



REGULAR AGENDA

OF

JUNE 4, 2018



CITY OF NORTH AUGUSTA

AGENDA: REGULAR CITY COUNCIL MEETING

June 4, 2018 – Municipal Center – 100 Georgia Avenue, 3rd Floor – 7:00 P.M.

CITIZEN COMMENTS: Citizens may speak to Mayor and City Council on each item listed on this agenda. Mayor Pettit will call for your comments prior to City Council discussing the matter. **Citizens wishing to address Mayor and City Council are required to submit a Speaker Form to the City Clerk before addressing Mayor and City Council.** Forms are provided on the credenza at the entrance to the Council Chambers. Citizen comments are limited to five minutes.

CITIZEN ASSISTANCE: Individuals needing special assistance or sign interpreter to participate in the meeting, please notify the Administration Department 48 hours prior to the meeting.

- 1. **CALL TO ORDER:**
- 2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
- 3. **ROLL CALL:**
- 4. **APPROVAL OF MINUTES:** Regular and study session meeting minutes of May 21, 2018

UNFINISHED BUSINESS

- 5. **ZONING:** Ordinance No. 2018-05 – An Ordinance Amending Article 3, Zoning Districts, Related to the Boundaries of the Neighborhood Preservation Overlay District, of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances
 - A. Remove from Table
 - B. Ordinance 2018-05, First Reading
 - C. Ordinance 2018-05, Second Reading

NEW BUSINESS

- 6. **ZONING:** Receipt of Planning Commission Recommendation Relative to a Request by the City of North Augusta to rezone +/- 2.41 Acres of Land Located at 1220 and 1220 1/2 Georgia Avenue, Aiken County Tax Parcels: 007-07-06-003 and 007-07-06-004 from R14, Large Lot, Single Family Residential to P, Public Use
- 7. **PRESENTATIONS/COMMUNICATIONS/RECOGNITION OF VISITORS:**
 - A. **Citizen Comments:** At this time, citizens may speak to Mayor and City Council regarding matters not listed on the agenda. **Citizens wishing to address Mayor and City Council are required to submit a Speaker Form to the City Clerk before addressing Mayor and City Council.** Forms are provided on the credenza at the entrance to the Council Chambers. Citizen comments are limited to five minutes.
 - B. **Council Comments**
- 8. **ADJOURNMENT:**



*Thank you for attending tonight's meeting of the North Augusta City Council.
To assure every citizen's privilege to speak to City Council and to maintain proper decorum
the following sections of the City's Code of Ordinances are reprinted.*

Sec. 2-57. Order and decorum generally.

(a) By council members. While the council is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council, or disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.

(b) By other persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue be granted by a majority vote of the council.

Sec. 2-62. Addressing council--Permission required; exceptions.

Any person desiring to address the council shall first secure the permission of the presiding officer so to do.

Sec. 2-63. Same--Procedure.

Each person addressing the council shall step up in front of the rail, shall give such person's name and address in an audible tone of voice for the records, and unless further time is granted by the council, shall limit the address to five (5) minutes. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked a council member except through the presiding officer.

Sec. 2-64. Persons authorized to be within rail.

No person, except city officials or their representatives shall be permitted within the rail in front of the council chamber without the express consent of the council.



TO: Mayor and City Council

FROM: B. Todd Glover, City Administrator

DATE: June 1, 2018

SUBJECT: Regular City Council Meeting of June 4, 2018

REGULAR COUNCIL MEETING

ITEM 5. ZONING: Ordinance No. 2018-05 – An Ordinance Amending Article 3, Zoning Districts, Related to the Boundaries of the Neighborhood Preservation Overlay District, of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances

A. Removal from table

At the April 16, 2018 City Council meeting, on motion by Mayor Pettit, second by Councilmember McDowell, the ordinance amending Article 3, Zoning Districts, related to the boundaries of the Neighborhood Preservation Overlay District of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances on first reading was tabled. A motion from Council to remove this item from the table is in order.

B. Ordinance 2018-05, First Reading

Pending removal from the table, an ordinance has been prepared for Council's consideration on first reading amending Article 3, Zoning Districts, related to the boundaries of the Neighborhood Preservation Overlay District of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances.

Please see **ATTACHMENT NO. 5-B** for a copy of the proposed ordinance.

C. Ordinance 2018-05, Second Reading

Pending Council's passage of the ordinance on first reading, it is submitted for Council's consideration on second reading.

ITEM 6. ZONING: Receipt of Planning Commission Recommendation Relative to a Request by the City of North Augusta to rezone +/- 2.41 Acres of Land Located at 1220 and 1220 ½ Georgia Avenue, Aiken County Tax Parcels: 007-07-06-003 and 007-07-06-004 from R14, Large Lot, Single Family Residential to P, Public Use

On May 17, 2018, after a duly advertised and convened public hearing, the Planning Commission considered a request by the City of North Augusta to rezone +/- 2.41 acres of land at 1220 and 1220 ½ Georgia Avenue, Aiken County Tax Parcels: 007-07-06-003 and 007-07-06-004 from R-14, Large Lot, Single Family Residential to P, Public Use. The Planning Commission, on a vote of 7-0, voted against a recommendation to City Council to rezone the property as proposed.

A motion by Council to receive the written recommendation of the Planning Commission for consideration by Council is in order.

No ordinance for the rezoning is being proposed for consideration at this time.

Please see **ATTACHMENT NO. 6** for a copy of Memo #18-001 from the Planning Department.

ORDINANCE NO. 2018-05
AMENDING ARTICLE 3, ZONING DISTRICTS, RELATED TO THE BOUNDARIES
OF THE NEIGHBORHOOD PRESERVATION OVERLAY DISTRICT, OF THE
NORTH AUGUSTA DEVELOPMENT CODE, CHAPTER 18 OF THE CITY OF
NORTH AUGUSTA, SOUTH CAROLINA CODE OF ORDINANCES

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code which is consistent with the City's Comprehensive Plan and which incorporates all City zoning and land development regulations; and

WHEREAS, pursuant to Title 6, Chapter 29 of the South Carolina Code, the North Augusta Planning Commission may review requests for amendments to zoning ordinances; and

WHEREAS, pursuant to Section 5.3.3.1 Rezoning and Text Amendments in Article 5, Approval Procedures, of the North Augusta Development Code, any property owner, city board, commission, department or the City Council may apply for a change in zoning district boundaries; and

WHEREAS, the North Augusta Planning Commission, following a March 15, 2018 public hearing, reviewed and considered a request by Mountaineer Pest Services to amend Section 3.8.2, Establishment of Corridor Overlay Districts, in Article 3, Zoning Districts, of the North Augusta Development Code to change the boundaries of the Neighborhood Preservation Overlay District. The Planning Commission report has been provided to City Council.

The Mayor and City Council have reviewed the request as well as the report from the Planning Commission and has determined that the change to the boundaries of the Neighborhood Preservation Overlay District is appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

I. The North Augusta Development Code, Chapter 18 of The City of North Augusta, South Carolina Code of Ordinances, Providing for New Zoning and Land Development Regulations for the City of North Augusta, South Carolina, is hereby amended and shall read as described in the following section. The section of the Code affected by the proposed amendment is identified by the section number.

A. Section 3.8.2, Establishment of Corridor Overlay Districts, is amended to read:

3.8.2 Establishment of Corridor Overlay Districts

The following overlay districts are hereby established:

TABLE 3-8 CORRIDOR DISTRICTS ESTABLISHED
(Rev. 12-19-11; Ord. 2011-16)

A		B
Overlay District		Corridor Streets Generally
1.	G, Georgia Avenue Overlay	1. Georgia Avenue between Clifton Avenue and Spring Grove Avenue
2.	HC, Highway Corridor Overlay	<ol style="list-style-type: none"> 1. Martintown Road between US 1 and Bama Avenue 2. The commercially zoned and utilized property on the north side of Martintown Road between Hampton Avenue and River Bluff Drive 3. The south side of Martintown Road between West Avenue and River Bluff Drive 4. Martintown Road between Knobcone Avenue and the city limits 5. Knox Avenue/Edgefield Road (US 25) between Martintown Road and the city limits north of Walnut Lane 6. Jefferson Davis Highway (US 1) between Martintown Road and Atomic Road 7. Belvedere-Clearwater Road between Edgefield Road (US 25) and Old Sudlow Lake Road 8. The east side of Georgia Avenue between Marion Avenue and Knox Avenue/Edgefield Road (US 25) 9. The west side of Georgia Avenue between Hugh Street and Knox Avenue/Edgefield Road (US 25) 10. Five Notch Road Between Georgia Avenue and Walnut Lane
3.	NP, Neighborhood Preservation Overlay	<ol style="list-style-type: none"> 1. West Avenue between Jackson Avenue and Martintown Road 2. Carolina Avenue between Jackson Avenue and Martintown Road 3. The south side of Martintown Road between Bama Avenue and West Avenue 4. The north side of Martintown Road between Bama Avenue and Hampton Avenue 5. The residentially zoned and utilized property on the north side of Martintown Road between Hampton Avenue and River Bluff Drive 6. Martintown Road between River Bluff Drive and Hammond Pond Road 7. The east side of Georgia Avenue between Jackson Avenue and Observatory Avenue 8. The east side of Georgia Avenue between Sidereal Avenue and Argyle Avenue 9. The west side of Georgia Avenue between Jackson Avenue and Briggs Avenue 10. The west side of Georgia Avenue between Maddox Street and Hugh Street 11. Buena Vista Avenue from the alley located between Georgia Avenue and East Avenue to Brookside Drive
4.	LMK, Landmark Overlay	1. Reserved. Not applicable until the city adopts historic preservation standards for any portion of the city.

II. All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III. This Ordinance shall become effective immediately upon its adoption on third reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY
COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS
_____ DAY OF _____, 2018.

First Reading _____

Robert A. Pettit, Mayor

Second Reading _____

Third Reading _____

ATTEST:

Donna B. Young, City Clerk

Department of Planning and Development



Memorandum # 18-011

City of North Augusta

To: B. Todd Glover, City Administrator

From: Thomas C. Zeaser, Interim Director of Planning & Development

Subject: Application number RZM18-001 – Rezoning – A request by the City of North Augusta to rezone ± 2.41 acres of land located at 1220 and 1220 ½ Georgia Avenue, Aiken County Tax Parcels: 007-07-06-003 and 007-07-06-004 from R-14, Large Lot, Single-Family Residential to P, Public Use. The purpose of the rezoning request is to convert the lot for use as a new fire station.

Date: May 29, 2018

Planning Commission Recommendation

On May 17, 2018, after a duly advertised and convened public hearing, the Planning Commission considered a request by the City of North Augusta to rezone ± 2.41 acres of land at 1220 and 1220 ½ Georgia Avenue, Aiken County Tax Parcels: 007-07-06-003 and 007-07-06-004 from R-14, Large Lot, Single-Family Residential to P, Public Use. **The Planning Commission, on a vote of 7-0, voted against a recommendation to City Council to rezone the property as proposed.**

Summary

Project Name	North Augusta Fire Station
Applicant	City of North Augusta
Address/Location	1220 & 1220-1/2 Georgia Avenue
Parcel Number	Aiken County Tax Parcel 007-07-06-003, 007-07-06-004
Existing Zoning	R-14, Large Lot, Single-Family Residential, Neighborhood Preservation Overlay District
Proposed Zoning	P, Public Use
Proposed Use	Fire Station

History

The parcels for which rezoning is requested were purchased by the City of North Augusta in June 2016 from the Estate of Starkey Sharp Flythe, Jr. for construction of a Public Safety facility. Per the *“Building Assessment for North Augusta Public Safety Facility and Fire Station #1 Relocation”*, prepared by Johnson, Laschober & Associates, P.C., there exist two structures on the properties: the “Caretakers House” built in 1903



and the “Horse Stable House”, also building in 1903 and remodeled in 1970. The assessment describes these structures as former “support spaces” for the Palmetto Lodge, which stood on the adjacent parcel (also now owned by the City of North Augusta) before it was destroyed by fire in 2008. The assessment concludes that both structures are severely deteriorated due to the environment and vandalism and offer no significant history or relevance.

Site Conditions

Existing Land Use	Future Land Use		Zoning
Subject Parcel	Residential	Mixed Use	R-14, Large Lot, Single-Family Residential
North	Residential	Mixed Use	R-14, Large Lot, Single-Family Residential
South	Vacant	Mixed Use	OC, Office Commercial
East	Open Space Preservation	Mixed Use	P, Public Use
West	Residential	Low-Density Residential	R-14, Large Lot, Single-Family Residential

Access – The site currently has direct access to Georgia Avenue and Observatory Avenue.

Topography –The existing topography of the site is relatively flat, sloping slightly from the North West corner to the South East corner of the property.

Utilities – Potable water is available on Georgia Avenue through an existing 6-inch water main from the City of North Augusta. Adequate water capacity is available to serve the site. Sewer is available from the City of North Augusta and has adequate capacity to serve the site. Water and wastewater service are both available on Georgia Avenue and have adequate capacity to serve the site.

Floodplain – The subject property is not within federally designated floodplains or wetlands. There are no jurisdictional wetlands or state waters on the site.



Drainage Basin – The subject property drains into the Waterworks Basin. The Waterworks watershed includes high density residential, high density commercial, and some industrial areas. Stormwater Management has conducted a baseline assessment of the basin streams and has rated the Waterworks Basin as fair. Several water quality impairments were found including ammonia and manganese.

Public Notice

A notice of the rezoning request and scheduled date of the Planning Commission public hearing was mailed to the owners of property within 200 feet of the subject property on May 1, 2018. The property was posted with the required public notice on May 2, 2018. A public notice of the rezoning request and scheduled date of the Planning Commission public hearing was published in *The Star* and on the City's website at www.northaugusta.net on May 2, 2018.

Findings and Analysis

Section 5.3.6 of the North Augusta Development Code (NADC) provides the minimum approval criteria to be used in determining a recommendation to City Council. The Planning Commission shall consider all of the factors specified in this section, at a minimum, in reviewing an application for a rezoning.

1. The size of the tract in question (§5.3.6.1).

The subject property is approximately 2.41 acres in total area, and is reflected as such on a boundary survey compiled for the City of North Augusta by John M. Bailey and Associates, P.C. dated April 11, 2016. The size of the property is appropriate for the purposes of the intended use of the property as a public safety headquarters. Rezoning the property to a P, Public Use district is appropriate for the purposes of redevelopment of this site.

2. Whether the proposal conforms with and furthers the goals of the Comprehensive Plan, other adopted plans, and the goals, objectives, and policies of the Development Code, §1.2 (§5.3.6.2).

The proposed rezoning would provide an opportunity for the development of a new public safety fire station for the City of North Augusta. The 2017 Comprehensive Plan has goals and objectives that encourage establishing a long-term plan for prioritizing public sector investments and efficient, high quality city services.



3. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. In particular, the Planning Commission shall consider whether as stated in §5.3.6.3 of the NADC:

a. The proposed rezoning is compatible with the surrounding area;

The proposed rezoning would provide a public safety fire station to be permitted by right. Access would be provided from existing roads in the transportation network. The existing R-14, Large Lot, Single-Family Residential zoning restricts the use for a fire station. It would appear that the proposed rezoning is compatible with the surrounding area.

b. There will be any adverse effects on the capacity or safety of the portion of street network influenced by the rezoning;

The street network must be evaluated as part of the site plan review process for any necessary upgrades to the existing transportation network.

c. There will be any adverse effects on existing or planned public utility services in the area;

The existing utility network appears to be able to accommodate the anticipated development potential of the subject property based on the sizes of the sanitary sewer line located near the site and availability of potable water and sanitary sewer from the City of North Augusta. As part of the site plan approval process, the existing utility systems will be reviewed to the extent necessary to ensure that development of the subject property is not creating any adverse effects on the overall utility service to the area.

d. Parking problems; or

The proposed rezoning will not impact or create any additional parking problems as the site is currently vacant. The site plan will be reviewed against the current Development Code parking standards for the proposed use, and at that appropriate time the amount of required parking will be determined.

e. Environmental impacts that the new use will generate such as excessive storm water runoff, water, air, or noise pollution, excessive nighttime lighting or other nuisances.



The proposed rezoning from does not appear to create any additional environmental impacts. The site plan must comply with all applicable development standards in the Development Code, including the state and federal standards associated with stormwater management, water and air pollution. City design standards are already in place to address excessive nighttime lighting.

4. Any recent change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration and development (§5.3.6.4).

The most recent change in character in the area was the loss of the Palmetto Lodge due to fire in 1998 on the adjacent parcel. The former Seven Gables Motel, also on the adjacent parcel, has been abandoned for decades and is severely deteriorated. The subject parcels were in a state of neglect and general decline for many years prior to the City's acquisition 2016. As stated in Section 3, the existing structures on the subject parcels are also severely deteriorated.

Recent redevelopment of the riverfront area (Riverside Village) includes several multi-story commercial and residential buildings. Additionally, continued new residential development at the western end of the City has caused Public Safety to re-evaluate the fire protection needs of the City. The Department has determined that the subject parcel is the best location for a new fire station to serve those needs.

5. The zoning districts and existing land uses of the surrounding properties (§5.3.6.5).

The proposed zoning classification of P, Public Use would allow for civic uses. The high density type of use anticipated for the subject property should not adversely impact the current viability of the surrounding area. A site plan will be required and must comply with all applicable development standards as specified in the Development Code.

6. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification (§5.3.6.6).

An analysis of the subject property by Johnson, Laschober, and Associates, P.C. has concluded that the subject property is suitable for the proposed public safety fire station.

7. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character (§5.3.6.7).

The proposed rezoning does not appear to impact the compatibility of the adjacent uses. Appropriate buffers and screening must be provided as part of any site plan and



should serve to mitigate any impacts and enhance the area. The rezoning will provide faster and better public services to not only Georgia Avenue but the surrounding area.

8. The length of time the subject property has remained vacant as zoned, if applicable (§5.3.6.8).

The subject property has not been occupied since 2013.

9. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs including, but not limited to, affordable housing and economic development (§5.3.6.9).

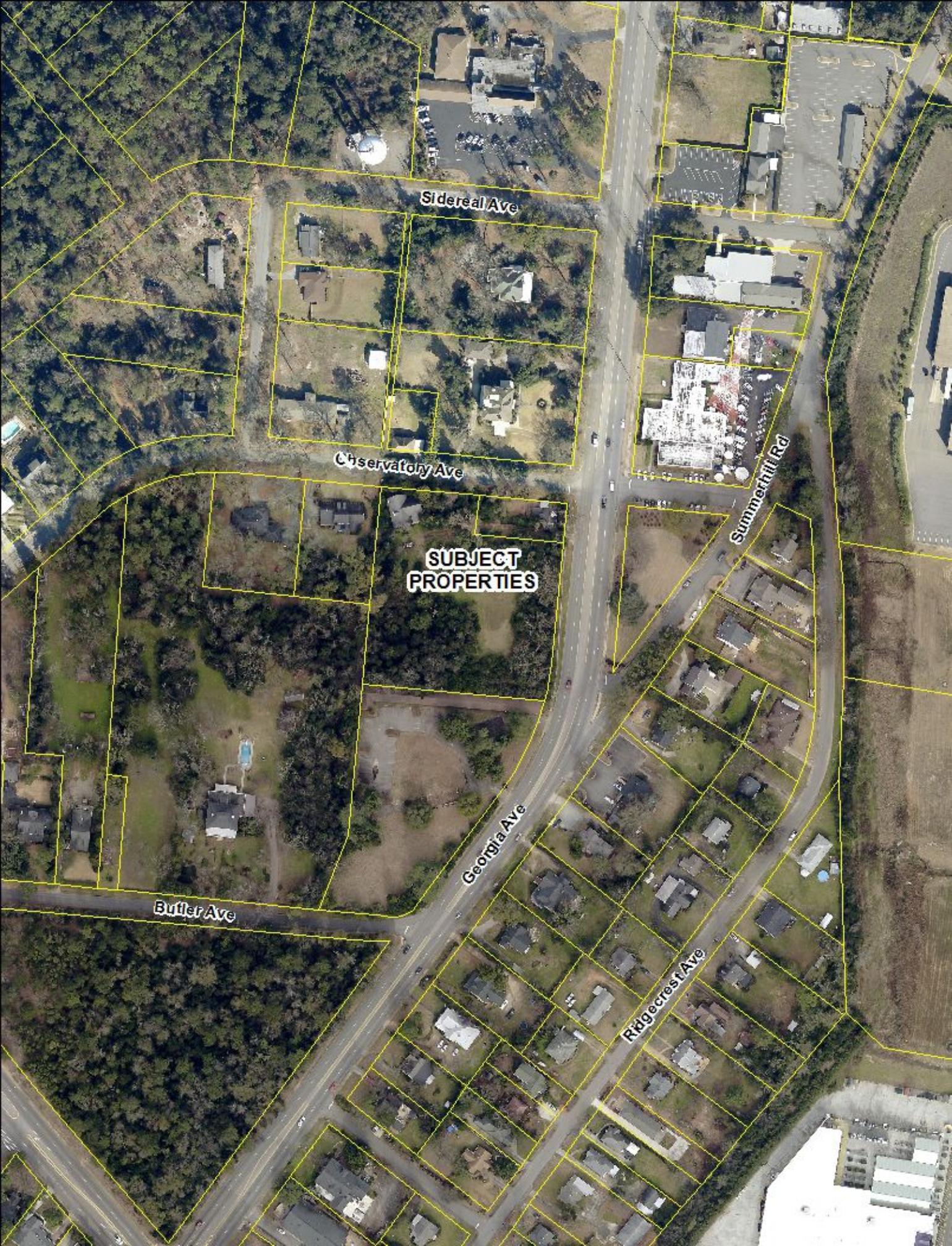
The properties in the surrounding area are primarily large, residential lots with some commercial development located adjacent to the property. The primary zoning surrounding the property is within R-14, Large Lot, Single-Family Residential or OC, Office Commercial Zoning. There is an adequate supply of land available in the subject area and the community to accommodate the needs of the community both in housing and in commercial redevelopment.

10. Whether the existing zoning was in error at the time of adoption (§5.3.6.10).

It does not appear that the existing zoning was made in error during the adoption of the zoning for the subject property.

Attachments

1. Aerial Map of Subject Site
2. Topo Map of Subject Site
3. Current Zoning Map of Subject Site
4. Subject Property Plats
5. Neighbor Notification Letter
6. Map of Proposed Rezoning
7. Public Hearing Notice
8. Project Concept Proposal
9. NADC 3.6.4.5.1 Rezoning Review Criteria Responses
10. Materials Presented During Public Hearing



Sidereal Ave

Observatory Ave

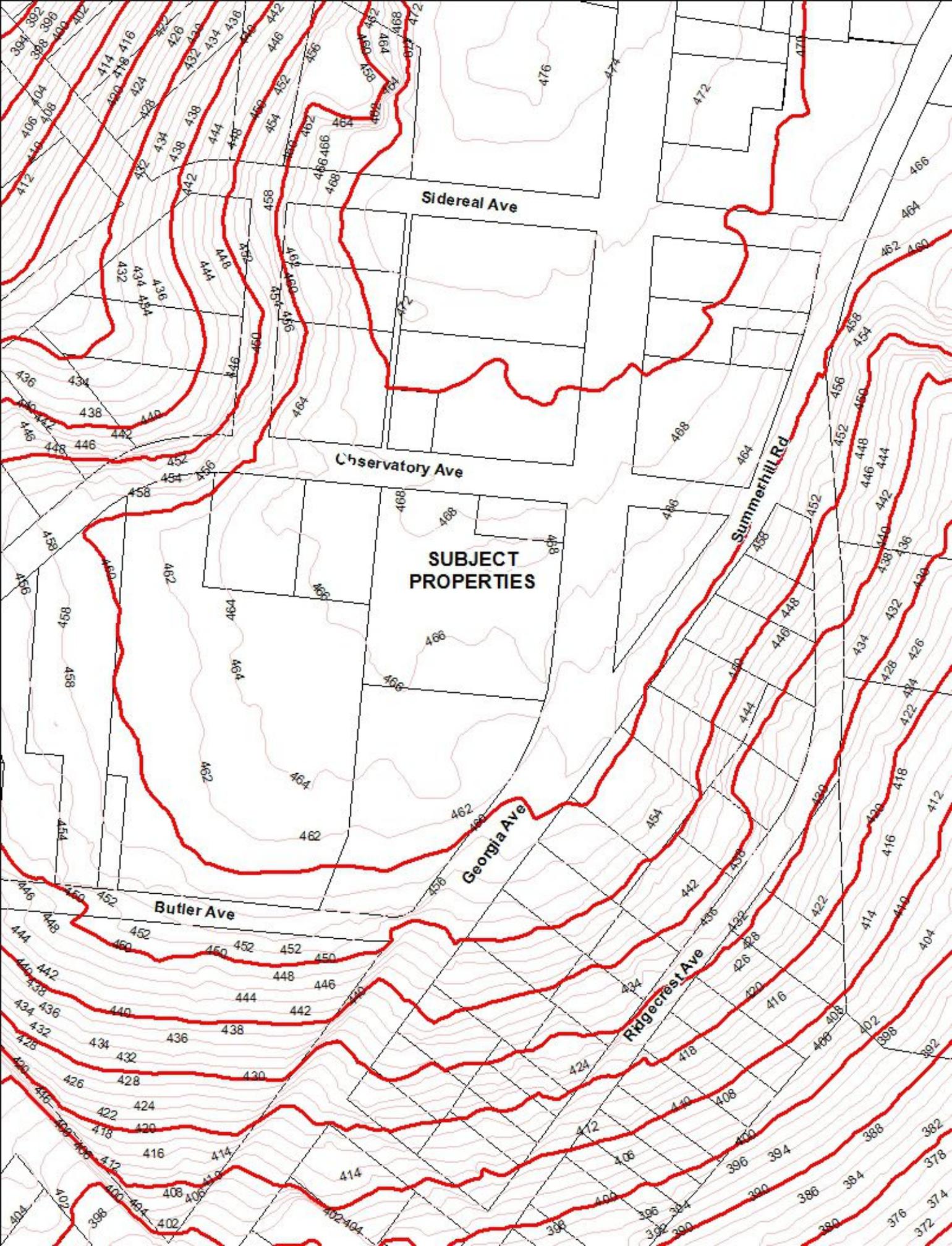
**SUBJECT
PROPERTIES**

Georgia Ave

Butler Ave

Ridgecrest Ave

Summerhill Rd



Sidereal Ave

Chserratory Ave

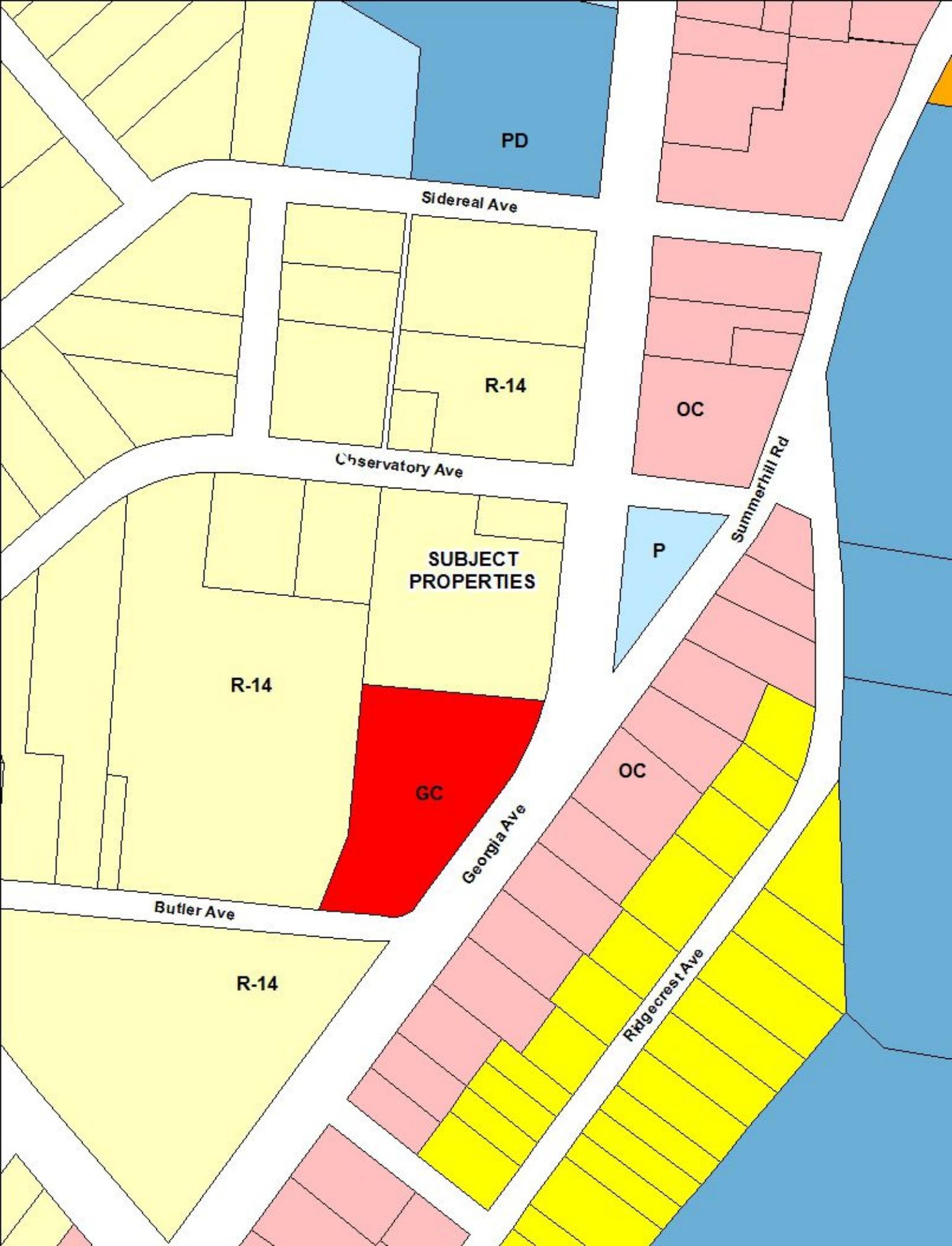
SUBJECT PROPERTIES

Georgia Ave

Butler Ave

Ridgecrest Ave

Summerhill Rd



PD

Sidereal Ave

R-14

OC

Observatory Ave

P

Summerhill Rd

SUBJECT PROPERTIES

R-14

GC

OC

Georgia Ave

Butler Ave

R-14

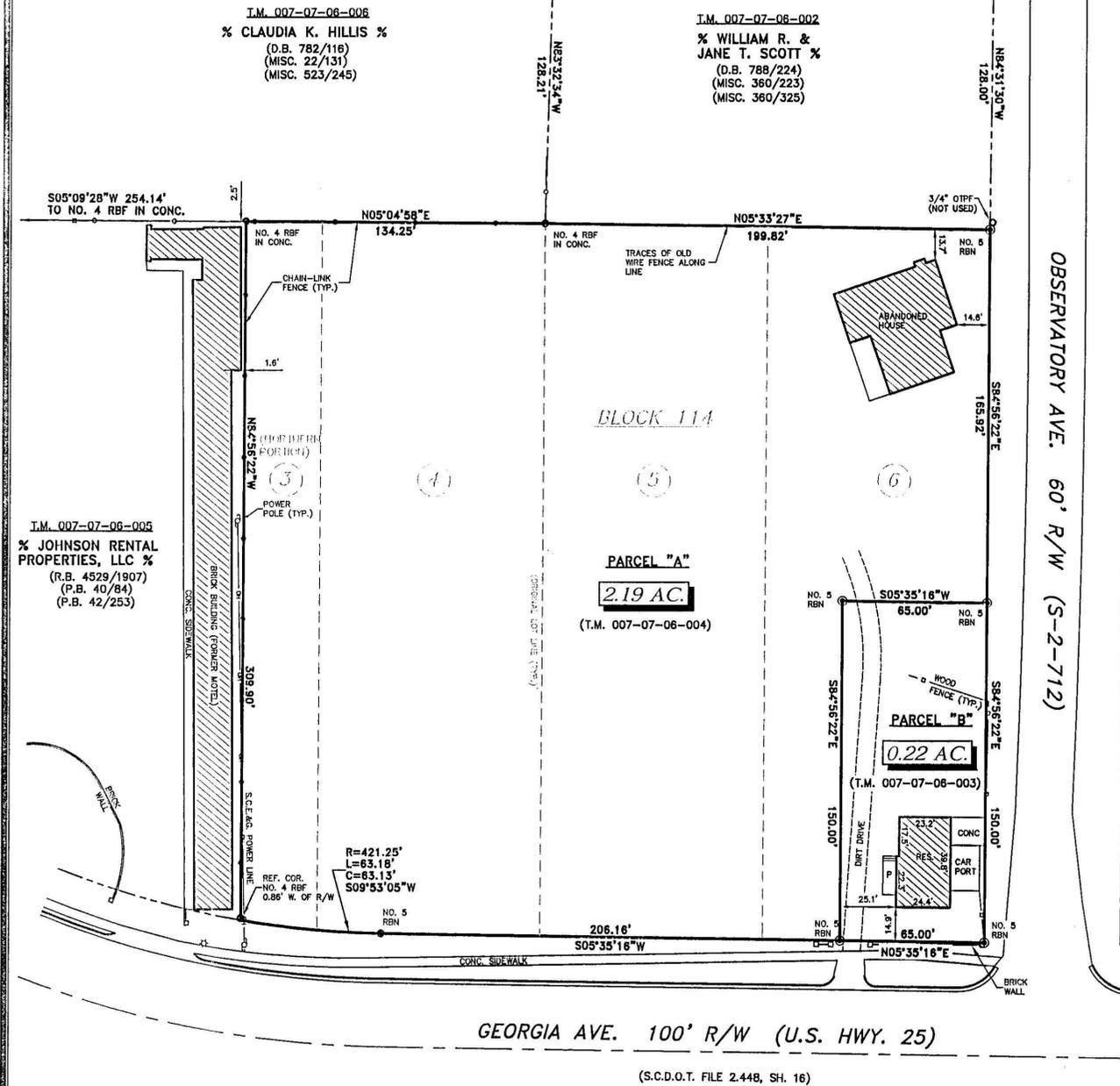
Ridgecrest Ave

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND ENCUMBRANCES OF RECORD.

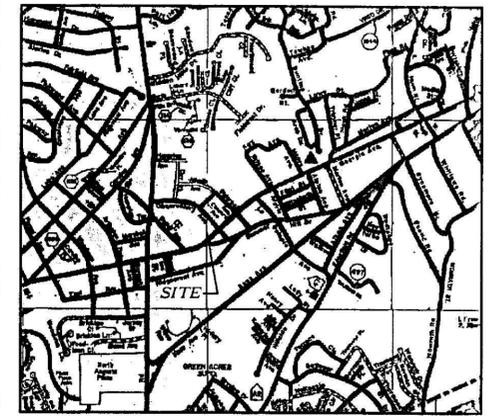
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCUMBRANCES OR PROJECTIONS OTHER THAN SHOWN.

IN MY OPINION, THIS PROPERTY DOES NOT LIE IN A SPECIAL 100 YEAR FLOOD HAZARD AREA AS DETERMINED BY THE CURRENT FLOOD INSURANCE RATE MAP AVAILABLE AT THE TIME OF THIS SURVEY.

JOHN M. BAILEY, S.C.P.L.S. NO. 7399



2016009630
 PLAT
 RECORDING FEES \$10.00
 PRESENTED & RECORDED
 04-27-2016 10:59 AM
 JUDITH WARNER
 REGISTER OF DEEDS CONVEYANCE
 AIKEN COUNTY, SC
 BY: JULIE STUTTS DEPUTY RMC
 BK: PL 59
 PG: 218 - 218



RECORDING STAMPS

LOCATION MAP
 SCALE: 1"=2000'+/-

REFERENCES:

- DEED OF AGNES FLYTHE MARSHALL TO MARY B. FLYTHE RECORDED IN DEED BK. 96, PG. 53.
- DEED OF MARY B. FLYTHE TO JAMES BACHELLER FLYTHE AND STARKEY S. FLYTHE, JR. RECORDED IN DEED, BK. 205, PG. 241.
- DEED OF MARYAN D. FLYTHE TO STARKEY FLYTHE, JR. RECORDED IN DEED BK. 1127, PG. 320.
- TOPOGRAPHICAL MAP OF PART OF NORTH AUGUSTA MADE BY CHARLES BOECKH, C.E. DATED 1891.

City of North Augusta
 P.O. Box 6400
 North Augusta, SC 29861

APPROVED FOR RECORDING

By: *Christine DeCamp*

Date: 4/26/16

BOUNDARY SURVEY
 PREPARED FOR

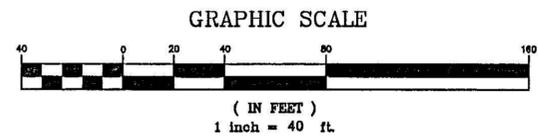
CITY OF NORTH AUGUSTA

PROPERTY LOCATED IN THE CITY OF NORTH AUGUSTA

COUNTY OF: AIKEN STATE OF: S. CAROLINA

SCALE: 1"=40' DWN. BY: JMB DATE: 11 APRIL 2016

PREPARED BY
John M. Bailey & Associates, P.C.
 PROFESSIONAL LAND SURVEYORS
 101 LeCOMPTÉ AVENUE, NORTH AUGUSTA, S. C. 29841
 (803)278-0721



THIS PLAT OR SURVEY IS INTENDED FOR THE SOLE PURPOSE AND USE OF THE PERSON OR ENTITY WHOSE NAME APPEARS HEREON AND IS NOT TRANSFERABLE. ANY OTHER USE OF THIS SURVEY OR PLAT WITHOUT EXPRESSED WRITTEN PERMISSION IS STRICTLY PROHIBITED.

© ALL RIGHTS RESERVED.
 JOHN M. BAILEY & ASSOC., P.C.
 JMB JOB NO. 16027-FLYTHE

May 1, 2018

RE: Proposed rezoning of \pm 2.41 acres of land located at 1220 Georgia Ave, Tax
Parcels: 007-07-06-003 and 007-07-06-004.

**Please note: Your property is not included in the rezoning application.
You are receiving this notice only because you own property within 200
feet of the proposed project area.**

Dear North Augusta Property Owner:

The City of North Augusta has made a request to rezone \pm 2.41 acres of land located at 1220 Georgia Avenue, Aiken County Tax Parcel Numbers: 007-07-06-003 and 007-07-06-004 from R-14, Large Lot, Single-Family Residential, to P, Public Use. The purpose of the rezoning request is to convert the lot for use as a new fire station.

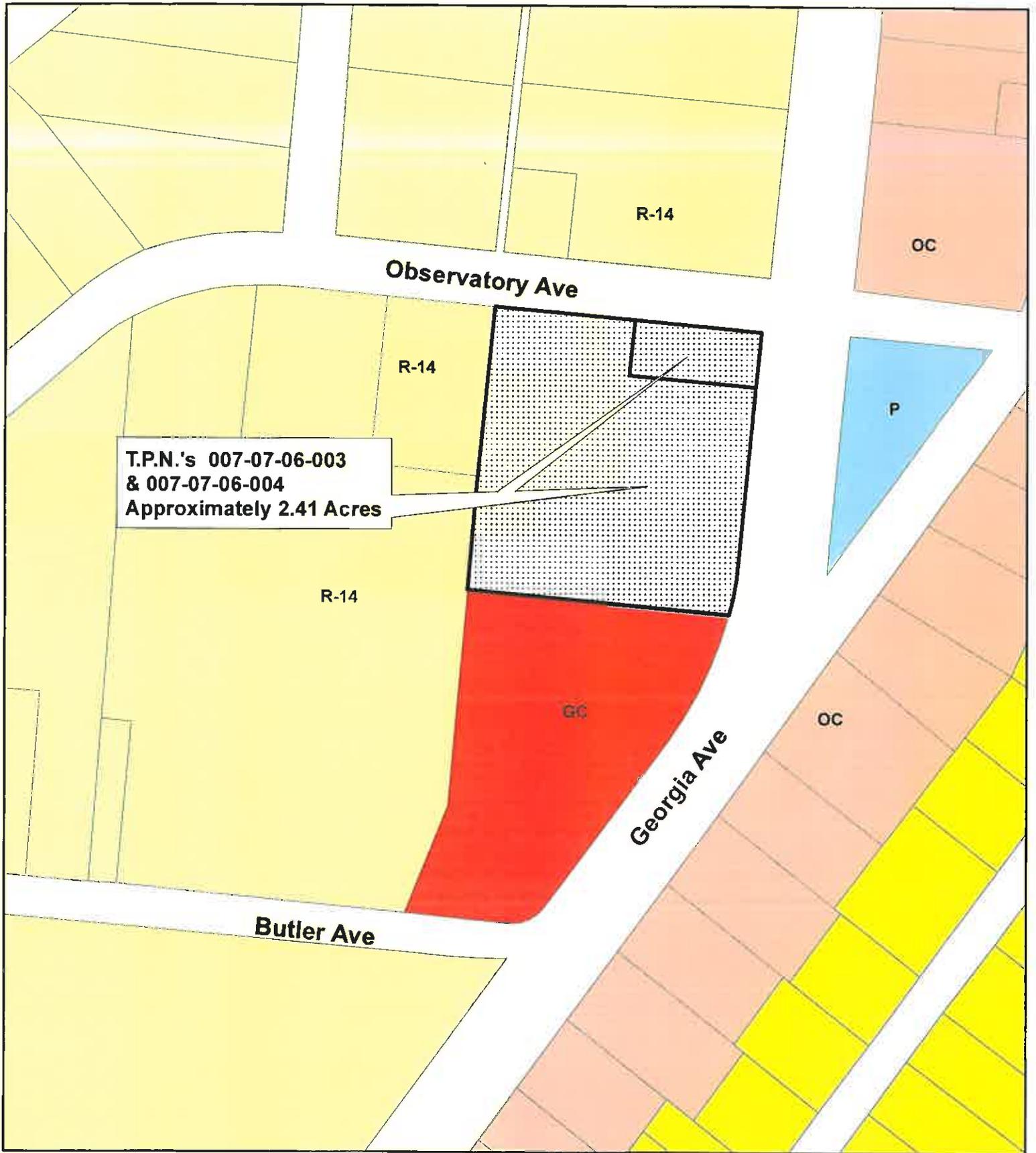
The North Augusta Planning Commission will hold a public hearing to collect public input and to consider the rezoning application on Thursday, May 17, 2018. Following the public hearing, the Planning Commission will prepare a recommendation for City Council consideration and action. The Planning Commission hearing will begin at 7:00 p.m. in the City Council Chambers on the third floor of the North Augusta Municipal Center, 100 Georgia Avenue. You are welcome to attend this public hearing.

A map of the project area is enclosed, along with a copy of the public hearing notice that will be published in *The Star* on May 2. If you have any questions about this application or need additional information, please contact the Department of Planning and Development at 803-441-4221.

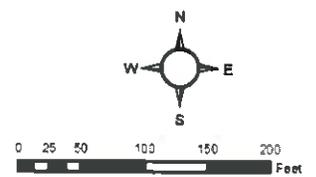
Sincerely,



Kuleigh Baker, Secretary
Department of Planning and Development



Application Number RZM 18-001
Tax Parcel Numbers
007-07-06-003 & 007-07-06-004
A Request to Rezone from
R-14, Large Lot, Single-Family
Residential to P, Public Use



E:\2018 ReZone\RZM18-001.MXD
 April 30, 2018

City of
North Augusta, South Carolina
Planning Commission

PUBLIC HEARING NOTICE

The North Augusta Planning Commission will hold a public hearing at its regular monthly meeting beginning at 7:00 PM on May 17, 2018, in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following application:

RZM 18-001 – A request by the City of North Augusta to rezone ± 2.41 acres of land located at 1220 Georgia Avenue, Aiken County Tax Parcels: 007-07-06-003 and 007-07-06-004 from R-14, Large Lot, Single-Family Residential to P, Public Use. The purpose of the rezoning request is to convert the lot for use as a new fire station.

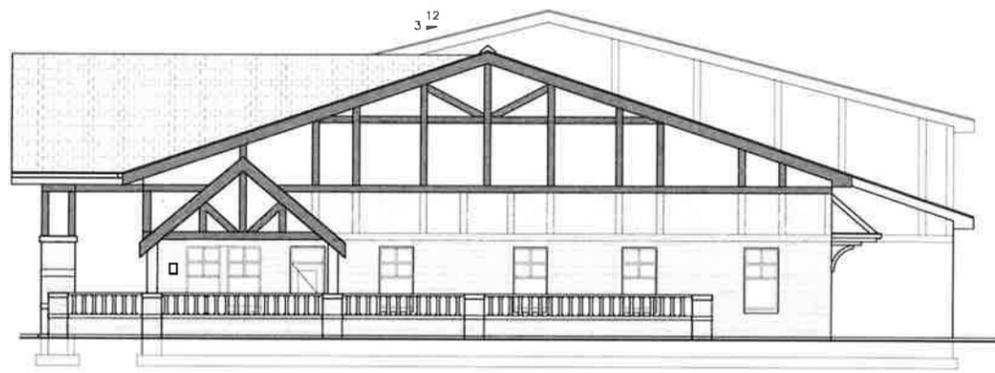
A map and documents related to the rezoning application will be available for public inspection after May 10, 2018 in the Dept. of Planning and Development on the second floor of the North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, 803-441-4221. Citizens and property owners interested in expressing a view on the requested rezoning are encouraged to attend.

CITIZEN ASSISTANCE:

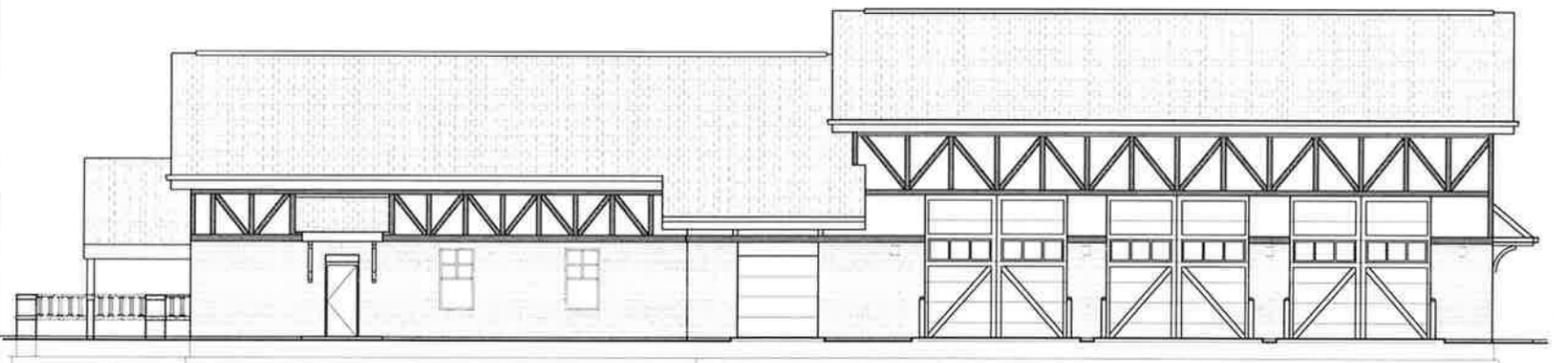
Individuals needing special assistance or a sign interpreter to participate in the meeting are asked to please notify the Department of Planning and Development at 803-441-4221 at least 48 hours prior to the meeting.



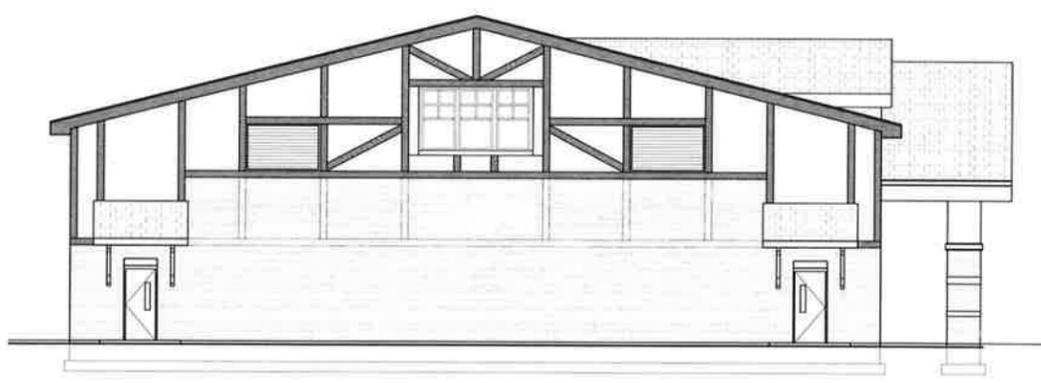
FRONT ELEVATION



SIDE STREET ELEVATION



REAR ELEVATION



SIDE ELEVATION

WALKWAY FROM PARKING TO ENTRY:
BRICK, LIMESTONE CAPS AND BOLLARDS
SIMILAR TO SEVEN GABLES

REV	DATE	BY	DESCRIPTION
A			
REVISIONS			
DRAWN BY:	DWG BY:	DATE:	DATE:
CHECKED BY:	CHK BY:	DATE:	DATE:

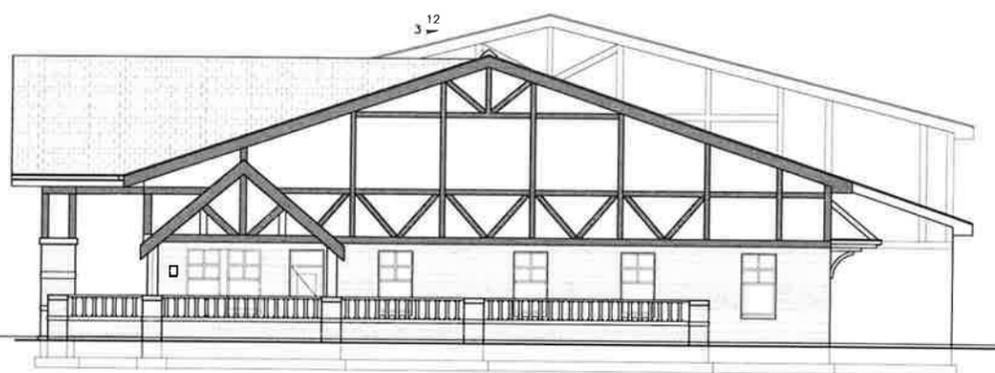
City of North Augusta, SC
100 Georgia Avenue North Augusta, SC 29841



Proposed Fire Station No. 1 Relocation				
SCHEMATIC BUILDING ELEVATIONS OPTION 1				
JOHNSON, LASCHOB & ASSOCIATES, P.C.		AUGUSTA, GEORGIA 30901		
1296 BROAD STREET		FAX (706) 724-3955		
SCALE	DATE	PROJECT NO.	DRAWING NO.	REV.
1/8"=1'-0"	1/10/2018	3057.1703	SDA-402	A

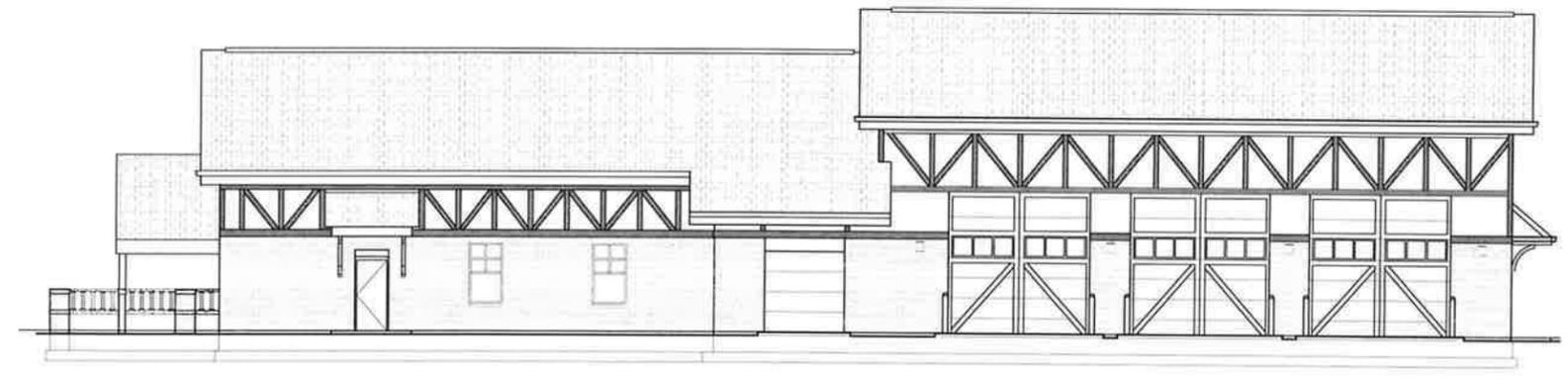


FRONT ELEVATION

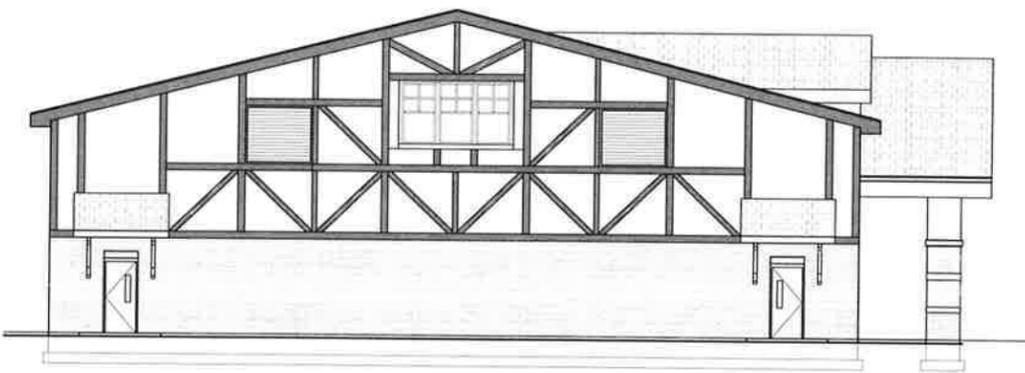


SIDE STREET ELEVATION

WALKWAY FROM PARKING TO ENTRY:
BRICK, LIMESTONE CAPS AND BOLLARDS
SIMILAR TO SEVEN GABLES



REAR ELEVATION



SIDE ELEVATION

REV	DATE	BY	DESCRIPTION
A			

REV	DATE	BY	DESCRIPTION

REVISIONS

DRAWN BY:	DWG BY:	DATE:	DATE:	CHECKED BY:	CHK BY:	DATE:	DATE:

City of North Augusta, SC
100 Georgia Avenue North Augusta, SC 29841

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Proposed Fire Station No. 1 Relocation				
SCHEMATIC BUILDING ELEVATIONS OPTION 2				
JOHNSON, LASCHOB & ASSOCIATES, P.C.		AUGUSTA, GEORGIA 30901		
1296 BROAD STREET		TEL (706) 724-5756 FAX (706) 724-3955		
SCALE	DATE	PROJECT NO.	DRAWING NO.	REV.
1/8"=1'-0"	1/10/2018	3057.1703	SDA-403	A

ATTACHMENT 9

3.6.4.5 Standards and Review Criteria

3.6.4.5.1 Review Criteria for Rezoning

- Inter-jurisdictional Analysis – A review to determine the extent to which an inter-jurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a citywide, countywide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered. ***Station 1 is a citywide station and serves the city only and no other jurisdiction. There is no Jurisdictional approach to providing fire protection available.***
- Financial Analysis – A review to determine if a negative financial impact upon the City of North Augusta can be reduced or avoided by intergovernmental agreement. ***Fire Station #1 relocation is funded by Sales Tax #3.***
- Special Purpose Districts – When the public facility is being proposed by a special purpose district including a school district, the city should consider the facility in the context of the district’s overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan. ***The site is not located in a Special Purpose District according to the South Carolina Special Purpose Districts 2016 Biennial Directory.***
- Measures to Facility Siting – The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors including, but not limited to:

The availability of land – ***A number of potential sites where evaluated for the siting of the proposed fire station including:***

- 1. 700 BK Old Edgefield Rd***
- 2. W. Martintown Rd @ Observatory***
- 3. North Hills Dr @ Leisure Ln***
- 4. W. Martintown Rd @ North Hills***
- 5. 100 Bk of Sidereal Ave (Water Tank)***
- 6. 1700 Bk of Georgia Ave (Food Lion)***
- 7. 300 Bk Whitlows Rd (Capital City)***
- 8. 444 and 454 E. Buena Vista Ave***
- 9. Riverside Blvd @ Buena Vista Ave***
- 10. 417 E. Martintown Rd (Lidl)***

Sites available and for sale at the time that contained the amount of land required, sufficient access to utilities, access to adequate roadway infrastructure and in the proximity of the service area required that would not facilitate the construction of a fourth fire station due to overlap of service area were not available. The site in question is highly suited to provide adequate access to existing utilities and transportation infrastructure and to maximize public safety coverage of the required service area that would allow the relocation of station #1 and not facilitate the construction of a 4th station.

Access to the transportation network – ***The site has direct access to Georgia Avenue, a major collector roadway and Martintown Road, a major collector roadway. Both provide direct east-west and north-south access to the City of North Augusta.***

Compatibility with neighboring uses – ***The firehouse will sit adjacent to residential and commercial land uses. The property lies within a portion of the Georgia Avenue Corridor that contains Residential, General Commercial, Office Commercial, Public Use and Planned Development Zoning. The firehouse will be occupied 24 hours a day and***

will be home to fire fighters adding to the residential feel of the area as well as the enhancing the safety of the surrounding residences and other properties. The architecture will blend with the historic character of the area by incorporating Tudor style architecture elements and features to all sides of the facility. Care will be taken to blend the building within the residential context of the area. Heavy landscaping and preservation of significant trees will further bolster the residential feel of the firehouse site and protection of the residential aesthetic. Decorative fencing and evergreen landscaping will further enhance the buffering of surrounding land uses.

The impact of the physical environment – *The station is planned to sit on a previously developed site. Grading will be minimized since the site is gently sloped. Public utilities are immediately adjacent to the site thus further minimizing land disturbance. Many existing significant trees and adjacent open space will be preserved. Parking is relegated to the rear of the site and buffered from the street and surrounding properties.*

Ken Powell
4/17/2018

PRESENTATION TO THE NORTH AUGUSTA PLANNING COMMISSION,
MAY14, 2018

Re: Objections to RMZ 18-001 - A request by the City of North Augusta to rezone Tax Parcels: 007-07-06-003 and 007-07-06-003 from R-14 Large Lot, Single-Family Residential to P, Public Use. The purpose of the rezoning request is to convert the lots for use as a new fire station.

SLIDE 1 (Cover Page) - Good evening. My name is Ken Powell and I live at 320 Clay Street, North Augusta, SC. Tonight, Steve Bryant, Dave Leverett and I would like to discuss why we oppose the city's plans with locating a fire station and public safety headquarters on what is commonly referred to as the "Seven Gables" site. Before I get started, I want to emphasize that we are not opposed to North Augusta getting a new fire station and public safety headquarters. We, as citizens just feel that the proposed location is not appropriate for a variety of significant reasons that you will hear tonight.

This is not a "Not in My Backyard" issue. I do not personally live next to the affected area, however, I am speaking as a concerned citizen. I am also speaking for the Bill Scott and Mike Hitchler's families who have properties that are contiguous to the land we are discussing tonight

SLIDE 2 - I'd like to recap how we got to this point and ensure you are aware of all the facts.

1. On January 1, 2008, the North Augusta Development Code became effective. This document put into place what is known today as the Neighborhood Preservation Corridor Overlay District.
2. On March 16, 2016, City Council authorized three parcels of land to be purchased for the public safety headquarters/fire station. The total cost for this property was \$850,000. At the time of the purchase authorization, City Council was not made aware of significant zoning associated with this property.
3. On March 12, 2018 concerned citizens requested to meet with City Council to ensure that they were aware of the non-compliances and why this location was not suitable for the city's plans. We are on the agenda to present our case to the city council during their study session on May 21, 2018.

SLIDE 3-

4. On April 30, 2018, while waiting to make our presentation to city council, the property rezoning signs and letters to residents that lived within 200 feet were initiated by the city. We were very disappointed the the city made the decision to proceed with rezoning process without hearing the concerns of area residents.
5. As you know, a special study session was called for Monday (5/14/2018) of this week for City Council and the Planning Commission to review and

discuss the Neighborhood Preservation Overlay Districts as it relates to various development projects/applications.

6. Tonight, you have been asked to consider rezoning two of these three parcels so that a fire station can be constructed. As I m sure you all are aware that simply rezoning from R-14 to P will still not allow the fire station to be constructed. In fact, if the city's request is approved, the city could find itself in a position down the road that possibly the fire station cannot be located at the site, but if it is already rezoned as "P", other less desirable city uses could take places on the property. The city may decide that is where they want to store items such as landscaping equipment, garbage trucks, stockpiles of gravel, solid waste collection center, etc...

This property is located not only in the city's Historic District, but also within a Neighborhood Preservation Overlay. As you know, by being situated in a Neighborhood Preservation Overlay, the city's own Development Code has many requirements which are clearly not compatible with the siting of the proposed fire station and public safety headquarters. Steve Bryant will later speak to these in detail. It is important to recognize that the Overlay requirements are not intended to stop development/change but to protect/preserve the existing nearby neighborhoods.

Even if the city's rezoning request is approved, some type of additional changes, waivers, modifications would still be needed to the Development Code. The city may also decide to address some of the non-compliances with the Board of Zoning Appeals. The non-compliances are clearly of such a magnitude that pursuing the Board Of Zoning Appeals is inappropriate. Yet tonight, none of how the city plans to handle the non-compliances have been addressed. This segmented process that the city is taking for this project "waters down" the overall significance. By bringing one issue up a time, versus "putting all the cards on the table", the city is clearly not being forthcoming to it's citizens.

SLIDE 4- Here is the property that we are discussing. The cross-hatched area includes all three parcels.

SLIDE 5 - Here is our Historic District. The red area puts into perspective how this proposed project will be situated in our Historic District. There are homes within this area that are on the National Historic Register. As you can see, the fire station/public safety headquarters is situated right in the middle of the Historic District. This is extremely precious real estate for our city. You've got to ask yourself, does the city's proposal with locating a fire station/police headquarters make sense given such a limited land resource within the Historic District.

3.8.6 NP, Neighborhood Preservation Corridor Overlay District

3.8.6.1 Purpose – The Neighborhood Preservation Corridor Overlay District applies to areas of the city that are located on collector and arterial streets and are in transition between traditional residential and commercial uses. Structures in the corridor are predominantly if not exclusively residential in character. Parcel size is relatively small. The underlying zoning in the corridor includes a variety of both commercial and residential districts. The continued residential use of some parcels may not be economically feasible. It is anticipated that conversion of single-family residences to commercial and office establishments will continue. Demolition of existing residential structures is inconsistent with policies expressed in the Comprehensive Plan and contemporary commercial development for new retail uses and office buildings is inappropriate. New high-density residential development is also inappropriate. Alternative uses of existing residential buildings provides a more orderly and reasonable transition for the surrounding neighborhood. With appropriate restrictions, the conversion of houses to office and small personal service uses is suitable and provides for economically feasible uses of parcels in the corridor. This overlay is, therefore, created with an emphasis on preserving the residential character of the corridors, protecting the unique design features and local architecture vernacular, and protecting the property values and health, safety and general welfare of surrounding neighborhoods. The Neighborhood Preservation Corridor Overlay District is established to preserve and protect residential neighborhoods while accommodating some transitional commercial uses at an appropriate scale in locations zoned for commercial uses. It is the intent of the Neighborhood Preservation Overlay Corridor District to maintain the residential appearance of existing structures and the residential setting of any building converted to a nonresidential use so that the converted dwelling will be compatible with neighboring residential property. To maintain residential character, lots shall not be developed or redeveloped solely for the purpose of providing parking.

SLIDE 6 - A moment ago, I mentioned Neighborhood Preservation Overlays. I'd like to take a couple of minutes to review what the North Augusta Development Code says pertaining to the Neighborhood Preservation Corridor Overlay District.

SLIDE 7- Here is a drawing that shows where the Neighborhood Preservation Overlays are located. The blue areas delineate the boundaries of the overlay. You can see via the red circle the the proposed site is again, in the middle, this time of the Georgia Avenue Overlay. This is the land the city wants to take for the fire station/police headquarters at the detriment of the citizens who have been living within the overlay for years. Keep in mind, the overlay is designed to control growth and ensure future buildings are in line with the existing area.

Neighborhood Overlays were put into place in January 2008. The city was growing at that time, but not at the magnitude that we are now. The city felt it was important to control growth. Now that we are growing faster, now is not a time to relax those requirements.

Locating a fire station/police headquarters within an overlay clearly goes against what previous city leaders had the vision to implement. It is my understanding that some of you were part of the recommendation/ approval process that were involved in implementing Neighborhood Protection Overlays.

(VIA: Hand Delivered)
City of North Augusta
Attn: City Council and Planning Commission
100 Georgia Avenue, 2nd Floor
North Augusta, SC 29841

Citizens Objections to the Re-Zoning of Parcels 007-07-06-003 & 007-07-06-004
From R14 to Public Use (Application RMZ 18-001)
May 17, 2018 Planning Commission Agenda
Prepared by: Steven M. Bryant, P.E.

Here before us tonight is a rezoning application by the City of North Augusta to rezone two parcels from Residential (R-14) to Public Use (P). There is no mention anywhere in the rezoning documents or the findings sections of two very important factors about these parcels: 1) Neighborhood Preservation Overlay Zoning District and 2) the National Register of Historic Places. Why is this important? There are 882 cities in the United States with some form of Historic District Zoning, whether Federal, State or local. The USGS recognizes 35,000 cities nationwide. That means only 2.5% of cities in the United States have a Historic District, and far fewer with a Federal Designation. South Carolina has 160 Historic Districts, Aiken County has only 7... 7 of 160 is 4.3%. So where are these 7 Federally Listed districts? 3 are in Aiken, 1 in Salley, 1 in Vaucluse, and 1 in Graniteville. (Slide 8: National Register Form) The last Historic District is in North Augusta. There is one Historic District and in that district there are now only 15 structures. Slide 9: Houses Slide 10: Historic Map

The Comprehensive Plan (CP) Section 8 Historic Resources refers to as "represents North Augusta's rich history... and should be preserved." "North Augusta has a wealth of historical resources that define our identity." This proposed project: fire station, public safety station and courthouse that is being considered for a property adjacent to, and I quote from the Comprehensive Plan, "one of the key properties, Star of Edgefield (1859) ..." "This district also contains an unusually fine collection of intact early 20th century residential styles ...". This is what outsiders associate us with when they think about North Augusta Slide 11: Website listing Slide 12: Wikipedia And here is what the Hammond Ferry Development has on its website under the Community tab, promoting the history of North Augusta for which it models itself after. Slide 13: Hammonds Ferry "Hammonds Ferry is an extension of the good things that already exist in North Augusta." ... "A strong preservation spirit has saved lovely old buildings and stately homes in this area." Lookaway Hall and Rosemary Hall are mentioned but they are mentioned after the Star of Edgefield.

North Augusta's Comprehensive Plan

Section 8.2 of the CP is titled "Protect and Restore Historic Resources important to North Augusta's Identity". I would put forth that "The Star of Edgefield" fills this bill. Section 8.2.1 talks about "Identifying and ensuring their protection.". Section 8.2.4 "Protect historic neighborhoods adjacent to downtown through the preservation of ... open space". "as well as, PROMOTING CONTEXT SENSITIVE INFILL DEVELOPMENT and the preservation of existing housing." ... "Promoting context sensitive development consistent with this character will help protect the unique identity of North Augusta." It is important to notice the words used in the section, "protect, preserve, context sensitive, unique identity". The Comprehensive Plan is telling us we have something special, only here in North Augusta and to keep it safe, celebrate and cherish it. That is why we are all here, we cherish it and want to protect our only National Historic District and our identity. What impact will the project have on our Historic District. Slide 14: Map with Red. The parcels will remove approximately 20% of the historic district and effectively split the historic district into three separate areas.

Chapter 3 of the Comprehensive Plan outlines in the Land Use section “Protect low density residential areas (R-14) from encroachment and conflicting land uses. As stated in the agenda package you have, Section 6 Findings, Item 5: “The high density type of use anticipated for the subject property should not adversely impact the current viability of the surrounding area.” However, Chapter 3 states “protect low-density from conflicting land uses” and I would contend that high density use is in direct conflict with low density residential. On November 16, 2017, The planning commission considered a request to rezone 3 parcels on Observatory & Martintown (from R-14 zoning to R-7). Reading from the meeting minutes of December 21, 2017 Chairman Burnett noted the intent of the neighborhood preservation overlay was actually to help areas transition to a commercial use while maintaining the character of the existing residential uses. He stated that is it also inappropriate to propose new high-density residential infill according to the North Augusta Development Code. Commissioner Key made a motion to deny, Commissioner Clark offered a second. The final vote tally was 5 to 2 in favor of the motion. This commission has set the precedence, high density is not compatible with low density, whether its unit count or usage.

Chapter 6 Stable, diverse and Walkable Neighborhoods. Section 6.1.4 “Preserve Historic housing structures ...” Why? “will ensure their continued contribution to the identity of the City.” “... create a unique neighborhood character.” There are those words again “identity and unique”.

Zoning Concerns

There has been mention of the need to modify and/or remove the Neighborhood Preservation Overlay in order to encourage development of the areas on Georgia Avenue within the Overlay District. My response to this is, let refer to the Comprehensive Plan... Chapter 3 page 35, where it states “There is a signature character and feel in North Augusta that cannot be replicated across the river or anywhere. That is what we must identify and hold onto... It will help us draw new residents and businesses who want to be part of what we are doing on this side of the river.” People want to be in North Augusta because these new developments are surrounding such a unique area as our downtown and Historic District and other area with historic homes. Every city has the above mentioned commercial developments, so that cant be what makes us unique, so it has to be the Olde Town feel and historic resources. There, we’ve just identified it, now we must hold onto it. Do we really want to become Washington Road or do we want to have walkable neighborhoods right in the middle of everything.

The property is currently zoned R14, but it is also within the Neighborhood Preservation Overlay Zoning District. The rezoning application package does not mention anywhere in the document the Neighborhood Preservation Overlay. This overlay is an extremely important part of the zoning regulation that cannot be ignored. Article 3, Section 3.1 shows the zoning Districts in table form. [Slide 15: Article 3 Zoning Districts](#) The overlay is a zoning issue.

South Carolina State Code Section 6-29-720 Zoning districts, matters regulated, uniformity, zoning techniques. Item B states “The regulations must be made in accordance with the comprehensive plan for the jurisdiction...”. Item (C) (5) ““overlay zone” or a zone which imposes a set of requirements when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries.” That is exactly why the Neighborhood Preservation Overlay was placed into the Comprehensive Plan. It is mandated by State Law. It cannot just be ignored or simply removed.

The proposed use for the rezoning is fire station (followed by police station and courthouse), which by definition cannot meet the requirements of Article 3 Section 3.8. Neighborhood Preservation Overlay, and specifically, Section 3.8.6.10.1, which I will explain shortly. So, why is the City requesting a re-zoning of the parcels for this proposed project which cannot meet the zoning requirements? How does the current proposed plan, presented by the City, fail to meet the requirements set forth in the development code?

Concerning the zoning ordinance and the Neighborhood Preservation Overlay Zoning District.

First, what is the purpose of the Neighborhood Preservation Overlay? "The overlay is, therefore created with an emphasis on preserving the residential character of the corridors, protecting the unique design features and local architectural vernacular, and protecting the **property values** and health, safety and general welfare of the surrounding neighborhoods. The Neighborhood Preservation Overlay District is established to **preserve and protect residential neighborhoods** while accommodating some traditional commercial uses at an **appropriate scale** in locations zoned for commercial uses."... " It is the intent of the NP Overlay District to maintain the residential appearance of existing structures and the residential setting of any building converted to a non-residential use so that that the converted bldg will be compatible with the neighboring residential property. To maintain residential character, lots shall not be developed or redeveloped solely for the purpose of providing parking." (Slide 16: Site Plan from City)

Requirements of the Development Code: Section 3.8.6 Neighborhood Preservation Overlay and incompliant issues based on the submitted schematic plan.

Sect 3.8.6.2.1 Nonresidential uses may be located on the first floor only. Upper floors for residential and accessory storage only. This would not be the case with the police station.

Sect 3.8.6.2.2 Uses that are not permitted are:

Drive-in, drive-up or drive through facilities. The proposed plan clearly shows a salleyport, which by definition is "a secure entryway (as in prison) that consists of a series of doors or gates". You can see from the plan that this has a drive-thru function. The fire station also shows a drive-thru component.

Sect 3.8.6.2.3 No use which requires a special exception is permitted. Table 3-2 Use Matrix Section 11.1 on page 3-23 "cell towers, communication towers and antennae.

Sect 3.8.6.2.4 No use may be established unless and until it complies with the standards established in this section and other applicable standards contained in this chapter. The criteria set forth in the NP have not been met for the use for which the city wants to establish.

Sect 3.8.6.3 Dimensional standards

Maximum height 32 feet. Minimum rear setback requires a 20 foot buffer. What is being proposed is 15 feet. Other projects when adjacent to residential and which are not residential in nature have been required to have 25 feet of landscaped buffers. Maximum building foot print. 3,000 square feet. What is being proposed is 34,000 square feet, almost 10.5 times as large as allowed. Where is the context and scale requirement as required by the Comprehensive Plan. Maximum front setback required is 50'. The Courthouse is 68' & 143', the police station is 78' & 112' and the fire station is 50' and 30'. Even if this area did not have the Neighborhood Preservation Overlay, these setbacks would not meet the requirements of the GC zoning, which has a maximum setback of 80 feet.

Section 3.8.6.5 Parking

- Sec 3.8.6.5.1 Not more than one access to a street shall be permitted per lot or parcel. There are three parcels, thus 3 drives allowed. The plan shows 5 drives
- Sec 3.8.6.5.2 The maximum driveway width shall be 14 feet. The fire station drive measures 62 feet wide at the property line. The drive in front of the police station is 31 feet. The two drives on Observatory and the one on Butler are 24' wide.
- Sec 3.8.6.5.4 Parking shall not be permitted between structures and the corridor street. Plan clearly shows 80 parking spaces between the buildings and the corridor street. The entire site will have 132 parking spaces. Parking visible from the front shall be screened with a permanent wall, fence or hedge not less than 42" and no more than 60" in height. The bldg elevations look nice but the visibility of the buildings will be partially nullified by this screened requirement. Defeating the purpose of the extra expenditures for the fascade AND contributing to further reductions to the already limited sight distance on Georgia Avenue, creating an even more unsafe condition.
- Sec 3.8.6.5.5 Parking shall be setback at least 5' from the property line. The parking in the front is not in compliance with Section 3.8.6.5.4 above regarding location. And being set at the property line along Georgia Ave. it is not possible for it to be compliant with Sec 3.8.6.5.4 above regarding the screening. Nor would it be compliant with Article 10 Landscape Ordinance.
- Sec 3.8.6.9 Utility and Trash Receptacles
Shall be located in the side or rear yard. Shall be screened so as not to be visible from the public right of way. There is no dumpster location shown on the plan and it does not appear to have been considered in the current plan based on parking and internal road configurations.
- Sec 3.8.6.10 Business Operations for Non-Residential Uses
- Sec 3.8.6.10.1 Business hours of operation shall be limited to the period from 7am to 9pm. A public safety building and fire station, by definition, are 24 hours a day, 7 days a week and 365 days a year operations

Article 10 Landscaping

"Perimeter landscaping is required on all sides of a parking lot or paved drive that abuts adjoining property, a public right of way ..." How is that possible, the plan clearly shows no intention to comply with Article 10. It is not possible to place trees along the Georgia Ave Road between the right of way and the parking areas, when the parking is on the right of way line. The minimum landscape buffer required at the right of way, even without the overlay, is 15 feet. What else has the city not considered in its evaluation of this project if they just put this together this morning?

To consider re-zoning of a low-density parcel (R14) to one with a high density use (P), which is next to "one of the key properties" in North Augusta, on the National Register of Historic Places ... before Section 3.8.7 Landmark Overlay District LMK regulation is established, seems premature at best and may quite possibly result in one of the City's biggest mistakes. Once this project is approved and we lose the intrinsic values of this Historic District, there is no going back, it will be lost forever. The Comprehensive Plan, established via the South Carolina Planning Act of 1994, requires that "a cultural resources element which considers historic buildings and structures ..." I would contend that approving a re-zoning of this parcel for a Public Use (P) specifically a fire station, Police and Courthouse, since it is adjacent to the Star of Edgefield (A Landmark

property), before Section 3.8.7 Landmark Overlay District is developed and adopted by the City, and before the full impacts on the surrounding National Historic District properties can be ascertained, would be in violation of this State regulation.

Rezoning as it pertains to Public Use (P)

Section 3.6.4.5.1 Review Criteria for Rezoning

"In reviewing as application for Public Use (P), the planning commission and City Council, shall consider the following: ...

Items (A), (B), (C)

(D) Measures to Facilitate Siting..... 3) "Compatibility with neighboring uses:"

136 parking spaces, 2 acres of asphalt, 34,000 SF of building foot print is not compatible with a typical neighborhood, much less the Neighborhood Preservation Overlay District and the Historic District. But one of the most egregious components of this proposed project is the sallyport.

By definition, a sally port is:

A secure, controlled entryway in a prison or fortified place (Slide 17: Sallyport)

Is that what we want in the National Register of Historic Places, next to the "one of the key properties to the identity of the City"?

Section 3.6.4.5.2 of Article 3 Development Standards for Public Zoning

"If the use is within a corridor overlay (Neighborhood Preservation) the standards of Section 3.8 apply."

If the overlay which applies today is removed tomorrow, it isn't going to change the purpose for which the overlay was placed into the development code in the first place---to preserve the neighborhood, property values, safety, health and general welfare.

Based on this information, straight from the City's Development Code and Comprehensive Plan, it should be clear that the re-zoning of the parcel to Public Use (P) is inconsistent with the Comprehensive Plan, as well as, the Development Code. The effects upon the historic district haven't even been considered – because they weren't even mentioned in the rezoning application you have before you. That is a major omission that should have a major impact upon your and City council's decision.

Here tonight, the planning commission and the City Council on Monday, will have the opportunity to affect the future identity of the City for generations to come. Will you choose this as your City's identity (Slide 17: Sallyport) or will the lasting impression you to leave for visitors or our children be this (Slide 18: Star of Edgefield). The decision is yours the effects are ours. Will current and future citizens look back on your decision tonight with pride or will they just wonder "what happened? What would the city look like today if they had only preserved and protected this Historic District?"



May 17, 2018

(VIA: Hand Delivery)

City of North Augusta

Attn: City Council and Planning Commission

100 Georgia Avenue, 2nd Floor

North Augusta, SC 29841

Re: **Objections** to RZM 18-001 – A request by the City of North Augusta to rezone ±2.41 acres of land located at 1220 Georgia Avenue, Aiken County Tax Parcels: 007-07-06-003 and 007-07-06-004 from R-14, Large Lot, Single-Family Residential to P, Public Use. The purpose of the rezoning request is to convert the lot for use as a new fire station. (A further third lot is anticipated to be evaluated for additional related uses, which should be, but are not being, considered cumulatively. As a whole, the three lots would be used for public safety headquarters, including a fire station and police station, with City Court facilities).

To Whom It May Concern:

I am an attorney, and I have been retained by a group of concerned citizens including, but not limited to, Ken Powell, Al Lafavor, Dave Leverett, Mike Hitcher and John Barton, to assert and supplement their strong legal, factual and policy objections to the City of North Augusta's proposal to rezone 1220 Georgia Avenue (hereinafter the "Property") from R-14, Large Lot, Single-Family Residential to P, public use (hereinafter the "Proposed Rezoning").

My clients include citizen landowners of North Augusta who are directly and particularly impacted by the Proposed Rezoning. They all live near or contiguous to the Property. They will all have their property values affected by the Proposed Rezoning, will experience associated traffic, noise and safety impacts anticipated from the proposed rezoning, will experience the anticipated change in neighborhood character caused by the Proposed Rezoning and are otherwise individually impacted as they are indicating in separate testimony to the Planning Commission and the City Council with respect to the referenced Proposed Rezoning.

The Proposed Rezoning and anticipated uses of the Property do not meet all applicable legal requirements and violate the legally protected rights of City of

North Augusta citizens as discussed herein. In support of my clients' objections, we state as follows:

I. The City Has Failed to Follow its Own Procedures in This Rezoning Application

The Plan and Appeal process is set forth on the City of North Augusta's (hereinafter the "City") web site at <http://www.northaugusta.net/departments/planning/planning>, Exhibit 1. The process requires that rezoning requests are considered by the Planning Commission after which a recommendation is forwarded to the City Council for final action. The City's procedures further require that such applications consist of two review levels: 1) completeness and 2) compliance.

A. Completeness Review

According to the limited information readily available to the citizens of North Augusta regarding the hasty Proposed Rezoning, it appears highly unlikely that the City has adequately performed both a Completeness Review and Compliance Review.

The City's procedures define and describe the scope of the Completeness Review in relevant part as follows:

Completeness Review – The application and appeals process begins with the initial application submittal followed by a completeness review. Information required at initial submittal is listed by application type on the completeness checklists. . . . An application is determined to be complete if the form, required fee(s) and all applicable supporting documents have been submitted to and received by the City. . . .

<http://www.northaugusta.net/departments/planning/planning>, Exhibit 1. The list of application documents is not very detailed as to its requirements. However, one specific requirement of the "check list" is a Traffic Impact Analysis, if applicable. See <http://www.northaugusta.net/Home/ShowDocument?id=7330>; Application Submittal and Review form for Rezoning and Conditional Rezoning at 1j (adopted pursuant to §§ 5.3 and 5.4, NADC), Exhibit 2.

On information and belief, the City has failed to require all items on the check list to be provided before rezoning. The City Procedures have, therefore, not been met.

It is clear that no adequate Traffic Impact Analysis has been performed for the Proposed Rezoning. The Planning and Development, Project Staff Report for the Proposed Rezoning (“Staff Report”) dated May 10, 2018 (followed by a Revised Staff Report on or about May 16, 2018) acknowledges at page 4, subsection 6.b. that “[t]he street network must be evaluated as part of the site plan review process for any necessary upgrades to the existing transportation network.” Staff Report at 4. It contains an apparent admission that upgrades will be necessary. But, there is no suggestion that any meaningful Traffic Impact Analysis has been done. The application is, therefore, not complete, and it is premature.

Since the Proposed Rezoning is being made initially in order to construct a Fire Station in a historic residential district,¹ it is undeniable that traffic will be impacted. Speeding fire trucks, at any time of the day or night, must certainly have very significant traffic impacts. Failing to do and supply an adequate analysis means the application is not complete, and the application is, therefore, not ripe for review.

B. Compliance Review

A complete application for the Proposed Rezoning would be required to go through a Compliance Review. Such a review cannot be complete at this time as the application appears incomplete.

However, even if the application were complete, the application would not meet Compliance Review requirements. City procedure require,

Compliance Review – Following a determination of completeness, application information plans are reviewed by City staff for compliance with applicable provisions

¹ It is important to note that the way this matter is being considered unfairly segments the impacts of the overall project. The actual anticipated full project would involve much more than a Fire Station. It would also include a Police Station and Courthouse facilities. Understating the overall project is fundamentally unfair as it segments the impacts of the overall project, leading the Council to make decisions in increments, never allowing the full project to be considered before it is already rezoned. Once rezoned, if the City does not pursue the anticipated project, the P zoning allows an array of other undesirable uses that could adversely impact the City.

of the NADC [North Augusta Development Code]. . . .
An application is determined to be in compliance when it meets all applicable policies, regulations and provisions of the NADC.

<http://www.northaugusta.net/departments/planning/planning> (emphasis supplied), Exhibit 1. The Staff Report fails to discuss numerous significant areas of the applicable legal and policy requirements. E.g. no acknowledgement of Neighborhood Overlay District requirements and no acknowledgement of National Registry of Historic Places/historic district. Failing to review and inform the Planning Commission and City Council of all significant requirements for the Property and its uses is indicative of an incomplete Compliance Review. And, the City is not in a position to do the appropriate professional review at this time.

Until May 7, the City had no permanent Planning Director employed, and even now, the Planning Director has not yet begun duties. The prior permanent Planning Director departed in early 2017.

According to my investigation, although there have been a series of interim Planning Directors, the Planning and Development Department is currently barely functioning it is so understaffed. Without adequate staff, reasonable Compliance Review is impossible.

Furthermore, there is no reasonable argument that consideration of rezoning for this very important Proposed Rezoning project, in the middle of an important historic zoning district, cannot wait a few weeks for the new Planning Director to begin work and personally review and approve it for compliance with all City “policies, regulations and provisions of the NADC.” See discussion supra. and infra.

With a new Planning Director just hired, and no crisis supporting an expedited review, there is no rational reason to make a decision on the rezoning of the City’s own property without involving the new Planning Director charged with implementation of the 2017 Comprehensive Plan. The foregoing represents a failure to comply with express procedural requirements. From the following discussion, it is abundantly clear that the application must also fail the substantive requirements for failure to meet all applicable policies, regulations and provisions of the of the NADC and other requirements of law.

II. The Proposed Rezoning Substantively Fails Review Because it Does Not Comply With “All Applicable Policies, Regulations and Provisions of the NADC.”

A. The Proposed Rezoning is Inconsistent With the Comprehensive Plan.

The Comprehensive Planning Enabling Act of 1994, S.C. Code Title 6, Chapter 29, requires municipalities to have a planning process that includes,

a cultural resources element which considers historic buildings and structures, commercial districts, residential districts, unique, natural or scenic resources, archaeological, and other cultural resources.

Id. at §6-29-510(D)(4), Exhibit 3; see also Ordinance No. 2005-15 at 2 (adopting the 2005 Comp. Plan), Exhibit 4. The City of North Augusta has had a Comprehensive Plan since 1995. On August, 2017, less than a year ago, the North Augusta City Council adopted the most recent current version of the Plan, the 2017 Comprehensive Plan (the “Plan”). It is clearly a policy of the City required by State statute and adopted by ordinance.

The Plan is,

a long range plan for guiding and managing the future development of the City of North Augusta over a ten year period as required by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994. The North Augusta Comprehensive Plan summarizes current conditions in the City, identifies needs and aspirations and develops strategies to achieve the resulting visions. As is implied by its name, the Comprehensive Plan is intended to include information on all aspects of the City, its land and its people. Elements contained in the Plan include population, economic development, housing, cultural resources, natural resources, community facilities, transportation and land use.

<http://www.northaugusta.net/departments/planning-and-development/comprehensive-plan>; Exhibit 5.

This newly adopted and clearly articulated vision in the Plan includes as follows:

This plan seeks to bridge the importance of planning with the importance of achieving the goals and vision of the community. As this plan suggests, it's the implementation [of the plan] that will prepare us for the next 100 years.

<http://www.northaugusta.net/Home/ShowDocument?id=9328>; Comp. Plan at Chapter 1 at 2 (emphasis supplied), Exhibit 6. The Plan was prepared at great expense, in consultation with planning professionals to prepare the City of Augusta for “the next 100 years.” Casual, case by case, contravention of the Plan wastes the City’s money and its laudable efforts at intelligent planning to achieve the “goals and vision of the community.”

By its own terms the 2017 Comprehensive Plan declares,

The Comprehensive Plan, in its purest form, represents the synthesis of a community’s vision for its growth and development. Far too often vision statements are never accurately translated into a detailed working plan with achievable action items, schedules, and budgets. This can lead to a Comprehensive Plan being overlooked or forgotten while important planning decisions are being made.

....

Unlike many of our peers across South Carolina we have chosen to focus not on a[n] exhaustive analysis of what currently is and simply project trends of what was, but instead cast a true vision of what we wish to become and what tools and resources are needed to achieve that vision.

Id. at 3 (emphasis supplied), Exhibit 7.

The 2017 Comprehensive Plan, as part of its vision, recognizes the importance of North Augusta’s historic places to North Augusta’s Identity and the importance of

their preservation. See Comp. Plan at 35, Exhibit 8. The Plan acknowledges that “[p]reserving historic housing structures in Downtown and the surrounding neighborhoods will ensure their continued contributing to the identity of the City.” Comp. Plan at 89, NADC §6.1.4, Exhibit 9. The Plan plainly asserts that, “[i]f we ignore our history, we value our city less.” Id. And, it acknowledges, “[u]nderstanding the history of the place where you live is critical to being an informed citizen . . . [and] The history of a place is a very influential cultural asset that can directly impact the plans and future success of a city.” Id.

The Plan goes on to affirm, “[t]here is a signature character and feel in North Augusta that cannot be replicated across the river, or anywhere. That is what we must identify and hold onto.” Id. As the Plan wisely allows, “[o]ur unique qualities and values are defined by who we were and they tell us where we’re going.” Comp. Plan at 35, Exhibit 8.

Because of these policies, it is a significant goal of the Plan to “[s]upport the restoration, preservation, and adaptive reuse of significant historic properties.” Id. at 41, Exhibit 10. “The history of a place is a very influential cultural asset that can directly impact the plans and future success of a city.” Comp. Plan at 35, Exhibit 8. To the extent you seek to preserve the special character of North Augusta, it is incumbent upon you to seek to fulfill these important policies of its Comprehensive Plan.

In particular, the Plan acknowledges the Georgia Avenue-Butler Avenue Historic District (“Historic District”) as a significant resource. This Historic District is the location of the Proposed Rezoning.

The Georgia Avenue-Butler Avenue Historic District is a National Register Historic District. The district encompasses part of the property which was the site of the former Hampton Terrace Hotel and contains several buildings which were associated with it, as well as other large residences. The four buildings of architectural importance and 12 supporting properties were built between 1900 and 1930 and illustrate the antebellum growth of the city as a winter resort. Several of the structures along Georgia Avenue remain substantially intact and may be eligible for historic designation.

<http://www.northaugusta.net/Home/ShowDocument?id=9364>; Comp. Plan at 124 (emphasis supplied), Exhibit 11; see also Comp. Plan, Chapter 8 at 8.2 (recognizing the importance of historic resources to North Augusta's identity), Exhibit 12. According to NADC §3.8.6.2.5, no existing structure may be demolished until a site plan for the parcel has been approved, Exhibit 19. If the demolition of an existing structure is anticipated an evaluation of the economic feasibility of retaining, renovating or expanding the structure for the intended use has to be completed and submitted.

The Plan plainly supports the protection and restoration of such historic resources. See Comp. Plan at 137, 8.2.1 and 8.2.4, Exhibit 12; see also Comp. Plan at §6.1.4, Exhibit 9. The NADC also makes demolition difficult, if not impossible, when it is feasible to retain, renovate or expand. And, two of the important structures in the Historic District are located on the Property.² If the Property were rezoned as proposed, you may expect the City to move forward with a Fire Station and seek to demolish them to the great loss of North Augusta and its citizens. See discussion infra. at fn. 3. If you decide to move forward with the Proposed Rezoning you support contravention of these important statutory, regulatory and Comprehensive Plan policies and requirements.

On information and belief, the City was not aware of the zoning and planning problem when it purchased the property, it purchased the property at a premium price (much higher than the sale price approximately a year and a half before the City purchase) and apparently designers of the current planned facility did not know about the Overlay when they designed the current proposed structure. These and other exigencies make the Property complicated for the City. These complications do not justify making special exceptions from zoning and planning requirements.

Through the Proposed Rezoning, if approved, the City proposes to do exactly what it pledged not to do in its own planning documents. It is overlooking or forgetting the Comprehensive Plan while important planning decisions are being made because it is convenient to do so. See Comp. Plan at 3, Exhibit 7.

B. The Proposed Rezoning is Inconsistent With the Future Land Use Map and Constitutes "Spot Zoning."

² The structures were in considerably better condition when the Property was purchased by the City. Knowing waste cannot be the justification not to maintain such important structures.

The proposed rezoning is also inconsistent with the Future Land Use Map of the 2017 Comprehensive Plan. Recommending the Proposed Rezoning would violate the Plan requirements, which specifically require as follows:

Property considered for rezoning or annexation into the city should be zoned in accordance with the classification for the property as shown on the Future Land Use Map. Property proposed for annexation or rezoning that is contrary to the Future Land Use Map would receive either a negative recommendation from the Planning Commission or would include a recommendation to amend the Future Land Use Map.

<http://www.northaugusta.net/Home/ShowDocument?id=9370>; Comp. Plan at 186 (emphasis supplied), Exhibit 13. The Proposed Rezoning would not be zoned according to the classification for the Property shown on the Future Land Use Map and is, therefore, inconsistent with the Plan. See Id. at 187 (Future Land Use Map), Exhibit 14. Per the Plan, the Planning Commission is required to give a negative recommendation or recommend amendment of the Future Land Use Map.

It is also not consistent with neighboring zoning and therefore constitutes "spot zoning" and is inconsistent with law. Spot zoning is the "process of singling out a small parcel of land for use classification totally different from that of the surrounding area, for the benefit of the owners of that property and to the detriment of other owners." *Bob Jones Univ. v. City of Greenville*, 243 S.C. 351, 361, 133 S.E.2d 843, 848 (1963) cited with approval in *Knowles v. City of Aiken*, 305 S.C. 219, 407 S.E.2d 639 (1991).

It is not unlawful spot zoning if "the proposed change is from one use to another and there is already a considerable amount of property adjoining the property to be reclassified falling within the proposed classification." *Id.* at 362, 133 S.E.2d at 848. This includes "use classification" and a variance in height classification may also constitute unlawful spot zoning. *Historic Charleston Found. v. City of Charleston*, 400 S.C. 181, 184, 734 S.E.2d 306, 307-08 (2012).

The Proposed Rezoning includes both a unique use zoning as to contiguous properties and in the Overlay. Besides reclassifying to achieve the proposed use for the currently designed Fire Station, the Property would need a relief from height restrictions and other limitations in the Overlay not afforded to other properties. This constitutes spot zoning as discussed above.

The application for the Proposed Rezoning proposes to abandon the City's "vision" and undermine the 2017 Comprehensive Plan entirely, putting in question both the consistency of zoning (instead imposing "spot" zoning") and proposing to interfere with the Georgia Avenue-Butler Avenue Historic District Overlay, an aspect of the Neighborhood Preservation Overlay, (hereinafter the "Overlay"),³ which protects North Augusta's historically important downtown, and National Historic Registry Properties.⁴

C. The Proposed Rezoning Violates the North Augusta Development Code in Numerous Other Specific Ways.

State law requires that the regulations in the Development Code be consistent with the policies in the City's Comprehensive Plan.

<http://www.northaugusta.net/departments/planning/development-code>, Exhibit 15; §6-29-720 S.C. Code, Exhibit 16. It follows that inconsistency by the Proposed Rezoning with the Plan is, therefore, likely to result in violation of the NADC. Unsurprisingly, the anticipated use of the Proposed Rezoning does in fact violate the NADC in many ways.

1. No Site Alternative or Negative Financial Impact Analysis Has Been Done.

As previously discussed, the Proposed Rezoning application fails to meet NADC application completeness requirements, is inconsistent with the Plan, see discussion supra., and it is otherwise inconsistent with the NADC.

According to the NADC,

³ The Notices with respect to this Proposed Rezoning fail to Notice any proposal to modify or except the Proposed Rezoning Property from the requirements of the Overlay. However, the anticipated uses of the Property will clearly violate the Overlay requirements if not redesigned.

⁴ The Proposed Rezoning involves National Registry of Historic Places property, including two contributing buildings generally known as the Carriage House/Horse Stable House, built in 1903, and the Caretaker's House/Caretaker's Cottage, built in 1903 and remodeled in 1970, both of which have great historic significance and are still capable of preservation, contrary to the City's position and failure to preserve. See Staff Report and Comp. Plan at 137, 8.2.1, Exhibit 12. No adequate feasibility study has been performed to demonstrate why they cannot be preserved as required by the NADC.

In reviewing an application for a proposed P, Public Use District, the Planning Commission and City Council shall consider the following: . . . A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions . . . [a] review to determine if a negative financial impact upon the City of North Augusta can be reduced or avoided by intergovernmental agreement. . . .

NADC §3.6.4.5.1. (emphasis supplied), Exhibit 17. There is no evidence the City has done a compliant site alternative analysis. There is, further, no indication the City has done the required negative financial impact analysis. These omissions indicate an incomplete, required Compliance Review.

2. The Development Standards Require Application of the NADC Neighborhood Preservation Historic Overlay Requirements, Which Are Not Met in Many Ways By the Anticipated Use.

The NADC allows as follows with respect to P, the Proposed Rezoning:

3.6.4.5.2 Development Standards – Uses within the P, Public Use District, are not subject to the dimensional standards of §3.5. However, such uses are subject to the landscaping standards of Article 10, and the parking standards of Article 12. If the use is within a corridor overlay district, the standards of §3.8 apply.

<http://www.northaugusta.net/Home/ShowDocument?id=6044>, NADC §3.6.4.5.2. (emphasis supplied), Exhibit 18. The Property is within a corridor overlay district, thus the standards of §3.8 apply to any use. A Fire Station could not possibly meet some of these overlay standards, even if some violations could be designed out, in violation of NADC Article 3, §3.8 – Corridor Overlay Districts.⁵

⁵ It is important to note that the NADC integrates the Overlay into the zoning P, according to the requirements of this section. A change, thus, would be a rezoning. Any change would also require the redrawing of zoning maps. Relief from the Overlay for the Property cannot be accomplished by a mere text amendment. The community wide implications of such an important rezoning decision deserves adequate scrutiny, consideration and input from planning professionals.

The City proposes to rezone to P. Pursuant to the NADC, as quoted above, the standards of NADC §3.8 apply to uses within P. And, as previously discussed above, no building likely to be able to be used as a Fire Station is likely to be able to comply with the overlay requirement. Certainly the Fire Station as currently designed would not comply with the Overlay, which is a component of the NADC. Examples of violations are as follows:

- The current proposed building will exceed the 3000 square foot footprint requirement, with a Fire Station square footprint alone of 9698, not to mention the later planned huge buildings. See NADC Table 3-11, Exhibit 19.
- Because of parking layout, landscaping standards of Article 10 will not be met.
- Because of parking layout, parking standards of Article 12 will not be met.
- The current proposed building will have less than the required minimum rear setback, having only 15 feet shown, rather than the required 20 feet. See NADC Table 3-11, Exhibit 19.
- NADC §3.8.6.1 sets the purposes of the Neighborhood Preservation Overlay, which applies to areas of the city that are located on collector and arterial streets and are in transition between traditional residential and commercial uses. The proposed use violates this section because it involves demolition of existing residential structures to install new office buildings in part. “Demolition of existing residential structures is inconsistent with policies expressed in the Comprehensive Plan and contemporary commercial development for new retail uses and office buildings is inappropriate.” NADC §3.8.6.1, Exhibit 20.
- The proposed use also violates NADC §3.8.6.1 because according to this section the proposed use is otherwise inappropriate. It provides:

New high-density residential development is also inappropriate. Alternative uses of existing

residential buildings provides a more orderly and reasonable transition for the surrounding neighborhood. With appropriate restrictions, the conversion of houses to office and small personal service uses is suitable and provides for economically feasible uses of parcels in the corridor. This overlay is, therefore, created with an emphasis on preserving the residential character of the corridors, protecting the unique design features and local architecture vernacular, and protecting the property values and health, safety and general welfare of surrounding neighborhoods. The Neighborhood Preservation Corridor Overlay District is established to preserve and protect residential neighborhoods while accommodating some transitional commercial uses at an appropriate scale in locations zoned for commercial uses. It is the intent of the . . . Overlay Corridor District to maintain the residential appearance of existing structures and the residential setting of any building converted to a nonresidential use so that the converted dwelling will be compatible with neighboring residential property. . . .

- The driveway width violates NADC. See NADC Table 3-11, Exhibit 19; see also NADC §3.8.6.5.2, Exhibit 19.
- Design of the proposed building would allow parking between structures and the corridor street, which is required to be on the side or in the rear of buildings only and may not be visible from the front. See NADC §3.8.6.5.4, Exhibit 21.
- The use is further expected to violate the rule against driveway directional signs. See NADC §3.8.6.8.2, Exhibit 21.
- The proposed use is expected to violate the requirements with respect to utilities and trash receptacles. See NADC §3.8.6.9, Exhibit 22.

- The proposed use as a Fire Station would necessarily violate the provision that not more than one access to a street shall be permitted per lot or parcel. See NADC §3.8.6.5.1, Exhibit 19.
- Building height limitations would be exceeded by the anticipated Project. NADC Table 3-11, Exhibit 19 (restricting dimensional standards to a maximum height of 2.5 stories or 32 feet).
- Use as a Fire Station/Police Station/Other government uses that would necessarily exceed business hours limitations and would thereby conflict with NADC. See also NADC §3.8.6.2.4 (no use unless complies with standards in Chapter), Exhibit 20. Shorter lobby hours is not a legitimate argument for compliance.
- A Fire Station is guaranteed to violate the requirement that business hours of operation shall be limited to the period from 7:00 a.m. to 9:00 p.m. See NADC §3.8.6.10.1, Exhibit 22.

No use may be established on any property in the Overlay unless it meets applicable standards in Chapter 3 of the NADC. See NADC §3.8.6.2.4, Exhibit 19. The proposed use cannot possibly meet all of the foregoing standards under any design.

III. The Proposed Rezoning Interferes with Constitutionally Protected Due Process Rights and Protected Property Interests of Neighboring Property Owners.

This Neighborhood Preservation was created with an emphasis on preserving the residential character of the corridors, protecting the unique design features and local architecture vernacular, and protecting the property values and health, safety and general welfare of surrounding neighborhoods. NADC §3.8.6.1, Exhibit 20.

The Fifth Amendment to the United States Constitution provides that "private property shall not be taken for public use, without just compensation." U.S. Const. amend. V. "This provision does not prohibit taking of private property, but instead places a condition on the exercise of that power." *First English Evangelical Lutheran Church of Glendale v. Los Angeles*, 482 U.S. 304, 314, 96 L. Ed. 2d 250, 107 S. Ct. 2378 (1987). The purpose of the Takings Clause is to prevent the government "from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." *Armstrong v.*

United States, 364 U.S. 40, 49, 4 L. Ed. 2d 1554, 80 S. Ct. 1563 (1960). "The Fifth Amendment is violated when land use regulation 'does not substantially advance legitimate state interests or denies an owner economically viable use of his land.'" *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1016, 120 L. Ed. 2d 798, 112 S. Ct. 2886 (1992), citing *Agins v. City of Tiburon*, 447 U.S. 255, 260, 65 L. Ed. 2d 106, 100 S. Ct. 2138 (1980). A similar protection against takings can be found in the South Carolina Constitution at S.C. Const. art. I, § 13.

Since the anticipated use of the Property, if rezoned, includes a Fire Station, functioning 24 hours a day, with fire trucks screaming through the neighborhood, potentially at any hour of the day or night, it is easy to see how property owners might be unconstitutionally deprived of their protected property interests without due process or just compensation. The Fire Station is simply not compatible with the neighborhood character and uses.

It is furthermore a violation of the neighboring landowner's rights as the Proposed Rezoning, as discussed above is inconsistent with the Plan, the Comprehensive Planning statute and the NADC in the numerous ways discussed above in section II of this discussion. The Proposed Rezoning is unlawful, unconstitutional and subject to reversal if it is arbitrary, unreasonable or unjust. Clearly, the Proposed Rezoning is.

IV. Rezoning is Premature

A. The New Proposed Zoning "P" Allows Uses Inconsistent With the Character and Quality of the Neighborhood in the Event the Current Proposed Use is not Practicable.

This discussion of the implications of the Proposed Rezoning to "P" focuses on the allegedly anticipated use of the property for a public safety headquarters (including a fire station and police station) with City Court facilities. However, the decision to rezone to "P" does not limit the uses to this announced anticipated use. Instead, many harmful uses might be chosen instead. For example, "P" allows undesirable uses such as public utility storage and service yards; sewage treatment plant, pump stations, or lift stations; solid waste collection centers, solid waste transfer stations, recyclable materials, yard waste and similar items; water supply facilities including pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities; and 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.). 2017 Development Code at Table 3-7, Exhibit 18.

Rezoning to "P" does not guarantee the City's ability to use the Property as it anticipates. The use, as currently designed, does not comply with the applicable Overlay requirements. See discussion supra. And, though the City alleges it has identified money to construct a Fire Station, much of the funds anticipated by their overall plan has not yet been secured and depends on future political action in the form of a tax on the ballot in the fall.

It is premature to make this Proposed Rezoning until the City is committed to a reasonable use of the property, which complies with all zoning requirements. It might expose the Property to a terrible use in this important Historic District. If, for example, the City choose to sell the property due to its lack of suitability for City purposes, a subsequent landowner is not guaranteed to be scrupulous in his intended uses, and the Property would have already been rezoned to allow certain undesirable uses. There is no guarantee of a particular use.

Conclusion

It is evident that, in addition to my clients, many more citizens of North Augusta also object to the Proposed Rezoning, and anticipate communicating their objections. To the extent facts and opinions of any participants placed in the record with respect to the Proposed Rezoning are consistent with or not in conflict with these comments, we adopt them by reference and rely upon them to support these reasonable objections.

The City has not followed its own procedures. Passing the Proposed Rezoning would be arbitrary, capricious, an abuse of discretion, unreasonable and unjust. It could not be rationally considered to be in accordance with the 2017 Comprehensive Plan. It otherwise violates the City's Planning and Development ordinances. And, it would violate my clients' and other neighboring land owners' Constitutionally protected property rights, thereby diminishing their protected property values. It would be inconsistent with the City's August 2017 Comprehensive Plan and South Carolina's comprehensive planning laws. And, it would deprive my clients of due process and the equal protection of the laws of the United States and the sovereign State of South Carolina.

We, therefore, request a recommendation by the Planning Commission to the City Council to reject the Proposed Rezoning, and ultimately rejection of the Proposed

Rezoning by the City Council itself. Rejecting the Proposed Rezoning is in the best interest of the City of North Augusta and its concerned citizens and supports the reasonable vision of North Augusta's 2017 Comprehensive Plan.

In the alternative, we encourage the North Augusta Planning Commission and/or City Council to table the Proposed Rezoning to allow a more thorough analysis of the Proposed Rezoning. The City has been without a Planning Director for important times relevant to the Proposed Rezoning. The newly hired Planning Director could be expected to apply his or her qualifications to the review and better inform any recommendation by the Planning Commission, and ultimately the decision of the City Council. The Citizens would have a fuller and a fairer opportunity to set forth their well-reasoned arguments against this ill-advised action. We are confident that with the appropriate informed scrutiny, performed in a transparent manner, consistent with the Freedom of Information Act, and fully involving all concerned citizens, will mandate rejection of the Proposed Rezoning.

Thank you for your kind consideration. If I may be of further assistance, please feel free to let me know. My clients are thoroughly and firmly committed to resisting the proposed unlawful rezoning. And, they will take all necessary and appropriate measures to assert their rights in opposition.

Sincerely,

A handwritten signature in black ink, reading "Dionè C. Carroll". The signature is written in a cursive style with a large, prominent initial "D".

Dionè C. Carroll, Esq.

Plan and Appeal Review Process

Development Applications and Appeal Requests -- Review and Approval Procedures

There are two types of applications submitted to the Department of Planning and Development: Development Applications and Appeals. Many development applications may be approved at the staff level following a determination of completeness and compliance. Some **development applications**, including major site plans and major subdivisions plans, are forwarded to the Planning Commission for consideration and action. Map amendment (rezoning) requests, text amendment requests and planned development general development plans are considered by the Planning Commission after which a recommendation is forwarded to the City Council for final action. **Appeal** requests are forwarded by the staff to the Board of Zoning Appeals (BZA) for consideration and final action. The review process for each application type is generally the same and consists of two review levels: completeness and compliance.

Completeness Review -- The application and appeals process begins with the initial application submittal followed by a completeness review. Information required at initial submittal is listed by application type on the completeness checklists. Time limits for completeness review vary by application type and are also listed on the application checklist. An application is determined to be complete if the application form, required fee(s) and all applicable supporting documents have been submitted to and received by the City. The applicant is notified when an application is determined complete or if additional information is required.

Compliance Review -- Following a determination of completeness, application information and project plans are reviewed by City staff for compliance with applicable provisions of the NADC. Time limits for compliance review vary by application type and are listed on the application checklist. If additional information or revised plan submittals are necessary, the applicant is notified. An application is determined to be in compliance when it meets all applicable City policies, regulations and provisions of the NADC.

Staff Approval -- Many development applications, including certificates of zoning compliance, signs, minor subdivision plats and minor site plans, may be approved at the staff level. After project plans have been determined to comply with the applicable provisions of the NADC, the application will be approved by staff and the applicant will be notified. The staff approval will be final and the applicant may proceed to apply for grading and building permits, as applicable.

Planning Commission Consideration-- Some development applications require Planning Commission (PC) approval. An application will be scheduled for PC consideration when it is determined to be complete and it complies with the applicable provisions of the NADC. In the case of a major site plan, the PC approval may be granted based on a preliminary site plan. After the PC approval, detailed site plans may be submitted for final staff approval and will be processed in the same manner as the staff-approval described above.

Board of Zoning Appeals Consideration of Appeal Requests -- Appeals from administrative decisions, variance requests and special exception requests require Board of Zoning Appeals approval. An appeal will be scheduled for BZA consideration when it is determined to be complete and it complies with the applicable provisions of the NADC.

Public Hearing -- Applications for map amendments, text amendments and planned development general development plans require a public hearing before the Planning Commission. Appeals from administrative decisions, variance requests and special exception requests require a public hearing before the Board of Zoning Appeals. As required by the NADC and as applicable, public hearing notices are distributed by mail to all property owners within 200 feet of the subject property, the property is posted with a hearing sign, the hearing notice is published on the city website and the hearing is advertised in the local newspaper two weeks prior to the meeting.

Application Submittal and Review

Rezoning and Conditional Rezoning

§§5.3 and 5.4, North Augusta Development Code
Page 1 of 1



Completeness Review

The approval process for a Rezoning or Conditional Rezoning application begins with a completeness review at initial submittal. Information required at initial submittal is listed on this checklist and in the North Augusta Development Code in §§5.3 and 5.4. An application is determined to be complete if the application form, required fee(s) and all requested supporting documents listed herein have been submitted to and received by the City. A determination of completeness for a Rezoning or Conditional Rezoning application must be made within fifteen (15) days of submission of initial review materials. The applicant will be notified when an application is determined complete or if additional information is required. A compliance review by City staff will begin after all required information has been submitted. Rezoning and Conditional Rezoning applications are subject to consideration by the Planning Commission and action by the City Council.

Required for all Rezoning or Conditional Rezoning Applications:

a.	Application for Development Approval.
b.	Required Fee.
c.	Executed Designation of Agent form, if the applicant is someone other than the property owner, i.e., developer, consulting engineer, consulting planner, etc.
d.	Certificate of Zoning Compliance form, if applicable.
e.	A recent survey or recorded plat showing the accurate location and dimensions of the property that is the subject of the application. (paper and PDF)
f.	A map or survey indicating the location, dimensions and uses of existing and proposed structures, easements, water sources, fences, curb cuts, street and alley right of way lines on and within one (1) foot of the property proposed for rezoning. (paper and PDF)
g.	If more than one (1) district is applied for, the map or survey shall show the areas requested to be changed and the district to which they are requested to be changed.
h.	The total acreage proposed to be rezoned and the acreage of each area to be rezoned to a different district, if applicable.
i.	A statement of the reasons for seeking the rezoning or conditional rezoning and any proposed justifications therefore.
j.	Traffic Impact Analysis, if applicable.

Additional Information Required for Conditional Rezoning Applications:

k.	The specific uses for which the conditional rezoning is requested and the specific differences between the base zoning district and the conditional district requested.
l.	A list and explanation of any voluntary conditions on the project or use proposed to minimize any potentially adverse impacts.

Compliance Review

After a Rezoning or Conditional Rezoning application has been determined to be complete, the application is reviewed by City staff for compliance with applicable provisions of the North Augusta Development Code and other City regulations and policies. The application shall be scheduled for consideration by the Planning Commission at the next regular monthly meeting following receipt of a complete application, provided that the complete application is submitted at least thirty (30) calendar days prior to said meeting. If additional information or revised plan submittals are necessary, the applicant will be notified as soon as possible. An application is determined to be in compliance when it meets all applicable City policies, regulations and provisions of the Development Code.

SECTION 6-29-510. Planning process; elements; comprehensive plan.

(A) The local planning commission shall develop and maintain a planning process which will result in the systematic preparation and continual re-evaluation and updating of those elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction.

(B) Surveys and studies on which planning elements are based must include consideration of potential conflicts with adjacent jurisdictions and regional plans or issues.

(C) The basic planning process for all planning elements must include, but not be limited to:

- (1) inventory of existing conditions;
- (2) a statement of needs and goals; and
- (3) implementation strategies with time frames.

(D) A local comprehensive plan must include, but not be limited to, the following planning elements:

- (1) a population element which considers historic trends and projections, household numbers and sizes, educational levels, and income characteristics;
- (2) an economic development element which considers labor force and labor force characteristics, employment by place of work and residence, and analysis of the economic base;
- (3) a natural resources element which considers coastal resources, slope characteristics, prime agricultural and forest land, plant and animal habitats, parks and recreation areas, scenic views and sites, wetlands, and soil types. Where a separate board exists pursuant to this chapter, this element is the responsibility of the existing board;
- (4) a cultural resources element which considers historic buildings and structures, commercial districts, residential districts, unique, natural, or scenic resources, archaeological, and other cultural resources. Where a separate board exists pursuant to this chapter, this element is the responsibility of the existing board;
- (5) a community facilities element which considers water supply, treatment, and distribution; sewage system and wastewater treatment; solid waste collection and disposal, fire protection, emergency medical services, and general government facilities; education facilities; and libraries and other cultural facilities;
- (6) a housing element which considers location, types, age, and condition of housing, owner and renter occupancy, and affordability of housing. This element includes an analysis to ascertain nonessential housing regulatory requirements, as defined in this chapter, that add to the cost of developing affordable housing but are not necessary to protect the public health, safety, or welfare and an analysis of market-based incentives that may be made available to encourage development of affordable housing, which incentives may include density bonuses, design flexibility, and streamlined permitting processes;
- (7) a land use element which considers existing and future land use by categories, including residential, commercial, industrial, agricultural, forestry, mining, public and quasi-public, recreation, parks, open space, and vacant or undeveloped;
- (8) a transportation element that considers transportation facilities, including major road improvements, new road construction, transit projects, pedestrian and bicycle projects, and other elements of a transportation network. This element must be developed in coordination with the land use element, to ensure transportation efficiency for existing and planned development;
- (9) a priority investment element that analyzes the likely federal, state, and local funds available for public infrastructure and facilities during the next ten years, and recommends the projects for expenditure of those funds during the next ten years for needed public infrastructure and facilities such as water, sewer, roads, and schools. The recommendation of those projects for public expenditure must be done through coordination with adjacent and relevant jurisdictions and agencies. For the purposes of this item, "adjacent and relevant jurisdictions and agencies" means those counties, municipalities, public service districts, school districts, public and private utilities, transportation agencies, and other public entities that are affected by or have planning authority over the public project. For the purposes of this item, "coordination" means written notification by the local planning commission or its staff to adjacent and relevant jurisdictions and agencies of the proposed projects and the opportunity for adjacent and relevant jurisdictions and agencies to provide comment to the planning commission or its staff concerning the proposed projects. Failure of the planning commission or its staff to identify or notify an adjacent or relevant jurisdiction or agency does not invalidate the local comprehensive plan and does not give rise to a civil cause of action.

(E) All planning elements must be an expression of the planning commission recommendations to the appropriate governing bodies with regard to the wise and efficient use of public funds, the future growth, development, and redevelopment of its area of jurisdiction, and consideration of the fiscal impact on property owners. The planning elements whether done as a package or in separate increments together comprise the comprehensive plan for the jurisdiction at any one point in time. The local planning commission shall review the comprehensive plan or elements of it as often as necessary, but not less than once every five years, to determine whether changes in the amount, kind, or direction of development of the area or other reasons make it desirable to make additions or amendments to the plan. The comprehensive plan, including all elements of it, must be updated at least every ten years.

HISTORY: 1994 Act No. 355, Section 1; 2007 Act No. 31, Section 2, eff May 23, 2007.

Effect of Amendment

The 2007 amendment, in subsection (D), in paragraph (5) deleted "transportation network;" following "considers", in paragraph (6) added the second sentence, added paragraph (8) pertaining to transportation elements, and added paragraph (9) pertaining to priority investment elements analyzing likely federal, state, and local funds available.

ORDINANCE NO. 2005-15
ADOPTING THE 2005 COMPREHENSIVE PLAN
IN ACCORDANCE WITH THE
CODE OF LAWS OF SOUTH CAROLINA,
TITLE 6, CHAPTER 29, ENTITLED
"COMPREHENSIVE PLANNING ENABLING ACT OF 1994,"
FOR THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA

WHEREAS, the Code of Laws of South Carolina, Title 6, Chapter 29, entitled "Comprehensive Planning Enabling Act of 1994," Article 3, entitled Local Planning-The Comprehensive Planning Process," Section 6-29-510, entitled "Planning process; elements; comprehensive plan," states:

- (A) The local planning commission shall develop and maintain a planning process which will result in the systematic preparation and continual re-evaluation and updating of those elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction.
- (B) Surveys and studies on which planning elements are based must include consideration of potential conflicts with adjacent jurisdictions and regional plans or issues.
- (C) The basic planning process for all planning elements must include, but not be limited to:
 - (1) inventory of existing conditions;
 - (2) a statement of needs and goals; and
 - (3) implementation strategies with time frames.
- (D) A local comprehensive plan must include, but not be limited to, the following planning elements:
 - (1) a population element which considers historic trends and projections, household numbers and sizes, educational levels, and income characteristics;
 - (2) an economic development element which considers labor force and labor force characteristics, employment by place of work and residence, and analysis of the economic base;

- (3) a natural resources element which considers coastal resources, slope characteristics, prime agricultural and forest land, plant and animal habitats, parks and recreation areas, scenic views and sites, wetlands, and soil types. Where a separate board exists pursuant to this chapter, this element is the responsibility of the existing board;
 - (4) a cultural resources element which considers historic buildings and structures, commercial districts, residential districts, unique, natural, or scenic resources, archaeological, and other cultural resources. Where a separate board exists pursuant to this chapter, this element is the responsibility of the existing board;
 - (5) a community facilities element which considers transportation network; water supply, treatment, and distribution; sewage system and waste water treatment; solid waste collection and disposal, fire protection, emergency medical services, and general government facilities; education facilities; and libraries and other cultural facilities;
 - (6) a housing element which considers location, types, age and condition of housing, owner and renter occupancy, and affordability of housing; and
 - (7) a land use element which considers existing and future land use by categories, including residential, commercial, industrial, agricultural, forestry, mining, public and quasi-public, recreation, parks, open space, and vacant or undeveloped.
- (E) All planning elements must be an expression of the planning commission recommendations to the appropriate governing bodies with regard to the wise and efficient use of public funds, the future growth, development, and redevelopment of its area of jurisdiction, and consideration of the fiscal impact on property owners. The planning elements whether done as a package or in separate increments together comprise the comprehensive plan for the jurisdiction at any one point in time. The local planning commission shall review the comprehensive plan or elements of it as often as necessary, but not less than once every five years, to determine whether changes in the amount, kind, or direction of development of the area or other reasons make it desirable to make additions or amendments to the plan. The comprehensive plan, including all elements of it, must be updated at least every ten years."

WHEREAS, on September 18, 1995, the Mayor and City Council adopted the Comprehensive Land Use and Development Plan pursuant to the Comprehensive Planning Enabling Act of 1994 as recommended by the North Augusta Planning Commission, which included all the required elements except the Cultural and Natural Resources elements; and

Comprehensive Plan

North Augusta Comprehensive Plan

On August 7, 2017, the North Augusta City Council adopted the 2017 Comprehensive Plan, a long range plan for guiding and managing the future development of the City of North Augusta over a ten year period as required by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

The North Augusta Comprehensive Plan summarizes current conditions in the City, identifies needs and aspirations and develops strategies to achieve the resulting vision. As is implied by its name, the Comprehensive Plan is intended to include information on all aspects of the City, its land and its people. Elements contained in the Plan include population, economic development, housing, cultural resources, natural resources, community facilities, transportation and land use.

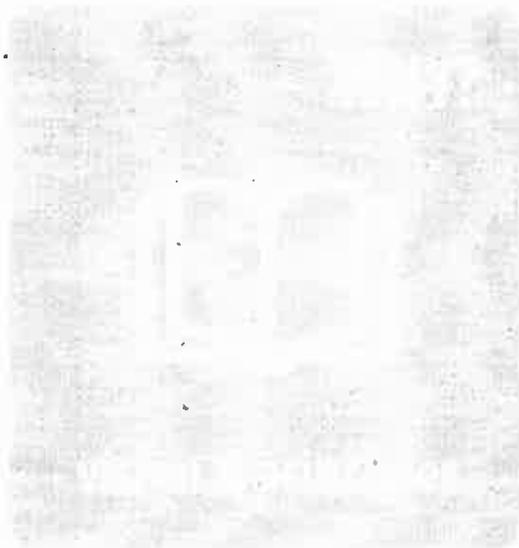
In 2007, the state of South Carolina passed the South Carolina Priority Investment Act which identified new elements to be added to all local government comprehensive plans at the time of their required five year reviews.

North
Augusta



South Carolina's Riverfront

This plan seeks to bridge the importance of planning with the importance of achieving the goals and vision of the community. As this plan suggests, it's the implementation that will prepare us for the next 100 years.



▲ *A comprehensive plan synthesizes the community vision for growth and development.*

▲ *A plan is required by the state but needs strong design guidelines and leadership for implementation.*

The Comprehensive Plan, in its purest form, represents the synthesis of a community's vision for its growth and development. Far too often vision statements are never accurately translated into a detailed working plan with achievable action items, schedules, and budgets. This can lead to a Comprehensive Plan being overlooked or forgotten while important planning decisions are being made.

fully immersive ideas that integrate the triple bottom line to ensure sustainable future growth.

This plan attempts to balance the very best in planning and design by articulating and illustrating that vision in a real-world setting. In doing so, the community has a better understanding of the plan's aspirations and is more likely to implement it.

Unlike many of our peers across South Carolina we have chosen to focus not on an exhaustive analysis of what currently is and simply project trends of what was, but instead cast a true vision of what we wish to become and what tools and resources are needed to achieve that vision.

To have a successful community in the 21st century, North Augusta's policies and development should be anchored by the triple-bottom line of environmental, social, and economic sustainability. As a result, the organization of this Plan breaks from the norm of the "element-based" comprehensive plan derived from the South Carolina Code of Laws. Rather, it organizes itself around



▲ *Looking to our past is important to how our city was founded, and the rich stories of people who came before us. This history ties us to this place and makes it more meaningful to us. If we ignore our history, we value our city less.*



▲ *We must know where we've come from in order to plan where we're going. Our history tells about who we've always been, which influences our core values and principles that we use to plan our future.*

Why is the history of where we live important? Understanding the history of the place where you live is critical to being an informed citizen. Our local histories can also help us feel more tied to the places where we live and put down our roots. This can influence how invested we are in our local places and how willing we will be to put forth the effort to make our hometown a better place. The history of a place is a very influential cultural asset that can directly impact the plans and future success of a city.

North Augusta has always been home to pioneering people. This city, and other settlements before it, was founded by entrepreneurs who saw opportunity across the river from Augusta. However, there has been a long history of competition between Augusta and North Augusta businesses for resources and control of the supply chain and transit routes, the rail and river. Through history, Augusta won every

competitive battle with settlements across the river and several towns came and went before North Augusta.

Despite the struggles through history, North Augusta survived the strife with its river neighbor in Georgia. Today the two cities are part of the same local market area, like family members who live in different states. They still compete for the same resources, but North Augusta offers much that cannot be found across the river in its larger neighbor. There is a signature character and feel in North Augusta that cannot be replicated across the river, or anywhere. That is what we must identify and hold onto. That character will influence our planning and tell us who we want to be. It will help us draw new residents and businesses who want to be a part of what we are doing on this side of the river. Our unique qualities and values are defined by who we were and they tell us where we're going.

6.1.4 Preserve historic housing structures in downtown and surrounding neighborhoods.

Preserving historic housing structures in Downtown and the surrounding neighborhoods will ensure their continued contribution to the identity of the city. Many properties in these areas date back to the 1920s and often have important architectural character. Prioritize the improvement, preservation and potential historic designation of these structures in order to create a unique neighborhood character.

6.1.5 Encourage more compact development patterns with higher quality design and building materials to increase and maintain property values.

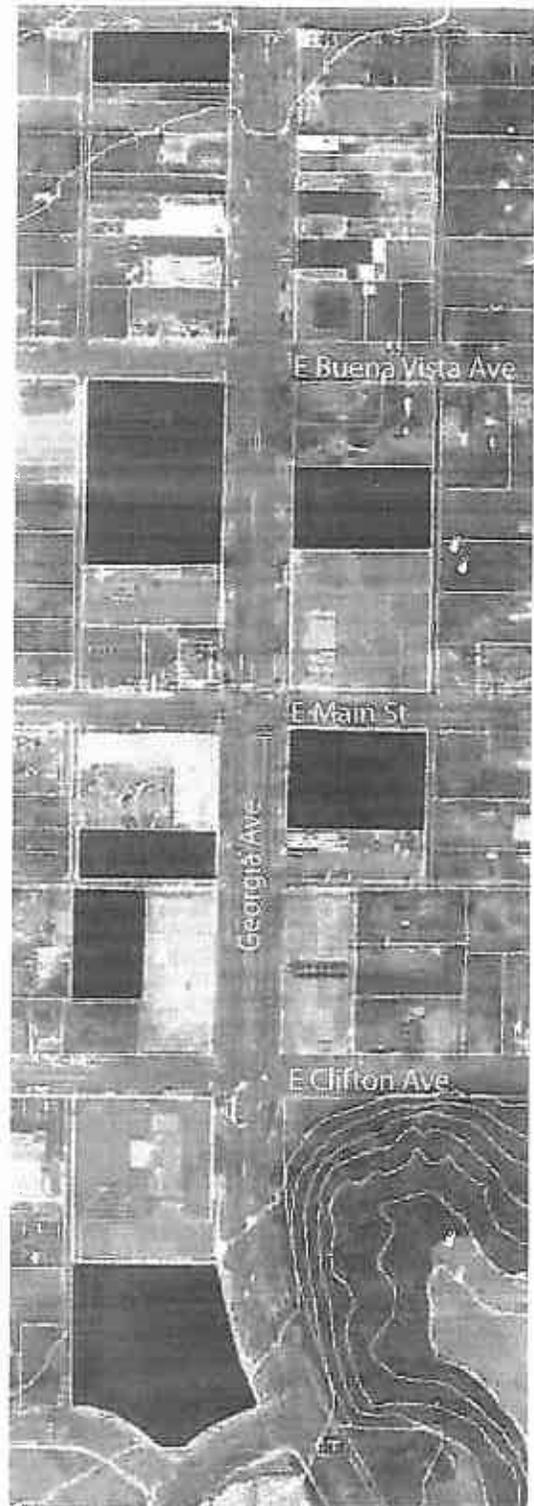
For greenfield development we will promote and encourage standards to ensure every future piece of development adds social, cultural, and/or economic value to the city. This does not mean that we seek only to promote expensive homes. In fact, we are desirous of a diversity of homes to better align to our expected needs in the coming decades.

6.1.6 Encourage live-work units in both residential and commercial areas.

Live-work units are usually stacked units in the form of a townhouse with commercial space on the ground floor and residential space above. They are owned or rented by the same entity, which provides an economical market solution to promote incubators; boutique businesses; and small professional services.

6.1.7 Expand the definition and permissible size of accessory living units in residential areas of the city.

Accessory living units will provide a smaller and more affordable housing option for one-to-two person households, especially the rising senior population. Such units can be in detached units such as in garage apartments or small cottages in the rear yard, accessory units attached to the main house, and short term rentals.



▲ *Infill opportunities in downtown. Green parcels are vacant lots or buildings, ripe for infill development. Yellow parcels are underutilized properties that could be updated or redeveloped to a higher and better use.*

Cultural Resources

- Assist in the development of cultural facilities such as the North Augusta Historical Museum and the North Augusta Performing and Cultural Arts Facility.
- Support the restoration, preservation, and adaptive reuse of significant historic properties.
- Establish planning efforts to support the historic built environment including Downtown Redevelopment District design guidelines, zoning and design standards for primary historic corridors.

Land Use

- Protect low-density residential areas from encroachment and conflicting land uses.
- Encourage the revitalization of older neighborhoods through compact, infill development.
- Provide for commercial neighborhood uses adjacent to single-family neighborhoods.
- Ensure new retail shopping centers are built at a pedestrian scale, improve pedestrian circulation, enhance public spaces, and minimize emphasis placed on parking.
- Discourage commercial development along arterials and collectors where such land use has not yet been established.
- Encourage high density, infill, mixed use development, especially in the downtown area and commercial centers.
- Incentivize the conversion of existing commercial centers into walkable, mixed-use "town center" projects.
- Develop a form-based code district for the downtown town center to ensure mix of uses and appropriate scale and neighborhood preservation.

Administrative

- Expedite the development review process by expanding the scope of administrative waivers.
- Provide clear development procedures that encourage citizen participation with neighboring property owners for large projects.
- Develop regulations to require master development concept plans for all adjacent parcels of property owned by applicant to avoid unconnected project planning and design.
- Establish a "Preferred Urban Growth Area and Priority Investment Area" focused on established and development areas and provide incentives for compact residential and neighborhood commercial development.

Natural Resources

- Adopt development regulations to protect the Savannah River bank and other natural resources in higher density and commercial developments.
- Cooperate with State and Counties in the management of water resources in the Savannah River Basin.
- Design and implement a city program to plant street trees in existing rights of way and on city property where appropriate and obtain the "Tree City USA" designation.

HISTORIC RESOURCES



▲ Lookaway Inn at the top of Georgia Avenue in Downtown

Historic Buildings

There are a number of historic buildings remaining in the city that represent North Augusta's rich history, many of which are eligible for the National Register of Historic Places and should be preserved. The majority of these are located within the original 1891 Boeckh Plat, mostly concentrated on Georgia Avenue, Carolina Avenue, West Avenue, and Martintown Road. They include large, stately homes in Victorian and vernacular styles from the early 20th century. Because of their location on primary routes for traffic, many historic buildings have been lost to new commercial buildings or parking lots, or have been drastically altered to accommodate zoning laws.



▲ Outline and aerial of the Butler Avenue and Georgia Avenue historic district

Historic District

The Georgia Avenue-Butler Avenue Historic District is a National Register Historic District. The district encompasses part of the property which was the site of the former Hampton Terrace Hotel and contains several buildings which were associated with it, as well as other large residences. The four buildings of architectural importance and 12 supporting properties were built between 1900 and 1930 and illustrate the antebellum growth of the city as a winter resort. Several of the structures along Georgia Avenue remain substantially intact and may be eligible for historic designation.

One of the key properties, Star of Edgefield, (c.1859), is one of the oldest houses in North Augusta. It was once part of an extensive plantation owned by Robert J. Butler. Butler sold 5,600 acres of this property to James U. Jackson's North Augusta Land Company in 1890. Several houses were constructed on lots which had been part of the Butler plantation including Palmetto Lodge, a hunting lodge (c.1903), and Pine Heights, a sanitarium (c.1899), both built for guests of the Hampton Terrace Hotel.

The district also contains an unusually fine collection of intact early twentieth century residential styles including Queen Anne, Classical Revival and Tudor Revival.

8.2

PROTECT AND RESTORE HISTORIC RESOURCES IMPORTANT TO NORTH AUGUSTA'S IDENTITY:

Identify historical resources and develop a maintenance and renovation program and funding to ensure their protection

8.2.1 Identify historic resources important to North Augusta's identity and ensure their protection with funding for maintenance.

In addition to the Georgia - Butler Avenue Historic District and additional buildings listed on the National Historic Register, identify other important structures, parks, open spaces, natural features, fences, walls, cemeteries and viewsheds that contribute to the identity of North Augusta. These should be listed, prioritized, and funding should be allocated to ensure their maintenance and preservation. Funding can include grants, historic tax credits, and/or City monies.

8.2.2 Work with the owners of Lookaway Hall and Rosemary Hall to ensure their preservation and maintenance.

Lookaway Hall and Rosemary Hall are both very important to the historic identity of North Augusta. As physical reminders of the City's founding on their prominent location on a hill overlooking Downtown, it is imperative that they remain icons of North Augusta's identity. Creating a "Friends of Lookaway Hall" group to organize fundraising efforts, or identifying grants and historic tax credits can assist in the buildings' maintenance.

8.2.3 Protect the existing structures and ruins of Hamburg

Original buildings from Hamburg remain today by E. Railroad Avenue and 5th Street Bridge. They are at risk of demolition with pressure to develop along the Riverfront. Additionally, with no markings, signage, facility, or parking, they are not celebrated or accessible to the public. Protecting their remains, and connecting them to the future extension of the Greenway, will help celebrate the history and founding of North Augusta.

8.2.4 Protect historic neighborhoods adjacent to downtown through the preservation of the street network, paving materials, and open space, as well as, promoting context sensitive infill development and the preservation of existing housing.

The enhancement of the existing street network and the condition of roads, sidewalks, and open space can help ensure the preservation the historic character of neighborhoods adjacent to Downtown. Promoting context sensitive development consistent with this character will help protect the unique identity of North Augusta.

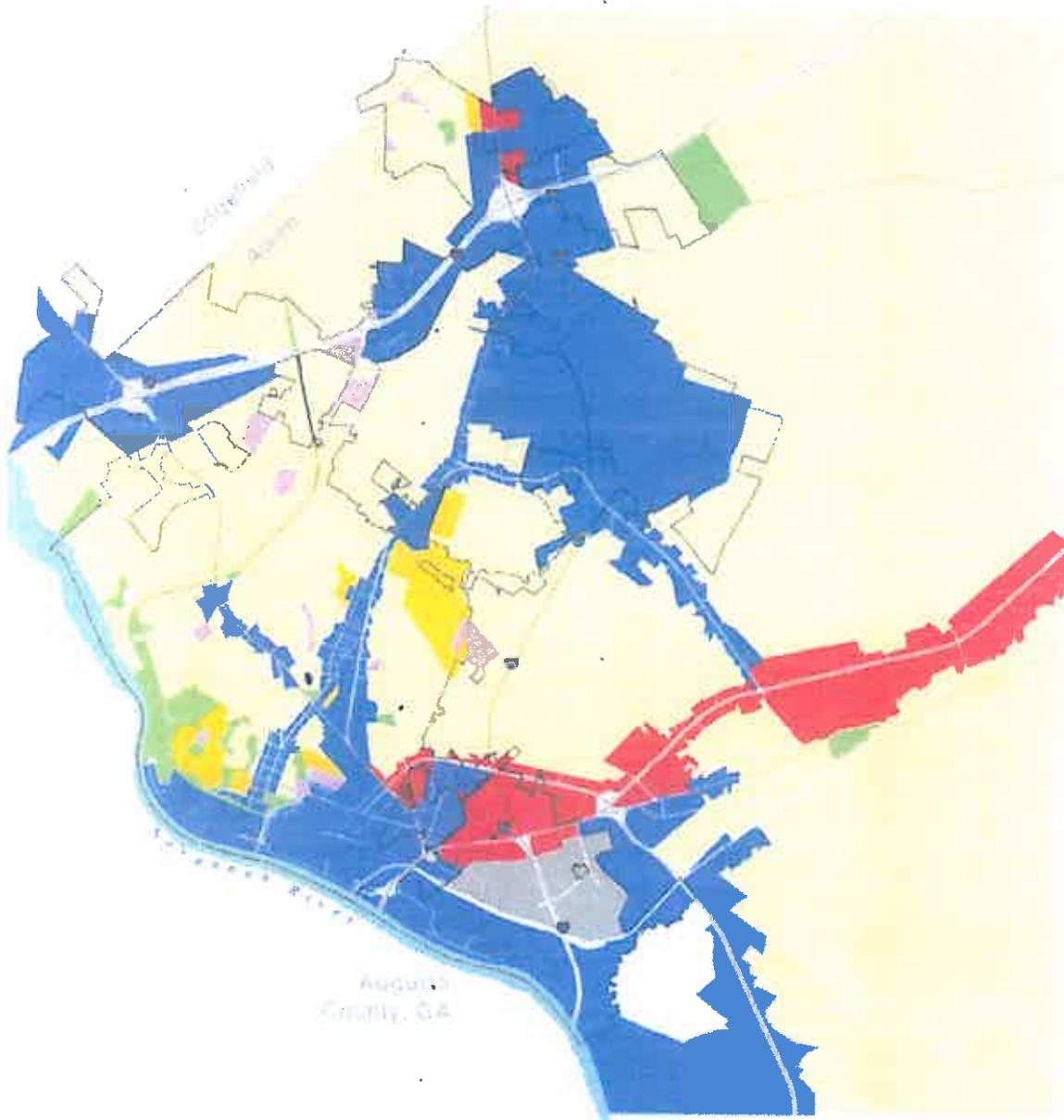
FUTURE LAND USE

The projections for future land use are based on current planning best practices and are fundamentally designed to help the city achieve the vision set forth in this plan. Future land use projections are also established by making basic assumptions about development activity and intensity as well as formal and informal city policies for the appropriate location of different uses. Future land use will continue to be influenced by current development patterns or trends, the availability of utilities and improved roads, environmental constraints, the availability of land, proximity to complementary land uses and the city's application of land use policies and regulations. Additionally, the city's administration of these policies and regulations will substantially influence future land use on the periphery of the city.

Recent significant shifts in land use have been realized at the suburban edge of the city and beyond, especially near I-20 interchanges to the north. More intense uses of land like multifamily apartments and big box commercial centers have developed in these locations that were once low density and often rural in character. While these suburban growth areas have provided new residential and commercial opportunities to the city, county and local region, one primary goal of the community is to revitalize the center of North Augusta with pedestrian-friendly infill and new development. Thus, the Future Land Use Map includes new mixed use land use projections in the center of the city especially along Knox Avenue.

Future Land Use Plan and Map

Future land use in the city and the surrounding planning area is divided into the eight categories depicted on the included Future Land Use Map, and described below. Property considered for rezoning or annexation into the city should be zoned in accordance with the classification for the property as shown on the Future Land Use Map. Property proposed for annexation or rezoning that is contrary to the Future Land Use Map would receive either a negative recommendation from the Planning Commission or would include a recommendation to amend the Future Land Use Map.



Legend

- Roads
- Savannah River and Steven's Creek
- Alken County South Carolina
- Augusta County, Georgia
- North Augusta Incorporated Area

Future Land Use Categories

- Low Density Residential
- High Density Residential
- Commercial
- Industrial
- Mixed Use
- Institutional, Government and Public Facilities
- Transportation, Communication and Utilities
- Parks, Recreation, Open Space, and Conservation



Future Land Use Map (2017)

North Augusta Development Code

The City of North Augusta has designated areas of the City as appropriate for Residential, Commercial and Industrial uses. Special, additional, zoning districts in the City include Planned Development, Critical Areas, Traditional Neighborhood Development and Public Use. City Overlay districts include the Georgia Avenue Overlay, the Highway Corridor Overlay and the Neighborhood Preservation Overlay.

The North Augusta Development Code and Official Zoning Map were adopted by the City Council on December 17, 2007 and effective January 1, 2008. The Development Code replaced the 1996 Zoning and Development Standards Ordinance, is incorporated into the Municipal Code by reference and provides the rules and regulations for the use and development of land and buildings in the City. State law requires that the regulations in the Development Code be consistent with the policies outlined in the City's Comprehensive Plan.

The City Council and the Planning Commission recognize that the Development Code requires regular review and occasional amendment for the purposes of technical clarification, error correction and to accommodate the needs of the City's citizens. Since the adoption of the Development Code in 2007, the City Council has adopted periodic ordinances amending sections of the Code. The full text of the ordinance adopting the Development Code and all ordinances which amend the Code are stored in Document Central.

Click here to access the North Augusta Development Code. In addition to the twenty Development Code Articles (Chapters), your click will also access Tables of Contents, Tables and Figures; Appendix A, Definitions; Appendix C, Approved Plants; development application Completeness Checklists; and all ordinances that have amended the Code since its 2007 adoption. The Development Code is fully downloadable from Document Central.

SECTION 6-29-720. Zoning districts; matters regulated; uniformity; zoning techniques.

(A) When the local planning commission has prepared and recommended and the governing body has adopted at least the land use element of the comprehensive plan as set forth in this chapter, the governing body of a municipality or county may adopt a zoning ordinance to help implement the comprehensive plan. The zoning ordinance shall create zoning districts of such number, shape, and size as the governing authority determines to be best suited to carry out the purposes of this chapter. Within each district the governing body may regulate:

- (1) the use of buildings, structures, and land;
- (2) the size, location, height, bulk, orientation, number of stories, erection, construction, reconstruction, alteration, demolition, or removal in whole or in part of buildings and other structures, including signage;
- (3) the density of development, use, or occupancy of buildings, structures, or land;
- (4) the areas and dimensions of land, water, and air space to be occupied by buildings and structures, and the size of yards, courts, and other open spaces;
- (5) the amount of off-street parking and loading that must be provided, and restrictions or requirements related to the entry or use of motor vehicles on the land;
- (6) other aspects of the site plan including, but not limited to, tree preservation, landscaping, buffers, lighting, and curb cuts; and
- (7) other aspects of the development and use of land or structures necessary to accomplish the purposes set forth throughout this chapter.

(B) The regulations must be made in accordance with the comprehensive plan for the jurisdiction, and be made with a view to promoting the purposes set forth throughout this chapter. Except as provided in this chapter, all of these regulations must be uniform for each class or kind of building, structure, or use throughout each district, but the regulations in one district may differ from those in other districts.

(C) The zoning ordinance may utilize the following or any other zoning and planning techniques for implementation of the goals specified above. Failure to specify a particular technique does not cause use of that technique to be viewed as beyond the power of the local government choosing to use it:

- (1) "cluster development" or the grouping of residential, commercial, or industrial uses within a subdivision or development site, permitting a reduction in the otherwise applicable lot size, while preserving substantial open space on the remainder of the parcel;
- (2) "floating zone" or a zone which is described in the text of a zoning ordinance but is unmapped. A property owner may petition for the zone to be applied to a particular parcel meeting the minimum zoning district area requirements of the zoning ordinance through legislative action;
- (3) "performance zoning" or zoning which specifies a minimum requirement or maximum limit on the effects of a land use rather than, or in addition to, specifying the use itself, simultaneously assuring compatibility with surrounding development and increasing a developer's flexibility;
- (4) "planned development district" or a development project comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments. A planned development district is established by rezoning prior to development and is characterized by a unified site design for a mixed use development;
- (5) "overlay zone" or a zone which imposes a set of requirements or relaxes a set of requirements imposed by the underlying zoning district when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries;
- (6) "conditional uses" or zoning ordinance provisions that impose conditions, restrictions, or limitations on a permitted use that are in addition to the restrictions applicable to all land in the zoning district. The conditions, restrictions, or limitations must be set forth in the text of the zoning ordinance; and
- (7) "priority investment zone" in which the governing authority adopts market-based incentives or relaxes or eliminates nonessential housing regulatory requirements, as these terms are defined in this chapter, to encourage private development in the priority investment zone. The governing authority also may provide that traditional neighborhood design and affordable housing, as these terms are defined in this chapter, must be permitted within the priority investment zone.

HISTORY: 1994 Act No. 355, Section 1; 2007 Act No. 31, Section 3, eff May 23, 2007.

Effect of Amendment

The 2007 amendment added paragraph (C)(7) relating to "priority investment zone".

ARTICLE 3 – ZONING DISTRICTS

governmental jurisdictions and their instrumentalities; and as such 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. (Rev. 12-1-08; Ord. 2008-18)

3.6.4.2 Applicability – A P, Public Use District, designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. A P, Public Use District designation may not be applied to government-owned property that is leased to a nongovernmental agency for a use other than a governmental service or for a use that supports a primary civic or public institutional use.

3.6.4.3 Permitted Uses – The uses listed in Table 3-7 are permitted in the P, Public Use District, subject to the issuance of a conditional use permit as required by Article 5, Approval Procedures. Public lands that are reserved or designated for environmental protection, open space or other natural state should be zoned in the CR, Critical Areas District, rather than the P, Public Use District.

3.6.4.4 Procedures – A site plan is required for uses permitted in the P, Public Use District, to the extent required by law. The site plan may be submitted concurrent with an application for rezoning. However, the Planning Commission and City Council may attach additional conditions to the approval of the district subject to a development agreement. In lieu of the application submittal requirements specified in Article 5, Approval Procedures, the applicant for rezoning to a P, Public Use District, shall address each of the review criteria of this section in their application materials.

3.6.4.5 Standards and Review Criteria

3.6.4.5.1 Review Criteria for Rezoning – In reviewing an application for a proposed P, Public Use District, the Planning Commission and City Council shall consider the following:

- a. **Inter-jurisdictional Analysis** – A review to determine the extent to which an inter-jurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a citywide, countywide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.
- b. **Financial Analysis** – A review to determine if a negative financial impact upon the City of North Augusta can be reduced or avoided by intergovernmental agreement.
- c. **Special Purpose Districts** – When the public facility is being proposed by a special purpose district including a school district, the city should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.

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- d. Measures to Facilitate Siting – The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors including, but not limited to:
1. The availability of land;
 2. Access to the transportation network;
 3. Compatibility with neighboring uses; and
 4. The impact on the physical environment.

3.6.4.5.2 Development Standards – Uses within the P, Public Use District, are not subject to the dimensional standards of §3.5. However, such uses are subject to the landscaping standards of Article 10, and the parking standards of Article 12. If the use is within a corridor overlay district, the standards of §3.8 apply.

TABLE 3-7 USES PERMITTED IN THE P, PUBLIC USE DISTRICT

	A	B	C	D
	Permitted Uses	LBCS Function Code	LBCS Structure Code	NAICS Code
1.	Fire, sheriff, and emergency services	6400-6430	4500-4530	922120
2.	Government offices or other governmental civic uses or facilities such as courts and city halls	6200 - 6221		92
3.	Libraries	4242	4300	519120
4.	Museums, galleries			712110
5.	Maintenance of government buildings and grounds, including equipment storage	2450		561210
6.	Open space, park or active recreational uses operated on a non-commercial basis		5500	712190
7.	Post office	6310		491
8.	Recreation centers	5380	3200	713940
9.	Schools, academic, continuance, alternative, adult, colleges and universities, and technical, trade, and other specialty schools	6124-6140	4220	6113
10.	Public utility storage and service yards	2450		2211 2212 2213
11.	Sewage treatment plant, pump stations, or lift stations	4340	6300-6314 6350-6356	22132
12.	Solid waste collection centers, solid waste transfer stations, recyclable materials, yard waste and similar items	4343		562111 562119

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- d. Measures to Facilitate Siting – The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors including, but not limited to:
1. The availability of land;
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	A	B	C	D
	Permitted Uses	LBCS Function Code	LBCS Structure Code	NAICS Code
13.	Water supply facilities including pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities		6200-6290	221310
14.	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.)	4300	6000	221 517

3.6.5 R-MH, Manufactured Housing and Mobile Home District

3.6.5.1 Purpose – The purpose of this district is to provide housing alternatives in the way of manufactured housing or mobile home subdivisions, and to insure quality development of such projects consistent with the city's prevailing residential characteristics. This district shall 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 Chapter through legislative action of the City Council.

Comment: Manufactured Homes are factory-built homes that comply with the National Manufactured Housing Construction and Safety Standards, known as the "HUD Code." Mobile Homes are factory built homes that do not conform to the HUD Code or the local building code, typically because they were manufactured prior to adoption of the HUD Code in 1976. Modular Homes are factory-built homes that comply with the local building code rather than the HUD Code. See the detailed definitions of these terms in Appendix A. Standard Manufactured Homes are permitted only in the R-MH Zoning District.

3.6.5.2 Manufactured housing or mobile home parks in the R-MH, Manufactured Home Residential District, shall conform to the following standards in addition to those set forth in Articles 4 through 16:

3.6.5.2.1 The following uses are permitted within an R-MH, Manufactured Home Residential District:

- a. Manufactured homes.
- b. Mobile homes within parks or subdivisions.
- c. Any use permitted within an R-7 district.

3.6.5.3 No more than one (1) dwelling unit shall occupy one (1) lot.

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the Neighborhood Preservation Overlay Corridor District to maintain the residential appearance of existing structures and the residential setting of any building converted to a nonresidential use so that the converted dwelling will be compatible with neighboring residential property. To maintain residential character, lots shall not be developed or redeveloped solely for the purpose of providing parking.

3.8.6.2 Permitted Uses – Uses permitted in the Neighborhood Preservation Corridor Overlay District are provided in Table 3-2, Use Matrix, for the underlying base district. (Rev. 12-1-08; Ord. 2008-18)

3.8.6.2.1 Permitted nonresidential uses may be located on the first floor only. Upper stories may be used for residential and accessory storage uses only. Parking is not permitted as a principal use.

3.8.6.2.2 Uses that are not permitted are:

- a. Drive-in, drive-up and drive-through facilities;
- b. Indoor or outdoor sales of equipment, motorcycles or automobiles;
- c. Gasoline sales and automobile service stations; or
- d. Automobile and motorcycle repair.

3.8.6.2.3 No use which requires a special exception is permitted.

3.8.6.2.4 No use may be established unless and until it complies with the standards established in this section and other applicable standards contained in this Chapter.

3.8.6.2.5 No existing structure may be demolished until a site plan for the parcel has been approved. If the demolition of an existing structure is anticipated an evaluation of the economic feasibility of retaining, renovating or expanding the structure for the intended use shall be completed and submitted with the site plan application.

3.8.6.3 Dimensional Standards –

3.8.6.3.1 The dimensional standards for the Neighborhood Preservation Corridor Overlay District are established in Table 3-12.

3.8.6.3.2 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 of location or width. (Adopt. 12-01-08; Ord. 2008-18)

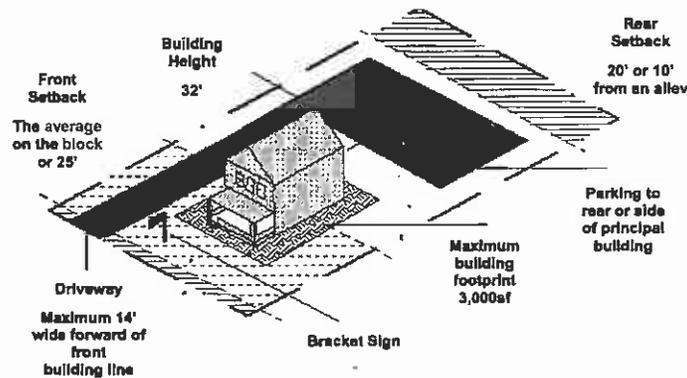
TABLE 3-11 DIMENSIONAL STANDARDS FOR THE NEIGHBORHOOD PRESERVATION CORRIDOR OVERLAY DISTRICT

	A	B
1. Maximum Height		2.5 stories or 32 feet
2. Minimum Height		14 feet
3. Minimum Front Setback		The average existing setback within the block in which the parcel is located or 25 feet
4. Maximum Front Setback		50 feet
5. Minimum Side Setback		Required buffer or 5 feet

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6.	Minimum Rear Setback	Required buffer, 20 feet or 10 feet from an alley
7.	Maximum Building Footprint	3,000 square feet
8.	Maximum Building Coverage	50%

FIGURE 3-15 EXAMPLE OF RESIDENTIAL STRUCTURE CONVERTED TO COMMERCIAL USE IN THE NEIGHBORHOOD PRESERVATION CORRIDOR



3.8.6.4 Building Design –

3.8.6.4.1 Building entrances shall face the corridor street or a park.

3.8.6.4.2 Not less than forty percent (40%) of the front facade of new buildings shall include doors or windows.

3.8.6.4.3 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.

3.8.6.4.4 The existing facade facing or visible from the street, including existing doors and windows shall be retained.

3.8.6.5 Access and Parking –

3.8.6.5.1 Not more than one (1) access to a street shall be permitted per lot or parcel. There is no restriction on the number of access points to an alley.

3.8.6.5.2 The maximum driveway width between right of way and the front of any building is fourteen (14) feet.

3.8.6.5.3 Off-street parking shall be provided as set forth in Article 14, 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.

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3.8.5.10.4 Permitted Materials – The following building exterior wall materials are permitted:

- a. Brick
- b. Split-face concrete block
- c. Parged block
- d. Glass block
- e. Decorative concrete masonry units (CMUs) (i.e. textured, glazed and other special treatments or materials)
- f. Stone
- g. Terra cotta
- h. Fiber cementitious board siding materials
- i. Traditional (real) stucco or plaster
- j. Carrera glass
- k. Windows, window glazing and architectural glass panels
- l. Architectural metal panels, laminated or otherwise
- m. Exterior finish wood materials as approved by the Department. (Rev. 2-21-11; Ord. 2011-01)

3.8.5.10.5 Permitted Materials With Limitations – The following building exterior wall materials are permitted with limitation in the Highway Corridor Overlay District:

- a. Ceramic tile as an accent on up to ten percent (10%) of the wall area.
- b. Metal siding applied to single-family detached and attached dwelling units only.
- c. Vinyl siding for single-family detached and attached dwelling units only.
- d. 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. (Rev. 2-21-11; Ord. 2011-01) (Rev. 5-16-16; Ord. 2016-09)

3.8.6 NP, Neighborhood Preservation Corridor Overlay District

3.8.6.1 Purpose – The Neighborhood Preservation Corridor Overlay District applies to areas of the city that are located on collector and arterial streets and are in transition between traditional residential and commercial uses. Structures in the corridor are predominantly if not exclusively residential in character. Parcel size is relatively small. The underlying zoning in the corridor includes a variety of both commercial and residential districts. The continued residential use of some parcels may not be economically feasible. It is anticipated that conversion of single-family residences to commercial and office establishments will continue. Demolition of existing residential structures is inconsistent with policies expressed in the Comprehensive Plan and contemporary commercial development for new retail uses and office buildings is inappropriate. New high-density residential development is also inappropriate. Alternative uses of existing residential buildings provides a more orderly and reasonable transition for the surrounding neighborhood. With appropriate restrictions, the conversion of houses to office and small personal service uses is suitable and provides for economically feasible uses of parcels in the corridor. This overlay is, therefore, created with an emphasis on preserving the residential character of the corridors, protecting the unique design features and local architecture vernacular, and protecting the property values and health, safety and general welfare of surrounding neighborhoods. The Neighborhood Preservation Corridor Overlay District is established to preserve and protect residential neighborhoods while accommodating some transitional commercial uses at an appropriate scale in locations zoned for commercial uses. It is the intent of

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the Neighborhood Preservation Overlay Corridor District to maintain the residential appearance of existing structures and the residential setting of any building converted to a nonresidential use so that the converted dwelling will be compatible with neighboring residential property. To maintain residential character, lots shall not be developed or redeveloped solely for the purpose of providing parking.

3.8.6.2 Permitted Uses – Uses permitted in the Neighborhood Preservation Corridor Overlay District are provided in Table 3-2, Use Matrix, for the underlying base district. (Rev. 12-1-08; Ord. 2008-18)

3.8.6.2.1 Permitted nonresidential uses may be located on the first floor only. Upper stories may be used for residential and accessory storage uses only. Parking is not permitted as a principal use.

3.8.6.2.2 Uses that are not permitted are:

- a. Drive-in, drive-up and drive-through facilities;
- b. Indoor or outdoor sales of equipment, motorcycles or automobiles;
- c. Gasoline sales and automobile service stations; or
- d. Automobile and motorcycle repair.

3.8.6.2.3 No use which requires a special exception is permitted.

3.8.6.2.4 No use may be established unless and until it complies with the standards established in this section and other applicable standards contained in this Chapter.

3.8.6.2.5 No existing structure may be demolished until a site plan for the parcel has been approved. If the demolition of an existing structure is anticipated an evaluation of the economic feasibility of retaining, renovating or expanding the structure for the intended use shall be completed and submitted with the site plan application.

3.8.6.3 Dimensional Standards –

3.8.6.3.1 The dimensional standards for the Neighborhood Preservation Corridor Overlay District are established in Table 3-12.

3.8.6.3.2 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 of location or width. (Adopt. 12-01-08; Ord. 2008-18)

TABLE 3-11 DIMENSIONAL STANDARDS FOR THE NEIGHBORHOOD PRESERVATION CORRIDOR OVERLAY DISTRICT

	A	B
1. Maximum Height		2.5 stories or 32 feet
2. Minimum Height		14 feet
3. Minimum Front Setback		The average existing setback within the block in which the parcel is located or 25 feet
4. Maximum Front Setback		50 feet
5. Minimum Side Setback		Required buffer or 5 feet

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3.8.6.5.4 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 forty-two (42) and no more than sixty (60) inches in height.

3.8.6.5.5 Parking areas shall be setback at least five (5) 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.

3.8.6.5.6 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.

3.8.6.6 Landscaping Requirements –

3.8.6.6.1 Street Trees and Plantings – One (1) street tree shall be planted for every forty (40) feet of frontage on the corridor street in accordance with Article 10, Landscaping, unless existing trees are in place and meet the standard. Required trees and plantings shall be planted between the sidewalk and curb where there is adequate space. In the event there is inadequate space between the sidewalk and curb as determined by the Director, the required trees may be planted behind the sidewalk in the front setback. If planted in the front setback the general alignment of street trees in the corridor shall be maintained to the extent practicable.

Comment: City Code §19-18 provides: Damaging trees, shrubs, etc., along streets. Except as otherwise provided, it shall be unlawful for any person to cut, break, mutilate, deface or in any manner destroy or damage any tree, flower, vine, plant or shrub, or any boxing, pot or other thing provided for the protection thereof in or upon any street, alley, square or sidewalk in the city.

3.8.6.6.2 General Lot Landscaping – See Article 10, Landscaping.

3.8.6.6.3 Parking Lot Landscaping – See Article 10, Landscaping.

3.8.6.7 Lighting – 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.

3.8.6.8 Signs –

3.8.6.8.1 Signs are permitted in accordance with the provisions of Article 13, Signs, unless specified otherwise in this section.

3.8.6.8.2 Driveway directional signs are not permitted unless the circulation pattern for an establishment is not obvious and traffic must proceed along a specific route for service.

3.8.6.8.3 Window signs are not permitted.

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3.8.6.8.4 Signs shall not be internally illuminated. Externally illuminated signs and signs in which the letters or graphics are constructed of neon tubing are permitted. Illuminated signs shall not be oriented such that the direction and intensity of lighting creates glare or a hazardous condition for drivers or pedestrians.

3.8.6.9 Utilities and Trash Receptacles – All trash receptacles and utility equipment shall be located in the side or rear yard. Trash receptacles and utility equipment shall be screened so as not to be visible from the public right of way.

3.8.6.10 Business Operations for Nonresidential Uses –

3.8.6.10.1 Business hours of operation shall be limited to the period from 7:00 a.m. to 9:00 p.m.

3.8.6.10.2 Goods shall not be displayed or stored on the premises in a manner that is visible from the exterior of the building. Merchandise displays are not permitted on the right of way, or in any yard or setback, or on any open porch. Merchandise displays are permitted on covered porches. Window displays shall not exceed ten (10) square feet per display and shall not cumulatively exceed twenty (20) square feet or five percent (5%) of the area of the front facade, whichever is greater.

3.8.7 LMK, Landmark Overlay District (RESERVED)