

ARTICLE 1 – GENERAL PURPOSE

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1.1 TITLE

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

1.2 GENERAL PURPOSE AND INTENT

1.2.1 Comprehensive Development Code

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

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Carolina, hereinafter referred to as the City Code, as a whole. The specific objectives of this Chapter are:

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

1.2.1.2 To promote new development forms that complete neighborhoods that:

- a. Are designed at a human scale by controlling massing and design that respects the architectural vernacular of North Augusta;
- b. Foster communication among neighbors and connectivity to the larger community by allowing compact development patterns, interconnected street systems, short blocks;
- c. Include or reinforce central places, such as North Augusta’s traditional downtown and neighborhood commercial centers, civic gathering places, and open space;
- d. Encourage walking and biking by the layout of blocks and streets;
- e. Accommodate vehicular travel without allowing parking lots and streets to dominate the built environment;
- f. Provide a mix of housing types, including housing affordable to all households and housing arrangements that foster neighborliness;
- g. Provide a variety of spaces, including outdoor and passive outdoor uses, which become part of the public realm;
- h. Design streets as outdoor rooms, with attention to pedestrian and bicyclist safety as well as to the safety of motorists;
- i. Includes neighborhood design that responds to the natural, cultural and historic context;
- j. Are the result of a planning process that is inclusive and involves opportunities for negotiation between the designer and the City.

1.2.2 Zoning Regulations

The zoning and land use regulations set forth in Articles 2, 3 and 4 are designed to promote the public health, safety, and general welfare and to protect and preserve places and areas of historical, cultural, or architectural importance and significance.

1.2.3 Subdivision Regulations

The subdivision regulations set forth in Article 4 are designed to promote the health, safety, and general welfare of the municipality and the safe, orderly, and healthful development of the city.

1.2.4 Processing Procedures

The processing procedures set forth in Article 5 and Appendix B are designed to consolidate the location of regulations governing the processing of permits for the development of land. The purpose is to ensure that notification and procedures comply with state law, provide ample opportunity for public participation in the land development process, provide for the efficient and timely processing of development permits, and promote the readability of the document for the general public and for applicants requesting a permit.

1.2.5 Development Standards

The development standards in Articles 6 through 16 and Appendix B consolidate the substantive standards relating to the issuance of permits for zoning and subdivision approval in order to provide clarity and certainty in the development approval process.

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1.2.6 Administration

Article 18 establishes the various administrative agencies involved in the development approval process, as well as the role of administrative and legislative bodies.

1.2.7 Nonconforming Uses

Article 19 provides for the protection of legal nonconforming uses and vested rights in accordance with state and federal common and statutory law.

1.2.8 Definitions

Definitions are established in Appendix A in order to provide guidance to readers of this Chapter, while reserving the balance of the Chapter for substantive standards.

1.2.9 Submittal Requirements

Application submittal requirements and checklists are established in Appendix B as administrative regulations and procedures in order to provide guidance to applicants in the submittal of permit applications, to avoid the unnecessary expenditure of public resources for the processing of incomplete applications, and to avoid unnecessary delay in the approval of applications for development approval.

1.2.10 Supplemental Standards

The approved plants listed in Appendix C, Infrastructure Standards specified in Appendix D, Erosion and Sediment Control Prevention procedures prescribed in Appendix E, the Stormwater Quality standards provided in Appendix F and the Stormwater Design Standards prescribed in Appendix G are administrative rules and procedures that provide guidance to applicants in the design of public infrastructure and processing of applications.

1.3 AUTHORITY

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

1.4 APPLICABILITY

1.4.1 Use and Development of Land

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

1.4.2 Public Buildings and Private Land

This Chapter applies to all public buildings and private land(s), and use(s) thereon over which the city has jurisdiction under the constitution(s) and law(s) of the State of South Carolina and of the United States, including any areas within the jurisdiction of the city pursuant to the authority recited in §1.3. The Department of Economic and Community Development, hereinafter known as the Department, of the City can be contacted for further information about the use of this Chapter.

1.4.3 City Property

This Chapter applies to any land, buildings, structures or uses of the city or its agencies or instrumentalities. Governmental entities are subject to this Chapter as provided in S.C. Code §6-29-770.

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1.4.4 Subdivision of Land

The subdivision and platting regulations as set out herein apply to all of the area within the incorporated areas of the city as provided in S.C. Code §6-29-330.

1.4.5 Exempt Uses and Activities

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

1.5 CONSISTENCY WITH COMPREHENSIVE PLAN

Pursuant to S.C. Code §6-29-720, this Chapter is intended to implement the goals, objectives and policies of the City of North Augusta 2005 Comprehensive Plan, hereinafter referred to as the Comprehensive Plan, as adopted or as it may be amended from time to time and is hereby deemed to be consistent and in accordance with the Comprehensive Plan. Any amendments to this Chapter, including any rezoning approved pursuant to Article 5 of this Chapter, shall be consistent with the adopted Comprehensive Plan, as it may be amended from time to time, in effect at the time of such request for amendment. An amendment to the text of this Chapter is consistent with and in accordance with the Comprehensive Plan if it complies with the goals and policies stated in the Comprehensive Plan, as it may be amended from time to time.

1.6 COORDINATION WITH OTHER REGULATIONS

1.6.1 Other City Regulations

The use of buildings and land within the city shall be subject to all other regulations as well as this Chapter, whether or not such other provisions are specifically referenced in this Chapter. References to other regulations or provisions of this Chapter are for the convenience of the reader. Lack of a cross-reference should not be construed as an indication that other regulations do not apply.

1.6.2 Conflicts

Conflicts with other statutes, local ordinances or regulations shall be resolved as provided in S.C. Code §6-29-960.

1.7 RULES OF CONSTRUCTION

1.7.1 Interpretation

Interpretation and application of this Chapter shall be regarded as the basic and minimum requirements for the protection of public health, safety, comfort, convenience, prosperity and welfare. The meaning of any and all words, terms or phrases in this Chapter shall be construed in accordance with Appendix A hereto, which is hereby incorporated by reference as if set forth in its entirety herein.

1.7.2 Purpose Statements

Each Article in this Chapter includes sections, usually at the beginning of each Article, that are purpose statements, findings or optional items that are not regulatory standards. They are numbered as sections for ease of reference. Graphics and illustrations are included for the convenience of the reader, but are not regulatory standards. To the extent of any inconsistency between a graphic or illustration and the written text, the written text shall control unless otherwise provided in the specific section. In addition,

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items referred to as “guidelines” are not mandatory standards, but instead are examples of design styles or other development alternatives that comply with the mandatory standards. All other matters are regulatory standards. No building permit shall be issued unless a use, establishment or building to which this section applies complies with the mandatory standards prescribed in this section

1.8 PERMITS AND CERTIFICATES

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

1.9 EFFECTIVE DATE

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

1.10 SEVERABILITY OF CHAPTER

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