. (Ord. 10242005C)

#### **G. Other Temporary Signs**

The Planning Director may approve other temporary signs not in a street right-of-way for events sponsored by (1) public or non-profit entities or (2) for-profit organizations dedicated to public service or culture on a case-by-case basis. Depending on the character of the surrounding area, the maximum size of such signs shall be 5 square feet in area and 5 feet in height in residential areas and 16 square feet in area and 6 feet in height elsewhere. Such signs may only be up one week before the event and must be removed the day after the end of the event. The Planning Director may also approve temporary signs for emergency purposes. (Ord. 10242005C)

#### **H. Grand Opening Signs**

A banner is permitted in addition to the banners referred to in 4.4.8.B 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. Additionally, there may be a non-illuminated balloon or balloons on the business property so long as the size of the balloon or balloons does not exceed 50 feet in total diameter. This regulation shall not be construed to regulate the use of small balloons.

#### I. Portable Signs in the Downtown Business Zone

For each business in the Downtown Business (DB) zone, one portable sign may be located either on (1) the lot on which the business is located or (2) the public sidewalk immediately in front of the building in which the business is located in compliance with the following.

1. When placed on the public sidewalk, no part of this sign shall be further than 28 inches from the exterior wall of the building in which the business is located.
2. The sign must
  - a. be freestanding and not attached to another structure or have attachments;
  - b. be limited to two (2) sides;
  - c. be no taller than four feet including legs, no wider than two feet, and no more than six square feet in area;
  - d. contain the name of the business;
  - e. be heavy enough or otherwise weighted to prevent being blown over; and
  - f. not be illuminated.
3. The width of the open walking space of the sidewalk shall be at least 4 feet, and no exit discharge from any doorway shall be obstructed in violation of the International Fire Code.
4. All signs must be brought inside when the business is closed.

A sign allowed by this section shall not be regulated by other provisions of this Article regarding freestanding signs. Enforcement of the provisions regarding signs in the right-of-way permitted by this section shall be the responsibility of the Department of Public Safety.

#### 4.4.10. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

##### A. Locations

All signs shall be located on the subject premises.

##### B. Sign Types Allowed Without a Permit

The following sign types shall be allowed in residential districts without a permit.

1. Signs exempt from permit requirements in accordance with 4.4.2.
2. For a Type 2 Home Occupation, one home occupation sign not exceeding 1.5 square feet in area for each lot of record in a residential district mounted against the wall of the principal building.
3. For a Type 2 Home Occupation in a Bed and Breakfast Inn or Bed and Breakfast Meeting Facility, one sign not exceeding 1.5 square feet in area mounted against the wall of the principal building.
4. Temporary signs in accordance with 4.4.9.A through G.

**C. Sign Types Requiring a Permit**

Subdivision entrance or identification signs in accordance with 4.4.8.A and the table below.

District/Use	Maximum Sign Area	Maximum Sign Height
RS-15, RS-10, RS-8, RS-6, RSH, RSS, RSM	24 square feet	8 feet
RSA, RML, RMH, RMP		
Fewer than 8 units	20 square feet	8 feet
8 or more units	32 square feet	6 feet

**D. Illumination**

Signs in residential districts shall be illuminated only by external incandescent lighting.

**4.4.11. SIGNS PERMITTED IN NONRESIDENTIAL DISTRICTS****A. Locations**

All signs shall be located on the subject premises.

**B. Sign Types Allowed Without a Permit**

The following sign types shall be permitted in the all of the nonresidential districts, except the HD District (see paragraph F below).

1. Signs exempt from permit requirements in accordance with 4.4.2.
2. Temporary signs in accordance with 4.4.9.
3. Banners and Flags in accordance with 4.4.8.B and 4.4.8.C.

**C. Sign Types Requiring a Permit**

1. Subdivision entrance or identification signs in accordance with 4.4.8.A and the table below. 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. Entrance signs in the LP and LB Districts shall be permitted only in place of, not in addition to, a freestanding sign.

District/Use	Maximum Sign Area	Max. Sign Height
LP and LB Districts	9 square feet	8 feet
LI, LM and I Districts: Industrial Park	50 square feet, plus 10 square feet for each industry in the park; maximum 120 square feet	10 feet

2. Wall or projecting signs in accordance with 4.4.6.
3. Canopy or awning signs in place of wall or projecting signs in accordance with 4.4.8.D are permitted in the LP, LB, O, GB, PC, PI, DB, LI, and I Districts and commercial areas within a PR only.
4. Freestanding signs in accordance with 4.4.7 and the following table.

District/Use	Maximum Sign Area	Max. Sign Height
LP and LB Districts	9 square feet for first 2 tenants, plus 5 additional SF for each tenant over 2; maximum 24 square feet	8 feet
O District	32 square feet for first 2 tenants, plus 5 additional SF for each tenant over 2; maximum 60 square feet	12 feet
GB District: Single Use 2-Lane Frontage	50 square feet	11 feet; 18 feet allowed at an intersection of two 2-lane streets to avoid visibility problems, subject to approval by the Planning Director
4-Lane Frontage	75 square feet	18 feet
GB District: Office	60 square feet	8 feet on 2-lane; 12 feet on 4-lane
GB District: Shopping Center (see 4.4.7.F)	60 SF for first two tenants, additional 10 SF for each additional tenant over 2; maximum 120 SF	8 feet on 2-lane; 12 feet on 4-lane
DB District Monument Sign	32 SF for first 2 tenants; additional 4 SF for each tenant over 2; maximum 48 SF	7 feet
Pole Sign	16 SF for first 2 tenants; additional 2 SF for each tenant over 2; maximum 24 SF	7 feet
LI, LM and I Districts: Single Industry	40 square feet	10 feet
2-Lane Frontage	50 square feet	10 feet
4-Lane Frontage		

#### D. Signs Permitted in Planned Commercial (PC) and Planned Institutional (PI) Districts

Signs allowed for each Planned Commercial and Planned Institutional development shall be based on the signs that would be permitted for a similar district and use as provided above, as determined by the Planning Director except that each sign shall be a ground-mounted monument sign. (Ordinance 05102004B) See also 4.4.7.F. City Council shall have the authority to modify any proposed signage as part of the concept plan approval.

#### E. Signs Permitted in the Planned Residential (PR) District.

Signs allowed for each use in a PR shall be based on the sign that would be permitted for a similar (Ordinance 05102004B) district and use as provided above, as determined by the Planning Director except that each sign shall be a ground mounted monument sign. The entrance identification signs allowed for a PR shall be based on the signs allowed for the district or use that corresponds with the predominant use of the PR as determined by the Planning Director. City Council shall have the authority to modify any proposed signage as part of the concept plan approval.

**F. Signs Permitted in the Horse District (HD) and Open Space (OS) District**

1. Freestanding signs shall have wooden faces. For each lot, the combined area of all freestanding signs visible from a street shall not exceed 24 square feet. The top of any part of a freestanding sign, including its face and supporting structure, must not be more than eight feet from the surface of the ground.
2. On each lot, wooden signs with a maximum combined area of 24 square feet may be attached to buildings, fences, and gates. Signs not visible from a public street right-of-way shall not be considered when determining whether signage exceeds the limit.
3. No internal illumination shall be permitted.

**G. Signs for Unlisted Uses**

Signs for uses permitted in zoning districts not expressly provided for above shall be governed by the provisions in those paragraphs most suitable for that use and area as determined by the Planning Director.

**H. Illumination**

1. Except for the LP, LB, and DB Districts, signs in nonresidential districts may be illuminated, subject to requirements contained in this Ordinance, and other applicable City codes, ordinances, and regulations.
2. Signs in the LP, LB, and PI Districts shall be illuminated only by external incandescent lighting.
3. In the DB District, externally illuminated signs are preferred; however, if an internally illuminated sign is used, then one of the following types of signs is required.
  - a. Individual back-lit letters silhouetted against a softly illuminated wall;
  - b. Individual letters with translucent faces with soft lighting elements within each letter; or
  - c. Metal-faced box signs with cut-out letters and soft glow internal lighting.If an internally illuminated, plastic-face sign is to be used, the light source must use cool white or soft-glow bulbs and not exceed 60 watts.

**ARTICLE 5. OFF-STREET PARKING AND LOADING****4.5.1. PARKING SPACES TO BE PROVIDED****A. Spaces Required**

Off-street parking in the City of Aiken for all structures and uses of land shall conform to the requirements shown in the table below. The Planning Director may accept a different number of spaces in accordance with 4.5.2.

Use	Minimum Spaces Required
<b>RESIDENTIAL USES</b>	
Single-Family	2 spaces per dwelling unit
Multifamily	1.5 spaces per dwelling unit
Housing for the Elderly	0.5 space per dwelling unit
Nursing Home	1.5 spaces for each 2 patient beds
Rooming or Boarding House	1 space for each 2 sleeping rooms
<b>PUBLIC AND CIVIC USES</b>	
Golf Course Clubhouse	1 space per 100 SF of retail sales uses, plus 1 space per 300 SF office uses, plus 1 space per 3 seats for restaurant uses
Places of Public Assembly	1 space per each 3 persons at maximum occupancy
Religious Institution *	1 space for each 5 seats in the main assembly room
School, Elementary or Middle	2 spaces per classroom
School, High School	6 spaces per classroom plus 1 space per 8 seats in auditorium
<b>COMMERCIAL USES</b>	
Auto Sales and Repair	1 space for each 2 employees, plus 2 spaces for each 300 SF gross floor area
Bed and Breakfast	1 space for the owner/operator plus 1 space per guest room
Bowling Alley	5 spaces for each lane
Bus Terminal	2 spaces for each bay
Furniture Retail Sales	2 spaces for each 1,000 SF of gross floor area
Hotel or Motel	1 space for each sleeping room
Medical or Dental Offices	1 space per 250 SF gross floor area
Mortuary	1 space for each 400 square feet excluding chapel plus one space for each 3 seats in chapel
Office (non-medical) and Financial Institutions	1 space per 300 square feet of gross floor area
Restaurants	1 space per each 3 seats
Retail Sales and Service	1 space for each 200 SF gross floor area
Shopping Center, Discount Store, Department Store, Superstore, or Power Center or Single-Use Retail exceeding 20,000 s.f. gross leasable	4.0 spaces per 1,000 SF of gross leasable floor area (See Section 4.5.1.B.4 for maximum off-street parking) (Ord. 11252002A)
<b>INDUSTRIAL USES</b>	
Industrial	1 space for each 2 employees at maximum shift
Warehousing and Storage Areas	1 space for each 1,500 SF of gross floor area, plus 1 space for each 200 SF of office area
Wholesale Business	1 space for each 2 employees

\* See also 4.5.3, Off-Site Parking for Religious Institutions.

**B. Calculation of Off-Street Parking Requirements**

1. 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.
2. Calculation of required off-street parking for any eating establishment shall include all seating areas located outdoors.
3. The City may limit parking to not more than 110 percent of the amount required where necessary to maximize the number of replacement trees on a site in accordance with 4.6.4.B.2.c.v.
4. For Shopping Center, Discount Store, Department Store, Superstore, Power Center or Single-Use Retail uses exceeding 20,000 square feet of gross leasable floor area, off-street parking shall not exceed 4.5 spaces per 1000 square feet of leasable floor area unless documentation is provided clearly demonstrating that additional parking is essential to the proposed use in which case the Planning Director may allow up to 5.5 spaces per 1000 square feet of gross leasable floor area. (Ord. 11252002A)

**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 Director.

**D. Exemption for DB District**

1. Off-street parking is not required for uses located in the DB District.
2. Off-street parking is not required for religious institutions located in any Historic District listed on the Aiken Historic Register.

**4.5.2. DEVELOPER-SUBMITTED PARKING DATA**

1. The Planning Director may accept a higher or lower number of parking spaces than required in 4.5.1 (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. (See 4.5.1.B.4) (Ord. 11252002A)
2. If the Planning Director accepts a lower number of parking spaces than is required in 4.5.1, the site may 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 4.5.4 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 Director, the area shall be maintained as open space, and the clearing of trees in that area and subsequent tree replacement shall not occur until or unless such additional parking is required to be constructed.
3. Any shared parking analysis shall follow the guidelines of the Urban Land Institute's SHARED PARKING or an acceptable alternative source approved by the Planning Director. Any off-site parking to be utilized shall require the recording of a perpetual easement, in form and substance acceptable to the Planning Director, in the office of the Registrar of Mesne Conveyance of Aiken County.

**4.5.3. OFF-SITE PARKING FOR RELIGIOUS INSTITUTIONS****A. Written Authorization Required**

Parking spaces on privately owned land located within 1500 feet of the nearest portion of the main assembly room building of a religious institution may be counted in meeting up to 50 percent of the parking requirement of this Article where either of the following is provided.

1. Written authorization is provided by the owner of property on which the off-site parking is located stating the number of parking spaces that may be used during the time of the main services and the duration of such authorization; or
2. An easement or other document is recorded with the Registrar of Mesne Conveyance for Aiken County by the owner of the private property on which such spaces are located granting a permanent easement or permission for such parking meeting the requirements of this provision.

**B. Expiration of Authorization**

A written commitment must be provided by the church that should such authorization, easement, or permission expire or be withdrawn, adequate off-street parking complying with this Article will be provided within 180 days.

**4.5.4. OFF-STREET PARKING DESIGN STANDARDS****A. 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.

1. Any public parking area shall be paved or have equivalent surfacing subject to the approval of the Director of Engineering/Public Works.
2. Driveways and parking areas shall be designed to limit the removal of Significant and Grand trees to the maximum extent feasible. See 4.6.4.
3. Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with 4.6.7.E. 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.
4. All off-street parking facilities shall be designed with appropriate means of access to street, alley, or maneuvering area.
5. Each required parking space shall be at least 9 feet in width by 18 feet in length.

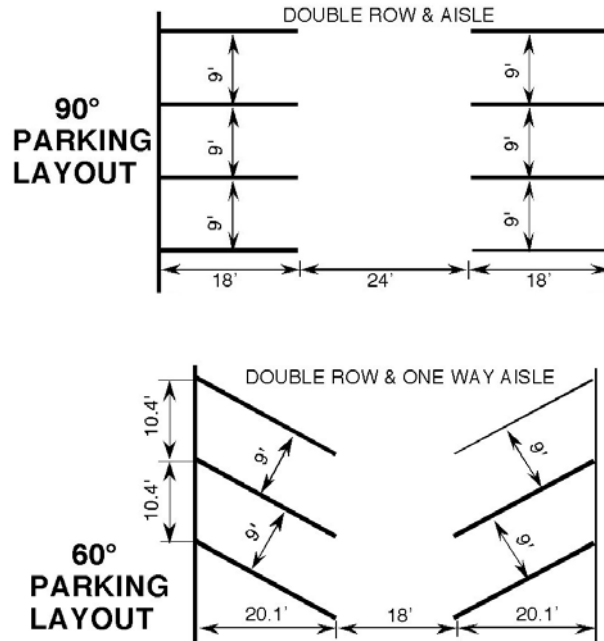
**B. Parking Fronting Arterials**

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.

**C. Driving Aisle Width**

The width of all driving aisles between individual parking spaces shall be in accordance with the requirements specified below. Only one-way traffic shall be permitted in

driving aisles serving single-row parking spaces placed at an angle other than 90 degrees.



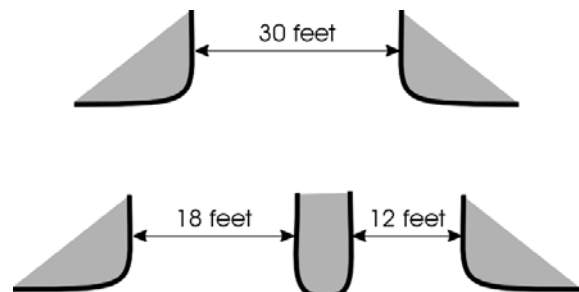
Parking Angle	Minimum Aisle Width
60 degrees	18 feet
90 degrees	24 feet
Driving Aisle without Parking	20 feet

#### D. Wheel Stops Required

1. 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.
2. 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.

#### 4.5.5. DRIVEWAY STANDARDS

1. All driveways shall comply with South Carolina Department of Transportation standards for separation.
2. No driveway or curb cuts into a public parking area in any district shall exceed 30 feet in width. For the purposes of this paragraph, the width of any landscaped median shall not be included in determining driveway width.





3. 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.
4. Detailed plans shall be submitted to the Director of Engineering/Public Works for approval of all driveway openings or curb cuts before a permit may be obtained.

#### 4.5.6. 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 Director.

##### B. Exemption for DB District

This Section shall not apply in the Downtown Business (DB) District.

##### C. 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 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

##### D. Design Standards

1. Minimum dimensions for each space shall be 12 by 40 feet. Additional length or width may be required by the Planning Director if deemed necessary for a given expected type of vehicle use. An overhead clearance of 14 feet from pavement grade shall be required.
2. 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.
3. 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.

**E. 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.

1. One or more structures on the lot were constructed before the effective date of this Ordinance; and
2. A change in use is proposed that does not involve any enlargement of a structure; and
3. 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.

**ARTICLE 6. LANDSCAPING AND TREE PRESERVATION**

**4.6.1. PURPOSES**

This Article is intended to promote the preservation and installation of high quality trees and other plant material for the purposes of implementing the policies of the Comprehensive Plan and protecting public safety, health, and welfare through the benefits such vegetation provides, including, but not limited to the following.

1. Absorbing carbon dioxide and returning oxygen.
2. Precipitating unwanted particles from the air, thereby reducing air pollution.
3. Providing shade and making outdoor areas more habitable in summer.
4. Reducing soil erosion and increasing infiltration.
5. Reducing noise levels.
6. Improving city appearance and retaining its character, promoting civic pride, emotional health, and the local economy, including property values and tourism.
7. Providing wildlife habitat, thus helping to control insects.

**4.6.2. JURISDICTION**

This Article shall apply to all lands within the corporate limits of the City of Aiken, and may apply, as required or approved by City Council, to land outside the City limits granted City water, sanitary sewer, or other services by the City. The Planning Director may waive any provision in this article that would conflict with a requirement of the Public Safety Department.

**4.6.3. REMOVAL OF EXISTING TREES ON LAND NOT BEING DEVELOPED**

- A. The natural landscape, including existing trees, shall be preserved wherever possible. On land zoned to permit any use other than single-family residential (except land zoned Planned Residential for which a concept plan depicting single-family residential use has been approved), no Significant or Grand Tree may be removed unless one or more of the following can be demonstrated to the satisfaction of the City Horticulturist.
1. It is in the interest of good forestry management.
  2. The tree is diseased, dying, or dead.

3. The tree causes a safety hazard to nearby buildings or pedestrian or vehicular traffic.
  4. The tree is a Pine, Pecan, or Magnolia that is dropping debris or sap that is significantly affecting vehicles in a parking lot though any such tree removed will have to be replaced with an equal number of a caliper inches or, if there is not room, an amount placed into the Tree Fund in accordance with 4.6.4.B.2.d.
  5. The tree is causing significant structural damage to a building or other structure that reasonable maintenance cannot prevent.
  6. The tree is interfering with an existing underground utility line.
  7. It is necessary to allow construction of a road 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.
- B. If trees are removed on land zoned single-family residential, no application for rezoning to a commercial or multifamily residential zoning classification will be considered for two years after City staff determines that such removal has occurred.

#### 4.6.4. REMOVAL OF TREES ASSOCIATED WITH DEVELOPMENT

Prior to issuance of a building permit for a nonresidential or multifamily residential project, a landscape plan must be approved in accordance with 6.2.10 and the following provisions. Prior to issuance of a building permit for any portion of a project consisting of attached single-family or duplex residential units, the following provisions must be met. (Ord. 12122005A) Issuance of a building permit for a detached single-family dwelling in a commercial or multifamily residential zone shall be conditioned on a stipulation that, if Significant or Grand Trees are removed, no building permit for a permitted use other than detached single-family residential shall be issued for three years from the date of issuance of the permit. (Ord. 03132006)

##### A. Tree Survey

1. For every project one of the following shall be submitted.
  - a. A detailed tree survey of the entire site depicting the DBH, variety, and location of all Significant and Grand trees including the information listed in 6.2.10.D; or
  - b. A detailed tree survey depicting the DBH, variety, and location of the Grand Trees on the entire site and the Significant Trees in the yard including the information listed in 6.2.10.D and a listing of all Significant Trees in the buildable area including DBH and variety, and, if required by the Planning Director, a tree survey of selected areas or other additional information where it is necessary to make a determination about the feasibility of saving Significant Trees.
2. Information required by paragraph 1 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 Director. Such information shall not be more than two years old on the date of submission of the application for landscape plan approval.

**B. Tree Protection Areas****1. Planting Strip Along Street Rights-of-Way.**

- a. **Depth.** A planting strip shall be provided parallel and adjacent to each street right-of-way the depth of which shall be based on the following table. The maximum required depth under this provision shall be 25 feet, but a deeper planting strip may be provided.
- b. **Protection of Significant and Grand Trees.** Within the planting strip, 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 Director. To insure tree survival, a protected area pursuant to 4.6.5.B shall be provided around each tree as required by the Planning Director.
- c. **Minimum Number of Trees.** Existing trees may be counted in meeting the requirement for trees in the planting strip at 4.6.7.B. To be counted, a tree must have a DBH of two inches. The type and condition of such trees are subject to approval by the Planning Director for that purpose and must be depicted on the landscape plan. If existing trees do not satisfy the requirement, a sufficient number must be planted to comply with 4.6.7.B.

**2. Entire Site.**

- a. **Removal.** No Grand Tree may be removed unless the Planning 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 unless the Planning Director determines there is absolutely no alternative because of unavoidable grading or because of the required configuration of paving, essential utilities, or buildings.
- b. **Location of Saved Trees.** No more than 25% of saved trees may be located in the rear yard unless there are not enough trees on other parts of the site to meet this requirement.
- c. **Replacement.**
  - i. Grand and Significant DBH inches removed shall be replaced, except for trees removed (1) pursuant to the requirements of City ordinances and regulations, (2) after determination by the City Horticulturist 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.
  - ii. The cumulative caliper of replacement trees shall at least equal the

Lot Depth	Planting Strip Depth
Up to 200 feet	10 feet
200 to 500 feet	5 percent of lot depth
More than 500 feet	25 feet

cumulative DBH of the Grand and Significant Trees removed except that the DBH of any Grand or Significant Trees on the Approved Tree List saved or approved trees newly planted may count as double replacement inches under this provision.

- iii. Trees planted to meet other requirements of this Article may be counted as replacement trees. The minimum caliper for a replacement tree shall be two inches and be from the Approved Tree List.
  - iv. The Planning Director shall approve the type, size, and location of each replacement tree.
  - v. Where the Planning 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 Director may reduce that number; provided, however, that off street parking shall be limited to no more than ten percent over the minimum number of parking spaces required by 4.5.1 if necessary to maximize the number of replacement trees to be planted on the site.
- d. **Tree Fund.** If there is not sufficient room on the site to plant the required replacement DBH inches, a payment-in-lieu-of-planting shall be made to the Tree Fund to be used for the planting of trees on City property. The amount shall be determined by the City Horticulturist based on the retail value of the trees, but in no case shall the total amount exceed \$500 per acre of the site.

#### 4.6.5. TREE PROTECTION DURING AND AFTER DEVELOPMENT

##### A. 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 area as set forth at 4.6.5.B, and the installation of utilities.

##### B. Protected Areas

During grading and construction, a protected area equal to one foot radius 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 Director prior to issuance of a grading permit. Failure to maintain barriers may result in revocation of the building and/or grading permit. For projects not requiring a grading permit, installation of the required barriers shall be approved by the Planning Director prior to issuance of a building permit. Protective barriers shall be maintained until issuance of a Certificate of Occupancy. The protected area shall be permanent and maintained by the property owner. No pavement shall be installed in the protected area. The Planning Director may reduce the protected area or allow intrusions into it if such actions would not adversely affect the survival and health of the tree.

**C. Tree Maintenance**

The following tree maintenance provisions shall apply to all trees on the subject site, not just those planted pursuant to this Article except for trees on a lot occupied by a dwelling unit in an attached single-family or duplex residential project. (Ord. 12122005A) No matter what pruning methods are used, no more than one-third of the crown should be removed in any one growing season.

1. Where necessary to improve visibility for public safety purposes, suckers or limbs below seven feet in height may be removed through proper crown raising or elevating.
2. 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.
3. 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.

**D. Approved Landscape Plan To Be On Site**

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

**4.6.6. REMOVAL OF TREES AFTER DEVELOPMENT**

After issuance of a Certificate of Occupancy for a commercial or multifamily residential project located in any zoning district, no Significant or Grand Tree may be removed unless it can be demonstrated to the satisfaction of the City Horticulturist that one or more of the conditions at 4.6.3.A(1-7) exists. This provision shall also apply to the common areas of an attached single-family or duplex residential project in any zoning district. (Ord. 12122005A) Portions of any golf course associated with play such as fairways, tee boxes, greens, rough, and practice areas shall be exempt from this provision. (Ord. 09272004)

**4.6.7. LANDSCAPING REQUIREMENTS**

**A. Area Required to be Landscaped**

Where not expressly set forth in 4.2.1 or 4.3.1, the minimum required landscaped area shall be 20 percent of the site for commercial uses and 40 percent of the site for multifamily residential uses. The planting strip may be included in calculating the required 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 Director shall be counted in meeting the requirements of this provision.

**B. Plantings in Strip Along the Street Frontage**

1. **Trees**
  - a. **Number, Size and Spacing.** The maximum number of trees must be planted in the planting strip, required by 4.6.4.B.1, as determined by the Planning Director taking into account the size of the trees at maturity. The Planning Director shall approve the type, size, and location of replacement trees.

Subject to the approval of the Planning Director, any combination of large and small trees may be planted to meet the minimum required number. Any area in the planting strip beyond the minimum required by this Article shall not be included in determining the number of trees required to be planted. Each tree planted in the planting strip shall have a minimum caliper of two inches and be selected from the Approved Tree List. Where necessary, trees may be limbed up to allow visibility for motorists in accordance with 4.6.5.C.1. The Planning Director may allow a smaller tree to be planted in the planting strip where overhead power lines would interfere with the growth of a larger tree.

- b. **Existing Trees.** As provided in 4.6.4.B.1.c, an existing tree may be counted towards meeting the requirements of this Article provided that the tree has a DBH of at least two inches and the type and condition of the tree are approved for that purpose by the Planning Director. Such trees must be depicted on the landscape plan.

2. **Shrubbery or Planted Berms**

Evergreen shrubbery or a planted berm is required in the planting strip to screen the fronts of vehicles. The shrubbery must be at least three feet high after pruning at the time of planting and be planted no more than five feet on center. A berm must be at least three feet high and be planted with ground cover.

### C. Planting Areas along Side and Rear Property Lines

Planting areas at least five feet in depth shall be provided along the entire side and rear property lines or site boundaries not located adjacent to a street right-of-way. The maximum possible number of trees must be planted therein as determined by the Planning Director taking into account the size of the trees at maturity based on the required minimum depth of five feet. The Planning Director shall approve the type, size, and location of the trees. Existing trees may be counted towards meeting the requirements of this provision in the same manner as provided in 4.6.4.B.1.c and 4.6.7.B.1.b. Trees on adjacent property that may conflict with planting new trees should be depicted on the landscape plan. These planting areas are required in addition to the planting strip along the street frontage and shall be considered part of the yard area. Where a joint driveway is proposed to serve two lots which would reduce the number of curb cuts, the Planning Director may modify the provisions of this section.

### D. Landscaping in Vehicular Use Areas

1. **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 Director unless such trees would interfere with traffic movement in which case other types of trees may be used.

2. **Islands 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.

3. **Islands at End of Row**

A landscaped island of at least 100 square feet in area shall be provided at the end 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, at least one 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 end 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 at least one canopy tree. The islands shall be designed and maintained so as not to obstruct visibility for motorists. The Planning Director may modify or waive this provision if compliance would not be practical.

4. **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 Director taking into account the size of the trees at maturity. The Planning 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 Director.

5. **Screening of Dumpsters**

Dumpsters, utility boxes, and similar structures must be screened by evergreen shrubbery at least three feet high after pruning at the time of planting.

E. **Buffer or Screening Device**

A landscaped buffer strip shall be required for any nonresidential or multifamily residential use where it abuts an area zoned or used residentially or for any attached single-family or duplex residential project where it abuts land occupied by single-family dwellings or zoned in a single-family residential category. (Ord. 12122005A) The buffer strip shall be a minimum of 10 feet in depth and be undisturbed. Additional evergreen vegetation shall be planted to form an effective screen; such vegetation shall be at least three feet high after pruning at time of planting and a height of at least seven feet at maturity with spacing as required by the City. Where deemed necessary by the Planning Director, additional measures may be required to provide an effective screen. Any screening buffer area shall be maintained in good order at all times by the owner of the property.

F. **Detention Ponds and Lakes**

A detention pond may be counted as landscaped area unless it is unable to support healthy trees as determined by the City Engineer and Planning Director. Each detention pond shall be screened for aesthetic purposes pursuant to the standards in the Tree Protection and Landscaping Manual provided for by 4.6.9 or as otherwise directed by the Planning Director to accomplish the purposes of this Article. A lake shall be counted as landscaped area if approved by the City Engineer and Planning Director as effecting the purposes of this Article.



### G. Design of Project Landscaping

Landscaping installed during development should meet the following design guidelines.

1. 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.
2. Landscaping should continue thematic elements, if any, found in the surrounding area, including plant types and planting patterns.
3. Landscaping should be designed to be functional (reducing the heat island effect of impervious surfaces, helping to control runoff, etc.), as well as beautiful.
4. Crape Myrtles may not be planted along street rights-of-way unless necessitated by overhead wiring or other reason associated with the particular location as approved by the Planning Director.

### H. 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.

## 4.6.8. COMPLETION AND MAINTENANCE OF LANDSCAPING

### A. Completion

1. All landscaping shall be installed in accordance with the approved landscape plan unless substitutions are approved by the Planning Director and noted in writing on the plan. A Certificate of Compliance, Certificate of Occupancy or business license for any business or use on a site with such an approved plan shall not be issued until the installation of the required landscaping is approved by the Planning Director or a cash or equivalent performance guarantee is posted with the Planning 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 Director. A site not requiring a Certificate of Occupancy may not be used until the required landscaping is installed or a guarantee posted.
2. The guarantee shall be in a form approved by the Planning Director and shall be released and returned to the party posting the guarantee upon installation of all required landscaping and acceptance by the Planning Director of such installation. The landscaping shall be installed within three months of the posting of the performance guarantee with the Planning Director. However, the Planning 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 City 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 Article 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 Article 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.

**4.6.9. TREE PROTECTION AND LANDSCAPING MANUAL**

The City Horticulturist 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 Article or prior ordinances. Those standards shall promote and effect the purposes set forth in 4.6.1 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.

## **ARTICLE 7. SEDIMENT CONTROL**

### **4.7.1. PLAN AND PERMIT REQUIRED**

A grading permit shall not be issued for a nonresidential or multifamily residential development until a site plan, including landscaping, has been given final approval by the City. The surface of land in the City shall not be disturbed or changed for any purpose, except as expressly exempted below, unless both of the following criteria are met.

1. The City Engineer has approved a plan for the control of erosion, sedimentation, and surface drainage, and, where required, such plan has been approved by the Conservation District Office.
2. The City Engineer has issued a grading permit.

### **4.7.2. EXEMPTIONS**

The provisions of this Article shall not apply to the following.

1. Agricultural land management and cultural practices, or to the construction of on-farm buildings and structures used in a farming operation.
2. Construction of single-family residences or their accessory buildings which are not part of a residential subdivision which has an approved sediment control plan; a single-family property owner may make land improvements on his single lot without an approved erosion control plan or without obtaining a grading permit; nor shall such provisions apply to emergency repairs or maintenance of existing structures and facilities which require ground to be broken.

### **4.7.3. GUIDELINES FOR PLAN PREPARATION**

Section 3-3.1 of the Aiken Sediment Control Ordinance provides guidelines for plan preparation.

### **4.7.4. PROCEDURES FOR PLAN APPROVAL AND GRADING PERMIT**

Article 4 of the Aiken Sediment Control Ordinance provides procedures for plan approval and issuance of a grading permit.

### **4.7.5. DESIGN STANDARDS**

Article 5 of the Aiken Sediment Control Ordinance provides standards and specifications for designing, installing, and maintaining erosion and sediment control practices.

### **4.7.6. INSPECTION AND ENFORCEMENT**

The City Engineer shall have the authority to inspect all work and otherwise enforce the provisions of this Article and the Aiken Sediment Control Ordinance.

## **ARTICLE 8. ACCESS MANAGEMENT**

### **4.8.1. PURPOSE**

The purpose of this article is to establish standards and criteria for the number, location, design, construction, and maintenance of driveways, acceleration/deceleration lanes, and interparcel connections in the City limits of Aiken.

### **4.8.2. APPLICABILITY**

#### **A. New Development**

This article applies to new development in the City limits.

#### **B. Changes to Existing Development**

This article applies to any development in the City limits for which the cost of 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, the South Carolina Tax Commission, or any other State or local government entity or official with the 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 50% level 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. Existing driveways may be closed pursuant to 4.8.8.A.

### **4.8.3. PERMIT REQUIRED**

#### **A. General**

No curb cut, driveway, new street, acceleration/deceleration lane, or similar project serving an existing or proposed development shall be constructed, reconstructed or altered unless approved by the Director of Engineering/Public Works. The Planning Director shall not grant approval for a site plan without written approval of the access plan from the Director of Engineering/Public Works.

#### **B. Application Process**

An application for a permit shall be submitted to the Planning Department as part of a site plan application. Where approval of proposed work is required by SCDOT, submission to the City of a copy of the permit application to SCDOT shall be sufficient except that the Director of Engineering/Public Works may request additional information. Where there is a conflict between the requirements of the City and SCDOT, the more restrictive shall apply.

### **4.8.4. COMPLIANCE WITH STANDARDS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

Except where there would be a conflict with any provision of this Article, any driveway, street, acceleration/deceleration lane, or similar project shall be designed to conform to SCDOT standards.

**4.8.5. LIMITS ON NUMBER OF ACCESS POINTS****A. General**

A project or development shall be limited to the minimum number of access points required for the safe and efficient flow of traffic to, from, and within the site. Any lot created after the effective date of this article may not be entitled to its own access if it would not meet the requirements.

**B. Multiple Lots or Uses**

A project having multiple lots or land uses but functioning as a planned unit shall be considered to occupy one lot for the purpose of determining the number of access points.

**C. Outparcels**

Outparcels associated with a larger development shall be considered as part of that development and have access only internally from that development.

**D. Maximum Numbers of Access Points Allowed**

Generally, one access point will be allowed per lot per street frontage. However, additional access points may be allowed according to the following table with the approval of the Director of Engineering/Public Works and the Director of the Department of Public Safety. The number of driveways shown on the table may be further limited by other provisions of this section.

Maximum Number of Access Points Per Frontage

Frontage (Feet)	Maximum Number Allowed		
	Street Classification		
	Arterial	Collector	Local
<100*	0	0	1
101 – 200	1	1	1
201 – 500	1	2	2
501 – 1000	2	3	3
1001 – 1500	3	4	4
>1500	3 plus 1 for each Additional Full 500 feet	4 plus 1 for each Additional Full 500 feet	4 plus 1 for each Additional Full 500 feet

- \* On frontages of less than 100 feet, no access will be allowed without special approval by both the Director of Engineering/Public Works and the Planning Director unless no other access is possible and the lot was existing at the time of adoption of these regulations.

**E. Limitations Based on Type of Street**

1. Local Streets. Any residential use may have direct access to a local street. Nonresidential uses shall not have direct access to local streets except that any lot located within a nonresidential subdivision or any parcel adjacent to a street within a nonresidential subdivision may have direct access to the local street internal to the subdivision, and provided that any corner lot abutting a local street and an arterial or collector street may take access to the local street if such access is required by the City or SCDOT.
2. Major or Minor Arterial Streets. No single-family dwelling or duplex shall have direct access to an arterial street.

**F. Limit for Lots with Double Frontage**

Access to a double-frontage lot occupied by a detached single-family dwelling shall be allowed only from the street with the lower functional classification.

**G. Existing Lot with Width Less Than the Minimum Spacing**

An existing lot with street frontage less than the minimum driveway spacing may not have access to that street if access is available on another street.

**4.8.6. STANDARDS FOR DRIVEWAYS ON ARTERIAL AND COLLECTOR STREETS**

The following are required standards for the location, spacing, design, construction, and maintenance of driveways and access points on major and minor arterial and collector streets. Any issues not addressed by the following will be covered by the Access and Roadside Management Standards of SCDOT.

**A. Location**

1. Driveways shall be located where there are no sharp horizontal curves or steep vertical grades and where the provisions of the SCDOT Access and Roadside Management Standards regarding points of access are met.
2. Driveways shall not be located on auxiliary (acceleration/deceleration lanes) or their tapers.

**B. Spacing**

1. Driveways, roads, and other points of access shall have the following separation at the street right-of-way line: on a major arterial, 200 feet; on a minor arterial, 150 feet; and on a collector, 100 feet.
2. No driveway, road, or other point of access shall be closer than the following to a side property line except to allow a joint driveway serving two lots: on a major arterial, 100 feet; on a minor arterial, 75 feet; and on a collector, 50 feet.
3. In determining compliance with this section, the measurement shall be made between the closest points of pavement and/or curbing.

**C. Width**

Each lane of a driveway shall have a maximum width of 15 feet. A landscaped median shall not be included in determining width.

**D. Configuration**

A driveway may consist of either a single two-way access or a pair of one-way accesses divided by a landscaped median or a circular driveway except that this provision shall not prevent turn lanes.

**E. Alignment**

Each driveway or road or other point of access on an arterial or collector should align with a driveway, road, or other point of access on the opposite side of the street or be offset by at least 150 feet except where a divided median prevents compliance. Intersections of collector or arterial streets should be at least 800 feet apart.

**F. Sight Distance**

Sight distances for a driveway shall meet SCDOT standards unless the Director of Engineering/Public Works allows a different distance.

**4.8.7. ACCELERATION/DECELERATION LANES**

Acceleration and deceleration lanes shall be designed in accordance with SCDOT standards.

**4.8.8. CHANGES TO EXISTING DRIVEWAYS****A. Traffic Safety**

City Council may direct the closure, removal, consolidation, or revision of any driveway or access which exhibits an inordinate traffic safety problem as determined by the Director of Engineering/Public Works or the Director of Public Safety because it has caused or has the potential for causing crashes. City Council shall hold a public hearing on the proposed action; notice of the time and place shall be given to the owner of the subject property by a letter sent no fewer than 30 days prior to the scheduled date of the hearing.

**B. Assembly of Existing Lots and Redevelopment**

The Director of Engineering/Public Works may require the consolidation of access points in conjunction with a subdivision, combination of existing lots, and/or redevelopment of property in order to bring the overall site into compliance with the provisions of this code.

**4.8.9. INTERCONNECTIONS BETWEEN LOTS****A. Cross-Access Easement**

On a major or minor arterial, a perpetual cross-access easement shall be provided by the property owner to adjoining properties that front on the same street and are or may be developed as nonresidential land uses. Cross-access easements shall be situated parallel to the street right-of-way line abutting both parcels and shall be developed and designed to ensure future connection to the neighboring properties. No permanent structures or parking that would interfere with the proposed access shall be permitted in the cross-access easement. Some improvements such as medians and landscaped islands may be constructed within an access easement if it has been demonstrated that adequate circulation and cross access will not be affected and that all applicable City standards have been met.

## B. Construction of Driveway Connection

Prior to issuance of a Certificate of Occupancy, a driveway connection within the cross-access easement shall be constructed to the property line or a performance guarantee shall be provided to pay for the cost of construction in an amount determined by the Director of Engineering/Public Works. If the driveway is not constructed within two years of site plan approval, the City may use the performance guarantee to construct the driveway or may use the proceeds to construct another connecting driveway elsewhere within the City limits.

### 4.8.10. FRONTAGE OR SERVICE ROAD

For a development having more than 1,000 feet of frontage on a major or minor arterial, a frontage or service road separated from the main road by a landscaped median of sufficient width to promote the safe and efficient movement of traffic shall be required unless waived by the Director of Engineering/Public Works.

### 4.8.11. TRAFFIC MANAGEMENT STUDY AND REQUIRED MITIGATION

A Traffic Management Study may be required as provided in City of Aiken Code Section 11. A mitigation plan which may include the installation of acceleration/deceleration lanes, roadway improvements, and/or traffic control devices may be required for approval as the result of a Traffic Management Study.

### 4.8.12. EXEMPTIONS

The provisions of this ordinance shall not apply to an existing lot-of-record approved before the effective date of this ordinance if the application would deprive the owner of all direct access to an abutting street. The Director of Engineering/Public Works may waive any provisions of this article deemed to be impractical because of design constraints.

### 4.8.13. REVOCATION

Any permit granted pursuant to this Article may be revoked and the driveway closed by City Council after a public hearing if the Director of Engineering/Public Works or the Director of Public Safety determines that the provisions of this Article are being violated or that the driveway constitutes a hazard because it has caused or has the potential for causing traffic crashes. The owner of the subject property shall be notified of the time and place of the hearing by a letter sent no fewer than 20 days prior to the scheduled date of the hearing.

### 4.8.14. SUBDIVISIONS

An application for approval of a subdivision plat which would create a lot unable to meet the requirements of this Article shall be denied. Approval of a subdivision plat for a shopping center or similar planned development which would create out-parcels fronting on a road shall be conditioned on access to such out-parcels being only from within the shopping center. A subdivision recorded without City approval shall be subject to these regulations.



## **CHAPTER 5. OVERLAY DISTRICTS**

### **ARTICLE 1. GENERAL**

#### **5.1.1. PURPOSE**

City Council may designate overlay districts which impose regulations in addition to the underlying zone or relax requirements imposed by the underlying zone when there is a special public interest which the underlying zone does not address. An overlay district promotes the health, safety, and general welfare of residents and the economic prosperity of the particular area as well as the entire city by protecting and enhancing the appearance of existing structures and the appearance of new structures.

#### **5.1.2. APPLICABILITY**

The standards and other specific provisions of this Ordinance shall apply within overlay districts including Historic Districts and to Historic Sites (Ord. 04142003A). Regulations applicable in an overlay district shall be governed by the Design Review Board. Whenever there is conflict between the regulations of the remainder of this Ordinance and this Chapter, the more restrictive shall apply.

#### **5.1.3. DETERMINATION OF ECONOMIC HARDSHIP**

##### **A. Submission Requirements**

If an application for a Certificate of Appropriateness is denied by the Board, the applicant may request that the application be reviewed for economic hardship pursuant to this Section. The Board may obtain expert testimony and require the applicant make submissions concerning the following information before the Board makes a final determination on the application.

1. Estimate of the cost of the proposed construction, alteration, demolition, or relocation and an estimate of any additional cost that would be incurred to comply with the recommendations or directives of the Board for changes necessary for issuance of a Certificate.
2. A report from a licensed engineer or architect with experience in rehabilitation on the structural soundness of any structures and their suitability for rehabilitation.
3. Estimated market value of the property under the following conditions: in its current condition; after completion of the proposed construction, alteration, demolition, or relocation; after any changes recommended or directed by the Board; and, in case of a proposed demolition, or relocation, after renovation of the existing property for continued use. The Board may require that these estimates be prepared by a qualified expert.
4. In the case of a proposed demolition or relocation, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of continued use, rehabilitation, or reuse of the existing structure at its current location.

5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner-of-record or applicant and the person from whom the property was or is to be purchased, and the terms of financing.
6. If the property is income-producing, the annual gross income from the property for the previous two calendar or fiscal years; itemized operating and maintenance expenses during the same period; and depreciation, deduction, and annual cash flow before and after debt service, if any, during the same period.
7. Any other information requested by the Board in its discretion to reach a determination as to whether the property does yield or may yield a reasonable return to the owners.

**B. Review**

The Board shall review all of the evidence and information required from the applicant, hold a public hearing, and make a determination thereon within 30 days after receipt of all required information of whether the denial of a Certificate of Appropriateness will result in economic hardship to the owner because he will not receive a reasonable rate of economic return on the property or will be deprived of all reasonable use of the property. If the Board makes a determination that, in its discretion, economic hardship has not been proven by the applicant, the application for a Certificate of Appropriateness based upon economic hardship shall be denied. If the Board determines, in its discretion, that economic hardship would occur to the owner, the Board may issue a Certificate of Appropriateness based upon economic hardship or delay action on the application for a period of 90 days. During this period the Board shall investigate and make recommendations for alternative uses and plans for the property. If at the end of the 90-day period, the Board finds, after a public hearing with the notice required by 5.2.3.D being given, that without issuance of the Certificate of Appropriateness, an economic hardship would still occur, then the Board shall issue a Certificate of Appropriateness based upon economic hardship.

**ARTICLE 2. HISTORIC OVERLAY**

**5.2.1. APPLICABILITY**

Any property or structure listed on the Aiken Historic Register shall be subject to this Article.

**5.2.2. DESIGNATION TO THE AIKEN HISTORIC REGISTER**

**A. Initiation of Designations**

Initiation of the proposed designation of Historic Sites (Ord. 04142003A) or Historic Districts to the Aiken Historic Register may be made by any member of the Board, any member of City Council, or a board or commission appointed by City Council, or an owner thereof. A request for designation shall be made on the appropriate application form provided by the Board and submitted to the Board for review and public hearing.

**B. Designation Criteria**

For an Historic Site or Historic District (Ord. 04142003A) to be designated to the Aiken Historic Register, City Council must conclude that it:

1. is significant in American, South Carolina, or Aiken history, architecture, archeology, engineering, or culture; and (Ord. 04142003A)
2. has integrity of location, design, setting, materials, or workmanship that need to be protected or preserved and meets one or more of the following criteria:
  - a. it is associated with events that have made a significant contribution to history;
  - b. it is associated with the lives of persons significant in history;
  - c. it has distinctive characteristics of a type, period, or method of architecture or construction; represents the work of a master; possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;
  - d. it has yielded or is likely to yield information important in prehistory or history; or
  - e. it is listed on the National Register of Historic Places.

#### **C. Public Notice**

1. The Board shall give the owners of properties proposed for designation as a Historic District or as an Historic Site (Ord. 04142003A) written notice of the hearing by the Board on the application for such designation by mail sent to the address for the property listed on the most current City of Aiken real property tax records, unless another address is known by the Board, no fewer than 15 days prior to the scheduled date of the hearing. Such notice shall state the date, time, place, and purpose of the hearing. The notice shall be considered given when placed in the U.S. Post Office at Aiken, South Carolina with proper postage affixed.
2. In addition, one public notice sign shall be posted on each street frontage of the subject property stating the date, time, place, and purpose of the public hearing. Where more than one property is proposed for designation, the number and location of required public notice signs shall be determined by the Planning Director.

#### **D. Consideration by Planning Commission and City Council**

Within 15 days after the meeting at which a designation is considered, the Board shall forward its recommendation on the designation to the Planning Commission which shall conduct a public hearing on the recommendation pursuant to 6.2.14 and make its recommendation thereon to City Council. The proposed designation shall not become effective unless approved by City Council by adoption of an ordinance. At the time of designation of an Historic Site, City Council shall determine whether the affected structure is considered a Landmark, Contributing, or Non-Contributing, and, if a Landmark, whether work on the exterior not visible from a public street would require a Certificate pursuant to 5.2.3.A.1 (Ord. 04142003A)

#### **E. Nominations to the National Register of Historic Places**

The Board may conduct first review and evaluation of all proposed National Register nominations within the City, including any which may have been submitted to the State Historic Preservation Office (SHPO), and forward all reviewed nominations to the SHPO with recommendations for consideration by the State Board of Review.

**F. Refiling for Designation**

If a request for designation is denied, the request may not be filed again for one year from the date of that denial unless the applicant can demonstrate to the Board a substantial change in circumstances relevant to the request.

**G. Procedure for Removing Designation**

The procedure followed for removing a designation shall be the same as that for initial designation.

**5.2.3. CERTIFICATE OF APPROPRIATENESS****A. Activities Requiring a Certificate****1. On Property Not in a Street or City Park**

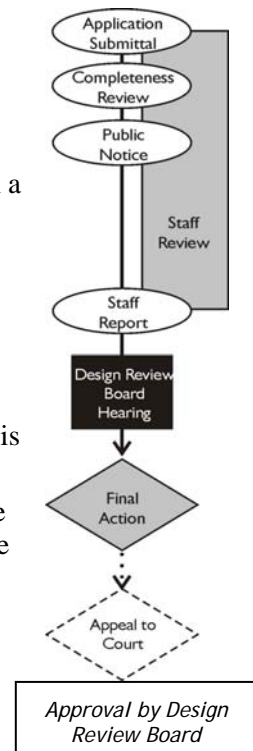
- a. A Certificate of Appropriateness may be required for alteration, construction, demolition, or relocation of property listed on the Aiken Historic Register visible from a public street right-of-way except that any change to a landmark may require a Certificate even if not visible. (Ord. 04142003A)
- b. For the purposes of this Chapter, an activity shall be considered visible even if hidden by vegetation or a fence. An alteration requires a Certificate even if the color, texture, and composition of the material (excluding paint) is not discernible from a street right-of-way.
- c. The Board may authorize the Planning Director to approve a Certificate for certain types of work with the concurrence of the Chairman.
- d. Either the Chairman or Planning Director may require approval by the Board of any Certificate for an activity deemed to be significant enough to warrant it or for any activity not specifically covered.

**2. In a Street (Including a Parkway). A Certificate of Appropriateness may be required for the following.**

- a. In a street (including a parkway) individually designated as an Historic Site (Ord. 04142003A): widening a street or the improved surface of a street or paving an unpaved street; or eliminating the parkway or providing parking areas thereon.
- b. In a street (including a parkway) within an Historic District or individually designated as an Historic Site (Ord. 04142003A): alteration, construction, demolition, or relocation of buildings, walls, fences, gates, and stone curbs.

**3. In a City Park Individually Designated as an Historic Site (Ord. 04142003A).**

A Certificate of Appropriateness shall be required for alteration, construction, demolition, or relocation of buildings, walls, fences, and gates.

**4. Vegetation.** For plant materials or trees individually designated as Historic Sites (Ord. 04142003A) or required as a condition of approval of a Certificate of Appropriateness, a Certificate shall be required for cutting down, destroying, relocating, or eliminating plant materials or trees.

**B. Activities Exempt from Certificate of Appropriateness**

A Certificate of Appropriateness shall not be required for the following.

1. Interior renovations.
2. Alteration, construction, demolition, relocation, or other work on a property not in a street or City park not visible from a street (see paragraph A above).
3. Exterior painting of previously painted structures.
4. Repairs, replacements, and routine maintenance that do not constitute alteration.
5. Installing, cutting down, destroying, relocating, pruning, or eliminating plant materials or trees not designated or required as a condition of a Certificate of Appropriateness.
6. Any work in a street that does not involve an activity listed in 5.2.3.A.2 or any work in a City Park that does not involve an activity listed in 5.2.3.A.3;
7. Any work on objects that the Planning Director determines are not structures because of their insignificance.

**C. Application for Certificate of Appropriateness**

1. Applications for Certificates of Appropriateness are available at the Planning Department, and completed applications shall be submitted to the Department. An application for a Certificate of Appropriateness must be made by an owner-of-record of the property or by an agent with written authorization to make such application.
2. Applications for a Certificate shall be accompanied by the following unless waived by the Secretary or otherwise specified on the application form provided by the Board.
  - a. Drawings, including plans and exterior elevations, drawn to scale, with sufficient detail to show the exterior architectural design of the structure.
  - b. Specifications or other information describing proposed materials and textures; samples of materials may be required by the Board.
  - c. Plot plan or site layout showing all existing structures and any improvements affecting appearances such as walls, walks, terraces, accessory buildings, signs, lights, plantings, and other elements.
  - d. Photographs of the site location, showing contiguous properties and streetscapes.
  - e. All other information requested by the Board.
3. Applicants for a Certificate of Appropriateness shall pay the standard fee set by the Secretary, which fee shall be subject to review and approval by the Board, to cover the reasonable administrative costs of processing such applications.
4. Where a variance or other approval is required for a project from the Board of Zoning Appeals, such approval shall be obtained prior to consideration of a request for a Certificate of Appropriateness by the Design Review Board.

**D. Public Hearing and Public Notice**

For any Certificate of Appropriateness application that it must consider, the Board shall conduct a public hearing not later than 30 days following receipt of a completed application form accompanied by all required information and documents. Public notice of each such public hearing shall be given at least seven days prior to the hearing by the posting of a sign by the City on each street frontage of the subject property clearly visible to the public stating the date, time, and place of the public hearing.

**E. Notice to Applicants and Owners**

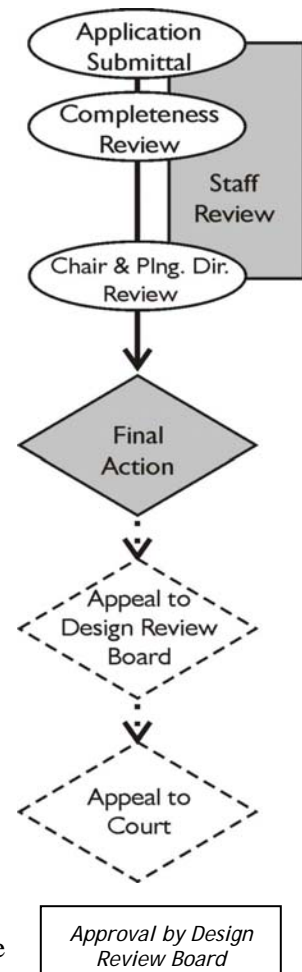
1. The Board shall give the applicant written notice of the public hearing on his application. This notice shall be sent by certified mail to the address listed on the application and shall be considered given when placed in the U.S. Post Office at Aiken, South Carolina with proper postage affixed.
2. If the applicant is not the owner, a copy of the letter providing notice shall be sent by certified mail to the owner-of-record. This notice shall be considered given when placed in the U.S. Post Office at Aiken, South Carolina with proper postage affixed.
3. The notices required by this Section shall state the identity, address, and telephone number of the applicant and property owner; the address or location of the subject property; and the time, place, and purpose of the hearing.

**F. Administrative Approval . (Ord. 04142003A)**

With the concurrence of the Chairman, the Planning Director may approve or amend Certificates of Appropriateness for the following activities on sites not owned by the City or may refer them to the Board for a decision.

1. Activities expressly authorized by the Board.
2. Minor design changes to projects for which a Certificate of Appropriateness has been issued by the Board. (Ord. 04142003A)
3. Extension of the expiration date of a Certificate of Appropriateness for an additional period not to exceed six months. (Ord. 04142003A)
4. Any alteration which would restore an original feature of a structure as proven through clear documentation. (Ord. 04142003A)
5. Anything not specifically covered by this Chapter that the Planning Director determines is not so significant as to impair or affect historic, architectural, or aesthetic character.

Such an application shall be considered by the Planning Director as soon as possible but not later than 15 days following receipt of a completed application form accompanied by all required information and documents. A public hearing or public notice shall not be required unless the application is referred to the Board. Applications referred to the



Board by the Planning Director must be considered within 30 days following receipt of the completed application form accompanied by all required information and documents.

#### G. Procedures Following Approval

If an application for a Certificate of Appropriateness is approved, the following apply.

1. The decision shall be filed with the Secretary and a Certificate of Appropriateness issued to the applicant. Specific conditions upon which the Certificate is issued and with which the applicant must comply shall be listed on the Certificate.
2. If an application is approved by the Board, the Certificate shall be signed by the Chairman, Vice-Chairman, or presiding member of the Board; if approved by the Planning Director, he shall sign the Certificate and shall notify the Board of the decision.
3. A copy of the Certificate and the approved application shall be provided to the Building Official and the Zoning Official who shall periodically inspect the work and report any violation of the Certificate or this Chapter to the Planning Director.
4. The Certificate shall expire two years from the date of issuance unless the work allowed thereunder has been substantially completed or unless another expiration date is specified by the Board or by the Planning Director pursuant to 5.2.3.F.3.

#### H. Denial of Application

1. **By the Planning Director.** If an application is denied by the Planning Director, the Director shall file his written decision with the Secretary including the reasons for denial, send a copy to the applicant by certified mail, and provide a copy to the Building Official and the Zoning Official and each Board member.
2. **By the Board.** If an application is denied by the Board, the following apply.
  - a. The Board shall file with the Secretary its written decision, which shall include a statement of the reasons for denial, and shall provide a copy of the statement to the applicant and to the Building Official, the Zoning Official, and each Board member within 15 days of the public hearing thereon.
  - b. The Board in its decision may make recommendations to the applicant concerning changes in the proposed action that may cause it to reconsider denial. The applicant may submit an amended application to the Secretary incorporating those recommendations. Such an amended application shall be subject to the same procedures as an initial application but is exempted from the limitations in 5.2.3.K.
  - c. The applicant may apply under 5.1.3 for an exemption.

#### I. Appeal

1. **From the Planning Director.** Any property owner, City official, or other person aggrieved by and seeking relief from any final decision of the Planning Director on an application for a Certificate of Appropriateness or interpretation of Chapter 5 and related provisions may appeal the decision of the Planning Director to the Design Review Board by submitting to the Secretary a written request stating the grounds for the appeal. The appeal request must be submitted to the Secretary within 20 days of the date on which the written decision is mailed to the applicant. The appeal shall meet the public notice requirements under 5.2.3.D, and it shall be

placed on the next Board meeting agenda for which public notice requirements can be met. An appeal must be decided within 45 days of submission of the written appeal request.

2. **From the Board.** Any property owner, City official, or other person aggrieved by and seeking relief from any final decision of the Board on an application for a Certificate of Appropriateness may appeal that decision to the Circuit Court pursuant to Section 6-29-900, Code of Laws of South Carolina, 1976, by filing a petition with the court within 30 days of the filing of the written decision of the Board with the Secretary.

#### J. Review Standards

1. **General.** In reviewing applications, the Board and the Planning Director shall consider the standards stated in this Chapter for the purpose of determining whether alterations, construction, demolitions, or relocations are in harmony with the prevailing historical, architectural, archeological, or aesthetic character of the Historic District, a structure in a Historic District, or an Historic Site, or a structure included in an Historic Site. (Ord. 04142003A)
2. **Construction and Alteration.** In reviewing an application for construction or alteration, the Board and the Planning Director shall consider general design, character and appropriateness of design, scale of buildings, texture and materials, relationship of such elements to similar features of structures in the immediate area, and the extent to which the alteration or construction would be harmonious with the Historic District or Historic Site in which it is located. (Ord. 04142003A) The Board and the Planning Director also shall consider the relevant standards and guidelines in the most current edition of the U.S. Secretary of the Interior's Standards for Rehabilitation.
3. **Demolition.** In reviewing an application for demolition, the Board and the Planning Director shall consider the historical, archeological, and aesthetic character of the structure (or portion thereof) proposed for demolition. They shall also consider: (1) the structural integrity (i.e., condition) of the structure and (2) the integrity of materials, location, and design of the structure. No application for demolition shall be approved solely on the basis of a structure's deteriorated condition where the Board determines that the applicant is primarily responsible for the deteriorated condition. Finally, the Board shall consider the extent to which demolition would, in the judgment of the Board, produce a detrimental effect upon the character of the structure or property affected or upon the surrounding properties, or upon the district in which the structure is located. No application for demolition of a Landmark shall be approved.
4. **Specific Guidelines.** The Board shall adopt additional guidelines, subject to review and approval by City Council, consistent with this Chapter for reviewing applications for a Certificate of Appropriateness.

#### K. Refiling of an Application

If an application for a Certificate of Appropriateness is denied, the application may not be considered by the Board again for one year unless the applicant can demonstrate to the Board a substantial change in circumstances relevant to the application.



**5.2.4. DEMOLITION OR RELOCATION****A. Certificate of Appropriateness Required**

1. No structure within an Historic District or Historic Site (Ord. 04142003A) shall be demolished or relocated until the owner thereof has applied for and received a Certificate of Appropriateness from the Board.
2. The Board may delay the granting of the Certificate for a period of up to 60 days from the time of the filing of the application. The Board may extend this postponement for another 180 days after a public hearing and finding by the Board that the structure or landmark is of historical, architectural, or archeological importance to the public or City of Aiken. Within any period of postponement, the Board shall endeavor to ascertain what may be done to preserve the structure or landmark. Such steps shall include, but are not limited to, consultation with civic groups, interested citizens, public interest groups, and public boards and agencies.
3. After the postponement period has ended and the Board has been unable to determine a reasonable alternative to demolition or relocation, the Certificate shall be granted after a public hearing, with the notice required by 5.2.3.D being given. However, if the Board finds that the structure contributes to the character of the Historic District or that the landmark is of historical, archeological, or architectural significance or that, for any other reason, preservation in the public interest is warranted, the application shall be denied. In the event of such denial, the owner may apply for an exception under 5.1.3.

**B. Demolition by Neglect**

The following provisions shall take effect six months after the effective date of this Ordinance.

1. **Prevention of Demolition by Neglect of Exterior.** No owner or person with an interest in real property which is designated an Historic Site (Ord. 04142003A) in any part of the city or any property in an Historic District, whether that property is occupied or not, shall permit the structure or property to fall into a serious state of disrepair or to remain in a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Board, produce a detrimental effect upon the character of the structure or property, or, if the structure or property is in an Historic District, upon the district. Examples of such deterioration include:
  - a. deterioration of exterior walls or other vertical supports;
  - b. deterioration of roofs or other horizontal members;
  - c. deterioration of exterior chimneys;
  - d. deterioration or crumbling of exterior stucco or mortar;
  - e. ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;
  - f. deterioration of any exterior feature so as to create a hazardous condition which could make demolition necessary for the public safety; or
  - g. deterioration or removal of any unique exterior architectural feature which would detract from the original architectural style.

2. **Prevention of Demolition by Neglect of Interior.** No owner or person with an interest in real property which is designated an Historic Site (Ord. 04142003A) in any part of the City, or any property in an Historic District, whether that property is occupied or not, shall permit the interior portions of such structure or property to fall into a serious state of disrepair which, in the judgment of the Board, produces a detrimental effect upon the structural integrity of such structure or property which could make demolition necessary for the public safety.

### **ARTICLE 3. OLD AIKEN OVERLAY**

#### **5.3.1. APPLICABILITY**

The Old Aiken Overlay District applies to land zoned Downtown Business (DB) and the area shown on the map adopted by City Council on April 14, 2008. The boundaries of the District shall be depicted on the Zoning Map. (Ordinance 04142008)

#### **5.3.2. CERTIFICATE OF APPROPRIATENESS**

##### **A. Activities Requiring a Certificate on Land Zoned Downtown Business**

On land zoned Downtown Business, a Certificate of Appropriateness shall be required for the following activities visible from a public street right-of-way:

1. the construction, alteration, demolition or relocation of a detached single-family dwelling; (Ord. 06262006)
2. the construction, alteration, demolition, or relocation of a multiple-unit residential building including one composed of attached single-family units;
3. the construction, alteration, demolition, or relocation of a building any portion of which is or would be occupied by a nonresidential use; and
4. any activity not specifically covered which either the Chairman of the Design Review Board or the Planning Director deems is significant enough to warrant approval.

##### **B. Activities Requiring a Certificate on Land Not Zoned Downtown Business**

On land zoned other than Downtown Business, a Certificate of Appropriateness shall be required for the following activities visible from a public street right-of-way:

1. the construction, demolition, or relocation of a detached single-family dwelling;
2. the construction, demolition, or relocation of a multiple-unit residential building including one composed of attached single-family units;
3. the construction, demolition, or relocation of a building any portion of which is or would be occupied by a nonresidential use; and
4. the alteration of an existing building where the cost of such alteration within a one-year period exceeds 50% of the appraised value of the building as set by the Aiken County Tax Assessor, or any other State or local government entity or official with authority to do so, or by the Building Official for a building that is tax-exempt.

No approval shall be required for any work involving an accessory building associated with a residential use and not used for commercial purposes, including, but not limited to, a shed or garage. (Ord. 04142008)

**C. Administrative Approval**

The Board may authorize the Planning Director to approve a Certificate for certain types of work with the concurrence of the Chairman.

**D. Activities Exempt from Certificate of Appropriateness**

1. On land zoned Downtown Business, the provisions at 5.3.2.A apply except that painting of any surface requires a Certificate.
2. On land zoned other than Downtown Business, any work not specifically requiring a Certificate as set forth at 5.3.2.B shall be exempt.

**E. Application for Certificate of Appropriateness**

The provisions at 5.2.3.C apply.

**F. Public Hearing and Public Notice**

The provisions at 5.2.3.D apply.

**G. Notice to Applicants and Owners**

The provisions at 5.2.3.E apply.

**H. Administrative Approval**

The provisions at 5.2.3.F apply.

**I. Procedures Following Approval**

The provisions at 5.2.3.G apply.

**J. Denial of Application**

The provisions at 5.2.3.H apply.

**K. Appeal**

The provisions at 5.2.3.I apply.

**L. Review Standards**

In reviewing applications, the Board and the Planning Director shall use the Old Aiken Architectural Design Guidelines as adopted by City Council. Where a determination is needed as to which standards apply, the Board Chairman and Planning Director shall decide unless they do not agree in which case the final decision shall be made by the Board. (Ord. 06262006)

**M. Refiling of an Application**

The provisions at 5.2.3.K apply.

**5.3.3. DEMOLITION OR RELOCATION**

The provisions at 5.2.4 apply to any structure in the Old Aiken Overlay District.



## CHAPTER 6. APPROVAL PROCEDURES

### ARTICLE 1. GENERAL

#### 6.1.1. CONFORMITY WITH ZONING ORDINANCE

Every official and employee of the City of Aiken, South Carolina vested with the duty or authority to issue a building permit, grading permit, or business license shall not issue a permit or license for any use, building, or purpose that conflicts with any provision of this Ordinance. Any permit or license or certificate issued in conflict with the provisions of this Zoning Ordinance shall be null and void.

#### 6.1.2. OPTIONAL PREAPPLICATION CONFERENCE

Prior to the submission of any application required by this Ordinance, a potential applicant may request an optional preapplication conference to discuss procedures, standards, or regulations required by this Ordinance. Upon receipt of such request, the Planning Director, Zoning Official, or Building Official, as appropriate, shall afford the potential applicant an opportunity for such a preapplication conference at the earliest reasonable time.

#### 6.1.3. APPLICATION SUBMITTAL

##### A. Application to Building Official

Plans and applications for the following review shall be submitted to the Building Official:

1. Building permits;
2. Certificates of Occupancy; and
3. Telecommunication facility plans for an antenna on an existing structure, a replacement tower, or a new tower.

##### B. Application to Planning Director

All other applications and plans submitted for review under this Ordinance shall be submitted to the Planning Director.

##### C. Application Forms and Fees

The following regulations shall apply to all applications.

1. **Forms.** Applications shall be submitted on forms and in such numbers as required by the City.
2. **Primary Contact.** For all applications, a single agent shall be identified for all official communications with the City. The agent may be either the applicant or a representative of the applicant. If a contact is not specified, the applicant shall be considered the primary contact.
3. **Fees.** Filing fees shall be established from time to time by the City Manager, as set forth in Sec. 2-63.1 of the Aiken Code, to defray the actual cost of processing the application.

#### D. Application Deadlines

1. Applications for which no public hearing is required shall have no application deadlines.
2. All applications for which a public hearing is required shall be completed and submitted to the appropriate official prior to the meeting at which the permit or approval will be considered in accordance with the following table unless waived by the Planning Director.

Permit or Approval Subject to Review By:	Application Deadline
Building Official, Zoning Official, or Planning Director Only	No deadline
Planning Commission	35 days prior to meeting
Board of Zoning Appeals	35 days prior to meeting
Design Review Board	14 days prior to meeting

#### E. Complete Application Required

1. **Review by City.** The Building Official or Planning Director shall have five working days from receipt of the application to confirm that all the required items have been submitted, except for applications required by Chapter 5.
2. **Incomplete Applications.**
  - a. If the application is not complete, the reviewing official shall inform the applicant in writing within the five-day period specifying the ways in which the application is incomplete. This notification shall be considered complete when the letter is mailed.
  - b. Following notification in writing that an application is incomplete, the applicant shall have 60 days during which to provide the requested materials and complete the application. Any application for which additional materials have not been forthcoming during this 60-day period shall be considered withdrawn unless the time period is extended by mutual agreement between the City and the applicant.

#### F. Waiver of Application Requirements

The Building Official and Planning Director shall have the authority to waive any application requirements that do not apply to a proposed project or approval.

**6.1.4. PUBLIC NOTICE FOR PUBLIC HEARING****A. Summary**

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

Procedure	Published	Posted	Mailed
Street Name Change	✓		✓
Public Project Review	✓	✓	✓
Text Amendment	✓		
Map Amendment (Rezoning)	✓	✓	✓
Designation of or Amendment to Planned Residential (PR), Planned Commercial (PC), or Planned Institutional District (PI)	✓	✓	✓
Special Exception Review	✓	✓	✓
Variance	✓	✓	✓
Designation to Aiken Historic Register	See Chapter 5		
Certificate of Appropriateness	See Chapter 5		

**B. Types of Notice**

1. **Published Notice.** For each application requiring a public hearing, a public notice shall be placed in a local newspaper of general circulation within the City not less than twenty days prior to each such hearing for the purpose of notifying the public.
2. **Posted Notice.** For each application requiring a public hearing, a public notice sign shall be posted not less than twenty days prior to such hearing on the subject property in a location clearly visible from each adjacent street. Where more than one lot is involved in an application, the Planning Director shall determine the number and location of required public notice signs.
3. **Mailed Notice.**
  - a. The City shall provide notice via U.S. mail to:
    - i. owners of property contiguous to or across a street or railroad right-of-way from the subject property; and
    - ii. any and all parties, including homeowners' and condominium associations, who register with the Planning Director to receive such notice.
  - b. Notice shall be sent not less than 20 days prior to the public hearing. The notice shall be considered given when placed in the U.S. Post Office at Aiken, South Carolina with proper postage affixed.

**C. Content of Notices**

1. **Published or Mailed Notice.** A published or mailed notice shall provide at least the following information:
  - a. the general location of land that is the subject of the application;
  - b. street address, where applicable;
  - c. the nature of the application;
  - d. the time, date, and location of the public hearing;
  - e. a phone number to contact the City; and
  - f. a statement that interested parties may appear at the public hearing.
2. **Posted Notice.** Required posted notices shall indicate the following:
  - a. the nature of the application;
  - b. the time, date, and location of the public hearing; and
  - c. a phone number to contact the City.

**6.1.5. PUBLIC NOTICE FOR CITY COUNCIL PUBLIC HEARING**

For every annexation, rezoning, or utility request before Aiken City Council affecting a particular piece of property that is the subject of a recommendation from the Planning Commission, notice of the public hearing before City Council on such matter shall be given to the public by the posting of a sign at least 13 days prior to the public hearing on the subject property clearly visible from each street adjacent to the particular piece of property. The notice shall set forth the following statement: “You are hereby notified that the date of the public hearing may be changed by City Council to a later date. Interested persons should contact the City Manager’s Office at 642.7654 prior to the date of the public hearing to confirm the actual hearing date.” (Ord. 06092003) (Ord. 11082004B)

**6.1.6. WRITTEN DECISIONS REQUIRED**

Within 25 days after a final decision is made by the Planning Commission under the requirements of this Chapter, a copy of the written decision shall be sent to the applicant, or appellant, by certified mail. A copy of the notice shall be filed in the office of the Planning Director or Building Official, as appropriate, where it shall be available for public inspection during regular office hours. No later than 48 hours after its next regularly scheduled meeting after a final decision has been made by the Board of Zoning Appeals under the requirements of this Chapter, a copy of its written decision, signed by the Board members present and voting on the agenda item, at the prior meeting, shall be sent to the applicant, or appellant, by certified mail. The original written decision shall be filed in the Office of the City Clerk for permanent retention, as appropriate. (Ord. 02092004D)

**6.1.7. TIME LIMITS FOR RESUBMISSION OF APPLICATIONS**

In the event that any application is denied or disapproved by the City staff, Planning Commission, City Council, or Board of Zoning Appeals, an application for the same request shall not be refiled for one year from the date of mailing of the notice of denial. The Planning Director or Building Official, as appropriate, upon petition by the applicant, may permit the refile of an application prior to the end of the one-year period upon a determination that significant physical, economic, or land use changes have taken place on the subject tract or within the immediate vicinity, or a significant text amendment to this Ordinance has been adopted.



**6.1.8. EXPIRATION OF PERMITS AND APPROVALS****A. General**

All permits and approvals shall expire as set forth in each specific procedure in Article 2 of this Chapter, without further action of the Planning Director, Building Official, Board of Zoning Appeals, Historic Preservation Commission, Planning Commission, or City Council, as may be applicable, except as set forth in paragraph B below.

**B. Exceptions**

The expiration or approvals and permits shall follow paragraph A above except where one of the following applies.

1. A specific time period during which the permit or approval shall remain valid is expressly set forth in the permit or approval; or
2. A specific time period during which a specific action that must be undertaken by the holder of the permit or approval is expressly set forth in the permit or approval; or
3. The holder of the permit or approval either submits a complete application for the appropriate subsequent permit or approval; or, if no subsequent permit or approval is required, completes the work described in the permit or approval within the time-frames established.

**C. Diligent Pursuit of Subsequent Applications**

1. An applicant who submits an appropriate subsequent application for a permit or approval must diligently pursue approval of such application, which means, at a minimum, the following.
  - a. Submission of any required additional materials, upon notification of incompleteness by the Planning Director or Building Official, within the time-frame specified in the notice of incompleteness, unless an extension of time is mutually agreed upon by the applicant and the Planning Director or Building Official; and
  - b. Timely pursuit of administrative remedies, where applicable, as established within this Chapter.
2. Expiration of a permit or approval, including a building permit, shall invalidate previously issued permits or approvals that have exceeded their own respective time limits.

**6.1.9. VESTED RIGHTS****A. General**

1. Pursuant to South Carolina Code Section 6-29-1510, *et. seq.*, a vested right is hereby established for two years upon the approval of a site specific development plan as evidenced by the issuance of an approved site plan by the Planning Department.
2. At least sixty (60) days prior to the end of the vesting period, the landowner of real property with a vested right may apply to the Planning Director for an annual extension of the vested right. The Planning Director must approve applications for at least five annual extensions of the vested right unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval.

## B. Conditions and Limitations on Vested Rights

A vested right established by this article and in accordance with the standards and procedures in the land development ordinances or regulations is subject to the following conditions and limitations:

1. if City Council establishes a vested right for a phased development plan, a site specific development plan may be required for approval with respect to each phase in accordance with regulations in effect at the time of vesting;
2. a vested right established under a conditionally approved site specific development plan or conditionally approved phased development plan may be terminated by the City Council upon its determination, following notice and public hearing, that the landowner has failed to meet the terms of the conditional approval;
3. a site specific development plan or phased development plan for which a variance, regulation, or special exception is necessary does not confer a vested right until the variance, regulation, or special exception is obtained;
4. a vested right for a site specific development plan expires two years after vesting;
5. a vested site specific development plan or vested phased development plan may be amended if approved by the City Council pursuant to the provisions of the land development ordinances or regulations;
6. 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;
7. a vested right to a site specific development plan or phased development plan is subject to revocation by the City Council upon its determination, 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;

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 and 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, and mechanical codes in force at the time of the issuance of the building permit;

8. a vested site specific development plan or vested phased development plan is subject to later 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;
9. 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;
10. if real property having a vested site specific development plan or vested phased development plan is annexed, the governing body of the municipality to which the real property has been annexed must determine, after notice and public hearing in

which the landowner is allowed to present evidence, if the vested right is effective after the annexation; and

11. a City Council must not require a landowner to waive his vested rights as a condition of approval or conditional approval of a site specific development plan or a phased development plan.

### **C. Vested Right Attaches to Real 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 article may rely upon and exercise the vested right for its duration subject to applicable federal, state, and City laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. This article does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This article does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act. (Ord. 06132005H)

**ARTICLE 2. PROCEDURES****6.2.1. SUMMARY OF DEVELOPMENT REVIEW PROCEDURES**

The following Table summarizes the development review procedures of the City of Aiken. In case of conflict between this table and the individual procedures, the text of the procedures shall control.

		Building Official	Planning Director	Design Review Board	Planning Commission	City Council	Board of Zoning Appeals	Court of Common Pleas
<b>Approval by Building Official</b>								
6.2.3	Building Permit	■						
6.2.4	Certificate of Occupancy	■					◆	
6.2.5	Telecommunication Facility Plan	■					◆	
<b>Approval by Planning Director</b>								
6.2.2	Written Interpretation		■				◆	
6.2.6	Sign Permit		■				◆	
6.2.7	Conditional Use Permit		■				◆	
6.2.8	Certificate of Compliance		■				◆	
6.2.9	Site Plan Review		■				◆	
6.2.10	Landscape Plan		■				◆	
5.2.3 5.3.2	Minor Certificate of Appropriateness		■	◆				
<b>Approval by Planning Commission</b>								
6.2.11	Street Name		●		■	◆		
6.2.12	Public Project Review		●		■			◆
<b>Approval by City Council</b>								
6.2.13	Historic Designation		●	□	□	■		◆
6.2.14	Rezoning		●		□	■		◆
6.2.15	Text Amendment		●		□	■		◆
6.2.16	Planned Residential (PR), Planned Commercial (PC), Planned Institutional (PI)		●		□	■		◆
6.2.17	Attached Single-Family Residential		●		□	■		◆
<b>Approval by Board of Zoning Appeals</b>								
6.2.18	Special Exception		●				■	◆
6.2.19	Variance		●				■	◆
6.2.20	Administrative Appeal						■	◆
<b>Approval by Design Review Board</b>								
5.2.3 5.3.2	Major Certificate of Appropriateness		●	■				◆

KEY: ● Review/Report

□ Public Hearing/Recommendation

■ Final Approval

◆ Appeal

### 6.2.2. WRITTEN INTERPRETATION

#### A. Authority

The Planning Director shall have authority to make written interpretations of this Ordinance.

#### B. Request for Interpretation

A written request for interpretation shall be submitted to the Planning Director.

#### C. Interpretation by Planning Director

1. The Planning Director shall take the following steps within 15 days of receipt of a written request for interpretation.
  - a. Review and evaluate the request in light of the text of this Ordinance, the Official Zoning Map, the Comprehensive Plan, and any other relevant information;
  - b. Consult with other staff, as necessary; and
  - c. Render an opinion.
2. The interpretation shall be provided to the applicant in writing by mail.

#### D. Official Record

The Planning Director shall maintain an official record of interpretations which shall be available for public inspection during normal business hours.

#### E. Appeals

Appeals of written interpretations shall be made to the Board of Zoning Appeals within 30 days of mailing of the interpretation in accordance with the procedures in 6.2.20.

### 6.2.3. BUILDING PERMIT

#### A. Application Requirements

1. In addition to any other requirements determined by the Building Official, all applications for building permits shall be accompanied by plans in duplicate, drawn to a scale of not less than 1/8"=1 foot, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed building or structure, and the exact size and location of any existing buildings or structures on the lot.
2. Plans shall show the existing or proposed use of each building or part of building, and such other information with regard to the building or lot, parking areas, distances from nearby buildings, or neighboring lots as may be necessary to determine compliance with this Ordinance.
3. One copy of such plans shall be returned to the owner or agent when approved by the Building Official.

**B. Approval Process**

The Building Official shall approve or deny a building permit application within 15 working days of receipt of all required information. Such permit shall not be issued without the approval of the Planning Director.

**C. Expiration of Approval**

1. Work described in any building permit that has not begun within six months from the date of issuance of the permit shall cause the permit to expire and be of no further effect. In such cases, no further work shall occur until a new building permit or an extension has been obtained.
2. If, after substantial commencement of construction, work is discontinued or no substantial work has occurred for a period of six months or more, the building permit shall expire and be of no further effect. In such cases, no further work shall occur until a new building permit or an extension has been obtained.
3. The Building Official shall have the authority to grant one extension not to exceed 90 days.

**6.2.4. CERTIFICATE OF OCCUPANCY**

**A. Applicability**

A Certificate of Occupancy shall be required for any of the following.

1. Occupancy and use of a building hereafter erected or enlarged; or
2. Change in use of an existing building to a different Use Category as set forth in Chapter 3; or
3. Any change in a nonconforming use.

**B. Unlawful to Occupy Without Valid Certificate of Occupancy**

No such occupancy, use, or change of use shall take place until the Certificate of Occupancy has been issued by the Building Official. No Certificate of Occupancy shall be issued for any development, or phase thereof, where a Certificate of Compliance is required by 6.2.8 until such Certificate of Compliance has been issued.

**C. Temporary Certificate of Occupancy**

Pending the issuance of a permanent Certificate of Occupancy, a temporary Certificate may be issued. The temporary Certificate shall be valid for a period established by the Building Official not to exceed a maximum of 120 days pending completion of an addition or during partial occupancy of a structure.

**D. Expiration**

1. A Certificate of Occupancy shall not expire.
2. A temporary Certificate of Occupancy shall expire no later than 120 days after issuance.

### E. Appeals

A decision on a Certificate of Occupancy may be appealed not later than 30 days after the decision to the Board of Zoning Appeals in accordance with 6.2.20.

## 6.2.5. TELECOMMUNICATION FACILITY PLAN REVIEW

### A. Applicability

The application and review procedures in this Section, along with the conditions in 3.3.22, Telecommunications Facilities, shall apply to all such facilities located within the City limits.

### B. Who May Apply

The property owner or an agent with written authorization from all owners of record may apply.

### C. Application Requirements

1. An application accompanied by a fee set by the City Manager (in order to defray the cost of technical review) for an antenna on an existing structure, replacement of an existing tower, or a new tower shall be submitted to and reviewed by the Building Official. The applicant shall provide such information deemed necessary by the Building Official.
2. All telecommunication facilities must submit an application accompanied by a fee set by the City Manager (in order to defray the cost of technical review) to the Planning Director, along with the following documents, if applicable.
  - a. One copy of typical specifications for proposed structures and antennas, including description of design characteristics and materials.
  - b. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, parking, fences, landscape plan, existing land uses on adjacent property, and significant and Grand trees to be affected.
  - c. Photographs or elevation drawings depicting typical design of proposed structures.
  - d. A current map showing locations of applicant's existing and proposed antennas and towers in Aiken County.
  - e. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 standards (latest revision), and a determination of the fall zone.
  - f. Identification of the owners of all antennas and equipment to be located on the site.
  - g. If the applicant is not the owner, written authorization from the site owner for the application.
  - h. Evidence that a valid FCC license for the proposed activity has been issued.

- i. A written agreement to allow other users to co-locate on the tower and documentation that the tower will be designed to allow it.
- j. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
- k. Evidence that applicable conditions in 3.3.22.B will be met.
- l. Additional information as required by the Planning Director or Building Official.

#### D. Technical Review

1. **Engineering Certification.** The applicant must submit the following information to the Building Official.
  - a. A certificate from an engineer registered in South Carolina that the proposed facility will contain only equipment meeting Federal Communication Commission rules and will be operated in accordance therewith.
  - b. Certification that the new tower is designed to accommodate additional antennas equal in number to applicant's present and future requirements.
  - c. Written indemnification of the City and proof of liability insurance or financial ability to respond to claims of up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the City, in form approved by the City Attorney.
2. **Engineering Review.** City Council may retain an engineer licensed in South Carolina to review any telecommunication plan application or determine whether a suitable alternate location for a tower or antenna is available.

#### E. Approval Process

The Building Official shall have authority to approve Telecommunication Facility Plans, although special exception approval by the Board of Zoning Appeals is also required in some districts (see the Use Tables in Chapter 3, Article 1). The decision on approval by the Building Official must be granted within 45 days of submission of a completed application unless a variance is required or an extension of time is granted in writing by the applicant. In accordance with the Telecommunications Act of 1996, denial of an application for a telecommunications facility shall be supported by substantial evidence explained in a letter to the applicant sent certified mail within two business days of the decision.

#### F. Expiration of Approval

Approval of a Telecommunication Facility Plan pursuant to this Ordinance shall expire two years from the date of final approval by the City.

#### G. Appeals

Appeals of administrative decisions made by the Building Official shall be made to the Board of Zoning Appeals within 30 days of mailing of the decision, in accordance with the procedures in 6.2.20. An applicant may appeal the following.



1. Denial of permit by the Building Official, which includes failure to act within 45 days on an application that is determined to be complete, unless extended by mutual agreement.
2. Requests for variances from the general district regulations and setback requirements, but not from any other conditions in this Section.

#### 6.2.6. SIGN PERMIT

##### A. Applicability

1. This Section shall apply to any sign located within the City limits except for those signs specifically exempted in 4.4.2.
2. **Sign Alterations Exempt from Permit.** A permit is not required prior to engaging in sign alterations if such alterations involve only:
  - a. The changing of copy on a sign designed for changeable copy;
  - b. The painting or refinishing of the surface of a sign face or sign structure of a permitted sign so as to maintain the appearance as approved on the date such sign received a permit; or
  - c. The changing of any tenant panels on a permitted directory sign provided such tenant panel matches the approved design.

##### B. Who May Apply

The property owner or an agent with written authorization from all owners-of-record may apply.

##### C. Application Requirements

The following information shall be submitted with an application for a sign permit unless waived by the Planning Director.

1. A complete application form as approved by the Planning Director and appropriate fee.
2. A scaled plan and drawings showing front and side elevations of the sign as proposed.
3. For freestanding signs, a survey showing property lines; proposed sign location; a landscaping and lighting plan or a written statement stating there will be none; and any existing site improvements.
4. For facade signs, a scaled drawing showing the entire facade or tenant space facade, the proposed sign location, and any existing facade signs.
5. Such other information as the Planning Director may require to verify compliance with all applicable requirements.

### D. Approval Process

The Planning Director shall approve any sign that meets the requirements of Chapter 4, Article 4. If the application for a sign permit is denied, the applicant shall be notified in writing by certified mail within 15 days.

### E. Expiration of Approval

A sign permit shall expire 180 days from the date of its issuance unless the sign and all items required by the permit have been completed in compliance with the permit. The Planning Director shall have the authority to grant one extension not to exceed 60 days.

### F. Appeals

A decision on a sign permit may be appealed not later than 30 days after the decision to the Board of Zoning Appeals in accordance with 6.2.20.



## 6.2.7. CONDITIONAL USE PERMIT

### A. Applicability

A conditional use permit is a permit issued by right for a use subject to listed conditions (see the Use Tables in Chapter 3, Article 1). Every conditional use is subject to special conditions set forth in Chapter 3, Article 3.

### B. Who May Apply

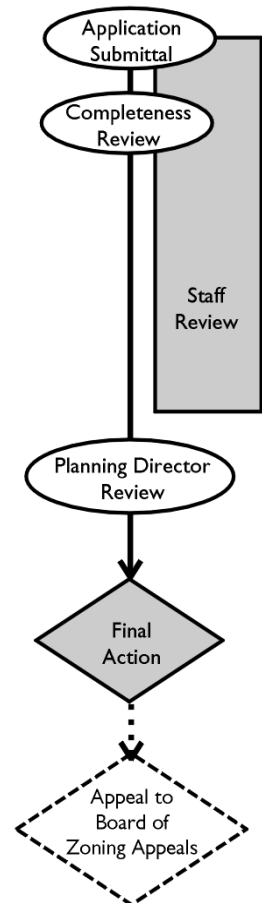
The property owner or an agent with written authorization from all owners-of-record may apply.

### C. Application Requirements

Application for a conditional use permit shall follow the procedure for obtaining a building permit set forth in 6.2.3. Where a site plan is required by 6.2.9, the site plan review procedures shall apply prior to application for a building permit. Any special requirements or conditions set forth in Chapter 3, Article 3 shall be met prior to the issuance of any building permit.

### D. Approval Process

1. **When a Site Plan is Required.** Where site plan review is required (see 6.2.9), the Planning Director shall approve the site plan and so advise the applicant in writing. A determination by the Planning Director that all requirements and provisions have not been satisfied shall result in disapproval of the site plan, notice of which shall be provided to the applicant in writing. The Planning Director shall notify the applicant within 30 days of receipt of a complete application.



2. **When a Site Plan is Not Required.** Where no site plan review is required, the Planning Director shall approve or deny a conditional use permit application within 15 working days of receipt of all required information.

#### E. Expiration of Approval

A conditional use permit shall expire two years from the date of final approval by the City.

#### F. Approval is Site-Specific

A conditional use permit is specific to the site identified as part of the approval process, and all conditions and approvals shall run with the land unless otherwise stated in the approval.

#### G. Appeals

Appeal of a decision regarding a conditional use permit shall be made to the Board of Zoning Appeals within 30 days of mailing of the decision, in accordance with the procedures in 6.2.20.

### 6.2.8. CERTIFICATE OF COMPLIANCE

#### A. Applicability

1. This Section applies to development that has obtained site plan approval or a prior development permit. No Certificate of Occupancy shall be issued for any development, or phase thereof, where a Certificate of Compliance is required by this Section until such Certificate of Compliance has been issued.
2. The development, or an approved phase, may not be occupied or used until a Certificate of Compliance has been obtained from the Planning Director. Approved phase for purposes of this Section shall be a phase approved through the site plan review process, or a phase approved by the Planning Director prior to a request for an inspection for a Certificate of Compliance. In order for a phase to receive a Certificate of Compliance, that phase must be able to function alone with all required infrastructure, including, but not limited to, access drives, parking, drainage facilities, utilities, and required landscaping.

#### B. Approval Process

1. The Planning Director shall verify with the City Engineer that construction has occurred in accordance with submitted plans for roads, parking, drainage systems and utilities, DHEC permits to operate water and sewer systems, and acceptance of completed water and sewer lines for permanent ownership, operation and maintenance. The Planning Director shall also verify with the City Horticulturist that compliance with the approved landscape plan, or submission of an approved performance guarantee, has occurred.



2. Following verification in accordance with paragraph 1 above, the Planning Director shall schedule and conduct a final inspection to verify compliance with all applicable provisions of this Ordinance, requirements of subdivision approval, site plan approval or permit, and any other applicable approval.
3. Upon determination of compliance, the Planning Director shall issue a Certificate of Compliance to the applicant within 15 days of receipt of all required information. A determination by the Planning Director that all requirements and provisions have not been satisfied shall result in disapproval, notice of which shall be provided to the applicant in writing.

#### C. Temporary Certificate of Compliance

1. At the discretion of the Planning Director, a Temporary Certificate of Compliance may be issued for a period not to exceed six months.
2. No Temporary Certificate of Compliance shall be issued for a development, or approved phase thereof, unless it meets both of the following conditions.
  - a. Development is substantially complete and the site is in a safe, accessible and useable condition; and
  - b. Development surety in an amount adequate to cover the cost of any incomplete improvements has been provided to the City.

#### D. Expiration

1. A Certificate of Compliance shall not expire.
2. A Temporary Certificate of Compliance shall expire no later than six months after issuance.

#### E. Appeals

Appeal of a decision regarding a Certificate of Compliance shall be made to the Board of Zoning Appeals within 30 days of mailing of the decision, in accordance with the procedures in 6.2.20.

### 6.2.9. SITE PLAN REVIEW

#### A. Applicability

1. All proposed development shall be subject to site plan review by the Planning Director, unless expressly exempted in paragraph B below.
2. For all development requiring site plan review by the Planning Director, simultaneous review by the Building Official may occur; however, no building permit shall be issued until site plan approval has been granted.

#### B. Development Exempt from Approval

The following activities or uses shall be exempt from site plan review although they may be reviewed under other administrative procedures where noted in this Section or other sections of this Ordinance.

1. **Public Projects.** The construction of any public street or utility service line, whether publicly or privately owned; such public project plans shall be submitted

and reviewed by the Planning Director under a separate administrative procedure consistent with State law as specified in 6.2.12.

2. **Maintenance.** Maintenance of any structure.
3. **Agriculture.** The use or intended use of land, with or without accessory structures, for purposes of agriculture, raising of crops or animals, forestry, and similar uses, except for intensive agriculture.
4. **Single-Family Residences.** A detached single-family dwelling on a single lot, and, where permitted, a manufactured home not located in a manufactured home park.
5. **Accessory Structures Integral to Permitted Development.** The Planning Director may waive the site plan review requirement for any accessory structure or use, whether temporary or permanent.
6. **Renovation or Improvement.** Any renovation or improvement that does not involve an increase in impervious surface area (paved or roofed area or other surfaces that do not absorb water).

#### C. Who May Apply

The property owner or an agent with written authorization from all owners-of-record may apply.

#### D. Application Requirements

A site plan review application shall be considered complete when the following items have been submitted (unless expressly waived by the Planning Director).

1. **Application Form and Fee.** A complete application form as approved by the Planning Director and appropriate fee.
2. **Certification of Owner Consent.** Certification, written and signed by the property owner-of-record, that such owner formally consents to the proposed development.
3. **Properly deed.** If necessary, a copy of the deed for the subject property.
4. **Written Narrative.** If necessary, a written narrative outlining the following.
  - a. The nature and details of the proposed development.
  - b. If the proposed site plan is a phase of a previously approved multi-phase plan or PR concept plan, a description of how such phase relates to such plan, in whole or in part.
  - c. The proposed form of ownership of the development (e.g. fee simple, horizontal property regime, property owner association, etc.) and detailed provisions for maintenance responsibility for all improvements, including, but not limited to, streets, parking areas, bikeways, pedestrian ways, storm drainage facilities, water and sewer systems, and landscaping and open space areas.
  - d. Any proposed dedication of improvements to any public agency, specifying such improvements and the affected agencies.
  - e. Any other information necessary to further clarify the proposed development.

5. **Site plan.** A final site plan or set of plans in a quantity set by the Planning Director at a minimum scale of 1"=30' or other appropriate scale showing the following (unless waived by the Planning Director).
  - a. Name of development;
  - b. Graphic scale;
  - c. Date of drawing and date of any revisions;
  - d. Vicinity sketch showing the general site location and depicting vehicular access routes accurately referenced to the nearest public road;
  - e. Topographic survey at one-foot contour intervals, or other topographic information acceptable to the City Engineer, unless waived by the City Engineer;
  - f. All existing permanent structures and facilities within 50 feet of the subject property;
  - g. All existing and proposed easements within 50 feet of the subject property;
  - h. Proposed site development, including land uses, any building or other structure locations and gross floor area, number and dimension of manufactured housing spaces, street, driveway, bike and pedestrian way, parking area layouts, interconnections with off-site facilities, and freestanding sign locations, if applicable. The plan view of buildings shall show limits of roofed areas and indicate the exterior wall line dimensioned to property lines;
  - i. Lighting standards (including height and intensity);
  - j. Location of proposed drainage system, including off-site areas of interconnection;
  - k. Location of proposed water and sanitary sewer system, including off-site areas of interconnection;
  - l. Location of other proposed waste disposal systems, including solid waste collection areas;
  - m. Table indicating calculations for required parking;
  - n. Location and dimensions for parking, handicapped accessible spaces, and off-street loading areas, where applicable;
  - o. Location of other utilities such as electrical, telephone, natural gas, and cable television;
  - p. Location of proposed open space areas;
  - q. Location of proposed buffer areas;
  - r. Zoning of the site, including overlay zones;
  - s. Where applicable, surveyed delineation of any wetland area and required buffers or other delineation of a natural feature on the site which is protected or defined under provisions of this Ordinance;
  - t. Notation as to FEMA/FIRM flood zones covering the site and proposed first floor elevation of all buildings; and
  - u. Fire hydrants and fire lanes.

6. **Landscape Plan.** Proposed landscape plan as required in 6.2.10.
7. **Development Phasing Plan.** A plan indicating the contemplated phasing of the proposed development, including the following.
  - a. A map depicting proposed phases at a minimum scale of 1"=100' or other appropriate scale acceptable to the Planning Director.
  - b. A schedule report, listing by each proposed phase (as applicable) the number of residential units by type, number of hotel rooms, amount of gross building square footage for all nonresidential uses by type, expected type of open space improvements, and public improvements to be dedicated to any governmental or other public agency.
8. **Approvals, Certifications, and Recommendations.** Copy of approvals, certifications, and recommendations required by all appropriate City, County, State, and federal regulations for the proposed development, and documentation of compliance with such, as applicable, including, but not limited to the following.
  - a. South Carolina Department of Health and Environmental Control approval of water and sewer system design, where applicable.
  - b. South Carolina Department of Health and Environmental Control air, water quality, or solid waste permit.
  - c. Approval by providers of electric, natural gas, telephone, or cable television of the utility service and layout shown on the site plan.
  - d. South Carolina Department of Transportation encroachment permit, if necessary.
9. **Offers of Dedication to Public Ownership.** Any offers of dedication to public ownership and permanent public maintenance of improvements, such as streets, drainage systems, parks, pathways, etc., including the proposed manner of such dedication.
10. **Legal Documents.** Draft easements and other legal documents pertaining to the operation and management of the proposed development if required by any other provisions of this Ordinance.
11. **Other Requirements.** Any other items specifically required of a site plan application by any other provisions of this Ordinance, or other information deemed necessary for review by the Planning Director.

#### E. Approval Process

If the proposed site plan is determined by the Planning Director to be consistent with all applicable provisions of this Ordinance, the Planning Director shall approve the site plan and so advise the applicant in writing. A determination by the Planning Director that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan, notice of which shall be provided to the applicant in writing. The Planning Director shall notify the applicant within 30 days of receipt of a complete application.



**F. Maximum Review Period for Site Plan**

1. **Failure to Act.** Once an application for review of a site plan is considered complete according to 6.1.3.E, failure by the City to act within 60 days shall constitute approval of the plan, as set forth in Section 6-29-1150 of the Code of Laws of South Carolina.
2. **Authorization to Proceed.** A letter of approval, copy of the site plan signed by the Planning Director, or other authorization to proceed shall be sent by the Planning Director to the applicant within this 60-day period. If the plan is not approved, a written statement detailing the deficiencies shall be sent within the required 60-day period.
3. **Extensions.** The 60-day time period may be extended by mutual agreement between the Planning Director and the applicant.

**G. Expiration of Approval**

1. The applicant shall have two years following approval of the site plan to submit a complete building permit application or, if no building permit is required, to obtain a Certificate of Compliance, or the site plan approval shall expire.
2. For any project where more than one building is to be built, the applicant may submit a series of building permit applications. The first application must be submitted within two years from the date site plan approval is granted. Each subsequent application must be submitted within 180 days from the date of issuance of a Certificate of Compliance or Certificate of Occupancy for the previous building, whichever shall occur first. The lapse of more than 180 days shall cause the expiration of the site plan approval.

**H. Appeals**

Appeals of administrative decisions shall be made to the Board of Zoning Appeals within 30 days of mailing of the decision, in accordance with the procedures in 6.2.20.

**6.2.10. LANDSCAPE PLAN REVIEW**

**A. Applicability**

1. **Project Area.** Except as set forth in paragraph 3. below, only the actual project area shall be used as the basis in determining compliance with this Section and the standards in Chapter 4, Article 6.
2. **New Project.** Landscape plan approval pursuant to this Ordinance shall be required for the following.
  - a. The project area of a multifamily residential or commercial development.
  - b. Conversion of a site from single-family residential use to any multifamily residential or commercial use.
  - c. Any off-street parking area in any zoning district, except for such an area for a detached single-family residential use with individual lots.
3. **Renovation or Expansion of an Existing Development.**
  - a. If the Building Official determines that the cost of renovation or expansion of an existing development 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 governmental entity or official with authority to do so, or by the Building Official for developments that are tax-exempt, the entire development or site shall be brought into compliance with Chapter 4, Article 6. 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.

- b. The Planning Director may waive any provision of Chapter 4 Article 6 if compliance would be impractical.
- c. With the authorization of the Planning Director, the Building Inspector may issue a building permit to allow work on existing structures prior to approval of a landscape plan, but no other work may proceed.

#### 4. **Exemptions.**

- a. Those portions of public or private plant nurseries, tree farms, or botanical gardens used for the growing of plants for sale or for public use or enjoyment shall be exempt from the tree replacement provisions in 4.6.4.
- b. A commercial or multifamily project under development in the DB District shall be exempt from the provisions of this Section, except that the project shall comply with the provisions of 4.6.4 regarding the following:
  - i. the removal or replacement of Significant and Grand trees; and
  - ii. the provision of a planting strip where off-street parking is provided along or adjacent to the street.

#### **B. Approval Required Prior to Permit Allowing Grading or Construction**

No grading permit, building permit, or other permit or approval allowing construction of a project may be issued by the City on a project subject to this Section without a Landscape Plan having been approved pursuant to this Section prior to such issuance.

#### **C. Who May Apply**

The property owner or an agent with written authorization from all owners-of-record may apply.

#### **D. Application Requirements**

- 1. An application for landscape plan approval shall be submitted to the Planning Director with the number of copies set by the Planning Director and the appropriate fee.
- 2. The Landscape Plan shall include the following (unless waived by the Planning 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 and that actually provided;
- l. In the planting strip, 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 requirement for trees in the planting strip set forth in 4.6.4.B.1;
- m. A tree survey on paper copies and a transparent medium depicting either
  - i. the DBH, location, and variety of the Grand and Significant Trees on the entire site and a clear indication of trees to be removed; and
  - ii. the total DBH of Significant Trees on the entire site and the total DBH of Significant Trees being removed;or
  - iii. the DBH, location, and variety of Grand Trees on the entire site and the Significant Trees in the yard area and a clear indication of trees to be removed;
  - iv. a listing of all Significant Trees in the buildable area including DBH and variety and the location of Significant Trees being saved to reach the 20% requirement;
  - v. the total DBH of Significant Trees on the entire site and the total DBH of Significant Trees being removed.
- n. The protected area required around each 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:
  - i. the caliper of required trees;
  - ii. shrubbery; and
  - iii. 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, and maintenance of landscaped areas will comply with the standards established by this Ordinance, the Tree Protection and Landscaping Manual, and the City Horticulturist; and
- s. A notation provided by City Staff regarding maintenance and pruning; and
- t. Other information as required by City staff to facilitate review.

#### E. Approval Process

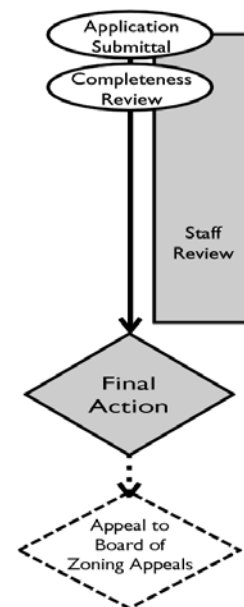
The Planning Director shall have authority to approve landscape plans. The decision on approval by the Planning Director must be granted within 60 days of submission of a complete application unless a variance is required or an extension of time is mutually agreed upon in writing by the applicant and the Planning Director.

#### F. Expiration of Approval

Approval of a landscape plan shall expire two years from the date of final approval by the City, unless a building permit has been obtained and kept current.

#### G. Appeals

Appeals of administrative decisions shall be made to the Board of Zoning Appeals within 30 days of mailing of the decision, in accordance with the procedures in 6.2.20.



### 6.2.11. STREET NAME

#### A. General

The Planning Commission shall have the authority to approve or deny the proposed name of any street consistent with the criteria set forth below.

#### B. Application Requirements

Any person proposing to name a street or change the name of a street shall submit a list of at least three proposed names in priority order to the Planning Commission. Where such application is not part of another development approval according to this Chapter, an appropriate application fee shall be required.

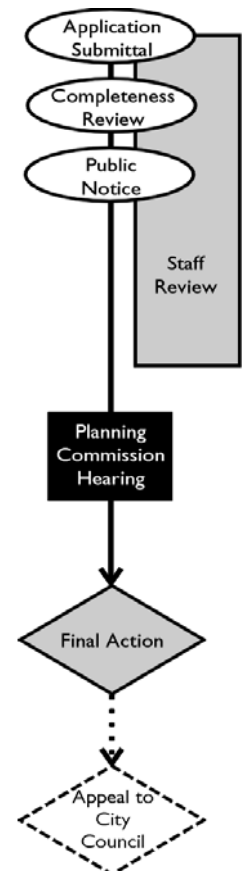
#### C. Criteria for New Names and Name Changes

1. No new street name or proposed renaming of an existing street shall duplicate, be phonetically similar to, or in any way be likely to be confused with an existing street name, in spite of the use of prefixes or suffixes.
2. Names must be simple, logical, easy to read and pronounce, clear, and brief with no frivolous or complicated words or unconventional spellings.
3. Names that might reasonably be perceived as offensive shall not be permitted.
4. The use of alphabetical letters (such as "A" Street) is prohibited.

5. Preference will be given to names that have some association with Aiken or the immediate location of the road or place such as reference to local history or physiographic features.
6. Use of a common theme is recommended for names of streets that are associated with one another, such as those within a residential development.
7. In changing any street name, care should be taken to preserve local history and to minimize disruption and cost.
8. Intersecting streets shall not have the same or similar name.
9. A proposed street obviously in alignment with an existing street shall bear the name of the existing street to the extent practicable.
10. Street sections planned to be or likely to be connected in a straight line shall bear the same name; street sections not planned to be or unlikely to be connected shall not bear the same name.
11. A street that continues through an intersection should generally bear the same name.
12. A street making an approximate right-angle turn where there is no possibility of extending the street in either direction shall be considered to be continuous and be so named; where there is a choice of direction or a possibility of extending either section in the future, such configuration shall be considered to be an intersection and different names assigned.
13. A street name that otherwise meets the above criteria but in the judgment of the Planning Commission may be misleading or otherwise be inappropriate shall be disapproved.

**D. Approval Process**

1. Public notice is required in accordance with 6.1.4.
2. Notice shall be mailed to the owners of property whose addresses would be affected at least ten days in advance of the required public hearing.
3. After holding the required public hearing, the Planning Commission shall determine if the name is suitable.
4. If the Planning Commission approves a new street name or name change, it shall so certify in writing and forward such certification by certified mail to the applicant, the Aiken County Register of Mesne Conveyance, the Aiken County 911 office, the post office and any other affected agencies, including all property owners-of-record on the affected street.
5. If the Planning Commission disapproves a new street name or name change, it shall so state in writing, including all reasons for the disapproval, and shall forward such notice to the party proposing the change within 15 days.



## E. Appeals

Appeal of a decision on a street name may be made to City Council within 15 days by submission of a letter requesting it to the City Manager.

### 6.2.12. PUBLIC PROJECT REVIEW

#### A. Applicability

The Planning Commission shall review all proposed public projects, except for minor utilities, for location, character, and extent.

#### B. Who May Apply

Any owner of land which is the subject of a public project or an agent authorized by such entity in writing may apply for public project review.

#### C. Application Requirements

An application for public project review shall include, but not be limited to, the following information and an appropriate fee for review.

1. An application form approved by the Planning Director;
2. Documentation in the form of a deed showing public ownership of the subject parcel, a lease indicating a public tenancy, or a notarized affidavit that more than 50 percent of the proposed project is funded with public monies;
3. A written narrative addressing the following.
  - a. The need for the project, with supporting documentation.
  - b. A reference to and, where practical, graphic depiction of the location of the proposed development on an Aiken County tax map with parcel number.
  - c. any freshwater wetland or conservation district boundary line.
  - d. The character of the proposed development and its compatibility with the surrounding area and with the characteristics of the site on which it is to be located.
  - e. The extent of the proposed development in terms of number of buildings, height of structures, total amount of square footage, number of parking spaces, site acreage, and other pertinent items as may be applicable.
4. Description of maintenance responsibility for all improvements including, but not limited to, streets, parking areas, paths, storm drainage facilities, water and sewer systems, open space areas, and solid waste disposal;
5. If applicable, a dimensioned site plan that conforms to the requirements of 6.2.9.D.5; and
6. Comments or approvals of affected agencies.

#### D. Approval Process

1. **Staff Review and Report.** The Planning Director shall prepare a staff report that reviews the proposed public project in light of the Comprehensive Plan; the report shall be provided to the Planning Commission and the applicant before the scheduled Planning Commission public hearing.

**2. Action by Planning Commission.**

- a. Following published and posted notice in accordance with 6.1.4, the Planning Commission shall hold a public hearing regarding any proposed public project.
- b. The Planning Commission shall study the proposed public project taking into account the consistency of the proposed project with the Comprehensive Plan.
- c. At the close of the public hearing, the Planning Commission shall determine whether the public project proposal is compatible with the Comprehensive Plan and shall include written findings.
- d. If the Planning Commission finds the proposal conflicts with the Comprehensive Plan, it shall forward its written findings and an explanation of its reasoning to the public entity proposing the project.
- e. If the public entity proposes to proceed with its public project in conflict with the Comprehensive Plan, then the entity must publicly state its intention to proceed and its reasons for proceeding. The public entity must also provide written notice of its intention to proceed and its reasons to City Council and Planning Commission, and publish a notice in a publication of general circulation at least 30 days in advance of award of a contract or beginning of construction of the proposed public project.

**6.2.13. HISTORIC DISTRICT/LANDMARK DESIGNATION**

See 5.2.2, Designation to the Aiken Historic Register.

**6.2.14. REZONING**

**A. Applicability**

This Section shall apply to any land within the City limits for which the existing zoning district is proposed to be changed.

**B. Who May Apply**

A proposed rezoning may be initiated by City Council, the Planning Commission, the City Manager or by the owner (or a designated agent with written authorization from all owners-of-record) of such property for which the rezoning is sought. Rezoning concurrent with annexation shall follow the procedures for annexation set forth in the Aiken City Code and 2.1.4.

**C. Application Requirements**

1. A complete application shall be on a form approved by the Planning Director accompanied by the appropriate fee and shall include the following.
  - a. A narrative addressing the reasons for the requested rezoning and the applicable review criteria set forth in 6.2.14.E.
  - b. A boundary plat of the subject property prepared and sealed by a registered land surveyor.
  - c. Any additional information deemed necessary by the Planning Director.
2. Any designated agent shall submit written consent from all of the property owners-of-record.

**D. Approval Process**

1. **Staff Review and Report.** The Planning Director shall prepare a report that reviews the proposed rezoning in light of the Comprehensive Plan, the review criteria listed below, and the general requirements of this Ordinance. A copy of the report shall be provided to the Planning Commission and the applicant before the scheduled public hearing.
2. **Planning Commission Recommendation.**
  - a. Within 60 days of receipt of a complete application, and following appropriate notice in accordance with 6.1.4, the Planning Commission shall hold a public hearing regarding any proposed rezoning.
  - b. The Planning Commission shall study the proposed rezoning taking into account all factors which it may deem relevant including, but not limited to, consistency with the Comprehensive Plan, the review criteria listed below, and whether the proposed rezoning serves to carry out the purposes of this Ordinance.
  - c. At the close of the public hearing, the Planning Commission shall recommend approval, modified approval, or denial of the rezoning.
  - d. The staff shall prepare a report of the Planning Commission deliberations and recommendation which shall be forwarded to City Council.
3. **City Council Action.**
  - a. A required public hearing by City Council held for the purpose of considering a rezoning shall be scheduled concurrent with the second reading of the ordinance adopting the proposed rezoning.
  - b. City Council shall consider the proposed rezoning at the earliest reasonable date and shall consider the report of the Planning Commission in making its decision.
  - c. Following City Council action, the applicant shall be notified within 15 days of the decision in writing.

**E. Review Criteria**

In making recommendations regarding proposed rezoning, the Commission shall consider and make findings on the following matters.

1. Consistency with the Comprehensive Plan.
2. Compatibility with the zoning, conforming uses of nearby property, and character of the surrounding area.
3. Suitability of the subject property for uses permitted by the existing zoning.
4. Suitability of the subject property for uses permitted by the proposed zoning.

5. The need for additional property with the proposed zoning classification within the City limits.
6. Availability of sanitary sewer, water, stormwater, and transportation facilities.

**F. Amendment of Official Zoning Map**

Within 60 days of approval of a rezoning by City Council, the Planning Director shall amend the Official Zoning Map to reflect the change.

**G. Appeals**

Any applicant aggrieved by City Council's decision may appeal to the Court of Common Pleas of Aiken County within 30 days of written notification.

**6.2.15. TEXT AMENDMENT**

**A. Applicability**

This Section shall apply to any portion of the text of this Ordinance that is proposed to be changed.

**B. Who May Apply**

1. Any proposed text amendment to this Ordinance may be initiated by any member of City Council, the Planning Commission, or the City Manager. Any citizen of the City may request in writing to the Planning Commission that a proposed text amendment be considered after which the Planning Commission may initiate an amendment.
2. Any proposed text amendment to this Ordinance initiated by a member of City Council may be given first reading prior to being referred to the Planning Commission for its review and recommendation.

**C. Approval Process**

1. **Staff Review and Report.** The Planning Director shall prepare a staff report that reviews the proposed amendment in light of the Comprehensive Plan and the general requirements of this Ordinance. A copy shall be provided to the Planning Commission and the applicant before the scheduled public hearing.
2. **Planning Commission Recommendation.**
  - a. Following published notice in accordance with 6.1.4, the Planning Commission shall hold a public hearing.
  - b. The Planning Commission shall study the proposed amendment taking into account all factors which it may deem relevant including, but not limited to, the consistency of the proposed amendment with the Comprehensive Plan and whether the proposed amendment serves to carry out the purposes of this Ordinance.





- c. At the close of the public hearing, the Planning Commission shall recommend approval, modified approval, or denial of the amendment.
- d. The staff shall prepare a report of the Planning Commission deliberations and recommendation which shall be forwarded to City Council.

### 3. **City Council Action.**

- a. A required public hearing by City Council held for the purpose of considering a text amendment shall be scheduled concurrent with the second reading of the ordinance adopting the proposed amendment.
- b. City Council shall consider the proposed amendment at the earliest reasonable date and shall consider the report of the Planning Commission in making a decision.
- c. City Council shall act to approve, approve with modifications, or deny the proposed amendment
- d. Following City Council action, the applicant shall be notified within 15 days of the decision in writing.

### D. **Appeals**

Any applicant aggrieved by City Council's decision may appeal to the Court of Common Pleas of Aiken County within 30 days of written notification.

## **6.2.16. PLANNED RESIDENTIAL, PLANNED COMMERCIAL, AND PLANNED INSTITUTIONAL**

### A. **Applicability**

Land in the Horse District or listed on the Aiken Historic Register may not be zoned PR, PC, or PI. (Ord. 11082004A)

### B. **Who May Apply**

The owner or an agent with written authorization from all owners-of-record may apply.

### C. **Application Requirements**

- 1. An application form approved by the Planning Director and appropriate fee.
- 2. The concept plan shall include a sketch plan schematically showing major streets, major utilities, land uses, entrance locations on existing streets, major open space and buffers, and a conceptual drainage plan, along with a narrative addressing the proposed development explaining and tabulating the following:
  - a. land uses;
  - b. number of dwelling units by housing type;
  - c. elevations of facades of proposed buildings visible from an abutting street; (Ord. 05142007A)
  - d. residential density and/or square footage of nonresidential uses;
  - e. open space acreage;
  - f. potential traffic generation;
  - g. overall character and architectural style;

- h. relationship of the proposed development to existing conforming development in the area; and
  - i. other related development features.
3. If the concept plan includes a subdivision plat in lieu of a sketch plan, maximum structure heights and maximum buildable area for each lot shall be shown.
  4. A statement of how the proposed development is consistent with the Comprehensive Plan.
  5. Other relevant information as may be requested by the Planning Director.

**D. Approval Process.**

1. **Staff Review and Report.** The Planning Director shall prepare a staff report that reviews the proposed concept plan in light of the design criteria in Chapter 4, the Comprehensive Plan, and the general requirements of this Ordinance. The report shall be provided to the Planning Commission and the applicant before the scheduled public hearing.
2. **Planning Commission Recommendation.**
  - a. Within 60 days of receipt of a complete application, and following published, posted, and mailed notice in accordance with 6.1.4, the Planning Commission shall hold a public hearing.
  - b. The Planning Commission shall study the proposed concept plan taking into account all factors which it may deem relevant including, but not limited to, the design criteria in Chapter 4, the consistency of the proposed amendment with the Comprehensive Plan, and whether the proposed project serves to carry out the purposes of this Ordinance.
  - c. At the close of the public hearing, the Planning Commission shall recommend approval, modified approval, or denial.
  - d. The staff shall prepare a report of the Planning Commission deliberations and recommendation which shall be forwarded to City Council.
3. **City Council Action.**
  - a. A required public hearing by City Council held for the purpose of considering a concept plan shall be scheduled concurrent with the second reading of the ordinance adopting the proposed annexation or rezoning.
  - b. City Council shall consider the proposed concept plan and the report of the Planning Commission in making a decision. City Council shall act to approve, approve with modifications, or deny it.



- c. Following City Council action, the applicant shall be notified within 15 days of the decision in writing.

#### **E. Expiration of Approval**

City Council shall have the right to review a concept plan when no building permits have been issued in the past five years, and may choose not to issue further permits for the project until a revised concept plan has been approved.

#### **F. Appeals**

Any applicant aggrieved by City Council's determination may appeal to the Court of Common Pleas of Aiken County within 30 days of written notification.

### **6.2.17. ATTACHED SINGLE-FAMILY RESIDENTIAL**

#### **A. Applicability**

This Section shall apply to any attached single-family residential project.

##### **1. Who May Apply.**

The property owner or an agent with written authorization from all owners-of-record may apply.

##### **2. Application Requirements.**

- a. An application form as approved by the Planning Director and appropriate fee.
- b. The concept plan shall include a site plan schematically showing major streets, major utilities, land uses, entrance locations on existing streets, major open space and buffers, along with a narrative addressing the proposed development explaining and tabulating the following:
  - i. A site plan depicting the arrangement of streets, off-street parking, and buildings;
  - ii. number of dwelling units by housing type;
  - iii. dwelling unit density;
  - iv. open space acreage and percentage;
  - v. a tree survey complying with Chapter 4, Article 6 of this Ordinance;
  - vi. elevations of typical buildings;
  - vii. signage;
  - viii. a traffic study if required by the City's Traffic Management Ordinance; and
  - ix. other related development features.
- c. A statement of how the proposed development is consistent with the Comprehensive Plan.
- d. Other relevant information as may be requested by the Planning Director.

### 3. Approval Process

#### a. Staff Review and Report.

The Planning Director shall prepare a staff report that reviews the proposed concept plan in light of the design criteria in 4.2.9, the Comprehensive Plan, and the general requirements of this Ordinance. The report shall be provided to the Planning Commission and the applicant before the scheduled hearing.

#### b. Planning Commission Recommendation.

- i. Within 60 days of receipt of a complete application, and following published, posted, and mailed notice in accordance with 6.1.4, the Planning Commission shall hold a public hearing.
- ii. The Planning Commission shall study the proposed concept plan taking into account all factors which it may deem relevant including, but not limited to, the design criteria in 4.2.9, the consistency of the proposed amendment with the Comprehensive Plan, and whether the proposed project serves to carry out the purposes of this Ordinance.
- iii. At the close of the public hearing, the Planning Commission shall recommend approval, modified approval, or denial.
- iv. The staff shall prepare a report of the Planning Commission deliberations and recommendation which shall be forwarded to City Council.

#### c. City Council Action.

- i. A required public hearing by City Council held for the purpose of considering a concept plan shall be scheduled concurrent with the second reading of the ordinance.
- ii. City Council shall consider the proposed concept plan and the report of the Planning Commission in making a decision. City Council shall act to approve, approve with modifications, or deny the proposed concept plan.
- iii. Following City Council action, the applicant shall be notified within 15 days of the decision in writing.



#### 4. Amendments

Changes to an approved concept plan not considered significant may be approved by the Planning Director. Any change in the approved concept plan that would increase the dwelling unit density, substantially change the character of a development, or constitute a major revision of a development as determined by the Planning Director shall require approval by City Council after receipt of the recommendation of the Planning Commission regarding the changes. A request for a revision of the concept plan shall be supported by a written statement explaining why the revisions are necessary or desirable and shall follow the approval procedure at 6.2.16.

#### 5. Expiration of Approval

City Council shall have the right to review a concept plan when no building permits have been issued in the past five years, and the City may choose not to issue further permits until a revised concept plan has been approved.

#### 6. Appeals

Any applicant aggrieved by City Council's determination may appeal to the Court of Common Pleas of Aiken County within 30 days of written notification.

### 6.2.18. SPECIAL EXCEPTION

#### A. Applicability

A special exception shall require approval by the Board of Zoning Appeals.

#### B. Who May Apply

The property owner or an agent with written authorization from all owners-of-record may apply.

#### C. Application Requirements

An application for a special exception shall consist of information necessary for the Board of Zoning Appeals to make a determination regarding the request, including, but not limited to the following.

1. An application form as approved by the Planning Director and appropriate fee;
2. A sketch plan showing the preliminary proposed siting of structures or uses on the subject property.
3. The proposed density expressed in terms of dwelling units per acre, total square footage per acre, or other acceptable measure.
4. A letter addressing the consistency of the proposed use with the character and purpose of the zoning district in which it would be located.
5. The consistency of the proposed use with the Comprehensive Plan;
6. Any relevant conditions or restrictions as set forth in Chapter 3, Article 3; and
7. Any other information deemed necessary by the Planning Director.

**D. Approval Process**

1. **Staff Review and Report.** The Planning Director shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this Ordinance. A copy of the report shall be provided to the Board of Zoning Appeals and the applicant before the scheduled hearing.
2. **Action by Board of Zoning Appeals.**
  - a. Within 60 days of receipt of a complete application, and following posted and mailed notice in accordance with 6.1.4, the Board of Zoning Appeals shall hold a public hearing on the special exception application.
  - b. After review of the application and the public hearing, the Board of Zoning Appeals shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
  - c. If approval, or approval with modifications or conditions, is granted, the decision shall be communicated in writing by certified mail to the applicant within 25 days, and the applicant shall then be authorized to submit a site plan or building permit application consistent with this Chapter. (Ord. 01222001)

**E. Special Exception Review Criteria**

The Board of Zoning Appeals shall approve an application for a special exception if, and only if, the applicant demonstrates that the proposed use and any associated development will meet all of the following criteria.

1. Be in accordance with the Comprehensive Plan; and
2. Be consistent with the “character and purpose” statement of the applicable district; and
3. Be of a size, shape, and character suited for the proposed site; and
4. Be compatible with the existing uses adjacent to and near the property, and not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed; and
5. Not generate vehicular traffic or create vehicular circulation problems or parking demands that have an unacceptably adverse impact on nearby properties when compared with uses permitted by right in the same district; and
6. Not be hazardous, detrimental, or disturbing to surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, or general nuisance; and
7. Be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property; and
8. Be adequately served by essential public services and facilities not requiring additional public expense; and

9. Not adversely affect any site or feature of historical, cultural, natural, or scenic importance; and
10. Conform to any specific criteria or conditions specified for that use as set forth in Chapter 3, Article 3; and
11. Not be contrary to the public health, safety, and welfare, provided that a denial based exclusively on this language shall include explicit findings regarding the way in which granting the special exception would be contrary to the public health, safety, and welfare.

#### F. Conditions on Approvals

To ensure that a proposed special exception use will meet the criteria set forth above or to alleviate or mitigate potential adverse effects of such use, the Board of Zoning Appeals may place specific conditions on the approval addressing various issues including, but not limited to, the following.

1. Location, size, and orientation of uses, structures, and enclosures.
2. Additional setbacks for proposed uses, structures, or enclosures, from property lines or other structures or objects on nearby lots.
3. Additional buffers.
4. Fencing or walls.
5. Shielding of lighting.
6. Pedestrian circulation, including sidewalks or other pedestrian connections.
7. Vehicle circulation, including points of ingress and egress.
8. Improvements on adjacent streets.
9. Location of paving, off-street parking and loading, and service and delivery areas.
10. Hours of operation.
11. Protection of trees and other natural assets and additional landscaping.
12. Protection of sites of scenic, historical, or cultural importance.
13. Restriction on number, size, and location of signs.
14. Siting of uses to improve capability with adjacent development.
15. Restrictions on or reduction of the extent or intensity of the proposed use.

#### G. Expiration of Approval

A special exception approval shall expire on the date specified by the Board of Zoning Appeals in the approval, but not less than two years from approval, or two years after the date of the approval hearing where no date is specified, unless the applicant submits a complete site plan review application, or building permit application, where no site plan is required.

#### H. Revocation of Special Exception

1. If an owner of property granted a special exception fails in any manner to follow the conditions of the special exception or engages in any activity prohibited by this Ordinance, or prohibited under the special exception, then the City of Aiken may, after five days of posting notice on the subject property granted the special exception, suspend the special exception for a period of 60 days.
2. Within 30 days of the date of posting this notice, the Board of Zoning Appeals shall hold a hearing to ascertain all the facts in the matter. Notice of such hearing shall be in writing and shall set forth the reason for the hearing or the complaint against the property owner and shall be served upon the property owner in person, or by registered or certified mail return receipt requested to the owner's last known address.
3. In the event the City is not able to serve notice upon the owner in person, and any notice sent by registered or certified mail return receipt requested is returned by the postal service, the City shall cause such notice to be posted at the property-in-question, and such posting shall be a valid means of service.
4. If the Board of Zoning Appeals finds and concludes from the evidence that the special exception has been violated by the owner in any of the provisions under the special exception granted or conditions attached to it, it may suspend, revoke or refuse to renew such special exception.
5. In the case of revocation or nonrenewal, no application for special exception may be filed for a period of one year after the revocation becomes effective.
6. Following the entry of an order suspending or revoking a special exception, the property owner may seek judicial review in a manner provided by South Carolina law. The Board of Zoning Appeals may stay enforcement proceedings for such order for a period of 30 days pending the filing or final disposition of proceedings of judicial review.

#### I. Approval a Site-Specific

Special exception approval is specific to the site identified as part of the approval process, and all conditions and approvals shall run with the land unless otherwise stated in the approval.

#### J. Appeal

Any applicant aggrieved by the Board's decision may appeal such determination to the Court of Common Pleas of Aiken County within 30 days of written notification.

### 6.2.19. VARIANCE

#### A. Who May File

The owner, developer, or agent with authorization from the owner, may initiate a request for a variance by filing an application with the Planning Director.

#### B. Approval Process

1. **Staff Review and Report.** The Planning Director shall prepare a staff report which shall be provided to the applicant or appellant before the Board of Zoning Appeals meeting at which the application is scheduled to be reviewed.



## 2. Action by Board of Zoning Appeals.

- a. Within 60 days of receipt of a complete application, and following published and posted notice in accordance with 6.1.4, the Board of Zoning Appeals shall hold a public hearing.
- b. After review of the variance application and the public hearing, the Board of Zoning Appeals shall make a written finding and give its approval; approval with modifications or conditions; or disapproval.
- c. If approval or approval with modifications or conditions is granted, the decision shall be communicated in writing by certified mail to the applicant within 25 days, and the applicant shall then be authorized to submit a site plan or building permit application where no site plan is required. (Ord. 01222001)

## C. Criteria for Approval of Variances

1. **Required Findings.** A variance may be granted by the Board of Zoning Appeals if the Board concludes that the strict enforcement of any design and performance standard set forth in this Ordinance would result in unnecessary hardship to the applicant and that, by granting the variance, the spirit of this Ordinance will be observed, public health, safety, and welfare will not be diminished, and substantial justice will be done. A variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing all of the following findings.
  - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property; and
  - b. These conditions do not generally apply to other properties in the vicinity; and
  - c. Due to these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
  - d. The conditions are not the result of the applicant's own actions; and
  - e. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance; and
  - f. The authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.
2. **Limitations.** The Board may not grant a variance the effect of which would be any of the following.
  - a. To permit a use of land or a structure that is not allowed in the applicable district.
  - b. To allow an increase in intensity or physical extension of a nonconforming use.
  - c. To increase the density of a use above that permitted by the applicable district.

3. **Profitability Not to Be Considered.** The fact that property may be developed more profitably should a variance be granted may not be considered grounds for a variance.
4. **Hardship Due to Eminent Domain.** Where the alleged hardship results from the taking of part of the property by eminent domain, thus reducing the land area available for parking, buffers, and other purposes, the applicant shall have the burden of proving that, after good-faith efforts by the applicant or previous owner, the condemning authority failed or refused to provide the applicant compensation adequate to cover the value of both the land actually taken and the economic impacts of the reduction in the size of the remaining property. Only if the applicant meets this burden of proof will a hardship under these conditions be considered adequate to justify the granting of a variance.

#### D. Expiration of Approval

A variance shall expire on the date specified by the Board of Zoning Appeals in the approval, but not less than two years from approval, or two years after the date of the approval hearing where no date is specified, unless the applicant submits a complete site plan review application, or building permit application where no site plan is required.

#### E. Appeal

Any party aggrieved by the Board's decision may appeal such determination to the Court of Common Pleas of Aiken County within 30 days of written notification.

### 6.2.20. APPEAL OF ADMINISTRATIVE DECISION

#### A. Who May Appeal

Any person aggrieved by an administrative decision or interpretation made pursuant to this Ordinance may bring an appeal to the Board of Zoning Appeals by filing an application with the Planning Director. An aggrieved person is defined as any property owner within 300 feet of the property for which a decision has been rendered and may include persons owning property beyond 300 feet if it is determined by the Board of Zoning Appeals (based upon information provided by the appellant) that such property owners may be affected by a decision or interpretation.

#### B. Deadline for Submission of Application

An application for appeal shall be filed (received by the Planning Director or postmarked) not later than 15 days after the decision being appealed in order to be considered by the Board of Zoning Appeals.

#### C. Review Process

1. Within 60 days of receipt of a complete application, and at the conclusion of the proceeding on the variance request or the appeal, the Board of Zoning Appeals shall take one of the following actions, consistent with the provisions of this Article.
  - a. Affirm the action of the official that made the decision.



- b. Modify the action of the official and, to that end, have all the powers of the official from which the appeal is taken, and may issue a permit or direct that a permit be issued.
  - c. Reverse the action of the official and, to that end, have all the powers of the officer from which the appeal is taken, and may issue a permit or direct that a permit be issued.
2. Every order, requirement, decision, or determination of the Board shall be filed in the office of the City Clerk and shall be a public record.

**D. Appeal to Court of Common Pleas**

Any party aggrieved by the Board's decision may appeal to the Court of Common Pleas of Aiken County within 30 days of written notification.



## **CHAPTER 7. REVIEW AUTHORITIES**

### **7.1.1. BUILDING OFFICIAL**

#### **A. Designation**

The Director of Public Safety shall designate the Building Official for the City who shall be the Building Official to whom reference is made throughout this Ordinance.

#### **B. Delegation**

Where this Ordinance assigns a responsibility, power, or duty to the Building Official, the Building Official may delegate that responsibility, power, or duty to any other agent or employee of the City.

#### **C. Powers and Duties**

The Building Official shall perform duties and possess powers as follows:

1. Issue building permits (6.2.3) and certificates of occupancy (6.2.4); and
2. Review telecommunication facility plans not requiring approval by the Board of Zoning Appeals (6.2.5).

#### **D. Appeal**

Appeal from any administrative decision of the Building Official shall follow the procedures established in 6.2.20.

### **7.1.2. ZONING OFFICIAL**

#### **A. Designation**

The Planning Director shall designate a Zoning Official to whom reference is made throughout this Ordinance.

#### **B. Delegation**

Where this Ordinance assigns a responsibility, power, or duty to the Zoning Official, the Zoning Official may delegate that responsibility, power, or duty to any other agent or employee of the City with the approval of the Planning Director.

#### **C. Powers and Duties**

The Zoning Official shall perform the duties and possess powers as follows.

1. Enforcement of the provisions of this Ordinance.
2. Any other delegated by the Planning Director or otherwise expressly directed in this Ordinance.

#### **D. Appeal**

Appeal from any administrative decision of the Zoning Official shall follow the procedures established in 6.2.20.

### 7.1.3. PLANNING DIRECTOR

#### A. Designation

The City Manager shall designate the Director of the Planning Department of the City, who shall be the Planning Director to whom reference is made throughout this Ordinance.

#### B. Delegation

Where this Ordinance assigns a responsibility, power, or duty to the Planning Director, the Planning Director may delegate that responsibility, power, or duty to any other agent or employee of the City.

#### C. Powers and Duties

The Planning Director shall perform the duties and possess the powers as follows.

1. Make written administrative interpretations of this Ordinance (6.2.2).
2. Review and take final action on sign permits (6.2.6), conditional use permits (6.2.7), and certificates of compliance (6.2.8).
3. Review and take final action on site plans (6.2.9) and landscape plans (6.2.10).
4. Review and make recommendations on street names (6.2.11), public project review (6.2.12), designation of Historic Districts or landmarks (6.2.13), rezoning (6.2.14), text amendments (6.2.15), and Planned Residential, Planned Commercial, and Planned Institutional developments (6.2.16).
5. Review and make recommendations on special exceptions (6.2.18) and variances (6.2.19).

#### D. Appeal

Appeal from any administrative decision of the Planning Director shall follow the procedures established in 6.2.20.

### 7.1.4. PLANNING COMMISSION

#### A. Authority

The Planning Commission is hereby established, pursuant to the authority of Section 6-29-310, *et seq.*, of the Code of Laws of South Carolina.

#### B. Powers and Duties

The Planning Commission shall perform the duties and possess the powers as follows:

1. Take final action on street names (6.2.11) and public project review (6.2.12); and
2. Make recommendations to City Council on designation of Historic Districts or landmarks (6.2.13), rezoning (6.2.14), text amendments (6.2.15), and Planned Residential (6.2.16).

#### C. Staff to Planning Commission

The Planning Commission shall work with the Planning Director to provide appropriate staff for the Commission.

**D. Appeal**

Any party aggrieved by a final decision of the Planning Commission may appeal to the Court of Common Pleas of Aiken County within 30 days of written notification.

**7.1.5. CITY COUNCIL****A. Powers and Duties**

City Council shall perform the duties and possess the powers as set forth in this Ordinance, including final action on designations to the Aiken Historic Register (6.2.13), rezoning (6.2.14), text amendments (6.2.15), and Planned Residential, Planned Commercial, and Planned Institutional developments (6.2.16).

**B. Appeal**

Any party aggrieved by City Council's actions may appeal such action to the Court of Common Pleas of Aiken County within 30 days of written notification.

**7.1.6. BOARD OF ZONING APPEALS****A. Creation**

The Board of Zoning Appeals is hereby established, pursuant to the authority of Section 6-29-780, *et seq.*, of the Code of Laws of South Carolina.

**B. Membership, Terms and Compensation**

1. **Number, Appointment.** The Board shall consist of seven members appointed by City Council and shall include, to the extent practicable, at least one attorney and one design professional (either a registered architect or a registered landscape architect). None of the members shall hold any other public office or position in the City or County. A Planning Commission member may be appointed to serve as a non-voting ex-officio member of the Board of Zoning Appeals.
2. **Terms.** All members shall be appointed for three (3) year terms. All terms shall end on December 1 of the applicable year or until a replacement is appointed. (Ord. 02122001A)
3. **Current Members.** Members of the Board of Zoning Appeals on the effective date of this Ordinance shall continue to serve until their respective terms expire.
4. **Vacancies.** Vacancies shall be filled by City Council for the balance of the unexpired term.
5. **Removal.** After written notice, City Council may remove a member for cause, which may include, but not be limited to, nonattendance at meetings.
6. **Compensation.** City Council shall determine the compensation of members, if any.

**C. Officers, Meetings, Quorum**

1. **Officers.** The Board shall elect one of its members Chair and another Vice-Chair, each of whom shall serve one-year terms beginning in January and ending the following December. The Board shall appoint a Secretary who may be an official or employee of the City and need not be a member of the Board.

2. **Meetings.** The Board shall meet at the call of the Chair and at such regular times as the Board may determine. All meetings shall be held at a designated place and shall be open to the public.
3. **Quorum.** A minimum of four members of the Board shall be required as a quorum in order for the Board to conduct business.
4. **Notice of Meetings.** Public notice of all meetings of the Board of Zoning Appeals shall be provided in accordance with 6.1.4.
5. **Witnesses.** The presiding officer may administer oaths and compel the attendance of witnesses by subpoena.
6. **Rules of Proceeding.** The Board shall adopt rules for the conduct of business.
7. **Penalty for Contempt.** In case of contempt by a party, witness, or other person before the Board of Appeals, the Board may certify this fact to the Court of Common Pleas of the County in which the contempt occurs and, after hearing, the judge may impose any penalty authorized by law.
8. **Minutes.** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact. The Board shall keep records of its deliberations and other official actions, all of which must be filed in the office of the Planning Director and must be a public record.

#### D. Territorial Jurisdiction

1. The Board of Zoning Appeals shall have jurisdiction over all lands within the City.
2. City Council may expand the jurisdiction of the Board of Zoning Appeals by ordinance and/or intergovernmental agreement, in accordance with the provisions of Section 6-29-330 of the Code of Laws of South Carolina.

#### E. Powers and Duties

The Board of Zoning Appeals has the following powers.

1. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an official in the administration or enforcement of this Ordinance (6.2.20).
2. To take final action on requests for special exceptions (6.2.18) and variances (6.2.19).

#### F. Staff

The Department of Planning shall serve as staff to the Board of Zoning Appeals.

#### G. Order of Board on Appeal

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this Section, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made and, to that end, shall have all the powers of the official from whom the appeal is taken. Provided a quorum is present, the concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in this Ordinance.



**H. Appeal from Board of Zoning Appeals**

A person who may have a substantial interest in any decision of the Board of Zoning Appeals, or an officer or agent of the City, may appeal from a decision of the Board to the Court of Common Pleas in and for the County by filing with the Clerk of the Court a petition in writing, setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Board. The appeal shall proceed in accordance with Sections 6-29-820 through 6-29-850 of the Code of Laws of South Carolina.

**7.1.7. DESIGN REVIEW BOARD****A. Creation**

The Design Review Board of the City of Aiken, South Carolina, is hereby established.

**B. Number**

The Board shall be composed of seven members.

**C. Appointment**

The members of the Board shall be appointed by City Council which shall allow the public an adequate and reasonable opportunity to comment on all such appointments. Members of the Board shall be installed and assume their duties at the first regular meeting of the Board following their appointment.

**D. Qualifications**

All members appointed to the Board must be residents of the City of Aiken and must have demonstrated their civic interest, and be available to attend meetings. City Council shall endeavor to appoint persons with diverse relevant qualifications. At least three members shall be persons who are knowledgeable in one or more of the following disciplines: archeology; historic preservation, architecture and construction; American, South Carolina and local history, urban planning and design; structural engineering; law; or real estate. To the extent that they are available, an historic preservationist and a licensed architect shall serve as members of the Board at all times.

**E. Terms of Office**

1. The term of office of each member of the Board shall be two years.
2. The term of office of each Board member shall commence January 1 and shall expire on December 31 of the final year of the term, or until a replacement is approved. The terms of each member of the Board shall expire on December 31 of the final year of the term, regardless of the date of appointment.

**F. Appointment to Fill a Vacancy**

Any vacancy on the Board due to death, resignation, or any other cause shall be filled by appointment by City Council within 30 days of the occurrence of the vacancy. The person appointed to fill a vacancy shall serve the remainder of the unexpired term of the member being replaced.

**G. Meetings, Quorum, and Voting**

The Board shall hold an annual meeting in January to elect officers and to conduct other pending business. The Board shall meet at least monthly to hear applications and conduct business under its jurisdiction, unless there are no pending requests to be considered. Special meetings may be called by the Chairman, a majority of the members of the Board, or upon request by City Council. A majority of the members of the full Board shall constitute a quorum for the conducting of business, and a majority vote of those members eligible to vote shall be necessary for approval of any action by the Board.

**H. Officers**

The Board shall elect from its membership a Chairman and Vice Chairman who shall serve for one year or until their successors are elected. A staff member of the City of Aiken's Planning Department shall serve as Secretary but shall not be a member of the Board.

**I. Compensation**

Members shall serve without compensation except for reimbursement of authorized expenses related to the performance of their duties.

**J. Jurisdiction**

The Board may exercise the powers granted it pursuant to this Chapter and Sections 5-23-310 through 5-23-340, Code of Laws of South Carolina, 1976, and successor provisions, within the corporate limits of the City of Aiken.

**K. Powers and Duties**

The Design Review Board shall have the following powers.

1. Adopt its own bylaws not inconsistent with this Chapter or applicable statutes of the State and appoint subcommittees as needed.
2. Accept such gifts, grants, and money as may be appropriate for the purposes of this Chapter. Such money may be expended only for advancing the purposes of this Chapter and must be appropriated by City Council as part of the regular City budget.
3. Recommend for designation, or removal of designation, subject to approval by City Council, Historic Districts and Historic Sites (Ord. 04142003A) and the expansion of existing Historic Districts or Historic Sites (Ord. 04142003A).
4. Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, renovation, rehabilitation, and adaptive usage and such outside expertise it deems necessary for assistance or advice on matters pending before it.
5. Conduct meetings.
6. Hold public hearings, investigate, review, place conditions on, and make decisions on
  - a. applications, plans, Certificates of Appropriateness, or other permits for alteration, construction, demolition, or relocation of structures within Historic Districts or which affect Historic Sites or Historic Districts; (Ord. 10282008A);

- b. recommendations on designations of Historic Districts and Historic Sites (Ord. 04142003A);
  - c. applications, plans, Certificates of Appropriateness, or other permits for alteration, construction, demolition, or relocation of structures within Overlay Districts or which may affect Overlay Districts;
- 7. Issue cease-and-desist orders restraining any violation of this Chapter or a Certificate of Appropriateness.
- 8. Review and evaluate relevant surveys and studies of structures, sites, districts, and landmarks performed by any unit of government or private organization, and compile appropriate descriptions, facts, photographs, and summaries of such surveys.
- 9. Provide for periodic updated surveys and research efforts to identify neighborhoods, areas, sites, structures, and objects that have historic, archeological, community, architectural, or aesthetic importance, interest, or value.
- 10. Compile and maintain the Aiken Historic Register and maintain a local inventory of historic structures including whether each is a Landmark, Contributing, or Noncontributing. (Ord. 04142003A)
- 11. Review and make recommendations to City Council and other City boards, commissions, and departments on projects involving historic properties or structures, projects in Historic Districts, or related matters not subject to the Certificate of Appropriateness requirements of this Chapter.
- 12. Discharge all other powers and duties as set forth in this Chapter or necessarily implied therefrom.



## **CHAPTER 8. NONCONFORMITIES**

### **8.1.1. AUTHORITY TO CONTINUE**

Nonconformities shall be allowed to continue in accordance with the provisions of this Chapter.

### **8.1.2. BURDEN OF PROOF**

The burden of establishing that any nonconformity is a legal nonconformity as defined in this Ordinance shall, in all cases, be upon the owner of such nonconformity and not upon the City or any other person.

### **8.1.3. REPAIRS AND MAINTENANCE**

#### **A. Normal Maintenance**

Repairs and normal maintenance required to keep a nonconforming use or structure in a safe condition are permitted, provided that no alterations may be made except those allowed by this Chapter or required by law or ordinance.

#### **B. Restoring Unsafe Buildings**

Except as provided above, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Official or complying with his lawful requirements.

### **8.1.4. NONCONFORMING USES**

#### **A. Continuation**

Any use lawfully existing at the time of enactment of this Ordinance may be continued even though it does not conform with the provisions of this Ordinance for the District in which it is located. Similarly, whenever a text amendment or rezoning renders a use nonconforming, any existing lawful use may be continued. However, no building or structure or premises where a nonconforming use has ceased for more than 12 months, or has changed to a permitted or conforming use, shall again be used in a nonconforming manner.

#### **B. Extension or Alteration**

No building, structure, or premises containing a nonconforming use shall hereafter be extended unless such extension or alteration shall conform to the building line setback, height limitations, yard, and other provisions regulating the size and placement of buildings, structures, or premises for the district in which it is located.

#### **C. Accessory Use**

No use that is accessory to a principal nonconforming use shall continue after such principal use shall have ceased or terminated unless it conforms to all provisions of this Ordinance.

#### **8.1.5. NONCONFORMING BUILDINGS AND STRUCTURES**

##### **A. Continuation**

Any nonconforming building or structure lawfully existing at the time of enactment of this Ordinance or of amendments to this Ordinance may continue.

##### **B. Reconstruction**

1. If a residential or nonresidential building or structure (including any accessory structures) is damaged by reason of fire, flood, explosion, earthquake, riot, war, or an act of God, it may be repaired, reconstructed, and used as before and if the damage does not exceed 50 percent of its replacement value, as determined by the Building Official, and if the repairs and reconstruction are done within 12 months from the time such damage occurred.
2. If a nonresidential building or structure (including any accessory structures) is damaged and if such damage is greater than 50 percent of its replacement valuation as determined by the Building Official, such building or structure may only be reconstructed to conform with the provisions regulating the placement of buildings and structures in the district in which it is situated.
3. If a residential building or structure (including any accessory structure) is damaged greater than 50 percent of its replacement valuation as determined by the Building Official, such building or structure may be repaired, reconstructed, and used as before if the repairs and reconstruction are done within 12 months from the time such damage occurred. The Building Official may require conformance with specific provisions of this Ordinance where deemed necessary to resolve public safety concerns (see 4.1.3.A).
4. Notwithstanding the foregoing, no illegal use shall be re-established.

##### **C. Alteration or Additions**

Alterations and/or additions to a nonconforming building or structure may be permitted as long as the alterations and/or additions do not increase the nonconformity of the building or structure to the building setback line, height limitations, yard, or other provisions regulating the size and placement of buildings and structures for the district in which the nonconforming building or structure is located.

#### **8.1.6. NONCONFORMING MANUFACTURED HOUSING OR MOBILE HOME**

A manufactured home or mobile home that is located on an individual lot at the time that the property is designated as part of the RSM District and which does not conform to the requirements for a manufactured home contained in 4.2.7 may remain on the property subject to the following requirements.

1. The property owner shall submit with the request for rezoning to RSM a written confirmation that the unit has been registered with Aiken County in the form of a Certificate of Occupancy issued by the County Building Official, or other proof of registration and, if applicable, a Septic Tank Permit issued by the South Carolina Department of Health and Environmental Control (DHEC).
2. The unit shall be brought into compliance with the requirements for manufactured homes contained in 4.2.8, items f, g, j and k. Any changes needed to meet these requirements shall be completed within 180 days following a zoning change to the RSM District.

**8.1.7. NONCONFORMING MANUFACTURED OR MOBILE HOME PARK**

The owner of a manufactured home park or mobile home park located in the City of Aiken which is made nonconforming by the passage of this Zoning Ordinance shall have a period of two years from the effective date of this Ordinance to bring their park into conformance with this Ordinance (see 4.2.8). Failure of the owner to bring a manufactured home park or mobile home park into compliance with the requirements of this Section of the Zoning Ordinance shall result in the owner's loss of the City of Aiken business license and require the removal of all manufactured or mobile homes from the park.

**8.1.8. NONCONFORMING JUNK OR SALVAGE YARDS**

The owner of a junkyard, salvage yard, or other facility in which inoperable vehicles are stored which is made nonconforming by the passage of this Zoning Ordinance shall have a period of two years from the effective date of this Ordinance to bring the yard or facility into conformance with this Ordinance (see 4.3.7). Failure of the owner to bring the yard or facility into compliance shall result in the owner's loss of the City of Aiken business license and require the removal of all vehicles and other material stored in the yard or facility.

**8.1.9. NONCONFORMING LOTS OF RECORD**

Legally recorded lots-of-record that do not meet the minimum area or frontage requirements may nevertheless be used for any of the uses permitted in the respective zoning district, provided that all other requirements of this Ordinance are met.

**8.1.10. NONCONFORMING ADULT BUSINESSES**

If any adult business lawfully operating on November 9, 1992, is in violation of the location restrictions of 3.3.2.A because two or more adult businesses are located within 1500 feet of each other, but is otherwise in a permitted location, the business that was first established and continually operated at that location is the conforming use and the later established business is nonconforming.

**8.1.11. NONCONFORMING STABLES IN THE RSS DISTRICT**

Any stalls in the RSS District existing before October 14, 1996 may be rented out for the stabling of pleasure horses. Anyone who has horses and discontinues the use for more than 12 months may rent the stalls again as long as the stalls were existing as of October 14, 1996. Lots and the horses thereon must be maintained in accordance with the provisions of 3.3.21.C.

**8.1.12. HORSES ON NONCONFORMING LOTS****A. RSS District**

Horses may be kept on nonconforming lots in the RSS District that contain one acre or more; for nonconforming lots containing less than an acre, permission to keep horses must be granted by the Board of Zoning Appeals.

**B. HD District**

Horses may be kept on any nonconforming lot in an HD District.

### **8.1.13. NONCONFORMING SIGNS**

#### **A. Continuation Allowed**

Continuation in accordance with this Section is permitted for any sign or sign structure, except portable or mobile signs, not conforming with the provisions of Chapter 4, Article 4, but which was lawfully existing:

1. Prior to January 10, 1994;
2. Prior to the effective date of any amendment to the Zoning Ordinance making the sign or sign structure nonconforming; or
3. Prior to the effective date of an annexation (unless removal is required as a condition of annexation).

#### **B. Removal or Compliance Required**

Notwithstanding paragraph A. above, a nonconforming sign or sign structure must be removed or brought into compliance with this Ordinance within 90 days after notification by the Zoning Official if the sign or sign structure is meets any of the following standards.

1. Not maintained in a safe and sound condition as determined by the Zoning Official;
2. Damaged to the extent that the cost to repair it exceeds more than 50 percent of its original cost as determined by the Building Official;
3. Abandoned;
4. Changed by the alteration of 80 percent or more of the identification area of the face of the sign, whether or not it increases the sign's nonconformity;
5. Located on a site that has been vacated by the use the sign identifies; or
6. Required to be removed or changed by a condition in an annexation ordinance adopted by City Council.

#### **C. Repair, Renovation, Alteration or Replacement**

Any sign or sign structure not conforming with the provisions of this Ordinance or any amendments thereto shall not be repaired, renovated, or altered in a manner that will add to, enlarge, or extend its nonconformity and shall not be replaced by a nonconforming sign or sign structure.



## **CHAPTER 9. ENFORCEMENT**

### **9.1.1. ENFORCEMENT BY ZONING OFFICIAL**

The Zoning Official of the City of Aiken, South Carolina, and when necessary, the Aiken Department of Public Safety, shall enforce the provisions of this ordinance within the police jurisdiction of the City in the manner and form and with the power provided in laws of the State of South Carolina and the City Code for the City of Aiken. The Aiken Department of Public Safety shall have the right to investigate potential Zoning Ordinance violations pursuant to existing State of South Carolina and federal laws. Properties are subject to inspection of the premises by the Zoning Official without prior notice during normal business hours. (Ord. 05282001B) Any official authorized to enforce this Ordinance may stop any work determined to violate the provisions hereof. (Ord. 04082002A)

### **9.1.2. VIOLATIONS AND PENALTIES**

It is unlawful for any person, firm, or corporation, whether as principal, agent, employee, or in any other capacity, to violate any provision of this Ordinance. Any person, firm, or corporation who violates any such provision shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$500.00 dollars or imprisonment for a term not exceeding 30 days, or both. Each day that any violation of any provision of this Ordinance continues shall constitute a separate offense.

### **9.1.3. VIOLATION OF LANDSCAPING AND TREE PRESERVATION PROVISIONS**

#### **A. Tree Removal**

1. It shall be unlawful for any person to remove a tree in violation of this ordinance, and upon conviction therefor, shall be punished as provided by Section 1-13 of the Aiken City Code. Each tree removed in violation of Chapter 4, Article 6 shall constitute a separate offense.
2. In the event the Zoning Official determines that trees have been removed in violation of Chapter 4, Article 6, he may require the property owners of the site to replace the removed trees within a specified period of time with trees of a variety from the Approved Tree List having a minimum caliper of two inches. (Ord. 04082002A) The replacement trees shall be planted on the site and have a cumulative caliper at least equal that of the trees removed, unless, in the opinion of the City Horticulturist, such replanting is infeasible due to lack of available area in which case an appropriate amount shall be placed into the Tree Fund as set forth at 4.6.4.B.2.d. (Ord. 04082002A) The variety and location of the replacement trees shall be approved by the Planning Director. (Ord. 04082002A) The decision of the Zoning Official on replacement may be appealed pursuant to 6.2.20 of this Ordinance.

#### **B. Maintenance**

1. If the Zoning Official determines that a site fails to comply with the maintenance requirements of 4.6.8.B (Ord. 04082002A), he shall notify the property owner in writing of the nature of the deficiency and that corrective action is required within 30 days. The Zoning Official may allow additional time for corrective action if adverse

weather or other unavoidable circumstances would prevent immediate compliance and shall notify the applicant in writing thereof. If corrective action is not taken within the time allowed, the Zoning Official shall notify the City Attorney who shall be responsible for taking appropriate additional measures to obtain compliance and/or initiate enforcement proceedings or prosecution.

2. It shall be unlawful for any person willfully to violate the maintenance requirements of Chapter 4, Article 6 of this Ordinance, and, upon conviction, any such person shall be punished as provided by Section 1-13 of the Aiken City Code. Each day that a violation continues after the lapse of the 30-day compliance period or other compliance period authorized in writing by the Zoning Official or other City officer shall constitute a separate offense.
3. The failure to comply with the maintenance requirements of Chapter 4, Article 6 (Ord. 04082002A) of this Ordinance after the lapse of the 30-day compliance period or other compliance period authorized in writing by the Zoning Official or other City officer shall constitute an additional ground for suspension or revocation of a business license pursuant to Section 15 of the Business License Ordinance.

#### **9.1.4. VIOLATION OF OVERLAY DISTRICT PROVISIONS**

The Zoning Official shall periodically inspect work in progress under a Certificate of Appropriateness. In the event that this Chapter or a Certificate of Appropriateness is violated, the Design Review Board, Zoning Official, or Building Official may issue an order requiring the person or persons committing the violation to cease and desist immediately therefrom. The cease-and-desist order shall remain in effect until any Certificate of Appropriateness required for the work is approved. A violation of a cease-and-desist order issued by the Board or the Zoning Official or Building Official is hereby declared unlawful and shall be punished as set forth in 9.1.2.

## CHAPTER 10. DEFINITIONS

### 10.1.1. GENERAL

The following provisions shall govern the text of this Ordinance.

1. Words used in the present tense include the future.
2. Words in the singular number include the plural, and words in the plural number include the singular.
3. The word "building" includes the word "structure."
4. The word "shall" is mandatory and not directory.
5. All time periods are in calendar days, unless expressly stated otherwise.

### 10.1.2. WORDS AND TERMS

For the purpose of this Ordinance, certain terms and words are defined as follows.

**ACCESS:** Entrance for vehicles to and/or exit from land fronting on the public street system.

**ACCESSORY BUILDING:** A detached subordinate building not more than two stories in height, the use of which is incidental to that of the principal building on the same lot.

**ACCESSORY USE:** A use which is subordinate to but associated with the principal use on the same lot.

**ADULT BUSINESS:** Any business activity, establishment, store, club, or other use that allows or involves the following.

1. Persons appearing live before the public or audiences in a state of nudity or semi-nudity for any form of compensation or consideration.
2. Live performances characterized by specified sexual activities.
3. Sale or rental in any form of films, motion pictures, video cassettes, slides, or other photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas.
4. Coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices maintained to show images to five 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.
5. As one of its principal business purposes, offering for sale or rental for any form of consideration audio recordings in any form, books, magazines, periodicals, other printed matter, or visual representations depicting or describing specified sexual activities or specified anatomical areas, or instruments, devices or paraphernalia designed for use in connection with specified sexual activities.

**ADULT CARE FACILITY:** A facility providing care for nonresident adults for portions of any twenty-four hour period. As an incidental use, any such facility may provide overnight stays for brief period of time, not to exceed two weeks, for a client whose primary caregiver is unavailable.

**AGRICULTURE, INTENSIVE:** Animal agricultural practices that intensify traditional farming or ranching techniques, including feedlots, brooders, and factory farming.

**AIKEN HISTORIC REGISTER:** The listing of all districts and sites designated by City Council under this Ordinance.

**ALLEY:** A service roadway that usually affords only a secondary means of access to abutting property, is not intended for general traffic circulation, and is 20 feet or less in width.

**ALTERATION:** For the purposes of Chapter 5, any act or process that changes the exterior architectural appearance of a structure.

**ANTENNA:** A device, dish, or an array of the same used to transmit or receive telecommunications signals.

**APARTMENT, ACCESSORY:** An additional dwelling unit that is subordinate to the principal dwelling unit on the property whether located within the principal structure or in a separate accessory building. (Ord. 04082002A)

**APPROVED TREE LIST:** A listing of tree varieties set forth in the Tree Protection and Landscaping Manual prepared by the City Horticulturist including trees specifically allowed in parking lots.

**ARTERIAL, MAJOR:** A street whose primary function is to carry large volumes of traffic at higher speeds through the city or from one part of the city to another, that provides access to adjacent properties only if absolutely necessary, that typically has a minimum ADT of 15,000, and is usually designated as a State or federal primary highway.

**ARTERIAL, MINOR:** A street whose primary function is to carry large volumes of traffic at higher speeds through the city or from one part of the city to another, that provides access to adjacent properties on a limited basis, and typically has an ADT of 5,000 to 15,000.

**ASSISTED LIVING FACILITY:** See “Residential Assisted Living Facility.”

**ATTACHED SINGLE-FAMILY RESIDENTIAL:** A group of at least three dwelling units each having ground-floor outside access and separated by common walls without openings.

**ATTACHED SINGLE-FAMILY RESIDENTIAL PROJECT:** A one-family dwelling with ground-floor outside access attached to one or more similar one-family dwellings by common vertical walls without openings; such units are in groups of at least three (with two units being considered a duplex).

**AUTOMOBILE REPAIR SHOPS:** A building or site on or in which a business is engaged in repair or equipping of vehicles.

**AUTOMOBILE SALES or STORAGE YARDS or LOTS:** An open premise used for the storage or sale of complete and operable automobiles.

**AUTOMOBILE WRECKING YARD or JUNK YARD:** Any place used principally for wrecking or storage where one or more vehicles not in running condition, or the parts thereof, are stored in the open, or any building or structure used principally for wrecking or storage of automobiles not in running condition.

**BANK:** Any bank, savings and loan, credit union, or similar institution accepting deposits insured by the Federal Deposit Insurance Corporation (FDIC).

**BED AND BREAKFAST HOME STAY:** An owner-occupied building or portion thereof and associated accessory buildings offering transient lodging with a maximum of three guest bedrooms and meals, with no meeting rooms.

**BED AND BREAKFAST INN:** An owner-occupied building or portion thereof and associated accessory buildings offering transient lodging in four to ten guest bedrooms and meals and, with special exception approval, offering meeting rooms and meals to those other than guests on a limited basis.

**BED AND BREAKFAST/MEETING FACILITY:** An owner-occupied building or portion thereof and associated accessory buildings offering transient lodging in four to ten guest bedrooms and meals and, with special exception approval, offering meeting rooms and meals to those other than guests on a larger scale than that possible in a Bed and Breakfast Inn.

**BOARD OF ZONING APPEALS:** The board or body as set forth under the laws of the State of South Carolina whose purpose is to hear appeals from decisions of administrative officials and make decisions on requests for variances and special exceptions pursuant to the Zoning Ordinance.

**BUFFER:** Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to shield or block noise, lights, or other nuisances.

**BUILDABLE AREA:** That portion of a lot or site on which a principal building could be erected or placed as permitted by this Ordinance.

**BUILDING:** A free-standing, roofed structure for the shelter of persons, animals, equipment, or materials.

**BUILDING HEIGHT:** The vertical distance measured from the level of the established grade opposite the middle of the front of the building, to the highest point of the roof surface if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip, or gabled roof. For buildings set back from the street or right-of-way line, the height shall be measured from the average elevation of the natural grade along the front of the buildings, provided the distance of the building or buildings from the street right-of-way line is not less than the heights of such grade above the established grade of the street. In case of through lots, or double front lots, the established grade of such abutting street shall govern to one-half the depth of the lot.

**BUILDING OFFICIAL:** The person who issues building permits and Certificates of Occupancy and performs other duties as set forth at 7.1.1.

**BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is situated. In a residential zoning district, any dwelling shall be deemed to be a principal building on the lot on which the same is situated.

**CALIPER:** The diameter in inches of a tree trunk measured six inches above the grade of the surface of the ground at the base of the tree. For a tree to be acceptable as a replacement tree and for measurement pursuant to this method, the tree must consist of only one trunk at the point of measurement.

**CANDELA:** The basic unit of luminous intensity adopted under the Systeme International d'Unites; equal to 1/60 of the luminous intensity per square centimeter of a black body radiating at a temperature of 2.046 degrees Kelvin.

**CANDLE POWER:** Luminous intensity measured in candelas.

**CANOPY, ATTACHED:** An attached canopy is a rigid multi-sided structure covered with fabric, metal, or other materials supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities; may be illuminated by means of internal or external source.

**CANOPY, FREE STANDING:** A rigid multi-sided structure covered with fabric, metal, or other materials supported by columns or posts embedded in the ground; may be illuminated by means of internal or external source.

**CITY PARK:** See Park, City.

**CLASSIFICATION:** The category of a street based upon its intended purposes and operating characteristics.

**COLLECTOR, MAJOR:** A street whose primary function is to connect a local street to another local street or to a collector or arterial street, that provides direct access to abutting properties unless such access would significantly impede traffic flow, and typically has an ADT of 2,000 to 5,000.

**COLLECTOR, MINOR:** A street whose primary function is to connect a local street to another local street or collector street, that provides direct access to adjacent properties, and typically has an ADT of 500 to 2,000.

**COMMERCIAL VEHICLE:** For the purposes of this Ordinance, a commercial vehicle shall mean any vehicle which exceeds 10,000 pounds gross vehicular weight, or 20 feet in length, or has more than two axles.

**COMMUNICATIONS TOWER:** A tower, pole, or similar structure which supports a telecommunications antenna above ground in a fixed location, free-standing, guyed, or on a structure but not including communications towers for amateur radio operators licensed by the Federal Communications Commission which are exempt from municipal zoning restrictions.

**COMPREHENSIVE PLAN:** The legally adopted Comprehensive Land Use and Transportation Plan, and any amendments or attachments thereto.

**CONDITIONAL USE:** A use allowed on a lot in a zoning district only upon a showing by the applicant that such use on the lot will comply with all applicable conditions and standards for such use as set forth in Chapter 3, Article 3.

**CONGREGATE CARE FACILITY:** See Residential Assisted Living Facility.

**CONSTRUCTION:** For the purposes of Chapter 5, the act of adding height or enclosed area to an existing structure, expanding the footprint of an existing structure, or erecting a structure.

**CONTRIBUTING STRUCTURE:** A structure that contributes to the character of an Historic Site or an Historic District.

**CONVENIENCE STORE:** A retail store of neighborhood scale that is designed and stocked to sell primarily pre-packaged convenience food, household items, newspapers, magazines, and beverages to customers who purchase only a relatively few items.

**CROWN PRUNING:** The pruning method of crown reduction accomplished by cutting back limbs to laterals that are at least one-third the size of the parent limb (also called drop-crotch pruning). (Ord. 04082002A)

**CROWN RAISING:** The removal of the lower branches of a tree in order to provide clearance for buildings, vehicles, pedestrians, and vistas. (Ord. 04082002A)

**CROWN REDUCTION:** Reducing the height or spread of a tree by pruning methods which maintain the structural integrity and natural form of the tree. (Ord. 04082002A)

**CROWN TOPPING:** The cutting back of limbs to a stub, bud, or lateral branch not large enough to assume the terminal role. (Ord. 04082002A)

**DBH (Diameter at Breast Height):** The diameter of a tree trunk measured in inches 4.5 feet above grade except that a tree with multiple trunks that fork below the 4.5-foot level is measured below the fork. (Ord. 04082002A)

**DEMOLITION:** Any act or process that destroys a structure in whole. (Ord. 01282008A)

**DESIGN REVIEW BOARD:** The board appointed by City Council pursuant to the Overlay Districts provisions in Chapter 5 of this Ordinance and State law.

**DESIGNATION, HISTORIC DISTRICT OR HISTORIC SITE:** Placement of a site, structure, or area to the Aiken Historic Register by City Council. See 6.2.13.

**DETENTION POND:** A drainage facility designed to manage and temporarily hold storm water and release it gradually as determined by the City Engineer.

**DIRECTOR OF ENGINEERING/PUBLIC WORKS:** The Director of the Public Works Department of the City.

**DISTRIBUTION LINE:** Any utility line providing connection between transmission lines and service lines.

**DRIVEWAY:** An access point that is not a public street, road, or highway.

**DWELLING:** Any building or portion thereof intended exclusively for residential purposes.

**DWELLING, SINGLE-FAMILY:** A building containing only one housekeeping unit and designed or used to house not more than one family in a permanent manner.

**DWELLING, MULTIFAMILY:** A building designed for, or portion of a building having accommodations for, two or more families being independent of each other, and each having its own kitchen and bath facilities. This term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, suites, or groups such as apartment units, apartment hotel, studio apartments, and all other dwellings similarly occupied, but does not include duplexes or single-family dwellings.

**DWELLING UNIT:** A single housekeeping unit, whether in a single-family or multifamily structure, including, at minimum, a kitchen, bathroom, and sleeping area.

**EXTERIOR ARCHITECTURAL APPEARANCE:** The architectural features, character, and general composition of the exterior of a structure, including, but not limited to, the kind and texture of the building material and the type, design, and character of windows, doors, light fixtures, signs, and appurtenant elements.

**FAMILY:** One or two persons or parents with their direct descendants and adopted children together with not more than two persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five or fewer persons living in such housekeeping unit shall be considered a separate family. Family does not include a group occupying a club, dormitory, etc.

**FLOOR AREA, GROSS:** The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet. Gross floor area shall exclude areas used exclusively for vehicle parking or loading.

**FOOTCANDLE:** The amount of light generated by one candle shining one foot away from a one-square-foot surface as measured by a photometric light meter.

**FRONTAGE:** The length of that portion of a property which directly adjoins a street.

**FRONTAGE STREET:** A street that is parallel to, adjacent to, but separate from an arterial and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access to these properties.

**FULL CUT-OFF LIGHTING FIXTURE:** A lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture.

**GARAGE:** A building or structure or part thereof intended to be used for storage or housing of vehicles.

**GROUP HOME, TYPE 1:** A home serving nine or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four hour basis and is approved or licensed by a state agency or department for that purpose (South Carolina Code of Laws – Title 6, Chapter 29, Section 770).

**GROUP HOME, TYPE 2 or 3:** Any group home not meeting the definition of a Type 1 group home.

**HARDSHIP:** A condition caused by peculiar characteristics of a lot or tract of land that hinders strict compliance with this Ordinance, but that does not include personal or economic disadvantages or self-created conditions.

**HEIGHT, COMMUNICATIONS TOWER:** The distance from the base of the tower to the top of the structure.

**HIGHWAY; STREET; ROAD:** The entire width between right-of-way or boundary lines of a public way open for vehicular travel.

**HISTORIC DISTRICT:** A geographically definable area designated by City Council as possessing a concentration, linkage, or continuity of sites, structures, or objects of historic, archeological, architectural, or aesthetic value. A district may also be comprised of individual sites, buildings, structures, or objects linked by association or history.

**HISTORIC SITE:** An individual property not contiguous to an Historic District designated by City Council as historic because of its historic, archeological, architectural, or aesthetic value.

**HOME OCCUPATION TYPE 1:** A low-intensity business conducted inside a dwelling which is allowed by right, is essentially imperceptible to nearby residents, and does not involve the sale of merchandise or provision of services to customers on-site on any sort of regular basis.

**HOME OCCUPATION TYPE 2:** A business which may involve the sale of merchandise or provision of services to customers on-site conducted inside a dwelling which requires approval of a special exception by the Board of Zoning Appeals including possible restrictions imposed by the BZA and other limitations set forth in the Zoning Ordinance to minimize the impact on nearby residents.

**HOTEL or MOTEL:** A commercial building with guest rooms for sleeping designed for and occupied by transients renting rooms on a daily basis and usually staying less than seven days.

**INSTITUTION:** A nonprofit or quasi-public use. See 3.2.4.F

**KENNEL:** Any building or premises where four or more dogs or cats (at least 8 weeks of age) or other small animals are kept, and for which remuneration is received. This definition shall not include premises that are used for residential purposes at which the occupant is keeping his own personal animals.



**LAKE:** A body of water with a permanent pool of a depth sufficient to preclude the growth of noxious weeds as determined by the City Engineer.

**LANDMARK:** A structure that is essential to the character of an Historic Site or Historic District.

**LANDSCAPED AREA:** That area not covered by buildings or pavement and containing landscaping.

**LANDSCAPING:** Plant material including but not limited to grass, ground covers, shrubs, vines, trees, and organic matter such as mulch. This may also include stone, gravel (except in parking lots and driveways), walls and fences, and certain lakes or ponds meeting the requirements in 4.6.7.

**LARGE RETAIL PROJECT:** 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.

**LOCAL STREET:** A street whose primary function is to provide access to abutting properties and typically has an ADT of up to 500.

**LODGING or BOARDING HOUSE:** A dwelling unit or part thereof in which lodging and meals are provided in exchange for compensation.

**LOT or LOT OF RECORD or PLAT:** A lot or parcel of land, the dimensions of which are shown on a map on file with the Registrar of Mesne Conveyance of Aiken County, South Carolina, or in common use by County officials.

**LOT, CORNER:** A lot which abuts on two or more streets at their intersection, or upon two parts of the same street that form an interior angle of not more than 135 degrees.

**LOT DEPTH:** The average distance measured from the front lot line to the rear lot line.

**LOT, INTERIOR:** A lot that is not a corner lot and is bounded by a lot on each side line.

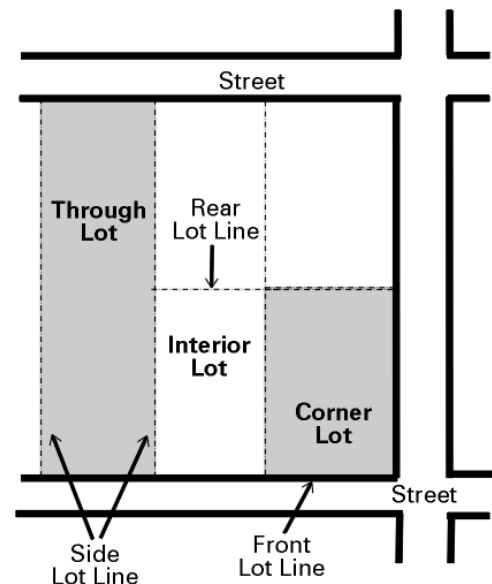
**LOT LINE, FRONT:** The front lot line of an interior lot is the line separating the lot from the street right-of-way or easement of principal access. The front lot line of a corner lot shall be the lot line upon which the principal building entrance will front and/or where the principal address is assigned as determined by the City Engineer.

**LOT LINE, REAR:** The rear lot line is the boundary opposite and more or less parallel to the front lot line. The rear lot line of an irregular or triangular lot shall be a line not less than ten feet long, lying wholly within the lot, and parallel to and at the farthest distance from the front lot line.

**LOT LINE, SIDE:** A side lot line is any lot boundary line not a front line or a rear lot line.

**LOT, THROUGH:** A lot that fronts upon two streets that do not intersect at the boundaries of the lot.

**LOT WIDTH:** The horizontal distance between side lot lines measured at the minimum building setback line.



**LUMEN:** A unit of measurement of the rate at which light is emitted from a source. The International System unit of luminous flux, equal to the light emitted in a unit solid angle by a uniform point source of one candela.

**MANUFACTURED HOME:** A structure constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development (HUD-Code), transportable in one or more sections are eight feet or more in width and forty feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. This term does not include a recreational vehicle.

**MANUFACTURED HOME SPACE:** A unit of ground indicated by corner markers on which a manufactured home may be placed in a manufactured home park.

**MANUFACTURED HOME SUBDIVISION:** A unified development of lots for the placement of one manufactured home per platted lot for non-transient occupancy, established for the purpose of having individually-owned lots.

**MANUFACTURED HOME PARK:** Any site, lot, parcel, or tract of land under single ownership with sites available for rent or lease upon which two or more manufactured housing units or mobile homes are placed.

**MOBILE HOME:** A manufactured home constructed prior to June 15, 1976 or that otherwise does not meet the HUD-Code standards.

**MOTEL:** See "Hotel or Motel."

**MULCH:** A layer of organic material placed on the soil around plants to retain moisture and prevent weeds.

**NATURAL GRADE:** The slope of the ground adjoining the building.

**NONCONFORMING USE:** Any use of a building or of land that does not conform to the regulations for the district in which it is situated but which was existing and lawful prior to the adoption of this Ordinance or amendment.

**NONCONTRIBUTING STRUCTURE:** A structure that does not contribute to the character of an Historic Site or an Historic District.

**NURSING HOME:** A facility which is operated for the purpose of providing long-term individualized and substantial nursing, personal assistance, or convalescent care for residents unrelated to the operator.

**OPEN SPACE:** Outdoor or unenclosed area on the ground accessible for outdoor living, recreation, pedestrian access, or landscaping. Open space shall not include parking areas, driveways, deck or terrace areas, utility or service areas, or any space with a dimension of less than 6 feet in any direction.

**OUTPARCEL:** Any lot created from an overall tract wherein the remaining tract is larger than any single lot created and wherein the conditions and locations of access to such lot from a public street may be restricted and/or provided through easements granted by the larger tract holder.

**OVERLAY DISTRICT:** A geographic area designated on the Official Zoning Map where certain regulations of this Ordinance apply in addition to the underlying zoning district regulations. See 2.1.1 and 2.6.1.

**PARK, CITY:** All premises and facilities owned, leased, or used by the City or its Department of Parks and Recreation for any recreational purposes, not including a street right-of-way.

**PARK, COMMUNITY:** A park commonly 20 acres or more in size providing an area or building for community gathering, and including areas for active games such as baseball, softball, soccer, tennis, basketball and volleyball. May also include a swimming pool, as well as passive areas for hiking, biking, sitting, and picnicking. A maintenance building may also be provided.

**PARK, NEIGHBORHOOD:** A park commonly no more than five acres in size that is easily accessible to a neighborhood within safe walking and biking distance. A neighborhood park provides facilities for all ages, passive as well as active, including play equipment, open space for games, paved game areas, ballfields and landscaped areas. A small maintenance building may also be provided.

**PARKING LOT, COMMERCIAL:** A parcel of land devoted to unenclosed parking spaces which may include partially enclosed one-story buildings, or a parking garage that is the principal structure on the parcel and where a charge is made for storage or parking of vehicles.

**PARKING SPACE:** An area of appropriate dimensions to be used exclusively as a temporary storage space for private motor vehicles and not for truck loading and unloading space.

**PERMIT:** A legal document in which the City or SCDOT gives written permission for an access to an applicant.

**PHASED DEVELOPMENT PLAN:** A development plan submitted to the City 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. (Ord. 06132005H)

**PLANNED COMMERCIAL DEVELOPMENT (PC):** A commercial or mixed use development project comprehensively planned as a unified entity with a master concept plan that permits flexibility in siting buildings, shared access and parking, and mixtures of land uses.

**PLANNED RESIDENTIAL DEVELOPMENT (PR):** A development primarily used for residential purposes comprehensively planned as a unified entity with a concept plan approved by City Council that generally permits flexibility in siting buildings and a mixture of housing types and land uses but requires the preservation of usable open spaces and significant environmental features. Commercial and institutional uses may be included if they are primarily for the benefit of the residents of the project.

**PLANNING COMMISSION:** Refers to the Planning Commission of the City of Aiken, South Carolina, as set forth under the laws of the State of South Carolina.

**PLANNING DIRECTOR:** Director of the Planning Department of the City.

**PLANTING STRIP:** A portion of the required landscaping on a site. See Chapter 4, Article 6.

**PUBLIC PROJECT:** In accordance with Section 6-29-540, Code of Laws of South Carolina, any new street, structure, utility, square, park, or other public way, grounds, or open space or public buildings for any use, with the exception of telephone, sewer, and gas utilities or electric suppliers, utilities, and providers, whether publicly or privately owned, whose plans have been approved by a state or federal regulatory agency.

**RECREATIONAL VEHICLE:** A self-propelled or towable vehicle of such size and weight as not to require special highway movement permits, primarily designed, constructed, or modified to provide temporary living quarters or for recreation, camping, or vacation use, and not for commercial purposes or for profit, including, but not limited to, motor homes, travel or camper trailers, pickup campers, boats and boat trailers. This definition does not include mobile or manufactured homes.

**RELOCATION:** For the purposes of Chapter 5, any moving of a structure on its site or to another site.

**REPAIR:** For the purposes of Chapter 5, any minor change to a structure that is not construction, relocation, demolition, or alteration.

**RESIDENTIAL ASSISTED LIVING FACILITY or RESIDENTIAL CARE FACILITY:** A facility which offers room (regardless of whether leased or owned by the occupant or any other person), board, and a limited degree of personal assistance on a long-term basis for two or more persons, 18 years old or older, unrelated to the operator, but excluding any facility which offers or represents to the public that it offers such services primarily to or specifically for the mentally ill, mentally disabled, or drug or alcohol addicted or provides or purports to provide specific procedures or processes for those diseases or conditions. Personal assistance as used herein shall be interpreted and applied using the applicable provisions in South Carolina Code Annotated Regulation 61-84, or any successor provisions thereto, as guidelines.

**RIGHT-OF-WAY:** Land reserved for use as a highway, street, or road whether or not formally dedicated to the City including the area between the edge of pavement and the abutting property.

**ROAD:** See Highway; Street; Road

**SCDOT:** The South Carolina Department of Transportation.

**SEMI-NUDITY:** A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

**SERVICE LINE:** Any utility line that connects a distribution line to an end user.

**SETBACK LINE:** That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be constructed or placed. A setback line shall also apply to any accessory structure.

**SHOPPING CENTER:** A group of at least two commercial establishments typically planned, constructed, and managed as a single entity, with on-site parking for customers and employees, and with delivery of goods separate from customer access.

**SIDEWALK:** A paved or surfaced area, paralleling and usually separated from a public or private street, used as a pedestrian walkway.

**SIGN:** Any sign, poster panel, free-standing sign, monument sign, projecting sign, pylon sign, illuminated sign, sign painted on a wall, window marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person, business or entity, public or private, when the same is placed in view of the general public, traveling along a public street right-of-way.

**SIGN, MOBILE OR PORTABLE:** Portable advertising signs or identification signs, either illuminated or non-illuminated, mounted on wheels or so constructed as to provide for temporary use.

**SIGN, READER BOARD:** A portion of a sign designed for changeable copy.

**SIGN, TEMPORARY:** A sign which is not intended for permanent display. See 4.4.9.

**SITE SPECIFIC DEVELOPMENT PLAN:** a development plan submitted to the City 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 or special use permit plan; conditional or special use district zoning plan; or other land-use approval designations as are used by a county or municipality. (Ord. 06132005H)

**SPECIAL EXCEPTION:** A use permitted following approval by the Board of Zoning Appeals in accordance with 6.2.18.

**SPECIFIED ANATOMICAL AREAS:** The male genitals or the vulva or other parts of the female genitals.

**SPECIFIED SEXUAL ACTIVITIES:** Any of the following:

1. Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

**STABLE:** A building intended for the accommodation of one or more horses, mules, burros, or ponies.

**STABLE, PLEASURE:** A stable used to shelter horses, mules, burros, or ponies which are kept or ridden for the sole purpose of recreation or pleasure.

**STABLE, COMMERCIAL:** Any stable that does not meet the definition of a pleasure stable.

**STORY:** The vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling next above it. A cellar or basement shall not be considered a story. Attic space is construed as one-half story.

**STREET:** See Highway; Street; Road.

**STREET WIDTH:** The horizontal distance between the side right-of-way lines of a street, road, or highway measured at right angles to the side right-of-way lines.

**STRUCTURE:** Anything constructed or erected, the use of which requires more or less permanent or temporary location on or in the ground, or which is attached to something having a permanent location on the ground. The term includes, but is not limited to buildings, gazebos, signs, billboards, tennis courts, backstops for tennis courts, radio and television antennae and satellite dishes, including supporting towers, swimming pools, decks, patios, light standards, walls, and fences. This definition shall not include play equipment, benches, birdbaths, mailboxes, or any other insignificant objects as determined by the Planning Director.

**SUBDIVISION:** The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development for purposes other than agricultural. It includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

**SWALE:** A grassy depression used to channel storm drainage with sides having a slope gradual enough to be mowed as determined by the City Engineer.

**SWIMMING POOL:** Any structure intended for swimming or recreational bathing that contains water over 24 inches deep including in-ground, above-ground, and on-ground pools as well as hot tubs and spas.

**TELECOMMUNICATIONS:** As defined in the Telecommunications Act of 1996, the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

**TEMPORARY SIGN:** See "Sign, Temporary."

**TOWNHOUSE:** A single-family dwelling constructed as part of a series of dwellings, all of which are attached to the adjacent dwelling by party walls with no visible space between them. Each dwelling is located on a separately platted lot.

**TRAFFIC CONTROL DEVICE:** Signs; signals, and markings used to regulate, warn, and guide traffic.

**TRANSMISSION LINE:** Any utility line intended to move large quantities of utility service from generation sources to distribution lines but not to the end user.

**TREE:** A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk rather than several stems.

**TREE, CANOPY:** A variety of large tree designated by the City Horticulturist that will at maturity provide substantial shade. (Ord. 04082002A)

**TREE, LARGE:** A tree that typically exceeds a height of 30 feet at maturity as determined by the City Horticulturist and that is listed or identified in the Tree Protection and Landscaping Manual.

**TREE, SIGNIFICANT:** A large tree with a DBH of 8 to 24 inches, or a small tree with a DBH of 4 to 8 inches. Unless otherwise specified, this term refers to existing trees on a site.

**TREE, SMALL:** A tree that typically does not exceed a height of 30 feet at maturity as determined by the City Horticulturist and that is listed or identified in the Tree Protection and Landscaping Manual.

**TREE, GRAND:** A large tree with a DBH of 24 inches or more, a small tree with a DBH of 8 inches or more, or any tree designated by the City Horticulturist to be of exceptional value because of its type, size, age, or other criteria. Unless otherwise specified, this term refers to existing trees on a site.

**TREES, REMOVAL OF:** Any intentional or negligent act that will cause a tree to decline and die within a period of one year from the act as determined exclusively by the City Horticulturist, including, but not limited to, damage inflicted upon the root system of a tree by application of toxic substances; the operation of machinery; the change of natural grade by excavation or filling above the root system or around the trunk of a tree; damages from injury or fire inflicted on trees that result in or permit pest infestation; and improper pruning.

**UNDERGROWTH:** Vines and bushes as determined by the City Horticulturist.

**UPPER-STORY RESIDENTIAL:** A residential dwelling unit located above another use.

**USE CATEGORY:** A mechanism to classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. The Use Categories provide a systematic basis for assigning land uses to appropriate zoning districts. See Chapter 3, Article 2.

**VARIANCE:** Permission granted by the Board of Zoning Appeals to vary from the literal requirements of this Ordinance. See 6.2.19.

**VEHICLE REPAIR:** Any building in which, or premises on which, a business involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered. Vehicle repair does not involve the storage of vehicles for extended periods of time.

**VEHICULAR USE AREA:** Areas covered by pavement intended for use by automobiles and other vehicles for parking or any other purpose.

**VESTED RIGHT:** The right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan as provided in this article and in the local land development ordinances or regulations adopted pursuant to this chapter. (Ord. 06132005H)

**VISIBLE FROM A STREET:** Able to be seen by a person standing at any point on any public street right-of-way, including, but not limited to, any object that could be seen from a street if not for obstructing trees, vegetation, or fences.

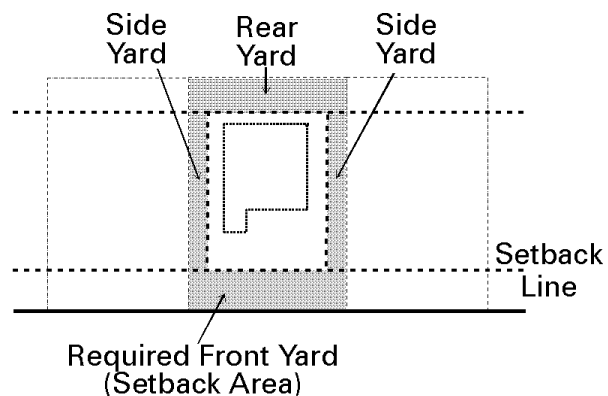
**YARD:** An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward, except as otherwise provided in this Ordinance, including a front yard, side yard, and rear yard.

**YARD, FRONT:** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front lot line.

**YARD, REAR:** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear lot line.

**YARD, REQUIRED:** Any setback area required in this Ordinance. See 4.2.1 and 4.3.1.

**YARD, SIDE:** An open space extending along the side line of a lot between the front yard and the rear yard and of a width measured horizontally at right angles to the side lot line.



**ZONING OFFICIAL:** The person appointed by the Planning Director involved in the enforcement of the Zoning Ordinance (see 7.1.2 and 9.1.1).





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