

NORTH AUGUSTA DEVELOPMENT CODE

FINAL REVIEW DRAFT
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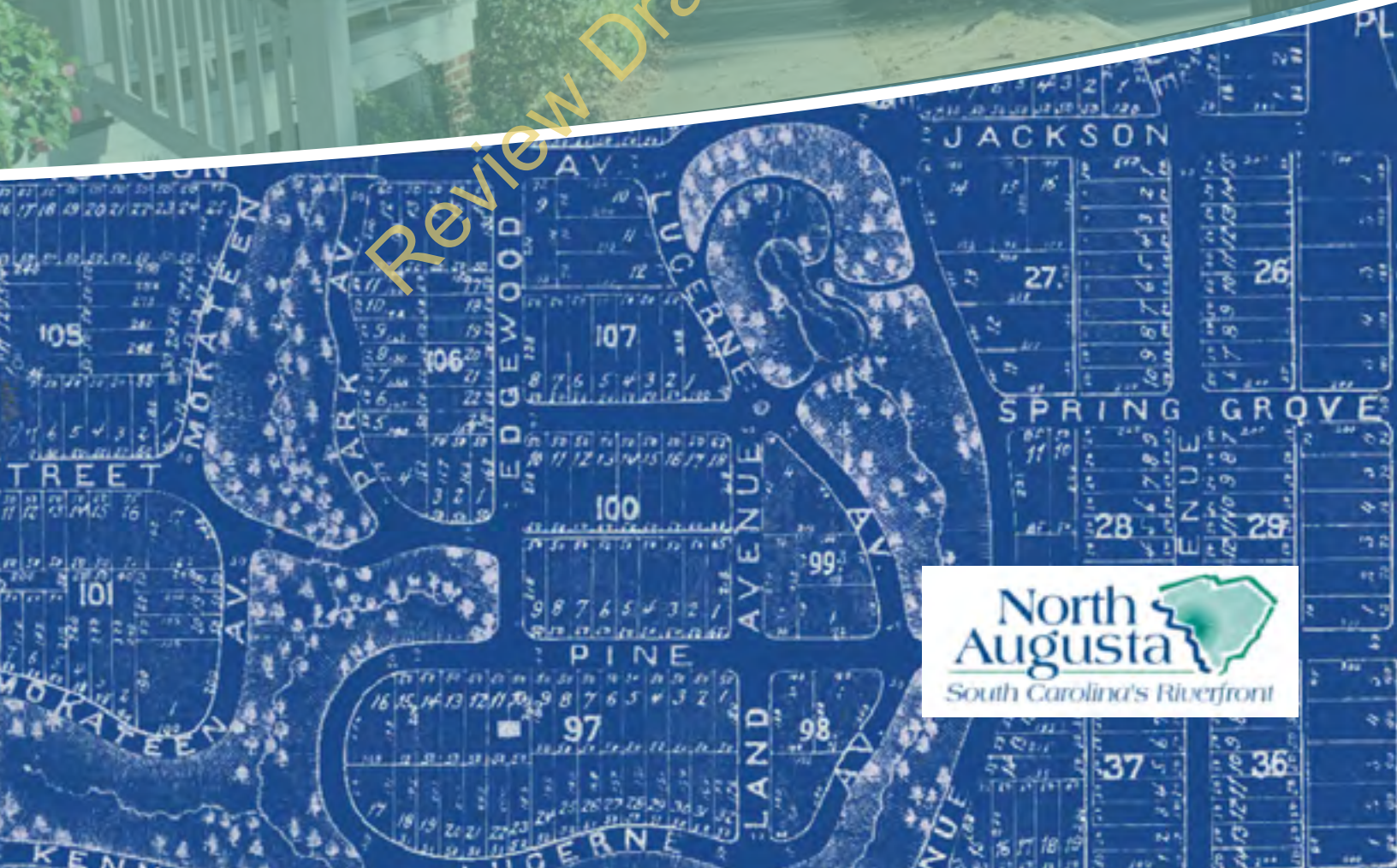




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ARTICLE

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ARTICLE 1 - AUTHORITY AND PURPOSE

1.1 TITLE

This Chapter shall be known and may be cited as the Development Code of the City of North Augusta.

1.2 AUTHORITY

This Chapter is adopted pursuant to Title 6, Articles 29 and 31 of the S. C. Code.

1.3 GENERAL PURPOSE AND INTENT

The Development Code as established in this Chapter was made in accordance with a comprehensive plan for the purpose of promoting health, safety, and the general welfare of the community. It is intended to consolidate in one place and in logical order, without unnecessary duplication, the city's regulations pertaining to land use and development. It is designed to make it possible for all of those concerned with land use and development to have access to all relevant city legislation in one convenient Chapter that is capable of being published and distributed as a separate and comprehensive segment of the Code of Ordinances, City of North Augusta, South Carolina, hereinafter referred to as the City Code, as a whole. The specific objectives of this Chapter are:

1.3.1 To protect the health, safety, and general welfare; and

1.3.2 To promote new development forms that complete neighborhoods that:

1. Are designed at a human scale by controlling massing and design that respects the architectural vernacular of North Augusta;
2. Foster communication among neighbors and connectivity to the larger community by allowing compact development patterns, interconnected street systems, short blocks;
3. Include or reinforce central places, such as North Augusta's traditional downtown and neighborhood commercial centers, civic gathering

places, and open space;

4. Encourage walking and biking by the layout of blocks and streets;
5. Accommodate vehicular travel without allowing parking lots and streets to dominate the built environment;
6. Provide a mix of housing types, including housing affordable to all households and housing arrangements that foster neighborliness;
7. Provide a variety of spaces, including outdoor and passive outdoor uses, which become part of the public realm;
8. Design streets as outdoor rooms, with attention to pedestrian and bicyclist safety as well as to the safety of motorists;
9. Includes neighborhood design that responds to the natural, cultural, and historic context;
10. Protect and preserve places and areas of historical, cultural, or architectural importance and significance; and
11. Are the result of a planning process that is inclusive and involves opportunities for negotiation between the designer and the City.

1.4 IMPLEMENTATION

1. The Department of Planning & Development, hereinafter known as the Department, should be contacted for additional information about the Development Code.
2. The Planning & Development Department Director, hereinafter known as the Director, shall oversee implementation of the Development Code.

1.5 EFFECTIVE DATE

This Chapter shall become effective on the date specified by the enabling ordinance or as provided by law.

1.6 SEVERABILITY

If for any reason any one or more sections, sentences, clauses, or parts of this Chapter are held invalid by a court of competent

jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Chapter but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Chapter held invalid. The invalidity of any section, sentence, clause, or part of this Chapter in any one or more instances shall not affect or prejudice in any way the validity of this Chapter in any other instance.

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ARTICLE

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ARTICLE 2 - APPLICABILITY AND CONFORMITY

2.1 JURISDICTION

The provisions of this Chapter shall apply to all land and improvements within the corporate limits of the City of North Augusta, South Carolina.

2.2 APPLICABILITY AND CONFORMITY

2.2.1 Use and Development of Land. This Chapter applies to all regulations and other matters pertaining to the use and development of land, including zoning, subdivisions, platting, floodplains, manufactured home parks, and also to streets and sidewalks insofar as these are involved in the foregoing enumeration of purpose and intent and the following enumeration of applicability

2.2.2 Public Buildings and Private Land. This Chapter applies to all public buildings, and private land(s), and use(s) thereon over which the city has jurisdiction under the constitution(s) and law(s) of the State of South Carolina and of the United States, including any areas within the jurisdiction of the city, pursuant to the authority recited in Article 1.

2.2.3 Governmental Entities. Governmental entities are subject to this Chapter as provided in S.C. Code §6-29-770.

2.2.4 Exemption Under State or Federal Law. This Chapter shall not apply to any use or activity exempt from regulation under state or federal law, but only to the extent that the use or activity is exempted.

2.3 CONSISTENCY WITH THE COMPREHENSIVE PLAN

Pursuant to S.C. Code §6-29-720, this Chapter is intended to implement the goals, objectives, and policies of the City of North Augusta Comprehensive Plan, "Comprehensive Plan," as adopted or amended from time to time. This Code is deemed to be consistent and in accordance with the Comprehensive Plan. Also, any amendments to this Chapter, including any

approved rezoning, shall be consistent with the adopted Comprehensive Plan in effect at the time of such request for amendment. An amendment to the text of this Chapter will be deemed consistent with and in accordance with the Comprehensive Plan if it complies with the Plan goals and policies.

2.4 COMPLIANCE REQUIRED

Except as otherwise provided by this Chapter, land, buildings, and premises in any district shall hereafter be developed, used, and altered strictly in accordance with the regulations established for the district in which they are located.

2.5 PRIOR ACTIONS AND PENALTIES

These regulations shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous ordinance, nor shall it be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue under such law or ordinance.

2.6 COORDINATION AND CONFORMITY WITH OTHER REGULATIONS

2.6.1 If a conflict exists between any provision in these regulations and any other rules regulations, or policies adopted by the City, the provision that is the most restrictive shall prevail.

2.6.2 If a conflict exists between any provision in these regulations and any state or federal law, the more restrictive provision shall control to the extent permitted by such law.

2.6.3 Unless specifically stated otherwise in this Chapter or as required by state or federal law, nothing in these regulations requires or implies that the City will check for conformity with the laws of other jurisdictions prior to issuing a local approval; however, demonstration of compliance may be required as part of the permit approval process.

2.6.4 The use of buildings and land within the city shall be subject to all other applicable regulations as well as this Chapter, whether

or not such other regulations are specifically referenced in this Chapter.

2.7 PERMITS AND CERTIFICATES

No development activity shall occur on any property within the jurisdiction of this Chapter until all the applicable permits, approvals and certificates required for such activity have been issued and approved by the appropriate city officials with the authority to approve the same pursuant to Article 5 of this Chapter

2.8 UNIFORMITY WITHIN DISTRICTS

Within each zoning district, the regulations set forth in this Chapter shall apply uniformly to each class or kind of use, structure, or land.

2.9 APPLICATION OF DEED RESTRICTIONS, COVENANTS, AND CONTRACTS

Unless deed restrictions, covenants, or contracts directly involve the city as a party in interest, the city shall have neither the authority nor responsibility to enforce them.

2.10 VESTED DEVELOPMENT RIGHTS

Any amendments, modifications, supplements, repeals or other changes in these regulations or the zoning maps shall not be applicable or enforceable without the consent of the owner whenever a valid vested right has been secured and declared. The burden is on the property owner to prove a valid vested right has been established.

2.11 TRANSITIONAL DEVELOPMENT

Applications in Process. Development applications pending approval that are deemed complete by the Director and received prior to the effective date of these regulations will be reviewed under the terms of the previous ordinance with regards to use, density, intensity, location, and site design features that impact any

of these essential elements. Otherwise, the provisions of these regulations will be met with regards to any element of use or development that doesn't impact an essential element, as noted, or negatively affect a valid vested right as determined by the Director. Such provisions include, but are not limited to, landscaping, number and location of driveways, lighting, and signage.

2.12 UNEXPIRED PERMITS

The enactment of this Chapter shall not terminate or otherwise affect rights, variances, and permits acquired or authorized for work that is actively in progress under the provisions of any ordinance hereby repealed.

- 2.12.1** Where a building permit has been issued for the construction of a building or structure, and for an authorized use and occupancy thereof in accordance with the law in place prior to the effective date of these regulations said building or structure may be completed in conformance with the approved plans and on the basis for which the building permit has been issued, provided the permit remains valid, unexpired, and unrevoked.

ARTICLE

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ARTICLE 3 - NONCONFORMITIES

3.1 DECLARATION OF INCOMPATIBILITY

Nonconformities as defined in these regulations are declared to be incompatible with the use and development of land and structures within the districts established by these regulations. It is the intent of the City Council to allow nonconformities to continue until they are removed, but not to encourage their survival.

3.2 IN GENERAL

3.2.1 Continuance Permitted. Any lot, use, structure, or feature lawfully existing on the date of any amendment in the text of these regulations, or on the date of a zoning map amendment, that does not conform to the requirements of the zoning district in which it is located may be continued and maintained in accordance with the provisions of this section and other applicable provisions of these regulations.

3.2.2 Change. A nonconformity shall not be changed to any other nonconformity unless the Director finds that the new proposed nonconformity is more in character with the uses and development patterns in the zoning district in which it is located. In approving such a request, the Planning Director may require appropriate conditions, limitations, and safeguards to ensure the intent of these regulations is met. This provision shall not be construed to permit a change in use from one nonconforming use to another nonconforming use unless the City finds that the new use will be a substantial benefit to the area.

3.2.3 Extension, Enlargement, and Intensification. A nonconformity shall only be extended, enlarged, or intensified in conformity with this section.

3.2.4 Repairs. Repairs ordered by the City or other governmental entities to improve public health, safety, or welfare may be made to any structure subject to the provisions of this section.

3.2.5 Certain public acquisitions. Lots, structures, or features made nonconforming solely as a result of

land acquisition for public roads, utilities, or other public projects shall not be declared nonconforming for the purposes of this section and shall have all the rights and privileges afforded to other legal conforming lots, structures, or features of record.

3.2.6 Burden of Proof. The burden of proof to establish that a nonconformity is legal, that the destruction of a structure was due to accidental means, and that a nonconformity meets the requirements of this Article is fully on the property owner

3.3 NONCONFORMING LOTS

3.3.1 Nonconforming lots may continue only in accordance with the following provisions.

1. Vacant Lots in General. Vacant lots may be used for any of the uses permitted in the zoning districts in which they are located, provided that:
 - a. Where the lot area is not more than 20 percent below the minimum specified in these regulations, and other dimensional requirements are otherwise complied with, the Planning Director or other body is authorized to approve a permit.
 - b. Where the lot area is more than twenty percent below the minimum specified in these regulations, or other dimensional requirements cannot be met for the lot, the Board of Variances and Appeals may, in its discretion, approve a variance provided the dimensions approved conform as closely as possible to the required dimensions.
2. Recombination of Nonconforming Vacant Lots. If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption or amendment of these regulations and such lots individually are too small to meet the yard, width, or area requirements of the district in which they are located, such groups of

lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of these regulations.

3. Nonconforming Occupied Lots. Nonconforming lots occupied by buildings or structures that fail to comply with the dimensional requirements for the district in which they are located may continue to be used, provided the specific nonconformity is not increased. The minimum yard requirements of these regulations shall not be construed as prohibiting the conversion of an existing building which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards.
4. Nonconforming Single-Family Lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these regulations, a single-family dwelling and its customary accessory buildings may be erected on any single lot of record after the effective date of these regulations provided that all applicable setback requirements of the zoning district are met

3.4 NONCONFORMING STRUCTURES, EXCEPT SIGNS

- 3.4.1** Nonconforming structures, excluding signs, which are addressed separately, may continue only in accordance with the following provisions:
1. **Relocation Limited.** A nonconforming structure shall not be moved to another location unless it thereafter conforms to the standards of the zoning district in which it is located.
 2. **Reconstruction Limited in General.** A nonconforming structure shall not be rebuilt, altered, or repaired following accidental damage except in conformity with these regulations after sustaining damage or necessitating repair, provided that any permitted

reconstruction shall begin within six months from the time of damage or notice of wear and shall be completed within 12 months after the issuance of a building permit.

3.4.2 Historic Property Reconstruction

Limited. Whether destroyed by accidental means including destruction by fire, other calamity, or natural disaster, a nonconforming structure that is an historic property may be restored to its former condition provided such restoration is permitted by the building code and flood hazard regulations and is started within two years of the date of damage.

3.4.3 Occupancy of Manufactured Home Permitted.

Nonconforming manufactured homes lawfully occupied may continue to be occupied provided the home is maintained in compliance with applicable city codes.

3.4.4 Replacement After Demolition Limited.

Except as otherwise provided in these regulations, no nonconforming structure that is voluntarily razed or required by law to be razed by the owner may thereafter be restored except in full conformity with the provisions of these regulations. Prior Actions and Penalties

3.5 NONCONFORMING USES

- 3.5.1** Nonconforming uses may continue only in accordance with the following provisions:

1. **Expansion Limited.** A nonconforming use or characteristic of use shall not be expanded except in conformity with these regulations provided it meets all the following criteria.
2. **A Nonconforming Use of a Building.** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of these regulations. A use may not be extended to occupy any land outside such building. Expansion of a nonconforming use is limited and shall not include:

- a. An intensification of use,
 - b. A physical expansion that results in increased capacity or activity associated with the use,
 - c. An extension of the hours of operation or number of days of activity, or
 - d. Any reasonably similar change in activity or location as determined by the Planning Director.
 3. **A nonconforming use of land.** A nonconforming use of land outside a building shall not be extended, enlarged, or intensified after the effective date of these regulations.
- 3.5.2 Relocation Limited.** A nonconforming use shall not be moved from one location on a site to another location on the same site unless the owner can demonstrate to the satisfaction of the Director that the relocation of the use will not increase the impacts of such use on the public, will not adversely affect adjacent lots, and will not have the effect of making the nonconformity more permanent.
- 3.5.3 Change of Use Limited.** A nonconforming use shall not be changed to any other use unless in compliance with this Article. Once a nonconforming use is changed to a conforming use, a nonconforming use shall not be reestablished.
- 3.5.4 Reestablishment Limited.** A nonconforming use or characteristic of use, such as time-of-day in which the use is active, shall not be reestablished after vacancy, abandonment, or discontinuance for six consecutive months; however, a temporary cessation of the nonconforming use or characteristic of use for purposes of ordinary repairs or activities otherwise expressly exempt or permitted for a structure as outlined in this section (8-1-09) shall not be considered a discontinuation.
- 3.5.5 Structural Changes Limited.** Changes to a structure occupied by a nonconforming use are limited to the following and shall not be construed to permit an unauthorized expansion.
1. Structural changes ordered by an authorized official to ensure the safety of the structure.
 2. Work on the nonconforming use portion of any nonconforming structure shall be limited to ordinary repairs. For purposes of this subsection, ordinary repairs shall only be construed to include the following:
 - a. The repair or replacement of existing walls, floors, roofs, fixtures, wiring, or plumbing;
 - b. Work required to comply with city, state, or federal mandates such as, but not limited to, the Americans with Disabilities Act (ADA) or the National Environmental Protection Act (NEPA), or to improve handicapped accessibility; or
 - c. Interior and exterior alterations provided there is no physical expansion of the nonconforming use or intensification of the use.
 - d. The addition of energy conservation or generation features.
 - e. Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.
 - f. An existing nonconforming residential structure may be enlarged or altered provided no additional dwelling units or bedrooms result. Any such enlargement or alterations shall comply with all yard requirements of the district and use.
 - g. The structure and its accompanying use may be moved to another location on the lot so long as the structure meets all applicable requirements of the district.
- 3.6 NONCONFORMING FEATURES**
- Nonconforming features may continue only in accordance with the following provisions:
- 3.6.1 Increases in Nonconformity Prohibited.** No action shall be taken which increases the degree or extent of the nonconformity. Any enlargement, extension, structural alteration, parking changes, and other changes to design features including, but not limited to, lot design, building design, and access shall

conform to all current requirements of these regulations unless explicitly exempted within these regulations.

- 3.6.2 Continuance Permitted.** For development existing before the effective date of current regulations (or for which a vested right had been established), nonconforming features created by a change in regulations may continue to exist, and structures with such nonconforming features may be reconstructed if demolished or destroyed in accordance with these regulations.

3.7 ADDITIONAL REQUIREMENTS FOR NONCONFORMING ACCESSORY USES AND STRUCTURES

No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, discontinuance, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.

3.8 CHANGES IN TENANCY OR OWNERSHIP

Change in tenancy or ownership of an existing nonconforming use, lot, or structure shall not affect its status provided there is no change in the nature or character of such nonconforming use or structure, excluding exterior site or structure condition, except as permitted in this section and all other applicable requirements of these regulations are met (e.g., parking, screening, landscaping, etc.).

ARTICLE

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ARTICLE 4 - ZONING DISTRICTS ESTABLISHED

4.1 ZONING DISTRICTS ESTABLISHED

In order to implement the Comprehensive Plan, the City of North Augusta is hereby divided into the zoning districts listed in Table 4.1, North Augusta Zoning Districts.

4.2 COMPLIANCE WITH REGULATIONS

No use of any building, structure, parking lot or land shall hereafter be established, and no building, structure, parking lot or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless in compliance with applicable district

regulations set forth in this Chapter.

4.3 ZONING MAP AND DISTRICT BOUNDARIES

The boundaries of the zoning districts are shown on a map entitled "Official Zoning Map, North Augusta, South Carolina," which together with all explanatory matter is hereby adopted by reference and declared to be a part of this Chapter. The Official Zoning Map shall include the date of adoption of this Chapter and shall be identified by the signature of the Mayor and attested by the City Clerk. The Official Zoning Map located in the Department shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City of North Augusta, South Carolina, regardless of the existence of any purported related copies.

Table 4.1. North Augusta Zoning Districts

District	Description
Residential Districts	
R-14	Single Family Large Lot Residential
R-10	Single Family Medium Lot Residential
R-7	Small Lot Single Family Residential
R-5	Mixed Residential
Commercial Districts	
OC	Office Commercial
NC	Neighborhood Commercial
GC	General Commercial
TC	Thoroughfare Commercial
Mixed-Use Districts	
DTMU1	Downtown Mixed-Use 1 *
DTMU2	Downtown Mixed-Use 2 *
CPMU	Corridor Preservation Mixed-Use *
Industrial Districts	
IND	Industrial
Special Districts	
PD	Planned Development
CR	Critical Areas
P	Public Use
R-MH	Manufactured Home Residential
Overlay Districts	
FLO	Flood Hazard Overlay
* New district created in code rewrite replacing former overlay district system	

4.4 FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE

- 4.4.1 Rate Maps Included.** This article shall apply to all areas of special flood hazard within the City of North Augusta or later annexed into the city limits as identified by the Federal Emergency Management Agency in its Flood Insurance Study, for Aiken County dated August 16, 2018 and for Edgefield County dated September 14, 2018, including accompanying maps, approved Floodway Data Tables, and their depictions of the Savannah River Floodway on approved Letters of Map Revisions (LOMRs), other supporting data and any revisions thereto, are hereby adopted by reference and declared to be a part of the Official Zoning Map.
- 4.4.2** The adoption of the Flood Insurance Study (FIS), dated August 16, 2018 and September 14, 2018, is in accordance with Section 60.3(d), Title 44 of the Code of Federal Regulations. All Letters of Map Revisions that are issued in the areas are hereby adopted.

4.5 INTERPRETATIONS OF MAP BOUNDARIES

The following rules shall apply to the interpretation of the boundaries of districts as shown on the Official Zoning Map or the FIRM maps:

- 4.5.1** Boundaries indicated as approximately following the center lines of streets, highways, or roads shall be construed to follow such center lines.
- 4.5.2** Boundaries indicated as approximately following platted lot lines shall be construed as following platted lot lines.
- 4.5.3** Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries.
- 4.5.4** Boundaries indicated as approximately following the centerline of waterways, creeks, and ditches shall be construed as following such lines.
- 4.5.5** Boundaries indicated approximately as parallel to or as an extension of features in the above mentioned items shall be so construed.

- 4.5.6** Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Official Zoning Map. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances covered in other items in section 4.5, the Board of Zoning Appeals shall interpret the district boundaries.

4.6 AMENDMENTS TO OFFICIAL ZONING MAP

If, in accordance with this Chapter and S.C. Code §6-29-720, changes are made in the district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on said map promptly after amendment has been approved by the City Council. No amendment to this Chapter that involves matters portrayed on the Official Zoning Maps shall become effective until after such change has been made on said Official Zoning Maps.

4.7 ANNEXATION ZONING

All territory which may hereafter be granted or annexed to the City of North Augusta shall be classified automatically in the R-14 District, except that at the time the application for annexation is filed the applicant may request a zoning classification that is similar to surrounding zoning and in accord with the city's Comprehensive Plan. Proposed annexations where the requested zoning is inconsistent with the Land Use Element of the Comprehensive Plan or differs from zoning on adjacent properties shall be reviewed by the Planning Commission in accordance with Article 18, Administration and Enforcement. The Planning Commission shall recommend to the City Council the appropriate zoning for the property to be annexed, modification to the Land Use Element of the Comprehensive Plan, or both.

4.8 UNIVERSAL RULES AND EXCEPTIONS

- 4.8.1 Permitted Setback Encroachments.** The following structures within the limits set forth may project into required yards:
- Any buttress, chimney, cornice or pier may extend into a setback not more than two feet.



2. Overhanging roofs, eaves, gutters, cornices, awnings, and other architectural detail features, other than steps, stoops, porches, door hoods, and overhangs may extend up to four feet into the front setback and up to two inches per foot of side yard into the side setback and up to two inches per foot of rear yard into the rear setback provided that in no circumstance may the distance from the encroachment to the property line be less than three feet.
3. Unenclosed steps, stoops, and porches, either covered or uncovered, no higher than the ground floor level may extend up to three feet into the side or rear setback, or up to four feet into the front setback provided that in no circumstance may the distance from the encroachment to the property line be less than three feet.
4. A protective hood or overhang over a doorway may extend not more than three feet into the side or rear setback or no more than four feet into the front setback provided that in no circumstance may the distance from the encroachment to the property line be less than three feet.
5. Bay windows, awnings and other structural overhangs may extend not more than three feet into the side or rear setback, or more than four feet into the front setback provided that in no circumstance may the distance from the encroachment to the property line be less than three feet.
6. Open fire escapes and handicap ramps for both existing and new buildings may extend not more than four feet into any required setback.
7. Heating and cooling units may extend not more than three feet into any setback.
8. Uncovered, unenclosed decks and terraces no higher than 12 inches above grade may extend no closer than five feet to any front property and no closer than two feet to any side or rear property line.
9. Retaining walls taller than six (6) inches above grade may be constructed no closer than 18 inches from a street right-of-way line or six inches from a public alley or service lane right-of-way line.
10. Fences are allowed in accordance with 6.1, Fences and Walls.
11. Arbors, columns, pergolas, arches, fountains, and statuary not exceeding eight feet in height nor more than 12 feet in length may be constructed in a required front yard setback as part of a fence or wall or as freestanding structures over walkways or driveways. Setbacks from property lines and rights-of-way shall be as provided in 6.1.3.
12. Accessory buildings and uses customarily incidental to the permitted primary use or building are allowed in accordance with 5.3, Accessory Structures and Uses.

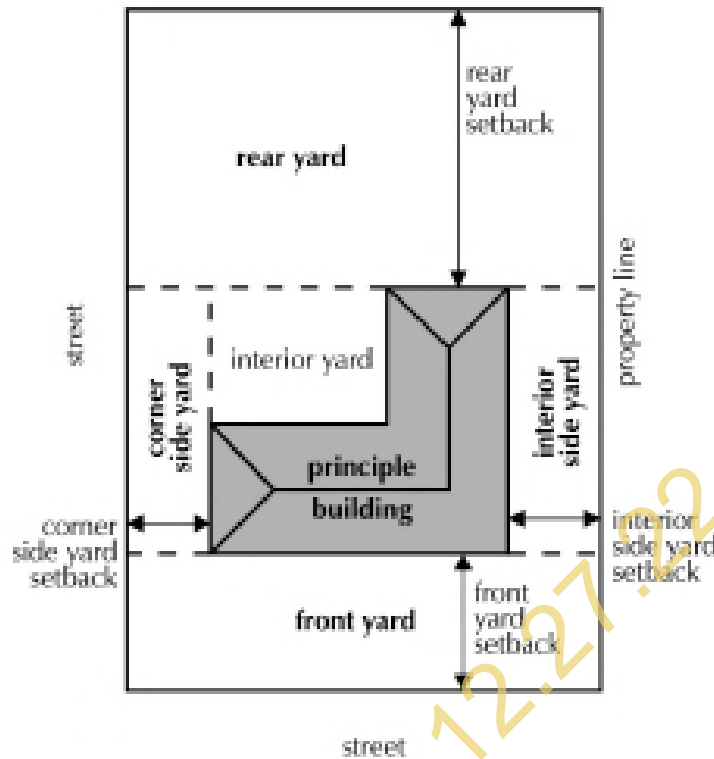
4.9 RULES GOVERNING YARDS AND SETBACKS

1. Where a yard abuts a street, the setback shall be measured from the abutting street right-of-way line. Whenever a lot abuts upon a service lane or an alley, one-half of the service lane or alley width may be considered as a portion of the required yard, provided that the resulting setback is no less than three feet from the property line. See Illustration 4.2.
2. Setbacks shall be unobstructed from the ground to the sky except as specified in this section.
3. Whenever more than one principal building is to be located on a lot, required front, side, and rear setbacks shall be maintained around the group of buildings from all property lines as required by the lots standards and buildable area for each zone. Buildings shall be separated internally by a horizontal distance of not less than one and one-half times the amount of the required side setback.

4.9.1 Front Setbacks

1. The minimum or maximum front yard setback may be adjusted for any lot where the average established front yard setback on developed lots located within 200 feet on each side of such lot,

Illustration 4.1. Front, side and rear yards



and fronting on the same street as such lot, is less or more than the minimum or maximum required setback. In such cases, the minimum or maximum front setback on such a lot may be less or more than the required front setback, but shall not vary by more than three feet from the average of the existing front setbacks on the developed lots within 200 feet of each side. Where a lot fronts on two non-intersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yards setbacks shall be provided on both streets.

2. Where a principal building or structure is oriented to face away from the street on which it fronts, said building or structure shall conform to the required front yard setback from the street for the district in which it is located. Any accessory use prohibited from required front yards within such districts are prohibited within the required front yard setback from a principal use building or structure facing away from the street.

3. Where a frontage is divided among districts with different front yard requirements the deepest front yard applies to the entire frontage.
4. No structure other than a driveway, sign, fence, gate, sidewalk, or berm shall be erected or permitted to be located in a required front yard area.

4.9.2 Corner Side Yards

1. Where a side yard abuts a street (corner lot), the minimum side yard shall be at least 50 percent of the front yard required on the lot lying to the rear when the rear lot faces the side street. No accessory building on the corner lot shall extend beyond the side yard lines.
2. Where a side yard abuts a street (corner lot), and the rear lot faces the opposite street, and in fact constitutes another corner lot then the side yard setback for the district in which the lot is located shall prevail.

4.10 MEASUREMENT OF AREA, DISTANCE OR DENSITY





Illustration 4.2. Setback as measured from street or alley

4.10.1 Measuring Height of Buildings and/or Structures

1. Height shall be measured as the vertical distance from grade plane to the average height of the highest roof surface. For purposes of this section, the "grade plane" means a reference plane representing the average of finished ground level adjoining the building at its exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.
2. Height limits in Table 4.2, Exceptions to Height Limitations shall apply to freestanding structures not intended for human occupancy.
3. An overall height limit of 133 percent of the height of the structure shall apply to penthouses for electrical, mechanical, or elevator equipment, belfries, chimneys and chimney flumes, flagpoles, cupolas, domes or any bulkhead, water tank, statuary, monument or any similar structure, architectural detail, or necessary mechanical appurtenance mounted on and extending above the roof of any building if such structure does not occupy more than 33 percent

Table 4.2. Exceptions to Height Limitations

Structure		Height Limit
1.	Airway beacons	None
2.	Construction cranes	
3.	Structures for essential services	
4.	Windmills	
5.	Smokestacks	
6.	Antennae	See §4.8
7.	Transmission towers	
8.	Flagpoles	The maximum height permitted in the district or 45 feet, whichever is less.
9.	Monuments	

of the area of the roof.

4.10.2 Measuring Setbacks

Setbacks for buildings or structures are measured as the distance between the furthest vertical wall plane of a principal structure and the property line of the lot on which the structure is located, except as modified by the standards of this section.

4.10.3 Calculating Density and Intensity

1. **Residential Density.** In computing density for large tracts, or multi-unit housing projects, the density limits established by the zoning district apply. Densities may exceed the maximum on part of a tract, if the overall density on the total project site does not exceed the limits established by the zoning district. Applicants shall provide a concept plan consistent with Article 19, Definitions that provides an overall development plan and delineates the density for each phase of development.
2. **Non-residential Development Intensity.** Unless otherwise stated, all references to non-residential intensity shall refer to Floor Area Ratio (FAR).

4.11 VISUAL CLEARANCE AT INTERSECTIONS

See Article 11, Mobility.

4.12 ZONING DISTRICTS AND DISTRICT PROVISIONS

Tables 4.12.1 through 4.12.17 establish minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings pursuant to S.C. Code §6-29-720, unless established elsewhere by these regulations.

4.12.1 Residential R-14 – Large Lot Single-Family District

The purpose of this district is to recognize and promote the character of particular areas in North Augusta where single-family residential development is the predominant living environment. Changing patterns of work and home environments also create incentives to view the single-family dwelling as a place of work and residential living activities.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	14,000 (sf)
Minimum Lot Frontage	40'
Lot width at the building line	70'
Front Yard (min/max)	25'/none
Side Yard	8'
Rear Yard	20'

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	3.5 Dwellings/Acre
Impervious Surface Ratio	0.3
Floor Area Ratio	None
Maximum Structure Height ²	35'

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

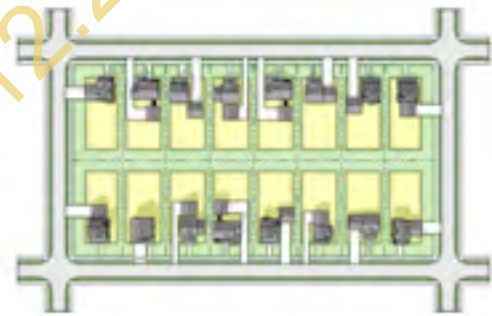
5. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.2 Residential R-10 – Medium Lot Single-Family District

The purpose of this district is to recognize and promote the character of particular areas in North Augusta where single-family residential development is the predominant living environment. Changing patterns of work and home environments also create incentives to view the single-family dwelling as a place of work and residential living activities.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	10,000 (sf)
Minimum Lot Frontage	40'
Lot width at the building line	50'
Front Yard (min/max)	15'/none
Side Yard	5'
Rear Yard	15'

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	4.5 Dwellings Per Acre
Impervious Surface Ratio	.3
Floor Area Ratio	None
Maximum Structure Height ²	35'

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

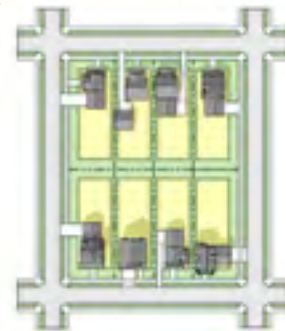
5. District Exceptions and Notes

¹ See methods for dimensional measurements

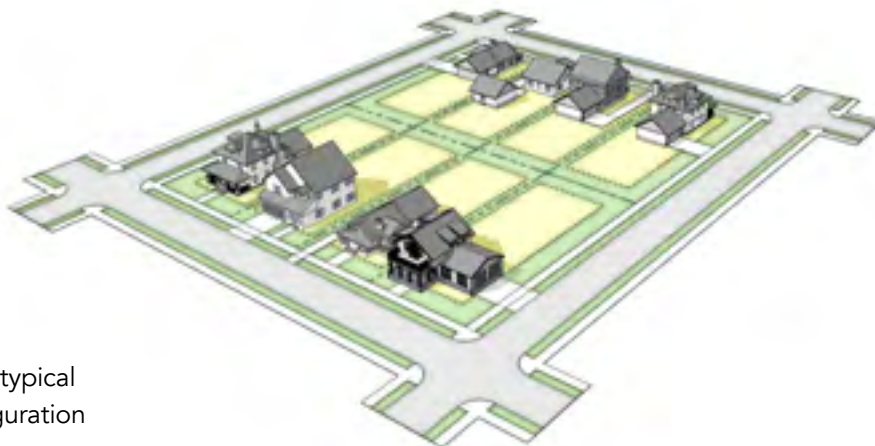
² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.3 Residential R-7 – Small Lot Single-Family District

The purpose of this district is to provide for a variety of single-family housing types on small lots to meet market demands for smaller lot developments. It is also the intent of this district to balance higher densities with common open space.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	7,000 (sf)
Minimum Lot Frontage	15'
Lot width at the building line	40'
Front Yard (min/max)	5'/25'
Side Yard	5'
Rear Yard	15'

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	7 Dwellings Per Acre
Impervious Surface Ratio	0.4
Floor Area Ratio	None
Maximum Structure Height ²	45'

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

5. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.4 Residential R-5 – Mixed Residential District

The purpose of this district is to permit a variety of residential uses and variable densities based on the character of such uses. Areas so designated are deemed suited to such uses. This designation is applied principally to undeveloped areas where units and density flexibility will not adversely impact existing residential subdivisions and where the housing market can be sufficiently broad and flexible to meet the various demands for housing. It also applies to existing multi-family and mixed use residential areas.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	5,000 (sf)
Minimum Lot Frontage	15'
Lot width at the building line	20'
Front Yard (min/max)	5/25'
Side Yard	0' or 15'
Rear Yard	15'

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	24 Dwellings/ Acre
Impervious Surface Ratio	0.6
Floor Area Ratio	4
Maximum Structure Height ²	65'

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

5. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.5 Office Commercial

The purpose of this district is to encourage the development of office activities with supportive retail, service, and residential uses, at a relatively high density and intensity. These districts are primarily located on collector and arterial streets.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	None
Minimum Lot Frontage	None
Lot width at the building line	None
Front Yard (min/max)	None/20'
Side Yard	0' or 5'
Rear Yard	10'

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Impervious Surface Ratio	None
Floor Area Ratio	15'
Maximum Structure Height ²	None

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

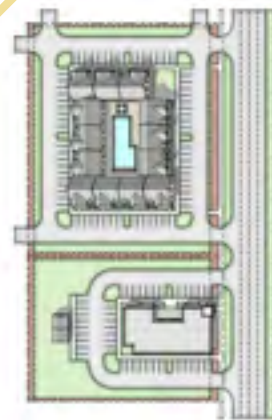
5. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.6 Neighborhood Commercial

The purpose of this district is to provide for areas where small-scale commercial service and convenience uses may be located to serve principally residential subdivisions and to permit small-scale professional offices in such areas as compatible supplements, as well as neighborhood centers.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	None
Minimum Lot Frontage	None
Lot width at the building line	None
Front Yard (min/max)	0'/20'
Side Yard	0' or 5'
Rear Yard	10'

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Impervious Surface Ratio	0.7
Floor Area Ratio	3
Maximum Structure Height ²	45'

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

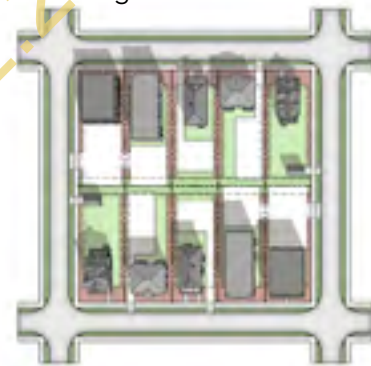
5. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.7 General Commercial

The purpose of this district is to provide for areas of large-scale commercial developments. The district is designed to support citywide or regional shopping centers and business complexes than that permitted in the OC, Office Commercial, or NC, Neighborhood Commercial Districts. It permits a wide range of business and commercial uses generally clustered for cumulative attraction and optimum accessibility, but also in strip configurations where so designated by the Comprehensive Plan.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	None
Minimum Lot Frontage	50'
Lot width at the building line	50'
Front Yard (min/max)	0'/80'
Side Yard	0' or 5'
Rear Yard	20

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Impervious Surface Ratio	0.7
Floor Area Ratio	3
Maximum Structure Height ²	45'

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

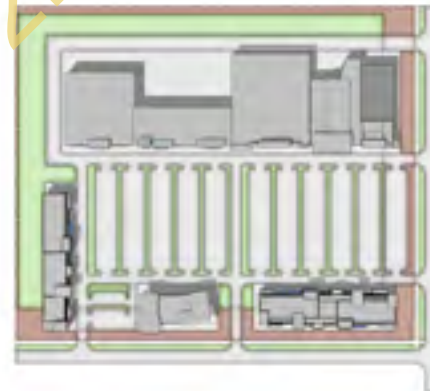
5. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.8 Thoroughfare Commercial

The purpose of this district is to accommodate commercial, light industrial, and warehouse/distribution uses along high capacity roadways typically dependent on a regional market. It is characterized by bright and intensive signage designed to gain the attention of passing motorists. Uses are not compatible to neighborhoods and professional areas. Accordingly, they are limited to areas where traffic volumes are the highest and residential development and professional land uses are the least prevalent.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	None
Minimum Lot Frontage	50'
Lot width at the building line	50'
Front Yard (min/max)	0'/80'
Side Yard	0' or 5'
Rear Yard	20'

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Impervious Surface Ratio	0.7
Floor Area Ratio	3
Maximum Structure Height ²	45'

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

5. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.9 Downtown Mixed-Use 1

The purpose of this district is to promote a downtown commercial core that creates an identity and sense of place for North Augusta. The district allows for a variety of commercial uses that are suited for a downtown environment and create an attraction quality not deterred by parking or access limitations. Often this quality is achieved by the type of business or customer loyalty attributable to the particular business establishment.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	None
Minimum Lot Frontage	None
Lot width at the building line	None
Front Yard (min/max)	0'/5'
Side Yard	0' or 5'
Rear Yard	None

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Impervious Surface Ratio	None
Floor Area Ratio	15
Maximum Structure Height ²	35

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

5. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.10 Downtown Mixed-Use 2

This district is the focal point of economic and pedestrian activity in the Downtown. A high level of community design is required to create and preserve a unique signature gateway into the City, to encourage pedestrian and economic development activity. The district design standards bring pedestrian destinations close to the street, provide an interesting environment, and provide a scale appropriate to the pace of persons traveling by foot.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	None
Minimum Lot Frontage	None
Lot width at the building line	None
Front Yard (min/max)	0'/20'
Side Yard	Either 0' or from 5' to 10'
Rear Yard	3'/10' adjacent to parking

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Impervious Surface Ratio	None
Floor Area Ratio	15
Maximum Structure Height ^{2,3}	45

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

5. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations

³ The maximum height limit for the area bounded by Center Street, Bluff Street, West Street, W. Clifton, Meridian and the Greene Way shall be 70 feet.



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.11 Corridor Preservation Mixed-Use

The Corridor Preservation Mixed-Use District is intended to preserve the residential character, appearance, and setting of designated corridors, protect unique design features, local architecture vernacular, protect property values, and the health, safety and welfare of surrounding neighborhoods. It is established to preserve and protect residential neighborhoods while accommodating some transitional commercial uses at an appropriate scale. No lot shall be developed or redeveloped solely for the purpose of providing parking in this district.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	None
Minimum Lot Frontage	50'
Lot width at the building line	50'
Front Yard (min/max)	Average existing setback of the block in which the parcel is located or 25'/50'
Side Yard	5' or requires buffer if side yard greater
Rear Yard	Required buffer of 20' or 10' from an alley

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Maximum Building Footprint	3000 sf.
Impervious Surface Ratio	0.7
Floor Area Ratio	0.5
Minimum/Maximum Structure Height ²	14'/2.5 stories or 32'

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

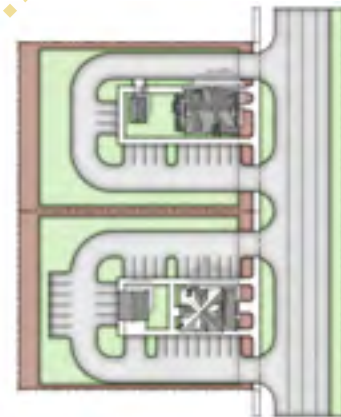
5. District Exceptions and Notes

¹ See methods for dimensional measurements

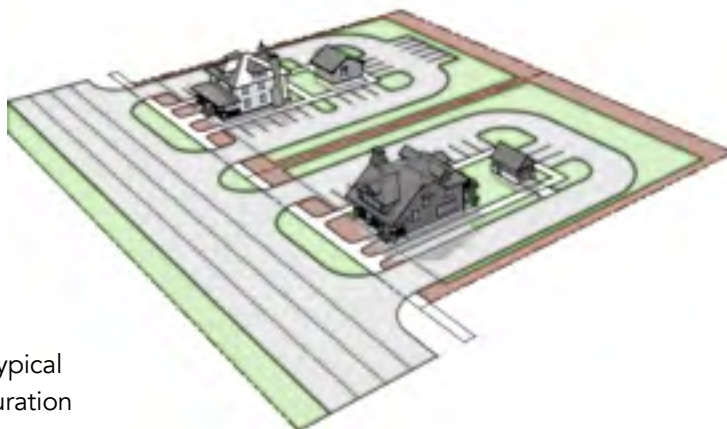
² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.12 Industrial

This district recognizes the importance of industry, reserving areas for the use that might otherwise be developed as non-industrial use. The district is designed to encourage industrial park development and promote landscaping of industrial enterprises, to improve compatibility with residential neighborhoods. The district may contain uses as special exceptions that may be incompatible elsewhere in the City.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	None
Minimum Lot Frontage	100'
Lot width at the building line	50'
Front Yard (min/max)	30' / 0'
Side Yard	25'
Rear Yard	25'

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Impervious Surface Ratio	0.9
Floor Area Ratio	2.5
Maximum Structure Height ²	70'

3. Site Specific Design Standards

Parking	See Section 6.4
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4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

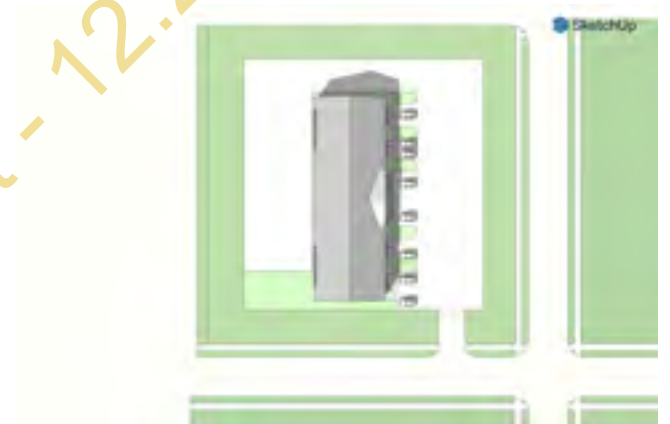
5. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.13 Planned Development District

The purpose of the PD District is to encourage flexibility in the development of land to promote its appropriate use; to improve the design, character and quality of new development; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features of open space. This district is intended for use in the undeveloped areas of the city where planned development offers a superior response to less coordinated single-lot development as permitted elsewhere in this Chapter. A PD district is specifically intended for development projects including housing of different types and densities and of compatible commercial uses, shopping centers, office parks, and mixed-use developments characterized by a unified site design for a mixed use development.

1. Lot Standards and Buildable Area

Minimum Lot Size/ Frontage
Minimum Lot Frontage
Lot width at the building line
Front Yard (min/max)
Side Yard (min/max)
Rear Yard

See Design Standards that follow

2. Use and Intensity

Permitted Land Use

Permitted uses within a PD District are not subject to the Table of Uses. A PD shall propose a use list composed from Table 5.1, Use Matrix. Uses shall be defined as by the definitions of this code unless an alternative is provided.

Development Intensity

Impervious Surface Ratio

Maximum Structure Height

See Design Standards that follow

3. Site Specific Design Standards

Parking

As approved in a Master Plan

4. Required Review and Approval Processes For Land Zoned PD

Subdivision Approval

Mobility Standards

Building, Lot, and Design Standards

See Article 16

See Article 10

See Articles 6 and 14

5. District Exceptions and Notes

1 See exceptions to height limitations

2. See methods for dimensional measurements

6. Typical Development Configuration

7. Eligibility Criteria

In order to qualify as a PD District a project request shall meet the following requirements:

- a. The site shall be in single ownership or control, or if in several ownerships, the application for amendment to this Chapter shall be filed jointly by all of the owners.
- b. The site shall contain not less than ten acres.
- c. The proposed development shall be consistent with the North Augusta Comprehensive Plan.
- d. The applicant shall demonstrate that the proposed development accomplishes the objectives of §1.2 of this Chapter to a greater extent than land developed under any other zoning district, including a base zoning district or a TND District

8. Establishment Processes

- a. The creation of a PD District designation involving both a rezoning and General Development Plan approval.
- b. A PD District may be established on the Official Zoning Map in the manner prescribed in §3.2 only after a General Development Plan that complies with section 5.7 has been reviewed and recommended by the Planning Commission to the City Council for approval. Parcels of land that were zoned PD prior to the effective date of this section and for which a General Development Plan has been approved may continue to be developed in accordance with the approved plan.
- c. A major modification to a previously approved PD General Development Plan will require compliance with the mixed-use provisions of this code.
- d. Parcels of land that were zoned PD prior to the effective date of this Code and for which a General Development Plan has not been approved will retain the PD district zoning designation. Such PD zoned property may not be developed until a General Development Plan for such PD zoned property has been submitted in compliance with §3.6.1.4 and approved pursuant to §5.7. Alternatively, such PD zoned property may be rezoned to a different zoning district in accordance with the provisions of §5.3 and developed pursuant to the applicable procedures and approvals for that district.
- e. The General Development Plan and administrative review requirements of this section are required after a map amendment is approved. Such requirements and all additional requirements of this section shall be addressed prior to the issuance of a building or development permit. A properly approved detailed site plan or subdivision (preliminary and final) or both shall be required prior to a request for a building or development permit. The requirements are specified in Article 18, Approval Procedures.

9. Planned Development Design Standards

Design Generally	a. PD District zoning is intended to permit flexibility in the design, construction, and processing of mixed use developments of a quality that could not be achieved by complying with the design and development standards of another zoning district. Therefore, the design elements as set forth in Table 3-6 shall be adhered to in the design of a Planned Development and shall be used in the city's review of proposed PD District projects
	b. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. A variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.
Lot Standards and Buildable Area	a. A PD District is not subject to any prescribed dimensional or density provisions but shall conform to the following, unless a different standard approved:
	b. Maximum height is forty-five (45) feet, except where otherwise permitted by the Comprehensive Plan.
	c. Maximum gross density is twenty-four (24) residential units per gross acre.
	d. The maximum floor area ratio for non-residential uses is 2.4. A minimum of ten percent and a maximum of 70 percent of the total project floor area shall be reserved for non-residential uses. For purposes of this Chapter, semi-detached and two-family dwelling units are presumed to have 2000 square feet of floor area unless the specific dimensions are known at the time that the PD District rezoning is approved.
	e. The maximum Impervious Surface Ratio is sixty percent (60%) of the total site area.
Open space, Parks, Recreation Area	a. Minimum of 25 percent of the total site area. Portions of street rights-of-way that include street trees, sidewalks, and landscaped areas may be counted toward meeting open space requirements

Architectural Elements	a. Building height, rhythm, articulation, massing, and bulk shall be compatible with the individual site attributes and with the surrounding neighborhoods.
	b. Distinctive architectural details such as covered front entryways, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features shall be provided on each dwelling or principal structure.
	c. Garage fronts shall be deemphasized and shall not be the most prominent architectural feature of a house. This can be accomplished by providing side access garages, detached garages, and/or L- shaped floor plans. Front access garages shall be recessed from the front elevation of the structure at least 10 feet in order to provide interest and relief from the street. The garage area may not exceed 40% of the front facade of the structure. The front elevation shall include a porch or similar entrance designed for people rather than automobiles.
Recreational Elements	a. At least 20% of the residential units shall be located within 1,000 feet of an open space, park, or Greenway.
	b. Recreation and open space facilities shall be aligned with the community parks and open space network, as provided in any adopted land use plans or parks and recreation master plans.
	c. When provided, neighborhood scale recreation facilities and amenities should be functional. If detention or retention areas are used for recreational amenities, they shall be designed to have the appearance of natural ponds or hillsides rather than stormwater management facilities. Such areas shall include natural vegetation, turf, or landscaping within all areas not permanently covered with standing water.
Additional Elements (at least 2)	a. Bicycle lanes should be included along at least 70 percent of the linear frontage of all planned collector or arterial streets within or adjacent to the development.
	b. Bicycle parking facilities should be provided for all uses except single-family detached and duplex residences.
	c. A customized entrance may be provided at the entry street intersecting an arterial or collector street that features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median, or other similar treatment.
Parking	a. Parking, areas designated for parking shall be physically separated from public streets and shall be designed in a manner conducive to safe ingress and egress. Access points to internal public streets or internal circulation drives should be no more than three hundred (300) feet apart.
Landscaping	b. Buffer yards or landscaping may be required by the Planning Commission between uses within any PD District or along the perimeter of a PD District.
Urban Design	c. Urban design standards applicable to all proposed structures are required and shall be submitted in conjunction a planned development application. The design elements specified in this section shall be incorporated into the required urban design standard.

4.12.14 Critical Areas

The purpose of this district is to preserve and/or control development within known and identifiable areas of the city that are:

- Wetlands, water courses, and lands reserved or maintained for stormwater management;
- Lands that serve as natural wildlife refuge areas;
- Environmentally sensitive lands and lands possessing great natural or historical resources;
- Lands that are reserved for open space or future parks and recreational areas; and
- Passive park and recreational lands.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	14,000 (sf)
Minimum Lot Frontage	40'
Lot width at the building line	70'
Front Yard (min/max)	25'/none
Side Yard	8'
Rear Yard	20'

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	3.5 Dwellings Per Acre
Impervious Surface Ratio	0.02
Floor Area Ratio	None
Maximum Structure Height ²	35'

3. Site Specific Design Standards

Parking	See Section 6.4
---------	-----------------

4. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

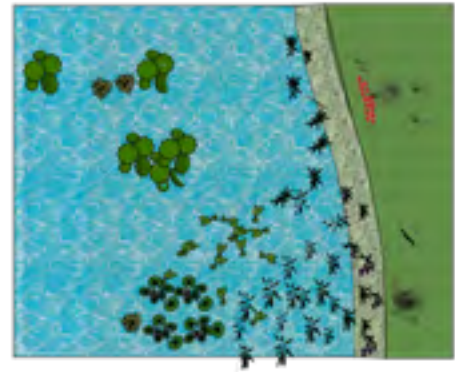
5. District Exceptions and Notes

¹ See methods for dimensional measurements

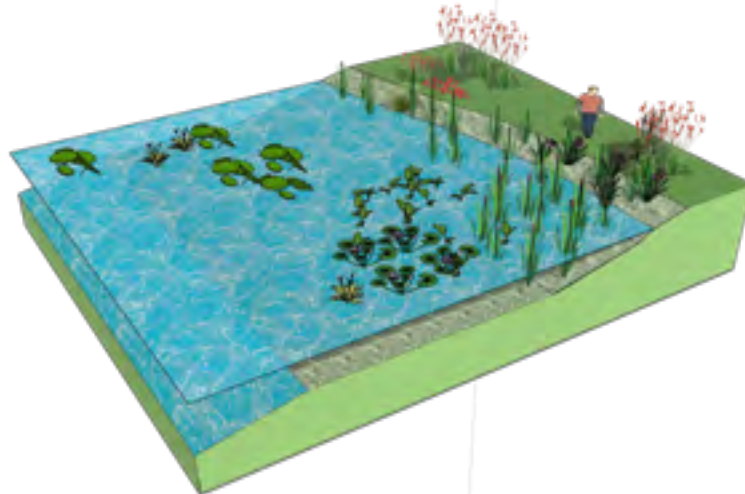
² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



4.12.15 Public Use

The Public Use District is intended to provide suitable locations for land and structures in the City of North Augusta used exclusively by the City, Aiken County, the State of South Carolina, the United States, or other governmental jurisdictions and their instrumentalities. As such, it shall be used in accordance with such regulations as may be prescribed by the government or instrumentality thereof using the property. This district is also applicable to land owned by public utilities and public service providers of water, sewer, electricity, natural gas, telephone, cable and internet and improved or utilized for the delivery of the public service (power generating or transforming stations, transmission and distribution lines and facilities, switching stations, etc.). Property owned by public utilities and utilized primarily for office, customer service, or retail sales is not appropriate for the Public Use district. If Public Use zoned property is sold to a private individual or individuals, such property shall be rezoned to a classification that is compatible with the surrounding area.

1. Lot Standards and Buildable Area ¹

Minimum Lot Size	Uses within the P, Public Use District, are not subject to the dimensional standards
Minimum Lot Frontage	
Lot width at the building line	
Front Yard (min/max)	
Side Yard	
Rear Yard	

2. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Development Intensity	n/a
Impervious Surface Ratio	n/a
Floor Area Ratio	n/a
Maximum Structure Height ²	35

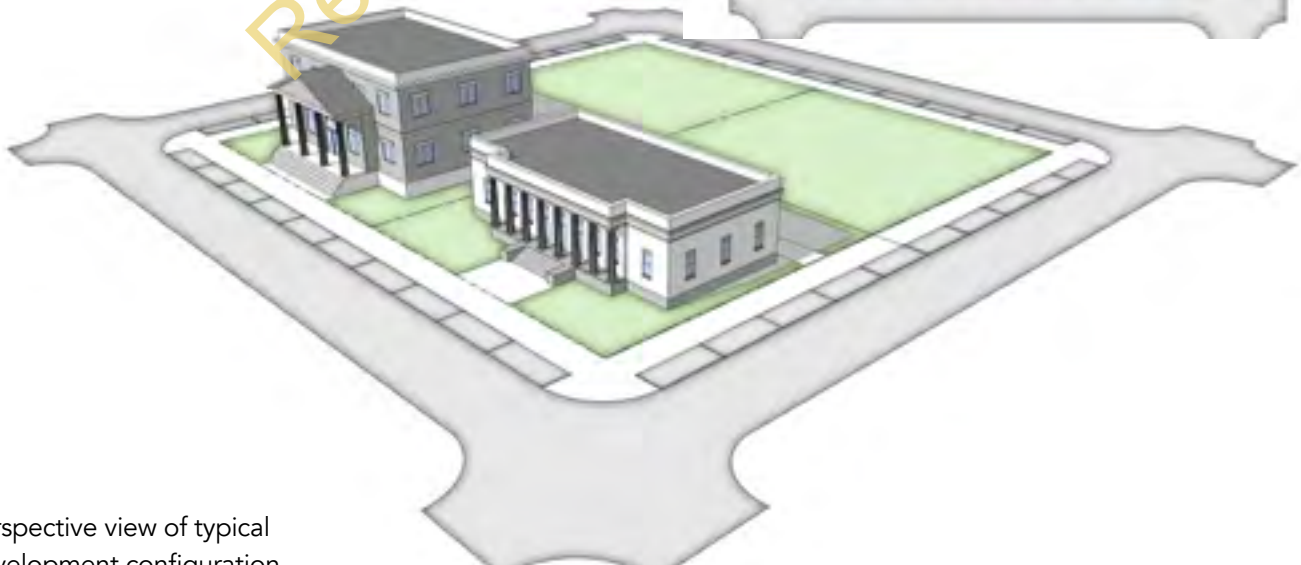


Aerial precedent image

Plan view illustration of typical development configuration



Perspective view of typical development configuration



4.12.16 Manufactured Home Residential

This district is intended to provide manufactured house or mobile home subdivisions as housing alternatives and to insure quality development of such projects consistent with the city's prevailing residential characteristics. This district is intended to function as a "floating zone" wherein the district is described and set forth in the text below but shall be unmapped. A property owner may petition for the zone to be applied to a particular parcel meeting the minimum zoning district area requirements of this section and according to procedures set forth in this code.

3. Lot Standards and Buildable Area ¹

Minimum Lot Size	6000 (sf)
Minimum Lot Frontage	15'
Lot width at the building line	40'
Front Yard (min/max)	5'/25'
Side Yard	5'
Rear Yard	15'

4. Use and Intensity

Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	7
Impervious Surface Ratio	n/a
Floor Area Ratio	n/a
Maximum Structure Height ²	35'

5. Site Specific Design Standards

Parking	See Section 6.4
---------	-----------------

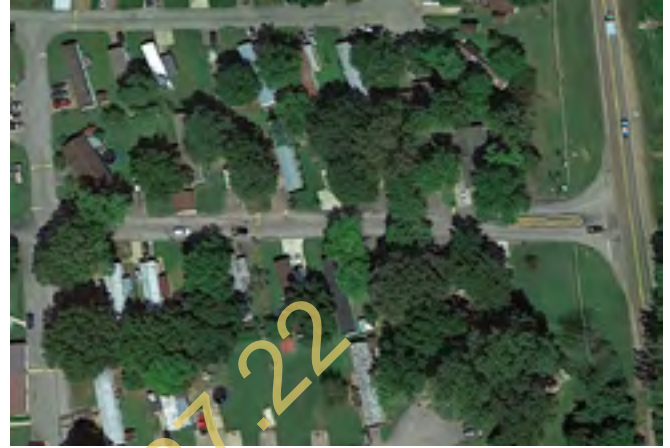
6. Required Review and Approval Processes

Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10

7. District Exceptions and Notes

¹ See methods for dimensional measurements

² See exceptions to height limitations



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

4.12.17 FLO Flood Overlay District

The purpose of this district is to implement the Flood Damage Prevention Ordinance of North Augusta

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	As governed by the underlying base district
Minimum Lot Frontage	
Lot width at the building line	
Front Yard (min/max)	
Side Yard	
Rear Yard	
2. Use and Intensity	
Permitted Land Use	As governed by the underlying base district
Residential Intensity	
Impervious Surface Ratio	
Floor Area Ratio	
Maximum Structure Height ²	
3. Site Specific Design Standards	
Parking	As governed by the underlying base district
4. Required Review and Approval Processes	
Subdivision Standards	See Article 16
Building, Lot, and Design Standards	See Articles 6 & 14
Mobility Standards	See Article 10
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

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Review Draft - 12.27.22

ARTICLE

5

Review Draft - 12.27.22



IN THIS CHAPTER:

5.1	Permitted Uses in Zoning Districts	44
5.2	Use Conditions In General	50
5.3	Accessory Uses And Structures	50
5.4	Temporary Uses and Events	55
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ARTICLE 5 - USES AND USE CONDITIONS

5.1 PERMITTED USES IN ZONING DISTRICTS

5.1.1 Generally. No use shall be permitted pursuant to this Article, and no development permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a Permitted Use, Conditional Use, or a Special Exception in Table 5.1, Use Matrix, and all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as principal uses or buildings within each zoning district shall be those uses listed in Table 5.1, Use Matrix.

5.1.2 Accessory and Temporary Uses.

Permitted accessory uses and permitted temporary uses are set forth in the Table 5.1, Use Matrix and sections 5-3 and 5-4. If a use is listed as prohibited but is permitted as an accessory use in §5-2, the use is permitted only as an accessory use to a principal use or principal building on the same lot, tract, or parcel. Such uses cannot be established unless and until there is a principal use or principal building on the same lot, tract, or parcel to which that use is accessory.

5.1.3 PD Districts. Uses in a PD - Planned Development district are governed by their respective sections in this Article, and are not subject to Table 5.1, Use Matrix unless otherwise specifically referenced in the district text.

5.1.4 Use Interpretation. The planning director shall decide whether any proposed use is permitted within the city's zoning jurisdiction based on the uses listed in the Use Matrix. When unclear if a proposed use is permitted, the planning director shall consider the following criteria and may consult the most recent edition of the North American Industrial Classification System (NAICS) and similar guides. Any use not specifically listed in the Use Matrix or substantially like a listed use, as determined by the planning director, is prohibited.

1. The characteristics of the activity in relationship to the stated intent of the district.

2. The expected amount of site area or floor space and equipment devoted to the activity.
3. Expected sales from each activity.
4. The expected customer type for each activity (e.g., retail, service, wholesale, and individuals vs. groups).
5. The expected number of employees in each activity.
6. The hours of operation and expected outdoor activity.
7. The required or anticipated building type, design, and site arrangement.
8. The type of vehicles used with the activity and expected number of trips. The proposed use shall not generate average daily trips exceeding other uses proposed in the zoning district by more than 10 percent, as determined by the most recent edition of the Institute of Transportation Engineers, Trip Generation (11th ed., 2021) (ITE Manual), which document is hereby incorporated by this reference. If the trip generation is not listed in the ITE Manual, the use shall be considered materially similar. The Director may also refer to similar local traffic studies to determine trip generation and average daily trips.
9. The number, type, and location of signage and other accessory structures normally associated with the use.

5.1.5 Determination of Principal Use

1. If multiple uses exist on or are proposed for a site, the planning director shall determine which of the uses is or will be the principal use of the property for the purposes of applying this code.
2. When it is determined that multiple principal uses exist on or are proposed for a site, each principal use shall separately be subject to all applicable regulations for that use as indicated in the Use Matrix and any conditions or development standards related to that use.
3. Any use that is not determined to be a principal use of the property shall be subject to all applicable regulations for

accessory uses as indicated in the Use Matrix and any specific conditions listed in §5-4 – Conditional Uses and Special Exceptions.

5.1.6 Interpreting the Use Matrix

1. The Use Matrix is organized by zoning districts and uses. Each zoning district is grouped by district type and color coded for ease of reference. Each use is grouped by use category under separate headings. Certain use conditions and development standards may be tied to either the type of zoning district (e.g., agricultural districts, residential districts, etc.) or use category (e.g., commercial uses, industrial uses, etc.) or both.
2. Symbols within the Use Matrix indicate how individual uses are regulated. The following is a description of each symbol. An abbreviated description is included in the table header as well for ease of use.
3. Where the symbol "P" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable conditions and development standards of this code.
4. Where the symbols "S" or "/S" are shown, the use to which it refers may

Table 5.1. Use Matrix															
P = Permitted Use C = Conditional Use S = Special Exception A = Permitted only as Accessory use A/C = Accessory use with Conditions Dashes (--) = Not Permitted	RESIDENTIAL				COMMERCIAL				Mixed Use			IND.	SPECIAL		
	Single-Family Large Lot	Single-Family Medium Lot	Small Lot Single-Family	Mixed Residential	Office Commercial	Neighborhood Commercial	General Commercial	Thoroughfare Commercial	Corridor Preservation Mixed - Use	Downtown Mixed-Use 1	Downtown Mixed-Use 2	Industrial	Critical Areas	Public Use	Manufactured Home
USES	R-14	R-10	R-7	R-5	OC	NC	GC	TC	CPMU	DT1	DT2	IND	CR	P	R-MH
Accessory and Temporary Uses															
Accessory Dwelling	P	P	P	P	C	C	C	C	--	P	P	C	C	--	P
Bus Shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Child/Adult Care Home	C	C	C	C	C	C	C	C	--	C	C	C	--	--	C
Drive-in Window or Drive-Through Facility where Principal Use is Permitted	--	--	--	--	C	--	C	C	--	C	C	--	--	--	--
Farmers and Produce Markets	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Food Truck	--	--	--	--	C	C	C	C	C	C	C	C	--	C	--
Home Occupation	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	--	--	--	C/S
Outdoor Sales and Display Area	--	--	--	--	C	C	C	C	C	C	C	--	--	--	--
Outdoor Display and Storage of Supplies, Materials, or Specialized Equipment	--	--	--	--	--	C	C	C	--	--	--	P	--	--	--
Oversized Vehicles	--	--	--	--	C	C	C	C	--	C	C	C	C	C	C
Promotional Circus or Carnival	--	--	--	--	C	--	C	C	--	C	C	C	--	--	--
Real Estate Sales and Construction Offices and Equipment Sheds	C	C	C	C	C	C	C	C	--	C	C	C	C	C	C
Seasonal Sales	--	--	--	--	C	C	C	C	C	C	C	C	C	C	C
Self Service Kiosks	--	--	--	--	A	A	A	A	A	A	A	A	--	A	--
Self-Service Vending	--	--	--	--	A	A	A	A	A	A	A	A		A	



Table 5.1. Use Matrix

P = Permitted Use C = Conditional Use S = Special Exception A = Permitted only as Accessory use A/C = Accessory use with Conditions Dashes (--) = Not Permitted	RESIDENTIAL				COMMERCIAL				Mixed Use			IND.	SPECIAL		
	Single-Family Large Lot	Single-Family Medium Lot	Small Lot Single-Family	Mixed Residential	Office Commercial	Neighborhood Commercial	General Commercial	Thoroughfare Commercial	Corridor Preservation Mixed-Use	Downtown Mixed-Use 1	Downtown Mixed-Use 2	Industrial	Critical Areas	Public Use	Manufactured Home
USES	R-14	R-10	R-7	R-5	OC	NC	GC	TC	CPMU	DT1	DT2	IND	CR	P	R-MH
Storage of Construction Equipment, Outdoor, Incidental to Construction Activities	P	P	P	P	P	P	P	P	--	P	P	P	--	--	P
Temporary event	--	--	--	--	--	--	--	C	C	C	C	C	--	--	--
Warehouse or Flex Space as Accessory Use	--	--	--	--	C	--	C	P	--	P	--	--	--	--	--
Residential Uses															
Duplex	--	--	P	P	--	P	P	P	--	P	--	--	--	--	P
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C
Mobile Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C
Multi-Family Dwelling	--	--	--	P	P	C	P	P	C	P	P	--	--	--	--
Quadruplex	--	--	--	P	--	--	P	P	--	P	--	--	--	--	--
Residential Dwelling Above Commercial or Retail Use	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--
Single-Family Attached Dwelling	--	--	P	P	P	P	P	P	C	--	--	--	--	--	P
Single-Family Detached Dwelling	P	P	P	P	P	P	P	P	P	P	--	P	--	--	P
Single-Room Occupancies	--	--	--	P	--	--	--	--	--	P	--	--	--	--	--
Triplex	--	--	--	P	P	P	P	P	--	P	--	--	--	--	--
Accommodations and Group Living Uses															
Bed and Breakfast	S	S	S	S	--	S	S	S	--	S	S	--	--	--	S
Continuing Care Retirement Communities	--	--	--	C	C	C	C	C	--	C	--	--	--	--	--
Group Homes, Non-Exempt	--	--	C	C	--	C	--	--	--	C	--	--	--	--	C
Hotel or Motel	--	--	--	--	P	--	P	P	P	P	P	--	--	--	--
Housing Services for the Elderly	--	--	--	P	P	P	P	P	--	P	--	--	--	--	--
Tourist Home	P	P	P	P	P	P	P	P	--	P	--	P	P	--	P
Commercial Uses															
Bar or Tavern	--	--	--	--	A	P	P	P	P	P	P	--	--	--	--
Brew Pub, Microbrewery, or Microdistillery	--	--	--	--	--	C	C	C	S	C	C	A	--	--	--
Car Wash	--	--	--	--	A	--	P	P	--	--	--	P	--	--	--
Convenience Store, Excluding Gasoline Sales	--	--	--	--	A	P	P	P	--	P	P	A	--	--	--
Equipment Sales and Leasing	--	--	--	--	--	--	--	P	--	--	--	P	--	--	--
Financial Institution	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--
Fireworks Sales	--	--	--	--	--	--	S	S	--	--	--	P	--	--	--
Flea Market	--	--	--	--	--	--	S	S	--	--	--	P	--	--	--

Table 5.1. Use Matrix

P = Permitted Use C = Conditional Use S = Special Exception A = Permitted only as Accessory use A/C = Accessory use with Conditions Dashes (--) = Not Permitted	RESIDENTIAL				COMMERCIAL				Mixed Use			IND.	SPECIAL		
	Single-Family Large Lot	Single-Family Medium Lot	Small Lot Single-Family	Mixed Residential	Office Commercial	Neighborhood Commercial	General Commercial	Thoroughfare Commercial	Corridor Preservation Mixed-Use	Downtown Mixed-Use 1	Downtown Mixed-Use 2	Industrial	Critical Areas	Public Use	Manufactured Home
USES	R-14	R-10	R-7	R-5	OC	NC	GC	TC	CPMU	DT1	DT2	IND	CR	P	R-MH
Flex Space, Office, and Warehouse Building	--	--	--	--	A/C	--	A/C	P	S	--	--	P	--	--	--
Fuel Sales, Retail	--	--	--	--	S	--	P	P	--	S	S	A	--	--	--
Fulfillment Center/Dark Store/Ghost Kitchen	--	--	--	--	C	C	C	P	--	--	C	P	--	--	--
Heavy Equipment Sales, Repair, Maintenance, Leasing, and Storage	--	--	--	--	--	--	--	C	--	--	--	P	--	--	--
Laundry or Laundromat	--	--	--	--	P	P	P	P	--	P	--	--	--	--	--
Live-Work Unit/Mixed-Use Building	--	--	--	--	C	C	C	C	C	C	C	--	--	--	--
Lumber Yard and Building Material sales, Wholesale or Retail	--	--	--	--	--	--	--	C	--	--	--	P	--	--	--
Manufactured Home, Modular Home, Mobile Home Sales	--	--	--	--	--	--	--	P	--	--	--	P	--	--	--
Mini Warehouses/Self Storage	--	--	--	--	--	--	S	S	--	--	--	P	--	--	--
Motor Vehicle Sales and Leasing	--	--	--	--	--	--	P	P	--	--	--	P	--	--	--
Motor Vehicle Repair and Service	--	--	--	--	--	--	S	P	--	S	--	P	--	--	--
Nondepository Personal Credit Institutions	--	--	--	--	C	C	C	C	P	C	C	--	--	--	--
Nursery/Greenhouse, Commercial	--	--	--	--	--	--	P	P	S	--	--	P	--	--	--
Offices, General	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--
Outdoor Café	--	--	--	--	A/C	C	C	C	C	C	C	--	--	--	--
Pawn Shops	--	--	--	--	--	--	C	P	--	C	--	P	--	--	--
Personal and Business Services	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--
Restaurant	--	--	--	--	A	C	P	P	P	P	P	A	--	--	--
Retail Alcohol Sales for Offsite Consumption	--	--	--	--	A	P	P	P	P	P	P	--	--	--	--
Retail Establishment, Large	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--
Retail Establishment, Medium	--	--	--	--	A	P	P	P	--	S	S	P	--	--	--
Retail Establishment, Small	--	--	--	--	A	P	P	P	P	P	P	--	--	--	--
Tattoo Parlor	--	--	--	--	--	--	--	S	--	--	--	--	--	--	--
Veterinary Hospitals, Animal Kennels and Boarding	--	--	--	--	--	S	C	P	--	S	--	P	--	--	--
Industrial and Warehouse Uses															
Dry Cleaning Plant	--	--	--	--	--	--	--	P	--	--	--	P	--	--	--
Industrial, General	--	--	--	--	--	--	S	S	--	--	--	P	--	--	--
Industrial, Light	--	--	--	--	--	--	S	S	--	--	--	P	--	--	--
Junk, Salvage, Scrap, or Wrecking Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Table 5.1. Use Matrix

P = Permitted Use C = Conditional Use S = Special Exception A = Permitted only as Accessory use A/C = Accessory use with Conditions Dashes (--) = Not Permitted	RESIDENTIAL				COMMERCIAL				Mixed Use			IND.	SPECIAL		
	Single-Family Large Lot	Single-Family Medium Lot	Small Lot Single-Family	Mixed Residential	Office Commercial	Neighborhood Commercial	General Commercial	Thoroughfare Commercial	Corridor Preservation Mixed -Use	Downtown Mixed-Use 1	Downtown Mixed-Use 2	Industrial	Critical Areas	Public Use	Manufactured Home
USES	R-14	R-10	R-7	R-5	OC	NC	GC	TC	CPMU	DT1	DT2	IND	CR	P	R-MH
Recycling Processing Facility	--	--	--	--	--	--	--	S	--	--	--	P	--	P	--
Refrigerated/Cold Storage	--	--	--	--	--	--	--	A	--	--	--	P	--	--	--
Warehouse and Distribution, General	--	--	--	--	--	--	--	P	--	--	--	P	--	--	--
Assembly, Recreation, and Entertainment Uses															
Adult Use	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--
Entertainment Establishment, Indoor	--	--	--	--	--	--	C/S	C/S	C/S	C/S	C/S	--	--	--	--
Entertainment Establishment, Outdoor	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--
Golf Course or Driving Range	--	--	--	--	--	--	P	P	--	--	--	--	--	P	--
Place of Assembly, Large	--	--	--	--	A	--	C	C	C	C	--	C	--	--	--
Place of Assembly, Small	P	P	P	P	P	P	P	P	P	P	--	P	A	--	P
Private Non-profit Clubs and Organizations	S	S	S	S	S	S	S	S	S	S	S	--	--	--	--
Recreation, Indoor	--	--	--	--	A/C	A/C	P	P	P	P	P	--	--	P	--
Recreation, Outdoor	--	--	--	--	--	--	C	C	--	--	--	--	--	C	--
Riding Academy/Stable, Commercial	--	--	--	--	--	--	--	C	--	--	--	P	C	--	--
Sports Stadium, Arena, or Coliseum	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--
Swimming Pool	P	P	P	P	A	--	A	P	--	A	--	--	--	--	P
Zoo, Botanical Garden, or Arboretum	--	--	--	--	--	--	P	P	--	--	--	P	--	--	--
Public, Institutional, Professional, and Community Uses															
Armory or Military Reserve	--	--	--	--	--	--	--	P	--	--	--	P	--	P	--
Cemetery	P	P	P	P	P	P	P	P	P	P	--	P	--	--	P
Child/Adult Care Center	--	--	--	--	A/C	C	C	C	--	C	--	A/C	--	--	--
College or University	--	--	--	--	P	P	P	P	P	P	P	--	--	P	--
Community Food Services	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--
Crematorium and Embalming	--	--	--	--	P	--	S	S	P	--	--	P	--	--	--
Fire, Public Safety and Emergency Services	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
Funeral Home	--	--	--	--	P	P	P	P	P	P	--	--	--	--	--
Government Offices or other Governmental Civic Uses or Facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
Hospital or Sanitarium	--	--	--	--	P	--	P	P	P	--	--	--	--	--	--
Library	--	--	--	--	A	P	P	P	P	P	P	--	--	P	--
Maintenance of Government Buildings and Grounds, including Equipment Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--

Table 5.1. Use Matrix

P = Permitted Use C = Conditional Use S = Special Exception A = Permitted only as Accessory use A/C = Accessory use with Conditions Dashes (--) = Not Permitted	RESIDENTIAL				COMMERCIAL				Mixed Use			IND.	SPECIAL		
	Single-Family Large Lot	Single-Family Medium Lot	Small Lot Single-Family	Mixed Residential	Office Commercial	Neighborhood Commercial	General Commercial	Thoroughfare Commercial	Corridor Preservation Mixed-Use	Downtown Mixed-Use 1	Downtown Mixed-Use 2	Industrial	Critical Areas	Public Use	Manufactured Home
USES	R-14	R-10	R-7	R-5	OC	NC	GC	TC	CPMU	DT1	DT2	IND	CR	P	R-MH
Medical or Dental Clinic/Office	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--
Museum or Gallery	--	--	--	--	P	P	P	P	P	P	P	--	--	P	--
Post Office	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
Primary or Secondary School	P	P	P	P	P	P	P	P	P	P	--	--	--	P	P
School for Specialized Instruction	--	--	--	--	P	P	P	P	P	P	--	--	--	P	--
Social Assistance or Charitable Services	--	--	--	--	P	P	P	P	P	P	--	--	--	--	--
Studio for Creative or Expressive Art	A	A	A	A	P	P	P	P	P	P	--	P	--	--	A
Transportation Uses and Structures															
Bus Passenger Station/Terminal	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--
Freight/Truck Terminal	--	--	--	--	--	--	S	P	--	--	--	P	--	--	--
Marina	C	C	C	C	--	--	--	--	--	--	--	--	P	--	C
Parking, Structured	A	A	A	A	A	A	P	P	P	A	A	P	--	--	A
Parking, Surface	A	A	A	A	A	A	P	P	A	A	A	P	--	--	A
<u>Taxi Stand and Shared-Use/Autonomous Motor Vehicles</u>	--	--	--	--	A/C	C	A/C	C	A/C	A/C	A/C	C	--	--	--
Utility Uses and Structures															
Energy Generation, Large-Scale	--	--	--	--	--	--	--	--	--	--	--	P	--	P	--
<u>Energy Generation, Small-Scale</u>	S	S	S	S	--	--	S	C	--	--	--	P	S	P	S
Essential Public Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Storage and Service Yard	--	--	--	--	--	--	S	P	--	--	--	P	--	P	--
Radio/Television Station with Transmission Tower	--	--	--	--	S	--	S	P	--	--	--	P	--	--	--
Radio/Television Station without Transmission Tower	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--
Sewage Treatment Plant, Pump Station, or Major Lift Station	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
<u>Solid Waste Collection and Transfer Center</u>	--	--	--	--	--	--	--	S	--	--	--	P	--	P	--
<u>Telecommunications, Small Cell</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
<u>Telecommunication Tower and Antennae</u>	S	S	S	S	S	S	S	S	S	S	--	C/S	S	--	S
Water Supply Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
Yard Waste Collection and Processing	--	--	--	--	--	--	--	S	--	--	--	P	--	P	--
Agricultural Uses															
Agriculture, Excluding Livestock	S	S	S	S	S	S	S	S	--	--	--	S	S	--	S



be permitted only if reviewed and approved as a special exception in the indicated district. Such uses are subject to findings as established in Article 18 and the Board of Zoning Appeals Rules of Procedure. Where conditions are provided for a particular use in §5-2, such conditions shall also be applicable to the special exception unless specifically altered or exempted by action of the Board.

5. Where the symbols "C" or "/C" are shown, the use is permitted only as a conditional use and must meet the requirements of §5-2.
6. Where the symbol "A" is shown, the use is permitted only as an accessory use and must meet the requirements of §5-2. When the symbol "A/C" is shown, the use is only permitted as an accessory use and must meet conditions provided in §5-2.
7. Where a double dash (--) is shown on the table, the use to which it refers is not permitted in the indicated district.

5.2 USE CONDITIONS IN GENERAL

- 5.2.1 The requirements of the following sections shall apply to all conditional uses and special exceptions as listed in Table 5.1, Use Matrix for the same use and in the same manner.
- 5.2.2 Requests for conditional uses shall be submitted to the Director, who shall approve the use if all conditions and requirements herein are satisfied.
- 5.2.3 Requests for special exceptions shall be submitted to the Director and reviewed by the Board of Zoning Appeals, per the requirements of special exceptions.
- 5.2.4 All conditions in this section shall be applied in addition to any applicable requirements of the zoning district and other requirements of this code including the general findings and necessary ad hoc conditions required for approval of a special exception as well as applicable appendices.
- 5.2.5 The process and requirements for approval of a special exception are

provided in Article 18.

- 5.2.6 New structures that express a standardized corporate identity may be required to be modified to meet the architectural standards included in this code and to ensure consistent and similar facades and building designs in developments. Changes to prototypical franchise styles to meet these standards may include, but will not be limited to, modifications to roofs, windows, doors, building mass, materials, colors, and placement of architectural features and details. Franchise architectural styles found to meet these standards will not require any modifications.

5.3 ACCESSORY USES AND STRUCTURES

5.3.1 General.

1. Any reference to an accessory use in this section refers to any accessory use or accessory structure, unless otherwise provided.
2. Accessory buildings and uses may be located in required yards, under the conditions set forth in Table 5.2 Accessory Use Locations and Standards.
3. No accessory use shall be located in any required buffer yard unless otherwise permitted in this Article.
4. No portion of an accessory agricultural building shall be used as a dwelling unless otherwise expressly permitted by these regulations.
5. No accessory uses, structures, or equipment shall be allowed to be constructed, conducted, or placed on any lot that does not contain an existing primary use or structure or for which a valid building permit has not been maintained to construct a primary structure.

- 5.3.2 **Order of Construction.** Accessory structures or uses shall not be constructed or established on a lot until construction of the principal structure has commenced or the primary use is established. In no instance shall an accessory structure or use be established on a vacant lot. Construction

Table 5.2. Accessory Use Locations and Standards

Accessory Uses	Permissible Location	Setback or Building Separation	Maximum Height	Additional Standards
Accessory Structures and Buildings, including detached garages, tennis courts, sheds, and similar uses. See §5.3.6 for requirements for Accessory Dwelling Units.	Side or rear yard	3 feet in residential districts. Setback for accessory structures that exceed 800 square feet of ground floor area shall be 5 feet. In commercial districts the setback shall be the same as permitted for primary structures. Accessory structures shall be separated from all primary structures and any other accessory structures by no less than 3 feet unless attached to a primary structure by a covered breezeway or hallway.	Shall not extend from the highest point of the existing principal building.	Together with accessory dwellings, shall not exceed 800 square feet in gross floor area or 50% of the floor area of the principal building or principal use, whichever is greater. The total ground floor area of all accessory buildings, including accessory dwellings, shall occupy no more than 30% of the required side and rear yards (area) for the principal structure(s).
Kennels, Pens, Dog Runs, Horse Stables, and any other structure that may be used to house animals.	Rear yard only	20 feet. Horse stables shall be no closer than 100 feet to any adjoining residential property line.	Shall not exceed the height of the principal building.	No more than a total of 3 dogs or cats, 4 months of age or older, may be kept on any residential premises. No more than 2 horses may be kept on any residential property. All horses shall be provided with a stable. No other livestock shall be allowed within any residential zone.
Satellite Dish and Home TV Antennas	Rear yard only in residential districts. Side and rear yards in commercial districts.	10 feet	Shall not exceed the height of the principal building.	Digital television satellite dishes may be located on roofs and side or rear exterior walls in all districts.
Storage of equipment for use in activities associated with the principal use only, and not for sale, resale, or any commercial use in another location.	Indoors or in rear yard only	See 1, above	Shall not exceed the height of the principal building.	Outdoor storage areas shall be screened from view from the front property line by a minimum Class A buffer or the principal building.
Swimming pools	Side and rear yards.	5 feet from rear and side lot lines; 3 feet from structures.	Shall not exceed the height of the principal building.	All lighting shall be shielded or directed away from adjoining residences.

fences, temporary offices, temporary storage units, and similar structures related to construction activity are exempt from this requirement.

- 5.3.3** Accessory structures shall not be used for dwelling purposes, except where permitted in Table 5.1 Use Matrix.

5.3.4 Additional Requirements for Common Accessory Uses and Structures.

Additional requirements for Fences and Walls are listed in Article 7 – Building and Lot Design. Additional requirements for signs are listed in Article 10 – Signs. Additional requirements for off-street parking are listed in Article 9 – Parking, Loading, and Drive-Through Design.

- 5.3.5 Accessory Dwelling.** This section applies to any building or portion of a building, including the principal building, used as a separate dwelling unit in addition to the use of a principal building.

1. Not more than one accessory dwelling may be established on a lot, where permitted by §5-1-7, Use Matrix.
2. In addition to one detached accessory dwelling, other permitted detached accessory structures may be placed on the same lot.
3. If in a structure separate from the principal building, the accessory dwelling shall be located in the side or rear yard. The accessory dwelling shall be separated from all principal structures and any other accessory structures by not less than three feet, unless attached to a primary structure by a covered breezeway or hallway.
4. The setback for accessory dwellings in residential districts shall be three feet. However, if the structure exceeds 800 square feet of ground floor area the setback shall be five feet. The setback in commercial districts shall be the same as permitted for primary structures.
5. An accessory dwelling shall not exceed two stories or the height of the principal dwelling unit, whichever is less.
6. Accessory dwellings, together with all other accessory structures, shall not exceed a gross floor area of 800 square feet or more than 50 percent

of the principal structure's floor area, whichever is less, and shall include no more than two bedrooms. The total ground floor area of all accessory buildings shall occupy no more than 30 percent of the required side and rear yards (area) for the principal structure(s).

7. The accessory dwelling shall not protrude the highest point of the existing principal building.
8. At least one parking space shall be provided per accessory dwelling.
9. A detached accessory dwelling shall include at least one of the following design elements: a pitched roof; a dormer located above each window; or windows oriented so that the length of the vertical side is at least two, and not more than three times, the horizontal length.
10. Accessory dwellings are exempt from building coverage restrictions and maximum density calculations or unit counts of this code.

5.3.6 Drive-in window or drive-through facility (banks, laundries, fast foods, and similar uses) where principal use is permitted. Where conditionally permitted, drive-in windows or drive-through facilities are permitted subject to the following conditions.

1. In the OC, GC, TC, CPMU districts, drive-through kiosks and windows must be placed to the side or rear of the building.
2. Drive-through kiosks and windows in the DTMU district are restricted to the side and rear of the building.
3. Drive-through stacking lanes in the DTMU district shall not be placed between the street right-of-way (not including an alley) and the associated building except that on corner lots such restriction shall be limited to the front façade of the building. The Planning Director may make exceptions on through lots to allow facilities on the rear of the building if they cannot be accommodated elsewhere.
4. Drive-through windows are prohibited

on the side of a building facing any residential zoning district or existing residential use.

5.3.7 Home Occupations.

Home occupations are permitted in any dwelling unit subject to the following conditions.

1. The home occupation shall not increase traffic or on-street parking that would be inconsistent with a residential area. A home occupation expected to generate more than 10 business-related trips per day shall be permitted as a special exception.
2. The use shall be conducted entirely on the premises of the subject's home.
3. There shall be no display of products from the street and the use does not involve retail trade on the premises.
4. The use shall not create disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazards, or any other type of nuisance as defined within the North Augusta Code of Ordinances.
5. The use shall not be visibly evident from outside the structure except for an identification sign that conforms to the requirements for signage in a residential zoning district.
6. The appearance of the dwelling unit shall not be altered.
7. The home occupation shall not be conducted in a manner that would cause the premises to differ from its residential character by use of colors, materials, construction, lighting, signs, or increased traffic, or the emission of odors, sounds, or vibrations.
8. No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted.
9. The home occupation shall not involve the use of advertising signs on the premises or any other advertising medium which calls attention to the fact that the dwelling unit is being used for a home occupation except for an identification sign that shall conform to the requirements for signage in a residential zoning district.
10. The home occupation shall be conducted solely by resident occupants of the dwelling unit and one additional employee or volunteer.
11. The home occupation shall be conducted entirely within the dwelling unit or within an accessory structure located on the same parcel as the dwelling unit except for those necessary outdoor activities related to the care of children. No more than 25 percent of the gross area of the dwelling unit shall be used for the home occupation.
12. A home occupation that utilizes an accessory building, whether attached or detached, shall not occupy a floor space greater than 500 square feet.
13. The use of electrical or mechanical equipment that would change the fire rating of the dwelling, create visible or audible interference in radio or television receivers, or cause fluctuations in line voltage outside the dwelling unit is prohibited.
14. The home occupation shall not involve the use of commercial vehicles for delivery of materials to and from the premises.
15. The preparation of ready for consumption meals or specialty foods, specifically prepared for fresh delivery or catering or consumption at another location, provided that all required state health and restaurant approvals and licenses have been obtained and are maintained as required for "Cottage Kitchens" as defined by state health agencies.
16. Barber and beauty shops operated as a home occupation shall service only one customer at any one time.
17. The teaching of music, art, dance, or exercise as a home occupation shall include no more than two students at any one time.
18. Construction contractor business offices operated as a home occupation shall store any material related to the business entirely within an enclosed structure so as not to be visible from any point offsite.

19. **Prohibited Uses.** The following uses are expressly prohibited as home occupations.

- a. Vehicle painting, service, or repair.
- b. Animal hospitals, kennels, stables, hospitals, and obedience/training schools.
- c. Restaurants.
- d. Automobile and body and fender repair.
- e. Repair, manufacturing, and processing uses. However, this shall not exclude the home occupation of small-scale skilled trade including a dressmaker, tailor, gunsmith, jeweler, watchmaker, and similar crafts.
- f. Construction trades where activities or the storage of materials or equipment associated with the business are conducted on the premises.
- g. Service trades where automobile or truck fleets are customary to the conduct of the business.

5.3.8 **Outdoor Display and Storage of Supplies, Materials, or Specialized Equipment.** Where conditionally permitted, outdoor display and storage shall meet the following conditions.

1. Outdoor displays of merchandise may be located adjacent to the exterior of the principal building. A clear and unobstructed walkway of at least four feet must be maintained between the display and adjoining driveway.
2. Outside storage shall occupy no more than one-half acre when adjacent to any residential or mixed-use district.
3. Maintenance and repair of equipment is not permitted on lots that abut a residential district or use.
4. Outdoor storage of spent materials, junk, and comparable nontoxic byproducts of a production process is allowed only for 72 hours or less, provided the temporary storage area is:
5. Located in the interior side or rear yard, however such storage is prohibited if the adjoining property is used or zoned

for residential purposes.

6. Enclosed within a suitable container, secured, and screened behind a solid, opaque fence or wall, measuring a minimum five feet in height.
7. Storage in portable storage units does not include cargo containers or tractor-trailers.
8. The area is not continuously used and remains devoid of such materials except for the 72 hours up to and including the day of pickup.
9. Self-Service Vending. Where conditionally permitted, self-service vending shall meet the following conditions.
10. Self-service vending apparatus such as soft-drink machines, ATM machines, movie vending machines, and newspaper racks may be located adjacent to the exterior of the principal building.
11. A clear and unobstructed walking path of at least four feet in width must be provided between the self-service apparatus and the adjoining driveway.
12. Donation drop boxes are not permitted in a front yard or in a yard abutting a residential district and shall be only permitted within the GC, TC, and IND districts.

5.3.9 **Self-service kiosks.** Where conditionally permitted, self-service kiosks shall meet the following conditions.

1. Privately owned kiosks used for commercial purposes shall not be located on public property or along a public sidewalk unless expressly permitted by the City.
2. The use must be compatible with the aesthetics, site, urban design, and architectural character of the area in which it is located.
3. No permanent fixtures, facilities, or encroachments shall be affixed to a sidewalk or installed within a public street right-of-way, except for required utilities.
4. No business, product, or advertising

signage is allowed to be placed on any encroaching item, except the kiosk itself.

5. The sidewalk must be kept clean and free from litter, food products and other items.
6. No outdoor speakers are allowed to be installed.
7. The use must not obstruct or otherwise impede pedestrian or automobile circulation within four feet of the edge of curb.

5.3.10 Tents. Tents used for special events may be permitted for a period not to exceed two weeks and shall not be permitted on the same property for a period of six months thereafter except for those associated with public or non-profit special events.

5.3.11 Warehouses and Flex Space as Accessory Uses. Warehouses or flex spaces conditionally permitted as an accessory use shall meet the following conditions in Table 5.3, Flex Space Ratios.

5.4 TEMPORARY USES AND EVENTS

The Director may authorize the conditional temporary use of a structure or property for a purpose that is not specifically permitted by the regulations prescribed for the zoning district in which the property is located, provided that such use does not involve the erection of a substantial structure or substantial alteration of the premises and is in accordance with the regulations specified below. The Director may require that traffic control and/or parking plans be approved by the departments with applicable jurisdiction as a prerequisite for approving any temporary use. A conditional use permit for a temporary use may be granted for the period of time indicated, subject to such conditions as will safeguard the public health, safety, convenience and welfare. All temporary uses shall comply with all City noise ordinances

and business license requirements.

5.4.1 Farmers and Produce Markets. The use includes farmers and produce markets that sell fresh produce including vegetables, cut flowers, grains, nuts (including pecans and boiled peanuts), and eggs, cheeses, jams, jellies, preserves, salad dressings, and similar homemade or homegrown food items. Farmers and produce markets shall meet the following requirements where conditionally permitted.

1. Farmers and produce markets may be permitted in any zoning district for a period not exceeding a total of 120 days in any calendar year.
2. Farmers and produce markets shall be located on, and accessed from, an arterial or collector roadway. Produce sold may be grown on the property where the farmers market is located or may be trucked in from area farms.
3. No temporary structure, tent, equipment, or tractor trailer vehicle shall be located or parked within 50 feet of any property used for residential purposes.
4. The site shall be a minimum of one-half acre in size in residentially zoned districts. No minimum area shall be required for sites in commercially zoned districts.
5. Temporary parking shall be provided but need not be paved. Measures must be taken to control dust and mud and to minimize the transfer of mud or gravel onto the paved roadway.
6. The hours of operation shall be limited from 7:00 a.m. to 9:00 p.m.
7. Signage shall be permitted in accordance with the provisions of Article 9 - Signs, provided, however, that the duration of the signage may

Table 5.3. Flex Space Ratios

Zoning District	Warehouse and Flex Space Floor Area
Office Commercial (OC)	5% of principal use or site, whichever is less, up to a maximum of 10,000 square feet for warehouse space or flex space
General Commercial (GC)	10% of principal use or site, whichever is less, up to a maximum of 20,000 square feet for warehouse space or 30,000 square feet for flex space



coincide with the temporary duration of the use.

8. A sketch site plan shall be submitted to the Director to ensure that the conditions contained in this section, adequate setbacks, parking, and clear vision area requirements are met.

5.4.2 Mobile Food Vendors. This section establishes standards for mobile food vending in designated areas of the City to provide additional dining options to supplement traditional brick and mortar food services. The standards are designed to ensure that the location and operation of mobile food vending is safe, functional, and compatible with existing and proposed development. Approved mobile food vendors may operate for a period not to exceed a total of 156 days in any calendar year per approved location.

1. **Food Trucks.** Where conditionally permitted, food trucks shall meet the following conditions.

a. Health and Safety.

- i. Food truck owners/operators must obtain and maintain all applicable required state health and restaurant approvals and licenses.
- ii. Each food truck owner/operator must obtain a Certificate of Zoning Compliance, a Certificate of Occupancy, if applicable, and a North Augusta business license prior to opening for business.
- iii. Required approvals and licenses shall be kept on file in the food truck.

b. Maximum Number of Trucks per Property.

- i. For commercially zoned parcels less than one-quarter acre, up to two food trucks are permitted on the property at the same time.
- ii. Commercially zoned properties between one-quarter and one-half acre in

size are permitted up to three food trucks at the same time.

- iii. For commercially zoned parcels over one-half acre in size, a maximum of four food trucks is permitted on the property at the same time, except for City-sponsored special events.
- iv. For publicly owned spaces, the maximum number of food trucks shall be determined by the Department of Parks, Recreation and Tourism in consultation with the Director.
- v. Temporary outdoor seating and setup associated with a food truck is only permitted within 20 feet of the food truck or in locations determined by the Director.

c. Food Truck Location and Parking.

- i. Food trucks are permitted on commercially and industrially zoned properties only.
- ii. The proposed location for food truck parking and any associated outdoor seating must be shown on a sketch plan that is subject to review and approval by the Director.
- iii. Food Trucks may not be parked in an approved location after the hours of operation specified in this section.
- iv. Food trucks shall be separated at least 100 feet from any customer entrance of any brick and mortar restaurant and/or outdoor dining area, unless annual written permission is obtained from the restaurant owner. Such written permission must be displayed, or readily available, in the food truck at all times.
- v. Food truck shall not occupy any handicap accessible parking space(s).
- vi. Food truck shall not otherwise

interfere with the movement of motor vehicles in a parking lot.

- vii. Shall be positioned such that the truck does not block drive aisles, other access to loading/service areas or emergency access or fire lanes.
- viii. Must be located at least 15 feet from fire hydrants, any fire department connections, driveway entrances, utility box or vault, alleys, handicap parking spaces, handicap ramp, building entrance or exit, and trees.
- ix. Food trucks shall be parked a minimum of 50 feet from any residential zoning district.
- x. Food trucks shall comply with all setbacks for a principal building in the zoning district.

d. Hours of Operation.

- i. In private spaces, hours of operation for food trucks in commercially and industrially zoned properties shall be no earlier than 7:00 a.m. and no later than 10:00 p.m.
- ii. In public spaces, hours of operation are to be determined by the Department of Parks, Recreation and Tourism in consultation with the Director.

e. Operational Standards.

- i. The use shall not use amplified sound.
- ii. City trash receptacles may not be used to dispose of trash or waste. Adjacent dumpsters may be utilized with written permission of the property owner.
- iii. All areas within the approved property must be kept clean by the food truck vendor.
- iv. Grease and liquid waste shall not be disposed in tree pits, storm drains, the sanitary

sewer system, or public streets.

- v. Food trucks must comply with the City's noise ordinance.

f. Food Trucks on City-Owned Property.

- i. Food trucks must have written permission from the Department of Parks, Recreation and Tourism to locate on City-owned properties.
- ii. Food trucks must locate at least 100 feet from the entrance to any park.

g. Food Trucks on Private Property.

- i. Food trucks are permitted on commercially and industrially zoned properties.
- ii. Food trucks shall be located at least 100 feet from any customer entrance of any brick and mortar restaurant or outdoor dining area, unless annual written permission is obtained from the restaurant owner. Such written permission must be displayed or readily available in the food truck at all times.

- h. **Special Events.** Nothing in this section should be read to prohibit the City from conducting special events that feature food trucks. Food truck vendors may operate as part of special events if approved by the City.

- i. Food trucks and mobile vending are prohibited from operating on any street, sidewalk, alley, trail, or other right-of-way unless approved by the City as part of a permitted special event or contracted with the Department of Parks, Recreation and Tourism within the assigned dates and times.

i. Suspension and Revocation.



- i. The City business license for any food truck may be revoked if the vendor violates the provisions contained in this section or if the food truck vendor's SCDHEC permit to operate as a mobile food truck is suspended or revoked.
- ii. The Director may halt an approved food truck's operation if it is determined that the food truck operations are causing parking, traffic congestion, or litter problems, either on or off the property where the use is located, or that such use otherwise threatens public health or safety.

2. **Mobile Food Units.** A mobile food unit is a temporary food service vehicle that is movable and has no fixed location. Examples include, but are not limited to, ice cream trucks, beverage or hot dog carts on wheels, and pre-packaged snack item vendors. Mobile food vendors, as defined, are considered "peddlers" and are subject to the requirements of Article IV of the Municipal Code. Mobile Food Vendors are required to hold a North Augusta business license.

5.4.3 Oversized Vehicles. The parking of oversized vehicles within nonresidential districts may be permitted for a maximum of 15 days in conjunction with conventions, trade shows, or other similar events sponsored by organized groups with the prior written approval of the Director. Oversized vehicles shall not be parked on public rights-of-way, discharge any litter, sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.

5.4.4 Promotional Circuses and Carnivals. Circuses, carnivals, and similar uses shall meet the following requirements where conditionally permitted. However, special events including fairs, carnivals, circuses, and similar uses sponsored by the city or approved by the city and held on publicly owned property are exempt from the provisions of this section

1. No structure, tent, equipment, or mechanical ride shall be located within 200 feet of property used for residential purposes.
2. The site shall be a minimum of one acre in size.
3. The maximum permitted time period shall be two weeks.
4. The hours of operation shall be limited from 9:00 a.m. to 10:00 p.m.

5.4.5 Real Estate Sales and Construction Offices and Equipment Sheds.

Manufactured homes, modular homes and modular building units may be permitted as temporary construction offices, real estate sales and leasing offices and equipment buildings in any zoning district incidental to a construction project.

1. The office or shed shall not contain sleeping or cooking accommodations.
2. The office or shed shall be removed within ten days after completion of the construction project, final sale, or issuance of the final certificate of occupancy, or two years from final subdivision approval, whichever is earlier.
3. A new dwelling unit or lease space constructed separately or as a portion of a larger structure may be used as a real estate sales office or as a sales model, or both. Units of different styles and floor plans may be used as additional sales models.
4. All structures used temporarily as real estate sales or leasing offices, models, construction offices or equipment sheds must be permitted, constructed, or installed and approved for occupancy as required by the International Building Code.

5.4.6 Seasonal Sales. Seasonal sales are permitted for a period not to exceed 45 days on lots used for non-residential purposes regardless of zoning as well as vacant lots in non-residential districts. A sketch site plan shall be submitted to and approved by the Director to ensure that setbacks and clear vision area requirements are met.

5.5 PRINCIPAL USE CONDITIONS

5.5.1 Adult Use. Where conditionally permitted, adult uses shall meet the following conditions.

1. Applicability. Adult businesses are defined for the purposes of this provision as any business activity, establishment, store, club, or other use that allows or involves:
 - a. Persons appearing live before the public or audience in a state of semi-nudity for any form of compensation or consideration.
 - b. Live performances characterized by specified sexual activities.
 - c. Sale or rental in any form of film, motion pictures, video cassettes, slides, or other photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas.
 - d. Coin-operated or slug operated or electrically, electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing device 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.
2. Permitted Locations. Adult businesses may be established in the IND, Industrial District. Adult businesses shall not be established in any other zoning district. In addition, an adult business shall not be located.
 - a. On any lot or parcel within 1,500 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.
 - b. On any lot or parcel within 1,500 feet of any lot or parcel on which a church, or other house of worship, or any religious use is located.
 - c. On any lot or parcel within 1,500 feet of any lot or parcel on which

a private or public school or educational use is located.

- d. On any lot or parcel within 1,500 feet of any lot or parcel on which a public playground, public swimming pool, public recreation area, public park or similar use is located.
- e. On any lot or parcel within 1,500 feet of any lot or parcel on which another adult business is located.

5.5.2 Bed and Breakfast. Bed and Breakfast Inns located in any zoning district where permitted as a special exception shall meet the following conditions.

1. The Board of Zoning Appeals may approve additional related activities upon a determination that the activities will not create traffic hazards or congestion, parking problems, or a public nuisance, and will not adversely affect surrounding properties.
2. In a residential zoning district, a Bed and Breakfast with up to six bedrooms for registered overnight guests shall meet the following requirements.
 - a. Minimum site size for the use shall be one acre.
 - b. The minimum house size for the use shall be 3,000 gross square feet.
 - c. The use shall not create noise, light, traffic, or other conditions detrimental to neighboring residents.
 - d. The business owner shall comply with all tax, business license, and revenue collection ordinances of the City and State.
 - e. The use must have a site plan approved by the Director that shows, at a minimum, the following information:
 - i. Any provided off-street and overflow parking. Parking must comply with the applicable requirements of this Code.
 - ii. Locations of outdoor facilities including tents, stages, or other structures and facilities that may be used for any temporary or permanent

events.

- iii. Buffering between this property and any other residential use to the standards of a Type B Buffer in Article 7.
 - iv. Any other items as determined by the Director or City Engineer.
- f. The structure used for the Bed and Breakfast must be existing and may be modified only as necessary to meet building codes or assure the safety of any structure on site for the purpose of accommodating allowed uses.
- g. The structure shall be and remain single-family residential in character.
- h. Retail sales are limited to postcards, shirts, and other small gift items directly associated with the Bed and Breakfast only. Items for sale should not be visible from any road right-of-way or neighboring properties.
- i. Signage may not exceed the requirements of Article 9 unless a variance or waiver is issued as allowed in the code.
- j. Accessory buildings may be used for "related activities" as approved on the site plan or determined by the Director.
- 3. Bed and Breakfast Inns may be operated as a home occupation provided that the following conditions are met.
 - a. Rooms are rented on a nightly basis only.
 - b. The home provides no more than three rooms for rent.
 - c. Only one room may be provided in an accessory structure.
 - d. Only one meal per day, breakfast, may be served to guests and the price of the meal shall be included in the price of the room.
 - e. One parking space per room is provided.
 - f. The required parking spaces are located on the side or rear and behind the face of the principal

building.

- g. All driveways and parking areas shall be paved.
- h. Curb and gutter is not required in parking areas or driveways.
- i. Exterior lighting shall not exceed the level of lighting normally provided a single-family residence.

5.5.3 Brew Pub, Microbrewery, or Microdistillery.

Where conditionally permitted, brew pubs, microbreweries, and microdistilleries shall meet the following conditions.

- 1. These uses are permitted only in conjunction with a license for on-premise consumption.
- 2. If the use abuts a lot that is used exclusively for residential purposes, loading is not allowed between the hours of 9:00 p.m. and 7:00 a.m.

5.5.4 Car Care Center.

Where conditionally permitted, car care centers shall meet the following conditions.

- 1. All automobile repair operations must be conducted wholly within a completely enclosed building.
- 2. Tire recapping and battery manufacturing is prohibited.
- 3. Stations selling fuel are subject to all the conditions of a retail fuel sales use.
- 4. Storage of vehicles accessory to a repair service shall be located in an enclosed building or in a separate motor vehicle storage yard that meets the following requirements:
 - a. Storage areas shall meet parking lot standards for access and paving.
 - b. Storage areas are exempt from the interior landscaping requirements for parking lots but shall meet perimeter landscaping requirements.
 - c. Storage areas shall be located behind the principal building and shall not be placed within 100 feet of a property line that abuts a public street or residential lot.

5.5.5 Child/Adult Care Center and Child/Adult Care Home.

State-registered



child and adult care homes and child and adult care centers shall meet the following requirements as applicable where conditionally permitted.

1. All child/adult care homes and child and adult care centers shall have appropriate current license, registration, or certification issued by the State of South Carolina.
2. Child and adult care facilities located in residential districts shall comply with the home occupation requirements of §5-3-8 and outdoor recreation space shall not be permitted within the front yard area.
3. Outdoor recreation or play space for child/adult care centers and child/adult care homes that abut or are located within a residential zoning district shall be enclosed by a six-foot solid (opaque) fence.

5.5.6 Continuing Care Retirement

Communities. Where conditionally permitted, flea markets shall meet the following conditions.

1. A minimum of five acres shall be required. All land used for the community shall be contiguous and shall not be divided or transected by public roads, private roads granting easement(s) to tracts of land not included within the community, or natural features which would visually or functionally divide the development.
2. Accessory buildings shall only include amenities, physical plants, dining halls, maintenance buildings, or similar facilities. All other buildings shall be principal buildings the use of which shall be for single family dwellings, multi-family dwellings, congregate or nursing care.
3. All dwelling units shall be limited in occupancy to persons aged 55 years or older, the physically handicapped, and their spouses or primary care giver, except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.
4. Driveway access to accessory building shall be through the main entrance to

the community.

5. The community shall be designed to include common facilities (e.g., meeting rooms, recreation rooms, dining halls, club houses, and similar facilities, etc.).
6. The community may include accessory uses that provide personal services and retail shops limited to the residents of that facility provided they are integrated into buildings providing residential or community amenities (e.g., club house or recreation facility).
7. Security lighting approved by the city shall be installed along all mobility routes, parking areas, and at building entrances.
8. Transit facilities shall be integrated into the community mobility plan and must include transit stops and areas for private shuttles, if used. All transit facilities must be approved by the County.
9. Paved exterior walkways shall be provided between all buildings and all common facilities such as dining halls and recreation centers.
10. No individual building shall be greater than 40,000 square feet if located within 500 feet, as measured in a straight line between the closest point of each lot property line, from an adjacent lot in a residential zoning district.
11. All lease/sale arrangements for accessory dwellings shall be under the direct control of the management company responsible for the continuing care retirement community.
12. No site shall have a density greater than eight units per acre for accessory single-family dwellings. For the purposes of calculating density all land lying underneath any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.

5.5.7 Energy Generation, Small-Scale. Where conditionally permitted, small-scale energy generation uses shall meet the following

conditions.

1. Standards applicable to all facilities.

- a. When located within an agricultural district, uses must:
- b. Be compatible with existing agricultural uses, except that land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class B or C need not be compatible with existing agricultural uses; and
- c. Not occupy more than ten percent of the acreage of the parcel, or 20 acres of land, whichever is less
- d. The area around and under free-standing ground-mounted systems must be planted and maintained in year-round vegetative ground cover.
- e. Ground or pole-mounted energy systems must not exceed 15 feet in height. For solar energy systems this will be measured when panels are oriented at maximum tilt.
- f. Roof-mounted energy systems may exceed the maximum allowed building height of the building or structure on which it is located by five feet in residential districts and ten feet in all other districts.
- g. Ground-mounted energy systems may not extend into the side or rear setback, except as otherwise allowed for building mechanical systems. For solar installations, this requirement will apply when the facility is oriented at minimum design tilt.
- h. Ground-mounted energy systems will not count toward the maximum number of accessory structures permitted.
- i. Renewable energy systems on buildings within a historic district or state or locally designated historic property must be consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of the Interior.
- j. Facilities may not be located within easements established for another purpose.
- k. Electric energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.
- l. Connection to the public power grid must be approved by the appropriate power company.
- m. Power and communication lines running between energy system components and to nearby electric substations or interconnections with buildings must be buried underground. Exemptions may be granted by the Director in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible.
- n. Signs of any kind placed on or over an energy system installation are prohibited. This provision does not apply to labels necessary for identification and safety.
- o. Facilities may not be lighted unless required by the FAA.

2. Additional standards applicable to solar facilities.

- a. Pollinator-friendly plants are required around ground-mounted solar energy systems at a rate of two square feet of plantings for every one square foot of solar panels. In agricultural districts, forage for grazing stock may substitute or augment pollinator plants.
- b. The collector surface and mounting devices for roof-mounted solar energy systems must not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems will be allowed to extend beyond the perimeter of the

- building on a side yard exposure.
- c. Solar collectors mounted on the sides of buildings and serving as awnings are considered building-integrated systems and are regulated as awnings.
 - d. Solar energy systems in residential districts must be designed to minimize visual impacts from the public right-of-way by adhering to the following standards.
 - i. Building integrated photovoltaic solar energy systems will be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks for the district in which the building is located, and the system is compatible with required design features.
 - ii. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way must have the same finished pitch as the roof and be no more than ten inches above the roof.
 - iii. Roof-mounted systems on flat roofs that are visible from the nearest edge of the front right-of-way must not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
 - e. All solar energy systems using a reflector to enhance solar production must minimize glare from the reflector affecting adjacent or nearby properties.
 - f. Solar carports in non-residential districts are exempt from lot coverage limitations.
3. **Additional standards applicable to wind facilities.**
- a. Facilities must be set back from all property lines by a distance at least equal to 1.1 times the overall height of the system, measured from existing grade to the highest point of the system structure, which includes the tip of the top blade when the blade is in its highest position.
 - b. No portion of a system may extend on or over a property line. Blades may not extend over driveways, parking areas, sidewalks, or trails.
 - c. The lowest point of any moving elements, such as blades or vanes, must be at least twenty feet above the ground beneath such feature for horizontal axis wind energy conversion systems and at least ten feet above the ground beneath such feature for vertical axis wind energy conversion systems.
 - d. All systems must be equipped with manual and automatic (mechanical or electrical) over-speed controls to limit the blade rotation speed to within the design limits of the system.
 - e. All structures and equipment must maintain factory colors or be finished in a non-reflective, matte finished, neutral color.
- 5.5.8 **Entertainment Establishment, Indoor.** The use includes entertainment establishments including, but not limited to, lounges, discos, nightclubs, private clubs, and music and dance establishments. Indoor entertainment establishments must meet the following applicable requirements where conditionally permitted.
1. **Exemptions.** Temporary entertainment uses sponsored by a church, civic club, or government are exempt from the requirements of this section.
 2. **Conditions.** The applicant must show that all the following conditions are met:
 - a. Except in the Downtown Mixed Use and a Planned Development zoning districts, entertainment establishments shall not located on a parcel contiguous to an existing residence or residential zoning district.
 - b. Parking areas shall be managed

to minimize and control crowds, loitering, exterior gathering, and partying. Waiting lines to enter the facility shall be managed to maintain order and prevent disruption.

- c. Hours of operation shall generally be limited to the period from 8:00 a.m. to 2:00 a.m. but may be reduced depending on location and type of entertainment. Facilities wishing to operate outside these hours must receive approval as a special exception.
- d. The Department of Public Safety is specifically authorized to enforce the provisions of this section pursuant to SC Code §6-29-950(B). If a Public Safety Officer identifies conditions that violate the conditions of approval of an entertainment establishment use or are determined by the Public Safety Officer to be in violation of South Carolina or North Augusta law, the Public Safety Officer may issue a stop order requiring the entertainment establishment to cease operations until the unsafe conditions and violations are corrected.

5.5.9 Flea Market. Where conditionally permitted, flea markets shall meet the following conditions.

1. No amplified music or other loud sounds may be produced by or from vendors to attract customers, entertain, or other purposes.
2. Refuse collection and disposal shall be provided and must meet all applicable City regulations.

5.5.10 Fuel Sales, Retail. Retail Fuel Sales shall meet the following conditions where conditionally permitted by special exception.

1. Gasoline service stations with pump islands perpendicular to the edge of right of way shall maintain a setback of not less than 35 feet between the pump islands and right of way.

5.5.11 Fulfillment Center/Dark Store/Ghost Kitchen. Where conditionally permitted, fulfillment centers/dark stores/ghost kitchens shall meet the following conditions.

1. Only temporary storage of goods and products is permitted.
2. In the DTMU-2 District, the use shall be limited to Ghost Kitchens only and located above the first floor only.
3. Facilities exceeding 30,000 square feet shall require permitting by special exception, except for those located in the GC or Industrial districts.
4. Facilities exceeding 75,000 square feet are restricted to the GC or Industrial districts.

5.5.12 Group Homes, Non-Exempt. Non-exempt group homes shall meet the following requirements where conditionally permitted.

1. **Licensing.** Non-exempt group homes shall be licensed by the South Carolina Department of Health and Environmental Control (SCDHEC) as a community residential care facility as defined in South Carolina Code of Laws 1976, as amended, Regulation 61-84.
2. **Lot Area and Setbacks.** The minimum lot area and setback requirements for a non-exempt group home shall be the requirements specified in Table 3-3, Dimensional Standards, for the district in which it is located.
3. **Design.** All group homes and the lots on which they are located shall meet the design guidelines for the district in which they are located.
4. **Separation.** To prevent an over-concentration of group homes and to avoid adversely impacting the surrounding residential area, the closest property line of a group home shall be no closer than 300 feet of the closest property line of another group home unless the facilities are under common ownership.

5.5.13 Heavy Equipment Sales, Repair, Maintenance, Leasing, and Storage. Where conditionally permitted, heavy equipment sales, repair, maintenance, leasing, and storage shall meet the following conditions.

1. Maintenance and repair of equipment is not permitted on lots that abut a residential district.
2. Storage in shipping containers and semi-trailers is not permitted except in the Industrial (I) district.
3. Portable buildings may not be made into permanent structures in any form.

5.5.14 Industrial, Light. Where conditionally permitted, light industrial uses shall meet the following conditions.

1. All industrial activities, including storage, must take place within completely enclosed buildings.
2. The rendering or refining of animal fats and oils is prohibited.

5.5.15 Live-Work Unit/Mixed-Use Building.

Live-work units and mixed-use buildings shall meet the following requirements where conditionally permitted.

1. Land Use Requirements.
 - a. **Land Use Requirements.** Land use requirements for Live-Work Units and Mixed-Use Buildings are set out in Table 5.4.
 - b. **Density.** Density and floor area ratios of Live-Work Units and Mixed-

Use Buildings shall not exceed the those set out in are set out in Table 5.5, Floor Area Ratios.

5.5.16 Lumber Yard and Building Material Sales, Wholesale or Retail.

Where conditionally permitted, lumber yard and building material sales shall meet the following conditions.

1. Use is allowed only to the side or rear yard, even with or behind the front façade of the primary building.
2. Use must be included and approved in site plan.

5.5.17 Manufactured Home Parks.

1. No more than one dwelling unit shall occupy one lot.
2. Manufactured homes and mobile homes shall have their wheels and tongue removed upon arrival to the site and may not be occupied until the wheels and tongue have been removed.
3. Manufactured units or mobile homes shall be placed on a permanent foundation with all utilities (underground) already in place for

Table 5.4. Live-Work Units Permitted Uses by Floor

Requirements	Live-Work Unit	Mixed-Use Building
Land Uses Allowed	Residential, Commercial, Retail including Personal Services, Office	Residential, Commercial, Retail including Personal Services, Office, Compatible Light Industrial
Uses Permitted by Floor		
First Floor	Commercial Retail including Personal Services, Office, Residential	Commercial Retail including Personal Services, Office, Compatible Light Industrial
Second Floor	Residential Only	Commercial Retail including Personal Services, Office, Compatible Light Industrial, Residential
Above Second Floor	Residential Only	Residential, Commercial, Office

Table 5.5. Density and Floor Area Ratios for Live-Work Units

Zoning District	Maximum Density (dwelling units per gross acre)	Ratio of Residential Floor Space to Non-Residential Floor Space (square footage)
NC	6	1:1
OC, GC, TC, CPMU	20	2:1
DTMU 1 & 2, IND	24	4:1



each dwelling unit. The perimeter of the units shall be screened with permanent landscaping or fencing material consistent with the standards for building landscaping in Article 7, Landscaping. The units shall be anchored to the site in a manner approved by the city to protect against accidental movement.

4. Parking spaces shall be paved, properly marked, and lighted.
5. Concrete curbs shall be installed at the end of all "head-in" parking spaces.
6. All roadways shall have a minimum travel width of twenty feet exclusive of parking.
7. A minimum of ten percent of the park site gross acreage shall be reserved and developed for recreational purposes. No recreation area shall be smaller than one-half acre.
8. Accessory uses shall be limited to park offices, laundromats, meeting halls or activity centers, recreation facilities and maintenance buildings. Lots occupied by individual units may include one accessory structure provided it is located behind the front elevation of the principal structure on the lot and a setback of three feet is maintained on the side and rear.
9. Home occupations are permitted only within the dwelling units occupying each lot or dwelling site.

5.5.18 Mini Warehouses/Self Storage.

1. A site plan of the proposed use and development in accordance with the requirements of Article 18, Administration and Enforcement, shall be submitted to the Director and shall additionally indicate the location of buildings, number of storage units, type and size of storage units, all signage proposed, and the location and type of visual screening and landscaping proposed.
2. The development shall be exclusively limited to storage and those activities necessary for the operation, safety, and maintenance of the development.

3. Screening consistent with the requirements of Article 8 shall be required and must adequately protect adjacent properties from parking lot and interior roadway illumination, headlights, noise, dust, litter, and debris.
4. No advertising signs are permitted on the property other than signs identifying the business and use.
5. One dwelling unit is permitted on-site as an accessory use. The dwelling unit shall be occupied by an on-site manager of the mini warehouse/self storage business.

5.5.19 Motor Vehicle Repair and Service.

Where conditionally permitted, motor vehicle repair and service uses shall meet the following conditions.

1. All service and repair operations shall be conducted not less than 50 feet from any residential property line.
2. No doors or windows shall face adjoining residential districts.
3. No junk or salvaged vehicles shall be kept on the premises.

5.5.20 Multi-Family Dwelling. Where conditionally permitted, multi-family dwellings shall meet the following conditions.

1. On infill development sites in residential districts, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings with regards to building design (including massing and scale), setbacks, driveway and garage design and placement, porches, and sidewalks.
2. Primary access to the development site shall be from a public street.
3. Parking lots shall be located behind buildings, except where the City determines it is appropriate to use a parking lot as a buffer from an arterial street, or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district.
4. Walkways shall connect all buildings with common areas such as parking,

play areas, clubhouses, and existing public sidewalks adjacent to the development site.

5. Plazas, clubhouses, pools, and recreational facilities shall be centrally located, when feasible.
6. Building designs that create variety and do not look monotonous if replicated throughout the development shall be required including, at minimum, the following elements:
 - a. Buildings shall be sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots. Any design that deviates from this standard would require a major waiver and must be approved as a special exception.
 - b. Side and rear building elevations of all accessory structures shall have the same level of design and architectural detailing as the front facade.
 - c. Garages shall be integrated into the overall building design or sited to avoid long monotonous rows of garage doors and building walls. Garages shall be oriented so that they do not face the front property line.

5.5.21 Nondepository Personal Credit

Institutions. The use includes business establishments that engage in the business of loaning or providing money to customers on a temporary basis, wherein such loans are secured by a post-dated check, paycheck, automobile title or similar collateral. This section applies, but is not limited, to check cashing stores, deferred presentment lenders, payday loan stores, car title loan stores, and title pawn stores.

1. **Separation.** The closest property line of a nondepository personal credit institution shall not be within 3,000 feet of the closest property line of another nondepository personal credit institution. Additionally, no nondepository personal credit institution may be located within 300 feet of an existing residential use, residential district, school, public park, or religious institution.

2. **Minimum Structure Size.** A nondepository personal credit institution shall be located within either a multi-tenant commercial structure of a minimum of 30,000 square feet of gross ground floor area, or totally within (without a separate public access) a grocery store or other large retail establishment of a minimum of 30,000 square feet of gross ground floor area.

3. **Variances and Planned Developments.** The Board of Zoning Appeals shall not grant a variance from any of the provisions of this section and the provisions of this section shall not be varied by any provisions of a planned development district general development plan.

5.5.22 Outdoor Cafes. Revocable encroachment permits for commercial sales may be permitted on public and private sidewalks between the curb and storefront as a conditional accessory use under the following conditions.

1. Sidewalk cafes and outdoor seating areas may be permitted between a storefront and the curb as an accessory use to an existing restaurant, delicatessen, or food store provided vehicular and pedestrian circulation is not unreasonably restricted, the sidewalk area is maintained in a clean, orderly, and sanitary condition, and the cafe tables and chairs are not readily moveable and do not unreasonably obscure adjacent storefronts and businesses. For the purposes of this section unrestricted pedestrian circulation will generally require an unobstructed travel way of five feet.
2. Limited outside sidewalk sales of perishable and consumable items (produce, ice cream, newspapers, magazines, soft drinks, etc.) may be permitted in conjunction with an outdoor café provided that the outdoor display and sales is approved pursuant to §5-5-23.
3. Revocable encroachment permits for sidewalk sales and cafes may be approved by the Director and City Engineer as a conditional accessory

use. No outdoor cafe or sales activities subject to this section shall be undertaken unless a site plan has been submitted, reviewed, and a conditional use permit has been approved by the Director and City Engineer.

4. If a sidewalk sale or sidewalk cafe does not consistently comply with all conditions listed in this section and the revocable encroachment permit, or if the use becomes a nuisance for any reason as determined by the Planning Commission after a hearing on the matter, the encroachment permit may be revoked.

5.5.23 Outdoor Display and Sale of Merchandise.

The use includes any activity involving the display or sale of goods outside the place of business on or immediately adjacent to the property under the control of the business. No outdoor sales activities subject to this section shall be undertaken unless a site plan has been submitted, reviewed, and a permit has been approved by the Director and City Engineer.

1. Types of Merchandise that may be included in Outdoor Displays and Sales.
 - a. Farmers' markets that are not directly associated with the store or business.
 - b. Items offered for sale by, or incidental to, the store or business on the sidewalk directly in front of the store or business.
 - c. Outdoor display and sale of automobiles, motorcycles, boats, campers, trailers, recreational vehicles, and other vehicles or mobile equipment shall be located on paved areas and may not occupy required parking spaces. No display of any kind is permitted on any public right of way.
 - d. The sale of garden materials by hardware and building supply stores, nurseries, and other businesses that routinely offer such merchandise for sale. Garden materials include gardening supplies, plant material, soil, fertilizer, and garden furniture. Garden materials may be stored and displayed in parking areas provided

they do not occupy required parking spaces and they are located on an area designated on the site plan for that purpose. Garden material sales areas may be located in required parking areas for a period not to exceed three months and are limited to once a year.

2. Additional Conditions.
 - a. Sales displays shall be arranged to leave at least five feet of clear walkway for pedestrian circulation.
 - b. The merchandise displays shall be on racks or display counters that are of similar quality to those used in the store or business.
 - c. No signage other than normal price markers that are the same size and design as those used on the interior shall be permitted.
 - i. All outdoor display and sales activity must be sponsored by the owner of the business or, in the case of a shopping center, approved by the owner, manager or operator of the center.
 - d. All sales must be located entirely under an approved building overhang, awning or canopy except for vehicles and garden materials as provided for in §§5-5-22-A-3 and 5-5-22-A-4.

5.5.24 Pawn Shops. Where conditionally permitted pawn shops shall meet the following conditions.

1. Pawn shops must be located a minimum of 400 feet from each other and from a nondepository personal credit institution.
2. Pawn shops may not be located within 300 feet of an existing residential use, residential district, school, public park, or religious institution.

5.5.25 Place of Assembly. Where conditionally permitted, places of assembly shall meet the following requirements where conditionally permitted.

1. Large Places of Assembly shall be setback 30 feet from internal side and rear property lines adjacent to residential property located in the R-14,

R-10, and R-7 districts. Surface parking may be located within the required 30-foot setback.

2. Large Places of Assembly may use a pervious pavement parking surface for up to 70 percent of required parking areas if such areas are specifically designed as parking areas and are approved by the City Engineer.
3. Places of assembly with a capacity of more than 600 people must have direct access to a major thoroughfare. Vehicular access to local streets serving established residential neighborhoods is prohibited.
4. Pedestrian and bicycle access and onsite facilities are encouraged and will be required whenever a public sidewalk or trail abuts the property.
5. Accessory uses such as administrative offices, bookstores, parking lots, community centers, multi-purpose facilities, outdoor recreational facilities, and care centers on the same site or sites contiguous to the principal use shall be permitted. Similar uses on noncontiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and will be regulated as such. No merchandise or merchandise display shall be visible from outside a building. No business or identification sign pertaining to an accessory use shall be visible from a public right-of-way.
6. Accessory uses are not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes).
7. Cemeteries (graveyards) accessory to places of religious assembly are permitted provided they meet the setback requirements for principal structures in the district in which they are located.
8. Uses proposing outdoor amplified sound are subject to SE approval.

5.5.26 Recreation, Indoor. Where conditionally permitted, indoor recreation uses shall meet the following conditions.

1. Skating rinks are prohibited in the OC and NC districts.
2. Indoor firearm ranges shall be located a minimum of 250 feet from any land used or zoned for a residential use or school.

5.5.27 Recreation, Outdoor. Where conditionally permitted, outdoor recreation uses shall meet the following conditions.

1. When located in a residential zoning district, no outdoor recreational use shall start earlier than 8:00 a.m. nor cease later than 10:00 p.m.
2. Uses proposing outdoor amplified sound are subject to SE approval.

5.5.28 Residential Dwelling above Commercial or Retail Use. Where conditionally permitted, residential dwellings above commercial or retail uses shall meet the following conditions.

1. Use of the upper floors of existing commercial buildings may be converted or used for residential purposes provided that the portion of the ground floor of the building which faces the sidewalk or other public street right-of-way continues to be used or dedicated for business or commercial use.
2. In addition to business or commercial uses, the ground floor of a building containing upper floor dwellings may also be used for residential garage or storage space. No more than 50 percent of the total area of the ground floor shall be used for such purposes.
3. Garages and storage spaces must be located and accessed through the side or the rear of the building except for individual storage spaces associated with ground floor business or commercial uses which may be accessed through the primary ground floor entrance .
4. Public parking lots may be used to satisfy the off-street parking requirements for residential uses if, in the opinion of the approval authority, sufficient excess parking space exists in a public lot and a shared parking agreement is executed with the City.

5.5.29 Restaurant. Where conditionally permitted,



restaurants shall meet the following condition.

1. Restaurants are permitted to have outdoor seating on private property but must maintain a clear and unobstructed walking path of at least six feet in width between the outdoor seating and an adjoining driveway.

5.5.30 Recycling Processing Facility. Where conditionally permitted, recycling processing facilities shall meet the following condition.

1. Waste storage must be a minimum of 20 feet from a property line unless located completely within an enclosed building.

5.5.31 Riding Academy/Stable, Commercial. Where conditionally permitted, commercial riding academies/stables shall meet the following conditions:

1. Lot size must be a minimum of two acres.

5.5.32 Solid Waste Collection and Transfer Center. Where conditionally permitted, solid waste collection and transfer centers shall meet the following conditions.

1. Waste storage must be a minimum of 20 feet from a property line unless located completely within an enclosed building.

5.5.33 Sports Stadium, Arena, or Coliseum. Where conditionally permitted, sports stadiums, arenas, and coliseums shall meet the following conditions.

- a. Facilities must be located a minimum of 250 feet from the nearest residential district.
- b. Uses proposing outdoor amplified sound are subject to SE approval.

5.5.34 Tattoo Facilities. Tattoo facilities licensed by the state of South Carolina may be permitted by special exception in the Thoroughfare Commercial (TC) zoning district and shall meet the following conditions.

1. Limit on Facility Location. Tattoo facilities shall be separated from any school, church, playground, park, or day care facility per S.C. Code of Laws §44-34-110.
2. Home Occupation Use Not Allowed. A

tattoo facility shall not be permitted as a home occupation as defined in 5.3.7.

5.5.35 Taxi Stands and Shared-Use/Autonomous Motor Vehicles. Where conditionally permitted, taxi stands and shared-use/autonomous motor vehicle uses shall meet the following conditions.

1. Stands and designated spaces for taxis and shared-use/autonomous motor vehicles must not alter or obstruct any public right-of-way or ingress/egress to a property.

5.5.36 Telecommunications Tower and Antennae. These regulations permit the placement of communications towers and antennae in locations that allow telecommunications services to be rendered in conformity with the authority in the Federal Telecommunications Act of 1996 and the goals of the Comprehensive Plan and this Article to serve and protect the public health, safety, convenience, order, appearance, prosperity, and general welfare. In applicable zoning districts, communications towers and antennas shall meet the following requirements where conditionally permitted or permitted by special exception.

1. **Exceptions.** The requirements of 5.5.36 shall not apply to radio antennae erected in residential or commercial districts solely for use by a licensed amateur radio operator provided such antenna is no taller than 70 feet.
2. Districts in which telecommunications towers and antennae are permitted, height limitations, and additional conditions are listed in Table 5.6 Tower Standards.
3. **Permitted Height above Structure in all Districts.** Towers or antennae mounted on buildings, water tanks, or structures other than a free-standing or guyed communications tower shall not extend more than 30 feet above the highest part of the structure.
4. **Special Exceptions and Conditional Uses.**
 - a. **Technical Services.** Prior to approving a special exception or

conditional use for a communication tower or antenna, the Board of Zoning Appeals or Director may use professional technical services to determine that the standards in 5.5.36 are met. The cost of such professional technical services shall be borne by the applicant.

- b. In addition to the standards established in Article 18, Special Exceptions, and the City's Administrative Manual, a special exception may be granted for towers or antennae where the applicant demonstrates that the tower, antenna, or additional height is needed to avoid a gap in service coverage and complies with the following criteria.
 - i. All application requirements and conditions imposed by 5.5.36 are met except for height limitations and setbacks in the case of additional height pursuant to a conditional use request.
 - ii. If additional tower height is requested, total tower height will not exceed 150 percent of the maximum height permitted in the district.
 - iii. The applicant has demonstrated that the location or the additional height above that permitted
- iv. Setback requirements and such additional conditions are established by the Board of Zoning Appeals as it deems necessary to remove danger to health and safety and to protect adjacent property.
- c. **Variances and Appeals.**
Communications towers that do not conform to the conditions imposed by this section are prohibited uses. Pursuant to S.C. Code §6-29-800, the Board of Zoning Appeals may not grant a variance from these conditions but may grant a variance from the base zoning district regulations. An applicant may appeal to the Board of Zoning Appeals as follows.
 - i. Failure of the Director to act on an application that is determined to be complete under this section within 45 days, unless extended by agreement by both the applicant and the Director, may be considered by the applicant to be a denial of a permit and is subject to appeal to the Board of Zoning Appeals.
 - ii. The applicant may appeal to

Table 5.6. Tower Standards

Districts	Permit and Tower Type	Maximum Height	Additional conditions
R-14, R-10, R-7, R-5, NC, CPMU, DTMU 1 & 2, CR, R-MH	Free-standing or guyed tower Special Exception	100 ft. or less	Tower must be camouflaged as a tree or other feature approved by the BZA
OC, GC	Free-standing or guyed tower Special Exception	Any height	---
IND	Free-standing or guyed tower Conditional Use Special Exception	360 ft. or less Over 360 ft.	---
PD	Towers and antennae may be approved in conjunction with a PD general development plan. Any application for a tower or antenna in a PD District after the approval of a general development plan shall be considered a minor modification to the plan.		

the Board of Zoning Appeals for a variance from general zoning district regulations and setback requirements in this section but not from any other conditions in this section. Towers exceeding height limitations may be permitted only by special exception pursuant to Article 18, Special Exceptions, and the City's Administrative Manual.

5. **Application Requirements.** The applicant for a permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the Director an application accompanied by a fee as provided in the City of North Augusta's Fee Schedule and the following documents, if applicable.
 - a. One copy of typical specifications for proposed structures and antennae, including a description of design characteristics and material.
 - b. A minor site plan that meets the requirements of Article 18, Administration and Enforcement, and the City's Administrative Manual, drawn to scale and showing property boundaries, tower location, tower heights, guy wires and anchors, existing structures, and setbacks from property lines; photographs or elevation drawings depicting the typical design of proposed structures, parking, landscaping, and fencing; and a plan showing existing land uses on adjacent property. A site plan and details are not required if the tower or antenna is to be mounted on an approved existing structure except to the extent that additional ground level equipment or structures will be installed.
 - c. A current map, or update to an existing map on file, showing the locations of the applicant's existing and planned antennae, facilities, towers serving or planned to serve any property within the city.

- d. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
- e. Identification of the owners of all antennae and equipment to be located on the proposed site.
- f. Written authorization from the owner of the site property for the application.
- g. Evidence that a valid FCC license for the proposed activity has been issued.
- h. A line-of-sight analysis showing visual and aesthetic impacts on adjacent residential districts.
- i. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
- j. Evidence that applicable conditions in 5.5.36 are met.
- k. Any additional information necessary to determine that all applicable zoning regulations are met.

6. **Application Conditions.** The applicant must show that all the following conditions are met.

- a. **Location and Visual Impact.** The proposed communications tower, antenna, or accessory structure will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and the applicant's technical design requirements.
- b. **Inability to Locate on Existing Structure.** The applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and the applicant's technical design

requirements without unreasonable modifications on any existing structure or tower under the control of applicant.

- c. **Necessity for Location in a R-14, R-10, R-7, R-5, NC, CPMU, DTMU, CR, or R-MH district.** An applicant for a permit in a R-14, R-10, R-7, R-5, NC, CPMU, DTMU, CR, or R-MH district must show that the area cannot be adequately served by a facility placed in another district for valid technical reasons.
- d. **Public Property or Other Private Property Not Suitable.** Prior to consideration of a permit for location on private property that must be acquired, the applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
- e. **Design for Multiple Use.** The applicant must show that a new tower is designed to accommodate additional antennae equal to the applicant's present and future requirements.
- f. **Safety Codes.** The applicant must show that all applicable health, nuisance, noise, fire, building, and life safety code requirements are met.
- g. **Paint and Illumination.** A communications tower shall not be painted or illuminated unless otherwise required by state or federal regulations.
- h. **Distance from Existing Tower.** A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and design

requirements, or that a co-location agreement could not be obtained.

i. **Indemnity and Claim**

Resolution. The applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules and must file with the Director a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate that may arise from operation of the facility during its life, at no cost to the municipality, in a form approved by the City Attorney.

j. **Application of Zoning Regulations.**

Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage and all other general regulations except setback and height, shall apply to the use. Setback and height conditions provided in this section shall apply.

- k. **Minimum Setbacks.** A tower must be set back from all lot lines distances equal to the district setback requirements, or 50 percent of the tower height, whichever is greater.

- 7. **Technical Assistance.** Prior to issuing a permit, the Director may make use of professional technical services to determine that the standards in §5-5-35 are met. The cost of such professional technical services, if deemed necessary by the Director, shall be borne by the applicant.

5.5.37 Telecommunications, Small Cell.

- 1. **Purpose.** The purpose of this Code is to provide policies and procedures for the placement of small wireless facilities in rights-of-way within the jurisdiction of North Augusta.
- 2. **Scope and Intent.** It is the intent of this Code to establish uniform standards



applicable to the application for and deployment of small wireless facilities in a manner that serves the interests of North Augusta, its citizens, and the general public by advancing the following purposes:

- a. Prevention of interference with the use of streets, sidewalks, alleys, parkways, traffic light poles or other light poles, and other public ways and places.
 - b. Prevention of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic.
 - c. Prevention of interference with other facilities and operations of facilities lawfully located in the rights-of-way or public property.
 - d. Preservation of the character of neighborhoods where facilities are installed.
 - e. Preservation of the character of and applicable land use requirements within Design Districts, Historic Districts, and Underground Districts.
 - f. Facilitation of the rapid deployment of small wireless facilities to provide the citizens with the benefits of advanced wireless services.
3. **Applicable only to Small Wireless Facilities.** Nothing in this Code limits the City's powers with respect to wireless facilities that are not small wireless facilities in the right-of-way, or poles that are used for purposes other than installation of small wireless facilities in the right-of-way.
4. **Right to Prevent Interference.** The City retains the right to require that all small wireless facilities shall be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire, and emergency services) equipment.
5. **Imminent Risk to Public Safety.** If the City determines that a wireless provider's activity in the right-of-way pursuant to this Code creates an imminent risk to public safety, the City may provide written notice to the

wireless provider and demand that the wireless provider address such risk. If the wireless provider fails to reasonably address the risk within twenty-four hours of the written notice, the City may take or cause to be taken action to reasonably address such risk and charge the wireless provider the reasonable documented cost of such actions.

6. **Permitted Use and Consent.** A wireless provider shall have the right, as a permitted use subject to review and conditions as set forth herein, to collocate small wireless facilities and install, maintain, modify, operate, and replace poles in the right-of-way. These structures and facilities must be installed and maintained so as not to create a safety hazard; obstruct or hinder the usual travel in or the public's safe use of the right-of-way; or obstruct the legal use of the right-of-way by utilities.

7. **Maximum Size of Permitted Facility.**

- a. New small wireless facilities (including any related antenna) in the right-of-way may not extend more than ten feet above an existing pole in place as of the effective date of this Code, or for small wireless facilities (including any related antenna) on a new pole, above the height permitted for a new pole pursuant to this section.
- b. Each new, modified, or replacement pole installed in the right-of-way may not exceed the greater of ten feet in height above the tallest existing pole in place as of the effective date of this Article located within five hundred feet of the new, modified, or replacement pole in the same right-of-way, or 50 feet above ground level, except in supplemental design districts where the height limit is 40 feet above ground level.
- c. For applications to place poles in residential zoning districts to deploy small wireless facilities, the City may propose an alternate location in the right-of-way within 150 feet of the location set forth in the application,

and the wireless provider shall use the City's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

- d. Collocation is not allowed on a decorative pole less than 20 feet in height.
- e. New poles are not permitted in a corridor where there are existing poles that can be used, modified, or replaced to allow the proposed collocation, unless the applicant can demonstrate that:
 - i. It is not technically feasible to use, modify, or replace such existing poles;
 - ii. Such use, modification, or replacement would impose significant additional costs on the wireless provider, as certified by the wireless provider in good faith and based on the assessment of an engineer licensed in South Carolina along with a written summary of the basis for the certification; or
 - iii. A new pole may be placed in a manner that will cause no more interference with the right-of-way and will have no more of an impact on the overall appearance of the corridor and on adjoining properties than would the use, modification, or replacement of an existing pole.
8. Supplemental Review Districts; Design Standards. Collocated small wireless facilities and new, modified, or replacement poles or support structures shall be subject to the compliant provisions (as defined in the SWF Act) pertaining to design and aesthetic standards in the Article establishing the supplemental review districts in addition

to the requirements of this Article. In addition, the following rules shall apply within the supplemental review districts.

- a. Nothing in this Article shall prohibit or otherwise limit the City from establishing additional supplemental review districts or design standards, provided however, that facilities and structures for which a permit was approved or deemed approved pursuant to this Article prior to the establishment of the additional supplemental standards shall remain subject to the provisions of this Article, including routine maintenance and replacement of those facilities and structures as set out herein. If a wireless provider voluntarily replaces such facilities in a manner that does not comply with Article 19 of this Article, or if a wireless provider voluntarily relocates such facilities, such replacement or relocation is subject to the then-existing provisions and requirements of the additional supplemental standards.
- b. The City may require reasonable, technically feasible, nondiscriminatory, and technologically neutral design and aesthetic requirements, stealth requirements, height limitations of no less than 40 feet, and/or concealment measures in a supplemental review district. For applications to place poles in a supplemental review district to deploy small wireless facilities, the City may propose an alternate location in the right-of-way within 150 feet of the location set forth in the Application. The wireless provider shall use the City's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a

written summary of the basis for such determination.

- c. This section may not be construed to limit the City's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.
 - d. **Decorative Poles.** Subject to the City's ability to deny an application as set forth in this Code, a wireless provider must be permitted to Collocate on or replace decorative poles when necessary to deploy a small wireless facility.
 - i. The City may require the collocation on a decorative pole or the replacement of a decorative pole to reasonably conform to the design aesthetics of the original decorative pole, provided these requirements are technically feasible.
 - ii. For applications to Collocate small wireless facilities on decorative poles or to replace decorative poles to deploy small wireless facilities, the City may propose an alternate location in the right-of-way within 150 feet of the location set forth in the Application. The wireless provider shall use the City's proposed alternate location unless the location is not technically feasible or imposes significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.
9. **Repair of Damage.** A wireless provider shall repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and shall restore the right-of-way to its condition before the damage occurred. If within 30 calendar days after written notice the wireless provider fails to the extent practicable in the reasonable judgment of the City to restore the right-of-way to its condition prior to the damage in compliance with this subsection, the City may, at the sole discretion of the City, restore the right-of-way to such condition and charge the applicable party the reasonable, documented cost of the restoration, plus a penalty not to exceed \$500 provided; however, that the wireless provider may request additional time to make such repairs, and the City shall not unreasonably deny such a request. The City may suspend the ability of the wireless provider to receive any new permits from the City until the wireless provider has paid the amount assessed for such restoration costs. The City shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute.
 10. **Removal, Relocation, or Modification of a Small Wireless Facility in the Right-Of-Way.**
 - a. **Widening, Repair, Reconstruction, and Relocation.** If, in the reasonable exercise of police powers, the City requires widening, repair, reconstruction, or relocation of a public road or highway, or relocation of poles, support structures, or small wireless facilities as a result of a public project, a wireless provider shall relocate poles and support structures that such wireless provider has installed in the right-of-way for the collocation of small wireless facilities pursuant to this Article at no cost to the City if such poles and support structures are found by the City to unreasonably

interfere with the widening, repair, reconstruction, or relocation project or the public project. If widening, repair, reconstruction, or relocation is required as a condition or result of a project by an entity other than the City, County, or State, such entity shall bear the cost of relocating such poles or support structures and any communications facilities on such poles or support structures.

b. Emergency Removal or Relocation of Facilities.

The City retains the right to cut or move any small wireless facility, pole, or support structure located within the right-of-way as the City, in its reasonable discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the wireless provider and provide opportunity to move its own small wireless facilities, poles, or support structures prior to the City cutting or removing a small wireless facility, pole, or support structure and the City shall notify the wireless provider after cutting or removing a small wireless facility.

c. Abandonment of Facilities.

The applicant or the person that owns or operates the small wireless facility collocated in the right-of-way may remove its small wireless facilities at any time from the right-of-way upon not less than 30 days' prior written notice to the City. In the event of such removal, the right-of-way shall be, to the extent practicable in the reasonable judgment of the City, restored to its condition prior to the removal. If the applicant fails, to the extent practicable in the reasonable judgment of the City, to return the right-of-way to its condition prior to the removal within 90 days of the removal, the City may, at the sole discretion of the City, restore the right-of-way to such condition and charge the applicant the City's reasonable, documented cost of removal and

restoration, plus a penalty not to exceed \$500. The City may suspend the ability of the applicant to receive any new permits from the City until the applicant has paid the amount assessed for such restoration. The City shall not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute.

d. Abandonment by Inaction. At any point when a wireless provider fails to pay any required fee or rate, and fails to respond within 60 days to a written inquiry from the City as to whether the wireless provider intends to continue to operate a small wireless facility or support structure, for whatever reason, the small wireless facility shall be deemed abandoned and the City may, at its sole option, remove all or any portion of the small wireless facility or support structure, or take other action as authorized by law, including recovery of actual costs incurred in removing the small wireless facility or support structure.

11. Indemnification, Insurance, and Bonds.

a. Indemnity. With regard to small wireless facilities, poles, and support structures that are subject to this Article, the wireless provider shall indemnify and hold the City and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses, or fees, to the extent that a court of competent jurisdiction finds that the negligence of the wireless provider while siting, installing, maintaining, repairing, replacing, relocating, permitting, operating, or locating small wireless facilities, poles, and support structures pursuant to this Article caused the harm.

b. Insurance. The City may require a wireless provider to have in effect insurance coverage consistent with this section, so long as the City imposes similar requirements on

other right-of-way users and such requirements are reasonable and nondiscriminatory. The City may require a wireless provider to furnish proof of insurance prior to the effective date of a permit. The City may not require a wireless provider to obtain insurance naming the City or its officers and employees as additional insureds.

- c. **Bonds.** The City may impose bonding requirements for small wireless facilities if the City imposes similar requirements in connection with permits issued for other right-of-way users. Such bonds may provide for the removal of abandoned or improperly maintained small wireless facilities, including those that the City determines must be removed to protect public health, safety, or welfare; restoration of the right-of-way; and recoupment of rates or fees that have not been paid by a wireless provider in over 12 months. Bonding requirements may not exceed \$200 per small wireless facility. For wireless providers with multiple small wireless facilities within the City, the total bond amount across all facilities may not exceed \$10,000 and that amount may be combined into one bond instrument.

5.5.38 Duplex, Triplex, Quadruplex. Where conditionally permitted, triplexes and quadruplexes shall meet the following conditions.

- a. Duplexes as permitted in the R-7 zone shall meet the minimum dimensional requirements in the R-5 zone.
- b. For triplexes and Quadruplexes, each ground floor unit must be accessed through a single, shared main entrance from a primary façade. Second story units may be accessed through the shared main entrance or by an exterior stairway.
- c. Fire escapes and exterior stairways providing access to an upper level are not allowed on any facade that

faces a street lot line.

- d. When integrated within a new neighborhood containing single-family detached buildings, buildings should take advantage of corner and through lots to minimize massing.
- e. Buildings on corner lots shall be designed so that each side facing a public street is a primary façade, and each side has a single main entrance.
- f. Corner dwellings and dwellings on through lots shall meet the minimum front yard setback from both streets.

5.5.39 Veterinary Hospitals, Animal Kennels and Boarding. Where conditionally permitted, veterinary hospitals, animal kennels and boarding shall meet the following conditions.

- a. In the DTMU districts, veterinary hospitals and clinics may not have boarding facilities, other than those required for patient recovery and care.
- b. All outdoor boarding facilities including animal run areas or play yards must be screened from the right-of-way and adjacent property by a continuous hedge, shrub, earthen berm, or retaining wall (complementing the architectural style and material of the building) that is a minimum of five feet in height.
- c. No outdoor boarding facilities including animal run areas and play yards shall be located within 200 feet of a residential district.

5.5.40 Yard Waste Collection and Processing. Where conditionally permitted, yard waste collection and processing uses shall meet the following conditions.

- 1. Waste storage must be a minimum of 20 feet from any property line.

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ARTICLE

6

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ARTICLE 6 - BUILDING AND LOT DESIGN STANDARDS

6.1 APPLICABILITY

The standards contained in this article shall apply to applications for all new development and expansions to existing uses, buildings, and structures.

6.2 LOT STANDARDS

6.2.1 Erection of Structure On Lots of Record. Any new building or structure erected after the effective date of this article shall be erected only on a lot of record.

6.2.2 Reduction of Lot Area Restricted

1. No yard or lot existing on the effective date of these regulations shall be reduced in dimension or area below the applicable district minimum requirements set forth in Article 4.
2. New lots or yards shall meet the minimum requirements of the applicable district established in Article 4 of these regulations.

6.2.3 Measurements.

1. **General.** Calculations resulting in fractions shall be rounded up to the next whole number unless otherwise stated in these regulations.
2. **Area.** The area of a lot shall include all land within the established property boundary, calculated as square feet or acreage.
3. **Width.** A lot's width is measured as the horizontal distance between the side lot lines measured at the point of minimum front setback. Where an irregularly-shaped lot exists, the side lot lines from which this measurement shall be taken are the lot lines that connect to the established front lot line.
4. **Depth.** The depth of a lot is calculated as the average length of the two side lot lines, measured as the distance between the front lot line and rear lot line. Where side lot lines are not immediately apparent (e.g., a curvilinear

lot), the Planning Director shall determine the appropriate method of measurement.

5. **Coverage.** Lot coverage shall be determined by adding the area (in square feet) covered by any building or structure, both principal and accessory, and including impervious surfaces such as walkways, driveways, uncovered porches, patios, and decks, swimming pools, parking areas, steps, terraces, and roof overhangs of two or more feet.

6. **Density.** Density shall be calculated by adding the total number of dwelling units divided by the total lot area. In determining density, all land area associated with and accessory to the dwelling unit, including road rights-of-way and easements, shall be included in the calculation.

6.2.4 Flag Lots.

1. **Flag Lots Permitted.** Flag lots are permitted in developments of having ten or more lots, to allow for more efficient use of irregularly shaped parcels of land or where the integrated nature of multiple buildings on a site dictates the need for such lots. Up to ten percent of the lotted area may be permitted as flag lots in developments of this size.
2. **Design Standards.**
 - a. The minimum frontage at the right-of-way line of a flag lot shall be 15 feet. The width of the flagpole between the right-of-way and the lot shall be no less than 15 feet at any point.
 - b. The width of a flag lot shall be measured as the distance between the side property lines measured at the parcel's widest point.
 - c. Parcel depth shall be measured from the mid-point of the front and rear property lines.
 - d. In no event shall the length of the flagpole of a flag lot exceed 150 feet.

- e. The area of the flagpole portion of the lot(s) shall not be considered in determining the area of any lot.
- f. Wherever possible flag lots shall share the same flagpole and driveway through a shared access agreement. No more than three lots may be served by a flagpole driveway
- g. The minimum driveway width shall be ten feet for driveways serving one flag lot and 12 feet for driveways serving more than one lot.

6.2.5 Zero Lot Line Units.

1. **Development Permitted.** Developments proposing zero-lot-line units require that planning for all house locations in a subdivision are done at the same time.
2. **Design Standards.** Zero-lot-line units shall conform to the standards contained in this section and all other applicable standards.
3. **Side-wall Windows.** If the side wall of the unit is on or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not permitted. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a semi-transparent or opaque window, are allowed provided they are permitted by the International Building Code.
4. **Minimum Distance between Structures.** In no case shall the reduced setbacks result in a distance of less than ten feet between residential structures.
5. **Easement Required.**
 - a. **Overhang Easement.** The eaves on the side of a unit with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection shall be recorded on the deed for

the lot where the projection occurs.

6. **Maintenance Easement.** An easement to allow for maintenance or repair shall be provided when the eaves or side wall of a unit are within four feet of the adjacent property line. The easement on the adjacent property shall provide at least five feet of unobstructed space between the furthestmost projections of the structure and be wide enough to allow five feet between the eaves or side wall and the edge of the easement.

6.3 FENCES AND WALLS

- 6.3.1 **Applicability.** This section applies to walls, fences, and screens of all types and materials, when constructed in a required setback anywhere in the city.
- 6.3.2 **Location.** Fences, walls, and screens meeting the requirements of this section may be located in any yard within an established setback, on any lot or parcel in the city.
- 6.3.3 **Setbacks.** No setback is required for a fence, wall, or screen meeting the heights restrictions of this article in side and rear yards that are adjacent to another property. In front yards and side yards adjacent to a street a fence, wall, or screen may be constructed at the back of the sidewalk provided it is not located within any right-of-way. Where no sidewalk exists, a fence, wall, or screen must be set back not less than 18 inches from the public right-of-way.
- 6.3.4 **Maximum Height.**
 1. Fences, walls, and screens up to four feet high are allowed in required front yard setbacks, in areas of the lot between the front elevation of the building or structure and the street, and in side yards adjacent to a street between the front and rear walls of the building or structure.
 2. Fences, walls, and screens up to eight feet high are allowed in side or rear yard setbacks adjacent to another property.
 3. In an industrial zoning district there is no limitation to fence, wall, or screen height except for parcels or portions of parcels fronting or adjacent to a

residential or commercial district.

4. In no event shall a fence, wall, or screen be constructed where it will obstruct a sight triangle or site distance at any driveway, street or alley intersection.
5. Walls, fences, and screens that are not located in a required setback may be constructed to the height of the principal structure at the eaves and shall be constructed of a material that is similar to or consistent with the architectural design of the building or structure and approved by the Director.
6. **Retaining Walls.** The surface treatment for retaining walls higher than 18 inches above the finished grade shall be.
 - a. A veneer of brick, stone or synthetic stone,
 - b. Stamped concrete with brick or stone texture,
 - c. Stacked, stamped concrete or textured blocks, or
 - d. An alternative material that achieves the same finish quality and approved by the Planning Director.

6.3.5 Architectural Design.

1. **Finished Side.** The finished side of a fence shall face outward toward the right-of-way or adjacent property.
2. **Materials Permitted.** Fences located within shall be constructed out of one or more of the following materials.
 - a. Black vinyl clad chain link,
 - b. Wood,
 - c. Brick,
 - d. Stone or synthetic stone,
 - e. Wrought iron, and
 - f. Block or stucco that matches an approved facade building material on the principal structure.
3. **Architectural Details.**
 - a. No fence, wall, screen, or portion thereof, adjacent to a street or right-of-way, shall exceed 100 horizontal feet in length unless one of the



Illustration 6.3. Retaining Wall Example

following architectural features visible from the paved surface of the street is provided:

- i. A column or pillar; or
- ii. Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least one foot and extending a horizontal distance not less than three or more than 20 feet.
- b. Solids and Voids. The architectural details shall not apply to a fence or wall constructed of brick, masonry, or iron rail that consists of at least 50 percent open voids.

6.4 DESIGN STANDARDS AND MATERIALS GENERALLY

6.4.1 Architectural Plans. Architectural plans of all elevations of proposed structures in the Downtown Mixed Use and Corridor Preservation Mixed Use zoning districts shall be submitted with a site plan application. Architectural plans shall include relationships to public views and vistas, construction materials, photographs or perspective drawings indicating visual relationships to adjoining properties and spaces.

6.4.2 Wall Detail and Fenestration. All walls visible from a street, parking area or other public space shall include windows,

entryways or other wall details equal to twenty percent of the wall surface in order to break up large expanses of blank wall surfaces.

1. Facade modules shall not exceed 80 feet in width and the average of all facade modules on a building may not exceed 40 feet.
2. Building entrances shall face the corridor street or a park.
3. In Commercial and Mixed-Use districts, a minimum of 40 percent of the front façade of a new building shall include windows or doors
4. The slope of an existing roof shall be retained in any reconstruction or addition. The slopes of roofs on new buildings shall match the average of the roof pitches on buildings within the block.
5. The existing facade facing or visible from the street, including existing doors and windows shall be retained.

6.4.3 Permitted Materials. The following building exterior wall materials are permitted:

1. Brick,
2. Split-face concrete block,
3. Parged block,
4. Glass block,
5. Decorative concrete masonry units (CMUs) (i.e. textured, glazed and other

special treatments or materials),

6. Stone,
7. Terra cotta,
8. Fiber cementitious board siding materials,
9. Traditional (real) stucco or plaster,
10. Carrera glass,
11. Windows, window glazing and architectural glass panels,
12. Architectural metal panels, laminated or otherwise,
13. Exterior finish wood materials as approved by the Department.

6.4.4 Permitted Materials with Limitations.

The following building exterior wall materials are permitted with limitation.

1. Ceramic tile as an accent on up to ten percent of the wall area.
2. Metal or vinyl siding (when applied to single-family detached and attached dwelling units only).
3. Drainage-backed synthetic stucco when applied to any wall surface eight feet or more above the adjacent grade.

6.5 DESIGN STANDARDS FOR DOWNTOWN MIXED-USE 1 AND DOWNTOWN MIXED-USE 2 DISTRICTS

6.5.1 Building Use. The first floor (street level) of any multistory commercial building shall



Illustration 6.4. Building Elements



Illustration 6.5. Recessed Entry



Illustration 6.6. Building Modulation (frequent repetition of windows and storefronts)

be devoted to retail, commercial and service uses, as listed below. Such buildings shall include said uses along not less than 50 percent of their street frontage. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor

6.5.2 Orientation. Buildings shall be oriented to the street. A building is oriented to the street where.

1. Entrances to buildings face a street or open to a square, plaza, or sidewalk.
2. At least one entrance shall be provided to each street frontage.
3. All street level uses with sidewalk frontage are furnished with an individual entrance and direct access to the sidewalk in addition to any other access that may be provided.
4. Off-street parking does not lie between the building's principal entrance and the street.

6.5.3 Grade. Buildings shall be aligned with the finished grade of the street except as otherwise provided herein. The principal entry for a civic use or a civic building may include a stoop, portico, colonnade or a portal.

6.5.4 Fenestration, Openings, and Storefronts. Excluding the conversion of a residential building to a commercial use, the following standards shall apply.

1. **Facades.** Facades shall include at least four of the following elements:
 - a. A pediment.

- b. A cornice adjoining the top of the roof or top of the facade.
- c. Windows in each story above the ground level. Rectangular, circular, semicircular and octagonal windows are permitted.

b) Transom windows

c) Recessed entryways or alcoves

4. **Windows.** Windows shall be required on all stories in keeping with the design and use of the building but not less than 30 percent of the front facade.

5. **Building Modulation.** Building frontages that face public streets and exceed a width of 20 feet must include modulation to break the plane of the building frontage. Such modulation must be spaced at uniform or near uniform intervals along the entire building frontage. Vertical visual elements may include entryways, windows, columns, colonnades, or other form of modular fenestration.

6. **Entryways.** Recessed entryways are permitted in order to provide a sense of entry and to add variety to the streetscape. Overhead doors for loading docks, delivery and distribution shall be permitted only on the rear of the building.

7. **Canopies.** Canopies, awnings and similar appurtenances are encouraged at the entrances to buildings and in open space areas. Such features may be constructed of rigid or flexible

material designed to complement the streetscape of the area. Such features shall not obscure the upper stories or a sign panel located above the first floor. Any such feature may extend from the building to within two feet of the back of the curb. Vertical supports for such features are not allowed in the public right-of-way. No canopy shall extend into the public right-of-way unless any encroachment permit or agreement required by the city, and to the extent required by SCDOT, has been approved and issued.

8. **Roof Drainage.** Roofs shall drain to the rear of the building unless an alternative method is approved by the Planning Director.
9. **Roofs.** Roofs shall not mask or obscure the architectural features of the front facade such as pediments or cornices.
10. **Equipment.** Heating and air conditioning mechanical equipment, whether ground level, raised or rooftop, shall be screened from view. Garbage receptacles, fuel tanks, electric and gas meters, and other unsightly objects shall be screened from view. Screened from view means concealed from view from any abutting road or adjacent tract of land by a structure constructed of the same materials as the exterior elevation of the principal structure, and if on or attached to the principal structure front, such structure shall be designed to be perceived as an integral part of the building.
11. **Wall Materials.** Hard surfaced exterior wall materials permitted for downtown buildings include brick, limestone, architectural split-face concrete blocks, parged block, painted brick, stone, terra cotta, stucco, plaster, fiber cementitious board, siding and drainage-backed Exterior Insulation Finishing Systems (EIFS). The use of EIFS is limited to the area eight feet or more above the adjacent grade, except as decorative elements around doors and windows. Vinyl, wood, plastic, metal, structural or unfinished concrete, painted concrete blocks, and tinted or reflective glass are

not permitted as the primary exterior finish surface. However, vinyl, wood, plastic, or glass block may be used as accent elements surrounding a doorway or window.

12. **Number of Materials.** Not more than three materials may be used on the exterior front facade (excluding windows, doorways and awnings).
13. **Window Frames.** Window frames should be metal, wood, or vinyl, and must be painted or vinyl clad.
14. **Doors .** Doors may be solid or hollow core metal, aluminum, fiberglass or wood and may be either solid or have glass or louvers. Glass in any door shall be transparent or leaded glass. Doorframes may be metal or wood, and must be painted or stained. Solid doors shall have raised panels and louvers.
15. **Canopies, Arcades and Awnings for Civic Buildings and Uses.** Canopies, arcades, awnings, and similar appurtenances may be constructed over the entrance to any building, and over windows subject to the criteria established in 6.5.4.7.

6.5.5 Outdoor Display and Sale. Goods shall not be displayed or stored on the exterior of the building except under a porch roof, eave, or overhang permanently affixed to the building. Outdoor displays shall not restrict free pedestrian movement and a walkway of not less than five feet wide shall be maintained between doorways, exits and the public sidewalk. Exterior merchandise displays are not permitted on the right-of-way, front or side yards, open porches, or other outside areas except for 48 hours during permitted special events for no longer than 48 hours. Longer term or permanent exterior merchandise displays may be permitted if the outdoor display or sale, or both, is conditionally approved.

6.5.6 Utilities and Trash Receptacles

1. **Utility Structures.** All new transformer vaults, utility structures, utility service meters, air vents, backflow preventers, and any other similar devices, including these facilities when located below



grade, must be located behind the front setback or the front facade, whichever is furthest from the front property line. In the event such facilities cannot physically be located in conformance with this section they must be adequately screened to minimize the visual impact.

2. **Dumpsters and Roll Carts.** Trash receptacles including dumpsters and roll carts, and utility equipment shall be either located in an alley or screened so as not to be visible from the public right-of-way.

6.5.7 Off-Street Parking.

1. Parking is not permitted as a principal use.
2. No off-street parking is required for any use.
3. **Location.** No off-street parking shall be permitted between a principal structure and any street. No surface parking area shall adjoin Georgia Avenue. All off-street parking shall be located in the rear of buildings.
4. **Landscaping.** Surface parking areas including, but not limited to, all parking for parcels and buildings fronting on Georgia Avenue, are subject to the landscaping standards in this Section and the requirements of Article 7, Landscaping.
5. **Screening.** Parking areas shall be screened along any road or street right-of-way with a permanent wall, fence or vegetative screen between 30 and 48 inches in height. This subsection does not apply to alley rights of way, structured parking areas, or parking areas that are screened from the view of public streets by buildings.
6. **Setbacks.** Parking shall be set back at least five feet from a property line provided, however, that if the parking lot abuts an alley, no setback is required unless a front or side yard of a residentially used property is located across the alley from the parking lot.
7. **Loading.** Loading and unloading areas

shall be located only in the rear of a building or in a side yard behind the front facade of the building. Loading areas shall be screened in the same manner as parking areas.

8. **Surface Treatment.** Parking areas shall have a paved or other approved hard surface. Ground surface areas not covered with a pavement or another approved hard surface shall be restricted from parking by signage and curbing, fencing, or other physical barriers.
9. **Access.** Driveways and access points to public and private parking lots, loading areas, and service areas shall adhere to the following:
 - a. The Planning Director and City Engineer must approve all driveways, access points and curb cuts from any public right-of-way.
 - b. Driveways providing ingress and egress onto side streets and alleys are preferred. Existing or newly created alleys from a side street are the preferred access drive to parking areas. Only one access point to a parking, loading, or service area (other than an alley) shall be permitted per block face from any side street adjoining Georgia Avenue. There is no limit on the number of openings or access points from an alley and alleys may function as parking area drive aisles.
 - c. No driveway or access point shall exceed 20 feet in width.
 - d. Separation of driveways or access points from an alley, if permitted, shall be no less than 24 feet.
 - e. No driveway or access point from any public right-of-way that reduces on-street parking shall be permitted except for parking areas that are available for use by the general public.
10. **Landscaping.** Setbacks – Existing buildings that are set back further than three feet from the front or side property line shall provide a buffer



Illustration 6.7. Facade Modules

strip along the front or side lot line of the setback area consistent with the landscaping standards contained in Article 7, Landscaping. The buffer strip shall be the full width of the setback for setbacks of less than five feet in width, and a full five feet for setbacks exceeding five feet in width.

11. **Unpaved Areas.** All lot areas not covered by buildings, hard surfaces including entryways, pedestrian plaza areas, or paved surfaces shall be landscaped.
12. **Street Trees and Plantings.** One street tree shall be planted for every 40 feet of street frontage unless existing trees are in place that meet this standard. At planting, each tree must have a minimum height of six feet and a three inch caliper. Required trees and plantings shall be planted on the right-of-way or in the setback as determined by the Planning Director and Director of Public Works.

6.5.8 Parking Lot Landscaping. A minimum of one medium or large shade tree shall be planted for every ten parking spaces. Trees shall be located in islands interspersed throughout the parking lot. At planting, each tree must have a minimum height of six feet and a two inch caliper. Parking lot islands shall cover an area of not less than 125 square feet with no dimension less than nine feet.

6.5.9 Lighting. Lighting shall be installed above front entrances to buildings. Lighting sources

shall provide a minimum of 0.5 foot-candles at the building entrance. All lighting shall be directed on-site or onto adjacent walkways and shall be shielded from direct off-site viewing.

6.6 DESIGN STANDARDS FOR OC, NC, GC, CPMU AND DTMU1 DISTRICTS

6.6.1 Architectural Plans. Architectural plans of all elevations of proposed structures shall be submitted with a site plan application. Architectural plans shall include construction materials, photographs, or perspective drawings indicating the visual relationships to adjoining properties and spaces.

6.6.2 Wall Detail and Fenestration. All walls visible from a street, parking area, or other public space shall include windows, entryways, or other wall details equal to 20 of the wall surface in order to break up large expanses of blank wall surfaces.

6.6.3 Facade Modulation. Facade modules shall not exceed 80 feet in width and the average of all facade modules on a building may not exceed 40) feet.

6.6.4 Permitted Materials. The following building exterior wall materials are permitted.

1. Brick,
2. Split-face concrete block,
3. Parged block,
4. Glass block,
5. Decorative concrete masonry units , (CMUs) (i.e. textured, glazed, and other

special treatments or materials)

6. Stone,
7. Terra cotta,
8. Fiber cementitious board siding materials,
9. Traditional (real) stucco or plaster,
10. Carrera glass,
11. Windows, window glazing, and architectural glass panels,
12. Architectural metal panels, whether

laminated or otherwise,

13. Exterior finish wood materials as approved by the Department.

6.6.5 Permitted Materials With Limitations.

The following building exterior wall materials are permitted with limitation in the Highway Corridor Overlay District.

1. Ceramic tile as an accent on up to ten percent of the wall area.
2. Metal siding applied to single-family detached and attached dwelling units only.



Illustration 6.8. Mast Arm Signal



Illustration 6.9. Span Wires Not Permitted

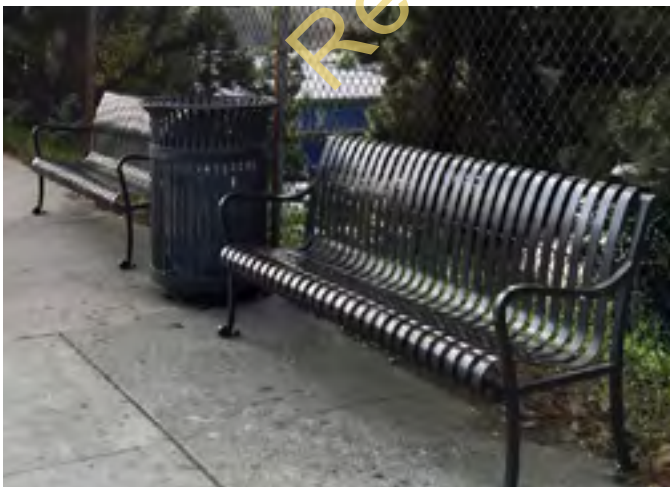


Illustration 6.10. Street Furniture



Illustration 6.11. Pedestrian-Scale Lighting

3. Vinyl siding (for single-family detached and attached dwelling units only).
4. Drainage-backed synthetic stucco (Drainage-Backed Exterior Insulation Finishing System [Drainage-Backed EIFS]) may be applied to any wall surface eight feet or more above the adjacent grade.

6.7 **STREETSCAPE DESIGN**

6.7.1 Applicability. The standards in this section apply to any public street improvements included in a development or redevelopment within the Downtown Mixed Use and Corridor Preservation Mixed Use zoning districts.

6.7.2 Design Standards.

1. Traffic signals must be supported by an approved mast arm in lieu of span wire, consistent with standards adopted by the City.
2. Benches and trash receptacles with liners are required in high pedestrian activity areas. High pedestrian activity areas include street intersections, within 50 feet of a restaurant entrance or outdoor seating area, and bus stops. Trash receptacles shall be spaced an average of every 60 feet along commercial storefronts on private property.

6.7.3 Pedestrian scaled lighting affixed to the ground, no more than 15 feet high, and constructed of masonry, brick, corrugated iron material, or other material approved by the Director in consultation with the City Engineer must be provided along all sidewalks.

ARTICLE

7

Review Draft - 12.27.22

IN THIS CHAPTER:

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Review Draft - 12.27.22

ARTICLE 7 - LANDSCAPING, BUFFERS, OPEN SPACE, AND TRAILS

7.1 PURPOSE

7.1.1 The purpose of this Article is to provide standards that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community, and preserve natural resources, trees, native plants, and open space. These requirements will:

1. Reduce soil erosion and increase infiltration in permeable land areas essential to stormwater management and aquifer recharge,
2. Reduce soil erosion and increase infiltration in permeable land areas essential to stormwater management and aquifer recharge,
3. Mitigate air, dust, noise, heat and chemical pollution,
4. Reduce the "heat island" effect of impervious surfaces, such as parking lots, by cooling and shading the surface area and breaking up large expanses of pavement,
5. Establish a landscape theme including street trees and streetscape designs to be used throughout the City of North Augusta to promote the overall character and identity of the community,
6. Address the design of entryways into North Augusta to express the community's values,
7. Provide for the appropriate improvement and maintenance of streetscapes,
8. Preserve existing native vegetation as an integral part of wildlife habitats, and incorporate native plants and ecosystems into landscape design,
9. Promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping while encouraging water and energy conservation,
10. Promote planting techniques that ensure long term-health of plant materials,
11. Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties,
12. Provide transitional areas between uses that may differ in development intensity and density, or provide separation between uses of similar intensity and density,
13. Maintain and increase property values by requiring site appropriate landscaping to be incorporated into development that is designed and installed by a qualified professional,
14. Promote walkable pedestrian-scale streetscapes, traditional neighborhoods, and compact centers by exempting uses which relate to each other functionally and visually from certain requirements of this Article,
15. Provide reasonable landscaping at site entrances, in public areas, in parking lots and adjacent to buildings which varies in type and amount required by the type of development,
16. Provide for the regular and consistent irrigation of landscaped areas,
17. Ensure plant or other landscaping material that best serves the intended function and is appropriate for the local climate, soil conditions and general site characteristics,
18. Provide open space, park land, and Greenway access within a reasonable distance of all new neighborhoods in the city,
19. Maintain a minimal amount of open space in the community to assist in the mitigation of air, dust, noise, heat, and chemical pollution,
20. Preserve existing open space, environmentally sensitive areas, wildlife habitats and native vegetation as an integral part of the community.

7.2 APPLICABILITY

7.2.1 **Applicability.**

1. This Article applies to major and minor subdivision applications, major and minor site plans, and general plans for all new development, redevelopment, or building expansion projects subject to a development permit. Landscaping requirements shall also apply to the streetscaping of rights of ways and all parking areas that include five or more spaces, unless otherwise indicated below.

7.2.2 **Exemptions from Landscaping and Open Space Requirements.**

1. The following applications or uses are exempt from the requirements of this Article:
 - a. A single-family or multi-family residential development or subdivision that involves less than four acres and less than ten dwelling units,
 - b. A non-residential development or subdivision that proposes less than 10,000 square feet of gross floor area,
 - c. A renovation, redevelopment or expansion of any existing use or development that does not exceed the limits established above,
 - d. A renovation, redevelopment, or expansion of any existing use or development that exceeds the limits established above and does not use any vacant and previously undeveloped land or existing open space,
 - e. Applications for development within the Downtown Districts.
2. The following applications or uses are exempt from the landscaping requirements of this Article:
 - a. Agricultural uses as listed in the Article 5,
 - b. Any use, building or structure for which only a change of use is requested, and which requires no structural modifications which would increase its volume, scale or intensity, except as provided for in Article 3, Nonconformities,
 - c. Sites containing unoccupied public utility equipment less than 1,000 square feet in area (buffer requirements may still apply).
 - d. The internal parking areas of structured parking.
3. The following uses are exempt from the buffer requirements of this Article:
 - a. Lots or parcels separated by a public right-of-way equal to or greater than 20 feet wide,
 - b. Lots or parcels separated by a railroad right-of-way, power line easement or other utility or transportation easement that is equal to or greater than 20 feet wide,
 - c. Lots or parcels separated by designated and maintained property used for natural open space, park (including the Greenway), drainageway, stormwater treatment and detention, or other acceptable undevelopable uses with a minimum width of 30 feet at the narrowest point. The term designated and maintained shall mean land platted for the specific purpose, owned by the city or other public agency, and restricted to the specific purpose or subject to a recorded conservation easement.
4. The expansion of an existing use, structure or parking lot shall comply with this section only as it applies to the expansion area.

7.3 LANDSCAPING

7.3.1 **Types Established.**

1. This Article establishes six different types of landscaping, referred to collectively in this Article as Landscape Areas:
 - a. Buffers;
 - b. Parking Lot Landscape Areas;
 - c. Street Trees;
 - d. Subdivision Entrances;
 - e. General Landscape Areas; and
 - f. House Lot Landscaping;



2. The applicability of each type of requirement to different types of development is specified in Table 7.1.

7.3.2 Generally.

1. **Interpretation of Terms Related to Landscaping and Trees.** Where terms related to landscaping and trees are not defined in Article 19 Definitions, the American Nursery and Landscape Association (ANLA), formerly the American Association of Nurserymen, American Standard for Nursery Stock, 1996, shall be controlling for landscape terms. The ANSI A300 Standards shall be controlling for undefined terms related to trees. Said references are incorporated herein by reference.
2. **Computation of Total Required Landscaping.** Landscaping plant material that is required within a separate and distinct Landscape Area is counted for only that Landscape Area, and may not be used in calculating the minimum quantity for any other planting Landscape Area.
3. **Size Specifications for Plant Materials Upon Installation.** The minimum allowable plant size and coverage at the time of planting is established in Table 7.2. Due to the variation between genus and species, the caliper or height for newly installed plant materials may vary.
4. **Selection of Plant Materials.**
 - a. All plant material, except ground covers, shall be selected from Appendix C, Approved Plants.
 - b. The Director may approve a plant species not listed in Appendix C, Approved Plants, after consulting with appropriate city staff, landscape architect, or landscape contractor.
 - c. In approving such species, the Director shall consider the environmental conditions of the site, including soil, topography, climate, microclimate, pattern of sun movement, prevailing winds, precipitation and air movement to ensure that plant materials will be established successfully.
 - d. In approving such species for Street Trees, or other locations within utility rights of way, the Director shall consider the presence or planned addition of overhead utility lines. Such trees shall be small and medium trees that are pest and disease resistant and slow growing.
 - e. The Planning Director may approve the installation of comparable substitution plant materials to satisfy the requirements of an approved Landscape Plan when the approved plants and landscape materials are not available at the time that installations are to occur, or when

Table 7.1. Applicability of Landscape Requirements

Type of Development	Buffer	General Landscape Areas	Parking Lot Landscaping Areas	Street Tree	Subdivision Entrance Landscaping	House Lot Landscaping
Non-residential Development Adjoining a Residential Use or Zoning District	X	X	X	X	X	--
All Development Other Than Residential	X	X	X	X	X	--
Residential Subdivisions	--	X	--	X	X	X
Planned Developments	X	X	X	X	X	-X
Multi-family Parcels	X	X	X	X	X	-X
Single-family and Duplex Lots	--	--	--	X	--	X

other unforeseen conditions prevent the use of the exact materials shown on the approved Landscape Plan.

- f. If the required number of trees or shrubs are not able to be planted due to site issues and or utility constraints, the developer shall pay in lieu of planting said plant material into to the City of North Augusta's Tree Fund the cost of all plant material as well as the installation cost
5. **Existing Vegetation.** Existing healthy vegetation may be counted toward the required landscaping if it is used as a year-round buffer. The Director may conduct site inspections in order to determine whether the existing vegetation is useable as a sight obstruction buffer. In order to do so, the Landscape Plan must indicate the type, number and size of existing plants that are sufficient to comply with the respective buffer. It is not necessary to indicate the total inventory of existing plants. Only plants required to meet this Article must be listed.

6. **Visual Separation.** When visual separation is required by this Article, this may be accomplished through the use of landscaping which provides year-round opaque screening, earth berms, masonry walls or fences constructed of pressure-treated wood or other wood resistant to deterioration due to exposure to weather, moisture and insects or a combination of two or more of these techniques. Even where complete visual separation is achieved, the landscaping and buffer requirements still apply.
7. **Automatic Irrigation Required.** All buffers and landscape areas required by this Article, except residential lot landscaping, shall include an automatic irrigation system that will provide adequate periodic irrigation to maintain the landscape as designed.

7.3.3 Administrative Provisions.

1. **Landscape Plan Required.**
 - a. Landscape plans are required as part of the application submittal for major and minor site plans and

Table 7.2. Plant Material Specifications (at time of planting)

Category	Minimum Caliper	Minimum Height	Other
Large Trees	3.0 inches	14-16 feet	Per American Standard for Nursery Stock ANSI Z60
Small Trees (Single Stem)	2 inches	10-12 feet	Per American Standard for Nursery Stock ANSI Z60
Small Trees (Multi-Stem)	1.0 inch per stem	8-10 feet	Per American Standard for Nursery Stock ANSI Z60
Shrubs	Not Applicable	2 feet	Shrubs planted for screening purposes shall grow to the required density to totally block visibility to a height of 6 feet within 3 years from the date of installation.
Ground Cover (Organic)	Not Applicable	Not Applicable	Turf must provide 100 percent ground coverage upon installation. Other vegetative ground cover shall provide 100% ground coverage within 1 year of installation. Organic mulch shall be used around and between plantings that do not provide 100% ground coverage upon installation.
Ground Cover (Inorganic)	Not Applicable	Not Applicable	May be used for an area up to 20 percent of the required Landscape Planting area.



- major and minor subdivision plans.
- b. Landscape plans shall be sealed by a landscape architect or certified by a horticulturist or certified landscape contractor.
 - c. Landscape Plans shall conform to andscape Plans shall conform to the requirements of Appendix B, Application Documents. If existing vegetation is proposed to be used to meet the buffer requirements, a tree inventory of any trees 6" caliper and greater measured at diameter breast height(DBH) shall be submitted with the plans for approval. The plan must indicate the type, number, and size of existing plants that are sufficient to comply with the respective buffer. It is not necessary to indicate the total inventory of existing plants, but only those plants required to meet the standards of this Article.
 - d. Significant changes to the site that require the replacement and relocation of more than 25 percent of the proposed plant materials approved in an original Landscape Plan shall require a new Landscape Plan and approval through the plan review process.
2. **Permits Required.** No clearing permit shall be issued unless the applicant has taken measures to preserve trees on the site. Any trees intended to be used towards the net lot tree canopy coverage shall have tree protection installed around them per ANSI A300 Standards.
 3. **Landscaping Improvements Guarantee**
 - a. An applicant may request a certificate of occupancy subject to the completion of landscaping improvements under the following conditions:
 - i. The planting season is not appropriate;
 - ii. Adverse weather conditions;
 - iii. Specified plant material is not immediately available; or
 - iv. Other reasonable factors as determined by the Director.
 - b. A request for a certificate of occupancy subject to completion of landscaping improvements shall be approved by the Director only when it includes the following:
 - i. A detailed description of the condition(s) hindering completion or installation of the required improvement(s);
 - ii. A written estimate from a licensed contractor of the cost of materials and labor for completing the work; and
 - iii. A landscaping improvements guarantee on approved forms supported by a certified check, cashier's check or letter of credit. Such guarantee shall be in an amount equal to one hundred twenty-five percent (125%) of the cost to complete the landscaping installation for a period not exceeding 18 months.
 - c. The Director shall determine if a certificate of occupancy subject to completion of landscaping improvements is appropriate based on the information submitted. The Director may consult with appropriate city staff, a landscape architect or other landscape contractor prior to acceptance to verify the estimated completion cost and may modify the amount of the guarantee accordingly.
 - d. The landscaping improvements guarantee shall be released after the landscape improvements set forth in the approved Landscape Plan have been installed, inspected, and determined to be in full compliance with the approved plan.
 - e. If the required landscape improvements have not been installed after a period of 12 months, the Director shall notify the applicant of a failure to complete the landscape improvements. If the required improvements have not been completed within 60 days of

notification, the Director shall utilize the landscaping improvements guarantee to implement the required landscape improvements.

4. Maintenance Guarantee

- a. In order to assure the satisfactory condition and survival of installed landscape improvements, the applicant, prior to the issuance of a certificate of occupancy or final subdivision plat approval, shall post a maintenance guarantee. The maintenance guarantee shall be on forms provided by the Department and shall be equal to 15 percent of the estimated cost of the landscape improvements as determined by the Director and shall be for a period of 24 months from the date of the approval of the final subdivision plat or certificate of occupancy.
- b. The maintenance guarantee shall be supported by a letter of credit. The maintenance guarantee and letter of credit shall expire no sooner than 24 months from the approval of the final subdivision plat or certificate of occupancy. Any and all Street Trees shall be maintained by the developer by keeping the trees watered and mulch rings free of weeds and from any encroaching turf. Trees shall receive regular weekly watering of 1 gallon per 1" caliper, mulch once per year, and maintain the initial mulched tree area 5 feet x 5 feet. Trees shall receive a preventative insecticide treatment for bores. All trees at the end of the maintenance guarantee shall have no codominant stems. All street trees shall be in good health with no defects in the canopy, (such as broken branches and codominant leaders). The tree trunk shall be free of any wounds or damaged bark showing interior decay. There shall be no volcano mulching and or any edge treatments encompassing a circle around the mulched area.
- c. The maintenance guarantee shall be released upon expiration unless the Director determines that there is work to be corrected prior to that time. If such a determination is made, the Director shall notify the applicant of the deficiencies, and the applicant shall be given 60 days to complete the work. If the work is not completed, the proceeds from the letter of credit shall be used by the city for such work. The maintenance guarantee shall be released when the Director deems the work satisfactorily completed and the city has been reimbursed for any and all expenses incurred.
- d. The landscape maintenance guarantee for a final subdivision plat may be combined with and included in the maintenance guarantee required for subdivision improvements.
- e. The Director may reduce the amount or waive the requirement for a landscape maintenance guarantee and associated letter of credit or cash deposit where he determines that the scope of the

Table 7.3. Buffer Width and Landscaping Requirement

BufferType	Minimum BufferWidth (feet)	Minimum Required Large Trees per Linear Foot	Minimum Required Small Trees per Linear Foot	Minimum Required Buffer Points per Linear Foot
A	8	1 plus 1 per 60 feet	Optional	0.2
B	15	1 plus 1 per 50 feet	1 plus 1 per 50 feet	0.7
C	20	1 plus 1 per 40 feet	1 plus 1 per 50 feet	1.0
D	40 (May be 20 if a 6 foot high berm or decorative masonry wall is included)	1 plus 1 per 40 feet	1 plus 1 per 40 feet	1.2 May be 0.9 with 6 foot high berm or wall



landscaping is minimal or where natural landscaping that does not require continuing maintenance is installed. The Director may consult with appropriate city staff, a landscape architect, or other landscape professional to determine the appropriateness and amount of a waiver.

5. **Violations.** Failure to maintain required landscaping following the issuance of a certificate of occupancy or final subdivision plat or to adhere to an approved Landscape Plan is a violation of the requirements of this Article and subject to any and all remedies provided in these regulations.

7.4 BUFFERS

7.4.1 Buffer Types Established. Four unique buffer types and their standards are established in Table 7.3.

7.4.2 Buffer Types required. Table 7.4 identifies what type of buffer is required on parcels based on zoning classification to separate uses or activities.

7.4.3 Standards for Buffer Development

1. **Permitted Uses.** The following uses and activities are permitted in a buffer if none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer is maintained and all other requirements of Table 7.3 are met:
 - a. Passive open space;

- b. Public art, sculpture, outdoor furniture (such as picnic tables, benches, etc.);
 - c. Pedestrian, bike, or equestrian Greenways;
 - d. Golf courses;
 - e. Stormwater retention basins;
 - f. Signs in conformance with the sign regulations specified in Article 10 – Signs;
 - g. Access driveways;
 - h. Utility equipment; and
 - i. Fences and walls.
2. All other uses and activities are expressly prohibited within a required buffer.
 3. **Buffer on Property Line.** When platting abutting lots, the applicant may establish a buffer that straddles a property line between lots if the cumulative buffer width is maintained. Trees along that are proposed for that property line shall stagger one another to allow for trees to grow to maturity on both sides. If the required amount of plant material cannot be installed due to unforeseen site changes, the developer shall pay into the city's Tree Fund in lieu of installing the plants.

7.5 PARKING LOT LANDSCAPING

7.5.1 General Requirements.

1. Landscaped areas located both interior to and along the perimeter of a parking

Table 7.4. Buffer Types Required Between Zoning Classifications

Zoning Classification					
Proposed	R-14, R-10, R-7	R-5, R-MH, PD, TND-P	OC, NC, GC, TC, P	DTMU-1, DTMU-2, CP	I, CR
R-14, R-10, R-7	--	--	--	A	D
R-5, R-MH, PD, TND-P	A	A	C	B	D
OC, NC, GC, TC, P	B	B	A	A	C
DT-1, DT-2, CP	B	D	C	--	--
I, CR	D	D	B	C	D





Illustration 7.12. Parking Lot Landscaping

Location	Composition					
	Minimum Height	Width	Large Trees	Small Trees	Shrubs	Other
Adjacent to streets	1 foot	5 feet in the D, OC, and NC districts; 15 feet in all other districts.	1 plus 1 for each 60 feet of length	1 plus 1 for each 40 feet of length	1 plus 1 per 5 feet of length	Hedge, sod, planter box, berm, vegetative ground cover
Adjacent to internal access drives	1 foot	5 feet	Optional	1 plus 1 for each 40 feet of length	1 plus 1 per 5 feet of length	Hedge, sod, planter box, berm, vegetative ground cover
Adjacent to side and rear property lines	1 foot	5 feet	Optional	1 plus 1 for each 40 feet of length	1 plus 1 per 5 feet of length	Hedge, fence, sod, planter box, berm, vegetative ground cover
Adjacent to another parking area	1 foot	55 feet	Optional	1 plus 1 for each 40 feet of length	1 plus 1 per 5 feet of length	Hedge, sod, planter box, berm, dividers, vegetative ground cover
Adjacent to a building (other than pedestrian accessways)	1 foot	5 feet	Optional	1 plus 1 for each 40 feet of length	1 plus 1 per 5 feet of length	Hedge, sod, planter box, berm, dividers, vegetative ground cover, sidewalk

lot shall comprise a minimum area of not less than ten percent of the gross parking lot area.

2. The minimum prepared depth of all planting areas and islands shall be in accordance with horticultural best management practices.
3. The Director may approve alternative planting island or median configurations under one of the the following three conditions:
 - a. The number and size of landscaped areas is not reduced and the configuration is needed to respond to unique topographical or site conditions,
 - b. In lieu of curb and gutter or landscape plantings, the applicant incorporates bioretention facilities consistent with a low impact stormwater management design plan,
 - c. The Director determines that the alternative design will provide more effective screening and shading of parking areas.
4. Parking perimeters, medians, islands, and strips shall include a six inch vertical

curb unless uncurbed bioretention areas are included as part of a low-impact stormwater management design approved by the City Engineer. A qualified professional shall certify that the bioretention areas comply with the principles for Low Impact Design.

5. All dimension and area calculations for required landscaped areas shall be measured horizontally from the back (inside) of the curb that surrounds the landscape area.

7.5.2 Perimeter Landscaping.

1. Perimeter landscaping is required on all sides of a parking lot or paved drive that abuts adjoining property, a public right-of-way (including alleys), and internal access drives.
2. Perimeter landscaping is required between the parking area and the principal building. A sidewalk not less than five feet in width may be provided in lieu of perimeter landscaping between the parking area and the principal building.
3. The minimum height, width, and composition of perimeter parking area landscaping shall conform to the



Illustration 7.13. Median Planting

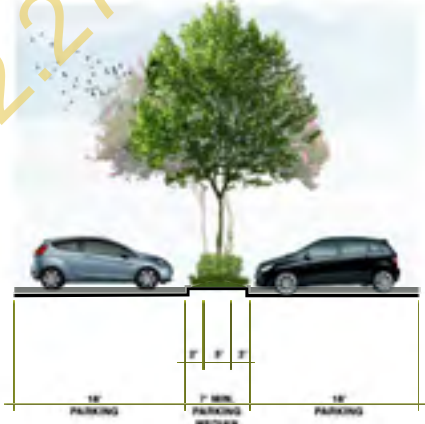
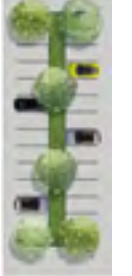


Illustration 7.14. Landscaped Median

Table 7.6. Street Tree Landscaping Requirements

Land Use Class (Table 7.3)	Minimum Width of Planting Area	Large Trees Required per length of Frontage in feet	Small Trees Required per length of Frontage in feet
R-14, R-10, R-7	See Section 7.6a	1 plus 1 per 40	1 plus 1 per 20
R-5, R-MH, PD		1 plus 1 per 50	1 plus 1 per 25
OC, NC, GC, TC, P		1 plus 1 per 40	1 plus 1 per 20
DTMU 1 & 2, CP		1 plus 1 per 60	1 plus 1 per 30
I, CR		1 plus 1 per 40	--

Table 7.7. Minimum Interior Landscape Design Specifications

Option	Applica- tion	Minimum Required Spacing	Minimum Median Width in feet	Required Sidewalk	Illustration
Median	Parking lots with more than 6 parking bays (60 spaces)	Every other parking bay.	15	Centered within the median 5 foot minimum width	
	Parking lots with more than 2 parking bays (20 spaces)	Every parking bay	7	None	
Island	Spanning one row of parking spaces	150 sq. ft.	8 ft.	One large tree per island.	
	Spanning two rows of parking spaces	260 sq. ft.	8 ft.	Two large trees per island.	

requirements of Table 7.5.

7.5.3 Interior Landscaping.

1. **Generally.** The distribution and location of landscaped areas may be adjusted to accommodate existing trees or other natural features so long as the total area requirement for landscaped islands, peninsulas, and medians for the respective parking area is satisfied.
2. The Director may approve the relocation of a portion of the required interior parking landscape area to the perimeter parking landscape area when the strict interpretation of this section will seriously limit the function of the parking area, increase stormwater runoff, or create ponding or pooling of water that impairs the habitability of buildings or interferes with site circulation, provided the minimum landscape area requirements are not reduced.
3. **Landscape Plantings Required.**
 - a. Landscaped areas shall be covered with mulch, ground cover, or sod between shrub and tree plantings. Landscaped planting areas and islands for Interior Parking Lot Landscape Areas shall include a minimum of large tree, two small trees, and eight shrubs for each ten parking spaces. Small trees shall not be in the same parking lot median
- unless it can be a minimum of 20ft away from the large tree.
- b. Parking aisles shall not contain more than ten spaces in a row without a planted median or island or both.
4. **Medians.**
 - a. Surface parking shall include landscaped medians consistent with the design specifications established in Table 7.7, Minimum Interior Landscaped Design Specifications.
 - b. Trees located in landscaped medians shall be planted at not more than forty feet on center.
 - c. Medians shall include sod or other vegetative ground cover between required trees.
 - d. Driveways with four or more lanes must include a planted median in order to better control traffic and reduce the visual impact of pavement.
5. **Islands.**
 - a. Surface parking lots with at least ten spaces shall include a landscaped island at both ends of every parking row or bay and separating every ten parking spaces within a row or bay.
 - b. Landscape islands are required in each row or bay in addition to any required or provided median.

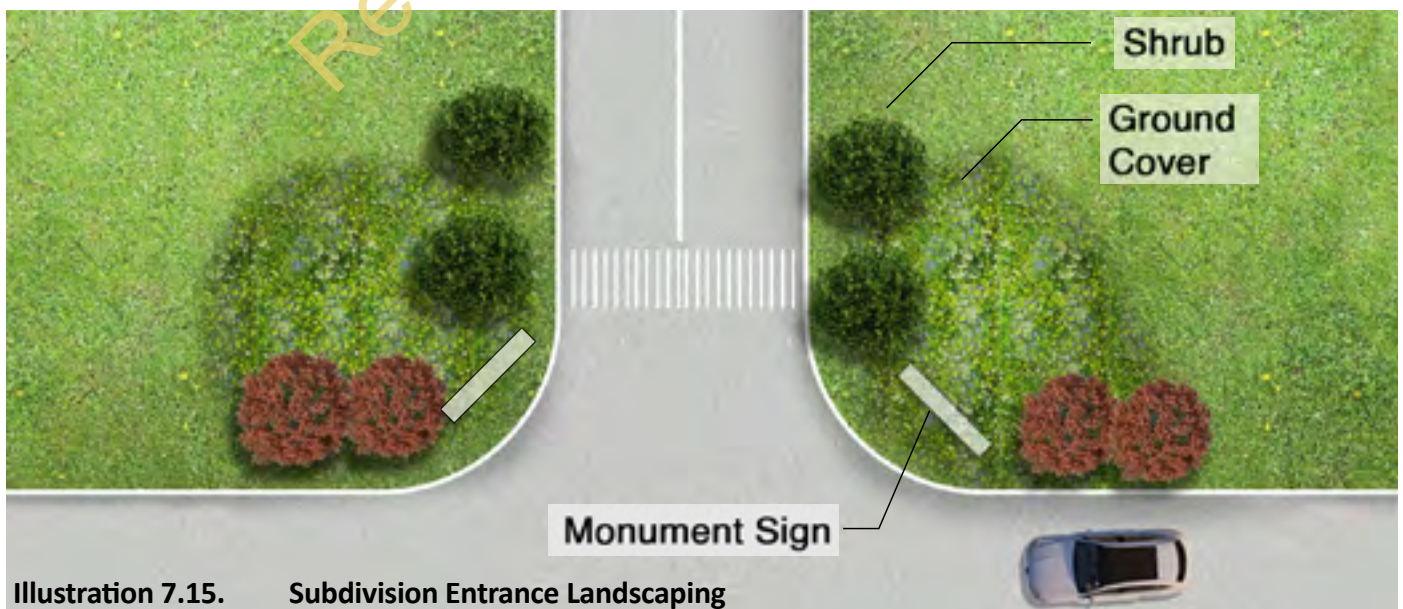


Illustration 7.15. Subdivision Entrance Landscaping

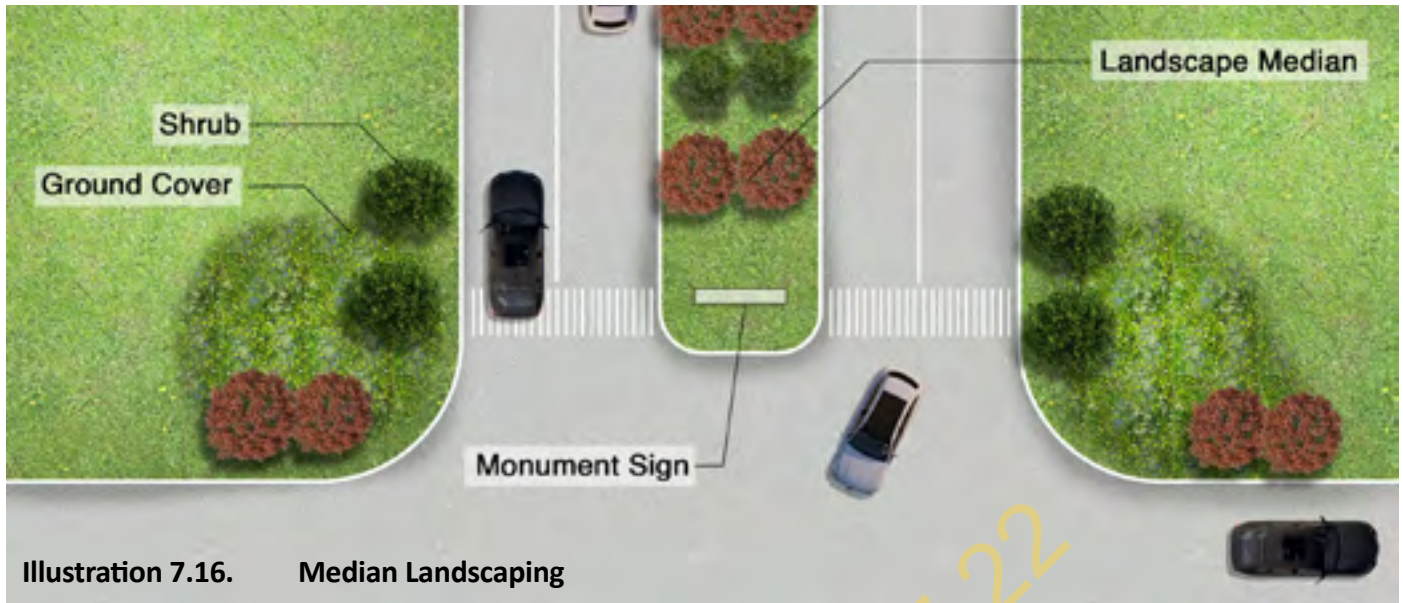


Illustration 7.16. Median Landscaping

- c. Islands shall include sod or other vegetative ground cover between required trees.
- d. For parking islands that span the depth of two parallel rows of parking spaces the minimum area of the island shall be 260 square feet with the minimum dimension not less than eight feet. Two large trees shall be planted in each such island.
- e. For parking islands that span the depth of one row of parking spaces the minimum area of the island shall be 150 square feet with the minimum dimension not less than eight feet. One large tree shall be planted in each such island.
- f. If parking areas are located to the front of the principal building, continuous internal pedestrian walkways must link the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. The walkways must connect focal points of pedestrian activity including bus stops, street crossings, buildings



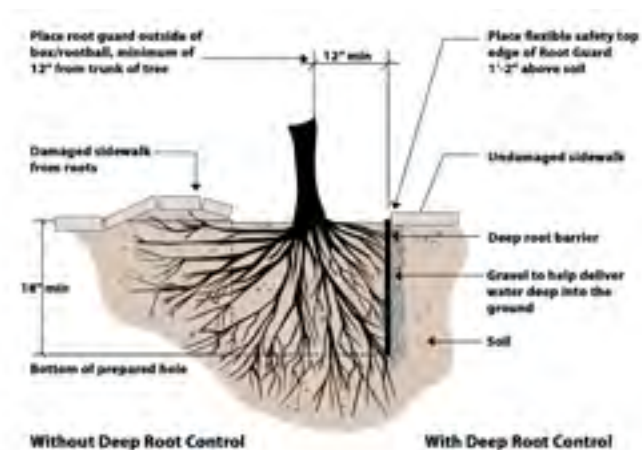
Illustration 7.17. Subdivision Entrance Park or Playground

and store entry points. The walkways must be at least five feet in width and must be landscaped as required.

7.6 STREET TREES

7.6.1 General Requirements.

1. All street trees shall be planted in the center of a 10ft. planting strip.
2. Tree Root Barrier shall be installed at each tree and on the sidewalk side and curb side.
3. The minimum width of planting strip does not apply when subdivision trees are planted in lieu of street trees.
4. If subdivision trees are chosen instead of Street Trees, they shall be planted in the front setback behind the right-of-way line.
 - a. Street lights shall be between the curb and sidewalk along the right-of-way were they will not be in conflict with the subdivision trees. The 20ft distance between the trees and light pole structures apply in this situation as well.
 - b. For the requirement of Subdivision and Street trees, they shall be planted as close to the property lines as possible. Where you have two adjoining lots only one tree shall be planted and will count for both lots.
 - c. If Subdivision trees are used the street light poles shall be between the curb and sidewalk were they can light up the sidewalk and street without the tree canopy's interference.
 - d. Street lights shall be shown on the



street tree layout plan.

5. Street trees shall be located in the right-of-way in the required landscape area between the curb and the sidewalk or the potential location of a sidewalk if one is not present.

7.6.2 Street and Subdivision Tree Quality

1. All street trees must be from the city's approved plant list, Appendix C, in the landscape development code.
2. All street trees shall be a large tree according to Table 7.2.
3. Trees selected shall meet the current ANSI Z60 .1 American Standard of Nursery Stock.
4. Trees shall be free from root defects including kinked roots, stems encircling roots, and stems girdling roots.
5. Trees shall have a healthy extensive root system that has undergone an extensive root pruning process to develop a fibrous root system.
6. Trees shall have a trunk that stands upright without any need for support.
7. Have a trunk free from any wounds.

Table 7.8. Screening

Screening	Perimeter Landscaping	Interior Landscaping(2)
All sides	None required	None required
Three sides(1)	Required per 10.6.3	50% reduction
Two sides(1)	Required per 10.6.3	20% reduction
One side (front property line)	Required per 10.6.3	10% reduction
One side (side or rear property line)	All requirements of Section 10.6 and this Section must be met.	

8. Trees shall have one main central leader for that typical species and shall not have co-dominant stems or included bark.
9. Trees shall have a well distributed branches along the upper 2/3rds of the main leader.
10. Trees shall have a crown where the branches have not been topped, tipped, or headed back.
11. Trees shall be free from insects and disease. All street trees shall be subject to approval by the planning inspector or city arborist prior to installation.

7.6.3 Street Tree Planting Specifications

1. Spread 4 inches of organic compost over the entire tree compacted tree planting site and do not cover roots.
2. Subsoil with a backhoe or other type of excavator to the depth of 24 inches.
 - a. Subsoiling should be performed when soil is neither wet nor dry. Use a tine bucket to break up the compacted soil and to incorporate the organic compost.
 - b. Work backwards away from the excavated soils so that the treated soil is not compacted by the equipment.
 - c. Insert the bucket through the compost layer and into the subsoil to a depth of 24 inches and raise the bucket of soil a few feet above the soil surface. Tip the bucket to allow the soil to fall. Repeat this procedure until there are no clumps of compacted soil larger than 12 inches in diameter remaining.
 - d. Continue to break up the clumps until 50 % of the soil is in clumps less than 6 inches or smaller. The subsoiling is intended to loosen the soil to a 24-inch depth and create veins of organic compost down to the depth of the planting pit.
3. Replace or Add Topsoil
 - a. Standard Procedure. If no topsoil is present during subsoiling (where mass grading occurs) and the grade has been severely disrupted by

lowering of the current grade prior to land clearing, six to eight inches of topsoil shall be added.

4. Planting Procedure
 - a. Planting hole shall be a minimum of 2 1/2 to 3 times the width of the root ball.
 - b. The sides of the planting pit shall be sloped toward the bottom of the hole.
 - c. The Root Flare (tapered part of tree trunk) must be set at 1-2" above grade.
 - d. All strapping and burlap shall be cut and removed from the top 1/3 of the root ball.
 - e. Backfill the root ball in 6 inch lifts compacting as its being backfilled.
 - f. Immediately water the tree root ball to eliminate any air pockets in the soil.

7.6.4 Water Management

1. Both over watering and under watering can cause similar root and canopy stress.
2. All developers shall be responsible for all trees planted for a period of 2 years.
3. Monitoring the amount of water all trees are receiving and provide supplement irrigation when needed.
4. The most effective way to check the soil moisture is with a soil probe to get a soil sample just outside the rootball and to the depth of the rootball.
5. Trees typically require less frequent watering but more volume than the turfgrass.

7.6.5 Landscape Plantings Required. Table 7.7 establishes the number and type of street tree required of development and redevelopment pursuant to zoning classification.

7.6.6 Sight Triangles. The triangular area or sight triangle of corner lots, driveways and alley areas abutting rights of way shall conform to Article 10, Mobility. Landscaping and plant materials shall not be placed on corner lots, and in areas where driveways and alleys intersect with street rights of way,

Table 7.9. Open Space, Improvement, And Maintenance Categories

Category	Improvement Requirements	Maintenance Requirements
Natural Area . Environmentally sensitive areas left undisturbed as an amenity for the development. Natural areas often include severe topography or environmentally sensitive areas. The size and shape of a natural area is determined by the land characteristics. They may be combined with stormwater management requirements.	Improvements are minimal and include removal of hazards; removal of solid waste, trash and debris; minor clearing of understory plant material to provide views; and construction of trails.	Maintenance is limited to maintaining the natural character of the open space. Natural water courses shall be maintained as free-flowing and devoid of debris. Natural areas may be privately owned or deeded to the city if accepted by the City Council.
Greenbelt . Greenbelts are located on the edge of a subdivision or development and provide a distinct separation between the development and adjacent developments or land uses. Greenbelts are linear, not less than 50 feet wide at any point and may include a stream or other water feature.	Greenways shall be improved to the standards established and amended from time to time by the city for the Greenway system. Improvement standards vary by the designation of the proposed Greenway as an extension of the main Greenway, a Greenway connector, or a pedestrian trail. Greenways are graded and paved, include stormwater improvements and, to the extent practicable, meet ADA standards.	Greenways are maintained in the same manner as natural areas and greenbelts but include repair and replacement of paving as needed, maintenance of stormwater improvements and regular removal of barriers and hazards including fallen trees and branches. Greenways may be privately owned but are frequently deeded to the city if accepted. If privately owned, Greenways approved as open space shall permit public access.
Green . A green is a type of park. It is an improved, passive open space, often called a square, surrounded by streets or buildings or both. It is limited to a maximum of 1 block in size and a minimum of 5,000 square feet. Greens should connect to the Greenway system.	Greens shall be landscaped with large trees on the perimeter on no more than 50-foot centers and shall include an open lawn area at the center. Greens may include sidewalks and shall contain no structures other than benches, gazebos and memorials.	Greens are maintained as improved landscaped areas as may be prescribed and require the periodic repair and replacement of any installed fixtures. Greens are most often privately owned but may be deeded to the city if accepted.
Park . A park is a public space that meets the requirement of a city neighborhood park. The minimum size of a park is 1 acre. Parks should connect to the Greenway system via a Greenway connector, pedestrian trail or sidewalk.	Parks shall be bounded by streets on a minimum of 50% of the perimeter. Large trees shall be planted parallel to all perimeter rights of way on no more than 50 foot centers and include open lawn area in the center and Natural Areas on no more than 20% of the park area. A park may include a fence, benches, gazebos and a Playground.	Parks are maintained as improved landscaped areas as prescribed and require the periodic repair and replacement of fixtures and equipment. Parks are frequently dedicated to the city for ownership and maintenance if accepted by the City Council but may be privately owned.
Playground . A playground is an open space area improved with playground equipment or other active open space improvements. A playground may be bordered by street frontages on no more than 2 sides. The minimum size is 5,000 square feet. The maximum size is 20,000 square feet. Playgrounds should connect to the Greenway system via a Greenway connector, pedestrian trail or sidewalk.	Playgrounds shall include playground equipment approved by the Department of Parks, Recreation and Leisure Services and shall include playing surfaces covered with sand, wood chips or other approved material. Basketball or tennis courts, if included, may be paved with asphalt or concrete. Paths and walkways may be paved in concrete, crushed gravel, brick pavers or similar material.	Playgrounds are maintained as improved landscaped areas as prescribed in §11.8 and require regular repair and replacement of surfaces, fixtures and equipment. Playgrounds may be dedicated to the city for ownership and maintenance if accepted by the City Council.

Table 7.9. Open Space, Improvement, And Maintenance Categories

Category	Improvement Requirements	Maintenance Requirements
Plaza. A plaza is a hard-surfaced area adjoining the front of larger buildings, usually commercial, multifamily or civic buildings. A plaza may be bordered on only one side by street frontage. Building frontages directly abut the plaza, rather than facing it across a street. The minimum size of a plaza is 2,000 square feet and the maximum size is 30,000 square feet. The dimension of a plaza may not exceed 3 times the height of the adjacent building(s).	Plazas shall be paved in a combination of concrete, brick or other type of pavers. Plazas shall not be paved with asphalt. Plazas shall be level, terraced or gently sloping at less than a 3% grade. Plazas shall include large or small trees utilizing structural soils or Silva Cells. Trees shall frame the plaza space or the structure which the plaza serves. Plazas may include other planting areas and fixtures including benches, walls and outdoor eating areas.	Plazas are highly improved public spaces that require a higher level of maintenance than most open spaces. Plazas are maintained as improved landscaped areas as prescribed. Plazas are retained in private ownership and maintained by the property owner or homeowners association.
Traffic Circle, Roundabout, Rotary or Close. A traffic circle, roundabout or rotary is a relatively small circular open space area which organizes through traffic movement around a center. A traffic circle is larger than a rotary and roundabout. A close is a circular or oval open space that serves the same function as a paved cul-de-sac but most often provides for access to more lots. All are generally located within a road right-of-way. The minimum size is 2,000 square feet and the maximum size is 7,000 square feet.	A traffic circle, roundabout, rotary or close shall be improved as part of the street within which it is located and landscaped in compliance with the requirements established for subdivision entryways in this Article. Traffic circles, roundabouts, rotaries and closes less than 500 square feet and portions of traffic circles, roundabouts, rotaries and closes where landscaping may interfere with vehicular lines of sight (vision triangles), may be improved with sod or vegetative ground cover.	Traffic circles, roundabouts, rotaries and closes are maintained as improved landscaped areas as prescribed in §11.8. They may be dedicated to the city in conjunction with public streets and other infrastructure. The city may require that maintenance is provided by the property owner or homeowners association.

unless:

1. The plant materials do not exceed two feet in height; or
2. The plant materials have a canopy that does not extend below 12 feet from the ground surface.
3. Street Trees at corner lots should be a minimum of 30ft away from the stop bar in the roadway to maintain visibility at the intersection.

- a. Minimum area: 400 square feet,
- b. Minimum width: 10 feet,
- c. The landscape area must meet all other requirements of a Type B buffer as specified in Table 7.3,
- d. Subdivision entrance landscaping may include a subdivision sign as provided for in Article 9, Signs.

2. Entry streets or access drives exceeding two lanes or 30 feet in width shall provide a landscaped median in addition to any other required landscape area. The landscaped median shall meet the landscaping requirements of a Type B buffer as specified in Table 7.3, and have a minimum width of eight feet. The landscaped median may include a subdivision sign as provided for in Article 9, Signs.
3. Residential entry streets or access drives separated by a distance of more than 40 feet may provide a park or playground area that conforms to Section 7.9 Open Space and Parks, in lieu of the

7.7 SUBDIVISION ENTRANCE LANDSCAPING

7.7.1 General Requirements. This section applies only to streets or access drives that provide access directly to the subdivision or development.

7.7.2 Landscape Plantings Required.

1. Entry streets or access drives with only two lanes shall provide a landscape area at the intersection of the external street and the internal street or access drive leading into the development meeting the following requirements:



landscape areas described herein. Parks or playgrounds shall not be substituted for subdivision entrance landscaping where the road intersecting with the residential entry street or access drive exceeds three lanes in width or has a posted speed limit exceeding 30 miles per hour.

7.8 RESIDENTIAL LOT LANDSCAPING

7.8.1 General Requirements.

1. This section applies to any application for approval of a single-family or duplex dwelling unit on a lot or parcel of record.
2. A Landscape Plan is not required for an application for a building permit for a single-family or duplex dwelling unit subject to this Section.

7.8.2 Landscape Plantings Required.

1. At least 20 percent of the net lot area must have a canopy cover either by existing tree cover or by installation (new planting).
2. If existing tree cover is used the actual coverage measured at the drip line of each tree or at the perimeter drip lines of a cluster of trees may be used. Trees preserved for the purposes of this Section must be protected during construction and until a certificate of occupancy is issued as required.
3. If the canopy cover is accomplished by installation, a combination of new large and small trees as specified in Table 7.2, Plant Material Specifications, may be utilized to achieve the required coverage. The following factors shall be used to calculate tree canopy for new trees.
 - a. A canopy credit of 400 square feet shall be assigned to a large tree.
 - b. A canopy credit of 200 square feet shall be assigned to a small tree.
4. **Foundation Planting.** The perimeter of the building footprint visible from a street shall be planted with shrubs not less than 18 inches in height or vegetative groundcover, or both. A minimum of one shrub shall be planted

for each ten feet of perimeter of the principal structure.

5. **Yard Lawns.** The area of the lot between the front and side property lines and the front and side walls of the principal structure, excluding driveways, patios, trees, foundation planting or other regularly maintained planting beds, shall be seeded, planted or sodded with an acceptable turf or vegetative ground cover that will achieve full coverage within one year of installation.

7.9 STORMWATER MANAGEMENT LANDSCAPING

- 7.9.1 Detention and retention ponds shall be screened from view at the street right-of-way by evergreen shrubs and trees that will, at maturity, block at least 50 percent of the view of the detention pond and fencing from the property line.
- 7.9.2 Detention and retention ponds shall be located to the side or rear of the principal buildings whenever possible.
- 7.9.3 Detention and retention ponds shall not disrupt sidewalks, bikeways, or pedestrian paths, or be located so as to require a circuitous route for pedestrian travel.
- 7.9.4 The Director and City Engineer may approve a detention or retention pond in the front setback area if the applicant demonstrates, as part of a site plan application, that the location is required by unique topographical considerations. Ponds located in the front setback or in front of the principal building shall be completely screened by a landscape strip planted in accordance with this Section.
- 7.9.5 The minimum slope and size of detention and retention ponds shall conform to Article 15, Stormwater Management, and the regulations of the SCDHEC (SC ADC §72-307).
- 7.9.6 Fencing is required when the side slopes of a pond exceed one to one (1:1). Fencing materials shall be a material permitted by this section, or black vinyl clad chain link.

Barbed wire fencing is prohibited. The minimum fencing height is five feet.

7.10 GENERAL SITE LANDSCAPING

7.10.1 General Requirements. The requirements of this section shall apply in addition to the other requirements of this Article.

7.10.2 Landscape Planting Required.

1. At least ten percent of the net lot area must have a tree canopy cover either through existing tree cover or by installation of new trees. Required parking landscaping areas, both perimeter and interior, are excluded for the net lot area calculation.
2. If existing tree cover is used, the actual coverage measured at the drip line of each tree or at the perimeter drip lines of a tree preservation zone may be used.
3. If the canopy cover is accomplished by installation, a combination of new large and small trees as specified in Table 7.2, Plant Material Specifications, may be utilized to achieve the required coverage. The following factors shall be used to calculate tree canopy for new trees:
 - a. A canopy credit of 400 square feet shall be assigned to a large tree.
 - b. A canopy credit of 200 square feet shall be assigned to a small tree.
4. The perimeter of the building footprint, excluding paved sidewalks and loading areas, shall be planted with shrubs and small trees not less than two feet in height. A minimum of one shrub shall be planted for every five feet of perimeter of the principal structure(s).
5. All areas of the lot or parcel not occupied by structures, parking and required landscape areas, sidewalks, loading and service areas, driveways, courtyards and patios, tree canopy, foundation planting or other regularly maintained planting beds shall be planted or sodded with an acceptable turf or vegetative ground cover that will achieve full coverage within one year of installation.

7.10.3 General Maintenance of Landscaping and Site.

1. General Requirements.
 - a. The applicant, property owner and/or subsequent or successor owner, and their authorized agents, including tenants, are jointly and severally responsible for the regular maintenance of all landscaping on the property.
 - b. The abutting property owner or tenant shall be responsible for maintaining street trees and other landscaping located between the curb and property line within the street right-of-way, provided however that street trees, subsequent to the expiration of a maintenance period, may not be removed, pruned, thinned or otherwise altered by the property owner without the written permission of the city.
 - c. In residential subdivisions, the respective homeowner's association shall maintain and replace common area landscaping including street trees.
2. Certificate of Occupancy.
 - a. No certificate of occupancy shall be issued until all site work is complete, all construction material and debris has been removed, all required landscaping has been installed or a landscape improvements guarantee has been established, necessary landscape maintenance guarantees have been submitted and approved, and fencing or other required barriers have been constructed as required.
 - b. The Director shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements of this Article.
3. Maintenance Standards.
 - a. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and



disposed of in accordance with the City Code.

- b. All required landscaping shall be maintained in a neat and orderly manner, and in a healthy, vigorous, and attractive state, at all times and as is appropriate for the season. This shall include, but is not limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping. Plant materials that exhibit evidence of insect pests, disease and damage shall be appropriately treated.
- c. The owner shall remove dead, diseased or deteriorated plants and shall replace such plants within the next planting season after removal. If replacement is necessary, all plants and other landscape materials shall be equal in size, density, and appearance as originally required at the time of the approval of the development permit.
- d. Landscaped areas shall be kept free of trash, litter, weeds, and other materials or plants not a part of the landscaping.
- e. If after three years following installation of required buffer or screening plant materials, the plants have not formed an effective screen, or if an effective screen is not maintained, the Director may require that another type of screen be added or additional plantings be installed.
- f. All landscaped areas shall be protected from vehicular encroachment. No area of any lot or parcel that is not designed for vehicle parking or paved with an all weather surface may be used for vehicle parking or storage.
- g. All tree and shrub pruning shall be performed in accordance with American National Standards Institute Tree, Shrub and Other Woody Plant Management – Standard Practices (Pruning) (ANSI A300 (Part 1)) –2008, contained in Appendix C. Trees that have been improperly pruned through topping or hat racking shall be replaced.
- h. Landscaping of all slopes, cuts, fills, terraces, or graded areas shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot vertically to five feet horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability and environment.
- i. If existing tree cover is used, the actual coverage measured at the drip line of each tree or at the perimeter drip lines of a tree preservation zone may be used.

7.11 OPEN SPACE

7.11.1 General Requirements.

1. Minimum Amount of Open Space Required.
 - a. Open space shall be reserved at a ratio of 1,000 square feet per dwelling unit for residential development, or that portion of mixed-use development containing dwelling units; and
 - b. Open space shall be reserved at a ratio of one square foot for every three square feet of non-residential space developed.
 - c. An applicant for development approval may pay a fee in lieu of providing open space required in this Article as provided in Section 7.10.3.
2. Type of Open Space Provided.
 - a. Open space shall be provided according to the categories in Table 7.8, Open Space Categories and Improvement and Maintenance Requirements.
 - b. The amount of open space required pursuant to this Article may be satisfied by providing a combination of types of open space types as follows:
 - i. For residential development, open space shall be restricted to natural areas, greenbelts, Greeneways, greens, parks,

- playgrounds, rotaries, roundabouts, and closes.
- ii. For non-residential development, open space shall be restricted to greenbelts, Greeneways, greens, plazas, traffic circles, roundabouts, rotaries, and closes.

3. Proximity of Open Space.

- a. Open space or spaces provided pursuant to this Article shall be located adjacent to or within the development and within one-quarter mile of every lot or parcel created or, if the proposed development does not involve a subdivision, every primary building. The distance shall be measured in a straight line unless interrupted by an arterial street or freeway; in this case, distance shall be measured by following the street network.
- b. The proximity requirement above shall be measured from open space provided pursuant to this Article or may be measured from preexisting public open space areas not provided by the applicant. This provision shall not reduce the total area of open space required for a development pursuant to this Article.

7.11.2 Improvement of Open Space Parcels.

- 1. Improved open space shall not include heated spaces, garages, carports or accessory buildings.
- 2. Open space areas may be used to preserve specimen trees and may include existing tree cover areas.
- 3. Dedication Option. Unimproved open space may be dedicated to the city when the property to be dedicated has been identified as necessary to implement a public park, open space, stormwater management, or Greenway project. The property dedicated pursuant to this section need not be located adjacent to or within the development but shall be within the distance limit specified in 7.10.1.3.

7.11.3 Fee In Lieu of Open Space.

- 1. In lieu of designating and improving open space lands as required by this Article, the applicant may pay a fee in lieu of open space for all or any portion of the open space land required. The fee shall be in the form of cash payment to the city. The Director shall determine the amount to be deposited, based on the following formula:

A x V = M	
A=	The amount of land, in square feet, required for dedication as determined in 7.10.1.
V =	The fair market value of the property, in square feet, to be developed as determined in 7.11.3.2.a.
M =	The amount to be paid in lieu of dedication of land.

- 2. For purposes of computing fair market value of property, or "V" in the equation established in formula, the applicant may select one of the following fair market value determinations:
 - a. The actual purchase price of the property to be developed as evidenced by a purchase contract, or a closing statement dated within one year of the date of application; or
 - b. The current fair market value of the property to be developed as determined by a qualified real estate appraiser retained by the city at the applicant's expense.
- 3. Fees in lieu of open space shall be assessed at the time of application or during the period of project application review and paid prior to final approval of the application for the development.
- 4. All fees in lieu of open space collected shall be deposited in an appropriate fund and account by the city and shall be used for the acquisition and development of land for open space or parks or for the development or construction of improvements on existing open space land, within one mile of the periphery of the proposed development. However, if such acquisition opportunities are not available or existing open space is already developed or improved within

one mile of the proposed subdivision development, then areas within three miles of the periphery of the proposed subdivision development may be considered for the acquisition of open space land and/or construction of improvements to existing open space land within such periphery.

5. All fees in lieu of required open space or park land paid must be expended within ten years from the date of receipt for open space or park facilities benefiting the development project for which the fees were paid. If fees are not expended within such period, the then-current owner shall be entitled to a refund of the principal deposited by the applicant in such fund, together with accrued interest. The owner must request such refund in writing within 365 days of entitlement or such right shall be waived. All interest accruing funds received pursuant to the fee in lieu of open space shall be expended on acquisition or development of open space or parks.

7.11.4 Deed Restrictions.

1. Covenants and Restrictions. Any lands reserved for open space purposes shall contain appropriate covenants and deed restrictions approved by the City Attorney ensuring that:
 - a. The open space area will not be further subdivided in the future;
 - b. The use of the open space will continue in perpetuity for the purpose specified; and
 - c. Appropriate provisions will be made for the maintenance of the open space.
2. Maintenance of Conservation Easements. A conservation easement on unimproved natural area or Greenbelt open space will meet the requirements of this section provided that adequate provisions for continuing upkeep and proper maintenance are provided and approved by the City Attorney.
 - a. Conservation Open Space may be publicly or privately owned.
 - b. The deed for land set aside as open

space shall contain a restriction that its use shall be maintained in perpetuity as Conservation Open Space.

- c. Conservation Open Space intended for public ownership and maintenance must be approved or conditionally approved pending subdivision by the public entity receiving the land. Such space may be held by any unit of government.
- d. Conservation Open Space intended for ownership and maintenance by a non-profit organization created for such purposes (e.g., land trust) is subject to a Planning Commission approval. Proof that the non-profit is willing and able to accept and maintain the open space in perpetuity shall be required prior to plat approval.

7.11.5 Open Space Ownership.

1. Type of Ownership. The type of ownership of land reserved for open space or park purposes shall be selected by the owner or developer, subject to the approval of the Director and City Attorney. The type of ownership may include, but is not necessarily limited to, the following:
 - a. The City of North Augusta, subject to acceptance by the City Council,
 - b. Property Owners Association,
 - c. Shared, undivided interest by all property owners in a subdivision, or
 - d. An individual, partnership or corporation.
2. Association Ownership. If the open space is to be owned and maintained by a property owners association, the developer shall file with the city a copy of the covenants and restrictions that will govern the association with the application. The provisions shall include, but are not limited to, the following:
 - a. The property owners association must be established before any lots are sold,
 - b. Association membership must be mandatory for every lot buyer and any successive buyer,
 - c. The open space restrictions must be

- permanent,
- d. The association must be responsible for adequate liability insurance, taxes and the maintenance of open space, parks and recreational and other facilities,
 - e. Lot owners must pay a pro rata share of the cost of insurance, taxes and maintenance, and the assessment for such costs levied on lots by the association can become a lien on the property and shall be specified in the master deed establishing the homeowners association,
 - f. The association must be able to adjust the assessment to meet changing needs.

7.11.6 Maintenance. The person or entity identified in this section shall be responsible for its continuing upkeep and proper maintenance.

Review Draft - 12.27.22

ARTICLE

8

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ARTICLE 8 - PARKING, LOADING, AND STACKING

8.1 PURPOSE AND APPLICABILITY

8.1.1 Purpose. This article ensures the adequate provision and design of off-street parking and loading areas for each land use type to protect the public health, safety, and general welfare of the community by:

1. Mitigating impacts to streets and neighborhoods;
2. Providing necessary access for service and emergency vehicles;
3. Providing for safe and organized interaction between vehicles, bicycles, and pedestrians;
4. Avoiding an over-supply of parking that poses economic, aesthetic, and environmental impacts; and
5. Providing flexibility to respond to varying parking and transportation access needs for different land uses in different areas of the community.

8.1.2 Applicability. The standards in this Article shall apply to all land use types and all zoning districts, unless otherwise specified.

8.2 OFF-STREET VEHICLE PARKING AND LOADING REQUIREMENTS

1. **Off-street Parking Required.** Off-street parking shall be provided for any new building constructed, for any new use established, for any addition or enlargement of an existing building or use, and any change in occupancy of a building or use that would result in additional parking spaces as required by this Article, unless otherwise specified.

8.2.1 Parking Calculations.

1. All parking and loading requirements that are based on square footage shall be calculated using the gross floor area of the subject use, unless otherwise noted.
2. Parking spaces designated specifically for vehicles on display for sale or rental shall not be counted towards the

parking requirements of this Article, unless otherwise noted.

3. The minimum and maximum number of parking spaces shall be calculated so that any fraction of 0.5 or greater shall be rounded up to the next whole number.
4. Properties containing more than one use may provide parking based on the shared parking regulations in this article.

8.2.2 Change or Expansion of Use.

1. **Change in Land Use.** Whenever a conforming building or use, constructed or established after the effective date of these regulations, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of thirty percent (30%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. The expansion and renovation of nonconforming uses are addressed in Article 3, Nonconforming Uses.
2. **Expansion of Land Use.** In the event a conforming use is enlarged or expanded by more than 30%, the amount of off-street parking that would be required if the increment were a separate use shall be provided.

8.2.3 Number of Spaces Required.

1. Table 8.1, Vehicle Parking Requirements by Use, establishes the minimum number of parking spaces required and the maximum number of parking spaces permitted for each of the land uses indicated.
2. Parking in excess of the maximum is not permitted unless it complies with pervious surface provisions, or is approved as overflow, event, or temporary in accordance with Section 8.8 of this Article.
3. On-street parking spaces shall not be counted toward meeting the minimum parking requirements of this article,

unless otherwise noted.

8.2.4 Exceptions.

1. No off-street vehicle parking is required within the DTMU-1 District.
2. No off-street vehicle parking is required for any parcel less than three thousand square feet of lot area, except for single-family attached or detached dwellings.
3. No off-street vehicle parking is required for non-residential use(s) in a mixed-use building when the cumulative area of the non-residential use(s) is less than five thousand square feet.

8.3 BICYCLE PARKING REQUIREMENTS

8.3.1 Generally. The bicycle parking requirements of this Article are intended to encourage the use of bicycles as a means of transportation in the city. Bicycle parking facilities must be located on the same site as the uses they serve.

8.3.2 Bicycle Parking Required.

1. Bicycle parking shall be provided for all non-residential and multi-family residential uses, and where the Director finds that there is sufficient need for such parking in a particular case. The Director may waive or reduce the number of bicycle parking spaces required based on the surrounding use and context of the proposed development and the site's accessibility by bicycle.
2. A minimum of one bicycle parking space shall be provided per ten vehicle parking spaces. No more than fifteen bicycle parking spaces shall be required for any primary structure.

8.3.3 Design of Spaces.

- a. Bike racks shall be located no more than 50 feet from the principal entry to a building or structure, or along a walkway that leads directly to the principal entry. Bike racks shall be located no farther from the principal entrance than the closest motor vehicle parking space.
1. Each required bicycle parking space

shall be on asphalt, concrete or similar all weather surface material.

2. Each space shall be no less than one foot wide by six feet long with a minimum vertical clearance of seven feet. An access aisle not less than five feet wide shall be provided and maintained beside or between each row of bicycle parking.
3. Bicycle parking facilities shall include either a lockable enclosure in which the bicycle can be stored or a stationary rack upon which the bicycle can be locked.
4. Bicycle racks shall be securely anchored to a walkway, parking lot, building or similar permanent structure.
5. Bicycle parking areas shall be designed so that the bicycles, including trailers, shall not obstruct an adjacent sidewalk, path, or another pedestrian way when fully occupied.

8.4 PARKING LOT DESIGN

8.4.1 Site Plan Required. An off-street parking plan shall be required and shall accompany all applications for development approval. The plan shall be prepared in accordance with the requirements of Article 5, Approval Procedures, and Appendix B, Application Documents.

8.4.2 Location.

1. Required off-street parking must be provided:
 - a. On the same parcel or within six hundred feet of the principal use for which it is required as measured from the primary entrance of the principal use and to the edge of the parking lot or drive aisle pavement, or
 - b. Offsite in an area approved by the Director as shared parking, or
 - c. As otherwise approved by the Director.
2. Off-street parking is permitted in required side and rear yard and setback areas, provided the landscaping and buffer provisions of Article 7 have been met and the parking is set back a



Table 8.1. Parking Requirements by Use		
Use	Minimum Number of Vehicle Spaces	Maximum Number of Vehicle Spaces
Accessory and Temporary Uses		
Accessory Dwelling	1 per unit	2 per unit
Bus Shelter	N/A	N/A
Child/Adult Care Home	1 per 6 children + 1 per employee	1 per 4 children + 1 per employee
Drive-in Window or Drive-Through Facility where Principal Use is Permitted in the District	Same as principal use	Same as principal use
Farmers and Produce Markets	1 per 500 feet of sales and service space	1 per 375 sf of sales and service space
Food Truck	3 per truck	5 per truck
Home Occupation	N/A	1 space in addition to principal use requirement
Outdoor Sales and Display Area	N/A	N/A
Outdoor Display and Storage of Supplies, Materials, or Specialized Equipment	N/A	N/A
Oversized Vehicles	N/A	N/A
Promotional Circus or Carnival	See entertainment establishment, indoor/outdoor	See entertainment establishment, indoor/outdoor
Real Estate Sales and Construction Offices and Equipment Sheds	0.5 per employee	1 per employee
Seasonal Sales	0.5 per employee	1 per employee
Self Service Kiosks	N/A	N/A
Self-Service Vending	N/A	N/A
Storage of Construction Equipment, Outdoor, Incidental to Construction Activities	N/A	N/A
Temporary event	See entertainment establishment, indoor/outdoor	See entertainment establishment, indoor/outdoor
Warehouse or Flex Space as Accessory Use	1 per 1,000 sf	1 per 500 sf
Residential Uses		
Duplex	1.5 per unit	2 per unit
Manufactured Home	2 per unit	2.5 per unit
Mobile Home	2 per unit	2.5 per unit
Multi-Family Dwelling	1.5 per unit	2.5 per unit
Quadrplex	1.5 per unit	2 per unit
Residential Dwelling Above Commercial or Retail Use	1 per unit	2 per unit
Single-Family Attached Dwelling	1.5 per unit	N/A
Single-Family Detached Dwelling	2 per unit	N/A
Single-Room Occupancies	1 per room	1 per room
Triplex	1.5 per unit	2 per unit
Accommodations and Group Living Uses		
Bed and Breakfast	0.5 per guest + 1 for owner	1 per guest + 2 for owner
Continuing Care Retirement Communities	1.1 per bed	1.3 per bed

Table 8.1. Parking Requirements by Use

Use	Minimum Number of Vehicle Spaces	Maximum Number of Vehicle Spaces
Group Homes, Non-Exempt	0.5 per bed	1 per bed
Hotel or Motel	0.7 per room + 1 per 300 sf of common area	1 per room + 1 per 100 sf of common area
Housing Services for the Elderly	1.1 per bed	1.3 per bed
Tourist Home	1 per unit	2 per unit
Commercial Uses		
Bar or Tavern	1 per 350 sf of floor area	1 per 100 sf of floor area
Brew Pub, Microbrewery, or Micro distillery	1 per 350 sf of floor area	1 per 200 sf of floor area
Car Wash	1 per 500 sf including service bays, wash tunnels and retail areas	1 per 375 sf including service bays, wash tunnels and retail areas
Convenience Store, Excluding Gasoline Sales	1 per 350 sf of floor area	1 per 200 sf of floor area
Equipment Sales and Leasing	1 per 350 sf of floor area	1 per 200 sf of floor area
Financial Institution	1 per 350 sf of floor area	1 per 200 sf of floor area
Fireworks Sales	1 per 350 sf of floor area	1 per 200 sf of floor area
Flea Market	1 per 350 sf of floor area	1 per 200 sf of floor area
Flex Space, Office, and Warehouse Building	1 per 350 sf of floor area	1 per 200 sf of floor area
Fuel Sales, Retail	1 per pump + 1 per 350 sf of floor area	1.5 per pump + 1 per 200 sf of floor area
Fulfillment Center/Dark Store/Ghost Kitchen	1 per 600 sf of floor area	1 per 350 sf of floor area
Heavy Equipment Sales, Repair, Maintenance, Leasing, and Storage	1 per 350 sf of floor area	1 per 200 sf of floor area
Laundry or Laundromat	1 per 350 sf of floor area	1 per 200 sf of floor area
Live-Work Unit/Mixed-Use Building	1 per unit	2 per unit
Lumber Yard and Building Material sales, Wholesale or Retail	1 per 350 sf of floor area	1 per 200 sf of floor area
Manufactured Home, Modular Home, Mobile Home Sales	1 per 500 sf of sales and service building	1 per 375 sf of sales and service building
Mini Warehouses/Self Storage	4 spaces + 1 per 10 units	6 spaces + 1.5 per 10 units
Motor Vehicle Sales and Leasing	1 per 350 sf of floor area	1 per 200 sf of floor area
Motor Vehicle Repair and Service	3 per rack	4 per rack
Nondepository Personal Credit Institutions	1 per 350 sf of floor area	1 per 200 sf of floor area
Nursery/Greenhouse, Commercial	1 per 350 sf of floor area	1 per 200 sf of floor area
Offices, General	1 per 350 sf of floor area	1 per 200 sf of floor area
Outdoor Café	1 per 300 sf of floor area	N/A
Pawn Shops	1 per 350 sf of floor area	1 per 200 sf of floor area
Personal and Business Services	1 per 350 sf of floor area	1 per 200 sf of floor area
Restaurant	1 per 300 sf of floor area	1 per 100 sf of floor area
Retail Alcohol Sales for Off-site Consumption	1 per 350 sf of floor area	1 per 200 sf of floor area

Table 8.1. Parking Requirements by Use

Use	Minimum Number of Vehicle Spaces	Maximum Number of Vehicle Spaces
Retail Establishment, Large	1 per 350 sf of floor area	1 per 200 sf of floor area
Retail Establishment, Medium	1 per 350 sf of floor area	1 per 200 sf of floor area
Retail Establishment, Small	1 per 350 sf of floor area	1 per 200 sf of floor area
Tattoo Parlor	1 per 350 sf of floor area	1 per 200 sf of floor area
Veterinary Hospitals, Animal Kennels and Boarding	1 per treatment room and operatory	2 per treatment room and operatory
Industrial and Warehouse Uses		
Dry Cleaning Plant	1 per 600 sf of floor area	1 per 350 sf of floor area
Industrial, General	1 per 600 sf of floor area	1 per 350 sf of floor area
Industrial, Light	1 per 600 sf of floor area	1 per 350 sf of floor area
Junk, Salvage, Scrap, or Wrecking Yard	1 per employee	N/A
Recycling Processing Facility	1 per 600 sf of floor area	1 per 350 sf of floor area
Refrigerated/Cold Storage	1 per 500 sf of floor area	1 per 350 sf of floor area
Warehouse and Distribution, General	1 per 500 sf of floor area	1 per 350 sf of floor area
Assembly, Recreation, and Entertainment Uses		
Adult Use	1 per 300 sf of floor area	1 per 150 sf of floor area
Entertainment Establishment, Indoor	1 per 300 sf of floor area	1 per 150 sf of floor area
Entertainment Establishment, Outdoor	1 per 5,000 sf of land	1.5 per 5,000 sf of land
Golf Course or Driving Range	4 per hole + 1 per employee	5 per hole + 1 per employee
Place of Assembly, Large	1 per 250 sf of floor area	1 per 150 sf of floor area
Place of Assembly, Small	1 per 250 sf of floor area	1 per 150 sf of floor area
Private Non-profit Clubs and Organizations	1 per 300 sf of floor area	1 per 150 sf of floor area
Recreation, Indoor	10 spaces + 1 per 200 sf in excess of 1,000 sf	13 spaces + 1 per 15- sf in excess of 1,000 sf
Recreation, Outdoor	1 per 5,000 sf of land	1.5 per 5,000 sf of land
Riding Academy/Stable, Commercial	1 per 1,500 sf of floor area	1 per 500 sf of floor area
Sports Stadium, Arena, or Coliseum	1 per 6 seats	1 per 4 seats
Swimming Pool	1 per 100 sf of water surface	N/A
Zoo, Botanical Garden, or Arboretum	1 per 300 sf for inside uses + 1 per 5,000 sf of land for outside uses	1 per 200 sf for inside uses + 1.5 per 5,000 sf of land for outside uses
Public, Institutional, Professional, and Community Uses		
Armory or Military Reserve	Determined at site approval	Determined at site approval
Cemetery	N/A	N/A
Child/Adult Care Center	1 per 6 children + 1 per employee	1 per 4 children + 1 per employee
College or University	1 per 4 students	1 per 2 students
Community Food Services	1 per 300 sf	1 per 200 sf
Crematorium and Embalming	N/A	N/A
Fire, Public Safety and Emergency Services	Determined at site approval	Determined at site approval
Funeral Home	1 per 4 seats	1 per 2 seats
Government Offices or other Governmental Civic Uses or Facilities	1 per 300 sf of floor area	1 per 200 sf of floor area

Table 8.1. Parking Requirements by Use

Use	Minimum Number of Vehicle Spaces	Maximum Number of Vehicle Spaces
Hospital or Sanitarium	1 per bed + 1 per 300 sf of office and administration space	1 per 150 sf of floor area
Library	1 per 500 sf of floor area	1 per 250 sf of floor area
Maintenance of Government Buildings and Grounds, including Equipment Storage	1 per employee	N/A
Medical or Dental Clinic/Office	3 per physician + 2 per treatment room	5 per physician + 2.5 per treatment room
Museum or Gallery	1 per 300 sf of floor area	1 per 200 sf of floor area
Post Office	1 per 300 sf of floor area	1 per 200 sf of floor area
Primary or Secondary School	1 per classroom	2 per classroom
School for Specialized Instruction	1 per 200 sf of floor area	1 per 150 sf of floor area
Social Assistance or Charitable Services	1 per 300 sf of floor area	1 per 200 sf of floor area
Studio for Creative or Expressive Art	1 per 300 sf of floor area	1 per 200 sf of floor area
Transportation Uses and Structures		
Bus Passenger Station/Terminal	1 per 750 sf of floor area	1 per 500 sf of floor area
Freight/Truck Terminal	1 per 500 sf including service bays, wash tunnels and retail areas	1 per 375 sf including service bays, wash tunnels and retail areas
Marina	0.5 per berth/slip	1 per berth/slip
Parking, Structured	N/A	N/A
Parking, Surface	N/A	N/A
Taxi Stand and Shared-Use/Autonomous Motor Vehicles	N/A	N/A
Utility Uses and Structures		
Energy Generation, Large-Scale	1 per employee	1.2 per employee
Energy Generation, Small-Scale	1 per employee	1.2 per employee
Essential Public Services	1 per employee	1.2 per employee
Public Utility Storage and Service Yard	1 per employee	1.2 per employee
Radio/Television Station with Transmission Tower	1 per employee	1.2 per employee
Radio/Television Station without Transmission Tower	1 per employee	1.2 per employee
Sewage Treatment Plan, Pump Station, or Major Lift Station	1 per employee	1.2 per employee
Solid Waste Collection and Transfer Center	1 per employee	N/A
Telecommunications, Small Cell	1 per employee	N/A
Telecommunication Tower and Antennae	1 per employee	N/A
Water Supply Facility	1 per employee	N/A
Yard Waste Collection and Processing	1 per employee	N/A
Agricultural Uses		
Agriculture, Excluding Livestock	1 per 1,500 sf	1 per 500 sf

minimum of ten feet from all property lines.

3. Overnight parking of large trucks, trailers, shipping containers and similar vehicles is not permitted unless such vehicles are parked entirely behind a principal structure and shielded from the street.

8.4.3 Access and Circulation.

1. Parking areas must be accessed via a permanent easement. Access easements may also be required to/from parking and drive areas on adjacent properties.
2. All parking lots shall be designed to allow continuous vehicular circulation, so that all exiting movements onto a public street or service lane are in a forward motion. In situations where a dead-end parking aisle is unavoidable, a vehicular turnaround shall be provided.
3. Except for one, two, three, and four-family and townhome residential uses, interior circulation drives shall serve all off-street parking. No private off-street parking spaces shall be directly accessed from a public street. All maneuvering into and out of parking spaces shall be conducted onsite.
4. Access to off-street parking areas (curb cuts) shall be located no closer than fifty feet from the intersection of two streets, as measured along the curb line that is parallel to the public street or service lane. On parcels less than one hundred feet in width and where access cannot be gained from another street, the curb cut shall be located as far away from the intersection as possible.
5. Where possible, curb cuts shall be located directly opposite the roadway from one another or separated by a

minimum distance of one hundred fifty feet, as measured along the centerline of the roadway.

6. Curb cut width:
 - a. One-way entrances/exits shall be a minimum of twelve feet in width and a maximum of fourteen feet in width.
 - b. Two-way entrances shall be a maximum of twenty-four feet in width.
 - c. Maximum curb cut width may be increased by no more than twelve feet for each designated turn lane.
 - d. The minimum throat length at parking lot exits shall be no less than forty feet. "Throat length" means the distance extending from the intersection to the first curb cut, left turn conflict, or intersection with a parking aisle and provides storage area for vehicles waiting to exit the site.

8.4.4 Parking Space and Aisle Dimensions.

1. Drive Aisles. Aisle width shall conform to Table 8.2, Parking Space and Drive-Aisle Dimensions and Illustration 8.1, Parking Angle Configurations. One-way traffic only shall be permitted in aisles that serve a single-row of parking spaces at an angle other than ninety 90 degrees.
2. Compact Vehicle Spaces.
3. Up to fifteen percent of required parking may be designed for compact vehicles. Each space must be clearly marked for use by compact vehicles only.
4. Compact vehicle spaces shall be a minimum of eight feet in width by sixteen feet in length.

Table 8.2. Parking Space and Drive Aisle Dimensions

Angle	Length	Width	Aisle(One-Way / Two-Way)
0° (parallel)	22 ft	8 ft	12 ft / 22 ft
45 degrees	18 ft	9 ft	13 ft / 22 ft
60 degrees	18 ft	9 ft	18 ft / 22 ft
90 degrees	18 ft	9 ft	24 ft

5. Where compact vehicle spaces are the only spaces located along an aisle, the aisle width may be decreased by two feet.

8.4.5 Drainage and Maintenance. Off-street parking facilities shall be properly graded for drainage to prevent damage to adjacent property, public streets, and service lanes, and shall be surfaced with asphalt, concrete, or other all weather surface approved by the City Engineer. Off-street parking areas shall include concrete curbs, gutters, and wheel stops as set forth in this article, and shall be maintained in a clean, orderly and dust-free condition and not be used for the sale, repair or dismantling or servicing of any vehicles, equipment, materials or supplies.

8.4.6 Surfaces and Paving

1. All parking and loading areas required by this article or elsewhere in this code shall use a hard surface of concrete, asphalt, brick pavers, or similar as approved by the director. In no event shall any off-street parking be allowed on an unpaved surface or in an area that has not been approved for off-street parking, except in accordance with this Article.
2. **Exceptions.** Gravel or other aggregate surfacing may be used for material and equipment storage and parking areas in the Industrial District when approved by the director. This standard shall not

apply to parking and loading areas in these districts.

3. **Curbing.** All driving lanes, parking lots, and landscape islands shall be curbed, unless an alternative design incorporating adequate stormwater management is approved.
 - a. **Wheel Stops.** Wheel stops shall be provided in all parking spaces where necessary to prevent vehicles from overhanging a sidewalk or damaging landscaping.
 - b. **Marking.** Parking spaces in lots shall be marked to clearly and permanently delineate individual spaces. Pavement markings and regulatory signs or markers shall be used to insure efficient traffic circulation and safe operation of the lot. However, an alternative pavement surface approved pursuant to section E below consisting of turf block, stabilized turf sod or other vegetative surface is exempt from pavement marking requirements.

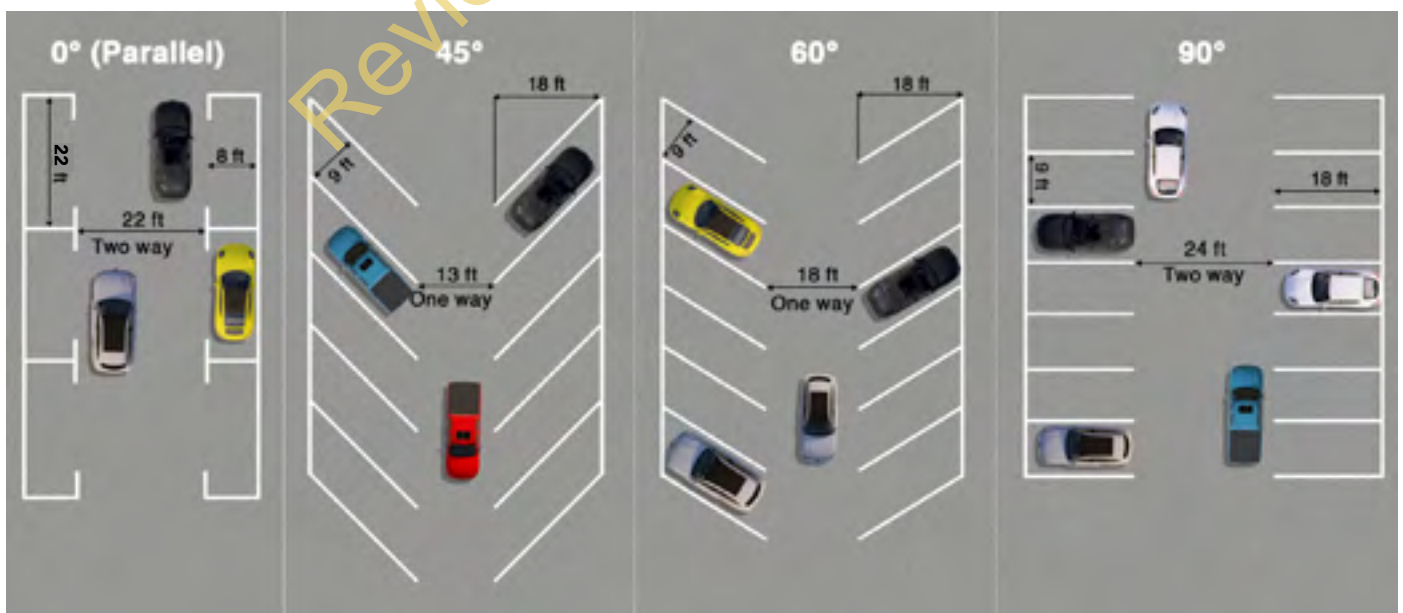


Illustration 8.1. Parking Angle Configurations

4. **Alternative Surfaces.** Where the principal use creates a light or intermittent demand on the parking lot, the City Engineer may approve an alternative surface material or a substitute for concrete curbs, or both, which best fits the needs of the situation. Loose sand, gravel or similar materials or asphalt curbs shall not be considered suitable alternative materials.
 - a. In approving an alternative surface material or substitute for concrete curbs, the City Engineer must find that:
 - i. The alternative surface will not degrade the public street surface by the dragging or spilling of loose sand or gravel from the parking area;
 - ii. The alternative surface will adequately withstand the anticipated light or intermittent parking demand; and
 - iii. The alternative surface will reduce the impervious surface area of the parcel or parking lot.
 5. The following provisions apply to parking areas where a pervious surface treatment is applied to the area dedicated for surface parking spaces and drive aisles:
 - a. Parking lot areas eligible for pervious or permeable surfaces include parking spaces and access aisles but not driveways, parking lot perimeter roads or heavily used parking access drives.
 - b. Pervious surfaces include pervious concrete and asphalt, pervious pavers and turf block or other surface treatment approved by the City Engineer. Loose gravel, crusher run, sand or native soils are not permitted and may not be approved.
 - c. To be considered pervious, at least five percent of the parking area shall consist of permeable pavement or surface treatment. The stormwater reductions that result from permeable pavement may be considered in any stormwater management plans or mitigation requirements established by Article 15, Stormwater Management.
 6. The following types of low turnover and low utilization parking areas may use stabilized turf sod, pervious pavement, or other permeable surface treatment as a parking surface on up to 70 percent of the required parking area.
 - a. Parking lots for uses that do not generate more than ten trips per day and that include no more than five (5) spaces may incorporate pervious pavement or turf sod, but not loose gravel.
 - b. The following uses, which generate traffic intermittently:
 - i. Religious land uses,
 - ii. Community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation,
 - iii. Private or non-profit clubs, including country clubs, athletic clubs, lodges, fraternal organizations and swimming clubs on a noncommercial membership basis including social, fraternal, social service, union and civic organizations,
 - iv. Sports stadiums, arenas, circuses, coliseums, hippodromes or assembly halls,
 - v. Temporary carnivals, rides, ferris wheels,
 - vi. Cemeteries, and
 - vii. Utility uses and structures.
- 8.4.7 Landscaping.** Parking lots shall be landscaped according to the requirements of Article 7, Landscaping and Buffers and following comply with an approved landscape plan as required by that Article.
- 8.4.8 Lighting.** Parking lots shall be lit according to the requirements of Article 14.
- 8.4.9 Accessible Parking Spaces.**
1. Parking facilities shall be provided for and designed to meet the requirements of the Americans with Disabilities Act.
 2. Accessible spaces shall count towards the minimum parking requirements of Table 8.1, Vehicle Parking

Requirements by Use.

3. All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces.
4. Accessible spaces shall be located adjacent to an access aisle and as close as reasonably practical to the building entrance most accessible to the disabled.

8.4.10 Loading Spaces.

1. When loading and unloading occur during business hours, loading spaces shall be permanently available, marked, and maintained for loading purposes for the use they are intended to serve.
2. All loading areas in Commercial, Mixed-Use, and Industrial districts shall be located at the rear of the primary structure.
3. Plans for all loading and unloading facilities shall be submitted to the director for review and compliance with the provisions of this code. Such plans shall show the number and location of loading and unloading spaces, including necessary maneuvering of trucks, dock, and apron approaches, and arrangements of access aisles, location of access points onto adjacent streets, provisions for truck circulation, location of curbs on or adjacent to the property, typical cross sections of pavement, and such other information or plans as the circumstances may warrant.
4. **Design.**
 - a. The approaches to loading and unloading areas shall be designed to minimize conflict with onsite vehicular, pedestrian, and bicycle traffic and with adjacent residential uses.
 - b. Loading areas shall be paved with heavy-duty asphalt or concrete sufficient to carry the wheel load of anticipated vehicles.
 - c. Loading areas shall be effectively screened from view from adjacent right-of-way and residential uses by solid building walls constructed of similar building materials as

the primary structure or dense landscape plantings to a height not less than six feet.

- d. The loading areas' design shall prevent any portion of any vehicle using the loading facility from projecting into the public right-of-way or an onsite pedestrian or bicycle facility.

8.5 DRIVE-THRU DESIGN

8.5.1 Stacking Spaces and Lanes. Vehicle stacking spaces shall be provided in accordance with Table 8.3, Required Drive-Thru Stacking Spaces.

8.5.2 Location.

1. Stacking spaces shall be located entirely outside of a required driveway or parking aisle providing access to required parking spaces.
2. No drive-through lane may pass between the front façade of the primary building and the front lot line.
3. Drive through accessory facilities shall be located to the side or rear of the building.
4. Any required stacking space must be located a minimum of twenty feet from an access driveway/curb cut.

8.5.3 Stacking Space Design. Stacking spaces shall measure nine feet in width and eighteen feet in length and shall be illustrated on the site plan submitted for site plan review.

8.5.4 Other Requirements.

1. Drive-up and drive-through accessory facilities shall be designed and located to avoid impairing pedestrian mobility or creating risks to pedestrian safety.
2. Drive-up and drive-through accessory facilities shall be designed so that menu boards, order boards, and service windows are not located on any side of the primary structure abutting a residential district or residential use in a mixed-use district.
3. Vehicles using drive-through facilities may not encroach on or interfere with the public use of streets and sidewalks



by vehicles or pedestrians.

4. Drive-through lanes shall be physically marked or separated from all parking areas and driveways using pavement markings, decorative pavement, raised islands, or other barriers.

8.6 PARKING STRUCTURE DESIGN

8.6.1 Location.

1. Parking structures shall be permitted in all non-residential zoning districts.
2. Above-ground parking structures shall meet minimum setback requirements for primary structures in the applicable zoning district.

8.6.2 Access and Specifications.

1. Structured parking entrances and exits shall be located a minimum distance of 100 feet from the intersection of two streets, as measured from the end of the radius nearest the entrance curb.
2. Entrances should be visible and easily identifiable from the adjacent roadway.
3. Entry and exit lanes shall be provided to adequately meet projected peak traffic volumes.

8.6.3 Design.

1. The height of a parking structure as a principal use shall be limited to the maximum height permitted for primary structures in the applicable zoning district.
2. The height of a parking structure as an accessory use shall not exceed the

height of the primary structure it is intended to serve.

3. Ramps or angled surfaces leading to an upper or lower level may not be adjacent to or visible from any street frontage.
4. The first floors of all parking structures must be designed to complement pedestrian-scale activity. It is intended that this be accomplished principally by the use of transparent windows and doors arranged so that the uses are visible from and, ideally, accessible to the street on at least fifty percent of the length of the first-floor street frontage. In addition, a combination of design elements must be used on the structure facade and in relationship to the building at street level to animate and enliven the streetscape. These design elements may include but shall not be limited to the following:
 - a. Ornamentation,
 - b. Molding,
 - c. String courses,
 - d. Belt courses,
 - e. Decorative screening,
 - f. Louvers,
 - g. Changes in material or color,
 - h. Architectural lighting,
 - i. Works of art,
 - j. Fountains and pools,
 - k. Street furniture,
 - l. Landscaping and garden areas, and

Table 8.3. Required Drive-Thru Stacking Spaces

Drive Through Activity	Minimum Required Stacking Spaces Per Lane	Begin Stacking Space Measurements At
Bank, Financial Institution, ATM	3	Teller Window or ATM
Food and Beverage Uses	6	Pick-Up Window
Car Wash (Full Service)	6	Outside of Washing Bay
Car Wash (Self Service or Automated)	3	Outside of Washing Bay
Pharmacy	3	Pick-Up Window
Other	As determined by the director	

- m. Display areas.
- 5. Whenever ventilation grates or emergency exit doors are located at the first-floor level of the structure, they must be decorative
- 6. Each façade along a public street or adjacent to a residential use or district shall conceal the view of all parked cars below the hoodline to prevent headlights from shining out of the structure and onto the street frontage or adjacent residential property.

8.7 PARKING LOT FLEXIBILITY

8.7.1 Applicability. A reduction to the required parking may be granted by complying with any one or combination of the parking flexibility options listed in this section, provided that the total reduction is not greater than fifty percent of the parking requirements in Table 8.1, Vehicle Parking Requirements by Use.

1. **Shared Parking.** Developments which contain a mix of uses on the same parcel, or the owners of different uses on more than one parcel and have formally agreed to share parking, may reduce the amount of required parking under the following conditions.
 - a. **Minimum Number of Spaces Required.** The shared parking area shall provide at least eighty percent of the cumulative total of parking spaces required for each property.
 - b. **Location.** Any property using a shared parking agreement shall be located within six hundred feet of such parking area and be connected to it by a sidewalk(s) and crosswalk(s) where necessary.
2. **Approval.** The director must approve the shared parking area.
3. **Written Agreement.** A written shared parking agreement shall be approved by the director, signed by all property owners, and recorded as a commitment against each property.
4. A perpetual easement drawn in favor of each property shall be established and

recorded with the (define agency here).

8.7.2 Shared Vehicle Parking Credit. For each shared vehicle provided, which is available throughout the day for employee use, the minimum number of required off-street parking spaces may be reduced by four. Each shared vehicle space shall be signed for such use and shall count toward the minimum number of required parking spaces.

1. **Bicycle Parking Credit.** The number of required off-street parking spaces may be reduced at a ratio of one parking space for each four secured bicycle parking spaces provided up to a maximum reduction of five percent of the required parking spaces.
2. **Public Parking Credit.** The Director may allow for a reduction or elimination of parking requirements if spaces are available in a public parking lot or structure within six hundred feet, and that the reduction or elimination of parking requirements will not result in excessive traffic congestion or on-street parking in any nearby residential district. For this provision, on-street parking and parking located within public parks and open space areas shall not constitute a nearby public parking lot or structure.
3. **On-street Parking Credit.** Any public, on-street parking space at least one-half the length of which is located immediately adjacent to the subject property, may be counted towards onsite parking requirements. Each on-street parking space may only be counted once towards the adjacent lot's parking requirements, regardless of the number of individual buildings or tenants on the lot. The use of this credit does not entitle the property owner to the continued availability of those on-street parking spaces over time. On-street parking may not be used to meet the minimum off-street parking requirements for any residential uses.

8.8 PARKING SPACE REDUCTIONS

8.8.1 Additional Landscaping. The number of required off-street parking spaces may be reduced up to ten percent as approved



by the director, for projects that provide significant additions to the landscape and open space on a site. Examples include additional canopy trees sited to provide shade to the parking area, stormwater planters and other green infrastructure integrated into the parking lot design, additional perimeter landscape to buffer large parking areas, and other enhancements as approved by the director. This addition will be evaluated in terms of exceeding the minimum requirements of Article 7, Landscaping and Buffers.

- 8.8.2 Permeable Pavement.** The number of required off-street parking spaces may be reduced up to ten percent when a minimum of fifty percent of the total parking and loading area of a site is paved with permeable pavers, permeable asphalt, porous concrete, or similar permeable, hard-surface material. The number of required off-street parking spaces may be reduced up to fifty percent when a minimum of ninety percent of the total parking and loading area of a site is paved with permeable pavers, permeable asphalt, porous concrete, or similar permeable, hard-surface material. A maintenance plan for the permeable paving material must be approved by the Director before the credit is granted.
- 8.8.3 Closure of Curb Cut.** The number of required off-street parking spaces may be reduced up to five percent for each driveway curb cut permanently removed as part of a site's redevelopment. There must be a net reduction in curb cut accesses and cannot be achieved by closing one access but creating another. This credit shall not be granted when the curb cut closure is required because of an existing traffic safety issue as determined by the director.
- 8.8.4 Parking Limited to Rear Yard.** The number of required off-street parking spaces may be reduced up to five percent when all parking is located to the rear of the principal use or structure.
- 8.8.5 Pick-Up / Drop-Off Area.** The number of required off-street parking spaces may be reduced up to ten percent when a dedicated pick-up / drop-off zone is established on the site. The zone shall be at least twenty-two feet in length, marked and clearly separate from drive

and parking aisles, adjacent to a pedestrian facility, and should generally be near a public entrance to the building.

8.8.6 Parking Requirements for Multi-Tenant Sites with Two or More Connected

Tenant Spaces. The Director may authorize a single parking standard for an entire multi-tenant site provided that:

1. None of the uses involve outdoor storage, display, or events, within the parking area not clearly marked on the site plan; and
2. The standard shall be one space per two hundred fifty gross square feet of building area for commercial, retail, and restaurant sites, and one space per three hundred gross square feet of building area for office, institutional, or other similar sites.

8.9 OVERFLOW, EVENT, AND TEMPORARY PARKING

- 8.9.1** Overflow, event, and temporary parking is permitted on unpaved surfaces only after approval by the director.
- 8.9.2** Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved and constructed in accordance with the other provisions of this article.
- 8.9.3** No vehicle owner, property owner, resident or tenant shall allow a vehicle to be parked or stored outside a building on any surface other than a paved driveway or a paved parking area in any platted subdivision or in any commercial or mixed-use district. This section shall not apply to agricultural equipment parked on property used primarily for agricultural purposes.
- 8.9.4** Any non-paved surface used for heavy equipment parking, as permitted by this article, shall be located to the side or rear of primary buildings, and driveways serving such parking shall be maintained with crushed stone, gravel, or similar material.

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Review Draft - 12.27.22

ARTICLE

9

Review Draft - 12.27.22

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ARTICLE 9 - SIGNS

9.1 APPLICABILITY

- 9.1.1 Purpose.** The purpose of these regulations is to ensure that signs communicate effectively while maintaining and enhancing the aesthetic environment, minimizing possible adverse effects on nearby public and private property through fair and consistent enforcement.
- 9.1.2 Applicability.** This Article applies to any sign, as defined in these regulations.
- 9.1.3 Signs Allowed Without a Permit.** The following types of signs do not require a permit prior to installation but must comply with any size limits or other restrictions as contained herein. These signs do not count towards the maximum total signage unless otherwise stated below.
1. Construction signs.
 2. Temporary signs.
 3. Signs on vacant property.
 4. Identification signs.
 5. Accessory signs.
 6. Window signs.
 7. Flags and flagpoles
 - a. One flag and flagpole is allowed on a parcel without consideration of total signage allowed. Additional flags and flagpoles shall be included in the maximum square footage of allowable signage.
 - b. All flagpoles shall comply with the setback requirements for freestanding signs.
 - c. Any flag shall not exceed twenty-four (24) square feet in area.
 - d. Flagpoles may not be flown from a pole height greater than the maximum height permitted in the district or 45 feet, whichever is less.
 - e. Flags must be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes or the state of South Carolina for the state flag.

9.2 ADMINISTRATION

- 9.2.1 Permit Required.** No sign shall be placed, installed, erected, or constructed on any property within the City of North Augusta until all the applicable permits, approvals, and certificates required for the particular sign have been issued and approved.
- 9.2.2 Master Signage Plan Required.**
1. When required by this article, a Master Signage Plan shall show, at a minimum:
 - a. Each suite, building, and its associated façade square footages and allowed square footages.
 - b. The total square footages and placement for freestanding signage for each suite and/or individual building within the development.
 - c. The total square footages and placement allowed for wall signage for each suite and/or individual building within the development.
 - d. Sign materials.
 - e. Sign illumination.
 - f. How the sign(s) meet the requirements of this ordinance.
 2. A Master Signage Plan may be submitted and approved with any site plan or plat, or separately, and must be approved prior to the issuance of any sign permit.
 3. A Master Signage Plan may be revised at any time. Any revised plan must meet the requirements of the code in force at the time of the revision.
- 9.2.3 Repair and Replacement**
1. All signs are to be kept in good repair by the owner of the property.
 2. Any dilapidated or neglected sign, or any sign deemed structurally unsound by the Building Official, shall be repaired or removed by the owner of the property.

- 9.2.4 No Content Restrictions.** Notwithstanding any other provision of this Article, no sign shall be subject to

any limitation based on the content of the message contained on such sign.

9.3 SIGN TYPES DEFINED

9.3.1 Sign Defined. A “sign” is any structure or device designed or intended to convey information to the public in written or pictorial form. Table 9.1 further defines specific types of signs and provides an example of each.

9.4 GENERAL PROVISIONS

9.4.1 Maximum Signage Permitted. The maximum total sign area allowed for each zoning district or use may not exceed the amounts permitted in this article to be calculated as follows.

9.4.2 Method of Measurement.

1. **Sign Face Area.** Sign face area includes the entire area within the perimeter enclosing the extreme limits of one side of a sign, excluding any structure essential for support or service of the sign and architectural elements of the building.
 - a. The sign face area for ground signs and monument signs is calculated as the area enclosing the extreme

limits of copy only (see Illustration 9.1).

- b. In the case of individual letters or unique shaped emblems mounted to a wall, the area of extreme limits of the copy or shape shall be considered to be the sign face area.

2. **Sign Height.** The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or structure (See Illustration 9.2).

3. Special Provisions for Wall Signs.

- a. The maximum total square footage of sign area for all wall signs is the sum of all wall signs on any elevation.
- b. Lots fronting on two or more streets are allowed the permitted wall sign area for each street frontage. However, the total sign area that is oriented to a particular street may not exceed the maximum sign area allowed on that particular street or the maximum total permitted sign area.

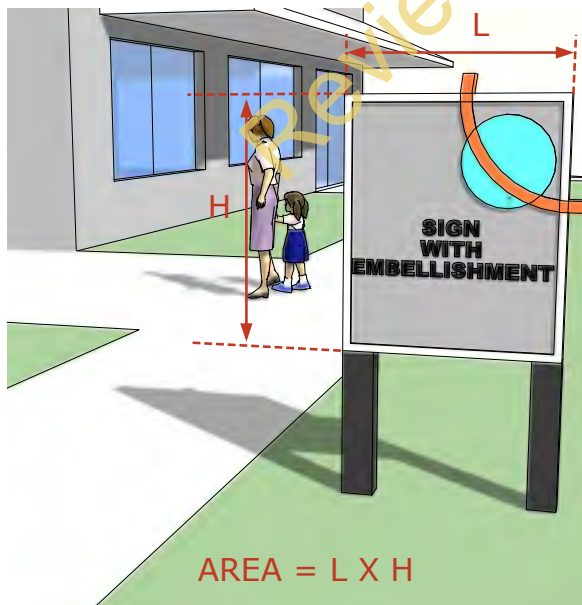


Illustration 9.1. Sign Height

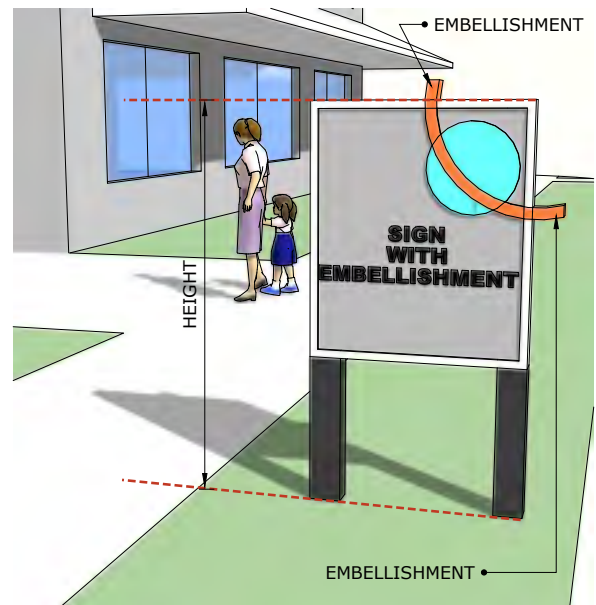


Illustration 9.2. Sign Height

Table 9.1. Sign Types Defined		
Sign Type	Definition	Example
Accessory Sign	Signs that provide information, direction, control, or other functions incidental and necessary to a use. Accessory signs can include parking lot directional and regulatory signs (in, out, one-way, etc.) and pavement markings consistent with the most recent edition of the Manual of Uniform Traffic Control Devices (MUTCD). Accessory signs may also include instructions, hours and days of operation information, "closed" and "open" signs, address numbers, identification signs for deliveries, loading and unloading, fire exit, and others.	
Awning Sign	A sign painted or printed on a sheet of canvas or other material, stretched on and attached to a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.	
Balloon Sign	Any lighter than air or gas filled inflatable object attached by a tether to a fixed place.	
Banner	Any sign of lightweight fabric, plastic, or similar material mounted at one (1) or more edges to a pole or other structure. National flags, state and municipal flags, and official flags of businesses, institutions, or other organizations shall not be considered banners if displayed on a proper flag pole as required by this code.	
Billboard	A sign advertising a use or activity not located on the premises upon which the sign is displayed or posted.	
Canopy Sign	Any sign attached to or painted on a permanent roofed structure that may be freestanding or attached to a building, but that is not a completely enclosed structure or awning as defined in Article 19, Definitions. This includes coverings over gas pumps.	

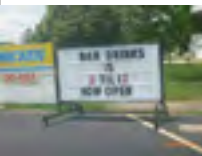
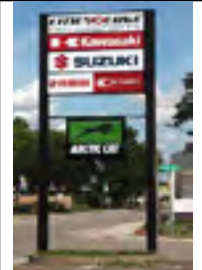
Table 9.1. Sign Types Defined		
Sign Type	Definition	Example
Changeable Copy Sign	Also known as a “readerboard,” is any sign designated so that letters or numbers attached to the sign can be periodically changed to a different message.	
Electronic Reader-board	A sign that displays messages in alternating light cycles using electronic messaging or LED lights. They are generally computerized, programmable electronic visual communication devices, manufactured for the outside environment.	
Flag	A “Flag” means any flag, including a flag of the United States, the state of South Carolina, and any other flag sanctioned by these regulations. Any flag not meeting these conditions shall be considered a banner sign and shall be subject to regulations as such. National flags, state and municipal flags, and official flags of businesses, institutions, or other organizations shall not be considered banners if displayed on a flag pole.	
Flashing Sign	A sign that contains an intermittent or sequential flashing light source that flashes or changes light patterns more than once every thirty (30) seconds.	
Freestanding Sign	Any sign supported by integral poles, posts, or other structure or frame, the primary purpose of which is to connect it permanently to the ground. Examples include monument signs, ground signs, and pole signs. A freestanding sign does not include a portable or temporary sign. It may be referred to interchangeably as a ground sign.	
Ground sign	Included as “freestanding” and “monument” sign.	

Table 9.1. Sign Types Defined

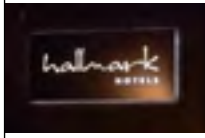
Sign Type	Definition	Example
Iconic Sign	A sign that has a particularly distinctive or artistic value and may visually depict the nature of the business, goods, or services that the business provides through unique shape and any combination of color, lighting, or historic reference.	
Identification Sign	Any wall sign that is limited to the name, address and street number of a building, institution or person, and to the activity carried on in the building or institution. Identification signs include nameplates and building name signs.	
Illuminated Sign	Any sign illuminated by an internal or external source of light primarily designed to illuminate the sign. The illumination is "external" when the light source is separate from the sign surface or not contained within the sign and is directed to shine upon the sign. The illumination is "internal" when the light source is contained or created within the sign.	
Marquee Sign	A sign painted on, attached to, or hung from a hood or awning of permanent construction without pillars or posts, that is supported from a building wall and extends beyond the building or building line. Marquees sometimes extend over a property line.	
Menu Board	A sign placed at a drive-thru service, usually containing a food menu and used for taking orders.	
Multi-faced Sign	Any sign that has two or more faces that are separated by more than 10 degrees or with any two faces visible from any one point.	
Mural	A painting or other work of art executed directly on a wall. Signs painted on walls do not automatically qualify as a mural.	

Table 9.1. Sign Types Defined		
Sign Type	Definition	Example
Pole Sign	Included as “freestanding sign”.	
Portable Sign	Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business	
Projecting Sign	Any sign affixed to, projecting from, and supported by a building or structure.	
Roof Sign	Any sign erected upon, against, or directly above a roof or roof eaves; on top or above the parapet; or on a functional architectural appendage above the roof. For the purposes of this article, a roof shall be considered to be any building surface where the slope of the surface is less than one and one half to one (1.5:1) relative to horizontal (the rise is one and one half times the run). This does not include signs legally allowed on a marquee or canopy.	
Temporary Sign	Signs for a “temporary cause or event” that occurs only on a scheduled date or time period and for a specific purpose, regardless of whether the event is for commercial or non-commercial purposes. Examples include grand openings of new businesses, church revivals, property for sale, special events, and political campaigns. This includes sidewalk signs or A-frame signs that are movable.	
Wall Sign	Any sign painted on the outside of a building, or attached to and erected parallel to the face of a building, and supported throughout its length by such building.	
Window Sign	Any sign installed inside or outside a building within six inches of a window or on the inside surface of a window that is visible from outside the building. This term does not include merchandise located in a window.	

4. **Special Provisions for Freestanding or Ground Signs.**

- a. One freestanding sign is permitted per site, lot, or parcel.
- b. Where more than one business or use occupies a parcel, individual signs for individual businesses or uses may be consolidated on one freestanding sign that meets the maximum total sign area limitations for a freestanding sign as provided herein.
- c. A developed through lot that fronts on two arterials, offers site access from both arterials, and is not less than 300 feet deep (the distance between the two arterials) may have two freestanding signs, one located on each of the two arterials. In such cases the second freestanding sign is limited in size to not more than two-thirds of the area permitted for the first freestanding sign.
- d. When two identical sign faces are placed back-to-back, the sign area shall be computed by the measurement of one of the faces where:
 - i. Both faces cannot be viewed from any point at the same time, and;
 - ii. Such sign faces are part of the same structure; and
 - iii. The sign faces are not more than 24 inches apart.

9.4.3 **Pedestrian and Vehicular Clearance.**

1. All signs constructed over a public or private pedestrian walkway or area where pedestrians may walk or congregate shall be constructed to provide a clearance of not less than seven feet from the grade level below the sign to the lowest element of the sign structure.
2. Signs and sign structures projecting over vehicular access and parking areas shall be constructed to provide a clearance of not less than eight feet from the grade level below the sign to

the lowest element of the sign structure.

9.4.4 Sight Distance Requirements. No sign should be placed within the sight distance triangle as required in Article 14 of this code.

9.4.5 **Illumination**

1. Signs may be internally or externally illuminated as noted within the text of this article.
2. Illuminated signs shall not be oriented such that the direction and intensity of lighting creates glare or a hazardous condition for drivers or pedestrians.
3. Any sign that is internally illuminated with a translucent face or sign panel may utilize "daylight" bulbs as the light source provided that no more than thirty percent of the sign face is white or light in color. Sign faces where the amount of white or light colored space exceeds thirty percent shall utilize "cool white" bulbs (or equivalent) as the light source.
4. Blank sign faces and panels shall be a dark color regardless of the type of bulb utilized.

9.5 **EXEMPT SIGNS**

9.5.1 The following signs are exempt from the requirements of these regulations.

1. Any public notice or warning sign issued by the city, county, state or federal government is exempt from these regulations.
2. Signs not visible from a right-of-way or visible from the exterior of the building are exempt from these regulations. Any sign inside a building and visible from the exterior of the building that is not a window sign shall be considered a wall sign.
3. Permanent or temporary signs erected by or on behalf of the city, county, state or federal government identifying streets or public property, conveying public information, or directing or regulating pedestrian or vehicular traffic are exempt from these regulations.
4. Informational signs of a public utility regarding its poles, lines, pipes,

Table 9.2. Signs Permitted by District

District	Construction Signage, 10+ lots or units	Construction Signage, less than 10 lots or units	Temporary Signs	Signage on Vacant Lots over 5 acres	Signage on Vacant Lots less than 5 acres	Identification Signs	Accessory Signs	Subdivision Signs	Menu Boards	Window Signs	Canopy or Awning Signs	Electronic Readerboards	Changeable Copy Signs	Projecting Signs	Marquis Signs
Residential Districts															
R-14	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-
R-10	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-
R-7	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-
R-5	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-
Commercial Districts															
OC	X	X	X	X	X	X	X	X	-	-	-	X	X	-	-
NC	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-
GC	X	X	X	X	X	X	X	X	X	-	-	X	X	-	-
TC	X	X	X	X	X	X	X	X	X	-	-	X	X	-	-
Mixed-Use Districts															
DT 1 and 2	X	X	X	X	X	X	X	X	X	X	X	-	-	X	X
CPMU	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-
Industrial Districts															
IND	X	X	X	X	X	X	X	X	-	X	X	X	-	-	-
Special Districts															
PD	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-
CR	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
P	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-
R-MH	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-
Overlay Districts															
FLO	X	X	X	X	X	-	-	-	-	-	-	-	-	-	-

or facilities are exempt from these regulations.

5. Address signs meeting the following requirements:
 - a. Address numbering is required on all structures in accordance with this section to be readable from the street. Street numbers shall have the following minimum heights:
 - i. Three inches on the front door or front wall surface of a residential dwelling unit;
 - ii. Eight inches on the front door or wall surface of a commercial

structure; or

- iii. One and three-fourths inches on any mailbox located adjacent to the sidewalk, curb or edge of pavement.

9.5.2 The following signs require limited review and approval as follows:

1. Signs on Public Property and Public Rights of Way.

- a. Banners advertising events of public interest sponsored by non-profit, non-commercial agencies and



Table 9.3. Sign Areas Permitted

Zoning District	All Signs			Wall Signs		Freestanding Signs			
	Max. Area (sf)	% of Ground Floor Area	Total sign area Per Linear Foot of Frontage	Max. Area (sf)	% of Wall Area	Max. Area (sf)	Freestanding Sign Area per foot of Linear Frontage (sf)	Max. Height (ft)	Front/Side Setbacks (ft)
Neighborhood Commercial (NC)	200	4	3	160	10	60	0.25	10	5/10
Office Commercial (OC)	300	6	3	300	10	100	0.50	12	5/10
General Commercial (GC)	300	10	3	300	10	100	0.50	20	5/10
Thoroughfare Commercial (TC)	300	10	3	300	10	100	1	25	5/10
Corridor Preservation Mixed-Use (CPMU)	200	6	3	160	-	60	0.50	10	5/5
Downtown Mixed-Use 1 and 2 (DT 1 and DT2)	-	-	-	100	10	-	-	-	-
Industrial (IND)	300	2	3	--	-	150	0.50	20	5/10

that are placed at street locations specifically authorized for display by the City Council may be approved.

- b. Private signs shall not be placed on any public property or right-of-way without an approved encroachment permit authorizing such sign or express allowance in this code. The Director may remove signs found to be in violation of this section without prior notification to the property owner. This includes signs held by humans or other devices within the right-of-way.
2. **New Street Signs.** As new subdivisions and developments are completed, the city will install street name and traffic control signage based on a uniform sign design adopted by the city. The applicant shall remit payment for the signs at the time of final plat application. The cost for such signs shall be determined by the City of North Augusta.

9.6 ALLOWED SIGNS

9.6.1 Signage Allowed By District. The following sign types are allowed by zoning district, subject to any additional provisions of this article.

9.6.2 Maximum Total Signage Allowed by District. Table 9.3 outlines the total

combined square footage allowed by lot for non-residential districts.

9.6.3 Additional Requirements by District.

1. Special Districts

- a. For districts listed in Article 4 as "Special Districts" and not otherwise regulated under other sections of this article, the total allowed square footage may be coordinated between uses with a Master Signage plan.
- b. Public District signage shall be determined by the City Council.

2. Downtown Mixed-Use Districts 1 and 2 (DT 1 and DT 2) Standards, Generally.

- a. Maximum total square feet of sign area permitted shall be 200 or three square feet per linear foot of street frontage, whichever is less.
- b. Signs shall not be internally illuminated.
- c. Externally illuminated signs and signs in which the letters or graphics are constructed of neon tubing are permitted.
- d. Illuminated signs shall not be oriented such that the direction and intensity of lighting creates glare or



- a hazardous condition for drivers or pedestrians.
 - e. Plastic box signs and signs constructed primarily of plastic are not permitted. Plastic and vinyl lettering are permitted.
 - f. Wall signs shall be placed in existing architectural sign panels integral to the building facade when such a sign panel exists.
3. **Public Art.** Public Art may be installed in the Downtown Mixed-Use Districts and the Public Use District after review and approval by North Augusta Mural Design Review board or other board that is authorized by City Council for such review. After approval, all art must be properly permitted through Planning and Development and the Building Standards Department, as applicable.
- a. Public Art may encroach on public right-of-way if an encroachment agreement is issued by the City Engineer.
4. **Iconic Signs.** Iconic signage may be installed in lieu of any allowed signage on any building in the Downtown Mixed-Use Districts after review and approval by the North Augusta City Council until such time as a Design or Architectural Review Board is established. After approval, all signs must be properly permitted through Planning and Development and the Building Standards Department, as applicable.
- a. Iconic signage may encroach on public right-of-way if an encroachment agreement is issued by the City Engineer.
 - b. These signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one-half foot-candle at the property line on which the sign is located are prohibited.
5. **Murals.** Murals may be painted on any wall in the Downtown Mixed-Use Districts or a Public Use District after

Table 9.4. Sign Area Permitted for Construction Signs		
Development Condition	Max Square Footage	Max Height
Non-residential development	32 sq. ft.	8 ft.
Residential projects containing 10 or more lots or units	32 sq. ft.	8 ft.
Residential projects containing less than 10 units	16 sq. ft.	8 ft.

review and approval by North Augusta Mural Design Review board or other board that is authorized by City Council for such review. After approval, all art must be properly permitted through Planning and Development and the Building Standards Department, as applicable.

9.6.4 Additional Requirements by Use.

1. **Individual lots with residential uses.** The following requirements apply to signs permitted on individual lots in any zoning district that are currently used for single-family, townhomes, or duplex uses. "Condo" developments where units do not have individual lots extending away from the footprint of the unit are exempt from the requirements below. Signs permitted for these uses shall adhere to the following:
 - a. Signs shall not be internally illuminated.
 - b. The combined total maximum sign area for all signs on a property is eight square feet unless otherwise exempted by these regulations
 - c. Freestanding or ground signs maximum area shall be four square feet. Maximum height shall be four feet. Minimum setbacks shall be five feet from all property lines.
2. **Multi-family development and uses.** The following requirements apply to multi-family developments in any zoning district with three or more residential units on a single lot that do not otherwise fall under single-family,

Table 9.5. Table Sign Area Permitted for Temporary Signs

District	Max Square Footage	Max Height
Neighborhood Commercial (NC)	6 sq. ft.	4 ft.
All Other Districts	16 sq. ft.	8 ft.

Table 9.6. Sign Area Permitted for Vacant Lots

Parcel Size	Max Square Footage	Max Height
Parcels 5 acres or more	32 sq. ft.	8 ft.
Parcels < 5 acres and > 1 acre	16 sq. ft.	8 ft.
Parcels less than 1 acre	6 sq. ft.	4 ft.

townhome, or duplex uses. Signs permitted for these uses shall adhere to the following.

- The combined total maximum sign area for all signs on a property is 150 square feet
- Wall sign maximum area shall be 100 square feet or five percent of Wall Area, whichever is less
- Freestanding or ground sign maximum area shall be 50 square feet. The maximum height shall be five feet. The minimum setbacks shall be five feet in the front and 10 feet on the side.

3. Shopping Centers

- A Master Signage Plan is required for any new shopping center permitted after January 1, 2020. A Master Signage Plan is recommended for existing shopping centers.
- Wall Sign maximum square feet shall be 1,000; or five percent of ground floor area; or one square foot per linear foot of street frontage, whichever is least.
- Freestanding signage maximum area shall be 150 square feet or 0.5 square feet per linear foot of street frontage, whichever is less.

Maximum Height shall be 25 feet. Minimum Setbacks shall be five feet on the front and ten feet on the side.

9.6.5 Additional Requirements by Sign Type.

1. Construction Signs, General Requirements.

- Signs must be located on private property.
- Signs shall not be internally illuminated in any residential district or the Downtown Mixed-Use Districts.
- Signs must abut a public road frontage at the main entrance to the project.
- Signs must be removed prior to the issuance of the final Certificate of Occupancy, Maintenance, or Performance Guarantee as applicable.
- One sign is allowed by right per project. Additional construction signage shall meet the following requirements in order to receive approval.
 - A "Master Signage Plan" shall be required.
 - Each additional sign may not exceed the square footage allowed for individual signs.
 - Signs may be placed only at the main entry points to the phase or sub-phase.

2. Temporary Signage, General Requirements

- No temporary signs shall be illuminated in a residential zoning district, Downtown Mixed-Use 1 and 2, or Neighborhood Commercial (NC) districts.
- Temporary signs may be placed in the public right-of-way in the Downtown Mixed Use 1 and 2 Districts if they meet the following requirements.

- i. The sign is placed on the sidewalk.
- ii. The sign is more than 20 feet from the public entrance of a business
- iii. The sign does not restrict free movement of the public road or sidewalk and maintains a free walkway of not less than five feet at all times.
- iv. The sign is removed from the sidewalk when the business is closed.

3. **Signage on Vacant Lots, General Requirements**

- a. Parcels 5 acres or more:
 - i. 32 square feet maximum area.
 - ii. Maximum Height: eight feet.
- b. Parcels with less than 5 acres, but over 1 acre:
 - i. 16 square feet maximum area.
 - ii. Maximum Height: eight feet.
- c. Parcels 1 acre or less:
 - i. 6 square feet maximum area.
 - ii. Maximum Height: four feet.
- d. No sign shall be illuminated.

4. **Identification Signage, General Requirements**

- a. Must be attached to the building
- b. Shall be mounted flush to or not project more than 4 inches from the building.
- c. Shall not be illuminated.
- d. Area shall not exceed 2 square feet.

5. **Accessory Signs, General Requirements**

- a. Accessory signs shall not be illuminated.

- b. Maximum Square Footage: four square feet.
- c. Maximum Height: Two feet.
- d. Minimum Setbacks: 0 feet from all property lines, except as needed to avoid the sight triangle.

6. **Subdivision Entrance Signs, General Requirements**

- a. Signs shall be located internal to and visible from the initial point of entry to the neighborhood.
- b. The size, location, and design of subdivision entrance signs shall be included on the approved preliminary plat or site plan. If a subdivision sign is requested after the plat has been approved it may be approved in accordance with this section.
- c. If a Subdivision/Project Identification Sign is preferred within an existing subdivision or as part of a phased development, a "Master Signage Plan" shall be required.
- d. Signs shall not be internally illuminated.
- e. Standards
 - i. Not more than one subdivision entrance sign shall be located at the entry to any subdivision as identified on the preliminary plat.
 - ii. Subdivision signs shall be a monument sign not to exceed 32 square feet or five feet in height.
 - iii. If two identical monument signs are used, they may not exceed 16 square feet each in size and four feet in height and must be placed symmetrically on each side of an entry road.
 - iv. Subdivision entrance signs may be located in the right-of-way within a required median



but must be outside of the paved section of the roadway.

7. **Window Signs, General Requirements**

- a. Window signs shall count towards the total allowed square footage of signage permitted on any parcel or building.
- b. Window tinting or frosting with no design, words, or any other graphic that could be considered a sign do not qualify as a window sign.
- c. Window signs may be painted on the inside of the window. Rigid plastic sheets with paint or vinyl lettering are permitted as window signs.
- d. Window signs shall not be internally illuminated.
- e. Window signs in which the letters or graphics are constructed of neon tubing are permitted.
- f. No window sign shall obscure more than 50 percent of the total window area on any single facade.

8. **Menu Boards, General Requirements**

- a. Signs must be located to the side or the rear of the building.
- b. Signs may be internally illuminated. However no light from the menu board shall be easily visible from any surrounding residential use.
- c. Lighting must be turned off when the business is closed.
- d. A menu board may be exempt if not visible from any public right-of-way, whether internal or external to the project.
- e. Standards
 - i. Maximum Square Footage: 32 sq ft.

- ii. Maximum Height: 8 ft.

9. **Canopy or Awning Signs, General Requirements**

- a. A canopy or awning may be used as a sign surface only if.
 - i. No wall sign is included on the same facade.
 - ii. The message does not extend in any direction above, below, or beyond the canopy edge.
 - iii. The message is an integral part of the canopy or awning covering.
- b. Signage on the canopy or awning shall not exceed 50 percent of the area bounded by the edges of the canopy or awning visible from the public right of way.

10. **Electronic Readerboards, General Requirements**

- a. Readerboards must be part of a larger wall or freestanding sign.
- b. Readerboards must have a dark or black background.
- c. Readerboards shall not display any animation, scrolling, or flashing, or the appearance of animation or other prohibited sequence of lighting.
- d. Readerboards are prohibited in the Corridor Preservation District.
- e. Readerboards shall not exceed 50 percent of the sign area of which it is a part.

11. **Changeable Copy Signs, General Requirements**

- a. Changeable copy signs must be part of a larger wall or freestanding sign.
- b. Changeable copy signs are prohibited in the Corridor Preservation District.
- c. Signs shall not exceed 30

percent of the sign area of which it is a part.

12. Wall Signs, General Requirements

- a. Wall signs shall be placed in existing architectural sign panels integral to the building facade when such a sign panel exists.
- b. Maximum square footage shall be 100 or ten percent of wall area, whichever is less.

13. Projecting Signs, General Requirements

- a. Only one projecting sign is permitted per building frontage, provided that multi-tenant buildings in non-residential districts may include one projecting sign per tenant in addition to wall signs, and provided that such signs are spaced not closer than 20 feet horizontally from another projecting sign.
- b. Signs that project into the right-of-way must have an encroachment permit as required by the City of North Augusta or SCDOT, as applicable.
- c. Maximum Square Footage shall be 12 square feet.
- d. Projecting signs shall be extended no more than six feet from the building to which sign is affixed.

14. Marquee Signs, General Requirements

- a. A building is permitted one marquee sign in addition to a wall sign.
- b. A marquee sign shall not be permitted if the building employs a freestanding, monument, canopy, or awning sign.
- c. Alternate designs for marquee signage may be considered as Iconic Signs and may follow the process for approval of iconic signs.
- d. The maximum sign surface shall not

exceed five percent of the building facade or wall area to which the sign is attached, up to a maximum of 20 square feet. The maximum area shall be measured as a percentage of the wall or facade to which the sign is attached, whichever results in a smaller area.

15. Freestanding or Ground Signs, General Requirements

- a. One sign per building may be located in lieu of a canopy sign if a wall or canopy sign does not provide adequate visibility.
- b. Freestanding signs may be located on the sidewalk in the right-of-way if an encroachment permit or agreement required by the city and SCDOT has been approved and issued.
- c. The sign shall not obstruct or interfere with pedestrian traffic, parking, or lines of sight required for traffic safety (sight triangle).
- d. Maximum sign area shall be 20 square feet.
- e. Maximums height for a pole sign shall be eight feet.
- f. Maximum Height for a ground sign shall be five feet.
- g. Minimum setback for a ground sign shall be one foot.
- h. The pole and base of such signs shall be constructed of decorative black metal or other approved dark color metal. No portion of the shaft shall have a diameter exceeding ten inches.

9.7 PROHIBITED SIGNS

The following signs are prohibited in any zoning district.

1. Any sign that displays intermittent or flashing illumination which changes more than once in any 30 second period.



2. Any portable sign, except when used as a temporary sign as permitted in this article.
3. Any sign or advertising device attached to or painted on a fence, power or telephone pole, tree, stone, or any other natural object.
4. Roof signs.
5. Fluttering signs, ribbons, or banner.
6. Any illuminated tubing outlining property lines, open sales areas, or parking areas. Illuminated tubing that is attached and integral to an original architectural detail of a building is permitted.
7. Any inflatable sign or sign affixed to a tethered balloon, where such sign is visible from the property line.
8. Any sign with "day-glow" or highly reflecting coloring, paint, or lighting or any sign that conflicts or may conflict with traffic flow or the visibility of vehicle drivers or pedestrians.
9. Any strobe light or very bright light, moveable, or non-moveable that is visible from any adjacent property or right-of-way for the purpose of attracting attention to a location is not permitted.
10. Billboards.
11. Multi-faced signs.
12. Any sign within the right-of-way, except as expressly allowed herein.

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Review Draft - 12.27.22

ARTICLE 10

Review Draft - 12.27.22

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ARTICLE 10 - MOBILITY

10.1 PURPOSE

The purpose of this Article is to:

1. Ensure that the design of streets conforms to the recommendations of the Comprehensive Plan;
2. Provide for the safety of both vehicular and pedestrian traffic;
3. Provide for livable residential and commercial environments;
4. Provide economy of land use, construction, and maintenance; and
5. Provide safe and efficient access to property.

Unlike most contemporary subdivision regulations, one (1) intent of this Article is to permit narrower street widths while requiring greater connectivity in order to more efficiently disperse traffic, protect pedestrians from high vehicle speeds and enhance the streetscape.

10.2 CIRCULATION SYSTEM DESIGN PRINCIPLES

The standards contained in this Article are based on the design principles articulated in this section. The principles are based on the priorities of the City of North Augusta and establish the rationale for the standards. Any request for an adjustment to or waiver from the provisions of this Article shall include an explanation of how the alternative approach or standards proposed by the applicant conform to the principles explained in this section.

10.2.1 **Shared System.**

The road system shall respect the function of streets as the shared domain of drivers, pedestrians and bicyclists. Street widths shall be adequate to accommodate vehicles and emergency services, but not excessively wide so as to encourage speeding. To the extent possible the street system shall incorporate pedestrian amenities including sidewalks, center medians, landscaping strips between the curb and sidewalk, street trees and narrow intersection radii so as to improve the walkability of the streetscape.

10.2.2 **Land Use Context.**

The street network shall respect the context of the land use and design of the neighborhood it serves. Streets in new urban and suburban neighborhoods, including conventional subdivisions, Traditional Neighborhood Developments (TNDs) and Planned Developments (PDs), shall provide a high level of access, connectivity and a sense of enclosure in urban design. Streets in rural areas and CR, Critical Areas, shall minimize negative impacts on the land and maximize the preservation of environmental resources.

10.2.3 **Connectivity and Cul-de-Sacs.**

The street system shall balance the public goal of connectivity with market demands for privacy. While this Article does not ban cul-de-sacs, cul-de-sacs and dead-end streets shall be reserved for situations involving unique topography, environmental restrictions or similar considerations. Wherever possible, cul-de-sacs should be designed as closes.

10.2.4 **System Design.**

The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

10.2.5 **Residential Design.**

In residential subdivisions, the road system shall be designed to serve the needs of the neighborhoods while addressing the needs of the citywide circulation pattern necessary to functionally move traffic.

10.2.6 **Pedestrian System Design.**

The pedestrian system shall be located as required for safety. In standard residential developments, sidewalks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In PDs, walks may be placed away from road systems, but they may also be required parallel to the street for safety reasons.

10.2.7 Bike Paths.

Bike paths shall be required only if specifically indicated to complete the city's approved Greenway and bikeway systems.

10.3 STREET HIERARCHY

10.3.1 Classification.

Streets are classified in a street hierarchy system with design tailored to function. The street hierarchy system consists of four categories that, in descending order, include arterial, collector, subcollector and local streets. These street categories may be classified further as alleys, lanes, streets,

collectors and arterials in accordance with the Street Design Criteria in Table 10-2. The classification of an existing or proposed street not previously classified or identified in the Comprehensive Plan, for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, shall be made by the Director in consultation with the City Engineer. The functional description of each of the classes is set forth in Table 10-1, Street Classification.

10.3.2 Design.

All streets shall conform to city standards for the street as classified and defined in Tables 10-1 through 10-4 and as established

Classification	Definition	Average Daily Traffic (ADT) Range	Subdivision-Designations
Local	The local street is the lowest-order street and usually carries limited through traffic. Properly designed local streets provide direct access to residential lots and short travel distances from residences to higher order streets. Traffic speeds are low, lane capacity and design speed are not controlling design factors, and minor delays are inconsequential considerations. Drivers and residents expect and accept both brief delays and the need to decrease speed. Drivers are customarily expected to drive carefully to avoid pedestrians and children.	0 to 600	Alley Lane Small Street
Subcollector	A subcollector is a relatively low-volume street that provides passage to and between local streets and also conveys traffic to and from higher order collectors and arterials. The subcollector provides frontage and access to residential lots like a local street.	600 to 2,500	Large Street Rural Street Boulevard Street
Collector	The collector is the principal traffic corridor within residential and commercial areas. Collectors carry relatively high traffic volumes and convey traffic from arterial streets to lower-order streets. The collector's primary function is to facilitate the free flow of traffic. Residential lots shall not front on collector streets and access to individual residential lots shall not be permitted. Deceleration lanes are required to provide access to most parcels fronting on collector streets and intersecting streets.	2,500 to 15,000	Collector 1 Collector 2
Arterial	An arterial is a high volume street. Its function is to conduct traffic between communities and activity centers and to connect communities and activity centers to higher level arterials including freeways and interstate highways. Residential lots shall not front on arterial streets and access to individual residential lots shall not be permitted. Deceleration lanes are required to provide access to collectors, subcollectors and parcels fronting on arterial streets. Existing arterial streets as of the effective date of this Article include Martintown Road, Knox Avenue, Georgia Avenue, Atomic Road, Jefferson Davis Highway, Edgefield Highway (US 25) and Belvedere-Clearwater Road.	Over 15,000	Arterial 1 Arterial 2



in sections 10.3 through 10.19 of this Article. The projected annual daily traffic (ADT) volume of a proposed street segment shall determine the classification. The type of street section proposed under each classification shall be determined based on the land use, type of residential unit proposed and to provide a mix of the types of street developed in the city.

10.3.3 Applicability to Private Streets.

The requirements of this Article apply to both public and private streets.

10.4 STREET TYPES AND DESIGN

10.4.1 Design Criteria.

The width and design of all new streets and streets designated on a subdivision application shall be consistent with the standards established in Table 10-2, Street Design Criteria.

10.4.2 Pedestrian Design Criteria.

The width and design of all new sidewalks and pedestrian walkways shall be consistent with the standards established in Table 10-4, Pedestrian Walkway Design Criteria.

10.5 TRAFFIC IMPACT ANALYSIS (TIA)

DesignFactor	Local				Subcollector			Collector		Arterial	
	Alley	Lane	SmallStreet	Street	LargeStreet	Rural Street	Boulevard Street	Collector 1	Collector 2	Arterial 1	Arterial 2
Right-ofway (ft)	20	17-23	24-40	36-50	42-52	38	50-156	56-78	62-100	62-180	80-200
Travel Lanes	1	1	2	2	2	2	2-4	2-4	4-6	4-6	4-7
ParkingLanes	0	0	0-1	0-1	0-2	0	2	2	0-2	0	0
PavementWidth (ft)	12	16-18	18-24	20-30	30-36	22	30-56	38-60	44-82	44-66	44-80
Corner Radius (ft)	10	10	10	15	15	15	15	15	25	25	25
CenterlineRadius (ft)	50	90	90	90	100	100	250	600	500	1,000	1,000
Drainage	SH	CG (SH) (SW)	CG (SH) (SW)	CG	CG	CG (SH) (SW)	CG	CG	CG	CG or SH	CG or SH
Median	-	-	-	-	-	-	Yes	Yes	Yes	Yes	Yes
Block Length (ft)	400	200	500	650	750	-	750	850	1,000	-	-
Sidewalks	-	-	2	2	2	-	2	2	2	2	2
Planting Strip (ft)	-	4	4	5	5	-	-	6	8	10	10
Bike Lanes	-	-	-	-	-	Yes	-	Yes	Yes	Yes	Yes
Trees	-	-	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Grade (%)	6	8	12	12	12	15	8	8	8	8	8

10.5.1 Applicability.

1. A Traffic Impact Analysis (TIA) is required as part of any application for approval of a rezoning, subdivision plat, site plan or general development plan where:
 - a. The Director determines that the proposed development will generate at least 50 new peak hour trips; or
 - b. The applicant is requesting or is required to provide more than one access location or curb cut.
2. See Appendix B, Application Documents, for the required scope and contents of a TIA.

10.5.2 Improvement Requirements.

1. The improvements required to mitigate the traffic impacts of a proposed development shall be implemented in conformance with the provisions of 11.7.
2. Regardless of the mitigation required pursuant to the adequate public facilities provisions of Article 11, Adequate Public Facilities, within the identified impact area, the applicant shall be required to implement and pay for its appropriate share of the identified necessary traffic improvements within the project site and on all roads, streets and intersections along the boundary of the project site prior to or concurrent with the impacts of the development.

10.6 UTILITIES

All public utilities including gas, electric,

cable TV, telephone, water and sewer shall be installed underground within the street or alley right-of-way or within a utility easement adjacent to the right-of-way.

10.7 CURB AND GUTTER

10.7.1 Purpose.

1. Curb and gutter shall be required on all new streets in accordance with Table 10.1, Street Classification, for the purpose of providing adequate and acceptable stormwater drainage, safety, delineation and protection of the pavement edge. Curb requirements vary according to street hierarchy in accordance with the requirements shown in Tables 10.2, Street Design Criteria.
2. Curb and gutter shall be constructed in accordance with Appendix D, Construction Standards.
3. Curb and gutter shall be designed and constructed to provide ramps at all sidewalk intersections as required by the Americans with Disabilities Act of 1990 (42 U.S.C Subsection 12181 et seq., Pub. L 101-336 and implementing regulations at 28 C.F.R. parts 35 and 36).
4. Curbing may also be required by the City Engineer in various locations for:
 - a. Stormwater management;
 - b. To stabilize pavement edge;
 - c. To delineate parking areas;
 - d. Ten feet on either side of drainage inlets to facilitate drainage; or
 - e. At intersections and at tight radii to protect sidewalks, landscaping and private property.

Table 10.3. Bikeway Design Width	
Type	Minimum Width
On-street demarcated	5 feet including gutter
On-street unmarked	4 feet including gutter
Off-street two-way separated	10 feet
Off-street multipurpose	12 feet



10.7.2 Flexibility Allowed.

1. The City Engineer in consultation with the Director may waive the requirement for vertical curb and gutter where identified as a drainage alternative in Table 10.2, Street Design Criteria. Waivers may be granted in the following situations:
 - a. On the sides of local and subcollector streets where property adjacent to the edge of the roadway is reserved or dedicated for use as open space, parks or for stormwater management,
 - b. On local and subcollector streets in conservation subdivisions;
 - c. In single-family residential subdivisions where the minimum lot size is no less than 15,000 square feet, the lot width at the frontage is no less than 110 feet and the average daily traffic volume on the street segment is less than 250, and
 - d. Where Low Impact Development techniques are proposed and meet the requirements of Chapter 13, Environmental Standards, or other generally accepted engineering standard.
2. The City Engineer in consultation with the Director may approve and permit an alternative curb and gutter section where conditions warrant and there is no negative impact on the function of the street or the stormwater drainage system.

10.8 CURB CUTS, DRIVEWAYS, AND OTHER ACCESS LOCATIONS

10.8.1 Applicability.

Openings in concrete street curbing for vehicle ingress, egress to property adjacent to the right-of-way, commonly referred to as driveways or curb cuts, and other means of vehicular access to and from property shall be regulated in accordance with this section. The provisions of this section do not apply to parking areas that connect to an alley in the DT1, DTM2 or Planned Unit Development.

10.8.2 Size of Curb Cuts and Other Access Locations.

In no case shall a two-way traffic curb cut or other access location be less than 20 feet or more than 40 feet in width. One-way traffic curb cuts or other access locations shall be no less than ten feet or more than 20 feet in width.

10.8.3 Number and Spacing of Curb Cuts and Access Locations.

1. **Existing Lots of Record.** A lot of record which is a part of an approved plat that does not otherwise limit access and which was approved by the city and filed for record as of the effective date of this Article, and which does not have sufficient frontage to meet the driveway spacing requirements, shall be allowed one driveway. A parcel of record zoned to permit one single-family residence that fronts on a collector or arterial and has no frontage on another street of a lesser classification, shall be allowed one curb cut; provided, however, that

Table 10.4. Pedestrian Walkway Design Criteria

Design Factor	Sidewalk	Path	Promenade	Greenway
Right-of-way (ft)	N/A	5-10	30-45	20-100
Pavement Width (ft)	5-20	0-9	18-24	10-16
Corner Radius (ft)	-	-	15	10
Centerline Radius (ft)	-	-	-	95
Drainage	CG, SW-1 side	CG, SH, SW	CG, SW	CG, SH, SW
Pavement	Hard Surface	-	Hard Surface	Hard Surface
Median	-	-	Intermittent	Intermittent
Trees	Determined by adjacent street	Yes	Yes	Yes
Grade (%)	Same as street	15	8	15



the development of the parcel shall include a permanent vehicular turn-around on the lot to prevent backing onto the collector and this restriction should be noted on the site plan and building permit. If the parcel has frontage on a local or subcollector street the driveway shall be located on that frontage.

10.8.4 Residential Access

1. Driveways from collector and arterial streets providing access to individual single family and duplex residential lots are prohibited. However, if conditions are such that vehicular access to such lots cannot be provided other than from the collector or arterial street, the Director in consultation with the City Engineer may permit the creation of a shared driveway easement to serve two or more lots from one curb cut. The shared driveway easement shall include as many lots as possible and shall be designed to permit access onto the street from the property without requiring a motorist to execute a backing maneuver. Shared driveway easements shall be included on the subdivision plat and site plan.
2. Many residential developments do not have access to existing or planned collector and arterial streets and are required to utilize existing subdivisions for access. To minimize the impact of new development on existing neighborhoods and to ensure adequate access and emergency access to new developments from a variety of locations, access will be permitted from existing and planned streets of different classifications with limitations. Access locations (new streets and driveways) into and within sections of a new residential development (single-family, duplex, townhouse, apartment, condominiums or other multifamily) shall provide adequate access based on the total number of trips generated in the development as shown in Table 10.5, Residential Access Requirements. The total access score shown is the minimum required for approval. Where the total access score cannot be achieved, new roads internal to the development shall be designed as collectors or arterials as necessary to provide adequate access. Developments that cannot achieve the required access score or that contain more than 150 units must be designed to include higher level streets (subcollector, collector or arterial) to provide adequate access and distribution.
3. New residential and commercial development shall connect wherever possible to existing development that has provided stubout street connections to a property line.
4. Street stubouts to provide connections to future development on adjacent unimproved property shall be provided in new commercial and residential development and shall be spaced in accordance with the block length provided for the street classification specified in Table 10-2, Street Design Criteria. Street stubouts to adjacent property lines may be considered as providing points contributing to a required access score if adequate current connections are not available.
5. Where a Traffic Impact Study is required the number of required access locations shall be determined and the spacing established in such a manner as to avoid reducing the traffic LOS below that established in the Traffic Impact Study.

10.8.5 Access Number and Separation

1. Parcels fronting on a collector or arterial street will be permitted one vehicular access location unless the total number of residential and nonresidential trips generated warrants more than one access location as determined in a Traffic Impact Study. The number of access locations permitted may also be increased based on the following criteria:
 - a. For parcels with less than 200 feet of frontage on a single street, one (1) access location may be permitted.
 - b. For parcels with a frontage of between 200 feet and 700 feet on a single street, two access locations



- may be permitted.
- c. For parcels with a frontage of between 700 feet and 1400 feet on a single street, three access locations may be permitted.
 - d. For parcels with a frontage of more than 1400 feet, one access location plus one access location for each 700 feet may be permitted.
 - e. One additional right-in/right-out access point is permitted on the corridor street where a center median exists or is included in a capital improvements program, or a similar barrier to access from more than one direction exist
2. For parcels with a frontage on more than one collector or arterial street, at least one access location shall be provided on each street. The access locations on each street may be increased by one access location for each 700 feet of frontage on each street.
 3. For development located on a corner, the access locations shall be located so as to maintain a minimum distance from the corner of the intersecting roadways equal to 90 percent of the length of the property along the roadway upon which the proposed driveway approach is to be located, or 125 feet, whichever distance is less.
 4. Parcels with frontage on both an arterial or collector street and a subcollector street may be required to provide an access location on the subcollector street if the Director in consultation with the City Engineer determines that:
 - a. The distribution of traffic generated by the development will be improved;
 - b. The reduction in LOS resulting from the development on the arterial or collector street(s) is reduced;
 - c. There is little or no decrease in LOS on the subcollector street; and
 - d. There is a nominal impact on the land uses adjacent to the subcollector street.
 5. With the exception of single-family residential driveways and one-way loops or pairs, the minimum separation of any two curb cuts or other access locations shall be 75 feet.

10.8.6 Shared Access. All lots in the DT1, DT2, OC, NC, GC and TC zoning districts are encouraged to, provide for shared cross access with adjacent lots fronting a collector or arterial street, by means of a platted common access easement across the lots or recorded deed covenants providing common access across the lot with adjacent lot(s), as a mitigation measure pursuant to a traffic impact analysis required in Article 11, Adequate Public Facilities or this Article.

10.8.7 Additional Access Locations. The Director is authorized to permit additional access locations under the following conditions:

1. The additional access locations are necessary to ensure the property owner beneficial use of the land; and
2. The resulting additional ingress and egress of vehicles will not seriously disrupt the flow of traffic on the street.

10.8.8 Location of Access Locations

1. The specific location of access locations will be determined by the Director at such time as a subdivision or site plan is reviewed prior to approval. The location shall be based on the following criteria:
 - a. The location shall minimize conflicts with vehicle turning movements;
 - b. The location shall be located as far as practicable from intersections; and
 - c. The location shall be not less than 75 feet from another driveway

Table 10.5. Residential Access Requirements

Number of Trips	Access Score Required
Up to 250	1
251 to 500	2
501 to 750	4
751 to 1,000	5
1,001 to 1,500	6
For each 500 trips or portion thereof in excess of 1,500, one (1) additional access point is required.	

location, however, if this is not possible, based upon the frontage of the property, the access location shall be located as far as practicable from other driveway locations.

2. Driveways providing access from a collector or an arterial street shall provide a deceleration lane with the taper and storage lengths in accordance with the design standards and specifications of SCDOT. Such deceleration lanes may be provided within the existing right-of-way or on the parcel being developed. The width of a deceleration lane provided outside the right-of-way and inside the property line of a parcel shall not be included in any required setback or landscape area unless otherwise permitted in this Article.
3. Driveways on a collector or an arterial street within 400 feet of an intersection with an arterial or collector street may be restricted to right turn movements.

10.8.9 Driveway Throat and Vehicle Storage Length

1. For purposes of this section, "Throat Length" means the distance along an entry drive from the entry into the site to the first left-turn conflict or intersection with another street, driveway or parking aisle. "Vehicle Storage Length" means the length of a driveway, service lane, bay or other passageway for motor vehicles which is designed to minimize queuing onto surrounding streets. Throat length shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Throat length and vehicle storage length shall not be less than the standards set forth in Table 10.6, Minimum Driveway Throat Lengths, unless approved by the Director. These measures generally are applicable to the principal access drives to a property and are not intended for minor driveways.

10.8.10 Alignment

1. Major driveway approaches, with Peak Hour Trips (pht) greater than 100 pht, accessing major thoroughfares shall meet the following guidelines to the extent practicable:
 - a. Align with driveway approaches on the opposite side of the street, if any, or be offset by 175 feet or more to provide adequate left turn storage capacity in advance of each driveway approach and to avoid the overlap of left turn lanes;
 - b. Shared among different property owners or users when necessary to maintain minimum spacing requirements;
 - c. Planned to match existing openings in medians; and
 - d. No cuts through the left turn storage and taper adjacent to a median shall be permitted to provide left turn movements for driveway approaches accessing collectors and arterials.

10.8.11 Parking Approaches. Parking aisles shall be located a minimum of 40 feet from the intersection of the driveway approach and the thoroughfare.

10.8.12 Driveway Approaches. Driveway approach materials may be asphalt, concrete or other materials as approved by the City Engineer.

10.8.13 Access Locations in the Vicinity of Street Intersections. At street intersections, no curb cuts or other access location shall be located closer than 75 feet from the intersection of two street rights-of-way or property lines or such lines extended in the case of a rounded or clipped corner.

10.8.14 Access Locations in the Vicinity of Grade Separated Interchanges. In no case shall any access location or other means of vehicular ingress and egress from private property onto a public street be permitted closer than 200 feet from:

1. The intersection of the street's right-of-way line with the right-of-way line of any portion of an interchange involving grade separations;
2. b. The intersection of the street's right-of-way line with the right-of-way line of



- any limited access highway; or
3. c. The intersection of the street's right-of-way line with the diverging right-of-way line alignment of any ramp, acceleration lane, deceleration lane, merge lane or other facility specifically designed to facilitate traffic movement onto and off of the limited access highway.

10.9 SHOULDERS

10.9.1 Requirements. Shoulder requirements shall vary according to street hierarchy and intensity of development in accordance with the requirements set forth in Table 10-2, Street Design Criteria, and Table 10-3, Conventional Street Design Criteria.

10.9.2 Materials. Shoulders shall consist of stabilized turf or other material approved by the City Engineer.

10.9.3 Width. Shoulders shall measure six (6) feet in width shall be located within the right-of-

way as shown in Table 10-2, Street Design Criteria, and Table 10-3, Conventional Street Design Criteria. The width of swales shall be determined by the City Engineer based upon site specific conditions.

10.10 SIDEWALKS

10.10.1 Requirements. Sidewalks and graded areas within the right-of-way shall be required depending on road classification and intensity of development in accordance with the requirements set forth in Table 10-2, Street Design Criteria, or Table 10-3, Conventional Street Design Criteria, as appropriate, and Appendix D, Construction Standards.

10.10.2 Placement. Sidewalks should be parallel to the street and may be placed directly over a portion of the utility easement and behind the planted area provided for street trees.

10.10.3 Planned Development. In PDs, sidewalks may be located away from the road system to link dwelling units with other dwelling

Table 10.6. Minimum Driveway Throat Length	
Land Use	Throat Length and Vehicle Storage Length(in feet)
Shopping Centers greater than 200,000 GLA	200
Developments less than 200,000 GLA not otherwise enumerated in this table	120
Unsignalized driveways not otherwise enumerated in this table	40
Residential subdivision entryway including private, gated entries	40 (The entry shall provide for vehicle turnaround capability based on the single unit design vehicle as provided in the 1990 AASHTO Green Book, or latest revision thereof.)
Single-lane drive-in banks	100, including the service window
Drive-in banks with more than one lane	80 per lane, including the service window
Single-lane drive-through car washes	100
Automatic or self-serve car washes with more than one bay	50 per bay
Fast-food restaurants with drive-in window service	160 per lane, including the service window
Gasoline service stations with pump islands perpendicular to the pavement edge	35 feet between pump islands and right-of-way
Other drive-up window service (pharmacy, laundry/dry cleaner, etc.)	80

units, the street and on-site recreation areas and parking areas. They may also be required to parallel the street for safety and other reasons.

10.10.4 Width. Sidewalks shall measure a minimum of five feet in width. Sidewalks and graded areas shall be constructed according to the specifications set forth in Appendix D, Construction Standards.

10.10.5 Connection to Greeneway or

Bikeways. Subdivisions adjoining the Greeneway or a bikeway shall provide sidewalks with a minimum right-of-way of 20 feet that connect the lots internal to the subdivision to the Greeneway or bikeway.

10.11 BIKEWAYS

10.11.1 Greeneway. Separate bicycle paths shall be required if such paths have been specified as part of the Master Bicycle and Pedestrian Development Plan or the city's official Greeneway system.

10.11.2 Placement. Bicycle lanes, if required, shall be placed in the outside lane of a roadway, or adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with markings, preferably striping. Raised reflectors or curbs shall not be used.

10.11.3 Standards. Bikeways shall be constructed to complement and extend the Greeneway and shall be constructed according to the standards in Appendix D, Construction Standards, or as established by the City Engineer.

10.12 UTILITY EASEMENT

10.12.1 Utilities shall generally be located within the street right-of-way on both sides of and parallel to the street. However, in order to allow flexibility based on terrain, and to achieve a maximum street tree canopy, utilities may be placed in a separate utility easement outside the right-of-way and parallel to the street.

10.13 RIGHTS-OF-WAY

The right-of-way shall be measured from lot

line to lot line and shall be sufficiently wide to contain the travel lanes, curbs, shoulders, sidewalks, graded areas, utilities and street trees. Right-of-way requirements are shown in Table 10-2, Street Design Criteria, and Table 10-3, Conventional Street Design Criteria.

10.14 PAVEMENT SECTION, STREET GRADE, AND INTERSECTION REQUIREMENTS

Street grade and intersection requirements and pavement thickness shall comply with Table 10-2, Street Design Criteria, and Table 10-3, Conventional Street Design Criteria, as appropriate, and Appendix, D, Construction Standards.

10.15 STREET LIGHTING

10.15.1 Specifications. Street lighting shall be provided in accordance with city standards and the applicable standards of the electric utility provider.

10.15.2 Street Lighting Plan Required. A street lighting plan is required for all new developments where additional streets are required by this section. The street lighting plan shall be included as part of the major subdivision plan.

10.15.3 Spacing. Lights shall be spaced no less than 280 feet and no more than 320 feet apart and at all intersections. Spacing is generally established at a maximum ratio of one light per four single-family residential dwelling units, and a minimum ratio of one light per six single-family residential dwelling units. Street lights shall be placed at all intersections and at property corners and aligned parallel to the street right-of-way line. The design for street lighting should take into account the location and spacing of street trees.

10.16 VISUAL CLEARANCE AT INTERSECTIONS (SIGHT TRIANGLE)

10.16.1 On any corner lot except within the DTMU-1 or DTMU- 2 or a Planned Unit Development, no structures or fence, shrubbery or other plantings, or obstruction to vision higher than three feet above grade shall be permitted within the limits of 25 feet, in any direction from the curb lines of any street or



road intersection.

10.17 INTERNAL CONNECTIVITY

10.17.1 Connectivity Ratio. All streets within a proposed single-family residential subdivision shall achieve a connectivity ratio of not less than the amount designated in this section. For purposes of this section, "connectivity ratio" is the number of street links divided by the number of nodes. A "link" is each portion of a street defined by a node at both ends or at one end. A "node" is the intersection of two or more streets, a close or cul-de-sac head or a dead-end. Connections with existing streets and stubouts for future street connections to adjacent properties shall not be considered nodes. This section shall not apply to a Conservation Subdivision. (Example: $11 \text{ links} \div 6 \text{ nodes} = 1.83$ (acceptable))

10.17.2 Closes and Cul-de-Sacs. Cul-de-sacs and closes are permitted on local streets only where natural features, including topography, environmental constraints or other natural conditions, or where parcel dimensions or configuration preclude a connected street. The maximum length of a close or cul-de-sac is the maximum block length for the street type and design prescribed in Table 10-2, Street Design Criteria. Length shall be measured from the centerline of the intersecting street to the center of the cul-de-sac or centerline of the close that is parallel to the intersecting street. Wherever possible cul-de-sacs shall be designed as closes. The permissible length of a cul-de-sac or close may be increased to a maximum of 1000 feet where the Planning Commission finds that natural features, including topography, environmental constraints or other natural conditions, or parcel dimensions or configuration preclude a connecting street design. In no event shall the average daily traffic volume generated by the uses fronting on a cul-de-sac or close exceed 200 trips. Small Subdivision Connectivity.

The Planning Commission may waive the required internal connectivity ratio for small subdivisions under the following circumstances:

1. A one access subdivision of one close

where no more than 250 trips are generated and the block length does not exceed the length as permitted in Table 10.2, Street Design Criteria. (Illustration 10.2)

2. A one access subdivision of one cul-de-sac where no more than 250 trips are generated and the block length do(es) not exceed the length as permitted in Table 10-2, Street Design Criteria. (Figure 10-5)
3. A two access subdivision that provides a loop street where no more than 500 trips are generated and the total length of the loop does not exceed two and one-half times the block length as permitted in Table 10-2, Street Design Criteria. (Illustration 10.6)
4. A two access subdivision that provides a single street between two other existing streets where no more than 500 trips are generated and the total length of the street does not exceed two times the block length as permitted in Table 10-2, Street Design Criteria. (Illustration 10.7)
5. Stubouts for future road connections to adjoining vacant parcels shall be provided where practicable.
6. All other provisions of this Article regulating the subdivision of land (open space, landscaping, etc.) are satisfied.

10.18 RESIDENTIAL DRIVEWAYS

10.18.1 Width. The maximum width allowed for a residential driveway is 18 feet.

10.18.2 Apron Required. An apron or flare shall be provided from the sidewalk through the curb to the edge of pavement consistent with the requirements of Appendix, D, Construction Standards.

10.18.3 Shared Driveways. Driveways may be shared between adjoining lots so that there is a single curb cut. Shared driveways may provide access to not more than four adjoining lots.

10.19 CORRIDOR PRESERVATION MIXED-USE DISTRICT MOBILITY PROVISIONS

10.19.1 Generally. New curb cuts and access points on corridor streets are subject to the requirements of this section. In the event of a conflict between the provisions of this section and another section or Article, the more restrictive shall apply.

10.19.2 Number of Access Points. Access points are permitted from public streets as provided herein.

1. No more than one curb cut is permitted for any lot or parcel on any corridor street, except as provided herein;
2. More than one curb cut is permitted if the requirements of sections a and b are satisfied.
 - a. The proposed development has frontage on more than one public street.
 - b. The need for additional curb cuts is demonstrated in a traffic impact analysis (TIA) approved pursuant to Article 10. The applicant must demonstrate that additional access points will not cause a reduction in

the LOS including any mitigation agreed to by the applicant and attached as a condition of approval.

3. If two or more parcels existing as of the effective date of this Article are placed under common ownership and/or control, the parcel assembly may be granted additional access points if:
 - a. Only one direct access point is permitted for the corridor street; and
 - b. The additional access points are created for new streets or maintained for existing streets internal to the boundaries of the overall development plan.
4. One additional right-in/right-out access point is permitted on the corridor street where a center median exists or is included in a capital improvements program, or a similar barrier to access from more than one direction exists.

10.19.3 Indirect Access. Access shall be provided to lots or outparcels internal to a development that are not permitted direct access to a corridor road:

1. The internal circulation of a shopping center, office complex, or similar group of buildings having direct access in accordance with an approved TIA; or
2. Use of shared entrances with those established or likely to be required on adjacent sites.

Table 10.7. Required Connectivity Ratio	
Type of Subdivision	Ratio
Traditional Neighborhood Development	1.8
Conservation Subdivision	Not applicable
All other Subdivisions	1.4

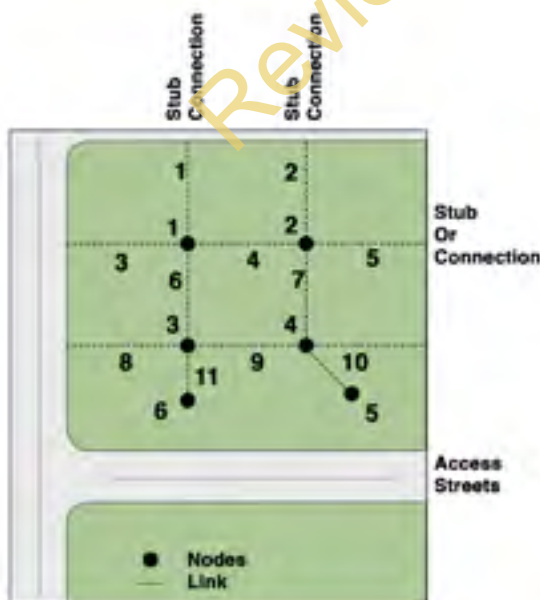


Illustration 10.3. Internal Connections

10.19.4 Access Spacing on Public Streets

1. Access points from a public road or street shall not be located closer to an existing or proposed intersection than 150 feet or the property line, whichever is greater.
2. Access points must be located on side streets, an alley or a joint parking area that connects to a side street, if available.
3. The minimum and maximum access widths measured from face of curb to face of curb shall be as shown in Table 10.9.

10.19.5 Driveways

1. Driveways with four or more lanes must

include a planted median in order to better control traffic and reduce the visual impact of pavement.

2. Driveways crossing a sidewalk must maintain and continue the sidewalk, including the sidewalk pavement and texture.

10.19.6 Existing Access Points. For any application for a development permit or development order including a change of use submitted after the effective date of this section, existing access points shall be reconstructed, relocated or eliminated where needed to comply with this section, if any of the following apply:

1. The proposed development will cause an increase of ten average daily trips (ADTs) or 20 percent of the existing trip generation.
2. The proposed development will cause any turning movement to increase by five ADTs or 20 percent or more of the existing trip generation.
3. The proposed development will cause an increase in use by vehicles exceeding 30,000 pounds gross vehicle weight of ten vehicles per day or 20 percent or more of the existing use.
4. Structural enlargements, building improvements or other site improvements are made that result in an increase of 20 percent of building square footage or 50 percent of existing property improvement value.
5. The Planning Commission finds that the proposed development will cause



Illustration 10.4. One Access Subdivision - Close - 250 Trip Maximum



Illustration 10.6. Two Access Subdivision - Loop Street - 500 Trip Maximum

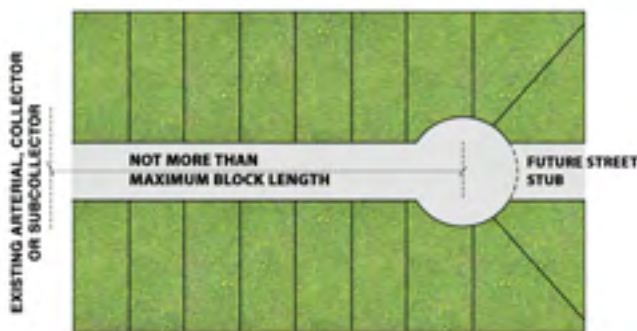


Illustration 10.5. One Access Subdivision- Cul de Sac - 250 Trip Maximum



Illustration 10.7. Two Access Subdivision - Single Street - 500 Trip Maximum

or worsen an unsafe road condition, and the reconstruction, relocation or elimination of the access point will eliminate or substantially reduce the unsafe road condition.

10.19.7 Connectivity

1. The site shall include one vehicular connection to an abutting site for every 100 peak hour trips generated by the proposed development on the site, however, no more than one connection on each side and rear property line is required by this subsection.
2. The connections shall open to existing developed sites or stubbed out to future undeveloped sites.
3. The entrances must be designed and improved so as to permit both vehicular and pedestrian access.
4. The connections must be aligned with any existing connections or parking lot circulation aisles on abutting parcels.
5. Cross access shall be provided with existing developed and undeveloped sites as mitigation pursuant to the Article 11, Adequate Public Facilities.
6. A cross-access easement shall be provided.

10.19.8 Pedestrian Circulation

1. Crosswalks
 - a. This section applies to all public streets or interior drives that are provided on the development site.
 - b. Crosswalks shall be located at all pedestrian crossings. Pedestrian crossings include all street or private drive intersections, and on site midblock locations for blocks that are equal to or more than 300 feet in length.
 - c. Crosswalks shall be striped with white reflective paint or demarcated using brick or stone pavers or contrasting Streetprint® colors. If

Streetprint® coloring is used, the outer edges of the crosswalk shall have reflective bands.

- d. Crosswalks may have texture such as pavers or stamped asphalt in a running bond or herringbone pattern or other configuration approved by the City Engineer.
- e. The crosswalk shall be at least ten feet wide.

10.19.9 Sidewalks/Bike Paths/Pathways.

1. Sidewalks shall comply with this section.
2. Permitted sidewalk materials include concrete, concrete pavers, brick or any combination thereof. Bicycle paths and crosswalks may be constructed of asphalt.
3. Sidewalks, bike paths and bikeways shall comply with any applicable standards of the Americans with Disabilities Act (ADA) (42 U.S.C Subsection 12181 et seq., Pub. L 101-336 and implementing regulations at 28 C.F.R. parts 35 and 36). (Applicants should consult the ADA Technical Assistance Manual from the U.S. Dept. of Justice (on the Internet at www.usdoj.gov/crt/ada/taman3.html, and Technical Assistance Manual for State and Local Governments at www.usdoj.gov/crt/ada/taman2.html.)
4. All private sidewalks and pathways shall connect to existing or proposed public sidewalks or the Greenway. If the sidewalk is interior to the proposed development, a connection may be provided through another sidewalk or pathway that conforms to this section.

10.19.10 Internal Walkways.

1. If parking areas are located to the front of the principal building, continuous internal pedestrian walkways must link the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site.

Table 10.8. Minimum and Maximum Access Widths		
	Minimum Width	Maximum Width
1-way	12 feet	15 feet
2-way	20 feet	36 feet



2. The walkways must connect focal points of pedestrian activity including bus stops, street crossings, buildings and store entry points.
3. The walkways must be at least eight feet in width and must be landscaped as provided in Article 17, Landscaping.

10.19.11 Street Design

1. **Applicability.** The construction, reconstruction or reconfiguration of any new or existing public street as part of a development shall comply with this section..
2. **Geometric Design**
 - a. The minimum travel lane width is 11 feet for a through lane and ten feet for a left turn lane. No lane may exceed 14 feet in width unless required by the SCDOT for a state street.
 - b. Storm drainage requirements include curb, gutter and sub-surface storm drains unless low impact development is approved. All storm water drainage improvements shall comply with Article 14, Streets.

10.19.12 Medians.

1. Medians shall be provided on the following streets and any additional streets where medians are specified as a future improvement in the Comprehensive Plan, will facilitate traffic safety, will not unreasonably restrict site access and can be approved by SCDOT:
 - a. East and West Martintown Road

- b. Knox Avenue/Edgefield Road (US 25 bypass)
- c. Georgia Avenue (US 25)
- d. Five Notch Road
- e. East Buena Vista Avenue

2. The minimum median width is ten feet on an existing street and 16 feet on a new street unless existing conditions require a different width.
3. The maximum width is 24 feet.
4. Medians may include openings and tapers where required for left turn lanes.
5. Medians shall be landscaped wherever possible and where the landscaping can be reasonably maintained and does not interfere with traffic circulation or sight triangles.

10.19.13 Turn Lanes.

1. The minimum width of designated turn lanes is ten feet for a left turn lane and 12 feet for a right turn lane.
2. The taper and storage lengths shall comply with SCDOT requirements.
3. A minimum curve radius of 100 feet shall be provided between the storage lane and the taper in order to improve storage length and soften the curb line.

10.19.14 Intersections. Intersection shall be spaced at a distance not exceeding 300 feet.

10.19.15 Bike Lanes. Bike lanes shall be provided where required by Article 10, Mobility.

Table 10.9. Vehicular and Pedestrian Connectivity

Inter-parcel Vehicular Connection	Inter-parcel Pedestrian Connection
	



Illustration 10.8. Crosswalk and Internal Circulation

10.19.16 Access and Parking.

1. Not more than one access to a street shall be permitted per lot or parcel. There is no restriction on the number of access points to an alley.
2. The maximum driveway width between right-of-way and the front of any building is 14 feet.
3. Off-street parking shall be provided as set forth in Chapter 8, Parking. No above-ground structured parking is permitted, except for a residential garage that was constructed as an accessory use to a dwelling prior to its conversion to a non-residential use.
4. Parking shall not be permitted between structures and the corridor street. Parking shall be located on the side or in the rear of buildings only. Parking visible from the front shall be screened with a permanent wall, fence or hedge not less than 42 and no more than 60 inches in height.
5. Parking areas shall be setback at least five feet from the property line provided, however, that if the property line abuts an alley, no setback is required unless the alley abuts a front or side yard of a parcel that is zoned residential or in a residential use.
6. Parking areas shall be improved with an approved surface pursuant to the provisions of Article 12, Parking. Ground surface areas not covered with an approved surface shall be restricted from parking by signage and curbing, fencing or other physical barriers.
7. Where an existing building is located on a parcel and the site development plan includes the utilization of the existing building as a principal structure, one existing driveway from the corridor street may be utilized regardless.

ARTICLE

11

Review Draft - 12.27.22

IN THIS CHAPTER:

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ARTICLE 11 - ADEQUATE PUBLIC FACILITIES

11.1 PURPOSE AND INTENT

The purposes and intent of this article are to:

- 11.1.1** Ensure that public facilities needed to support new development are adequate to serve the new development by meeting or exceeding the Level of Service (LOS) standards established in this Article.
- 11.1.2** Provide a reasonable and realistic framework for the preparation of a Capital Improvements Program (CIP) needed to accommodate the City's anticipated growth and development.
- 11.1.3** Ensure that no development application is approved that would cause a reduction in the levels of service for any public facilities below the LOS standards established in this Article.
- 11.1.4** Ensure that public facilities needed to support new development are available and adequate concurrent with the impacts of such development, as defined in this Article.
- 11.1.5** Discourage urban sprawl and promote the small-town character of North Augusta, including the traditional design principles set forth in the Comprehensive Plan.

11.2 FINDINGS

In adopting this Article, the City hereby makes the following findings:

- 11.2.1** The public facilities subject to this Article are necessary for public health, safety, and welfare.
- 11.2.2** New growth and development within the City have an impact on the availability and capacity of the public facilities subject to this Article. Such impact can be mitigated by the timing and sequencing of development as provided in this Article.
- 11.2.3** The City should prepare and adopt a CIP to provide the public facilities needed to accommodate reasonably anticipated growth and development.
- 11.2.4** The LOS standards adopted for each public

facility in this Article are necessary for the protection of the public health, safety, and welfare, and will not unduly inhibit new growth and development within the City of North Augusta.

11.3 APPLICABILITY

The requirements of this article apply to the following types of applications:

1. Minor site plan
2. Major site plan
3. Major subdivision (Preliminary Plat)
4. Final subdivision plat
5. Planned development general development plan
6. Rezoning
7. Development agreement

11.4 EXCEPTIONS TO APPLICABILITY

This Article shall not apply to any use, development, structure, or activity which does not result in a new Equivalent Residential Unit as shown in tables 11.1 and 11.2.

11.5 ADDITIONAL PROCEDURAL REQUIREMENTS

In addition to the requirements contained in Article 19, the following procedures are required for compliance with the adequate public facilities standards.

- 11.5.1 Adequacy determination.** The Director shall evaluate the availability and adequacy of public facilities at the adopted LOS for the proposed development. If the Director determines that public facilities are not available and adequate at the adopted LOS or will not be available concurrent with the completion of the development project, a request for administrative approval shall be denied. For applications requiring City Council approval, the Director shall include an adequacy determination and recommendation as part of the staff report. Any determination that public facilities are adequate to serve a proposed development shall expire when the development permit expires, or two years after development

Table 11.1. Equivalent Residential Units (ERUs) for Transportation

Land Use	Variable	Trip Generation Rate Per Day	ERU
Residential, Single-family	Dwelling Unit	9.55	1.00
General Light Industrial	1,000 SF	4.87	0.51
Industrial park	1,000 SF	3.37	0.35
Manufacturing	1,000 SF	4.75	0.50
Warehousing	1,000 SF	1.71	0.18
Mini-warehouse	1,000 SF	1.49	0.16
Attached Single-family	Dwelling Unit	7.2	0.75
Low-rise apartment	Dwelling Unit	6.74	0.71
Mid-rise apartment	Dwelling Unit	4.54	0.48
High-rise apartment	Dwelling Unit	4.54	0.48
Mobile homes	Dwelling Unit	7.21	0.75
Hotel	Per Room	7.99	0.84
Elementary school	Per Student	2.27	0.24
Middle School	Per Student	2.1	0.22
High school	Per Student	1.94	0.20
Church	1,000 SF	7.6	0.80
Daycare center	1,000 SF	47.62	4.99
Hospital	Per Bed	22.32	2.34
General office (<10,000 SF)	1,000 SF	14.39	1.51
General office (10,000-25,000 SF)	1,000 SF	10.84	1.14
Corporate headquarters	1,000 SF	7.95	0.83
Single tenant office	1,000 SF	13.07	1.37
Office park	1,000 SF	11.07	1.16
Research and development center	1,000 SF	11.08	1.16
Business park	1,000 SF	12.44	1.30
Building maintenance store	1,000 SF	17.05	1.79
Discount store	1,000 SF	53.87	5.64
Hardware store	1,000 SF	8.07	0.85
Plant nursery (Garden center, Retail)	1,000 SF	68.1	7.13

approval is granted and no construction has commenced, whichever occurs first.

11.5.2 Conditional approval. Conditional approval may be granted by the City Council when, in its sole discretion, it is determined that public facilities are not adequate to meet the adopted LOS for the entire proposed development. Conditional approval shall require deferral of all or part of the development and shall grant authority to the Director to approve permits when the Director determines that LOS standards can be met.

11.5.3 Advancement of capacity.

1. To avoid undue hardship that may be caused by conditional approval, the applicant may propose to construct or secure funding for the public facilities

necessary to provide adequate capacity for the proposed development. Construction or improvement of facilities must be complete as determined by the Director prior to issuance of a certificate of zoning compliance.

2. Any proposal that includes developer-installed or financed improvements shall be denied if:
 - a. The proposed public facility is not included within the City's Capital Improvements Plan (CIP), or
 - b. The City Council finds that the agency with jurisdiction over the public facility has not granted at least conditional approval for the proposed commitment to construct or fund such facilities.



Table 11.2. Equivalent Residential Units (ERUs) for Greenways			
Principal Building Activity	Square feet per Employee	Employees per 1,000 sq. ft.	Square Feet per ERU
Education	767	1.30	1,764
Food Sales	984	1.02	2,263
Food Service	578	1.73	1,329
Health Care	520	1.92	1,196
Lodging	1,317	0.76	3,029
Mercantile and Service (Commercial)	945	1.06	2,174
Office	387	2.58	890
Public Assembly	1,317	0.76	3,029
Public Order and Safety	746	1.34	1,716
Religious Worship	726	1.38	1,671
Warehouse and Storage	1,730	0.58	3,979
Other	544	1.84	1,251

3. The commitment to construct or fund public facility improvements must contain all the following information.

- An estimate of the total financial resources needed to construct or improve public facilities prepared by a qualified professional. Such estimate must include a description of the incremental cost associated with each facility where phased development is proposed.
- A schedule for commencement and completion of construction of the planned capital improvement with specific target dates (month and year) for multi-phase or large-scale capital improvement projects.
- A statement that the planned capital improvement is consistent with any ordinances and policies of the City relating to the construction and design of the public facility.
- If the planned capital improvement proffered by the applicant will provide capacity exceeding the demand generated by the proposed development, the City Council may, at its discretion, approve reimbursement of the pro rata cost of the excess capacity.

11.5.4 Rezoning. General rezonings result in a range of potential impacts. For the purposes of this article, the greatest increase in impact that could result from a

general rezoning shall be used to determine adequate levels of service.

11.6 DETERMINING AVAILABILITY AND ADEQUACY OF PUBLIC FACILITIES

11.6.1 Level of Service (LOS) Standards.

Compliance with LOS standards shall be measured for each public facility as set forth in Table 11-3, Adopted Level of Service Standards.

11.6.2 Applicability.

- No application shall be denied, nor shall any condition be attached to an application pursuant to this Article, unless and until a CIP has been adopted by the City Council.
- The availability and adequacy of public facilities shall be determined only with respect to public facilities located within the incorporated areas of the City. If part of the applicable impact area lies within the City's planning area as defined in the Comprehensive Plan and also in unincorporated Aiken or Edgefield County (adjacent county), absent an intergovernmental agreement with the City, the availability and adequacy shall be determined only with respect to public facilities located within the City's incorporated areas.
- If the City Council has entered into an intergovernmental agreement with an adjacent county to evaluate public facilities in such areas, an applicant will

Table 11.3. Adopted Level of Service Standards

Facility	Level of Service	Impact Area	Year Planned Capacity Will Be Available
Streets – Tier 1	LOS E	One-quarter (¼) mile	Third (3rd) year of CIP
Streets – Tier 2	LOS D	One-half (½) mile	Second (2nd) year of CIP
Streets – Tier 3	LOS C	One-half (½) mile	First (1st) year of CIP
Water	As established by SCDHEC, S.C. Code Regs. §61-58.4 (Finished Water Pumping, Storage and Distribution Facilities)	City water service area	First year of CIP
Sewer	As established by SCDHEC, S.C. Code §61- 67 (Standards for Wastewater Facility Construction)	City sewer service area	First year of CIP
Community Parks and Open Space	See §11.3	City limits	Third year of CIP
Greeneways	0.78 miles per 1,000 Equivalent Residential Units (4 lineal feet per ERU)	City limits	Third year of CIP
Stormwater Management	See Article 15	Drainage basin	First year of CIP or onsite

Sources: Comprehensive Plan; B.P. ,Barber & Associates, Water Distribution System Study (December 1998); North Augusta Parks, Recreation and Leisure Services 2001 Master Plan

be subject to the evaluation of the LOS standard for the facility as adopted by the adjacent county. Prior to the determination of adequacy of public facilities, the Director shall require the adjacent county to certify that issuance of a development approval for the proposed development will not cause a reduction in the LOS standards for those facilities lying within the adjacent county.

11.6.3 How to Calculate Capacity. To determine that adequate capacity exists for City public facilities to serve a proposed development, the following calculations should be used.

1. Total capacity shall be calculated by adding together the total capacity of public facilities, including planned capital projects.
2. Available capacity shall be calculated by subtracting the following from the total capacity:
 - a. The demand for each public facility created by existing development,
 - b. The demand for each public facility created by the anticipated completion

of committed development, and

- c. The demand for each public facility created by the anticipated completion of the proposed development under consideration for determination.

11.7 ADEQUACY OF TRANSPORTATION FACILITIES

11.7.1 Transportation Impact Analysis (TIA) Required.

A TIA, compliant with the applicable appendix of this code, is required as part of any application for approval of a rezoning, subdivision plat, site plan or general development plan where:

1. The Director determines that the proposed development will generate at least 50 new peak hour trips; or
2. The applicant is requesting or is required to provide more than one access point or curb cut.

11.7.2 Exemptions to the TIA Requirement.

The City finds and determines that certain factors, such as interconnected street systems, mixed uses, and the availability of pedestrian facilities can result in



fewer trips than isolated, low-density subdivisions. Certain development patterns produce fewer trips and shorter trips than developments subject to conventional zoning or located on the fringe of the metropolitan area. The City also finds that traffic patterns and infrastructure within its urban core are established, and that there is a strong public policy to encourage reinvestment in the City's downtown area. Further, the City hereby finds that there is a strong public policy to encourage infill development and that there is little opportunity to expand transportation capacity in many infill areas without destroying the City's historic built environment. Accordingly, the following situations are exempt from this section to the extent described herein.

1. Applications for development approval within the limits of the original plan for the City as depicted on the 1891 Boeckh Plat or the 1912 Summers Plat or both are entirely exempt.
2. For any application for a TND subdivision or site plan, the trip generation calculation may be reduced by 50 percent for the purpose of determining LOS requirements.

11.7.3 Preparation of the TIA. A TIA must be prepared in a format acceptable to the City.

11.7.4 Impact Area Included. When a TIA is required, it must be prepared for the entire impact area by tier as shown in Table 11.3 Adopted Level of Service Standards and defined below.

1. **Tier 1.** All streets and intersections lying within an area circumscribed by the Savannah River, Jefferson Davis Highway (U.S. Highway 1), Martintown Road (S.C. Highway 130) and River Bluff Drive/Road.
2. **Tier 2.** All streets and intersections not located in Tier 1 and lying within an area circumscribed by the Savannah River, Horse Creek, Belvedere Clearwater Road (S.C. Highway 126) as extended beyond Edgefield Road (U.S. Highway 25) to Five Notch Road at Pisgah Road, Five Notch Road and I-20 including Martintown Road, Jefferson Davis Highway (U.S. Highway 1), Belvedere

Clearwater Road (S.C. Highway 126) and Five Notch Road.

3. **Tier 3.** All streets and intersections within the comprehensive planning area not located within Tier 1 or Tier 2.

11.7.5 Mitigation Measures. An applicant may propose mitigation measures as described below as an alternative to deferral of permits or denial of the application. Mitigation measures may be permitted that would allow the LOS to be achieved by permitting the transportation network to function more efficiently, or that advance the construction of necessary transportation facilities so that they are available concurrent with the impacts of the development.

1. The applicant shall use the following priority system in analyzing traffic mitigation proposals, where item one ranks the highest and item eight the lowest.
 - a. Improvements in connectivity internal to the site or between sites including cross-access improvements and cross-access easements.
 - b. New road connections to improve connectivity.
 - c. Access controls.
 - d. Median islands.
 - e. Intersection signalization.
 - f. The addition of turn lanes.
 - g. Pedestrian and transit infrastructure such as sidewalks and bus stops or passenger shelters.
 - h. Pavement widening.
 - i. New road construction, either offsite or internal to the site, that provides connectivity in the impact area.
2. Roadways and intersections addressed by the TIA that are expected to operate below the adopted LOS under traffic conditions, including projected traffic and site-generated traffic, must be identified. The TIA shall include viable strategies for maintaining conditions at the adopted LOS.

3. Roadways and intersections within the project site and on all roads and streets along its boundary that operate or are projected to operate below the adopted LOS, without project related site-generated traffic, need not be improved to the adopted LOS by the proposed development. However, such roadways and intersections under conditions that include such site generated traffic must be improved to the projected LOS that would exist without the site-generated traffic by altering some combination of on-site traffic demands, off-site traffic demands, on-site traffic capacities and off-site traffic capacities.
4. LOS notwithstanding, required traffic impact mitigation improvements are not limited to those that can be implemented within the project site and on all roads and streets along its boundary.

11.7.6 Phased Implementation. For phased construction projects, implementation of necessary traffic improvements must be completed prior to or concurrent with the completion of the project phase for which the capacity analysis shows that they are required. Plats and site plans, if applicable, for project phases subsequent to a phase for which a traffic improvement is required may be approved only if the traffic improvements are completed or guaranteed.

11.8 ADEQUACY OF PUBLIC WATER SUPPLY

11.8.1 Analysis Variables. Applications shall be analyzed with respect to the availability of adequate public water supply determined based on the following information:

1. System capacity.
2. Capacity of the Savannah River intake, wellfield, or other source of raw water supply.
3. Historical average flow of potable water.
4. Historical peak flow of potable water.
5. Number of hook-ups and the estimated potable water demand per hook-up.
6. Number of hook-ups for which contractual commitments have been

made.

11.8.2 Determination of Adequacy and Availability.

A determination of adequacy and availability of water service by the City Engineer must be submitted indicating that the project is within the City service area and that it has the capacity to serve the project as proposed. If the ability of the City to serve a proposed development is contingent upon planned facility expansion, details regarding such planned improvements shall be submitted.

11.9 ADEQUACY OF PUBLIC SANITARY SEWER SERVICE

11.9.1 Analysis Variables. Applications shall be analyzed with respect to the availability of adequate public sanitary sewer capacity determined based on the following information:

1. System capacity.
2. Historical average daily flow of treated sewage.
3. Historical peak flow of treated sewage.
4. Number of hook-ups and the estimated sewer demand per hook-up.
5. Number of hook-ups for which contractual commitments have been made.

11.9.2 Determination of Adequacy and Availability.

A determination of adequacy and availability of sewer service by the City Engineer must be submitted indicating that the project is within the City service area and that it has the capacity to serve the project as proposed. If the ability of the City to serve a proposed development is contingent upon planned facility expansion, details regarding such planned improvements shall be submitted.

ARTICLE

12

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ARTICLE 12 - UTILITIES

12.1 CONFORMITY REQUIRED

All applications for which any utility outlined in this Chapter is created, extended, or enlarged shall conform to the requirements of this article.

12.2 INSTALLATION RESPONSIBILITY

The applicant shall be responsible for the installation of all utilities necessary to serve the proposed development at their own expense.

12.3 UTILITY IMPROVEMENTS REQUIRED PRIOR TO APPROVAL

All utility improvements must be completed and approved prior to approval of any final plat or occupancy of the site.

12.4 UNDERGROUND UTILITIES

All public utilities including gas, electric, cable, fiber, telephone, water, and sewer shall be installed underground except for transmission lines associated with electric service and any cable, fiber, or telephone lines co-located on electric transmission poles and towers.

12.5 UTILITY LOCATION

12.5.1 Utilities shall be located within the street right-of-way on both sides of and parallel to the street except that:

1. To allow flexibility based on terrain, and to achieve a maximum street tree canopy, utilities may be placed in a separate utility easement outside the right-of-way and parallel to the street; and
2. The placement of public utilities within service lanes or alleys is encouraged to promote the installation of street trees and sidewalks in residential neighborhoods.

12.5.2 Lots that abut existing easements or public rights-of-way where overhead electric, cable, fiber, or telephone distribution supply lines

and service connections have previously been installed may be supplied with such service from those overhead lines. However, the service connections from the overhead utility lines shall be installed underground.

12.5.3 In the case of existing overhead utilities, should a road widening, extension of service, or other such condition resulting from land subdivision necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

12.5.4 Utilities shall be installed in accordance with the engineering standards in Appendix D, Construction Standards.

12.6 WATER AND SEWER

12.6.1 Feasibility Study Required. The applicant or developer must submit a water and sewer feasibility study on the proposed infrastructure designed to serve the subdivision or project site. The study shall be prepared by a South Carolina registered professional engineer and shall be submitted to the City Engineer along with a copy of an application to the South Carolina Department of Health and Environmental Control (SCDHEC) for a permit to construct a wastewater collection system and a permit to construct a water distribution system. These documents shall accompany the preliminary subdivision or site plan application. The permit applications shall be submitted only after authorization by the City Engineer.

12.6.2 Feasibility Study Waiver. If the City Engineer determines that city sewer and water or other approved public utility facilities are available and adequate to meet the anticipated needs of the subdivision or development project, the requirement for a feasibility report may be waived, provided that the proposed water and sewer service arrangements are mutually agreed among the applicant or developer, the City of North Augusta, and to the extent necessary, SCDHEC.

12.6.3 Feasibility Studies by Type.

1. **Existing systems.** The report on the feasibility of connecting the subdivision or development project to the city water

and sewer systems or to an existing approved sewer or water supply system or any combination thereof, shall be submitted by the applicant. The study shall include the distances from the subdivision or project to the nearest city water and sewer utilities or other approved systems and the capacity of the existing systems to handle the proposed additional loads.

2. **Separate sewer system.** If connection to the city sewer system or another existing approved sewer system is not deemed feasible, the feasibility of constructing a separate sewer system and treatment facility shall be investigated. This study shall give the location of the treatment facility, the receiving stream, the degree of treatment, and the design population.
3. **Separate water system.** If connection to the city water system or another existing approved water supply system is not deemed feasible, the possibility of constructing a separate water supply system shall be investigated. This study shall give the location of the treatment facility, the water source, the degree of treatment, and the design population.

12.6.4 System Priorities.

The City Engineer and Planning Commission shall consider the method of sewage disposal and water supply in the following order or preference:

1. Connection to the city water supply system and the city sewer system.
2. Connection to the city water supply system and an approved public sewer system.
3. Connection to an approved public water supply system and the city sewer system.
4. Connection to an approved public sewer system and an approved public water supply system.
5. Connection to an approved public water supply system and an approved private community sewer system.

6. Connection to an approved public sewer system and individual water supply system.
7. Connection to an approved private community sewer system and individual water supply system.

12.6.5 Onsite Disposal.

To protect present sources of water supply and safeguard the health of the public from possible contamination by improper methods of sewage disposal, the City Engineer may only approve on-site, subsurface sewage disposal systems when the feasibility study indicates the following:

1. The existing city or another public sewer system is not readily accessible to the site.
2. It is infeasible or economically prohibitive to extend the city system to the property in accordance with the city's utility extension policies.
3. Justification of the project necessitates consideration of a subsurface sewage disposal system.
4. The soil percolation and absorption are satisfactory.
5. On-site disposal will not endanger ground water supplies below the level of the absorption system.
6. In the event it is necessary to install on-site, subsurface sewage disposal systems, soil percolation, absorption, and water table determination tests shall be performed in accordance with SCDHEC requirements.

12.6.6 Water Supply Requirements.

Based on the results of the required feasibility report, the applicant or developer shall install or have installed the approved water supply system as follows:

1. Existing water system. Where there is an existing city or other public potable water supply system on or near the proposed subdivision or development project, a water supply system connected to the existing city or other public water supply system is required.
2. Separate community water system. Where there is no existing city or



public water supply system on or near the subdivision or development project, a separate community water supply system approved by the City Engineer, Planning Commission, and SCDHEC shall be required. The approval of such system shall be based on both its adequacy and the provision of acceptable guarantees for its continuation and future maintenance.

3. Individual lot supply. Where there is no existing city or public potable water supply system available and a separate community water supply system is not feasible, each lot in a subdivision must be provided with an individual water supply system in accordance with the requirements of SCDHEC.
4. Fire hydrants. Fire hydrants must be installed as an integral part of an extension of the city or other public water supply system or community water supply system in accordance with the design requirements of Appendix D, Construction Standards and any specific additional requirements stipulated by the City Engineer.

12.6.7 Sanitary Sewer Requirements.

Based on the results of the feasibility report the applicant or developer shall install or have installed an adequate, approved sanitary sewage disposal system as follows:

1. Existing sewer system. Where there is an existing city or other public sanitary sewer system on or near the subdivision or project site, a complete sanitary sewage collection system must be installed and connected to the city system or other existing public system.
2. Planned public sewer system. Where there is no existing city or other public sanitary sewer system on or near the subdivision or development project site, but an extension of the city or other public sanitary sewer system is to be constructed on or near the subdivision or development project site within a reasonable time as determined by the City Engineer and Planning Commission, a complete sanitary sewage collection system for future connection must be installed. The complete sanitary sewage collection

system for future connection must be designed and:

- a. Connected to a temporary community treatment facility until such time as the planned public sanitary system is complete and an adequate and approved connection is provided thereto; or
- b. Capped for future use and provided in addition to temporary on-site subsurface sewage disposal systems. On-site subsurface sewage disposal systems may be temporarily utilized only if it is determined and concurred with by the City Engineer that a temporary community treatment facility is not feasible.

3. **Temporary systems.** If a sanitary sewer collection system for future connection is installed in conjunction with a temporary community treatment facility or on-site subsurface sewer disposal system, such temporary system must be abandoned, and the complete sanitary sewage collection system previously installed must be connected to the city or other public sanitary sewer system as soon as it is available and adequate.

12.6.8 Separate Community Sewer System.

Where there is no existing city or other public sanitary sewer system, a separate community sanitary sewer system and treatment facility are required. The separate community sanitary sewer system and treatment facility must be approved by SCDHEC and the City Engineer. The approval of such system shall be based on both its adequacy and the provision of acceptable guarantees for its continuation and future maintenance.

- 12.6.9 **Connection Required.** If it is determined by SCDHEC that on-site subsurface sewage disposal systems are not feasible, connections to the city system, an approved public system, or a community sanitary sewer system must be made prior to the development of the subdivision.

12.6.10 Water Supply and Sanitary Sewer System Plans.

The plans for the

installation of a potable water supply system and a sanitary sewer system must be prepared by a South Carolina registered professional engineer. Such plans shall be subject to the approval of the City Engineer and, to the extent required, by SCDHEC per Appendix D, Construction Standards. Upon completion of the construction of the water and sewer systems, copies of the plans as built and approved shall be filed with the city. It shall be the responsibility of the applicant or developer to inform and coordinate the construction of the water and sewer infrastructure system with the various utility providers serving North Augusta.

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ARTICLE

13

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ARTICLE 13 - ENVIRONMENTAL STANDARDS

13.1 PURPOSE AND APPLICABILITY

The purpose of this article is to minimize adverse environmental impacts. The standards contained in this article shall apply to applications for all new development and expansions to existing uses and structures.

13.2 ENVIRONMENTALLY SENSITIVE AREAS

13.2.1 Generally. The following specific areas shall be preserved as undeveloped open space to the extent practicable and consistent with the site analysis and recommendations. Any such areas not preserved as undeveloped open space shall be developed in accordance with applicable federal, state, or local regulations pursuant to all required permits.

1. Wetlands as delineated and approved by the U.S. Army Corps of Engineers or the South Carolina Department of Health and Environmental Control, and non-jurisdictional wetlands that meet the definition of a wetland as defined by this Article.
2. Slopes in excess of 20 percent.
3. Lands in the floodplain and floodway as delineated by the Federal Emergency Management Agency and U.S. Army Corps of Engineers.

13.3 RIPARIAN BUFFERS

13.3.1 Applicability. This section applies to any application for development approval that proposes any impervious surface or land-disturbing activity not otherwise expressly exempt. Furthermore, nothing in this section shall prohibit or be construed to prohibit the building of a single-family dwelling on an existing lot of record, including the usual appurtenances thereto, within the buffer areas established herein, subject to the following conditions:

1. Such dwelling must be in compliance with all applicable zoning regulations, and
2. No portion of any structure may be

located closer than 25 feet from the stream bank or any body of water.

3. No portion of any structure may be located closer than 50 feet from a wetland.

13.3.2 Protection. The corridors of all perennial streams and the areas around ponds, Carolina bays, and other permanent or seasonal bodies of water are protected by the following criteria:

1. An undeveloped open space riparian buffer shall be maintained for a distance of 25 feet on both sides of the stream as measured from the stream banks and around all bodies of water as measured from the high-water mark, and
2. No impervious surface shall be constructed within a 25-foot setback area on both sides of the stream as measured from the stream banks and around all bodies of water as measured from the high-water mark.

13.3.3 Encroachments. Encroachments into the buffer area are permitted as needed for the construction of public roads, stormwater management facilities and public utility crossings. Such encroachments shall conform to all state and local erosion and sedimentation control requirements. Public utility crossings and stormwater management facilities may be permitted if:

1. The utility crossings and stormwater facilities are located as far from the stream or pond bank as reasonably possible,
2. The installation and maintenance of the utilities and facilities shall be such as to protect the integrity of the buffer and setback areas as well as is reasonably possible, and
3. Neither the utilities nor the stormwater management facilities shall impair the quality of the water.

13.3.4 Construction Prohibited. Except for the encroachments noted above and uses and activities expressly permitted by this section, all construction within the buffer area is prohibited.

13.3.5 Restoration Required. The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing

activity within the riparian buffer.

13.3.6 Uses and Activities Permitted. The following acceptable uses are permitted within riparian buffers provided that such uses do not impair the long-term functions of the protected body of water, stream, or stream corridor.

1. Timber production and harvesting, subject to the following additional conditions:
 - a. The activity shall be consistent with the best management practices as defined in this Article,
 - b. The activity shall not impair the quality of the stream water as defined by the federal Clean Water Act of 1977 (P.L. 95-217), and
 - c. The harvesting or clearing of forest lands shall not be initiated for the purpose of preparing land for future development and thereby avoiding the requirements of this Article.
2. Wildlife and fisheries management activities.
3. Wastewater treatment, excluding septic tanks or septic drainfields.
4. Low impact passive recreational use consistent either with the maintenance of a natural vegetative buffer or with water-dependent recreation. Low impact passive recreational amenities may be constructed in the riparian buffer. Such amenities may include walking trails, nature trails, boardwalks, Greenways, benches, picnic areas, viewing areas, boat ramps, fishing docks and similar amenities. Playgrounds, ball fields, hard-surface tennis courts and other active recreational amenities may not be constructed.
5. Natural water quality treatment or purification.
6. Agricultural production and management, subject to the following conditions:
 - a. Agricultural activity shall be consistent with best management practices as defined in this Article;
 - b. Agricultural activity shall not impair the quality of the water as defined by the federal Clean Water Act, as

amended; and

- c. Agricultural activity shall be consistent with all state and federal laws and all regulations promulgated by the South Carolina Department of Agriculture.

7. Other uses permitted by the Department of Natural Resources or under §404 of the Clean Water Act.

13.3.7 Uses and Activities Prohibited. Any use, construction, or activity not expressly permitted by this article is prohibited within a riparian buffer including, but not limited to, any of the following:

1. Receiving areas for toxic or hazardous waste or other contaminants,
2. Hazardous waste landfills,
3. Sanitary landfills, and
4. Parking, whether surface or structured.

13.3.8 Ownership and Management.

1. Riparian buffers shall be platted as open space or riparian buffers and deed restricted in accordance with this section.
2. Riparian buffers shall be owned and maintained by the city, another public agency, a conservation land trust, a property association or other similar entity for the benefit of the public generally. If ownership is retained by a private person or entity, the deed restriction shall specify the public purpose of the riparian buffer.
3. All management and maintenance of a riparian buffer shall be consistent with this section.
4. The city will consider accepting a dedication of title to the property within riparian buffers for the purpose of ownership, maintenance, and management.

13.4 STORM DRAINAGE REQUIREMENTS

13.4.1 Applicability. Storm drainage systems shall be installed within every subdivision or project site in accordance with this Article. The applicant shall install, at his own expense, all improvements necessary to provide proper drainage for the property



that is the subject of the application and shall connect the drainage system of the subdivision or project site into the existing city or state drainage system. All drainage improvements must be complete and approved prior to approval of any final plat or occupancy of the subdivision or project site.

13.4.2 General Design Criteria. Storm drainage systems shall be provided as necessary to permit the unimpeded flow of natural water courses, to ensure the drainage of all low points on streets and roads, to intercept stormwater runoff on roads, and to provide positive drainage away from on-site sewage collection and disposal facilities. Storm drainage facilities shall be designed for the anticipated peak discharge from the property being developed and for the stormwater runoff that will occur when and if all other property in the area controlled by the property owner or developer is fully developed.

1. **Natural Water Courses.** Except as expressly permitted in a riparian buffer:
 - a. Property that contains natural water courses, creeks, or drainage basins shall not be subdivided or platted as individual lots for resale and further development within a distance of 25 feet on the side of each bank of the creek, water course, or drainage way. Such property should be platted as open space.
 - b. An area 25 feet in width adjacent to each bank of the creek, water course or drainage way shall be maintained as open space and free of development.
2. **Stormwater Systems.** Underground storm drainage systems, including all related collection, diversion, storage, and water quality facilities, shall be installed in all subdivisions and development project sites in the city.
3. **Stormwater Drainage Ditches.** Stormwater drainage ditches and related drainage facilities may be installed in any subdivision or project site where underground storm sewers are not required by this Article. Where permitted, storm drainage ditches shall

be installed according to the following specifications.

- a. All stormwater ditches, canals or other drainage ways installed by the applicant or developer shall be stabilized against erosion in accordance with a design approved by the City Engineer.
 - b. The maximum depth of stormwater ditches adjacent to or within the right of way of a road or street shall be three feet. All ditches shall be designed to enable maintenance and mowing of ditch banks.
 - c. Where required, easement widths on all stormwater drainage ditches shall be a minimum of 20 feet or as specified by the City Engineer.
 - d. All stormwater drainage ditches and related facilities shall be installed in accordance with designs approved by the City Engineer.
 - e. Culverts. All culverts and related facilities shall be installed in accordance with designs approved by the City Engineer.
4. **Impact on Abutting Properties.** Stormwater drainage facilities shall be designed to prevent excess runoff onto adjacent property, both developed and undeveloped.
 5. **Road Drainage.** All roads and streets shall be designed in accordance with Appendix D, Construction Standards, and shall provide for the discharge of surface water from paved road surfaces. Adequate facilities shall be installed on all roads and streets to properly intercept and carry away stormwater drainage.

13.4.3 Easements Required.

1. **Utility Easements.** Utility or reserve easements or both are required along and parallel to all interior lot lines in subdivisions of land. Easements of between five feet and 10 feet, depending on the need, shall be provided on all side and rear lot lines. Where the side or rear setback is less than five feet the utility or reserve easement shall equal the setback. All

such easements shall be specifically conveyed to the City of North Augusta at the time of final plat approval.

2. **Natural Watercourse Easements.** When the property that is the subject of an application is traversed by a watercourse, drainageway, channel, or stream, a stormwater or drainage easement of adequate width may be required in addition to the riparian buffer described in this article. The land associated with natural watercourse easements and riparian buffers may be deeded to the city in fee simple.
3. **Streets Adjacent to Natural Watercourse.** Parallel streets on either side of natural watercourse easements may be required where necessary to facilitate drainage and circulation and avoid unnecessary crossings or obstruction of the natural watercourse.

13.4.4 Stormwater Drainage System Plans.

The plans for the installation of a stormwater drainage system must be prepared by a South Carolina registered professional engineer or landscape architect. Such plans shall be subject to the approval of the City Engineer and, to the extent required, by the South Carolina Department of Health and Environmental Control. Upon completion of construction, copies of the plans as built and approved shall be filed with the city. It shall be the responsibility of the applicant or developer to inform and coordinate the construction of the stormwater drainage infrastructure system with the various utility providers serving North Augusta.

- 13.4.5 **Improvement Expenses.** The applicant or developer shall be fully responsible for the cost of the installation of all stormwater drainage system improvements required pursuant to this Article.

13.5 LAND DISTURBING ACTIVITIES

- 13.5.1 No land disturbing activity shall be performed until a grading permit has been obtained from the City of North Augusta. No land disturbing activity shall be performed by the contractor until a stormwater management plan and sediment reduction plan has been submitted to the City of North Augusta Stormwater Management

Department and the required Stormwater Permit has been obtained.

13.6 ADDITIONAL STANDARDS FOR STORMWATER DETENTION AND RETENTION PONDS

- 13.6.1 **Screening Required.** Detention and retention ponds shall be screened from view at the street right-of-way by evergreen shrubs and trees that will, at maturity, block at least 50 percent of the view of the detention pond and fencing from the property line.
- 13.6.2 **Location.** Detention and retention ponds shall be located to the side or rear of the principal buildings unless otherwise approved. The Director and City Engineer may approve a detention or retention pond in the front setback area if the applicant demonstrates, as part of a site plan application, that the location is required by unique topographical considerations. Ponds located in the front setback or in front of the principal building shall be completely screened by a landscape strip planted in accordance with section (a.), above
- 13.6.3 **Pedestrian and Bicycle Accommodation.** Detention and retention ponds shall not disrupt sidewalks, bikeways, or pedestrian paths, or be located so as to require a circuitous route for pedestrian travel.
- 13.6.4 **Minimum Slope and Size.** The minimum slope and size of detention and retention ponds shall conform to these regulations and the regulations of the SCDHEC (SC ADC §72- 307).
- 13.6.5 **Fencing Required.** Fencing consistent with Article 15 is required when the side slopes of a pond exceed one to one (1:1). Fencing shall be located on the inside slope approximately five feet below the top edge of the pond. Barb wire fencing is prohibited. The minimum fencing height is five feet.



ARTICLE

14

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ARTICLE 14 - DESIGN AND PERFORMANCE STANDARDS

14.1 DESIGN AND PERFORMANCE STANDARDS GENERALLY

The following design and performance standards are set forth to protect and enhance the built environment of North Augusta. The standards are divided into two major sections.

1. The design standards set out the physical design criteria of sites and buildings.
2. The performance standards section sets out criteria for impact levels of certain elements of development.

14.2 LIGHTING AND GLARE

14.2.1 Applicability. The provisions of this section shall apply to all exterior artificial light sources not subject to specific regulations set forth in this Article.

14.2.2 Exemptions. The following are exempted from the requirements of this section.

1. Lighting fixtures and standards required by federal, state, county, or city agencies, including streetlights within public rights-of-way.
2. Outdoor lighting fixtures used or required by law enforcement, fire and emergency services, transportation, or similar governmental agencies to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares.
3. Seasonal decorative lighting displays.

14.2.3 Lighting Standards. Exterior lighting of buildings, lots, developments, signs, or other features, and for any use, including, but not limited to, residential, commercial, and industrial uses, shall meet the following requirements:

1. All exterior light fixtures shall be fully shielded and installed in such a way that no light spills over onto adjacent lots or rights-of-way.

2. All lighting shall be directed on-site or onto adjacent walkways and shall be shielded from interfering with corridor traffic and direct off-site viewing.
3. Because of their unique requirement for nighttime visibility and their limited hours of operation, stadiums, ball fields, playing fields and tennis courts are exempted from the general standards of this section. However, lighting for these outdoor recreational uses shall be shielded to minimize light and glare trespass onto adjacent and nearby lots.
4. No flashing lights not otherwise exempted shall be permitted.
5. No installation or erection of any lighting that may be confused with warning signals, emergency signals, or traffic signals shall be permitted.

14.2.4 Glare Standards.

1. There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, that is visible in any residential or mixed-use district.
2. Any artificial light source that creates glare observable within the normal range of vision from any public walk or thoroughfare under clear weather conditions is considered a safety hazard and is prohibited.
3. Any artificial light source that creates glare observable within the normal range of vision, under clear weather conditions, from any lot other than the lot where the light source is located is considered a nuisance and is prohibited.

14.3 PUBLIC NUISANCES

14.3.1 Odor

1. A. The emission of odorous gasses or other matter in such quantities as to be offensive at the property line is prohibited except for the following situations:
 - a. Odors common to permitted agricultural operations.

- b. Odors associated with seasonal applications of fertilizer regardless of their location.
 - c. Odors associated with road construction and maintenance, roofing, and similar transient, non-repetitive activities.
- 2. Any process that involves the creation or emission of offensive odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

14.3.2 Heat, Cold, Dampness, or Movement of Air. Any activity that could produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the property line is prohibited.

14.3.3 Vibration. No use, operation, or activity shall create earthborn vibrations that are transmitted through the ground and discernible beyond the property line, except for vibrations associated with road construction and permitted site development activities.

14.3.4 Smoke, Dust, and Dirt.

- 1. The emission of visible smoke, dust, dirt, or fly ash particulate matter from industrial activities from any pipe, vents, or other openings into the air shall comply with the regulations of the South Carolina Department Health and Environmental Control (SCDHEC).
- 2. Dust generated by sources other than those listed in subsection "a" above shall be kept to a minimum by appropriate screening, design, landscaping, paving, oiling with biodegradable oils, sprinkling, or other acceptable means.
- 3. Any source that creates dust impacting adjacent properties or rights-of-way is prohibited with the following exceptions:
 - a. Dust associated with permitted agricultural operations, and
 - b. Dust associated with road construction and permitted site development activities following established best practices.

14.3.5 Fumes, Vapors, and Gasses. There shall be no emission of any fumes, vapors, or gasses, of a noxious, toxic, or corrosive nature that can cause any damage or irritation to human health, animals, vegetation, or to any form of property.

14.3.6 Fire and Explosive Hazards. All activities and storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion including adequate firefighting and fire suppression equipment.

14.3.7 Radioactive Emissions. There shall be no radiation emission from any source measurable at the property line.

14.3.8 Debris. Debris including, but not limited to litter, mud, grass, and gravel, shall not be allowed to blow or be carried onto adjacent properties or public roadways during construction.

14.4 TRASH RECEPTACLES AND DUMPSTERS

14.4.1 All trash receptacles shall be located in the side or rear yard. Trash receptacles shall be screened so as not to be visible from the public right-of-way.

14.4.2 Solid waste dumpsters shall be located no closer to the street than the front wall of the principal structure located closest to the street and shall be screened as provided in this section.

14.4.3 Dumpsters shall not encroach on a curb, sidewalk, public right of way or a vehicle sight triangle.

14.4.4 The dumpster location shall not require the service vehicle to back up for a distance exceeding ten feet.

14.4.5 The area around the dumpster for a distance of 25 feet must be clear of low overhead branches, overhangs, and utility lines.

14.4.6 Dumpsters must be screened from view from all street frontages and parking areas on three sides. Screening can consist of primary buildings, fences, walls or landscaping consistent with the standards required by this Article. Screening must be a minimum of six feet in height or a height sufficient to screen the dumpster.

14.4.7 A concrete pad and apron is required to



prevent the dumpster and the service vehicle from damaging the asphalt pavement. The pad and apron must:

1. Have a level surface,
2. Have a minimum area of ten feet wide and 20 feet deep,
3. Be constructed a minimum of eight inches thick and reinforced with #4 reinforcing bar on twelve inch centers, and
4. Contain a back curb at the rear of the dumpster enclosure.

14.5 NOISE

14.5.1 If a drive-through lane is adjacent to a residential district, the drive-through service hours shall be no earlier than 6:00 am or later than 11:00 pm. The speaker or order station shall not be located in a required yard or less than one hundred feet from the property line shared with any residential district.

14.5.2 Electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line shared with any adjacent residential district.

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ARTICLE

15

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ARTICLE 15 - FLOODPLAIN MANAGEMENT

15.1 PURPOSE STATEMENT AND OBJECTIVES

It is the purpose of this Article to protect human life and health, minimize property damage and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, this Article prevents or regulates the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

The objectives of this Article are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of this Article are intended to minimize damage to public facilities and utilities including water and gas mains, electric lines, telephone lines, sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this Article is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions including temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater

recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes which evaluate resource conditions and human needs.

15.2 GENERAL PROVISIONS

15.2.1 Statutory Authorization. S.C. Code, Title 5 and Title 6, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

15.2.2 Finding of Fact. The special flood hazard areas of North Augusta are subject to periodic inundation which results in loss of life and property, creates health and safety hazards, disrupts commerce and governmental services, creates extraordinary public expenditure requirements for flood protection and relief, and impairs the tax base, all of which adversely affect the public health, safety, and general welfare. Furthermore, flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities. Flood losses are also caused by occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise unprotected from flood damages.

15.2.3 Applicability. This Article shall apply to all areas of special flood hazard within the jurisdiction of North Augusta, South Carolina as identified by the Federal Emergency Management Agency (FEMA) declared to be a part of this Article and adopted.

15.2.4 Development Permit Required.

A development permit is required in conformance with this Article prior to the commencement of any development activities on flood hazard land.

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

15.2.6 Interpretation. In the interpretation and application of this Article all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state law. This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.2.7 Partial Invalidity and Severability. If any part of this Article is declared invalid, the remainder of this Article shall not be affected and shall remain in force.

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

15.3 ADMINISTRATION

15.3.1 Designation of Local Floodplain Administrator. The Superintendent of Building Standards and/or designee is hereby appointed to be the Local Floodplain Administrator and to administer and implement the provisions of this Article.

15.3.2 Development Permit and Certification Requirements. Application for a development permit shall be made to the Local Floodplain Administrator and the Department of Planning and Economic Development on forms furnished by him or

her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, in addition to the information required pursuant to Appendix B, Application Documents, and other provisions of this Article, the following information is required:

1. A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the Local Floodplain Administrator of 15.3.3 or the Standards for Subdivision Proposals of 15.4.5 and the Standards for Streams without Established Base Flood Elevations and Floodways of 15.4.3. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
2. The plot plan required by 15.3.3.a must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the Duties and Responsibilities of the Local Floodplain Administrator of 15.3.3 or the Standards for Subdivision Proposals of 15.4.5 and the Standards for Streams without Established Base Flood Elevations and Floodways of 15.4.3.
3. Where base flood elevation data is provided as set forth in 15.2.3 or the Duties and Responsibilities of the Local Floodplain Administrator of 15.3.3, the application for a development permit within the flood hazard area shall show:
 - a. The elevation, in relation to mean sea level, of the lowest floor of all new and substantially improved structures; and
 - b. If the structure will be floodproofed in accordance with

15.4.2.2, the elevation, in relation to mean sea level, to which the structure will be floodproofed.

4. Where base flood elevation data is not provided as set forth in 15.3.3.14 or the Duties and Responsibilities of the Local Floodplain Administrator of §15.3.3, then the provisions in the Standards for Streams without Established Base Flood Elevations and Floodways of 15.4.3 must be met.
5. Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include:
 - a. A description of the extent of watercourse alteration or relocation;
 - b. An engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained; and
 - c. A map showing the location of the proposed watercourse alteration or relocation.
6. When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in 15.4.2.2 and 15.4.6.
7. A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Local Floodplain Administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Any work done prior to submission of the certification shall be at the permit holder's risk. The Local Floodplain Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
8. When a structure is located in Zones V, VE or V1-30, certification shall be provided by a registered professional engineer or architect, separate from submitted plans, that new construction or substantial improvement meets the criteria in 15.4.2.9.
9. Upon completion of the development, a registered professional engineer, land surveyor or architect, whichever professional is appropriate in accordance with South Carolina law, shall certify that the requirements of 15.3.2.6, 15.3.3.6, and 15.3.2.8 are built in accordance with the submitted plans and previous predevelopment certifications.
10. If the proposed project will impact the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision (CLOMR) with FEMA prior to the start of actual construction.
11. Within 60 days of completion of an alteration of a watercourse, referenced in 15.3.2.10, the applicant shall submit as-built certification, executed by a registered professional engineer, to FEMA.

15.3.3 Duties and Responsibilities of the Local Floodplain Administrator.

Duties of the Local Floodplain Administrator shall include, but not be limited to:

1. Review all development permits to assure that the requirements of this Article have been satisfied.
2. Review proposed development to

assure that all necessary permits have been received from those government agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

3. Notify adjacent communities and the South Carolina Department of Natural Resources (SCDNR), Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4. In addition to the notifications required in 15.3.3.3, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file and made available in the event of a FEMA inspection.
5. Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of 15.4.2.9 are met.
6. Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas to prevent aggravation of existing hazards.
7. Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.
8. Obtain and review actual elevation, in relation to mean sea level, of the lowest floor of all new or substantially improved structures in accordance with 15.3.2.9 or 15.3.2.2.
9. Obtain the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with 15.3.2.7.
10. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with 15.4.2.2.
11. A registered professional engineer or architect shall certify that the design, specifications and plans for construction comply with the provisions contained in 15.3.2.4, 15.3.2.6, and 15.3.2.8.
12. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
13. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations, as found on an elevation profile, floodway data table, etc., shall prevail. The correct information should be submitted to FEMA as a part of the map maintenance activity requirements outlined in 15.5.
14. When base flood elevation data or floodway data have not been provided in accordance with 15.3.2, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in 15.4.3.3, to administer this Article. Data from preliminary, draft, and final Flood Insurance Studies constitute best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of



- a National Flood Insurance Program (NFIP) approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
15. When the exact location of boundaries of the area's special flood hazards conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the Local Floodplain Administrator in the permit file.
 16. Make on-site inspections of projects in accordance with 15.3.4.
 17. Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with 15.3.4.
 18. Maintain all records pertaining to the administration of this Article and make these records available for public inspection.
 19. Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six months of any annexations or detachments that include special flood hazard areas. The Local Floodplain Administrator, in conjunction with the Department of Planning and Development, shall process the necessary amendments to this Article to incorporate applicable maps from surrounding jurisdictions within 90 days of annexation.
 20. The President-issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
 21. Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
 22. Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur. The market values shall be determined by one of the following methods:
 - a. The current assessed building value as determined by the county assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past six months;
 - b. One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less the cost of improvements and depreciation for functionality and obsolescence; or
 - c. Real estate purchase contract within six months prior to the date of the application for a permit.

15.3.4 Administrative Procedures.

1. **Inspections of Work in Progress.**
As the work pursuant to a permit progresses, the Local Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms

of the permit. In exercising this power, the Local Floodplain Administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

2. **Stop-Work Orders.** Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Article, the Local Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
3. **Revocation of Permits.** The Local Floodplain Administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
4. **Violations to be Corrected.** When the Local Floodplain Administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.
5. **Actions in Event of Failure to Take Corrective Action.** If the owner of a building or property shall fail to take

prompt corrective action, the Local Floodplain Administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

- a. The building or property is in violation of this Article;
- b. A hearing will be held before the Local Floodplain Administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- c. Following the hearing, the Local Floodplain Administrator may issue such order to alter, vacate or demolish the building, or to remove fill as appears appropriate.

6. **Order to Take Corrective Action.**

If, upon a hearing held pursuant to 15.3.4.5, the Local Floodplain Administrator shall find that the building or development is in violation of this Article, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the Local Floodplain Administrator may prescribe; provided that where the Local Floodplain Administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

7. **Appeal.** Any owner who has received an order to take corrective action may appeal from the order to the Board of Zoning Appeals as established by Article 19, Administration and Enforcement, by giving notice of appeal in writing to the Local Floodplain Administrator within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Local Floodplain Administrator shall be final. The Board of Zoning Appeals shall hear an appeal within a reasonable time and may affirm, modify, and affirm, or revoke the order.

8. **Failure to Comply with Order.** If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken or fails to comply with an order of the Board of Zoning Appeals following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
 9. If a structure is declared in violation of this Article and the violation is not remedied, then the Local Floodplain Administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood Insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied, the Local Floodplain Administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.
 10. The following documents are incorporated by reference and may be used by the Local Floodplain Administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov: FEMA 55 Coastal Construction Manual; all FEMA Technical Bulletins; all FEMA Floodplain Management Bulletins; FEMA 348 Protecting Building Utilities from Flood Damage; and FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets.
2. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 3. All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08 and available from FEMA.
 4. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
 5. Critical development shall be elevated to the 500-year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.
 6. Electrical, ventilation, plumbing, heating, and air conditioning equipment, including ductwork, and other service facilities shall be designed and/or located at one foot or above the base flood elevation to prevent water from entering or accumulating within the components during conditions of flooding. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., provided that cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.
 7. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 8. New and replacement sanitary sewage systems shall be designed to minimize sites will be reasonably safe from flooding.

15.4 PROVISIONS FOR FLOOD HAZARD REDUCTION

15.4.1 General Standards. Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

1. Review all permit applications to determine whether proposed building

or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

9. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
10. All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation or lateral movement resulting from hydrodynamic and hydrostatic loads.
11. Any alteration, repair, reconstruction, or improvement to a structure which complies with this Article, shall meet the requirements of new construction as contained in this Article. This includes post-FIRM development and structures.
12. Notwithstanding the provisions of Article 3, Nonconformities, of the North Augusta Development Code, nonconforming buildings may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with this Article. Provided, however, nothing in this Article shall prevent the repair, reconstruction or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all the other requirements of this Article.
13. Nonconforming uses may not be enlarged, changed to another nonconforming use, or resumed if abandoned for a continuous period of six months.
14. A building must meet the specific standards for floodplain construction outlined in 15.4.2, as well as any applicable requirements of the American with Disabilities Act (ADA). The ADA is not justification for issuing a variance or otherwise waiving these requirements. The cost of improvements required to meet ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

15.4.2 Specific Standards. In all areas of special flood hazard (Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in 15.2.3 or 15-3-3-12 or outlined in 15.3.4, the following provisions are required:

1. Residential Construction.

New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor elevated no lower than one foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with this Article.

2. Non-Residential Construction.

New construction and substantial improvement of any commercial, industrial, or non-residential structure, including manufactured homes, shall have the lowest floor elevated no lower than one foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with 15.4.2.5. No basements are permitted. Structures located in "A" Zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the Local Floodplain Administrator as set forth in the floodproofing certification requirements in 15.3.2.6. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in 15.6.5 of this Article. Agricultural structures not meeting the criteria of 15.6.5 must

meet the non-residential construction standards and all other applicable provisions of this Article. Structures which are floodproofed are required to have an approved maintenance plan with an annual exercise. The maintenance plan must be approved by the Local Floodplain Administrator and notification of the annual exercise shall be provided to same.

3. **Manufactured Homes.**

- a. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation and must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that is not subject to the provisions of 15.4.2.3.a must be elevated so that the lowest floor of the manufactured home is elevated to no lower than one foot above the base flood elevation, and must be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- c. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For this requirement, manufactured homes must be anchored to resist flotation, collapse, or

lateral movement in accordance with §40-29-10 of the South Carolina Manufactured Housing Board Regulations, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis thirty-six inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the Local Floodplain Administrator and the Department of Public Safety Emergency Preparedness Coordinator.

4. **Recreational Vehicles.** A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions. Recreational vehicles placed on sites shall be either located in a flood hazard zone site for fewer than 180 consecutive days or be fully licensed and ready for highway use or meet the development permit and certification requirements of 15.3.3 and manufactured home standards of 15.4.2.3 and 15.4.2.5.

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

forces on exterior walls by allowing for the entry and exit of floodwaters.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all the following minimum criteria:
 - i. Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. If there are multiple enclosed areas, each area must have openings in its exterior walls;
 - ii. The bottom of all openings shall be no higher than one foot above the higher of the interior or exterior grade immediately under the opening;
 - iii. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area;
 - iv. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
 - v. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
 - vi. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging

flood flows are minimized.

- vii. For enclosures below the lowest floor, access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - viii. The interior portion of enclosures below the lowest floor shall not be finished or partitioned into separate rooms except to enclose a single storage area, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in 15.4.2.1, 15.4.2.2, and 15.4.2.33.
 - ix. All construction materials below the required lowest floor elevation specified in 15.4.2.1, 15.4.2.2, and 15.4.2.3 shall be of flood resistant materials.
6. **Accessory Structures.** A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 Wet Floodproofing Requirements or be elevated in accordance with 15.4.2.1 and 15.2.5 or dry-proofed in accordance with §15.4.2.2. If accessory structures of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:
 - a. Accessory structures shall not be used for any uses other than the parking of vehicles and storage.
 - b. Accessory structures shall be designed to have low flood damage potential.

- c. Accessory structures shall be constructed and placed on the building site to offer the minimum resistance to the flow of floodwaters.
 - d. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement of the structure.
 - e. Service facilities such as electrical and heating equipment shall be installed in accordance with 15.4.1.5.
 - f. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with 15.4.2.5.
 - g. Accessory structures shall be built with flood resistant materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08 and available from the Federal Emergency Management Agency. Class 4 and 5 materials referenced therein are acceptable flood resistant materials.
7. Swimming Pool Utility Equipment Rooms. If the building cannot be built at or above the BFE because of functionality of the equipment, then a structure to house the utilities for a swimming pool may be built below the BFE with the following provisions:
- a. The building must meet the requirements for accessory structures in §15.4.2.6; and
 - b. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.
8. **Elevators.** The following requirements are applicable to the construction of elevators subject to this Article:
- a. A float switch system or another system that provides the same level of safety is required when there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93: *Elevator Installation for Buildings Located in Special Flood Hazard Areas*.
 - b. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93: *Elevator Installation for Buildings Located in Special Flood Hazard Areas*.
9. **Floodways.** Areas designated as floodways are located within areas of special flood hazard established in 15.2.3. The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and erosion potential. The following provisions shall apply within floodways:
- a. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Local Floodplain Administrator.
 - b. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must be obtained upon completion of the proposed development.
 - c. If the above are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 15.4.

- d. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of 15.4.2.3 and the encroachment standards of 15.4.2.9.a are met.
 - e. Permissible uses within floodways may include general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses. Also, lawns, gardens, play areas, picnic grounds, hiking and horseback riding trails and Greenways are acceptable uses, if they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this section are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.
10. **Fill.** Fill is discouraged because storage capacity is removed from floodplains. Elevating buildings by other methods must be considered. An applicant shall demonstrate that fill is the only alternative to raising the building to at least one foot above the base flood elevation, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:
- a. Fill may not be placed in the floodway unless it is in accordance with 15.4.2.9.a.
 - b. Fill may not be placed in wetlands without the required state and federal permits.
 - c. Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps and sanitary fills are not permitted in the floodplain.
 - d. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.
 - e. Fill slopes shall be no greater or steeper than two horizontal units to one vertical unit.
 - f. Flatter slopes may be required where velocities may result in erosion.
 - g. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
 - h. Fill may not be used for structural support in the coastal high hazard areas.
 - i. Fill shall meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built on Fill in or Near Special Flood Hazard Areas Are Reasonably Safe from Flooding*.
- 15.4.3 Standards for Streams without Established Base Flood Elevations and Floodways.** Located within the areas of special flood hazard (Zones A and V) established in 15.2.3 are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:
- 1. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments greater than two lots or one acre, whichever is less.
 - 2. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted

within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

3. If 15.4.3.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of 15.4 and shall be elevated or floodproofed in accordance with elevations established in accordance with 15.3.4.10. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on a study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
4. When base flood elevation (BFE) data is not available from a federal, state, or other source, one of the following methods may be used to determine a BFE. For further information regarding the BFE determination, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:
 - a. Contour Interpolation
 - i. Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
 - ii. Add one-half of the contour interval of the topographic map that is used to the BFE.
 - b. Data Extrapolation – A BFE can be determined if a site within five hundred feet upstream of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches.

No hydraulic structures shall be present.

- c. Hydrologic and Hydraulic Calculations – Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

5.4.4 Standards for Streams with Established Base Flood Elevations but Without Floodways. Along rivers and streams where Base Flood Elevation (BFE) data are provided but no floodway is identified for a Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM) or in the FIS, the following provision shall apply:

1. No encroachments including fill, new construction, substantial improvements, or other developments shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

15.4.5 Standards for Subdivision Proposals and Other Proposed Development.

1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
2. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. Where possible, provision shall be made for alternative vehicular access and escape routes if normal routes are blocked or destroyed by flooding.
4. All subdivision proposals and other proposed development shall have adequate drainage provided to reduce exposure to flood hazards.

5. The applicant shall meet the requirement to submit technical data to FEMA in 15.5 when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

15.4.6 Standards for Areas of Shallow

Flooding (AO Zones). Located within the areas of special flood hazard established in 15.2.3, are areas designated as shallow flooding. The following provisions shall apply within such areas:

1. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade.
2. All new construction and substantial improvements of non-residential structures shall:
 - a. Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade; or
 - b. Be completely floodproofed together with attendant utility and sanitary facilities to or above that level, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in 15.3.4.
 - c. All structures on slopes must have drainage paths around them to guide water away from the structures.

Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in 15.2.3 accurately represent flooding conditions so that appropriate floodplain management criteria are based on current data.

15.5.2 Requirement to Submit New Technical

Data. For all development proposals that impact floodway delineations or base flood elevations, the Local Floodplain Administrator shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
4. Subdivision or large-scale development proposals requiring the establishment of base flood elevations in accordance with 15.4.3.1.
 - a. It is the responsibility of the applicant to have technical data, required in accordance with 15.5, prepared in a format for a Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
 - b. The Local Floodplain Administrator shall require a CLOMR prior to the issuance of a floodplain development permit for:
 - i. Proposed floodway encroachments that increase the base flood elevation; and
 - ii. Proposed development which increases the base flood

15.5 MAP MAINTENANCE ACTIVITIES

15.5.1 Purpose. The National Flood Insurance



elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

- c. Floodplain development permits issued by the Local Floodplain Administrator shall be conditioned upon the applicant obtaining a LOMR from FEMA for any development proposal subject to 15.5.

15.5.3 Right to Submit New Technical Data.

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

15.6 VARIANCE PROVISIONS

1. Establishment of Appeal Board.

The Board of Zoning Appeals as established by the City of North Augusta in Article 18, Administration and Enforcement shall hear and decide requests for variances from the requirements of this Article.

- 2. Right to Appeal. Any person aggrieved by the decision of the Board of Zoning Appeals or any taxpayer may appeal such decision as provided in Article 19, Administration and Enforcement and pursuant to S.C. Code §6-29-820 to the circuit court in and for the counties of Aiken and Edgefield as applicable.

- 3. Historic Structures. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

4. Functionally Dependent Uses.

Variances may be issued for development necessary for the conduct

of a functionally dependent use, provided the criteria of 15.6 are met, no reasonable alternatives exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

5. Agricultural Structures.

Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. To minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all the conditions and considerations of 15.6.8, this section, and the following standards:

- a. Use of the structure must be limited to agricultural purposes as listed below:
 - i. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;
 - ii. Steel grain bins and steel frame corn cribs;
 - iii. General purpose barns for the temporary feeding of livestock which are open on at least one side; and
 - iv. For livestock confinement buildings, poultry houses, dairy operations and similar livestock operations, variances may not be issued for structures which were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of 15.4.2.2 of this Article.
- b. The agricultural structure must be built or rebuilt, in the case of an existing building which is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
- c. The agricultural structure must be adequately anchored to prevent

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

- d. The agricultural structure must meet the venting requirement of 15.4.2.5.
 - e. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation so that it is contained within a watertight, floodproofed enclosure which is capable of resisting damage during flood conditions. The structure must comply with 15.4.1.5.
 - f. The agricultural structure must comply with the floodway encroachment provisions of 15.4.2.9.
 - g. Major equipment, machinery or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.
6. **Considerations.** In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Article, and:
- a. The danger that materials may be swept onto other lands to the injury of others.
 - b. The danger to life and property

due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles.

- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - d. The importance of the services provided by the proposed facility to the community.
 - e. The necessity to the facility of a waterfront location, where applicable.
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - g. The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.
 - h. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
 - i. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
 - j. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.
7. **Findings.** Findings listed above shall be submitted to the Board of Zoning



Appeals, in writing, and included in the application for a variance. Additionally, comments from the S.C. Department of Natural Resources Land, Water and Conservation Division, State Coordinator's Office, must be considered and included in the permit file.

8. **Floodways.** Variances shall not be issued within any designated floodway if any increases in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to the issuance of the variance. To ensure the project is built in compliance with the CLOMR for which a variance is granted, the applicant must provide a performance guarantee and letter of credit for 125 percent of the cost to perform the development. The performance guarantee and letter of credit shall be valid for a period equal to 125 percent of the estimated time required to complete construction of the development.
9. **Conditions.** Upon consideration of the factors listed above and the purposes of this Article, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article. The following conditions shall apply to all variances:
 - a. Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - c. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense,

create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

- d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
- e. The Local Floodplain Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.
- f. Variances shall not be issued for development initiated without a permit or other development that is not in compliance with this Article. Violations must be corrected in accordance with 15.3.5.5 of this Article.

15.7 LEGAL STATUS

1. **Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance.** This Article in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted on July 15, 1980, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Article shall not affect any action, suit or proceeding instituted or pending.
2. **Effect upon Outstanding Building Permits.** Nothing herein contained 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 by the Building Official or his authorized agents before the time of passage of this Article; provided, however, that when construction is not begun under such outstanding permit within a period of 60 days subsequent to passage of this Article, construction or use shall be in conformity with this Article.

15.8 DEFINITIONS SPECIFIC TO FLOODPLAIN MANAGEMENT

- 5.8.1** The following words and terms shall have the definition assigned for the purposes of interpreting the Floodplain Management regulations provided in this Article. Other words and terms specific to floodplain management used but not defined in this subsection shall have the meaning prescribed in 44 CFR § 59.1 – Definitions. All other words and terms are discussed and defined in Article 20.

15.8.2 Definitions Related to Floodplain Management.

Accessory Structure. For purposes of Article 15, a structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimum flood damage potential. Detached garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building). For purposes of Article 15, an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a fire wall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

Agricultural Structure. For purposes of Article 15, a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from this Article.

Appeal. For purposes of Article 15, a request for a review of the Local Floodplain Administrator's interpretation of any provision of this Article.

Area of Shallow Flooding. For purposes of Article 156, a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard. For purposes of Article 15, the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

Base Flood. For purposes of Article 15, the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation. The crest elevation in relation to a mean-sea level expected to be reached by the one percent annual chance flood, i.e., the 100-year flood.

Basement. That portion of a building having its floor subgrade (below ground level) on all sides. For purposes of Article 15, any enclosed area of a building which is below grade on all sides.

Building. For purposes of Article 15, any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical Development. For purposes of Article 15, development that is critical to the community's public health and safety is essential to the orderly functioning of a community, store or produce highly volatile, toxic, or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment

facilities, water plants, and gas/oil/propane storage facilities.

Development. For the purposes of Article 15, "Development" includes any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. Any exception to this definition must be per the requirements of Article 15.

Elevated Building. For purposes of Article 15 a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

Executive Order 11988 (Floodplain Management). For purposes of Article 15 and issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Existing Construction. For purposes of Article 15 "existing structure" means, for the purposes of determining rates, structures for which the start of construction commenced before June 3, 1977.

Existing Manufactured Home Park or Manufactured Home Subdivision. For purposes of Article 15, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before April 20, 1987.

Expansion to an Existing Manufactured Home Park or Subdivision. For purposes of Article 15, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete slabs).

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or

tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Area. Any area of the city subject to the 100-year flood and so designated by the Flood Insurance Rate Map, as amended from time to time.

Flood Hazard Boundary Map (FHBM). For purposes of Article 15 an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM). For purposes of Article 15 an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study. For purposes of Article 15, the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Flood Resistant Material. For purposes of Article 15, any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which is water soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable, are not acceptable. Materials which absorb or retain water excessively after submergence are not flood resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodplain. Floodplain area means any land area susceptible to being inundated by water from any source.

Floodproofing. Structural additions, changes, or adjustments to structures subject to flooding which will reduce or eliminate flood damages of water and sewer facilities, structures, and contents of buildings.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the 100-year flood or base flood without cumulatively increasing the water surface elevation more than one foot at any point.

Floodway Fringe. All that land in a floodplain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

Functionally Dependent Use. For purposes of Article 15, a use which cannot perform its intended purpose unless it is located or carried out near water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade. For purposes of Article 15, the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic Structure. For purposes of Article 15, any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on a state inventory of historic places.
4. Individually listed on a local inventory of historic places in communities with

historic preservation programs that have been certified:

- a. By an approved state program as determined by the Secretary of Interior; or
- b. Directly by the Secretary of Interior in states without approved programs.

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

Increased Cost of Compliance (ICC).

For purposes of Article 15, this term applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The National Flood Insurance Program shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with state or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

Limited Storage. For purposes of Article 15, an area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. **Lowest Adjacent Grade (LAG):** For purposes of Article 15, the elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

Lowest Floor. For purposes of Article 15, the lowest floor of the lowest enclosed area (including basement). Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage

in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.

Manufactured Home. For purposes of Article 15, a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision. For purposes of Article 15, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Park or Subdivision, New. For purposes of Article 15, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after April 20, 1987.

Mean Sea Level. For purposes of Article 15, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.

National Geodetic Vertical Datum (NGVD). For the purposes of Article 15, a vertical control used as a reference for establishing varying elevation within the flood plain.

New Construction. For purposes of Article 15, a structure for which the start of construction commenced after April 20, 1987. The term also includes any subsequent improvements to such structure.

North American Vertical Datum (NAVD) of 1988. Vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.

Regulatory Flood. A flood event having a one percent chance of occurring in a given year, although the flood may occur in any year, i.e., the 100-year flood.

Regulatory Flood Elevation. The crest elevation in relation to mean sea level expected to be reached by the regulatory flood at any given point in an area of special flood hazard.

Repetitive Loss. For purposes of Article 15, a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions over a ten-year period ending on the date of the event from which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

Section 1315 of the National Flood Insurance Act of 1968. For purposes of Article 15, the Act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

Structure. For purposes of Article 15, a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

Substantial Damage. For purposes of Article 15, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively, and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

Substantial Improvement. For purposes of Article 15, any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual

repair work performed. The term does not, however, include either:

1. Any project of improvement to a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

Substantially Improved Existing Manufactured Home Park or

Subdivision. For purposes of Article 15, where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance. A variance is a modification granted by the Board of Zoning Appeals from the terms of the relevant regulations in the Development Code when strict application would result in unnecessary hardship (S.C. Code §6-29-800). For purposes of Article 15, a "variance" means the grant of relief from a term or terms of Article 15.

Violation. For the purposes of Article 15, the failure of a structure or other development to be fully compliant with these regulations.

ARTICLE

16

Review Draft - 12.27.22

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ARTICLE 16 - LAND SUBDIVISION

16.1 PURPOSE

The purpose of subdivision review is to ensure that the layout and design of new lots comply with applicable standards and the general purpose of this Article.

16.2 APPLICABILITY

The procedures and standards of this article shall apply to all the following:

- 16.2.1 The division of land into two or more lots, building sites, or other divisions for the purpose of, whether immediate or future, sale, lease, or building development.
- 16.2.2 All divisions of land involving a new street or change in existing streets.
- 16.2.3 The combination or consolidation of lots of record.
- 16.2.4 Resubdivision involving the further division or relocation of lot lines of any lot or lots within an approved subdivision.
- 16.2.5 The alteration of any streets or the establishment of any new streets within any approved subdivision.
- 16.2.6 The installation, extension or alteration of a water, sewer, or storm drainage utility.
- 16.2.7 If, upon reviewing a proposed subdivision of land, the Director determines that the subdivision is exempt from the requirements of this section, they shall certify on the plat that the division requires no further approval of the city prior to its being recorded.

16.3 EXEMPTIONS

The following divisions of land shall be exempt from the requirements of this article:

- 16.3.1 The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with the standards of this Article.
- 16.3.2 The division of land into parcels of five acres or more where no new public street; change to an existing public street; new water, sewer, or storm drainage utility; or change to an existing water, sewer, or storm drainage utility is involved.
- 16.3.3 The combination or recombination of entire lots of record where no new public street;

change to an existing public street; new water, sewer, or storm drainage utility; or change to an existing water, sewer, or storm drainage utility is involved.

16.4 TYPES OF SUBDIVISION

There are two types of subdivision that may be approved:

1. Minor subdivisions, and
2. Major subdivisions.

The regulations set forth within this article apply to one or both types. Regulations that apply only to one type of subdivision are clearly noted within the text.

16.5 APPLICATIONS IN GENERAL

- 16.5.1 An application for a subdivision shall include the entirety of the property owned or controlled by the applicant and all such property shall be shown on the plat or survey submitted with the application.
- 16.5.2 Applications for the development of a portion of property owned or controlled by an applicant with a balance or remainder of a site planned for future development must include provisions for access, internal vehicular connectivity, stormwater management and other staged infrastructure on the portion of the site designated for future development. Such provisions shall be conceived to accommodate the entire site or parcel.
- 16.5.3 Nothing in this section shall preclude an owner or applicant from submitting a subdivision application for a development that will be implemented in phases over time or from submitting a modification to a subdivision plat that provides for more or less development or realigned development on the entirety of the property.

16.6 GENERAL APPLICATION REQUIREMENTS

- 16.6.1 All requests for land subdivision approval shall be submitted on forms maintained and provided by the Director and must include the applicable elements as indicated on the land subdivision checklist included with the application. Applications that do not contain a complete application form and all required elements including fees shall

not be reviewed and will be returned to the applicant with a statement of the reasons why the proposed application is incomplete or otherwise does not conform to the provisions of this Article.

16.6.2 Applications that contain inaccurate information shall be denied.

16.6.3 Applications that are inactive for a period of six months on the applicant's part, shall be closed and a new application must be submitted.

16.7 MINOR SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCESS

16.7.1 Pre-Submittal Meeting Encouraged.

Pre-submittal meetings are encouraged for all minor subdivisions. This is to identify the proper process and ensure that the applicant can meet approval criteria, therefore streamlining reviews. Pre-submittal meetings for subdivisions must be scheduled through the Planning Department.

16.7.2 If the minor subdivision application conforms to this Article and all required conditions of a minor subdivision, the Director shall approve the application.

16.7.3 An approved minor subdivision shall be signed by the Director and recorded by the Department in conformity with the provisions of S.C. Code §6-29-1150 with the Aiken County RMC Office or the Edgefield County Clerk of Court within 10 days of the approval.

16.7.4 No subdivision plat shall be accepted for filing by the Aiken County RMC Office or the Edgefield County Clerk of Court until it has been approved by the Director as indicated on the subdivision plat by the signature of the Director.

16.7.5 If the minor subdivision application is complete, but does not conform to this Article, the Director shall deny the minor subdivision and return it to the applicant for revision and resubmission. If the applicant disagrees with the decision of the Director, the applicant may appeal the decision to the Planning Commission. The Planning Commission may approve the appealed application, may approve the appealed application with specific conditions, or may deny the application. If the application is denied the Planning Commission shall state its reasons in the record.

16.7.6 The Director shall notify the Planning Commission of all minor subdivisions within 30 days of the decision as an information item on their regular agenda.

16.8 MAJOR SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCESS

16.8.1 Pre-Submittal Meeting Required. Pre-submittal meetings are required for all major subdivisions. The intent is to identify the proper process and ensure that the applicant can meet approval criteria, therefore streamlining reviews. Pre-submittal meetings for subdivisions must be scheduled through the Planning Department.

16.8.2 Preliminary Approval

1. Following staff review of a major subdivision application, the Director shall prepare the application to be considered for preliminary approval by the Planning Commission.
2. The Director's report to the Planning Commission shall include a recommendation for approval, approval with conditions or waivers, or denial. The recommendation shall be substantiated by material presented to the Commission by both staff and the applicant.
3. Preliminary approval of a major subdivision rests solely with the Planning Commission. Such approval constitutes approval of the subdivision as to its character, intensity of development, general layout, and the approximate dimensions of streets, lots, and other planned features. Such approval binds the developer to the general scheme of the subdivision or land development and permits the developer to proceed with the installation of site improvements, subject to obtaining other necessary permits.
4. The approval of the major subdivision application does not constitute approval of a final subdivision plat, and accordingly, does not authorize the sale of lots or the occupancy or use of a parcel of land.

16.8.3 Final Approval

1. The applicant may request final



approval for the whole subdivision, or a section or sections of the subdivision upon completion of required improvements and approval by city and state agencies with jurisdiction over such improvements.

2. In consultation with the City Engineer and only following approval by such, the Director shall grant final approval for any major subdivision that substantially conforms to the preliminary approval granted by the Planning Commission and any additional requirements of this Article.
3. If the final subdivision plat application does not substantially conform to the preliminary approval granted by the Planning Commission or additional requirements of this Article, the Director shall refer the application for final approval to the Planning Commission. The Planning Commission may approve the application, may approve the application with specific conditions or waivers, or may deny the application. If the application is denied, the Planning Commission shall state its reasons in the record.

16.8.4 Final approval shall not constitute or effect an acceptance by the City of North Augusta of the dedication of any street, utility easement or other public ground shown upon the final plat or final site plan. Public acceptance of the lands must be by separate action of the City Council as is customary for such transactions. Where acceptance is needed, the following additional steps are required.

1. The developer shall submit a deed of dedication for all land including roads, parks, open space, and land reserved for public utility purposes, easements, and public improvement and utility infrastructure to the Department for consideration by the City Council to accept with the application for a final plat. In addition to the deed of dedication the developer shall submit a warranty deed of dedication conveying ownership of the infrastructure system to the city, an owner's affidavit to certify the condition of the title of said property, and a title certificate by the examining attorney indicating

the contents of the public record concerning the real-estate being conveyed to the city.

2. Materials will be forwarded to the City Clerk by the Director. The City Clerk shall schedule the deed of dedication for consideration by the City Council within 30 days of receipt

16.8.5 Guarantees and Additional Information Required

1. Performance Guarantee.

- a. If all improvements as required are not entirely installed and constructed in accordance with the required standards prior to the submission of a final plat application, or in the case of a site plan, an application for final approval and a certificate of occupancy, and the developer desires to proceed with building construction within a subdivision or occupancy of a site, and the City Engineer certifies that all necessary infrastructure and other installations required for the safe use, continued development and occupancy of a subdivision or a site have been completed satisfactorily, the developer shall submit a performance guarantee in an amount equal to 125 percent of the cost of the unfinished improvements as certified by City Engineer. The performance guarantee shall be supported by a letter of credit or other security that shall be valid for a minimum of one month beyond the performance guarantee term.
- b. The performance guarantee backed by any security acceptable to the city must be approved by the Director, the City Engineer, and the City Attorney, and must include a specific, reasonable, and satisfactory date for the completion of the necessary improvements. In no case shall the performance guarantee be valid for more than two years.
- c. When the improvements have been completed and approved for

conformity with the provisions of this Article by the City Engineer, the guarantee shall be released and returned.

- d. In the event the developer fails to construct the required improvements in conformity with the provisions of this Article during the specific time allotted, the performance guarantee and letter of credit is forfeited to the City of North Augusta to be used for the completion of the improvements.
- e. At the successful conclusion of the performance guarantee process, the developer shall begin the process for approval of the maintenance guarantee.
- f. Although building permits may be issued under a performance guarantee, under no circumstances shall a certificate of occupancy be issued until all conditions of the guarantee have been satisfied.

2. Maintenance Guarantee.

- a. To ensure the satisfactory condition of completed improvements (water, sewer, stormwater, road and pedestrian circulation systems, landscaping, etc.) the developer, at the time of final subdivision plat or site development plan approval, shall submit a maintenance guarantee in a form specified by the city. The maintenance guarantee shall include the developer's representation that the improvements will not fail, for any reason except for force majeure, shall be equal to 15 percent of the estimated cost of the improvements as determined by the City Engineer and shall be valid for a period of 24 months from the approval of the final subdivision plat. The maintenance guarantee must be reviewed by the City Attorney for compliance with this section.
- b. The maintenance guarantee shall be supported by a letter of credit

or other security acceptable to the city. The letter of credit or other security shall be dated on the same date as the maintenance guarantee and shall expire no sooner than 24 months from the approval of the final subdivision plat or site development plan.

- c. The maintenance guarantee shall be released upon expiration unless the City Engineer determines that there is work to be corrected prior to that time. The City Engineer shall have full and sole discretion and authority in determining if a failure has occurred in regard to infrastructure.
- d. If the City Engineer determines that a failure has occurred, they shall provide written notice of such failure to the developer with a request for the immediate correction of the failure. In the event the developer fails to make such repairs as necessary within 60 days of such written notice or within 10 days in the event of such notice being received during the last 60 days covered by the maintenance guarantee and letter of credit, the following conditions shall prevail:
 - i. The maintenance guarantee shall be considered violated and in default with the city having full right and authority to make claims under the letter of credit;
 - ii. The city may make claim against the full amount of the letter of credit until such time as the city is able to make the necessary repairs to the infrastructure;
 - iii. Following the completion of the repairs to the infrastructure to the satisfaction of the City Engineer, any funds remaining from the letter of credit shall be refunded to the developer;
 - iv. The city is entitled to compensation, at a reasonable rate, for any in-house services

provided by the city for the purpose of correcting failures or deficiencies to the infrastructure;

- v. The city shall have full and absolute authority to determine which party or parties shall be contracted with for the purpose of making repairs as required.
3. If the work is not completed, the proceeds from the letter of credit shall be used by the city for such work. The maintenance guarantee shall be released when the City Engineer deems the work satisfactorily completed and the city has been reimbursed for any and all expenses incurred.
4. Non-Access Easement. The Planning Commission or the Director may require an easement prohibiting curb cuts or other vehicular access across a designated "non-access line" where it is determined that such restrictions are needed to avoid unsafe conditions, to avoid impeding the flow of traffic, or to provide for the efficient movement of pedestrians across streets or parking areas.
5. Street Addressing. The Director shall provide for the designation and assignment of street addresses for all parcels created by the subdivision or re-subdivision of land in accordance with the Aiken County E-911 street naming and addressing standards and procedures. The Director shall also initiate the readdressing of existing parcels when necessary to avoid or reduce conflicts in street addressing or to achieve compliance with the Aiken County E-911 street naming and addressing standards and procedures.
6. Street Signs. As new subdivisions are completed, the city will install street name and traffic control signage based on a uniform sign design adopted by the city. The applicant shall remit payment for the signs at the time of final subdivision application. The cost for such signs shall be as determined by the City of North Augusta.
7. Notification of Public Agencies and

Utilities. Upon the approval of a final, minor, or major subdivision plat, that results in the creation of one or more new lots or parcels or rearranges or relocates property lines between existing lots or parcels, the Director shall forward copies of the approved and recorded subdivision plat to public agencies and utilities affected by the subdivision. Such public agencies and utilities include but are not limited to the U.S. Post Office, Aiken County, Edgefield County, Aiken County Public Schools, and providers of the following public utility services: water, sewer, electricity, natural gas, telephone, cable, and internet.

8. Appeals. Pursuant to S.C. Code §6-29-1150(C), any party in interest may appeal a decision by the Director to approve or deny a subdivision plat to the Planning Commission. The Planning Commission shall act on the appeal within 60 days and the action of the Planning Commission is final. An appeal from the decision of the Planning Commission may be taken to circuit court within 30 days after actual notice of the decision.

16.8.6 Plat Recording

1. A final subdivision plat will not be approved for recording until all applicable guarantees and additional information required have been submitted and approved by the Director and, as to form, by the City Attorney.
2. An approved final subdivision plat shall be signed by the Director and recorded by the Department in conformity with the provisions of S.C. Code §6-29-1150 with the Aiken County RMC. Office or the Edgefield County Clerk of Court Office within 10 days of approval. No subdivision plat shall be accepted for filing by the Aiken County RMC. Office or the Edgefield County Clerk of Court until it has been approved by the Director as indicated by the signature of the Director on the plat.

- 16.8.7 Expiration of Subdivision Approval. Approval of a major subdivision shall expire two years from the date of approval unless a grading permit has been issued and construction



has commenced. The applicant may apply for and the Planning Commission may grant extensions on such preliminary approval for additional periods of up to one year not to exceed a total of five extensions. If an amendment to this Article is adopted by the City Council after approval of a major subdivision that would make such approval impossible, a request for an extension may not be granted.

16.9 CONSERVATION SUBDIVISION OPTION

16.9.1 Purpose. The purpose of conservation subdivision option is to provide flexibility in site design to allow developers to preserve or conserve common open space and natural resources within a subdivision.

16.9.2 Benefits. Conservation subdivisions can benefit the community and the developer by:

1. Protecting the public health, safety and general welfare by avoiding surface and ground water pollution, contaminated runoff, air quality contamination and urban heat islands which result from pavement and the clearing of natural vegetation;
2. Protecting and preserving natural resources such as wetlands, streams, lakes, steep slopes, woodlands and water recharge areas;
3. Reducing infrastructure and housing costs by reducing the engineering and construction costs produced by conventional subdivision design, which requires more pavement, wetland crossings, grading of trees and natural areas, and lawn and landscaping maintenance;
4. Protecting property values by allowing open space design features which enhance the marketability of development;
5. Providing design flexibility; and
6. Promoting development on soils which are most suitable for urban densities, while preserving soils that are primarily adaptable to other uses such as woodlands, wildlife habitat and agricultural uses.

16.9.3 Applicability. Application for approval of a

conservation subdivision may be submitted by an applicant for a subdivision of land in any zoning district containing a minimum of five acres of land.

16.9.4 Approval Process. Conservation subdivisions shall be approved following the process for major subdivision approvals.

16.9.5 Areas Qualifying as Conservation Open Space. The following areas may be designated as conservation open space:

1. Planned public parks, Greenways, trails, and open space;
2. Wetlands;
3. Woodlands;
4. Prime agricultural land;
5. Sensitive aquifer recharge features, including areas with highly permeable, excessively drained, soil;
6. Floodway and flood fringe within the 100-year floodplain, as shown on official Federal Emergency Management Association (FEMA) maps;
7. Areas within 100 feet of the edge of the 100-year floodplain as delineated on the FEMA maps and any Letter of Map Revision;
8. Areas within 100 feet of the banks of any stream shown as a blue line on the United States Geological Survey (USGS) 1:24,000 (7.5 minute) scale topographic maps for Aiken County;
9. Slopes exceeding 25 percent;
10. Soils subject to slumping, as indicated on the medium-intensity maps contained in the county soil survey published by the United States Department of Agriculture (USDA) Natural Resources Conservation Service;
11. Significant wildlife habitat areas;
12. Historic, archaeological, or cultural features listed, or eligible to be listed, on national, state or county registers or inventories; and
13. Scenic views into the property from existing public roads.

16.9.6 Further Subdivision Prohibited. Lands designated as permanent open space shall



not be further subdivided.

16.9.7 Natural Resource Protection. No Conservation Open Space shall be cleared, graded, filled or subject to construction. However, rights-of-way for Greeneways, streets needed to provide access to the proposed subdivision, and water, sewer, electric, or cable lines may be cleared to the minimum necessary as determined by the City.

16.9.8 Open Space Requirements. Conservation Open Space shall meet all open space requirements as set forth in Article 7.

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ARTICLE

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ARTICLE 17 - ADMINISTRATIVE ROLES AND RESPONSIBILITIES

17.1 AUTHORITY

The agencies designated in this Article and their rules of procedure are established pursuant to the authority delegated to cities in South Carolina under the S.C. Code of Laws, Title 6, Article 29.

17.2 PLANNING DIRECTOR

The Planning Director shall have powers and duties to be carried out in accordance with these regulations that include, but are not limited to the following:

1. To serve as staff to the Planning Commission and the Board of Zoning Appeals regarding their functions under these regulations, and to inform such bodies of all facts and information at their disposal with respect to applications for amendments to the text of these regulations, amendments to the zoning maps, appeals, variances, permit requests, and any other matters brought before them under this Chapter.
2. To maintain the text of these regulations and the zoning maps.
3. To maintain development review files and other public records related to the administration and enforcement of these regulations.
4. To review applications for zoning permits filed under these regulations and either approve or make a formal recommendation on such applications as noted in this Chapter.
5. To interpret this Chapter as needed in the performance of duties.
6. To recommend and comment on proposed amendments to these regulations and to the zoning maps.
7. To establish administrative rules and permit application forms, collectively known as the Administrative Manual, as are necessary and proper for the administration of this Chapter.
8. To serve as secretary to the Planning

Commission and Board of Zoning Appeals.

9. To review and make decisions on requests for minor waivers.
10. To review and make decisions on minor plats.
11. To undertake any additional role or responsibility assigned by this Chapter or permitted by law as directed by the City Administrator.

17.3 DIRECTOR OF ENGINEERING AND PUBLIC WORKS

The Director of Engineering and Public Works shall have the following powers and duties to be carried out in accordance with these regulations that include, but are not limited to the following:

1. To review applications for compliance with established engineering, building standards, and environmental regulations.
2. To advise the Planning Director, boards, commissions, and City Council regarding decisions and recommendations related to this Chapter.

17.4 PLANNING COMMISSION

1. **Authority Under This Article.** The Planning Commission (Commission) shall have all the powers and duties as assigned by §6-29-340 of the South Carolina Local Government Comprehensive Planning Enabling Act (Title 6) to be carried out in accordance with these regulations as detailed in Article 19 and in the adopted Rules of Procedure for the Commission. In addition, the Commission shall have any other power or duty as assigned by the City Council in conformity with Title 6.
2. **Membership and Rules of Procedure.** Members shall be appointed, officers elected, and duties and functions specified by this Article carried out in conformity with the Commission's adopted Rules of Procedure.
3. **Appeals From a Commission**

Decision. Any person who may have a substantial interest in any decision of the Board may appeal the decision pursuant to S.C. Code §6-29-1150 to the circuit court in and for the counties of Aiken or Edgefield as applicable, filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Commission is rendered.

4. **Subsequent Applications.** In the event an application for an appeal is denied, the Director shall refuse to accept another application for the same action on the same property or any portion of the same property within one year of the original hearing. However, the Director may accept and the Board may consider such an application within one year if new or different evidence is presented that was not reasonably available at the time of the original hearing or if the action requested is substantially different than the previous request that was denied.

17.5 BOARD OF ZONING APPEALS

17.5.1 Authority Under This Chapter. The Board of Zoning Appeals (Board) shall have all the powers and duties as assigned by §6-29-800 of the South Carolina Local Government Comprehensive Planning Enabling Act (Title 6) to be carried out in accordance with these regulations as detailed in Article 19 including, but without limitation:

1. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the administration of this Chapter;
2. To hear and decide appeals for variance from the terms of this Chapter according to the standards and procedures prescribed herein;
3. To permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in this Chapter; and
4. o remand a matter to an administrative

official, upon motion by a party or the board's own motion, if the Board determines the record is insufficient for review.

17.5.2 Membership and Rules of Procedure.

Members shall be appointed, officers elected, and duties and functions specified by this Chapter carried out in conformity with the Board's adopted Rules of Procedure.

17.6 CITY COUNCIL

The City Council shall have the following duties related to this Chapter:

1. To review and initiate changes to the text of this Chapter or the Official Zoning Map;
2. To decide upon any application or request for an amendment to this Chapter or the Official Zoning Map; and
3. To take any other action not otherwise delegated herein that the Council may deem desirable and necessary to implement the provisions of this Chapter.

ARTICLE
18

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ARTICLE 18 - ADMINISTRATION AND ENFORCEMENT

18.1 GENERAL PROVISIONS

18.1.1 Applicability. The general provisions of this section shall apply to all applications for development approval and permit requests under this Chapter, unless otherwise stated. This Article addresses specific processes and procedures for each type of decision and action available through this development code. Additional procedural requirements may be found in rules of procedure for the Planning Commission, Board of Zoning Appeals (BZA), and City Council.

18.1.2 Intent. The intent of this Article is to provide for the efficient, reasonable, and impartial administration and enforcement of these regulations and establish a procedure for compliance with the regulations. Furthermore, it is the intent of this Article to avoid the unnecessary expenditure of public resources for the processing of incomplete applications.

18.1.3 Administrative Manual. The Director shall create and compile forms and information items related to all application and review processes necessary to ensure successful administration of this Chapter. The contents of these documents may include timelines, schedules, and fees adopted by the Planning Commission, BZA, and City Council as needed.

18.1.4 Complete Application Required.

1. A complete application must be submitted to initiate formal review by the City. Applications deemed incomplete will not be reviewed for compliance with standards. A decision that the application is complete shall not constitute a decision as to whether the application complies with this Chapter.
2. Any deadlines for formal approval will not begin until the City has determined that an application is complete. Nothing in this section or in the Administrative Manual shall prevent an applicant and the Director from mutually agreeing to an extension of any time limit specified.

3. All applications shall contain a completed application form, required supporting material, and all applicable fees.
4. Current application forms, filing schedules, and other pertinent information is available in the Planning Department and on the City's website.

18.1.5 Adequacy of Public Facilities. No application subject to this Article shall be accepted, approved, granted, or issued unless it provides sufficient information to determine whether the capacity of public facilities is adequate to support the proposed development, as determined by the decision-making authority.

18.1.6 Floodplain Approval Procedures. The procedures related to floodplain approval are located in Article 15 Floodplain Management and are in addition to any other procedures or requirements related to use and development of land that may apply.

18.1.7 Burden of Proof. The burden to prove intent and compliance with this Article rests fully on the applicant. If the City determines that additional information is needed, the additional information requested must be submitted prior to formal review of the application.

18.1.8 Initiation. Unless otherwise specified, all applications must be initiated by the subject property owner(s) or the subject property owner's authorized agent. Proof of authorization is required at time of application submittal.

18.1.9 Certificates of Occupancy. All uses, including nonconforming uses, shall obtain a certificate of occupancy as required by the City's "List of Adopted Codes that Govern Construction, Repairs, and Renovations." The Superintendent of Building Standards shall maintain a record of all certificates of occupancy.

18.1.10 Notification. The notification requirements for each type of application for development approval are provided in rules of procedure adopted by the decision-making authority, in South Carolina statutes, or in the Administrative Manual.

18.1.11 Change of Ownership. Approvals for permits, plans, and variances run with the land and are not affected by a change in ownership, developer, or management. Development agreements, which may accompany or augment a request for approval, are private agreements between the City and developer. Applicants and other parties in interest on property bound under such agreement should consult their attorneys for advice prior to sale or purchase.

18.1.12 Minor Adjustments.

1. Minor adjustments to a plan or permit approved by the City Council, Planning Commission, or BZA may be granted by the Director provided the request meets at least one of the following criteria:
 - a. The amendment allows equal or fewer dwelling units, floor area, or impervious surface than requested on the original application,
 - b. The amendment reduces the impact of the development,
 - c. The amendment reduces the amount of land involved from the amount indicated in the hearing notices.

- d. The Amendment does not propose a different land use than that requested in the original application, or
- e. The Amendment does not result in a change to an approved variance or major waiver which would increase its deviation from an adopted standard as specified in this Chapter.

2. The granting of a minor adjustment is permissive and not mandatory and shall be at the discretion of the Planning Director.
3. All approved minor adjustments shall be reported to the authority from which the plan or permit was approved. Any request for a minor adjustment refused by the Planning Director may be made to such authority in the same manner as an amendment to the plan or permit.

18.2 TYPES OF DECISIONS

Different types of development and permitting decisions require different processes and procedures. Decisions required by this Chapter may be categorized as administrative, quasi-judicial, or legislative. The table below lists

Action	Decision Type	Decision Maker
Final subdivision plat approval	Administrative	Planning Director
Minor site plan approval	Administrative	Planning Director
Major site plan approval	Quasi-judicial	Planning Commission
Minor plat approval	Administrative	Planning Director
Major Subdivision approval	Quasi-judicial	Planning Commission
Conditional use approval	Administrative	Planning Director
Certificate of zoning compliance	Administrative	Planning Director
Sign permit approval	Administrative	Planning Director
Building permit issuance	Administrative	Building Official
Grant of minor waivers	Administrative	Planning Director
Amendment to the zoning text	Legislative	City Council
Amendment to the zoning map (rezoning)	Legislative	City Council
Hear and decide requests for appeals of administrative decisions	Quasi-judicial	Board of Zoning Appeals
Hear and decide requests for variances	Quasi-judicial	Board of Zoning Appeals
Hear and decide requests for special exceptions including the grant of major waivers	Quasi-judicial	Board of Zoning Appeals

these actions, the associated decision type, and the decision maker for each type of decision.

18.3 PRE-APPLICATION AND SKETCH PLAN PROCEDURES

18.3.1 Pre-Application Conference. To expedite applications and possibly reduce development costs, the developer may request a pre-application conference for a subdivision plat, site plan, rezoning, or general development plan. The pre-application conference shall be with the Planning Director; however, the Director may choose to include the Technical Review Committee. Applicants seeking a pre-application conference shall submit the information listed and in the manner specified in the Administrative Manual. The applicant may be charged reasonable fees. The applicant shall not be bound by the determination of the pre-application conference, nor shall the decision-making authority.

18.3.2 Sketch Plan. As part of the pre-application conference, the applicant may request an informal review of a sketch or concept plan for the development. The purpose of the sketch plan review is to provide input from planning staff and other appropriate city representatives in the early stages of a development plan. Applicants seeking sketch plan review shall conform to all requirements as specified in the Administrative Manual. The applicant may be charged reasonable fees for the sketch plan review. The Director and the Technical Review Committee, as applicable, may make specific recommendations regarding the proposed development prior to submitting the development application. The applicant shall not be bound by any sketch plan for which review is requested, nor shall a decision-making authority.

18.4 PUBLIC HEARING PROCEDURES

Public hearing requirements and processes shall be as required by State Law or specified in the rules of procedure for the decision-making authority. Regarding actions specific to requests under this Chapter, the following procedures shall also apply.

18.4.1 Legislative Public Hearings.

1. On items where it has review authority and recommending responsibility, the Planning Commission shall recommend that the City Council approve, approve with conditions, or deny applications.
2. If a comprehensive plan, rezoning, or other land use regulation requiring final approval of the City Council, or amendment thereto, or other development application, has been duly submitted to the Planning Commission, and the Planning Commission has failed to convene a quorum or to make a recommendation approving or denying such action within 30 days, such request shall be deemed to be recommended for approval. The Director shall then submit the recommendation to the City Council for its consideration.
3. When a public hearing on a legislative matter is held by the Planning Commission, no public hearing by the City Council is required. The City Council shall decide whether to approve, approve with conditions, or deny applications referred or recommended to it by the Planning Commission.

18.4.2 Quasi-Judicial Public Hearings.

1. Any request requiring a quasi-judicial hearing under South Carolina law shall be heard by the BZA. Consistent with its rules of procedure, the Board shall ascertain the existence of facts, investigate the facts, hold hearings, weigh evidence, and draw conclusions as a basis for official action, all in its exercise of discretion of a judicial nature.
2. In matters related to land use, quasi-judicial decisions involve the application of land use policies to individual situations. These decisions involve three key elements: the finding of facts regarding the specific proposal, the exercise of some discretion in applying the standards of the ordinance and reaching conclusions of the applicable law in the case. Due process requirements for quasi-judicial decisions mandate that all fair trial

standards be observed when these decisions are made. This includes an evidentiary hearing with the right of the parties to offer evidence; cross-examine adverse witnesses; inspect documents; hear sworn testimony; and provide written findings of fact and conclusions supported by competent, substantial, and material evidence.

18.5 SITE PLAN REVIEW

18.5.1 In General.

1. **Intent.** The site plan review provisions and regulations of this section are intended to promote the safe, functional, and aesthetic development of property and to ensure that new structures, utilities, streets, parking, circulation systems, yards, and open spaces are developed in conformance with the standards of this Chapter. Site plan review considers the siting of structures and related site improvements to promote harmonious relationships with adjacent development.
2. **Site Plan Required.** The approval of a site plan is required as a condition for the issuance of a building permit.
3. **General Site Plan Requirements.** An application for a site plan shall include the entirety of the site that is the subject of the application, and all such property shall be shown on the plat or survey submitted with the application. Applications for the development of a portion of a site with a balance or remainder of a site planned for future development will include provisions for access, internal vehicular circulation and connections, stormwater management, and other staged infrastructure on the portion of the site designated for future development. Nothing in this section shall preclude an owner or applicant from submitting a site plan application for a development that will be implemented in phases over time or for the enlargement of a structure or the development of a new structure on a portion of a site.

4. **Conformity with Approved Plan.**

Development activities subject to the requirements of this section may be carried out only in conformance with the approved site plan and any attached conditions or restrictions. Any substantial deviation from the approved site plan, unless approved in advance and in writing by the Planning Department, shall be deemed a violation of this Chapter. Furthermore, a certificate of occupancy shall not be issued if the development activities do not conform to the approved site plan.

18.5.2 Minor Site Plans.

1. **Characteristics.** Applicants may request minor site plan approval provided the proposed site:
 - a. Encompasses less than ten acres;
 - b. Includes the development of one building containing less than 40,000 square feet or more than one building containing a total of less than 60,000 square feet with no building containing more than 40,000 square feet where buildings are proposed; and
 - c. The proposed development does not require the issuance of a special exception permit or variance that has not yet been approved.
2. **Review Process.** A pre-application conference is recommended. The applicant shall submit a minor site plan application and required information to the Planning Department for review. The Director shall approve or disapprove the site plan according to the following criteria.
 - a. Minor site plans shall be submitted to the Director for review and approval. At the Director's discretion, the plan may be forwarded to the Technical Review Committee or any member of the committee for review and advice. A complete site plan application will include any request for a minor waiver that is necessary to develop as



shown. Applications dependent on approved variances or special exception permits must provide proof such approvals have been granted and shall show or otherwise detail how they impact the site plan.

- b. The Director shall deny the site plan if it is incomplete. Incomplete plans may not be reviewed for compliance if the Director determines that such review cannot be made without the missing information. Incomplete plans shall be returned to the applicant along with sufficient information necessary for the applicant to revise and resubmit a complete application.
- c. If the plan is complete but does not conform to the requirements of this Chapter, the Director shall return the site plan to the applicant for revision and resubmission. The Director shall forward comments in writing to the applicant listing the nonconformities in sufficient detail for the applicant to revise and resubmit a conforming application.
- d. If the plan conforms to all requirements and, where needed, a minor waiver has been granted, the Director shall approve and sign the plan.
- e. The authority for the Director to approve minor site plans is permissive and not mandatory. At their discretion, the Director may refer any site plan to the Planning Commission for review and approval as a major site plan.

18.5.3 Major Site Plans.

1. **Characteristics.** A major site plan shall be required whenever:
 - a. The site plan does not meet the requirements for approval as a minor site plan; or
 - b. The Director has referred the site plan to the Commission for approval.

2. Review and approval process.

A pre-application conference is recommended. Major site plans must follow the procedures noted below.

- a. The applicant shall apply for review of a major site plan. If the plan is complete as determined by the Director, the plan shall be forwarded to the Technical Review Committee for comment. Any revisions needed and deficiencies noted by staff will be forwarded to the applicant in writing.
- b. The revised site plan shall be submitted to the Director. If the revised site plan application is complete and the plan conforms to this Chapter and requests made by staff, the Director shall forward the application to the Planning Commission for formal review and approval. Any waivers or variances needed shall be noted in the application and on the face of the site plan.
- c. The Planning Commission may choose to approve the site plan, approve the site plan with additional conditions, or conditionally approve the site plan pending approval of requested waivers or variances.
- d. Following all approvals, a final site plan shall be submitted to the Director. If the plan conforms to all requirements and conditions imposed by the decision-making bodies (Commission for site plan and BZA for major waivers and variances), the Director shall sign off on the plan. If the plan does not conform, the Director shall forward comments in writing to the applicant detailing the deficiencies.

18.5.4 Scope of Approval. The Director shall sign and date the site plan to indicate approval, after which the plan shall become effective immediately.

18.6 LAND SUBDIVISION PROCEDURES

18.6.1 Conformity Required. Land may be subdivided and recorded only when in

complete conformity with Article 16 of this Chapter.

18.6.2 Procedures and Processes. The procedures and processes for subdivision and recordation may be found in Article 16.

18.6.3 Concurrency of Review and Approval. When land subdivision is an element of site design subject to major or minor site plan approval, subdivision and site plan review and approval may be considered concurrently at the discretion of the Planning Director.

18.7 ADMINISTRATIVE PERMIT PROCEDURES

1. Application Process. A request for a certificate of zoning compliance may be made by the owner of the property in question or an authorized agent of the property owner, on a form provided by the Director of Planning or his designee. Application requirements are provided in the Administrative Manual.
2. Certificate of Zoning Compliance Required.
 - a. Unless exempted by this Chapter, no structure, parking facility, or required open space, landscaping, or similar regulated feature shall be erected, moved, added to, or structurally altered without the issuance of a certificate of zoning compliance by the Director.
 - b. No business license may be issued by the City for any business activity until a certificate of zoning compliance for the proposed business activity and location has been issued.

18.7.1 Construction and Use to be as Shown in Applications, Plans, Permits and Certificates of Zoning Compliance.

Certificates of zoning compliance and building permits issued based on plans and applications approved by the Director authorize only the use, arrangement, and construction set forth in such approved plans and applications. No other use, arrangement, or construction shall be allowed.

18.7.2 Minor Waivers. To allow minimal variations in approved plans to accommodate

unforeseen site conditions, and to expedite the development approval process for projects within the City, the Planning Director is authorized to grant a minor waiver from the standards of this Chapter provided such waiver meets the following criteria.

1. The waiver is limited to requirements regarding dimensional standards, number of parking spaces, setbacks, lot size, open space, and landscaping.
2. The waiver is needed to address unique conditions of the property, to preserve significant trees or site features, to connect pedestrian facilities, to protect historic features, or to promote consistency of design that meets the intent of this Chapter.
3. The waiver does not deviate more than ten percent from any measurable standard except that the Director may authorize up to a 25 percent reduction in the total number of parking spaces required when parking requirements cause the potential demolition of a historic structure or feature or damage to significant tree stands.
4. The waiver granted is the minimal waiver needed to address the site or design issue.
5. The applicant has provided information sufficient to prove the need for, and allow the Director to assess, the impacts of the requested waiver.
6. The authority given to the Director to grant such waiver shall be construed to be permissive and not mandatory and the Director may decline to make such waiver. If this occurs, the applicant has the right to appeal such decision to the BZA or request a major waiver.

18.8 SPECIAL EXCEPTIONS

A property owner or authorized agent may make application (appeal) to the BZA for a special exception permit, where noted in the Use Matrix or specified in the use conditions in Article 5.

18.8.1 Application Process. A request for a special exception permit may be made by the owner of the property in question or an authorized agent of the property owner, on a form provided by the Planning Director or



his designee. Application requirements are provided in the Administrative Manual.

18.8.2 Conformity. The Board shall review the request to determine conformity with this Chapter, including all conditions for the use provided in Article 5 and all other applicable regulations within the City's jurisdiction.

18.8.3 Approval Process.

1. Staff Review and Report. The Planning Director shall prepare a staff report and make a recommendation as to the conformity of the proposed development to the Comprehensive Plan and the requirements of this Chapter. A copy of the report shall be provided to the BZA and the applicant before the scheduled hearing.
2. Review and Action by the BZA.
 - a. Within 60 days of receipt of a complete application, and following required posting and mailed notice, the BZA shall hold a public hearing on the special exception application.
 - b. After review of the application and the public hearing, the BZA shall make a written finding to approve, approve with modifications or conditions, or disapprove the request.
 - c. If approval or approval with 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 as applicable.

18.8.4 Special Exception Review Criteria. No special exception permit shall be approved by the BZA unless the following general findings of fact are made concerning the proposed special exception.

1. A. The use complies with all regulations, conditions, and standards of this Chapter unless approved as a major waiver.
2. The use will not substantially injure the value of adjoining properties, or the use is a public necessity.
3. The use is of a size, shape, and

character suited for the proposed site.

4. The location and character of the use, if developed according to the information as submitted and approved, will be compatible with existing uses adjacent to and near the property and will not adversely affect the development of the neighborhood or the district in which the use is proposed.
5. The use will not create traffic impacts or parking issues that will endanger public safety or contribute to traffic congestion, or unacceptable adversely impact nearby properties when compared with uses permitted by right in the same zoning district.
6. The use is consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property.
7. The use will not be hazardous, detrimental, or disturbing to surrounding land uses due to noise, light, glare, smoke, odor, fumes, water pollution, obstruction of air flow on adjoining properties, or other general nuisances.
8. The use will be adequately served by essential public services and facilities and will not require additional public expense.
9. The use will not adversely affect any site or feature of historical, cultural, natural, or scenic importance.
10. That the proposed use will not conflict with, but will further, the objectives of the *City of North Augusta Comprehensive Plan*.
11. The use will not materially endanger the public health, safety, and welfare if located, designed, and proposed to be operated according to the information submitted. A denial by the BZA based exclusively on this language shall include explicit findings regarding the way in which granting this special exception would endanger public health, safety, and welfare.

18.8.5 Major Waivers. The BZA is authorized to grant a major waiver from the standards of this Article through the issuance of a special exception permit.

1. **Waiver Criteria.**

- a. The waiver granted is the minimal waiver needed to address the site or design issue.
- b. The waiver does not authorize a use or type of development not otherwise permitted.

2. **Additional Findings Required.** In addition to the general findings noted above for all special exceptions, no special exception permit shall be issued for a major waiver unless the specific findings of fact as noted below are made.

- a. General findings.
 - i. The applicant has provided information sufficient to prove the need for, and allow the Board to, assess the impacts of the requested waiver.
 - ii. Where applicable, the applicant demonstrates, through documentation or studies based on generally accepted engineering principles, that adherence to the standard provided by this Article would pose a threat to health and safety or would undermine a policy set forth in the Comprehensive Plan or the purposes underlying the standard.
- b. **Additional findings for building design.** The Board may permit a building to have different design characteristics (including, by example only and without limitation, the design and placement of arcades, awnings, and canopies; the design of facades, windows, or roofs; permitted exterior materials; building location; residential design; or the size, scale, and compatibility of design) than those otherwise permitted by this Article if it makes the following findings:

- i. The substitute design characteristics will preserve and protect the architectural and aesthetic qualities of the area; and
- ii. The substitute design characteristics will cause the building to meet or exceed the quality of building that would otherwise be permitted by this Article.

c. **Additional findings for landscaping.** The Board may alter the site design requirements imposed by this Article for a proposed use (including, by example only and without limitation, the design, location, and dimensional requirements for buffers and screening) if it makes the following additional findings:

- i. The aesthetic qualities of the area will be preserved and protected; and
- ii. Altering the site design requirements will cause the development to meet or exceed the quality of the development that would otherwise be permitted by this Article.

d. **Additional findings for open space.** Peculiarities in the tract of land would make development or use unreasonable under strict adherence to the standards of this Article.

18.8.6 Conditions on Approvals. To ensure that a proposed special exception will meet the criteria set forth above or to alleviate or mitigate potential adverse effects of such use, the BZA may place specific conditions on the approval addressing various issues including, by example only and without limitation, 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.

18.8.7 Expiration of Approval. A special exception permit shall expire on the date specified by the BZA in the approval or not less than two years from the date of approval where no date is specified, unless the use is active, construction or modification has been completed, or a valid unexpired building permit exists for the use or structure.

18.8.8 Approval is 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.

18.9 VARIANCES

18.9.1 When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Chapter, the BZA shall have the power to vary or modify any of the regulations or provisions of this Chapter relating to the use, construction, or alteration of buildings or structures or the use of the

land so the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.

18.9.2 Anyone requesting a variance shall file an application with the Planning Department.

18.9.3 Hearing notice, procedure, findings, and limitations for variances are provided in the Board's rules of procedure.

18.10 APPEALS

18.10.1 When it is alleged there is an error in an order, requirement, decision, or determination made by an administrative official of the City, the BZA is authorized to hear and decide an appeal.

18.10.2 Anyone requesting to appeal a decision shall file an application with the Planning Department.

18.10.3 Hearing notice, procedure, findings, and limitations for appeals are provided in the Board's rules of procedure.

18.11 REZONINGS AND TEXT AMENDMENTS

This section applies to any application for an amendment to the text of this Chapter or for an amendment to the Official Zoning Map, also known as a "rezoning." Such amendments must be submitted to the Planning Commission for review and recommendation to City Council, who may then vote to amend the Chapter or Official Zoning Map. Appropriate application forms for text amendment or rezoning shall be provided by the Director of Planning or his designee. A pre-application conference is recommended before the application is submitted to discuss the procedures and requirements for the amendment request and identify the submittal requirements.

18.11.1 Rezoning. Any property owner, city board, commission, department, or the City Council may apply for a rezoning. A rezoning may be initiated by filing an application per the requirements of the Administrative Manual with the Planning Department. The application shall be signed and filed by the owner or, with the owner's specific written consent, a contract purchaser or agent of a property owner within the area proposed to be rezoned.

18.11.2 Text Amendment. Any person, property owner, board, commission, department, or the City Council may apply for a change in the zoning ordinance text. Such amendment may be initiated by filing an application per the requirements of the City's Administrative Manual with the Department. The application shall be signed by the applicant and shall include the language of the proposed amendment to the text of this Chapter and the justification for the proposed change.

18.11.3 Application Review. The Department shall complete a review of the application and determine if the application is complete. If the application is incomplete, it will be returned to the applicant. If the application is complete, the Planning Director shall review the request and create a written recommendation for Planning Commission and Council consideration. The Director may forward the request to the Technical Review Committee for additional review and information.

18.11.4 Decision. The Director shall transmit the application for zoning amendment or rezoning to the Planning Commission at its next regularly scheduled monthly meeting, provided the complete application is submitted at least 30 calendar days prior to the meeting. The Planning Commission shall approve or deny the zoning amendment in accordance with the procedures for a legislative hearing as provided in the City's Administrative Manual and the S.C. Code §6-29-760.

1. The Planning Commission shall submit its recommendation to City Council within 30 calendar days after the initial hearing date (S.C. Code §6-29-760(A)). A majority vote is required for the Planning Commission to approve, approve with conditions (if applicable), or deny a rezoning or text amendment application.
2. The City Council shall consider the recommendation of the Planning Commission and staff on each proposed rezoning and text amendment within 30 days of receipt of the Planning Commission recommendation. The City Council must consider, but is not bound by, the Planning Commission recommendation in making a final

decision and may call for additional information or public hearing(s).

3. No challenge to the adequacy of notice or to the validity of a rezoning or text amendment may be made 60 days after the decision of the City Council if there has been substantial compliance with the notice requirements of this section, with the established procedures of the City Council and Planning Commission, and with S.C. Code §6-29.

18.11.5 Rezoning Approval Criteria. The Planning Commission shall consider all the factors specified in this section, at a minimum, in reviewing an application for a rezoning.

1. The size of the tract in question.
2. If the proposal conforms with and furthers the goals of the Comprehensive Plan, other adopted plans, and the goals, objectives, and policies of this Chapter.
3. The relationship of the uses envisioned under the proposed rezoning and the uses currently present in adjacent tracts. Specifically, the Planning Commission shall consider the following questions:
 - a. Is the proposed rezoning compatible with the surrounding area?
 - b. Will there be any adverse impacts on the capacity or safety of the portion of the street network influenced by the proposed rezoning?
 - c. Will there be any adverse impacts on existing or planning public utility services in the area?
 - d. Will the proposed rezoning cause parking problems?
 - e. Will the proposed rezoning generate environmental impacts such as excessive storm water runoff; water, air, or noise pollution; excessive nighttime lighting; or other nuisances?
4. Any recent change of character in the area due to installation of public facilities, other zoning changes, new growth trends, deterioration, and development.

5. The zoning districts and existing land uses of the surrounding properties.
6. If the subject property is suitable for the uses to which it has been restricted under the existing zoning classification.
7. If the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character.
8. The length of time the subject property has remained vacant as zoned, if applicable.
9. If there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning requested as well as community needs including, but not limited to, affordable housing and economic development.
10. If the existing zoning was in error at the time of adoption.

18.11.6 Subsequent Applications for Rezoning.

If an application for rezoning is denied or the application is withdrawn after the Planning Commission hearing, another application for the same amendment on the same property or any portion of the same property shall not be accepted within one year of the original Planning Commission hearing on the proposed amendment. However, if new and different evidence that was not reasonably available at the time of the original hearing is presented, the Planning Commission may consider such an application within that one-year period. The Planning Commission or City Council may initiate a rezoning at any time without regard to the one-year limitation.

18.11.7 Scope of Approval. The approval of a rezoning or a text amendment does not authorize any development activity.

18.12 VIOLATIONS, PENALTIES, AND ENFORCEMENT

18.12.1 Penalties Generally.

1. Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign or land is or is proposed to be used in violation of this

Article, the City may in accordance with the provisions of S.C. Code §56-7-80, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure or land.

2. Failure to maintain required landscaping following the issuance of a certificate of occupancy or final subdivision plat or to adhere to an approved Landscape Plan is a violation of the requirements of this Article and subject to any and all remedies provided in these regulations.
3. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

18.12.2 Order of Interpretation. It is the intention of this Article that all questions arising in connection with the enforcement of this Chapter shall be presented first to the Director and that such question shall be presented to the BZA only on appeal from the Director.

18.12.3 Specific Remedies. Specific remedies for the violation of any provision of this Chapter include the following:

1. **Revocation of Administrative Permits.** The Director may revoke any administrative permit after written notification to the permit holder when violations of this Chapter have occurred, when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or site plan, or a permit has been mistakenly issued in violation of this Chapter.
2. **Revocation of a Special Exception Permit.**
 - a. 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 Chapter, or prohibited under the special exception, then the City of North Augusta 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.
- b. Within 30 days of the date of posting this notice, the BZA 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.
 - c. 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.
 - d. If the BZA 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.
 - e. 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.
 - f. 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 BZA may stay enforcement proceedings for such order for a period of 30 days pending the filing or final disposition of proceedings of judicial review.
3. **Misdemeanor; penalties.** It shall be unlawful for any person to use property, or to construct, alter, enlarge, or demolish any structure without a permit or permits required by this Chapter. Conviction for violation of this Chapter is punishable as a misdemeanor under the general penalty provisions of the City code.
 4. **Withholding of permits.** The Director shall deny a zoning permit for any use or work which fails to comply with this Chapter. The Director or other appropriate official shall withhold all other City permits for work which violates this Chapter.
 5. **Stop-work orders.** The City may issue a stop work order pursuant to S.C. Code § 6-29-950(B) requiring work to cease until specific code violations are corrected. Failure to comply with a stop work order is a misdemeanor punishable under the general provisions of the City code. Issuance of a stop work order may be appealed to the BZA.
 6. **Criminal penalties.** Any person violating any provision of this Chapter shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.
 7. **Injunction.** Enforcement of the provisions of this Chapter may also be achieved by injunction. When a violation occurs, the City may, either before or after the institution of other authorized action, apply to the appropriate division of court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.
 8. **Order of abatement.** In addition to an injunction, the City may apply for, and the court may enter into, an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:
 - a. Buildings or other structures on the property be closed, demolished, or removed.

- b. Fixtures, furniture or other moveable property be moved or removed entirely.
- c. Improvements, alterations, modifications, or repairs be made.
- d. Any other action be taken that is necessary to bring the property into compliance with this Chapter.

18.12.4 Complaints. A written complaint specifying facts showing a violation of this Chapter filed by any person shall be investigated by the Director. Upon determination that a violation has occurred, the Director shall take appropriate enforcement action authorized by this Chapter.

18.12.5 Ordinance summons. The Director is authorized to issue an ordinance summons pursuant to City code provisions for violations of this Chapter.

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ARTICLE 19 - DEFINITIONS

19.1 RULES OF CONSTRUCTION

19.1.1 Interpretation of Selected Words and Terms.

1. The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
2. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the usage clearly indicates otherwise.
3. Words used in the present tense include the future tense.
4. Words used in the masculine gender include the feminine gender.
5. The word "lot" includes the words plot, parcel, or tract.
6. The words "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.
7. The term "North Augusta" shall mean the City of North Augusta, South Carolina.
8. The word "city" or "City" shall mean the City of North Augusta, South Carolina, unless the context clearly indicates otherwise.
9. The words "Zoning Map," "North Augusta Zoning Map," or "Official Zoning Map" shall mean the Official Zoning Map of the City of North Augusta, South Carolina, as amended.
10. The word "street" includes the word "road" and vice versa.
11. The words "shall," "must," and "will" are mandatory in nature implying an obligation or duty to comply with the particular provision.
12. The word "may" is permissive except when the context of the particular use is negative as in "may not." In such cases it shall be construed as being mandatory.
13. In the conjunction "and/or" the word "and" indicates that all connected items or provisions apply, and the word "or" indicates that the connected items may apply singularly or in combination.
14. The terms "City Council" or "Council" shall mean the City Council of North Augusta, South Carolina.
15. The terms "Planning Commission" or "PC" shall mean the Planning Commission of North Augusta, South Carolina.
16. The terms "Board of Zoning Appeals" or "BZA" shall mean the Board of Zoning Appeals of North Augusta, South Carolina.
17. The titles "Director" or "Planning Director" shall mean the Director of Planning and Development of North Augusta, South Carolina or their designee.
18. The terms "Planning Department" or "Department" shall mean the Department of Planning and Development for North Augusta, South Carolina.
19. The term "City Engineer" shall mean the Director of Engineering and Public Works for North Augusta, South Carolina or their designee.
20. The term "Floodplain Administrator" or "Local Floodplain Administrator" shall mean the Superintendent of Building Standards for North Augusta, South Carolina or their designee.
21. The terms "Superintendent of Building Standards" or "Building Official" shall mean the Superintendent of Building Standards for North Augusta, South Carolina or their designee.
22. The term "City Attorney" shall mean the City Attorney for North Augusta, South Carolina or their designee.
23. The term "Department of Economic and Community Development" shall mean the Department of Economic and

Community Development for North Augusta, South Carolina.

24. The term "Comprehensive Plan" shall mean the North Augusta Comprehensive Plan.
25. Any reference to an "Article" or "Section" shall mean an Article or Section of this Article, unless otherwise specified.

19.1.2 **Computation of Time.**

1. References to "days" are to calendar days unless otherwise expressly stated. Reference to "business days" are references to regular working days of the City of North Augusta, excluding Saturdays, Sundays and holidays observed by the City.
2. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the City, that day is excluded.
3. A day concludes at the close of business and any materials received after that time will be registered as received the following day.

19.1.3 **Headings and Illustrations.** Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Article.

19.1.4 **Current Versions and Citations.** All references to other city, county, state, or federal regulations in this Article refer to the most current version and citation for those regulations, unless expressly indicated otherwise.

19.1.5 **Lists and Examples.** Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms or abbreviations are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

19.1.6 **Words and Terms associated with Floodplain Regulations.** All words and terms associated with floodplain regulations necessary for administering the requirements of this Article shall be the same as defined and used in Article 16.

19.2 **DEFINITIONS OF TERMS AND WORDS**

The following words and terms, when used in the interpretation and administration of this Article, will have the meaning set forth below unless, otherwise specifically indicated in the text. Words and terms not defined in this Section will be interpreted according to their common dictionary meaning unless explicitly defined by applicable titles within the Code of South Carolina, state rule-making authorities, or applicable industry standards groups such as, but not limited to, the International Code Council, the North American Industry Classification System, the American National Standards Institute, and the American Society of State Highway and Transportation Officials.

A

Abandon or Abandonment. Discontinuance of any use of an activity regardless of the property owner's intent to relinquish such right. A building, land, structure, or activity is considered abandoned when.

- a) It has been intentionally discontinued or remains idle or unused;
- b) Necessary utilities, such as water, sewer or electricity have been discontinued for any reason including a failure to pay fees, rates, or other required charges lawfully established by the service provider; or
- c) The principal buildings or structures are no longer actively occupied.

Abutting. Having a common border with or being separated from such a common border by a right-of-way, service lane, or easement.

Accessory Apartment. A second dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facilities with the provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory Building. A building subordinate to the principal building on a lot.

Accessory Use. A use incidental to, and on the same lot as, a principal use.

Adopted Level of Service. The Level of Service (LOS) Standards adopted which provides a basis for the establishment or expansion of a public facility or

service subject to this Article.

ADT (Average Daily Traffic). The average number of cars per day that pass over a given point.

Administrative Permit. Involves the application of the standards of this Article to an application by an administrative agency. A public hearing is not required. An administrative permit typically occurs late in the development approval process. Examples include certificates of zoning compliance, site plans, major subdivision plans, major and minor final plats, conditional use permits, building permits, and certificates of occupancy.

Adult Businesses or Uses. The definition of adult businesses or uses specifies the following types of establishments. Any business activity, establishment, store or club or other uses that involves.

- a) Persons appearing live before the public or audiences in a state of semi-nudity for any form of compensation or consideration.
- b) Live performances characterized by specified sexual activities.
- c) Sale or rental in any form of films, motion pictures, video cassettes, slides or other photographic reproductions characterized by depiction or description of specified sexual activities or anatomical areas.
- d) Coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or image producing devices maintained to show images to five (5) or fewer persons per machine at any one time, and where the image so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- e) As one of its principal business purposes, offering for sale or rental for any form consideration audio recordings in any form of 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.

Aggressive Soils. Soils that may be corrosive to cast iron and ductile iron pipe.

Agriculture (or bona fide agriculture). A tract of land defined and taxed by the S.C. Department of Revenue as agricultural real property.

Aisle. The travel way by which cars enter and depart parking spaces.

Alley. A public or private way permanently reserved as a primary or secondary means of vehicular and service access to abutting property, generally running either parallel or perpendicular to a street and situated to the rear and sides of platted lots. (Also see Service Lane).

Antenna. This word means. 1) communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services; and 2) similar equipment used for the transmission or reception of surface waves.

Applicant. Any person or his duly authorized representative who submits an application as defined herein.

Application. Any application for approval of a request subject to the requirements of this Article.

Arcade. An area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet, which is supported on one side by columns or piers, and which is accessible to the public at all times.

Available Capacity. A determination that a public facility or service has sufficient capacity to accommodate the demands created by existing, permitted, and projected users of a public facility in accordance with this Article.

Awning. A shelter projecting from and supported by the exterior wall of a building and designed to be collapsible, retractable, and generally constructed of fabric or similar non-rigid material.

No Background Traffic. Vehicular traffic that is not specifically associated with any proposed or improved development, obtained from traffic counts under existing conditions.

B

Bar or Tavern. Any establishment, whether public or operated as a private club, including cocktail lounges, etc., serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises, and where the purchase of food is at the option of the customers and not required by the operator.

Basement. That portion of a building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast Inn. A dwelling unit, or portion thereof, where short-term lodging rooms and meals are provided in a primary dwelling inhabited by the owner.

Belgian Block Curb. A type of paving stone generally cut in a truncated, pyramidal shape, laid with the base down. See Curb.

Berm. A mound of soil, either natural or manmade, used to obstruct views.

Best Management Practice (BMP). A practice, or combination of practices, that is determined to be an effective and practicable means of preventing or reducing pollution, restoring the integrity of or recreating natural systems, or otherwise protecting a natural resource from use or development. This term may include but shall not be limited to technological, economic, institutional, and policy considerations.

Bicycle Path. A pathway usually separated from roadways that is designed specifically to satisfy the physical requirements of safe cycling.

Block. A two-dimensional area, typically a rectangle, bounded on all sides by streets, rail, waterways, or public space. When used as a measurement, the word means a single side of such area.

Blow-Off. An outlet in a pipe through which water or sediment can be discharged from a lower sewer.

Boarding House. A building, other than a hotel, apartment building, or bed and breakfast, where for compensation and by pre-arrangement for definite periods, lodging, and meals are provided for three or more persons.

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

Buffer. Land area measured as a horizontal distance that is located between adjacent uses or between a structure or use and a side or rear property line, right-of-way, or natural feature such as a river, lake, wetland, or significant tree or tree stand.

Building. Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property.

Building Elevations. Drawings that show the front, back and sides of a building as seen from street level, and include the design, materials, colors, dimensions and final appearance of doors,

windows, outer surfaces, signage, roof, and architectural details. Elevations are drawn to scale.

Building Envelope. That portion of a lot or building site available for the construction of a building or structure outside of required setbacks, buffers, open space, stormwater facilities, easements, and rights-of-way.

Building Height. See Article 4, Section 4.10.

Building Line. That line which represents the distance a structure must be set back from a lot boundary line or a street right of way line or a street centerline according to the terms of this Article. In all cases, the building line of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right of way lines, street centerlines or other boundary lines. See also "setback."

C

Caliper. An ANSI standard for the measurement of diameter of nursery trees. See ANSI Z60.1 for guidance on measurement.

Canopy. A non-retractable covered or enclosed rigid structural framework attached to and extending outward from the exterior wall of the building and includes, but is not limited to, such structures as theater marquees, but does not include any structurally integrated architectural feature such as lintels, sills, moldings, architraves and pediment or any structure over gasoline pumps.

Capacity. The maximum demand that can be accommodated by a public facility or service without exceeding the adopted or accepted best practice for Level of Service.

Capital Improvements Program (CIP). A schedule of future city-owned public improvements or construction projects.

Cartway. The actual road surface area from curblineline to curblineline, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is the portion between the edges of the paved, or hard surface, width.

Centerline Offset of Adjacent Intersection. The gap between the centerline of roads adjoining a common road from opposite or same sides.

Certified Arborist. An individual who has received the designation of "ISA Certified Arborist" by the International Society of Arboriculture.

Channel. The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

Check Dam. An often-improvised barrier in a channel to retard the flow of water especially for controlling soil erosion.

Child/Adult Care Facility. A building or structure where care, protection, and supervision are provided, on a regular schedule, to at least seven children or adults.

Child/Adult Care Home. A private residence where care, protection, and supervision are provided, for a fee, to no more than six children or adults at one time, including children/adults of the adult provider who require similar care.

Circus. Any circus, carnival, exhibition of dancing, juggling, riding, rope walking, sleight of hand, tumbling, hippodrome, menagerie, trained animal show, waxworks, wild west show, rodeo, or sports day celebration.

City Limits. The incorporated municipal boundary.

Civic Building. Any of the following structure types. public assembly (e.g., theaters and places of worship), senior centers, community centers, and similar structures not otherwise covered by this Article.

Clear-Cutting. The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native trees and shrub species when the soil is left relatively undisturbed, removal of dead trees or normal mowing operations.

Clear Height. For a building story, the vertical dimension that extends from the finished floor to the ceiling, and unobstructed by pipes, utilities, or similar permanent barriers to physical movement.

Clear Zone. An area beyond the curb radius, so specified, which shall be kept clear of all objects to provide emergency vehicle clearance.

Close. A local street, usually a one-way loop separated by a landscape median or green, that provides only one outlet and allows access to a limited number of lots arranged on one side. Similar to a "cul-de-sac".

Collocate. To install, mount, maintain, modify, operate, or replace small wireless facilities, signs, or similar structures on or adjacent to a pole or support structure. Collocation has a corresponding meaning.

Colonnade. A series of regularly spaced columns that support an entablature. A colonnade may also support a roof structure.

Column. A cylindrical support consisting of a capital, shaft, and a base.

Commercial Use. A for-profit occupation, employment, or enterprise.

Committed Development. A proposed development that has received final subdivision plat approval or, for a proposed development that does not involve the subdivision of land, an approved master plan or site-specific development plan.

Common Open Space. An open space area within or related to a development site that is designed and intended for the use or enjoyment of residents, owners, and guests of the development or which serves to protect a noted environmental feature such as water bodies, habitat, or tree stands. Common open space may contain such complementary structures and improvements as are necessary and appropriate for its purpose.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association.

Communications Facility. The set of equipment and network components, including wires, cables, surface wave couplers, and associated facilities used by a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of "video service" as defined in S.C. Code § 58-12-300(10); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a Wireless Services Provider to provide Communications Services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); Wireless Services; surface wave communication; or other one-way or two-way communications service.

Communications Network. A network used to provide communications service.

Communications Service. Cable service as defined in 47 U.S.C. Section 522(6), information service as defined in 47 U.S.C. Section 153(24), telecommunications service as defined in 47 U.S.C. Section 153(53), or wireless services.

Communications Service Provider. A cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a

wireless Provider.

Community Park. A public park designated as a community park in either the Capital Improvements Program or the Parks Master Plan.

Community Residential Care Facility. As defined in South Carolina Code of Laws 1976, as amended, Regulation 61-84.

Concept Plan. A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Concrete Block (CMU). A hollow or solid Portland cement product, fine aggregate, and water, molded into various shapes.

Connectivity Ratio. The number of street links divided by the number of street nodes.

Conservation Easement. An easement as defined in the Conservation Easement Act of 1991, S.C. Code §27-8-20.

Cornice. The horizontal top of a facade that projects from the surface, typically where the roof overhangs the wall.

Corridor, River. All land within the buffer area and other setback areas specified in §6.2.2 of this Article.

Courtyard. A pedestrian arcade, patio, promenade, or mall, whether covered by a roof or not, within or between any structure or buildings upon which the principal or main entrance to one or more retail businesses therein are located. A "Courtyard" does not include buildings with one or more retail businesses having their principal or main entrance off and adjacent to a parking lot or parking facility and with no direct public access to any public street or alley.

Cover, Non-Vegetative. A cover such as mulch, staked sod, riprap, erosion control blankets or other material that prevents soil from eroding.

Cover, Vegetative. Permanent or short-term seeding that provides stabilization of erosive or sediment-producing areas.

Critical Root Zone. The area of tree roots within the crown dripline generally defined as a circle with a radius extending from a tree's trunk to a point no less than the furthest crown dripline.

Crown. The highest point of the surface of a roadway in the cross-section view.

Cul-De-Sac. A type of deadend local street with typically circular turnaround at its end.

Culvert. A structure designed to convey stormwater under a street, railway, bikeway, or pedestrianway.

Curb. A stone, concrete or other improved boundary marking the edge of the roadway or paved area

Curb Face. The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters

D

Dark Store. A traditional retail store that has been converted to a fulfillment center.

Decorative Pole. A pole, including a municipality pole, that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments (other than a small wireless facility, public safety devices, or specially designed informational or directional signage or temporary holiday or special event attachments) have been placed or are permitted to be placed according to nondiscriminatory rules or codes.

Dedication. An act transmitting property or interest thereto.

Density. The permitted number of dwelling units per gross acre of land to be developed.

Department. The Department of Planning & Development.

Director. The Planning & Development Department Director.

Design District. A discrete area within the jurisdiction of the City for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis among all occupants of the ROW, on the grounds that the characteristics of the discrete area warrant design and aesthetic standards that differ from those that apply to the majority of the areas within the jurisdiction of the City.

Design Flood. The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevation.

Design Standards. Standards that set forth specific improvement requirements.

Detention Basin. A man-made or natural water collector facility designed to collect surface and sub-surfaced water to impede its flow and to release the

same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdivision of land. The following activities or uses shall be considered "development," as defined herein.

- a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- c) Alteration of a shore or bank of a river, stream, lake, or pond.
- d) Commencement of grading, drilling, or excavation on a parcel of land, except to obtain soil samples.
- e) Demolition of a structure.
- f) Clearing of land as an adjunct of construction.
- g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- h) The subdivision of land.

The following operations or uses shall not be considered "development" as defined herein.

- a) Work by a road agency or transit agency for the maintenance or improvement of a road or transit track if the work is carried out on land within the boundaries of the right of way.
- b) Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on

established rights of way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

- c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
- e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
- f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
- g) A change in the ownership or form of ownership of any parcel or structure.
- h) The creation or termination of riparian rights, easements, covenants concerning development of land, or other rights in land.

When used in this Article or an administrative instrument or approval, the word "development" includes all other development customarily associated with it unless otherwise specified.

Diameter Breast Height (DBH) or diameter inches. Tree diameter measured at 4.5 feet (1.37 meters) above grade. For multi-trunk trees and other unique site conditions, DBH shall be defined as determined by a certified arborist.

Dilapidated Sign (also "neglected sign). A sign (including sign structure) that does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.

Dog Run. A pen that includes an area for animal exercise.

Drainage System. The natural and engineered systems through which water flows from land.

Drip Line. A vertical line extending down to the ground from the end of the tree's longest branches.

Drive-in Window or Drive-Through Facility. An opening in the wall of a building designed and

intended to be used to provide for sales and service to customers who remain in their vehicles. Examples include banks, laundries, fast food restaurants.

Driveway. A paved area used for ingress or egress of vehicles from a street to a building or other structure or facility.

Drop Manhole. A manhole provided for inspection and maintenance of sewers where an incoming sewer is considerably higher than the outgoing.

Dwelling. One or more rooms, designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family or household.

Dwelling, Accessory. Any building or portion of a building, including the principal building, used as a dwelling unit which is additional to and smaller than the use of the principal building.

Dwelling, Attached. A residential structure containing more than two dwelling units in which units are physically attached, and each has its own separate exterior entranceway on a separately owned lot. Townhouses and zero lot line dwellings are included in this definition.

Dwelling, Single-family Detached. A building containing not more than one dwelling unit, not physically attached to any other principal structure, and excluding mobile homes

Dwelling, Multi-Family. A building containing five or more dwelling units including units that are located one over the other.

Dwelling, Patio Home. A single-family detached or semi-detached dwelling unit built on a small lot generally enclosed by walls which provide privacy.

Dwelling, Quadruplex. A building on a single lot containing four dwelling units, each of which is totally separated from the other including separate entrances, kitchens, and bathrooms for each dwelling unit. Quadruplexes are not physically attached to any other dwelling structure.

Dwelling, Single-Family. A building containing one dwelling unit.

Dwelling, Townhouse. A series of attached single-family dwelling units on separate lots in which each has its own front and rear access to the outside, no unit is located over another unit, each unit is separated from any other unit by one or more common vertical walls, and which may or may not have a common roof.

Dwelling, Two-Family (Duplex). A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof and including separate entrances, kitchens, and bathrooms for each dwelling unit. This two-dwelling unit is not physically attached to any other dwelling structure.

Dwelling, Zero-Lot-Line. A residential building containing not more than one dwelling unit on an individual lot where the unit is not physically attached to any other principal structure or dwelling, and which instead of being centered on the lot is placed at zero distance from at least one of the side lot lines.

Dwelling Unit. One or more rooms physically arranged to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

E

Easement. The grant of a nonpossessory property interest to allow the easement holder permission to use another person's land for some stated purpose.

Elevated Building. A non-basement building built to have the lowest floor elevation above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Eligible Facilities Request. A request for modification of an existing tower or base station (as those terms are defined in 45 CFR §1.6100(b)) that does not involve a substantial change in the physical dimensions of such tower or base station and that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

Endangered Species. A species of flora or fauna that is in danger of extinction throughout all or a significant portion of its range and protected by the SC Department of Natural Resources.

Energy Generation, Personal. Small-scale energy systems that provide full or supplemental energy for the property on which they are located but are not connected to a larger public or private energy grid.

Energy Systems, Small-Scale. Energy production facilities which are incidental and subordinate to a principal use established on the property. These systems include but are not limited to solar, wind,

hydrologic, and biomass systems.

Energy Systems, Large-Scale. Energy production facilities which do not otherwise meet the criteria for small-scale energy systems. This category includes energy systems on properties with multiple principal uses such as wind or solar farms on active agricultural land and industrial sites.

Engineer. Any person registered to practice professional engineering by the South Carolina Board of Engineering Examiners.

Entertainment. Business or commercial activities involving live entertainment, gaming, or similar activities, whether open to the public at large or limited by a cover charge or membership requirement. Examples include, but are not limited to, facilities offering live music, singing, comedy clubs, arcades, bingo parlors, billiards, amphitheaters, and similar activities, structures, or uses. This word does not include any establishment defined as adult entertainment.

Entertainment, Indoor. Entertainment that is provided exclusively within an enclosed building.

Entertainment, Outdoor. Entertainment that is provided exclusively or partially within an unenclosed open-air space.

Entryway. The horizontal ground surface extending from the public right-of-way to a door or similar building entry.

Ephemeral Stream. A stream that typically has no well-defined channel and flows only in direct response to precipitation with runoff.

Equivalent Residential Unit or ERU. The usage of land in such a manner as to generate a demand for public services and facilities equivalent to the demand for public services and facilities generated by one residential dwelling unit.

Erosion Control Blanket. A product composed primarily of biologically, photochemically or otherwise degradable constituents such as wheat straw, coconut fiber or aged curled excelsior wood product with longevity of approximately one to three years.

Escrow. A deed, a bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

Essential Public Services. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection,

communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings, substations, and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term "essential services" shall not include wireless communications towers, unless located on public property and used as part of a municipal communications network.

Existing Capacity. The capacity provided by facilities which have been constructed and are available for use.

Existing Traffic. Traffic which would be generated on the site being studied in the TIA if developed under the requirements of the existing zoning district.

Exterior Architectural Appearance. Includes architectural character, general composition, and general arrangement of the exterior of a structure, including the kind, color and texture of the building material and type and character of all windows, doors, light fixtures, signs, and appurtenant elements, visible from a street or public thoroughfare.

Exterior Insulation and Finishing System

(EIFS). An exterior finish for a building composed of polystyrene foam covered with a synthetic stucco; this type of stucco (in contrast to traditional, porous cement-based stucco) is waterproof and is sprayed on.

F

Façade. The building wall or elevation parallel or most closely parallel to a frontage or property line.

Family. One or more persons residing in a single dwelling unit and living together as a single housekeeping unit. Unless all members are related by blood, marriage, or adoption, no such family shall consist of more than four persons. Domestic servants, required medical personnel employed on the premises, or children in approved foster care may be housed within the single dwelling unit without being counted as family or families. Pursuant to South Carolina Code of Laws §6-29-770, Homes for the Handicapped (see definition in this Article) are to be perceived as a family as if related by blood or marriage.

Farm. A parcel of land used for agriculture

including related structures.

Farmers Market. A market retailing primarily farm-direct products including but not limited to fruit, produce, ornamental crops, eggs, and other agricultural products as well as value-added products such as baked goods, jam and jellies, pickles and relish, dried fruits, syrup, and honey, but expressly excluding the sale and demonstration of mass-produced items, used clothing, furniture, appliances, and other similar products.

Farmers Market, Mobile. An enclosed vehicle equipped with facilities for the sale of locally grown fresh produce. Mobile farmers market vendors are regulated by Article IV of the Municipal Code.

Fence. A structure, other than a building, which is a barrier used as a boundary or means of protection or confinement.

Fenestration. The design, proportioning, and disposition of windows and other exterior openings of a building.

Fire Protection Improvements. Fire-related apparatus and Fire Stations.

Fire Station. A building that houses fire apparatus and fire department personnel.

Flea Market. An occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

Floor Area. Area of all floors of buildings or structures.

Floor Area, Gross. The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of walls. It does not include unenclosed porches, or attics not used for human occupancy, or any floor spaces in accessory buildings or in the main building intended and designed for the parking of motor vehicles to meet the parking requirements of the Development Code, or any such floor space intended and designed for heating and ventilation equipment.

Floor Area Ratio. The measurement of a building's floor area in relation to the size of the lot on which the building is located.

Food Truck. A fully enclosed vehicle having a permit issued by the South Carolina Department of Health and Environmental Control (SCDHEC) to prepare, cook, or sell various food products which operate at an approved fixed location as an extension of a retail food establishment.

Food Truck Court. A grouping of three or more food trucks on a single parcel or development site.

Foot Candle (fc). The illuminance measured one foot from a light source.

Forecourt. An open area in front of a structure's entrance.

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

Fringe or Drip-Flap. The portion of a canopy awning that hangs from the edge of the horizontal or angled top of the awning.

Front Porch. A front porch is an un-air-conditioned roof structure attached to the front of the unit.

Frontage. The front or frontage is that side of a lot abutting on a street or road and ordinarily regarded as the front of the lot. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under lots in this (definitions) section. For the purpose of calculating sign area, frontage refers to the street the sign will be oriented toward.

Frontage Line. The shorter building lot line which coincides to the right of way of the street or square. In the case of a building line abutting upon only one street, the frontage line is the line parallel to and common with the edge of sidewalk. In the case of a corner lot, the part of the building lot having the narrowest frontage on any street shall be considered the frontage line.

Functionally Dependent Facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long term storage, manufacture, sales, or service facilities.

Full Cutoff. A shielded light fixture that emits no light above a horizontal plan touching the lowest part of the fixture.

Future Background Traffic. Background traffic which is projected at a growth rate to a horizon year.

Fulfillment Center. A warehouse facility where orders for tangible personal property (goods) are

packaged and shipped to customers. Such facilities may include automated systems, office space and a pick-and-pack area to be used by employees for sorting and packaging goods and products for delivery from available, on-site inventory. This term shall not include warehousing or retail uses with an accessory delivery component.

G

Ghost Kitchen. A facility used for meal preparation for offsite consumption that has a dependence on on-demand food couriers and not general retail sales.

Glare. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted that causes annoyance, discomfort, or loss in visual performance and visibility.

Glass Curtain Wall. An external non-load bearing wall that is suspended on the face of a building like a curtain.

Grade. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line.

Gradient Terrace. Earthen embankment or ridge and channel system which reduces damage from erosion by collecting and redistributing surface runoff to stable outlets at slower speeds and by increasing the distance of overland runoff flow.

Grading. The movement of earth by mechanical means to alter the gross topographic features, including elevation and slope, to prepare a site for final grading and construction of facilities, including roads, utilities, structures, and parking lots.

Grass-Lined Channel. A natural or constructed channel that is shaped or graded to required dimensions and established with suitable vegetation for stable conveyance of runoff.

Green. A type of park. It is an improved, passive open space, often called a square, surrounded by streets or buildings or both.

Greenbelt. A passive, minimally developed open space area adjoining a subdivision or other development and no less than fifty (50) feet wide at any point. Greenbelts are located on the edge of a subdivision or development and provide a distinct separation between the development and adjacent developments or land uses. Greenbelts are linear, not less than 50 feet wide at any point and may include a stream or other water feature.

Greenway (Greenway). A linear area maintained as open space which links open spaces, parks, neighborhoods, and commercial destinations, provides recreational opportunities, and provides transportation options within the City of North Augusta and which provides linkages between these facilities and their users.

Gross Density. The total number of dwelling units subject to an application for development approval, divided by the total land area, expressed in number of acres that are the subject of the application.

H

Hard Surface. A ground surface covered with cobblestones, clay-fired bricks, concrete precast paver units (including, but not limited to, grasscrete), or other decorative ingredient that creates an impervious or semi-impervious surface. A graded natural surface or one covered with rolled stone or loose gravel is not considered a hard surface.

Hazardous Waste. Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

Heat Island. Urbanized areas that experience higher temperatures than outlying areas. Structures such as buildings, roads, and other infrastructure absorb and re-emit the sun's heat more than natural landscapes such as forests and water bodies.

Heavy Timber. Sawn lumber pieces having a smallest dimension of at least five inches.

Highway Capacity Manual. The document entitled Highway Capacity Manual published by the Transportation Research Board of the National Research Council (Special Report 209, 3d ed. 1998), as said document may be amended, revised, replaced, or supplemented from time to time.

Hippodrome. Any arena, whether roofed, unroofed or fully or partially enclosed, used for horse racing, horse shows and entertainment, grooming facilities, stables or similar facilities related to horse racing or horse shows.

Historic Structure. Any structure that is.

- a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or

preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places;
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified.
 - 1. By an approved state program as determined by the Secretary of Interior; or
 - 2. Directly by the Secretary of Interior in states without approved programs.
- e) Some structures or districts listed on the state or local inventories MAY NOT be "Historic" as cited above but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI.

Home Occupation. An incidental and subordinate occupation, profession, activity, or use carried on within a residential dwelling by any household member.

Horse Stable. A building for shelter and feeding of horses.

Housing Services for the Elderly. Housing services including assisted living, retirement housing, congregate living, lifecare or continuing care services, skilled nursing services, rest homes, or homes for the aged, disabled, or infirm.

Household Pets. Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, tropical fish, and rodents.

HUD Code. The regulations promulgated by the United States Department of Housing and Urban Development pursuant to the 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, as amended.

I

Illuminance or Luminance. The intensity of light in a specified direction measured at a specified point.

Impact Area. The area within which a proposed development is presumed to create a demand for public services and facilities is evaluated for compliance with this Article.

Impervious Surface. A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks swimming pools or patios.

Impervious Surface Ratio. A ratio determined by dividing the total impervious surface of a site or development by the gross area of the site or development.

Improvement. Any one or more of the following required by a development order or law related to a development project. streets, roadways, and bicycle paths; sidewalks and pedestrian paths; signage for traffic control and other governmental purposes, including street name, signs, and other traffic control devices on streets, roadways, and pedestrian and bicycle paths; lighting of streets and pedestrian and bicycle paths; water mains and connections, including facilities and connections for the suppression of fires; sanitary sewers and storm drainage sewer mains and connections; utility lines and poles, conduits, and connections; off-street parking and access; landscaping and contouring of land and other provisions for drainage, sedimentation, and erosion control; open space, parks, recreation facilities, and playgrounds; and public elementary and secondary school sites.

Indoor. An activity that occurs exclusively within a fully enclosed building.

Industry, Heavy. Any industrial establishment that does not meet the definition of "Light industry." This category generally includes, but is not limited to, industries that are primarily engaged in the manufacture of large or bulk products such as foodstuffs, textiles, electrical components, or tobacco products, the manufacture of products from extracted or raw materials, the assembly of large or heavy machinery, or the use, discharge, or disposal of caustic, explosive, or otherwise hazardous materials or environmental contaminants in bulk in a non-manufacturing process such as dry cleaning and laundry plants.

Industry, Light. Any industrial use that includes

fabrication, manufacturing, warehousing, assembly, or processing of materials that are in refined form and do not in their processes create smoke, gas, odor, dust, noise, light, vibration, glare or hazards to air or water that are offensive or measurable at the property line. Uses in this category include, but are not limited to, the manufacture of musical instruments, dental and medical appliances, ceramics using gas or electric kilns, small concrete products such as garden ornaments and countertops, glass cutting, soap, and similar products or operations

Infill. Development designed to occupy scattered or vacant parcels of land that remain after the majority of development has occurred in an area.

Interceptor Dike. A diagonal channel constructed across a road that diverts surface water off the road and into a stable drain way.

Interceptor Swale. A shallow trough dug into the land on contour (horizontally with no slope) to divert runoff from the top of slopes that are susceptible to erosion.

Intermittent Stream. A stream with flowing water from a headwater that flows into a well-defined channel during wet seasons of the year but not for the entire year.

Intensification. An increase in the intensity of a use.

Intensity. The extent to which land or structures are developed or used. This includes, but is not limited to, the following types of measures.

- a) Density;
- b) The number of non-residential establishments,
- c) Floor area ratio,
- d) Square footage of buildings; Amount of land used,
- e) Amount of impervious surface,
- f) Amount of parking,
- g) Amount, size, and height of signage and other structures,
- h) Hours of operation,
- i) Number of days per week or times per year a use occurs,
- j) Capacity, and

- k) The number, extent, or characteristics of offsite impacts such as noise, light, dust, odor, vibration, concussion, or traffic.

Infrastructure. Any water, drainage, sewer, waste disposal and waste treatment systems, road, street lighting or similar service that connects to the infrastructure of the City.

ISO Rating. A rating of the fire protection capabilities of fire service providers in accordance with the latest Insurance Services Office (ISO), Fire Suppression Rating Schedule.

J

Junk. Any scrap, waste, reclaimable material, or debris, whether or not for sale, that is in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or abandoned.

Junk, Salvage, Scrap, or Wrecking Yard.

Any use involving the storage or processing of inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials.

K

Kennel. An establishment licensed to operate a facility housing dogs or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Kennel, Private. Any building designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for purposes of show, hunting or as pets.

L

Land-Disturbing Activity. Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding or alteration of a structure or any activity which may result in soil erosion from and the movement of sediments into waters or onto lands within the City, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep,

repairs, additions or minor modifications to a single-family residence, agricultural practices, and the cutting of firewood for personal use.

Land Surveyor. Any person registered to practice professional land surveying by the South Carolina Board of Engineering Examiners.

Landscape Architect. A landscape architect properly registered and licensed in the state by the State Board of Licensing Examiners.

Landscaped Area. An area that is permanently devoted to and maintained for the growing of shrubbery, grass, and other plant material.

Lateral Sewers. Pipes conducting sewerage from individual buildings to larger pipes called truck or interceptor sewers that are usually located in street rights of way. Also see "sewer service lines."

Law Enforcement Service Unit or "LESU". A LESU consists of the equipment necessary for two police officers. For purposes of this Article, one LESU equals one patrol car, including equipment ancillary to the patrol car.

Legislative Order. Involves a change in land use policy adopted by the City Council. A public hearing is required, but the procedural requirements of a quasi-judicial hearing do not apply. Examples include text amendments and rezonings.

Level of Service (LOS). An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based upon and related to the operational characteristics of the facility. Level of Service indicates the capacity per unit of demand for each public facility.

Level Spreader. A permanent outlet for diversions consisting of an excavated channel constructed at zero grade across a slope converting concentrated runoff to sheet flow and releasing it onto stabilized areas.

Light Fixture. The assembly that holds or contains a lamp or bulb and may include an assembly housing, amounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A Light Fixture also includes the assembly for luminous tube and fluorescent lighting.

Light Fixture, Existing. Outdoor light fixtures installed prior to the adoption of this Article.

Light/Intermittent Demand. When referencing parking, means that the use routinely generates an average parking turnover rate of not more than two per day per space, and an average daily parking utilization rate of 50% or less or where the director finds that the daily parking demand is low enough

to warrant the use of an alternative surface.

Limited Lodging. Residential premises providing no more than eight rooms for short-term letting and food services before noon only.

Link, Street. A section of the street network, or a local street, defined by a node at each end or at one end. Stubs to adjacent property shall not be considered links.

Lintel. A beam supporting the weight above a door or window opening.

Livestock. Any animal bred or kept for use or profit, excluding dogs, cats, and horses.

Live-Work Unit. A building in which offices, studios or other commercial uses are located on the first floor and a dwelling unit is located above the first floor.

Lot. A designated parcel, tract or area of land established by a plat and to be used, developed, or built upon as a unit.

Lot Area. The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot Coverage. A measurement obtained by dividing the portion of a lot that is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Depth. The mean horizontal distance between the front and rear lot line.

Lot, Double Frontage. A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.

Lot, Flag. Lots or parcels with less frontage on a public street than is normally required for a lot in the zone where the panhandle or flagpole serves as an access to the lot.

Lot Line, Front. On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or on a through lot, the lot line abutting the street providing the primary access to the lot; or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Lot of Record. A lot or parcel of land the plat or deed of which has been recorded in the County of Aiken or the County of Edgefield.

Lot, Through. A lot having its front and rear yard each abutting on a street.

Lot, Width. The horizontal distance between side lot lines, measured at the required front setback line.

Low Impact Design (LID). A development technique that minimizes impervious surfaces and uses systems and practices that mimic natural processes resulting in the infiltration, evapotranspiration, or use of stormwater in ways that help protect water quality, habitat, and downstream properties. Examples of LID stormwater systems include rain gardens, bioretention areas, and grassed swales.

M

Main. In any system of continuous piping, the principal artery of the system to which branches may be connected.

Maintenance Guarantee. A security provided in the form of a written guarantee supported by a letter of credit endorsed and accepted by the City for the maintenance of any improvements required by this Article.

Manhole. An inspection chamber whose dimensions allow easy entry and exit and working room for a person inside.

Manufactured Home. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Manufactured Home Park. A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

Marina. A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for boat owners, crews, and guests.

Master Signage Plan. A plan that is required when more than one use or business is located on a lot or within a development whether or not the development is on one lot or more than one lot. A Master Signage Plan should provide for consistency

among signs on the premises with regard to location of a freestanding sign(s), location of each sign on the buildings, size, and lighting and coordinate total allowed square footages among the uses or businesses in the development.

Maximum Density. The total number of dwelling units authorized by an application. Maximum density does not include accessory dwelling units.

Maximum Total Sign Area. The sum for all signs contained on a building or on the entire lot or project, regardless of the number of buildings, businesses, or tenants, not including exempt or non-permitted signage except as required or exempted herein.

Mean Sea Level. The average height of the sea for all stages of the tide. It is used as a reference for establishing varying elevations within the flood plain. For purposes of this Article, the term is synonymous with the National Geodetic Vertical Datum (NGVD).

Median. That portion of a divided highway separating lanes of traffic proceeding in opposite directions.

Micro Wireless Facility. A Small Wireless Facility that: 1) is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and 2) for which no exterior antenna is longer than eleven inches.

Mini-Warehouse. A structure comprised of individual rental units for the purpose of storage, separated by permanent walls with individual exterior doors and each unit generally not exceeding 300 square feet in floor area.

Mixed-Use Building. A building that contains a compatible mix of uses typically comprised of commercial, institutional, and residential uses where non-residential uses are located primarily on the first floor and dwelling units occupying the second floors or above.

Mobile Food Unit. A mobile food unit is a temporary food service vehicle that moves from place to place to sell food items such as ice cream, hot dogs, or pre-packaged snack items or drinks. Mobile food units and vendors are regulated by Article IV of the Municipal Code.

Modular Building Unit. Means a building including the necessary electrical, plumbing, heating, ventilation, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site.

This term is not limited to residential dwellings. (The South Carolina Modular Building Construction Act, S.C. Code §23-43-20).

Modular Home. A factory-built, single-family structure that conforms to the Building Code rather than to the HUD Code.

Mountable Curb. A low curb with a flat slope designed to be crossed easily without discomfort.

Moving Lane. Any traffic lane where traffic movement is the primary if not sole function (Compare with Parking Lane).

Mulch. A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place or aid plant growth.

Municipality Pole. A pole owned, managed, or operated by or on behalf of the City; provided, however, that such term shall not include any pole, support structure, electric transmission structure, or equipment of any type that is part of a municipally owned or municipally controlled electric plant or system for furnishing of electricity to the public for compensation. The term Municipality Pole shall include, without limitation, poles that the City leases, rents, licenses, or otherwise compensates the owner thereof for the provision of street lighting.

Mural. A large picture painted or affixed directly on a wall or ceiling.

N

National Geodetic Vertical Datum (NGVD). As corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

Native Tree Cluster. A grouping or cluster of healthy, mature, or near mature, trees that covers an area of not less than one quarter of an acre. The composition of the trees within the cluster must be composed primarily of species that are native to the Central Savannah area or Piedmont area of South Carolina. Exotic tree species must not comprise more than 25 percent of the cluster.

Natural Open Space. Any parcel or area of identified open space that is defined as a conservation area.

Moved to appropriate section of code

Neighborhood Retail and Fulfillment Center. A facility where less than 50 percent of the gross floor area is used as a retail store and the balance

of the gross floor area is used as a fulfillment center. Neighborhood retail and fulfillment is not defined as warehousing and shall not be confused with primary traditional retail uses that have an accessory delivery component.

Net Density. The number of residential units in a project or on a site excluding designated open space, parks, lakes, streets, alleys, and other areas where development is not permitted by this Article, local ordinances, or by state or federal law.

Node. The terminus or intersection of two or more streets, including the head or bulb of a cul-de-sac or the terminus of a close.

Nonconforming Feature. A physical characteristic of lot use or development existing legally at the time of the passage of these regulations which does not by reason of design or dimension conform to the regulations of the district in which it is situated. The term features includes, but is not limited to, physical characteristics of development such as built-upon area, lighting, driveways, off-street parking, loading, fenestration, landscaping, noise, sidewalks, and cross-access between developed parcels. This term does not include any aspect of a nonconforming lot, structure, or use.

Nonconforming Lot. A lot for which plats or deeds have been recorded which fail to comply with the minimum area or other dimensional requirements of the zoning districts in which they are located.

Nonconforming Structure. A structure, including a building, existing legally at the time of the passage of these regulations, or the time of annexation into the City's jurisdiction, which does not by reason of design or dimensions conform to the regulations of the district in which it is situated. A structure established after the passage of these regulations which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming structure and is a violation of these regulations.

Nonconforming Use. A use existing legally at the time of the passage of these regulations which does not, by reason of use or use characteristics, conform to the regulations of the district in which it is located.

Nonconformity, Legal. Lots, structures, uses, and features which were lawful before the effective date this Article was enacted, amended, or otherwise made applicable to such lots, structures, uses, or features but which now do not conform to the regulations of the district in which they are located.

Nondepository Personal Credit Institutions.

The use includes business establishments that engage in the business of loaning or providing money to customers on a temporary basis, wherein such loans are secured by a post-dated check, paycheck, automobile title or similar collateral. This definition applies, but is not limited, to check cashing stores, deferred presentment lenders, payday loan stores, car title loan stores, and title pawn stores.

North American Industry Classification

System. The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS was developed under the auspices of the Office of Management and Budget and originally adopted in 1997 to replace the Standard Industrial Classification (SIC) system.

O

Office. A building or portion of a building wherein services are performed involving predominately administrative, professional, or clerical operations.

Offsite Traffic. Vehicular traffic which is specifically associated with approved developments inside the study area, but which are not included in the traffic counts used to establish the background traffic.

Off-Street Parking Space. An all-weather surface area, not located in a street or service lane, permanently reserved for the temporary storage of one automobile and connected with a street or service lane by an all-weather surface driveway which affords ingress and egress.

On-Street Parking Space. A parking space that is located on a dedicated street right-of-way.

Open Space. Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be natural or may be improved as a natural area, greenbelt, park, Greenway, green, playground or a landscaped traffic management amenity including a traffic circle, roundabout or close.

Open Space Ratio. The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area.

Outdoor Café (also sidewalk café).

An "outdoor cafe" is a portion of an eating or drinking place, located outdoors on or adjacent to a public sidewalk that provides waiter or waitress service and is either an enclosed or unenclosed outdoor cafe as defined herein. No portion of an outdoor cafe shall be used for any purpose other than dining and circulation therein.

Outdoor Café, Enclosed. An outdoor cafe, which is contained within a one-story structure constructed predominantly of light materials such as glass, slow burning plastic or lightweight metal.

Outdoor Café, Unenclosed. An "unenclosed outdoor cafe" is a space on or adjacent to the sidewalk, which contains readily removable tables, chairs, or railings. An unenclosed outdoor café is open to the sky except that it may have a retractable awning or umbrellas. For purposes of this Article, "readily removable" shall mean that no object which is part of the unenclosed outdoor cafe, such as a table, chair, planter, or any other fixture, shall be leaved, cemented, nailed, bolted, power riveted, screwed in, or affixed, even in a temporary manner, to either the pavement or sidewalk in which it is placed, to the building or to any other structure which it abuts.

P

Park. A public space set aside for recreation.

Park Facility. Any park owned or operated by the City of North Augusta.

Parking Bay. Two parallel or near parallel rows of off-street parking spaces. The two rows may be separated and served by a drive aisle or may be separated by a landscape strip or pavement marking and served by two separate parallel drive aisles.

Parking Lane. A lane usually located on the sides of streets, designed to provide on-street parking for vehicular traffic.

Parking Lot. An area not within a building where motor vehicles and bicycles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking Turnover Rate. The number of different times a parking space is utilized (occupied and vacated) in a stated time period. A measurement of the use of a parking facility calculated by dividing the number of vehicles that enter and exit a parking facility in a stated time period by the number of available parking spaces.

Parking Utilization Rate. The rate of the use of a parking facility expressed as the ratio of occupied spaces to the total number of spaces and calculated by dividing the number of vehicles parked in available spaces in a stated time period by the number of available parking spaces.

Parks Master Plan. The City of North Augusta Parks and Recreation Master Plan.

Passageway. A connector providing access exclusively to pedestrians and located between buildings. Passageways provide shortcuts through blocks or connect rear-parking areas with street frontages.

Passby Traffic. Vehicular traffic which is generated by the site studied in the TIA but which is diverted from the flow of the Background Traffic past the site's access.

Pawn Shop. An establishment that lends money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of the property.

Payday Lending. An establishment that lends money as a cash advance secured by a personal check, or similar instrument, which are typically short-term, high cost, in amounts generally for \$500 or less, and due on the borrower's next payday.

Paved Surface. A ground-level surface covered with poured cement, asphalt, pavers, or other impervious surface excluding graded natural surfaces and surfaces covered with rolled stone or loose gravel.

Pediment. A wide, low-pitched gable lying over a façade. A pediment may crown subordinate features such as doorways, niches, or windows.

Pen. An enclosure for domestic animals or an area of property specifically partitioned or fenced for use by a domestic animal. A fenced yard is not considered a pen.

Perc Test (Percolation Test). A test designed to determine the ability of the ground to absorb water and used to determine the suitability of a soil for drainage or the use of septic systems.

Percentage of Wall Area. The percentage of wall area is calculated for the wall of which the sign is a part or to which the sign or signs is most nearly parallel.

Perennial River. A river or section of a river that flows continuously throughout the year.

Perennial Stream. A stream that flows in a well-defined channel throughout most of the year under

normal climatic conditions.

Performance Guarantee. A security in the form of a written guarantee supported by letter of credit, endorsed and accepted by the City to ensure that all improvements, facilities, or work required, as shown on an approved final site plan or subdivision plan (preliminary plat), and completed within the time prescribed by the applicant's agreement with the City. (See also Maintenance Guarantee)

Permeable Pavement. A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off such as porous asphalt, pervious concrete, or pavers interlaid in a bond pattern and either pinned or interlocked in place.

Pervious Concrete. A discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air.

Pier. A vertical supporting structure, such as a section of a wall located between two openings or supporting the end of an arch or a lintel.

Pilaster. A shallow rectangular feature projecting from a wall, having a capital and a base and serving the same function as a column.

Pipe Slope Drain. A method to reduce the risk of erosion by discharging concentrated runoff from the top to the bottom of slopes. Pipe slope drains may be temporary or permanent depending on installation and material used.

Place of Assembly. A building or venue where people gather for civic, social, or religious functions. Includes, but is not limited to, churches, synagogues, parish houses, Sunday school buildings, convents and similar uses and their customary uses; community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation; exhibition, convention, or conference structures; theaters or auditoria (indoor); and theaters (outdoor).

Place of Assembly, Large. A place of assembly designed to accommodate more than 500 people at a single event.

Place of Assembly, Small. A place of assembly designed to accommodate no more than 500 people at a single event.

Plan, Sketch. An informal plan not necessarily to exact scale, indicating the existing features of a tract proposed for subdivision, as well as its surroundings, and including a general layout of the proposed development.

Planned Capacity. The capacity provided in

the year listed for project completion by capital improvements as planned in the CIP.

Planned Capital Improvement. A capital improvement which does not presently exist, but which is included within the Capital Improvements Program.

Planned Development (PD). A development of land within a planned development district as defined by S.C. Title 6.

Plat. An accurate graphical representation, neatly lettered and properly dimensioned, report of a survey made by a surveyor of a finite piece of real property, including pertinent data and appropriate information.

Playground. An outdoor space designed and equipped to encourage and facilitate play.

Plaza. A paved or hard-surfaced area reserved for pedestrians and surrounded on at least two sides by buildings

PM Peak Hour. The one-hour period in the afternoon or evening representing the highest hourly volume of traffic flow on the adjacent public street system.

Portal. A building entryway at least 24 feet in height and 12 feet in width, and which contains decorative architectural treatments.

Portico. A porch with a roof supported by columns.

Porous Asphalt. An open-graded, coarse aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability.

Preserve. As used in tree preservation standards, to "preserve" a tree means to retain the tree in its natural state for tree protection during construction, and general maintenance.

Principal Entry. An entry into a building that faces or adjoins a sidewalk or a plaza, and that is open to customers, employees, and other users of a building during normal business hours. A loading area does not constitute the "Principal Entry" for a building.

Principal Use. The main use of land or structures, as distinguished from a secondary or accessory use.

Property Owner. The person(s) at the date of the application whose name appears on the county tax records as an owner of the property in question.

Proposed Development. The development requested by an applicant which includes all buildings and land uses subject to an application.

Protected River. Any perennial river or

watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate USGS documents.

Protected Tree. Any existing large tree listed in Appendix C, Approved Plants, that is equal to or larger than eight inches in diameter at breast height and is generally isolated and not located in an existing tree cover area or woodland.

Public Art. Art in public spaces and can be temporary or permanent.

Public Facilities. Streets, police facilities, fire protection facilities, community parks, water facilities, sewer facilities, storm drainage facilities, and greenways.

Q

Quadrangle Map. The most recently published USGS 7.5 minute topographic map prepared at a scale of 1:24,000.

Qualified professional. A professional licensed or registered in the state of South Carolina performing services only in their areas of competence. This term shall include only registered land surveyors, registered engineers, registered architects, registered landscape architects, and certified arborists.

R

Recessed Entryway. A covered and partially enclosed recess or niche located on the front facade of a building which leads to a principal entry.

Recreational Facility. Any park, recreation or recreational structure owned or operated by the City of North Augusta.

Recreation, Indoor. A building within which commercial recreational or amusement activities take place. Includes, but is not limited to arcades, billiards, darts, and video games; skating rink - ice or roller skating; indoor swimming pools; and recreation or amusement enterprises conducted wholly within a building.

Recreation, Outdoor. Leisure time and fitness facilities used for active and passive recreation related but not limited to activities such as hiking, fishing, picnicking, cycling, paint gun and airsoft play fields, equestrian activities, skateboarding, and rollerblading.

Recreational Vehicle. A vehicle that is.

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

Reservoir Boundary. The edge of a water supply reservoir defined by its normal pool level.

Restaurant. Any establishment, whether open to the public or operated as a private club, including drive ins, whose primary business is serving meals prepared on the premises for consumption on the premises.

Retail Establishment, Large. A single retail or wholesale use which occupies more than 30,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Such stores include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

Retail Establishment, Medium. A single retail or wholesale use which occupies between 3,001 and 30,000 square feet of gross floor area, typically requires moderate parking to building area ratios and has a local sales market.

Retail Establishment, Small. A single retail or wholesale use which occupies 3,000 or less square feet of gross floor area, typically requires low parking to building area ratios and has a local or neighborhood sales market.

Retention Basin. A pond, pool, or basin used for the permanent storage of stormwater.

Rezoning. An amendment to the Official Zoning Map that results in a change to zoning district boundaries.

Right-of-Way (ROW). A strip of land occupied or intended to be occupied by a street, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, walkway, Greenway, shade trees, or another special use.

Riparian Buffer. A protected area of land adjacent to and generally parallel to a river, stream or water body (e.g., lake, pond, wetland) measured from the top of bank of rivers and streams or from the high-

water mark of water bodies.

Road or Roadway. See "Street."

Road, Public. All public property reserved or dedicated for street traffic.

Satellite Dish Antenna. An over-the-air reception device as defined by the Federal Communications Commission.

S

Screen. A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

Screen. A structure or planting consisting of fencing, berms, evergreen trees, or shrubs or a mixture of such features that provides continuous view obstruction.

Seep Berm. A linear sediment control constructed as an earthen berm perpendicular to the direction of runoff. A seep berm stores sediment and releases runoff at a low flow rate through pipe outlets spaced at equal intervals along the length of the berm.

Semi-nudity. A state of dress in which clothing covers no more than the genitals, pubic region, and aureole of the female breasts, as well as portions of the body covered by supporting straps or devices.

Sensitive Natural Areas. Any area, as identified now or hereafter by the City, that contains one or more of the following.

- a) Habitat, including nesting sites, occupied by rare or endangered species;
- b) Rare or exemplary natural communities;
- c) Wetlands;
- d) Significant landforms, hydroforms, or geological features; or
- e) Other areas so designated by the City, and which are sensitive or vulnerable to physical or biological alteration.

Service Lane. A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street. (See also Alley)

Setback. The horizontal distance between the building line and the related front, side or rear property line.

Shared Parking. Parking spaces used to meet the parking requirements for two or more uses, structures, or parcels of land, to the extent that the owners or operators show the overall demand for parking spaces can be met by the shared parking.

Shopping Center. A group of commercial/retail establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

Shoulder. The graded part of the right-of-way that lies between the edge of the main pavement (main travel way) and the curb line.

Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign. Any structure, device, or lighting fixture designed or intended to convey information to the public.

Sign Area. The area of the sign measured within the most logical geometric figure applying to lines drawn between the outermost points of a sign, but may exclude essential sign structure, foundations, or supports. The copy of signs composed of individual letters, numerals or other devices are the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letters or devices.

Sign Height. The height of a sign is measured from the top of the curb or edge of the roadway where no curb exists, where the curb is closest to any portion of the sign to the top of the highest attached component of the sign.

Site Traffic. The total vehicular traffic which would be generated by the development being analyzed in the TIA (under the proposed zoning, if applicable).

Soil Binder. A plant that prevents or inhibits erosion by providing a ground cover and forming a dense network of roots that hold the soil.

Specified Anatomical Areas. The male genitals or the vulva or other parts of the female genitals.

Specified Sexual Activities. Includes any of the following.

- a) Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breasts.

- b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- c) Masturbation, actual or simulated.
- d) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

Specimen Tree. A tree that:

- a) Is part of a historic site;
- b) Has been designated as a Champion Tree by the South Carolina Forestry Commission and the Department of Forestry and Natural Resources at Clemson University or is 75 percent or more of the DBH of the current state Champion of that species;
- c) Has a DBH of 24 inches;
- d) Has an exceptional canopy shape and beauty;
- e) Is a rare, threatened or endangered species; or
- f) Is individually identified on an approved forest conservation plan.

Split-Face Block. A concrete masonry unit, split lengthwise by a machine after curing to produce a rough, fractured face texture.

Stable. Any building or structure where horses or livestock are housed or maintained.

Steep Slope. A slope of 30 percent or greater in grade, usually expressed as 3.1.

Stoop. A raised platform located at the entry of a building and approached by steps. A stoop may have a roof.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including basements used for the principal use.

Street. A public thoroughfare, including road, highway, drive, lane, avenue, place, court, boulevard, and any other thoroughfare that affords the principal means of access to abutting property. Unless otherwise indicated, the term street shall refer to both public and private streets.

Street, Arterial. A high-volume street designed to move traffic between communities and activity

centers and to connect communities and activity centers to higher level arterials including freeways and interstate highways. For purposes of this Article, an "Arterial Street" includes any of the following segments.

- a) Georgia Avenue (US 25 Business)
- b) Knox Avenue (US 25 Bypass)
- c) Jefferson Davis Highway / US 1
- d) Martintown Road (SC 130)
- e) Additional streets, if any, designated as an Arterial Streets in the Comprehensive Plan or Capital Improvement Program.

Street, Collector. The principal traffic corridor within residential and commercial areas that conveys traffic from arterial streets to lower-order streets.

Street, Local. A street designed and used primarily for access to lots within a subdivision or neighborhood.

Street, Marginal Access. A service street than runs parallel to a higher-order street which, for purposes of safety, provides access to abutting properties and separation from through traffic. May be designed as a residential access street or subcollector as anticipated daily traffic dictates.

Street, Subcollector. A subcollector is a relatively low volume street that provides passage to and between local streets, and also conveys traffic to and from higher order collectors and arterials. The subcollector provides frontage and access to residential lots like a local street.

Street Furniture. Man-made, above ground items that are usually found in street rights of way, including streetlights, benches, planters, landscaping, canopies, waste receptacles, bollards, and phone booths.

Street Hardware. The mechanical and utility systems within a street right of way, such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, and parking meters.

Street Hierarchy. The conceptual arrangement of streets based upon function.

Street Network. The street system within a defined area.

Street Tree. A tree located between the back of a street curb and the sidewalk, where sidewalks are provided, generally within the street right-of-way.

Street Vista. The view, framed by buildings, at the

termination of the axis of a thoroughfare.

Structural Alteration. Any change except those required by law, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other ordinances.

Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, and signs.

Subdivider. A person, firm, or corporation having proprietary interest in land proposed for subdivision.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions.

- a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
- b) the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate that fact on the plats; and
- c) the combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Subdivision, Major. A subdivision of land not otherwise defined as a minor subdivision.

Subdivision, Minor. A subdivision is a minor subdivision if it meets all the following criteria.

- a) The proposed subdivision contains no new

roads or changes to existing roads that require the dedication of right of way;

- b) All resulting lots front directly on and have legal access to an existing publicly maintained road or street;
- c) The proposed subdivision does not require access to any residential lot or group of residential lots from an arterial or collector road;
- d) The proposed subdivision involves only the consolidation of parcels, elimination of lot lines or other adjustment to lot lines and does not increase the number of lots;
- e) The proposed subdivision encompasses no more than ten acres and results in the creation of not more than five lots;
- f) The proposed subdivision complies with the dimensional standards for the zoning district in which the property is located;
- g) The proposed subdivision does not include any flag lots;
- h) The proposed subdivision does not result in an original lot is subdivided into more than six new lots within any ten-year period. Original lot shall refer to the existing configuration of a lot, parcel, property, or tract on the date of the adoption of these standards. New lots shall be interpreted to include all re-subdivided parcels from the original parcel during the ten-year period; and
- i) The proposed subdivision meets all other applicable standards for development as set forth in this Chapter.

Subdivision Tree. A tree that meets the requirements specified for a street tree in all respects except that it is planted on private property within the required front setback of a lot or parcel.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either.

- a) Before the repair or improvement is started; or
- b) If the structure has been damaged and is being restored, to the condition that existed before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include any improvement to a structure needed to comply with existing state or local codes necessary to ensure safe living or occupancy conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Subsurface Drain. A perforated pipe or conduit placed beneath the surface of the ground at a designed depth and grade.

Surface Roughening. The creation of horizontal grooves, depressions or steps that run parallel to the contour of the land.

Support Structure. A building, billboard, or any other structure in the ROW to which a small wireless facility is or may be attached. A "support structure" shall not include an electric transmission structure or pole.

Surveyor. A land surveyor properly registered and licensed in the state by the state board of land surveyors.

T

Technically Feasible. That by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design, concealment measures, or site location can be implemented without a material reduction in the functionality of the small wireless facility.

Telephone Repeater Station. A building used to house amplifying equipment along aerial or underground telephone cable routes.

Temporary Cause or Event. An event that occurs only on a scheduled date or time period and for a specific purpose, regardless of whether the event is for commercial or non-commercial purposes. Examples include, but not limited to, elections, grand openings of new businesses, buildings, or developments under construction, church revivals and similar types of events.

Throat Length. The distance extending from the intersection to the first curb cut, left turn conflict, or intersection with a parking aisle and provides storage area for vehicles waiting to exit the site.

Tourist Home. A private dwelling unit that is used as a temporary accommodation to overnight guests

for a fee, not exceeding a week at a time, and not more than once every six (6) months.

Traffic Engineer. A registered professional engineer who specializes in studying vehicular and pedestrian traffic conditions.

Traffic Impact Analysis. A study that assesses the adequacy of the existing or future transportation infrastructure to accommodate additional trips generated by a proposed rezoning, subdivision plat, site plan, or general development plan.

Traffic Impact Area. All streets, including street links and the intersections of two or more streets, within the distance from the exterior boundaries of the proposed development.

Translucent Window Glazing. Glass that is frosted, stained, etched, colored, or similarly treated that allows the transmission of light through the glass or window but objects on the other side of the window appear diffused, wavy, or colored. Reflective glass is not translucent.

Transparent Window Glazing. Clear glass that allows the transmission of light through the glass or window so that objects on the other side of the glass can be seen clearly. Reflective glass is not transparent.

Transportation Facilities. Streets, including street links and intersections within the planning area or jurisdiction of the City of North Augusta, or arterial streets and collector streets within the jurisdiction of the South Carolina Department of Transportation that are located within the planning area or incorporated boundaries of the City of North Augusta.

Tree Canopy. Any overhanging layer, shelter or shade formed by the branches and leaves of a tree, whether or not all direct sunlight is able to reach the understory.

Tree Survey. A survey plan sealed by a registered surveyor indicating location, size, and species of all protected trees on a property.

Triangular Silt Dike. A sediment control device, triangular in shape, made of foam sewn into a woven geo-synthetic fabric that can be used to provide settling and/or reduction in water velocity/erosive forces.

Trip. A single or one-way vehicle movement to or from a property or study area.

Trip Distribution. The geographic distribution of trip ends attracted to the proposed development, usually expressed as a percentage of the total site trips generated by (and assignable to) major site

access corridors.

Trip Ends. The total of all trips entering plus all trips leaving a specific land use within a specific time period.

U

Underground District. A group of buildings, properties, or sites in which the City, at least 60 days prior to the relevant application, has required all communications and electric lines in the specified geographic area to be placed underground, and for which the City maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.

U

Understory. Assemblages of natural low-level woody, herbaceous and ground cover species.

V

Volume (Traffic). The number of vehicles to pass a predetermined location during a specified period of time.

W

Wall Area. The total area of the wall, or connected wall sections that are generally parallel to each other, on the side of a building, or lease space within a building, that faces a street, parking area, or courtyard or other similar open space. Areas of more than one wall may not be combined to calculate a larger permissible sign area for one wall.

Water Supply Facility. Facilities involved in water supply including pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities.

Wetlands. Wetlands are areas where water covers the soil, or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of

characteristic wetland (hydric) soils.

Wireless Infrastructure Provider. Any person, including a person authorized to provide telecommunications service in the State, acting to build or install wireless communication transmission equipment, small wireless facilities, or support structures, but that is not a wireless services provider.

Wireless Provider. A wireless infrastructure provider or a wireless services provider.

Wireless Services. Any services using licensed or unlicensed spectrum, including the use of Wi Fi, whether at a fixed location or mobile, provided to the public.

Wireless Services Provider. A person who provides wireless services.

Wireline Backhaul Facility. An above ground or underground wireline facility used to transport communications between a small wireless facility network interface device and a network or another small wireless network interface device.

Y

Yard. That portion of a lot between the primary structure and a lot line.

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