

Sec. 24-75. - Communication towers and antennas.

- (a) Telecommunication facilities should be located so as to minimize adverse, aesthetic and visual impacts on the land, property, buildings, and other facilities where wireless communication devices are considered. New telecommunications facilities, towers, or antennas shall adhere to the following regulations.
- (b) Prior to approval of any application for a permit for a new telecommunication facility a public hearing shall be held by the county planning commission, notice which shall be published in the county no less than ten calendar days prior to the hearing. Also ten days prior to the public hearing this notice will be given to all landowners within 500 feet of the property.
- (c) After the public hearing and formal consideration of the application, the county planning commission may determine in writing the approval, approval with conditions, or denial of a permit. The planning commission can deny the location and placement of a telecommunication facility if it is a substantial detriment to the surrounding area.

(d) Definitions:

Applicant means any wireless service provider or agent submitting an application for a permit for a telecommunications facility.

Fall zone means the maximum area (the furthest distance from the tower base) in which a telecommunications facility will collapse in the event of a failure, usually less than the total height of the structure. This zone must be defined by a professional civil or structural engineer licensed in the state.

FCC means the Federal Communications Commission, or its duly designated and authorized successor agency.

Height means, when referring to a tower or other structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

Telecommunications means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Tower means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal. A "freestanding tower" shall mean a monopole or self-supporting tower. A "guyed tower" shall mean a tower supported and stabilized through the use of guy wires.

- (e)
 - (1) All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
 - (2) All applicable safety code requirements shall be met.
 - (3) Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations.
 - (4) No tower shall be located in any wetlands.
 - (5) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.
 - (6) Towers or antennas shall be exempt from the maximum height requirements of this chapter, except as provided for in section 24-203.
 - (7) Towers or antennas shall be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. Should this fall zone encroach onto another property, a recorded easement may be prepared and signed by the adjacent property owner to ensure that no structure will be built within the fall zone.
 - (8) Signage on communication towers and/or antennas.

- a. No advertising of any type may be attached to a communication tower; however, a communication tower and/or antennas may be placed upon an outdoor advertising sign provided the height of the sign is increased not more than 20 feet.
 - b. The placement of a communication tower and/or antennas upon an outdoor advertising sign shall not change the principal nature or classification.
 - c. A sign no larger than four square feet shall be placed in a visible location identifying the owner and operator of each antenna as well as their emergency phone number(s).
- (9) Communication towers shall be removed at the operator's expense within 120 days of the date such tower ceases to be used for its intended purpose.
- (10) Permit requirements for the erection or replacement of a tower or antenna shall be accompanied by the following:
- a. One copy of engineered stamped typical specifications for proposed structures and antenna, including description of design characteristics and material.
 - b. An engineered stamped site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, fall zone (as determined by a structural engineer, licensed and certified in South Carolina), photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
 - c. A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.
 - d. Identification of the owners of all antenna and equipment to be located on the site. Allow Edgefield County to share the wireless telecommunications facility for emergency services and government use at no cost.
 - e. Written authorization from the site owner for the application.
 - f. Evidence that a valid FCC license for the proposed activity has been issued.
 - g. The applicant shall furnish a visual impact assessment, which shall include digital pictorial representations of "before and after" views from key roads, residential, commercial or other locations where the site is visible to a large number of individuals. The applicant shall provide a map showing the locations of where the digital pictures were taken and the distance from the proposed structure.
 - h. A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
 - i. A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the county and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the county.
 - j. The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed wireless facility.
 - k. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 standards and a determination of the fall zone.
 - l. A written agreement to allow other users to co-locate on the tower and documentation that the tower will be designed to allow it.

- (11) The provisions of this section shall not apply to amateur radio, citizens band radio, or television reception towers, masts and/or antennas.
- (12) All telecommunication facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access.
- (13) The holder of a permit issued under this Section shall comply with all applicable State and Federal laws, regulations and rules pertaining to the wireless telecommunications facility for which the permit was issued

(Code 1999, § 152.045; Ord. No. 99-00-380, § 3-10, 4-4-2000; Ord. No. 10-11-630, § 1, 12-7-2010; Ord. No. 12-13-660, § 16, 4-2-2013)

Sec. 24-78. - Sexually oriented business.

- (a) *Purpose.* The purpose of these requirements is to promote the health, safety, morals, and general welfare of the citizens of the County and establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the County. The provision of this section has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor the effect of this Chapter to condone or legitimize the distribution of obscene material.

Owing to the nature and potential impact of this type of development, the Planning Commission and County Council shall both call for and conduct a public hearing on any application to establish a sexually oriented business in Edgefield County, having given due notice to the parties in interest, including adjoining property owners. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least fifteen (15) days in advance of the public hearing. Notice shall also be posted on or adjacent to the affected property, with at least one such notice visible from each public thoroughfare that abuts the property. The Planning Commission shall review and evaluate each application with respect to all applicable development standards contained herein and elsewhere in this Chapter. At the conclusion of the public hearing, the Planning Commission may recommend the approval of the proposal as presented, approve it with specified modifications, or disapprove it. Within thirty (30) days of making its decision, the Planning Commission shall submit its report and recommendation to County Council for final action. County Council shall consider the recommendation of the Planning Commission and vote to approve, deny, or modify the proposal, refer it back to the Planning Commission for further study, or take other action as the Council may deem necessary.

- (b) (1) Location. No such use shall be located within 3,000 feet (measured in a straight line and documented on a map drawn to scale) of:
- a. A residential property line or boundary line of an RD Zone;
 - b. A church or religious institution;
 - c. Public or private schools and educational facilities;
 - d. Public parks and recreational facilities;
 - e. Public library, governmental or historical building or marker;
 - f. County airport or County-owned or sponsored industrial park;
 - g. Another sexually oriented business;
 - h. Daycare facilities; or
 - i. Continuous care retirement center or nursing home.
- (2) *License required.* It shall be a misdemeanor for a person to operate a sexually oriented business without a valid permit and/or license issued by the responsible governing authority for the particular type of business.
- a. An application for a permit and/or license must be made on forms provided by the zoning administrator.
 - b. The premises must be inspected and found to follow the law by health, fire, and building officials.
- (3) *Expiration of license.* Each permit and/or license shall expire at the end of each calendar year and may be renewed only by making an application as provided herein.

- (4) *Fees.* The annual fee for a sexually oriented business license shall be \$500.00 and must accompany each application.
- (5) *Inspection.*
- a. An applicant or permittee and/or licensee shall permit representatives of the county zoning, police, health or fire departments or other government departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
 - b. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
- (6) *Suspension.* The planning administrator shall suspend a permit and/or license for a period not to exceed 30 days if he determines that a permittee and/or licensee has:
- a. Violated or is not in compliance with any section of this Chapter; or
 - b. Refused to allow an inspection of the sexually oriented business premises as authorized by this section.
- (7) *Revocation.* The building official shall revoke a permit and/or license if he determines that:
- a. A permittee and/or licensee gave false or misleading information in the material submitted to the building department during the application process.
 - b. A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.
 - c. A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises.
 - d. A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.
 - e. A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.
 - f. A permittee and/or licensee is delinquent in payment to the County for any taxes or fees past due.

(8) Adult motels – additional regulations

Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a reasonable presumption that the establishment is an adult motel as that term is defined by this Chapter. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, rents or sub rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, rents or sub rents the same sleeping room again.

(9) Exhibition of Sexually-explicit Films or Videos

A person who operates or causes to be operated a sexually-oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred

fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts specific sexual activities or specified anatomical areas, shall comply with the following requirements:

a. The application for a Sexually-oriented Business Permit shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted if granted. A professionally-prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches per dimension. The Planning Director may waive the foregoing diagram for renewal applications if the applicant adopts and submits a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

b. The application shall be sworn to be accurate and correct by the applicant.

c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Planning Director.

d. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction or viewing equipment. Suppose that the premises have two (2) or more manager's stations designated. In that case, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one (1) of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.

f. It shall be the duty of the owners and operator, and it shall be the duty of any agents and employees present on the premises to ensure that the view area specified in Subsection e. above remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (A) of this Section.

g. No viewing room may be occupied by more than one (1) person at any time.

h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.

i. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(10) Exemptions

Exempt from these requirements is any person appearing in a state of nudity who does so in a modeling class operated:

a. by a proprietary school licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation;

b. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where to participate in a class, a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude model is on the premises at any one (1) time.

Sec. 24-83. - Multi-family housing.

A building containing five or more dwelling units which share access from a common hall, stairs or balcony Multi-family housing or two or more residential care facilities, rooming houses or group-occupied dwellings designed to accommodate 20 or more individuals shall meet the following design standards:

- (1) The project shall have a minimum of five acres.
- (2) At least 25 percent of the project shall consist of landscaped open and common space.
- (3) Parking shall meet the requirements of section 24-31.
- (4) The project will provide a buffer yard per section 24-107, table 3.
- (5) The minimum building setback line will be 50 feet in the front and 30 feet for side and rear yards.
- (6) The project shall consist of a maximum of 42.8 units per acre but density shall not exceed the maximum allowed per the Land use area of the Edgefield County Comprehensive Plan.
- (7) Buildings shall be spaced a minimum of 20 feet apart.

(Ord. No. 12-13-660, § 21, 4-2-2013)

Sec. 24-84. - ~~Solar panels~~ Solar Energy Facility.

- ~~(a) In residential areas, the location of solar panels shall be placed in such a manner as to not cause glare onto roadways or adjacent properties.~~
- ~~(b) A plan showing the proposed location of solar panel(s), the arrangement of the panels, distance from the roof, pitch of the finished roof, and distance from the proposed site improvements to all property lines.~~
- ~~(c) Solar energy system components must have a UL listing and must be designed with anti-reflective glare coatings to minimize solar glare.~~
- ~~(d) Written authorization from the local public utility company acknowledging that it has been informed of the Applicant's intent to install an interconnected customer-owned generator and that it also approves of such connections.~~
- ~~(e) Roof-mounted solar collector systems shall meet the following standards:
 - ~~(1) Roof-mounted accessory collector systems shall not extend above the ridge cap or exceed the height restriction of the district.~~
 - ~~(2) The collector surface and mounting devices for roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.~~
 - ~~(3) Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side or rear yard exposure.~~
 - ~~(4) Roof-mounted systems shall not be located within three feet of any peak, eave, or valley of the roof to maintain pathways of accessibility.~~
 - ~~(5) Roof-mounted systems shall be mounted parallel to the roof at the same pitch or no greater than five percent steeper than the roof.~~
 - ~~(6) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto other properties or public access areas.~~
 - ~~(7) Mounting hardware and framing shall be non-reflective or matte black in color.~~
 - ~~(8) Roof-mounted systems shall provide, as a part of the permit application a design review and structural certification from a South Carolina registered engineer.~~~~
- ~~(f) The site shall adhere to the applicable sections of the International Building Code at time of construction and throughout the operation of the accessory use.~~
- ~~(g) Solar farm—Where a series of ground-mounted solar collectors (minimum of three) are placed in an area for generating photovoltaic power for resale purposes must also meet the following conditions:
 - ~~(1) A letter from a registered South Carolina engineer stating that the panels are placed in such a way as to not be offensive to traffic or residences.~~
 - ~~(2) No structure shall achieve a height greater than 20 feet.~~
 - ~~(3) A fence of at least six feet in height must control access to the site with a vegetative landscape buffer meeting the requirements of section 24-107 provided between the fencing and the property line.~~
 - ~~(4) Solar farms, which have not been in active and continuous service for a period of one year, shall be removed at the owner or operators expense, and the site shall be restored to as natural condition as possible within six months of removal.~~
 - ~~(5) The manufacturers' or installers' identification and appropriate warning signage shall be posted at the site in a clearly visible manner.~~
 - ~~(6) A sign containing the contact information for the responsible party shall be posted in a clearly visible manner.~~~~

- ~~(7) Solar farms shall meet the setback, height, and coverage requirements of section 24-32.~~
- ~~(8) On-site power lines shall, to the maximum extent practicable, shall be placed underground.~~
- ~~(9) Solar farms shall not be adjacent to any airport.~~

(Ord. No. 17-18-723, § 1(Exh. A), 9-5-2017)

(a) These standards and review procedures are for the development, operation, siting, and decommissioning of utility-scale solar energy facilities in Edgefield County.

(b) Definitions

- 1. Acreage coverage** - The total acres covered by blocks of photovoltaic panels, including spaces between panels, buildings, inverters, substations, battery storage, ancillary equipment, and fencing around these items, but excluding wildlife corridors, mandated setbacks, wetlands, and other avoided natural or cultural features outside of the security fencing on the project site.
- 2. Applicant** - The person or entity who submits an application to Edgefield County for a permit to install a utility-scale solar facility under this ordinance.
- 3. Battery energy storage system** - A physical container or structure that is providing secondary containment to battery cells equipped with cooling, ventilation, fire suppression, and a battery management system.
- 4. Decommissioning Plan** - A plan to disconnect, remove, and properly dispose of equipment, facilities, or devices.
- 5. Hazmat** - An abbreviation for "hazardous materials," substances in quantities or forms that may pose a reasonable risk to health, property, or the environment. HAZMATs include toxic chemicals, fuels, nuclear waste products, and biological, chemical, and radiological agents. HAZMATS may be released as liquids, solids, gases, or a combination or form of all three, including dust, fumes, gases, vapor, mist, and smoke.
- 6. Operator** – The person responsible for the overall operation and management of a solar energy system.
- 7. Owner** – The person who owns all or a portion of the real property.
- 8. Photovoltaic or PV** – Materials and devices that absorb sunlight and convert it directly into electricity using semiconductors.
- 9. Rated Capacity** – The maximum capacity of a solar energy project based on the sum total of each photovoltaic system's nameplate capacity.
- 10. Site** – The area containing a solar energy system.
- 11. Utility-Scale Solar Facility** – Any solar facility designed to produce electricity for sale. This excludes any residential or commercial property.
- 12. Viewshed Analysis** – The process of identifying locations that are visual from one or more observer points.

(b) Applicability

1. This special use permit shall be binding on any successors, assignees, current or future lessee, or facility owner and is granted solely for constructing and operating a utility-scale solar energy facility.
2. This ordinance shall apply to all solar facilities, including physical modifications to any existing solar facilities that materially alter the type, configuration, or size of such facilities or other equipment.

(c) Conditions for the Establishment and Operation of Commercial Solar Energy Facilities

An applicant for a utility-scale solar facility to be located in Edgefield County shall complete a Special Use Permit (SUP) application including:

1. Pre-application meeting. Schedule a pre-application meeting with Edgefield County to discuss the proposed use's location, scale, and nature and what will be expected during the process.
2. Comprehensive Plan Review. A review by Edgefield County Planning Commission of public utility facility proposals to determine if their general or approximate location, character, and extent are substantially in accord with the Comprehensive Plan or part thereof.
3. Documents demonstrating the ownership of the subject parcel(s).
4. Proof that the Applicant has the authorization to act upon the owner's behalf.
5. A letter of commitment from the utility company who will interconnect to the facility and a statement of line capacity before and after interconnection. Additionally, the Applicant shall be required to provide to the County a minimum performance of the system at any time during the life of the project.
6. List of adjacent property owners, their tax map numbers, and addresses.
7. A description of the current use and physical characteristics of the subject parcel(s).
8. A description of the existing uses of nearby properties.
9. A narrative identifying the Applicant, owner, and Operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types and chemical composition, expected footprint of solar equipment to be constructed, and type and location of interconnection to an electrical grid.
10. Aerial imagery which shows the proposed location of the solar facility, fenced area, driveways, and interconnection to the electrical grid with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress.

11. Payment of the application fee(s) and any additional review costs, advertising, or other required staff time.
12. The Applicant shall consult with the South Carolina Department of Natural Resources and provide a written recommendation regarding wildlife corridors and an endangered species management plan where applicable.

(d) Site Plan – prepared by a South Carolina licensed civil engineer that shall include the following:

1. A description of the subject parcels.
2. Property lines and setback lines. A land survey by a South Carolina licensed surveyor is required.
3. Existing and proposed buildings and structures; including preliminary locations of the proposed solar panels and related equipment; proposed fencing, driveways, internal roads, and structures; and points of ingress/egress.
4. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.
5. A grading plan.
6. A landscaping maintenance plan.
7. Existing and proposed access roads, drives, turnout locations, and parking.
8. Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setbacks.
9. Fencing or other methods of ensuring public safety.
10. Ten sets (11" x 17" or larger), one reduced copy (8½" x 11"), and one electronic copy of the site plan, including elevations and landscape plans as required.
11. Provide an inventory of all solar facilities – existing or proposed – within a ten (10) mile radius.
12. A proposed method of providing appropriate escrow, surety or security for grounds maintenance, fencing, landscaping, and the cost of the decommissioning plan.
13. Additional information may be required as determined by Edgefield County.

(e) Public Meeting

A public meeting shall be held prior to any public hearing with the Planning Commission to allow the community to hear from the Applicant and ask questions regarding the proposed project.

- (1) The Applicant shall inform Edgefield County and adjacent property owners in writing of the meeting's date, time, and location.
- (2) The meeting's date, time, and location shall be advertised in the County's newspaper at least seven (7) but no more than fourteen (14) days in advance of the meeting date.

- (3) The meeting shall be held within the County at a location open to the general public with adequate parking and seating facilities that may accommodate persons with disabilities.
- (4) The meeting shall allow members of the public to review application materials, ask questions of the Applicant, and provide feedback.

(f) Before Issuance of a Special Use Permit

1. Utility-scale solar energy facilities, as described in this ordinance, are permitted exclusively in Industrial Manufacturing zones. Conditionally, a utility-scale solar facility may be permitted on lands defined as pastures, open, and former farmland which has not been clear-cut or logged in the last five years.
2. A special use permit shall not be issued for a utility-scale solar facility until the Applicant submits a feasibility study demonstrating that the amount of generated power can be supported by the relevant electric company and electric grid, and as may be necessary that the South Carolina Public Service Commission has approved the plan when required.
3. The Applicant shall submit an economic cost/benefit analysis describing estimated increases in property tax revenues, sales taxes, other taxes, estimated permanent jobs, and costs associated with the project's impact on County infrastructure.
4. A utility-scale solar energy facility shall generate electric power for commercial or industrial purposes only. The size of the facility (generated power) shall be limited to 50% of the annual total power usage of all users in Edgefield County. The Applicant shall provide accurate information for electrical power usage in the County for the most current year.
5. A viewshed analysis shall be conducted from the perspectives of neighboring landowners and roadway travelers.
6. The Applicant shall bear all costs to the County for increased staff time and attention to matters related to construction, maintenance, administrative costs, and enforcement of the requirements of this section and this permit. A portion of the calculated costs shall be paid at the time an application is submitted to the County.
7. The Applicant shall submit a decommissioning plan to be reviewed and approved by County staff and the County attorney. The decommissioning plan shall be reviewed and updated every three years by a certified independent utility-scale solar facility engineer who has expertise in the removal of solar facilities acceptable to the County and at no cost to the County.
8. The design and installation of utility-scale solar facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.
9. A utility-scale solar facility shall provide at least one access corridor for wildlife to navigate the site per 50 acres of acreage coverage. Proposed wildlife corridor(s) shall be shown on the site plan submitted to the County and shall be a minimum of twenty-

five (25) feet in width. Areas between fencing shall be kept open to allow the movement of migratory animals and other wildlife. The Operator shall be required to submit an annual report to the County detailing the loss of any wildlife due to any installed component (e. g. fencing, solar panels, electrical conductors, etc.).

10. Utility-scale solar facilities shall be within one (1) mile of electric transmission lines.

(g) Location/Setbacks

1. The Applicant shall address the impact of the facility on rivers and streams. All buffers shall meet or exceed those imposed by any and all regulatory agencies, including the South Carolina Department of Natural Resources, U. S. Fish and Wildlife Service, and U. S. Army Corps of Engineers.

2. All aspects and components of the facility shall meet the minimum setback requirement of buffer yard 5 as found in section 24-107 except the minimum buffer width should be 300 feet. This setback requirement is in addition to the buffer requirements for rivers and streams established in No. 1 above.

3. Construction of utility-scale solar facilities shall be subject to erosion and sedimentation ordinances which include but are not limited to: the extent of grading and grading phases, runoff information, management of runoff, and pollution both during construction and throughout the lifetime of the project. An approved Stormwater Plan by the South Carolina Department of Health and Environmental Control (SCDHEC) shall be obtained prior to the commencement of any construction to include land clearing (e. g. timbering).

4. The perimeter of the facility shall be secured through the use of security fencing of at least eight (8) feet in height. The fencing shall not be topped with razor/barbed wire. The fencing shall be installed at the limits of the constructed solar field and not include the buffer. For every one-hundred linear feet of fencing, the buffer shall contain a minimum of four (4) native evergreen tree specimens with a minimum DBH of two (2) inches at the time of planting, a mature height of 30-40 feet, and expected longevity of thirty (30) years. At no time shall a developer clear-cut the site of a required buffer.

5. Utility-scale solar facilities shall not be located within 200 feet of historical sites, cultural, sites or gravesites.

6. The percent of acreage coverage for a utility-scale solar facility shall not exceed 65% of the total solar facility site or a maximum of 200 acres (308 gross acres) of solar panels and support structures.

7. Photovoltaic solar panels and any associated equipment shall not be located on slopes 10 percent or greater, and no site shall be graded more than 50 percent of the site surface area. Additionally, SCDHEC recommendation of limiting grading disturbances to fifty (50) acres at a time until stabilization has been established shall be adhered to, without exception.

8. Battery storage systems, if required, shall be installed with industry best practices, including Battery Management System (BMS) with 24/7 monitoring and automated fire suppression.

9. Edgefield County shall retain the services of an independent third-party engineer (civil, electrical, environmental) qualified in solar development and operation for the purpose of reviewing and analyzing solar power applications. All expenses incurred for this service will be borne exclusively by the Applicant.
10. The Applicant shall provide proof of adequate liability insurance for the utility-scale solar facility prior to commencing construction and before the issuance of a requisite permit from Edgefield County. Edgefield County and all adjacent property owners shall be named on the policy as secondary.
11. To preserve forest resources including national and state designated forests, utility-scale solar facilities shall be located outside forested areas as identified and defined by a South Carolina licensed and certified silviculturist or dendrologist.
12. Construction of utility-scale solar facilities shall be subject to any relevant erosion and sedimentation ordinances which include but are not limited to: extent of grading and grading phases, runoff information, management of runoff and pollution both during construction and throughout the lifetime of the project.
13. When the land surface is prepared for construction, the Applicant shall design the facility so that grading and fill are kept to a minimum. Top soil shall be removed before grading, etc. and stored on site to be returned to the disturbed land to a minimum of four (4) inches to maintain the quality of the soil prior to final approval by the County.
14. In the event water is not provided by public utilities, all wells must be approved by SCDHEC and Edgefield County so as not to adversely impact the flow rate and potable status for surrounding homes and businesses. Monitoring wells shall be placed at the perimeter adjacent to downstream adjoining properties. Monitoring of existing streams and water bodies shall be based on criteria established by SC Adopt a Stream protocols. The monitoring shall be reported to the County on an annual basis. The initial monitoring shall be conducted prior to any land disturbance.
15. Prior to construction, the Applicant shall provide written panel specifications to include composition, toxicological information, and the physical and chemical properties of all panels to be used in the facility. The Applicant shall also provide the country of origin of the panels to be used in the facility. Only bio-degradable cleaners and water shall be used to clean panels. Applicant shall install new or refurbished panels that are UL listed and approved. Installation of used panels is not authorized. All broken or waste solar panels shall be removed from the site within 30 days of being taken out of service. Panels or pieces thereof from the property shall be disposed of outside Edgefield County and through a viable recycling method in accordance with federal and state law. A receipt of disposal shall be required.
16. The Applicant is encouraged to participate in all aspects outlined in the South Carolina Solar Habitat Act (Section 50-4-10) to utilize voluntary solar best-management practices for utility-scale solar facilities, to "establish a native vegetation habitat and pollinator management plan to be used as technical guidance. An owner of a ground-mounted commercial solar energy generation site is encouraged to follow voluntary site management that (1) provides native perennial vegetation and foraging habitats beneficial to gamebirds, songbirds, and pollinators; and (2) reduce storm water runoff and erosion at the generation site".
17. Ground cover on the site shall be pollinator-friendly native and non-invasive vegetation. A performance bond reflecting the costs of anticipated landscaping maintenance shall

be posted and maintained. Failure to maintain the landscaping shall result in revocation of the Operator's permit and the facility's decommissioning. Incorporation of non-invasive plant species that require no pesticides, herbicides, and fertilizers or the use of pesticides and fertilizers with low toxicity, persistence, and bioavailability is recommended. The Operator shall notify the County prior to the application of pesticides and fertilizers. The County reserves the right to request soil and water testing at no cost to the County.

18. The owner and Operator shall give the County written notice of any change in ownership, Operator, or power purchase agreement a minimum of thirty (30) days prior to such action.

(h) Safety/Access

1. All electrical equipment associated with and necessary for the operation of the facility shall comply with all local and state codes. All design and installation work shall comply with all applicable provisions of the National Electric Code (NEC), the Standard Building Code and the South Carolina Building Code. Use of above-ground lines shall be prohibited.
2. The Applicant shall provide training before, during, and after construction for all emergency services in Edgefield County. The Applicant shall provide a set of procedures and protocols for managing the risk of fire and for responding in the event of a HAZMAT emergency at the facility. The Applicant of the facility shall conduct regular training for first responders during the operation of the facility on a regular basis but no less than annually. Training shall be provided at no cost to the County.
3. Special and/or unique equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility, especially HAZMAT, shall be provided at no cost to the County.
4. The Applicant shall provide for and maintain reasonable means of access for emergency services. Lock boxes and keys shall be provided at locked entrances for emergency personnel access. Warning signage shall be placed on electrical equipment and plant entrances.
5. The Applicant shall obtain all required permits from the South Carolina Department of Transportation. If any public roadways and/or adjoining properties are damaged as a result of ingress/egress to/from the facility, the Applicant shall remedy all damages in full at no cost to the County or residents impacted by said damages.
6. All facilities must meet or exceed the standards and regulations of the Federal Aviation Administration (FAA) and any other agency of the local, state or federal government with the authority to regulate such facilities that are in force at the time of the application.

(i) Landscaping/Appearance

1. Lighting shall be the minimum necessary for safety and/or security purposes and shall be shielded and downward facing to minimize off-site glare.
2. Noise associated with construction and operation shall be defined, maintained, and be of minimal levels. Construction shall be conducted during the hours of 6:00 a.m. and 8:00 p.m. Monday through Saturday to limit disturbance to neighbors.
3. The use of pile driving equipment is prohibited within 600 feet of any structure or private or public water system unless pile driving monitoring equipment to evaluate and control vibration is utilized.
4. The Applicant shall place all solar panels in a manner that minimizes or negates any solar glare onto nearby properties or roadways.
5. No aspect of the facility shall exceed twenty (20) feet in height, as measured from grade at the structure's base to its highest point (excluding power lines).
6. All site features, including landscaping, fencing, etc., shall be adequately maintained throughout the life of the permit.
7. A minimum 300 foot vegetative buffer shall be installed and maintained around the entire circumference of the facility and its components to reduce the visual impact on the surrounding property owners. In areas where there is not a native timber buffer of at least 300 feet, a buffer yard type 5 as described in section 24-107 shall be followed. The Applicant shall promptly replace any dead or diseased trees in the buffer but no later than 180 days from specimen loss. The County shall approve all landscaping.
8. The facility shall not be used to display advertising of any type, including banners, billboards, streamers, or reflectors. However, notices, warnings, and identification information required by law shall be displayed.

(j) Additional Requirements

1. The County shall require the owner/operator to provide an annual activity statement to ensure that the facility is actively producing electricity for the power grid. If power production is below the stated output requirements, the Operator shall submit to the County, within thirty (30) days, a written report detailing the proposed action to correct the output issue. After corrections have been made, the Operator shall provide the County verification of new output within thirty (30) days.
2. If there is evidence that the facility or any aspect of such is not in conformance with any of the conditions of approval, a Notice of Violation shall be sent to the owner of the facility and the landowner. A continued violation of any conditions of approval shall be grounds for revocation of the special use permit.

(k) Decommissioning Requirements

1. The Applicant shall submit a decommissioning plan to be reviewed by and approved by County Staff, County Attorney, and the Planning Commission. The decommissioning plan shall be reviewed and updated every three (3) years by a certified independent utility-scale solar facility engineer who has expertise in removing solar facilities acceptable to the County at no cost to the County. The estimated cost of decommissioning shall be guaranteed by the deposit of funds in the amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. **The amount of funds required to be deposited in the escrow account shall be 125% of the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.** The estimated cost shall be recalculated every five (5) years by a licensed Engineer qualified in solar development and operation at no cost to the County. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the County.
2. Further, the decommissioning plan shall include the following:
 - (a) The anticipated life of the project;
 - (b) The estimated decommissioning cost in current dollars;
 - (c) How the estimate was determined;
 - (d) The method of ensuring that funds will be available for decommissioning and removal;
 - (e) The method that the estimated decommissioning cost will be kept current, and
 - (f) The manner in which the project will be decommissioned and the site restored.
 - (g) The location for the disposal of the waste materials, to include the hazardous components.
3. When the facility ceases to be operational, the owner/operator of the facility shall return the land to its original natural state, including at least four (4) inches of top-soil and replacement vegetation identified. As part of the application, the Operator shall provide the County photographic documentation of the property to include aerial images to establish "original natural state." All surface and sub-surface materials shall be removed in their entirety.
4. When the facility ceases to be operational for nine (9) months, decommissioning shall be enforced unless the owner is diligently working to rectify the issue(s), to the satisfaction of the County, to restore the facility to operational status. The County shall be updated in writing on the progress of this operation monthly.

5. If the facility is not removed within the specified time after the County Notice, the County may cause the removal of the facility with costs being borne by the project owner or property owner and secured by a Bond acceptable to the County.
6. If a solar energy system is abandoned or decommissioned, the system owner shall notify the respective power company to enable the power company to remove the facility from its system.
7. Proposed cost savings associated with recycling solar panels and other materials shall not be part of the decommissioning plan.
8. Hazardous materials, panels, or pieces thereof from the property shall be disposed of through a viable recycling method and in accordance with federal and state law and not in Edgefield County.
9. All decommissioning activities shall be completed within six (6) months after notice of inactivity is received by the County.
10. Upon enactment, Applicant shall comply with regulations formulated by SCDHEC re: solar projects) as mandated by the South Carolina Legislature. (Currently under development).

Conditional Uses

Possible Considerations

Sec. 24-66. - Townhouses.

Due to the unique design features of townhouses, the following supplemented design requirements shall apply:

- (1) Such projects shall have a minimum of one acre.
- (2) Not fewer than three townhouses may be joined together, with approximately the same (but staggered) front line.
- (3) Minimum distance between rows of buildings shall be not less than 20 feet.
- (4) Minimum lot width shall be 18 feet.
- (5) Sidewalks not less than four feet in width shall be provided between structures and amenities.
- (6) Not less than 20 percent of the project site shall be devoted to common open space.
- (7) Maximum 6 units per acre but density shall not exceed the maximum allowed per the Land use area of the Edgefield County Comprehensive Plan.

(Code 1999, § 152.036; Ord. No. 99-00-380, § 3.1, 4-4-2000; Ord. No. 12-13-660, § 10, 4-2-2013)

Sec. 24-85.-Convenience Stores

Convenience Stores are typically located along major highway which are zoned General Commercial. In Rural Residential and General Residential zones, the following requirement shall apply.

- (1) A public hearing is required and all neighboring property owners should be notified of the hearing by letter at least 10 days beforehand.
- (2) The Stores location must follow any recommendations proposed in the comprehensive plan.
- (3) All Convenience Stores must install a solid barrier or fence between it and any residential property.
- (4) All outside lighting should be directed downward and away from other neighboring property.

Sec. 24-86. Museum

Museums can be established in Rural Residential areas at Churches, cemeteries, and any other historic properties recognized by federal, state or local authorities.

Sec. 24-87. Nursery and Residential Care (Lawn Services)

Nursery and Residential Care operations can be located in Rural Residential zones; the following requirements shall apply.

- (1) The facility shall be on a minimum 2-acre property.
- (2) The operation shall generate no smoke, odor, dust or other obnoxious issues with adjoining properties.
- (3) All equipment and materials shall be stored in sheds or other enclosures. With Planning Commission approval these items can be stored behind solid or opaque fencing or other alternative means.
- (4) Signage for the facility shall be 32 square feet or smaller in size.
- (5) Adequate off-street parking shall be available for employees and the public.

Sec. 24-87. Zoo and Botanical Gardens

Zoos and Botanical Gardens can be located in a General Residential zone under the following requirements:

- (1) A public hearing is required and all neighboring property owners should be notified of the hearing by letter at least 10 days beforehand.
- (2) Adequate off-street parking shall be provided for the public and employees. The amount of parking will be determined by the Building Official based on the size of the facility and anticipated attendance.
- (3) The facility shall generate no noise or odor with any of the neighboring properties.
- (4) There shall be a minimum (Class 4) buffer between any residential properties and the proposed zoo or garden.

Sec. 24-88. Sewerage Treatment Facility

These requirements will apply to all sewerage treatment facilities both in zoned and un-zoned areas of the County.

- (1) A public hearing is required and all neighboring property owners should be notified of the hearing by letter at least 10 days beforehand.
- (2) Must be located a minimum 2,500 feet from the nearest resident.
- (3) The facility will not generate any noise that can disturb adjoining properties.
- (4) An environmental engineering firm approved by the Building Official shall render a written opinion that the sewer plant won't cause any harmful effects to the surrounding properties.
- (5) A minimum 100-foot buffer with a minimum 6-foot chain link fence shall be erected around the entire property.