



CITY COUNCIL MEETING
BACK-UP MATERIALS
FOR
JANUARY 6, 2020



TO: Mayor and City Council

FROM: Rachelle Moody, Interim City Administrator

DATE: January 3, 2020

SUBJECT: Regular City Council Meeting of January 6, 2020

REGULAR COUNCIL MEETING

ITEM 5. PERSONNEL: Ruth Taylor, Retirement – Recognition of Service to the City of North Augusta

Ruth Taylor has been a dispatcher with Public Safety since November 08, 1989. A dispatcher position is one of the most vital to the work of Public Safety. She is the main link between any crisis and the solution. If a dispatcher fails to do their part the entire process is jeopardized. Ruth makes it a priority to listen to the radio traffic and answer the phones as quickly as possible so that she can help the Citizens of North Augusta in a timely manner. She always has a more than willing to attitude when it comes to helping out her co-workers and the guys on shift. The constant desire to help people and great attitude at work are what sets Dispatcher Ruth Taylor above and beyond. Thank you for your 30 years of service Ruth.

ITEM 6. PLANNING AND DEVELOPMENT: Ordinance No. 2019-20 – Amending Article 3, Zoning Districts, Table 3-2, Use Matrix, and Article 4, Section 4.7, of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances. Ordinance – Third and Final Reading

An ordinance has been prepared for Council's consideration on third and final reading to amend Article 3, Zoning Districts, Table 3-2, Use Matrix and Article 4, Section 4.7, of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances.

Please see a copy of the proposed ordinance in the backup materials for the December 16, 2019 City Council meeting.

ITEM 7. CITY PROPERTY: Ordinance No. 2019-21 – To Approve the Execution of a Quit Claim Deed, Conveying Property to the Bergen Place West Community

January 3, 2020

Association, Inc. for the Purpose of Transferring a Portion of Parcel 005-09-13-037, which Belongs to the City. Ordinance – Third and Final Reading

An ordinance has been prepared for Council's consideration on third and final reading to approve the execution of a Quit Claim Deed, conveying property to the Bergen Place West Community Association, Inc. for the purpose of transferring a portion of parcel 005-09-13-037, which belongs to the City.

Please see a copy of the proposed ordinance in the backup materials for the December 16, 2019 City Council meeting.

ITEM 8. ANNEXATION: Ordinance No. 2019-22 to Change the Corporate Limits of the City of North Augusta by Annexing ±350.73 Acres of Property Located along Gregory Lake Road in Edgefield County, South Carolina and Owned by Carolyn C. Baggott, Mary C. Havron, and Jean C. Beall. Ordinance – Third and Final Reading.

An ordinance has been prepared for Council's consideration on third and final reading to change the corporate limits of the City of North Augusta by annexing ±350.73 acres of property located along Gregory Lake Road in Edgefield County, South Carolina and Owned by Carolyn C. Baggott, Mary C. Havron, and Jean C. Beall.

Please see a copy of the proposed ordinance in the backup materials for the December 16, 2019 City Council meeting.

ITEM 9. ANNEXATION: Ordinance No. 2019-23 to Change the Corporate Limits of the City of North Augusta by Annexing ±2.62 Acres of Property Located at 557 Plantation Drive and Owned by Michael T. Monaco and Karen M. Monaco. Ordinance – Third and Final Reading

An ordinance has been prepared for Council's consideration on third and final reading to change the corporate limits of the City of North Augusta by annexing ±2.62 acres of property located at 557 Plantation Drive and Owned by Michael T. Monaco and Karen M. Monaco.

Please see a copy of the proposed ordinance in the backup materials for the December 16, 2019 City Council meeting

ITEM 10. LAW AND JUSTICE: 2020 Jury Box – Motion to Accept

The 2020 Municipal Jury Box containing the names of all registered voters and the names of individuals with the South Carolina driver's license in our jurisdiction will be presented to Mayor and City Council at tonight's meeting for approval as is required by State law. A motion to accept the jury box is requested of Council.

ITEM 11. PLANNING AND DEVELOPMENT: Planning Commission Recommendation Memorandum #19-047 and Project Staff Report RZT19-006: Articles 3, 4, and 19 – Signs. Receipt of Information by Council

January 3, 2020

The Planning Commission Recommendation Memorandum #19-047 has been submitted to Council for information. The recommendation is to approve application RZT19-006 to amend Articles 3, 4, and 19 to remove conflicting references and text related to signage in the City of North Augusta Development Code. The Planning Commission, on a vote of 7-0, voted in favor of the recommendation for Council to approve the text amendment.

Please see **ATTACHMENT #11** for a copy of the memo, report, and supporting documents.

ITEM 12. PLANNING AND DEVELOPMENT: Ordinance No. 2020-01 – Amending Article 3-Zoning Districts, Article 4-Supplemental Regulations, and Article 19- Non-Conforming Uses of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances

A. First Reading

An ordinance has been prepared for Council’s consideration to amend Article 3-Zoning Districts, Article 4,-Supplemental Regulations, and Article 19-Non-Conforming Uses of the North Augusta Development, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances.

Please see **ATTACHMENT #12** for a copy of the proposed ordinance.

B. Second Reading

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

ITEM 13. PLANNING AND DEVELOPMENT: Planning Commission Recommendation Memorandum #19-048 and Project Staff Report: RZM19-004, 311 W. Martintown Road. Receipt of Information by Council

The Planning Commission Recommendation Memorandum #19-048 has been submitted to Council for information. The recommendation is to approve application RZM19-004 to rezone ±2.43 acres of land (parcels 007-07-07-003; formerly 007-07-07-003, 007-07-07-001, and 007-07-01-002) at 311 W. Martintown Road, from R-14, Large Lot, Single-Family Residential, to P, Public Use. The Planning Commission, on a vote of 5-2, voted in favor of the recommendation for Council to rezone the property as proposed.

Please see **ATTACHMENT #13** for a copy of the memo, report, and supporting documents.

ITEM 14. ZONING: Ordinance No. 2020-02 – To Amend the Zoning Map of the City of North Augusta, South Carolina by Rezoning ±2.43 Acres of Land Owned by the City of North Augusta, and Located East of Martintown Road, West of Clay Street, South of Hampton Street, and North of Observatory Avenue, Aiken County Tax Parcel #007-07-07-003, from R-14, Large Lot, Single-Family Residential, to P, Public Use

January 3, 2020

A. First Reading

An ordinance has been prepared for Council's consideration to amend the zoning map of the City of North Augusta, South Carolina by re-zoning ±2.43 acres of land owned by the City of North Augusta, and located East of Martintown Road, West of Clay Street, South of Hampton Street, and North of Observatory, Aiken County Tax Parcel #007-07-07-003, from R-14, Large Lot, Single-Family Residential to P, Public Use.

Please see ATTACHMENT # 14 for a copy of the proposed ordinance.

B. Second Reading

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

ITEM 15. ANNEXATION: Property Located at 1443 Hammond Pond Road

A. Petition, Resolution No. 2020-01 – To Accept a Petition of Annexation of ±2.816 Acres of Property Located at 1443 Hammond Pond Road and Owned by Jerrald R. Sinquefield

A resolution has been prepared for Council's consideration to accept a petition of annexation of ±2.816 acres of property located at 1443 Hammond Pond Road and owned by Jerrald R. Sinquefield.

Please see ATTACHMENT # 15A for a copy of the proposed ordinance.

B. Ordinance No. 2020-03 – To Change the Corporate Limits of the City of North Augusta by Annexing ±2.816 Acres of Land Located at 1443 Hammond Pond Road and Owned by Jerrald R. Sinquefield

a. First Reading

An ordinance has been prepared for Council's consideration to change the corporate limits of the City of North Augusta by annexing ±2.816 acres of land located at 1443 Hammond Pond Road and owned by Jerrald R. Sinquefield.

Please see ATTACHMENT # 15B for a copy of the proposed ordinance.

B. Second Reading

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

ITEM 16. ANNEXATION: Property Generally Referred to as the North Augusta Country Club Property

A. Petition, Resolution No. 2020-02 – To Authorize the Annexation of Property Recently Acquired by the City. Such Property Being Generally Referred to as the North Augusta Country Club Property.

A resolution has been prepared for Council's consideration to authorize the annexation of property recently acquired by the City. This property is generally referred to as the North Augusta County Club Property. The City would request that the property be zoned P, Public Use, upon the annexation.

January 3, 2020

Please see ATTACHMENT #16A for a copy of the proposed resolution.

B. Ordinance No. 2020-04 – A Ordinance to Change the Corporate Limits of the City of North Augusta by Annexing 148 +/- Acres of Property Located Primarily in Edgefield County, South Carolina with a Small Portion Being in Aiken County, South Carolina. Such Property Generally Known as the North Augusta Country Club Property.

a. First Reading

An ordinance has been prepared for Council's consideration to change the corporate limits of the City of North Augusta by annexing 148 +/- acres of property located primarily in Edgefield County, South Carolina with a small portion being in Aiken County, South Carolina. Such property is generally known as the North Augusta Country Club property.

Please see ATTACHMENT #16B for a copy of the proposed ordinance.

b. Second Reading

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

ITEM 17. LEGAL: Resolution No. 2020-03 – To Authorize the City to Appeal the Order of the Honorable Clifton B. Newman in Civil Action No.: 2018-CP-02-02705. Filed with the Court on the 30th Day of December, 2019.

A resolution has been prepared for Council's consideration to authorize the City to appeal the Order of the Honorable Clifton B. Newman in Civil Action No.: 2018-CP-02-02705, filed with the court on the 30th day of December, 2019.

Please see ATTACHMENT #17 for a copy of the proposed resolution.

ITEM 18. PLANNING AND DEVELOPMENT: Resolution No. 2020-04 – Accepting a Deed of Dedication for the Streets, Water Distribution System, Sanitary Sewer, Stormwater Collection and Fire Suppression Systems, Detention Ponds and Associated Easements and Rights of Way, Along with a Maintenance Guarantee and Letter of Credit, for Rushing Waters, Section 1

A resolution has been prepared for Council's consideration to accept a Deed of Dedication for the streets, water distribution system, sanitary sewer, Stormwater collection and fire suppression systems, detention ponds and associated easements and rights of way, along with a Maintenance Guarantee and Letter of Credit, for Rushing Waters, Section 1.

Please see ATTACHMENT #18 for a copy of the proposed resolution and supporting documents.


Department of Planning
and Development



Memorandum # 19-047

City of North Augusta

To: Rachelle Moody, Interim City Administrator

From: Libby Hodges, AICP, Director of Planning and Development 

Subject: Application RZT19-006– A request by the City of North Augusta to revise Articles 3, 4, and 19 to remove references to signage in the City of North Augusta Development Code.

Date: December 27, 2019

Due to the adoption of changes to Article 13 of the North Augusta Development Code, staff requested that the Planning Commission review of an amendment to Articles 3, 4 and 19 in the North Augusta Development Code to remove conflicting references and text related to signage.

Planning Commission Recommendation

On December 19, 2019, after a duly advertised and convened public hearing, the Planning Commission considered a motion to recommend that the City Council approve application RZT19-006 to amend Articles 3, 4, and 19 to remove references to signage in the City of North Augusta Development Code. **The Planning Commission, on a vote of 7-0, voted in favor of a recommendation for the City Council to approve the text amendment.**

Attached is the staff report associated with the request along with a draft ordinance approving the text amendment. A digital copy has been forwarded to the City Clerk and City Attorney for review. We request that the ordinance is scheduled for consideration by City Council at the next available meeting.

Department of Planning and Development



Project Staff Report

RZT19-006: Articles 3, 4, and 19 – Signs

Prepared by: Libby Hodges

Meeting Date: December 19, 2019

SECTION 1: PROJECT SUMMARY

Project Name	Articles 3, 4, and 19 -- Signs
Applicant	City of North Augusta
Proposed Text Amendment	A request by the City of North Augusta to review proposed changes to Signs in the City of North Augusta Development Code.

SECTION 2: GENERAL DESCRIPTION

Due to Ordinance 2019-18, a revision of North Augusta Development Code Article 13: Signs, staff is requesting a revision to the North Augusta Development Code to remove conflicting references and text from the remaining Development Code.

SECTION 3: PLANNING COMMISSION CONSIDERATION

The Planning Commission is being asked to review a request for a text amendment based on the following provisions of the North Augusta Development Code:

5.1.4.6 Legislative and Advisory Hearings – The purpose of a legislative public hearing is to provide the public an opportunity to be heard consistent with the adoption procedures provided by statute. Unlike quasi-judicial hearings, a legislative proceeding does not require due process protections such as the right of the parties to offer evidence, cross-examination, sworn testimony; or written findings of fact. Like quasi-judicial hearings, legislative hearings are public hearings preceded by notice to interested parties. Public hearings are required for legislative review hearings such as amendments to a comprehensive plan, amendments to this Chapter including the zoning provisions of this Chapter and the Official Zoning Map, and applications for a Planned Development. The order of the proceedings for a legislative hearing shall be as set forth in §5.1.4.5.b. Testimony may be presented by any member of the public, but need not be

submitted under oath or affirmation. The Planning Commission and Board of Zoning Appeals may establish a time limit for testimony.

5.3.2 Applicability

This section applies to any application for an amendment to the text of this Chapter or for an amendment to the Official Zoning Map. An amendment to the Official Zoning Map which reclassifies property from one zoning district to another is known as a “rezoning.” A change to the text of this Chapter is referred to as a “text amendment”.

5.3.3 Initiation

This Chapter, including the Official Zoning Map and any supporting map(s), may be amended from time to time by the City Council, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation. Any communication purporting to be an application for a change shall be regarded as mere notice to seek relief until it is made in the form required. Upon receipt of any communication, the interested parties shall be supplied with the proper application form(s) by the Director.

(5.3.3.1 Rezoning, does not apply, removed for brevity)

5.3.3.2 Text Amendment – Any person, property owner, board, commission, department or the City Council may apply for a change in zoning ordinance text. A proceeding for approval of a text amendment may be initiated by filing an application with the Department. The application shall be signed by the applicant and shall include the language of the proposed amendment to the text of this Chapter and the justification for the proposed change. Before any application is accepted by the Department, it is recommended that the applicant meet with a representative of the Department. The purpose of the pre-application meeting is to discuss the procedures and requirements for a text amendment request. During the conference, the Department will identify the submittal requirements.

5.3.5 Decision

5.3.5.1 The Director shall transmit the application to the Planning Commission for consideration at the next regularly scheduled 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. Notice of the public hearing shall be provided as set forth in §5.1.3. The Planning Commission shall approve or deny the zoning

amendment in accordance with the procedures for a legislative hearing as set forth in §5.1.4.6.

5.3.5.2 At least ten (10) days' notice and opportunity to comment must be given to the public if the applicant is allowed to present oral or written comments pursuant to S.C. Code §6-29-760.

5.3.5.3 The Planning Commission shall submit its recommendation to the City Council within thirty (30) calendar days, or other period required by law, after the initial hearing date (see S.C. Code §6-29-760(A)). A majority vote is required for the Planning Commission to approve, approve with conditions, if applicable, or deny a rezoning or text amendment application. A recommendation of approval with conditions of a rezoning may be submitted only if a conditional use permit is requested pursuant to §5.5.

5.3.5.4 The City Council shall consider the recommendation of the Planning Commission on each proposed rezoning and text amendment within thirty (30) days of receipt of the Planning Commission report. The City Council is not bound by the recommendation in making a final decision and may call for additional information and/or public hearing(s).

5.3.5.5 No challenge to the adequacy of notice or challenge to the validity of a rezoning or text amendment, whether enacted before or after the effective date of this section, may be made sixty (60) days after the decision of the City Council if there has been substantial compliance with the notice requirements of this section, with established procedures of the City Council and the Planning Commission and with S.C. Code §6-29.

5.3.6 Approval Criteria

Whenever the public necessity, safety or general welfare justifies such action, the Planning Commission may recommend amendments to the text of this Chapter or changes to zoning district boundaries. The Planning Commission shall consider all of the factors specified in this section, at a minimum, in reviewing an application for a rezoning. **The Planning Commission shall consider the factors specified in §5.3.3.2 in reviewing an application for a text amendment.**

The Planning Commission is being asked to review the proposed text changes and provide a recommendation of approval or denial, which will be forwarded to the City Council. Section 5.3.3.2 does not require additional standards for analysis to address in this staff report.

SECTION 4: PUBLIC NOTICE

A public notice of the text amendment request and scheduled date of the Planning Commission public hearing was published in the *North Augusta Star* and on the City's website www.northaugusta.net on December 4, 2019.

SECTION 5: HISTORY

The North Augusta Development Code was adopted by City Council on December 17, 2007, effective January 1, 2008. In response to issues with interpretation, court rulings, unclear text, and discussions with the Planning Commission, the Planning and Development Department has completed a review of the sign regulations in North Augusta.

The Planning Commission held a public hearing on June 20, 2019 and voted to recommend adoption of the Article 13: Signs revision to City Council. City Council adopted Ordinance 2019-18 amending the North Augusta Development Code, Article 13: Signs of the City of North Augusta, South Carolina Code of Ordinances on December 2, 2019.

SECTION 6: SUMMARY OF CHANGES AND PROPOSED AMENDMENTS

The Planning Commission is asked to consider removing and correcting references to Article 13: Signs that appear in Article 3: Zoning Districts, Article 4: Supplemental Use Regulations, and Article 19: Nonconforming Uses for consistency throughout the North Augusta Development Code.

In the attached drafts, items ~~struck through~~ are removed and items underlined are added. References to Article 13, Signs, have been corrected in Article 3: Zoning Districts, Article 4: Supplemental Use Regulations, and Article 19: Nonconforming Uses. Some pages without edits are shown to add context to the request.

Prior to submittal to City Council, minor amendments to the text will be made to provide for consistent formatting, page numbering and modifications to affected Indexes.

SECTION 7: ATTACHMENTS

1. Public Notice
2. Revised Text of Article 3 (7 pages)
3. Revised Text of Article 4 (1 page)
4. Revised Text of Article 19 (1 page)

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 December 19, 2019, in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following applications:

RZM19-004 – A request by the City of North Augusta to rezone ±2.43 acres, Tax Parcel Numbers 007-07-07-001, 007-07-01-002, and 007-07-07-003 located at 311 W. Martintown Rd. from R-14, Large Lot, Single-Family Residential to P, Public Use.

RZT19-006 - A request by the City of North Augusta to amend North Augusta Development Code Article 3, Zoning Districts, and other articles as needed to remove references to signs from the text.

Documents related to the applications will be available for public inspection after December 12, 2019 in the Department 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 request 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.

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ARTICLE 3 – ZONING DISTRICTS

siding and drainage-backed Exterior Insulation Finishing Systems (EIFS). The use of EIFS is limited to the area eight (8) feet or more above the adjacent grade, except as decorative elements around doors and windows. Vinyl, wood, plastic, metal, structural or unfinished concrete, painted concrete blocks, and tinted or reflective glass are not permitted as the primary exterior finish surface. However, vinyl, wood, plastic, or glass block may be used as accent elements surrounding a doorway or window. (Rev. 6-20-16; Ord. 2016-14)

3.8.4.4.3.10 Number of Materials – Not more than three (3) materials may be used on the exterior front facade (excluding windows, doorways and awnings).

3.8.4.4.3.11 Window Frames – Window frames should be metal, wood or vinyl, and must be painted or vinyl clad.

3.8.4.4.3.12 Doors – Doors may be solid or hollow core metal, aluminum, fiberglass or wood, and may be either solid or have glass or louvers. Glass in any door shall be transparent or leaded glass. Doorframes may be metal or wood, and must be painted or stained. Solid doors shall have raised panels and/or louvers.

3.8.4.4.4 Canopies, Arcades and Awnings for Civic Buildings and Uses – Canopies, arcades, awnings, and similar appurtenances may be constructed over the entrance to any building, and/or over windows subject to the criteria established in §3.8.4.4.3.5.

~~3.8.4.5 Sign Design and Placement~~

~~3.8.4.5.1 Applicability~~ – Signs are permitted in accordance with the provisions of Article 13, Signs, unless specified otherwise in this section. (Rev. 2-21-11; Ord. 2011-01)

FIGURE 3-5 FREESTANDING SIGN

~~3.8.4.5.2 Freestanding Signs~~ – No freestanding signs are permitted except as provided below:

- ~~a. One (1) sign per building may be located in lieu of a canopy sign if a wall or canopy sign does not provide adequate visibility.~~
- ~~b. The sign may be located on the sidewalk in the right of way if an encroachment permit or agreement required by the city and SCDOT has been approved and issued.~~
- ~~c. The sign shall not exceed eight (8) feet in height.~~
- ~~d. The pole and base of such signs shall be constructed of decorative black, or other approved dark color, metal. No portion of the shaft shall have a diameter exceeding ten (10) inches.~~
- ~~e. The sign panel or message area shall not exceed twenty (20) square feet in area.~~
- ~~f. The sign shall not obstruct or interfere with pedestrian traffic, parking or lines of sight required for traffic safety (sight triangle). (Rev. 5-21-12; Ord. 2012-08)~~



ARTICLE 3 – ZONING DISTRICTS

~~3.8.4.5.3 — Monument Signs — Ground-mounted or monument signs are permitted under the following conditions:~~

- ~~a. — Such signs shall not exceed five (5) feet in height and twenty (20) square feet in area.~~
- ~~b. — Such signs shall not be located within the public right of way.~~
- ~~c. — Such signs shall be set back from the right of way no less than one (1) foot. (Rev. 5-21-12; Ord. 2012-08)~~
- ~~d. — Such signs shall not obstruct or interfere with pedestrian traffic, parking or lines of sight required for traffic safety (sight triangle).~~

~~3.8.4.5.4 — Wall Signs — Wall signs shall be placed in existing architectural sign panels integral to the building facade when such a sign panel exists. Wall signs shall have a maximum sign surface on each wall or facade not to exceed seven percent (7%) of the building facade, storefront or wall area to which the sign is attached, up to a maximum of one hundred (100) square feet. The maximum area shall be measured as a percentage of the wall or facade to which the sign is attached, whichever results in a smaller area. Only those areas of the wall or facade that are visible from the public right of way shall be considered in computing this percentage; areas obstructed by adjacent buildings or structures shall not be included. (Rev. 2-21-11; Ord. 2011-01)~~

~~3.8.4.5.5 — Projecting Signs and Marquee Signs — A building is permitted one~~

**FIGURE 3-6
PROJECTING SIGN**



~~projecting or marquee sign in addition to a wall sign. A projecting or marquee sign shall not be permitted if the building employs a freestanding, monument, canopy or awning sign. The maximum sign surface shall not exceed five percent (5%) of the building facade or wall area to which the sign is attached, up to a maximum of twenty (20) square feet. The maximum area shall be measured as a percentage of the wall or facade to which the sign is attached, whichever results in a smaller area. A minimum overhead clearance of eight (8) feet from the sidewalk must be maintained.~~

~~3.8.4.5.6 — Canopy and Awning Signs — A canopy or awning may be used as a sign surface only if:~~

- ~~a. — No wall sign is included on the same facade.~~
- ~~b. — The message does not extend in any direction above, below or beyond the canopy edge.~~
- ~~c. — The message is an integral part of the canopy or awning covering.~~
- ~~d. — Signage on the canopy or awning sign does not exceed one-half (½) of the area bounded by the edges of the canopy or awning visible from the public right of way. (If the only signage for the building is on the fringe drip-flap portion of the canopy, the entire portion of said area may be utilized for signage.) (Rev. 5-21-12; Ord. 2012-08) (Rev. 6-20-16; Ord. 2016-14)~~

~~3.8.4.5.7 — Illumination — 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.~~

~~3.8.4.5.8 — Plastic Signs — Plastic box signs and signs constructed primarily of plastic are not permitted. Plastic and vinyl lettering are permitted.~~

ARTICLE 3 – ZONING DISTRICTS

~~**3.8.4.5.9 Window Signs** – Window signs shall not exceed four (4) square feet per sign nor ten percent (10%) of the window area in which the sign is located, whichever is greater. The total of all window signs shall not exceed twenty (20) square feet or five percent (5%) of the area of the front facade, whichever is greater. Window signs shall be permanent in nature and shall not be constructed of paper or plastic film. Window signs may be painted on the inside of the window. Rigid plastic sheets with paint or vinyl lettering are permitted as window signs. Window signs shall not be internally illuminated. Window signs in which the letters or graphics are constructed of neon tubing are permitted.~~

3.8.4.5.10 Outdoor Display and Sale – Goods shall not be displayed or stored on the exterior of the building except under a porch roof, eave or overhang permanently affixed to the building. Outdoor displays shall not restrict free pedestrian movement and a walkway of not less than five (5) feet wide shall be maintained between the doorway(s), exit(s) and the public sidewalk. Exterior merchandise displays are not permitted on the right of way, front or side yards, open porches or other outside areas except for forty-eight (48) hours during permitted special events for no longer than forty-eight (48) hours. Longer term or permanent exterior merchandise displays may be permitted if the outdoor display or sale, or both, is conditionally approved pursuant to §4.34.

3.8.4.6 Utilities and Trash Receptacles –

3.8.4.6.1 Utility Structures – All new transformer vaults, utility structures, utility service meters, air vents, backflow preventers and any other similar devices, including these facilities when located below grade, must be located behind the front setback or the front facade, whichever is furthest from the front property line. In the event such facilities cannot physically be located in conformance with this section they must be adequately screened to minimize the visual impact.

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

3.8.4.7 Off-Street Parking –

3.8.4.7.1 Principal Use – Parking is not permitted as a principal use.

3.8.4.7.2 Amount Required – No off-street parking is required for any use.

3.8.4.7.3 Location – No off-street parking shall be permitted between a principal structure and any street. No surface parking area shall adjoin Georgia Avenue. All off-street parking shall be located in the rear of buildings.

3.8.4.7.4 Landscaping – Surface parking areas, including but not limited to all parking for parcels and buildings fronting on Georgia Avenue, are subject to the landscaping standards in this section and the requirements of Article 10, Landscaping.

3.8.4.7.5 Screening – Parking areas shall be screened along any road or street right of way with a permanent wall, fence or vegetative screen between thirty (30) and forty-eight (48) inches in height. This subsection does not apply to alley rights of way, structured parking areas, or parking areas that are screened from the view of public streets by buildings.

ARTICLE 3 – ZONING DISTRICTS

3.8.5.8.5 Front Setback Landscaping –

- a. Landscaping shall be provided on the site and parking areas in accordance with the provisions of Article 10, Landscaping, and this section.
- b. If a front setback of five (5) feet is utilized the front setback shall be landscaped to the standards of a Type A buffer or paved as a widened extension of the public sidewalk.
- c. If a front setback of thirty (30) feet is utilized the first twenty (20) feet measured from the property line shall be landscaped to the standards of a Type A buffer. (Rev. 12-1-08; Ord. 2008-18)
- d. If the front setback exceeds thirty (30) feet, the first twenty-five (25) feet measured from the property line shall be landscaped to the standards of a Type B buffer.
- e. If the front setback exceeds thirty (30) feet and parking or a drive aisle is provided between the front property line and a structure, the first twenty (20) feet measured from the property line shall be landscaped to the standards of a Type D buffer. (Rev. 12-1-08; Ord. 2008-18)

3.8.5.9 Signs – Signs are permitted in accordance with the provisions of Article 13, Signs, for the base zoning district ~~unless specified otherwise in this section.~~ (Rev. 2-21-11; Ord. 2011-01)

3.8.5.10 Building Design and Materials –

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

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

3.8.5.10.3 Facade Modulation – Facade modules shall not exceed eighty (80) feet in width and the average of all facade modules on a building may not exceed forty (40) feet.

FIGURE 3-14 LARGE BUILDING BROKEN INTO SEPARATE FACADE MODULES



ARTICLE 3 – ZONING DISTRICTS

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.~~

ARTICLE 3 – ZONING DISTRICTS

~~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)

ARTICLE 4 – SUPPLEMENTAL USE REGULATIONS

4.35.8 Farmers and Produce Markets (Adopt. 12-1-08; Ord. 2008-18) (Rev. 6-20-16; Ord. 2016-12)

Farmers markets that sell fresh produce including vegetables, cut flowers, grains, nuts (including pecans and boiled peanuts), and eggs, cheeses, jams, jellies, preserves, salad dressings, and similar homemade or homegrown food items may be permitted in any zoning district for a period not exceeding a total of one hundred twenty (120) days in any calendar year. Farmers markets must be located on and accessed from an arterial or collector roadway. Produce sold may be grown on the property where the farmers market is located or may be trucked in from area farms. All permitted farmers markets shall comply with the following criteria:

- a. No temporary structure, tent, equipment, or tractor trailer vehicle shall be located or parked within fifty (50) feet of property used for residential purposes.
- b. The site shall be a minimum of one half (1/2) acre in size in residentially zoned districts. No minimum area shall be required for sites in commercially zoned districts.
- c. An adequate temporary parking area shall be provided. The parking area need not be paved but must be maintained to control dust and mud and to minimize the transfer of mud or gravel onto the paved roadway. Necessary and adequate sediment and erosion control measures shall be provided and maintained.
- d. The hours of operation shall be limited from 7:00 a.m. to 9:00 p.m.
- e. Any lighting provided for the site area shall be designated and installed to be directed away from any neighboring residential uses.
- f. Signage shall be permitted in accordance with the provisions of ~~§13.6, Temporary Article 13~~. Signs, provided, however, that the duration of the signage may coincide with the temporary duration of the use. One freestanding sign may be permitted, the maximum size of which shall not exceed thirty-two (32) square feet, and wall signage may be permitted up to a maximum of fifty (50) square feet.
- g. A sketch site plan shall be submitted to the Director to ensure that the conditions contained in this section, adequate setbacks, parking and clear vision area requirements are satisfied.

4.35.9 Mobile Food Vendors (Adopt. 6-20-16; Ord. 2016-12)

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

4.35.9.1 Food Trucks – Food trucks shall comply with the following standards:

- a. Health and Safety:
 1. Food truck owners/operators must obtain and maintain any and all required state health and restaurant approvals and licenses as they relate to food trucks.
 2. Each food truck owner/operator must obtain a Certificate of Zoning Compliance, conditional use permit, a Certificate of Occupancy, if applicable, and a North Augusta business license prior to opening for business.
 3. Required approvals and licenses shall be kept on file in the food truck.
- b. Maximum Number of Trucks per Property:
 1. For commercially zoned parcels less than ¼ acre, up to two food trucks are permitted on the property at the same time.
 2. Commercially zoned properties between ¼ and ½ acre in size are permitted up to three food trucks at the same time.

ARTICLE 19 – NONCONFORMING USES

19.1.3 Incompatible with Permitted Uses

Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

19.2 APPLICABILITY

19.2.1 Nonconforming Uses Defined

Within districts established by this Chapter or amendments thereto, there exist lots, structures, site improvements, activities and uses of land or structures, and characteristics of uses, which were lawful before the effective date this Chapter was enacted, amended or otherwise made applicable to such lots, structures, improvements, activities and uses of land or structures, but which now do not conform to the regulations of the district in which they are located. These lots, structures, site improvements, activities and uses of land or structures are defined as nonconforming uses, nonconforming buildings or structures or nonconforming site improvements.

19.2.2 Determination of Nonconforming Uses

Nonconforming uses and activities shall be determined pursuant to the Use Matrix, Table 3-2.

19.2.3 Determination of Nonconforming Lots, Building and Structures

Nonconforming lots, buildings and structures, except signs, which are governed by Article 13, including signs shall be determined by the prescribed dimensional and design standards for lots, buildings and structures located in base zoning districts, special zoning districts, and overlay zoning districts and signs provided for in this Chapter.

19.2.4 Determination of Nonconforming Site Improvements

Nonconforming site improvements shall be determined by the prescribed improvement standards related to parking, drainage, landscaping, buffers and other standards contained in this Chapter.

19.3 NONCONFORMING LOTS OF RECORD

19.3.1 Preexisting Nonconforming Lot

Where a lot of record at the time of the effective date of this Chapter has less area, width or depth than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for any use permitted within the district in which it is located, provided that the setback requirements as provided for in Table 3-5 are reduced by no more than forty percent (40%).

19.3.2 Subsequent Nonconforming Lot

Where the owner of a lot that was subdivided subsequent to the effective date of this Chapter does not own sufficient land to enable him to conform to the dimensional requirements of Table 3-5, such lot may be used as a building site provided the proposed structure conforms to the minimum setback requirements only after a variance has been granted by the Board of Zoning Appeals pursuant to §18.4.5.4.2.

ATTACHMENT #12

ORDINANCE NO. 2020-01
AMENDING ARTICLE 3, ZONING DISTRICTS, ARTICLE 4, SUPPLEMENTAL
REGULATIONS AND ARTICLE 19, NON-CONFORMING USES 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 Section 5.3.3.2 Text Amendments in Article 5, Approval Procedures, of the North Augusta Development Code, any person, property owner, board, commission, department or the City Council may apply for a change in zoning ordinance text; and

WHEREAS, the North Augusta Planning Commission, following a December 19, 2019, public hearing, reviewed and considered a request by the Planning and Development Department to amend Article 3, entitled "Zoning Districts," Article 4, entitled "Supplemental Use Regulations," and Article 19, entitled "Non-Conforming Uses," of the North Augusta Development Code to remove conflicting requirements for signage. The Planning Commission report has been provided to City Council for consideration.

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 text of the Development Code 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. Article 3, Zoning Districts, is amended to read:

a. Section 3.8, Overlay Districts:

- i. § 3.8.4.5. Outdoor Display and Sale – Goods shall not be displayed or stored on the exterior of the building except under a porch roof, eave or overhang permanently affixed to the building. Outdoor displays shall not restrict free pedestrian movement and a walkway of not less than five (5) feet wide shall be maintained between the doorway(s), exit(s) and the public sidewalk. Exterior merchandise displays are not permitted on the right of way, front or side yards, open porches or other outside areas except for forty-eight (48) hours during permitted special events for no longer than forty-eight (48) hours. Longer term or permanent exterior merchandise displays may be permitted if the outdoor display or sale, or both, is conditionally approved pursuant to §4.34.
- ii. § 3.8.5.9 Signs – Signs are permitted in accordance with the provisions of Article 13, Signs, for the base zoning district.
- iii. § 3.8.6.8 Signs

3.8.6.8.1 Signs are permitted in accordance with the provisions of Article 13, Signs.

B. Article 4, Supplemental Use Regulations, Section 4.35.8.f. is amended to read:

i. § 4.35.8. Farmers and Produce Markets

f: Signage shall be permitted in accordance with the provisions of Article 13: Signs, provided, however, that the duration of the signage may coincide with the temporary duration of the use. One freestanding sign may be permitted, the maximum size of which shall not exceed thirty-two (32) square feet, and wall signage may be permitted up to a maximum of fifty (50) square feet.

C. Article 19, Nonconforming Uses, Section 19.2.3 Determination of Nonconforming Lots, Buildings and Structures, is amended to read:

i. § 19.2.3 Determination of Nonconforming Lots, Buildings and Structures

Nonconforming lots, buildings and structures, except signs, which are governed by Article 13, shall be determined by the prescribed dimensional and design standards for lots, buildings and structures located in base zoning districts, special zoning districts, and overlay zoning districts provided for in this Chapter.

D. Articles 3, 4 and 19, Table of Contents will be edited to reflect new page numbers, titles or item numbering associated with the text changes outlined herein.

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 _____, 2020.

First Reading _____

Robert A. Pettit, Mayor

Second Reading _____

Third Reading _____

ATTEST:

Sharon Lamar, City Clerk

ATTACHMENT #13

Department of Planning
and Development



Memorandum # 19-048

City of North Augusta

To: Rachele Moody, Interim City Administrator

From: Libby Hodges, Planning and Development Director

A handwritten signature in blue ink, enclosed in a blue oval.

Subject: RZM19-004, 311 W. Martintown Rd.

Date: December 27, 2019

The Planning and Development Department is forwarding this recommendation for your review and to request consideration by the City Council at the next available meeting.

Planning Commission Recommendation

On December 19, 2019, after a duly advertised and convened public hearing, the Planning Commission considered a request by the City of North Augusta to rezone \pm 2.43 acres of land (parcels 007-07-07-003; formerly 007-07-07-003, 007-07-07-001, and 007-07-01-002) at 311 W. Martintown Rd., from R-14, Large Lot, Single-family Residential, to P, Public Use. **The Planning Commission, on a vote of 5-2, voted to recommend approval to City Council to rezone the property as proposed.**

Attached is the Staff Report associated with the request along with a draft ordinance.

Department of Planning and Development



Project Staff Report

RZM19-004 311 W. Martintown Rd.

Prepared by: Libby Hodges

Meeting Date: December 19, 2019

SECTION 1: PROJECT SUMMARY

Project Name	311 W. Martintown Rd. Rezoning
Applicant	City of North Augusta
Address/Location	311 W. Martintown Rd.
Parcel Numbers	007-07-07-003 (formerly 007-07-07-003, 007-07-07-001, and 007-07-01-002)
Total Development Size	± 2.43 acres
Existing Zoning	R-14, Large Lot, Single-Family Residential
Overlay	NP, Neighborhood Preservation
Traffic Impact Tier	Tier 1
Proposed Use	Fire station
Proposed Zoning	P, Public Use
Future Land Use	Low Density Residential

SECTION 2: PLANNING COMMISSION CONSIDERATION

This application is being forwarded to the Planning Commission according to the following sections of the North Augusta Development Code:

5.3.3.1 Rezoning – Any property owner, city board, commission, department or the City Council may apply for a change in zoning district boundaries (rezoning), excluding applications for conditional use districts as set forth in §5.4. An amendment to the Official Zoning Map may be initiated by filing an application that conforms to Appendix B, Application Documents, with the Department. The application shall be signed and filed by the owner or, with the owner's specific written consent, a contract purchaser or owner's agent of property included within the boundaries of a proposed rezoning. Before any application is accepted by the Department, it is recommended that the applicant meet with a representative of the Department. The purpose of the pre-application meeting is to discuss the procedures and requirements for a rezoning request. During the conference, the Department will identify the submittal requirements.

5.3.5 Decision

5.3.5.1 The Director shall transmit the application to the Planning Commission for consideration at the next regularly scheduled 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. Notice of the public hearing shall be provided as set forth in §5.1.3. The Planning Commission shall approve or deny the zoning amendment in accordance with the procedures for a legislative hearing as set forth in §5.1.4.6.

Due to the request for rezoning to P, Public Use, the following criteria for rezoning are required:

3.6.4 P, Public Use District

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 interjurisdictional 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.
- 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.

Planning Commission Action Requested:

The Planning Commission shall provide a recommendation to the City Council according to NADC §3.6.4.5.1. The Planning Commission's recommendation will then be forwarded to the City Council for their consideration.

SECTION 3: PUBLIC NOTICE

Per NADC Table 5-1, a notice of the rezoning request and scheduled date of the Planning Commission public hearing was mailed to property owners within 1000 feet of the subject property on December 2, 2019. The notice radius was increased at the request of City Council. The property was posted with the required public notice on December 4, 2019. A public notice of the rezoning request and scheduled date of the Planning Commission public hearing was published in *The North Augusta Star* and on the City's website at www.northaugusta.net on December 4, 2019.

SECTION 4: SITE HISTORY

The subject properties are currently vacant. The plat shows a right-of-way for Atlantis Avenue (Tract B) that was formally abandoned in 2017 (Ord. 2017-13). The house shown on the plat has since burned and been demolished.

The properties have been zoned R-14, Large Lot, Single-Family Residential since the adoption of the 2008 North Augusta Development Code (NADC). Prior to the NADC, the properties were zoned R-1, Low Density Single-Family Residential. The property is within the NP, Neighborhood Preservation Overlay.

SECTION 5: EXISTING SITE CONDITIONS

	<u>Existing Land Use</u>	<u>Future Land Use</u>	<u>Zoning</u>
Subject Parcel	Vacant	Low Density Residential	R-14, Large Lot, Single-Family Residential
North	Residential	Low Density Residential	R-14, Large Lot, Single-Family Residential
South	Residential	Low Density Residential	R-14, Large Lot, Single-Family Residential
East	Residential	Low Density Residential	R-14, Large Lot, Single-Family Residential
West	Church/Residential	Mixed Use	R-14, Large Lot, Single-Family Residential

Access – The subject parcel has access from W. Martintown Rd., Observatory Ave., and Clay St., if improved.

Topography – The subject parcel is relatively flat, with the lowest elevations towards the Northeast.

Utilities – Water and sanitary sewer are available. Final capacity analysis will be provided by Engineering and Utilities prior to final permitting.

Floodplain – The subject property does not appear to have any federally designated floodplains or wetlands.

Drainage Basin – This site is located within the Pretty Run Basin as designated on the City of North Augusta Stormwater Management Drainage Basin Map. The Pretty Run Basin is located within a highly dense residential area, where the stream channel is not effective at transporting stormwater during heavy storm events. The Stormwater Management Department’s baseline assessment reports an overall poor quality. A monitoring and assessment plan for Pretty Run Creek was implemented in 2015 to aid in determining where BMPs can be installed to remove pollutants.

SECTION 6: STAFF EVALUATION AND ANALYSIS

Staff provides the following information for context related to the Commission's deliberation. Descriptions and commentary added by staff will be *italicized*.

The Public Use District is described as the following in Article 3 of the North Augusta Development Code:

3.6.4 P, Public Use District

3.6.4.1 Purpose – The purpose of this district is to provide suitable locations for land and structures in the city of North Augusta used exclusively by the city of North Augusta, Aiken County, the State of South Carolina, the United States, or other 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 interjurisdictional 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.

No other jurisdiction is able to provide the required fire coverage within the City of North Augusta. The location of the station within the limits of the City of North Augusta is necessary to provide the required coverage within the city. Recent development has required additional equipment and facilities that are not currently available in the City.

The relocation of North Augusta Fire Station #1 is intended to provide coverage throughout the entire city that is not available through current public safety stations. This station will be the closest to the City's downtown core, and will provide primary coverage to recent development along the riverfront as well as existing large commercial developments in the central area of North Augusta.

- 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.

There is not another partner agency that will reduce the need for this facility.

- 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.

The parcel is not located within any special purpose district or any special district plans that would be affected by a public facility.

There are two portions of the 2017 North Augusta Comprehensive Plan that have been reviewed for this report: The Future Land Use Map and the written goals and objectives.

The 2017 Comprehensive Plan Future Land Use Map classifies the subject property as Low Density Residential. However, it should be noted that the Future Land Use Plan does not appear to designate any additional land in the P, Public Use District anywhere on the map. Failure to designate tracts of land with this designation appears to be an oversight, however, the need to rezone any property to "P" would not necessarily have been anticipated at the time the map was made.

Given that the map does not designate additional land for institutional uses, the Comprehensive Plan does seem to anticipate the possibility of locating public facilities in residential districts. Chapter 11, Implementation Strategies, Future Land Use Categories (p.189) states in the description of Institutional, Government and Public Facilities that some facilities "... may be developed in some residential, most commercial and mixed use districts including planned developments and traditional neighborhood developments."

Additionally, Chapter 11 contains the City of North Augusta Sales [Tax] Prioritization Project List (p.184). This list places replacement of Headquarters Fire Station/Station 1 as third in priority behind only the completion of Station 3 (now complete) and purchase of a new fire pumper (now purchased). This project itself is grouped under the "Efficient, High Quality City Services," or Core Principle 2. Provision of public safety services is one of the primary responsibilities of any municipality. This is also supported by Goal 5.2.1, which prioritizes infill development to complement the need for compact growth within the City's existing limits.

- 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;

P, Public Use, zoning is intended to provide suitable locations for land and structures in the City used exclusively by governmental jurisdictions. Fire, sheriff, and emergency services uses are allowed in the P, Public Use District.

The City states that 10 parcels have been reviewed and this one meets the criteria of location, accessibility to major arterials, size and proximity to the coverage area needed. The City and Public Safety have determined that this parcel meets those criteria.

Due to the execution of the other core principles and key initiatives within the Comprehensive Plan as explained in item c, above, the City has determined that this property is a viable and preferred option for development as a Fire Station.

2. Access to the transportation network;

The proposal should have limited effects on the existing road network. Any negative effects will be mitigated prior to construction. The property has direct access to Martintown Rd., a minor arterial road, which is a major thoroughfare centrally located to Georgia Avenue, downtown, and the major commercial corridors in the City.

Planning & Development did not require a Traffic Analysis at this time due to the expected number of calls estimated (~100 per year, 0.27 per day) and the level of staff (1-2 per day) on site will be less than the requirement for a Traffic Impact Analysis as outlined in NADC §14.5. Safety reviews of traffic and any signalization that may be needed will be coordinated with SCDOT at the time of construction. This is similar to requirements for any other developer.

3. Compatibility with neighboring uses; and

While the surrounding properties are zoned R-14, there are very few available properties within North Augusta that will not have some impact on residential properties. This area includes a mix of residential and commercial uses at differing intensities and densities.

Martintown Road is recognized as a mix of residential and commercial uses and previous plans recognize that most of the main arterial corridors in North Augusta are converting from residential to commercial uses. Within 1000 feet the notification zone used for this project, there is a church, 14 professional service businesses, a shopping and retail center, restaurants, senior housing, apartments and single family residential homes.

4. The impact on the physical environment.

The site was previously developed and the impact will be minimal. Any development will be required to meet all state standards for runoff capture and treatment.

The following development standards and uses are permitted in the P, Public Use, district:

§ 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. (Rev. 7/15/19, Ord. 19-06)

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

	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

SECTION 7: RECOMMENDATION

Staff is not required to make a recommendation to the Planning Commission. The Department has determined the application is complete.

The Planning Commission may recommend approval or denial of this request according to NADC § 5.1.3.

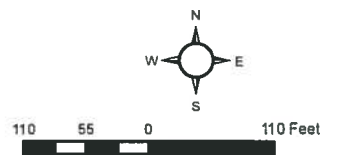
SECTION 8: ATTACHMENTS

1. Aerial
2. Topography
3. Current Zoning
4. Future Land Use
5. Overlay District Map
6. Public Hearing Notice
7. Site Photos
8. Plat
9. Application Documents

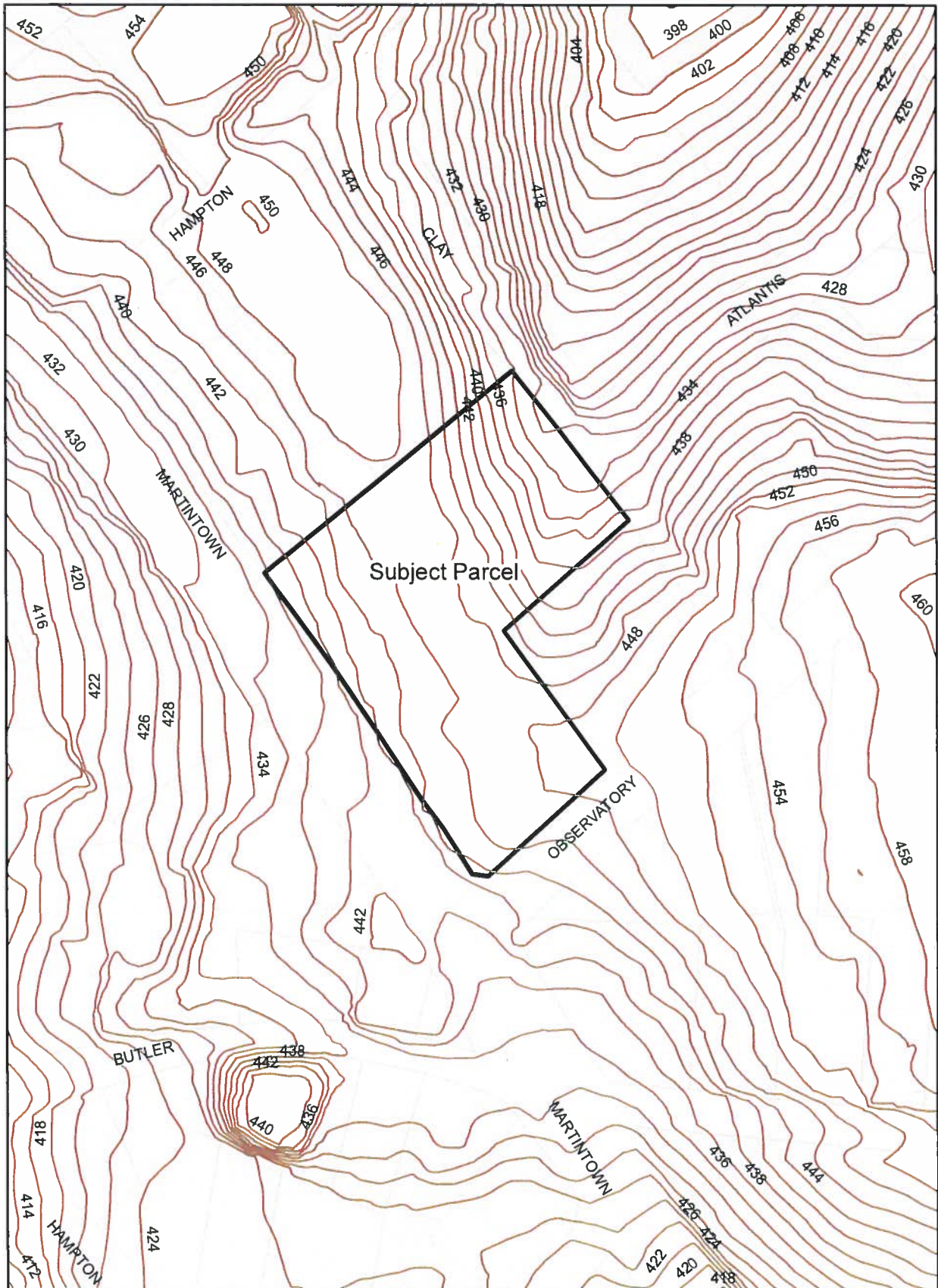
cc Rachelle Moody, rmoody@northaugusta.net



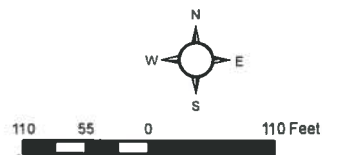
Aerial Map
Application RZM19-004
TPN 007-07-07-003
(formerly 007-07-07-00, 007-07-07-001,
and 007-07-01-002)



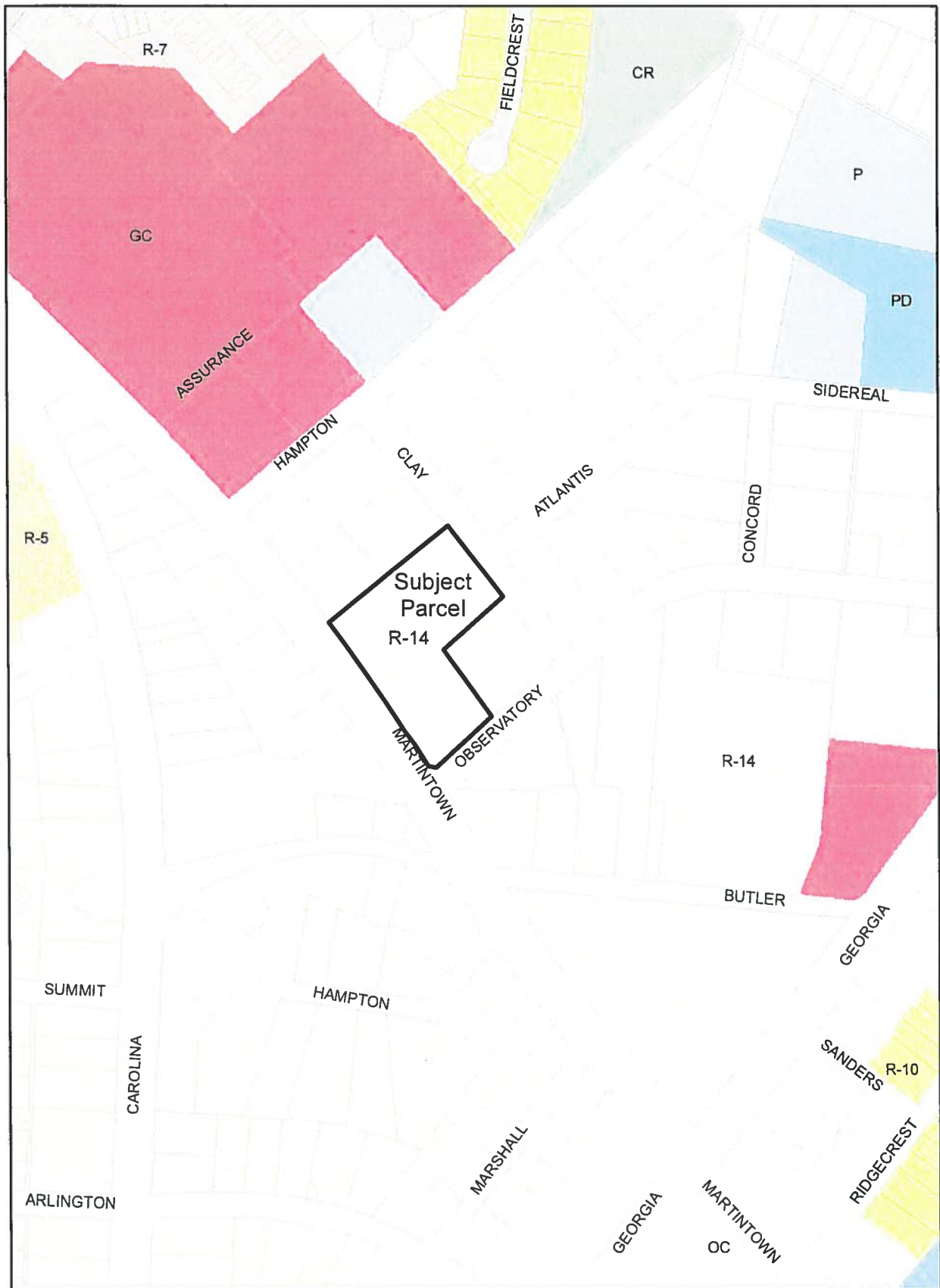
Date: 12/11/2019



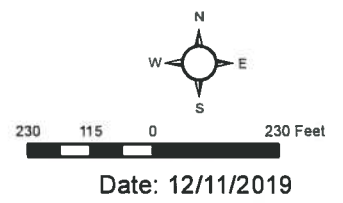
Topography Map
 Application RZM19-004
 TPN 007-07-07-003
 (formerly 007-07-07-003,
 007-07-07-001, and 007-07-01-002)

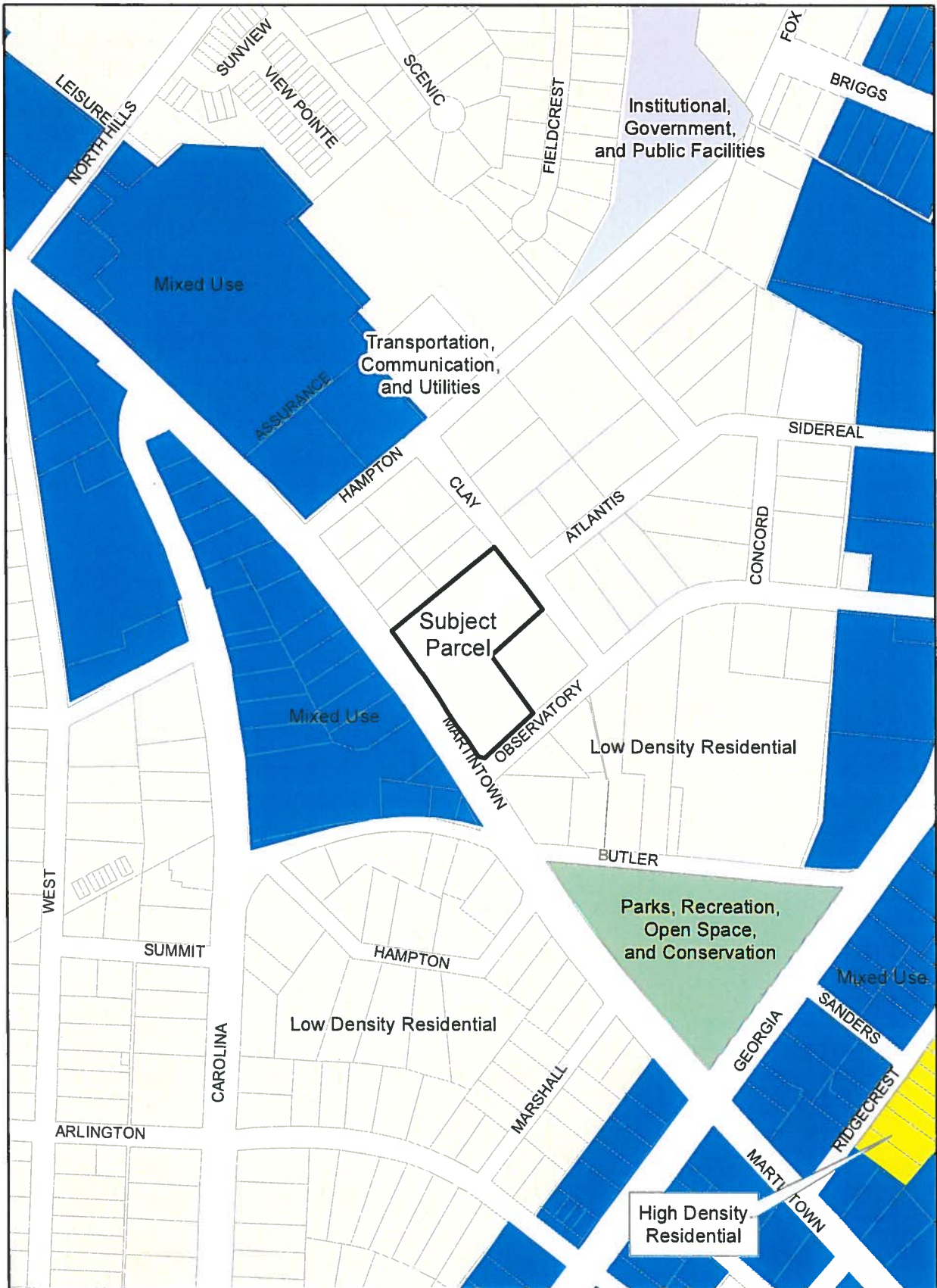


Date: 12/11/2019

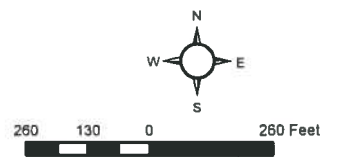


Current Zoning Map
 Application RZM19-004
 TPN 007-07-07-003
 (formerly 007-07-07-003,
 007-07-07-001, and 007-07-01-002)

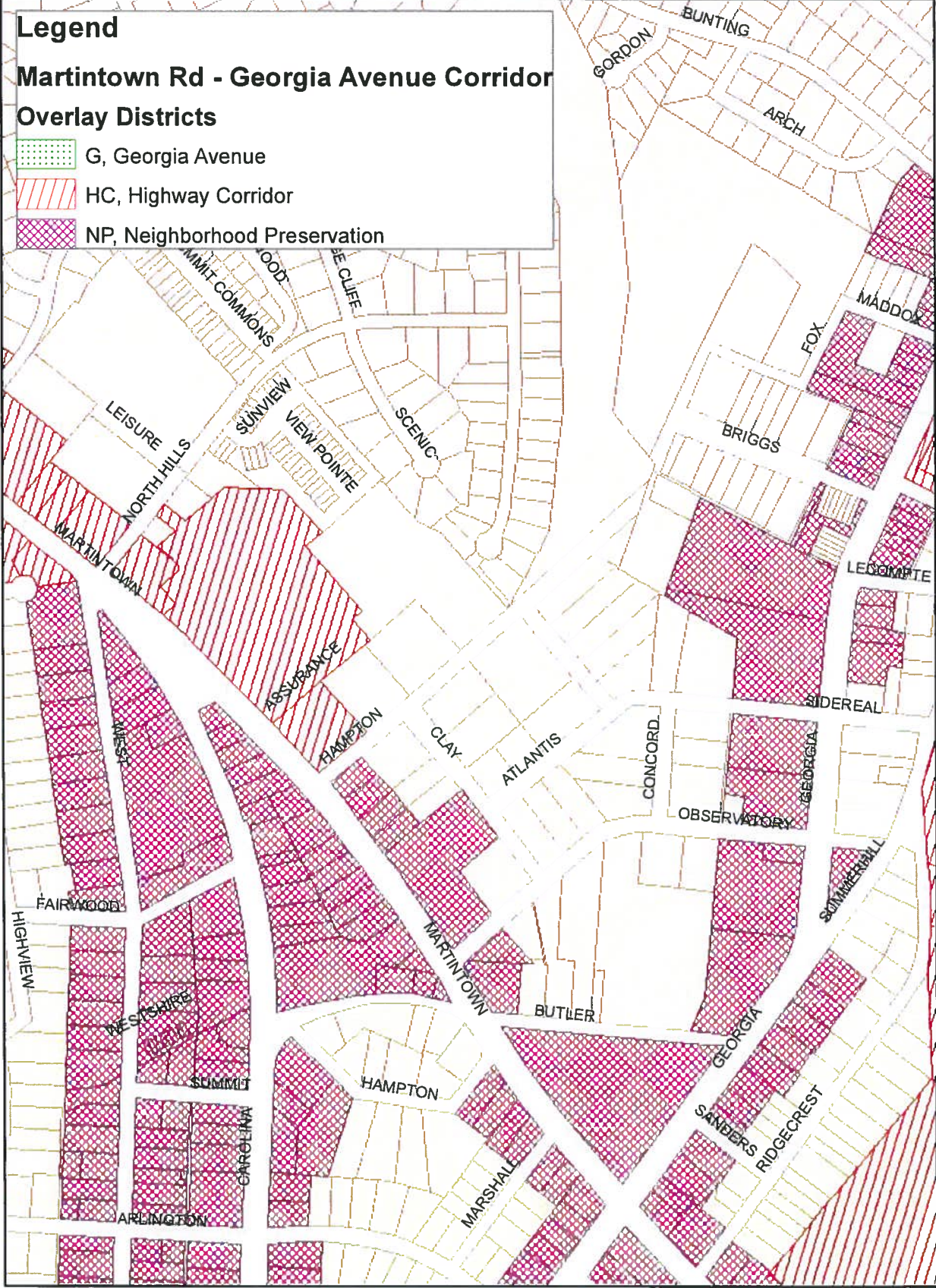




Future Land Use Map
 Application RZM19-004
 TPN 007-07-07-003
 (formerly 007-07-07-003,
 007-07-07-001, and 007-07-01-002)



Date: 12/11/2019



Legend

Martintown Rd - Georgia Avenue Corridor Overlay Districts

- G, Georgia Avenue
- HC, Highway Corridor
- NP, Neighborhood Preservation



Marintown Rd - Georgia Ave Corridor Overlay Districts



Date: 12/12/2019



100 Georgia Avenue
North Augusta, SC
29841-3843

Post Office Box 6400
North Augusta, SC
29861-6400

City of North Augusta

December 2, 2019

RE: Proposed rezoning of ± 2.43 acres of land located at 311 W. Martintown Rd., Aiken County Tax Parcel Number 007-07-07-003 (formerly 007-07-07-003, 007-07-07-001, and 007-07-01-002) from R-14, Large Lot, Single-Family Residential to P, Public Use.

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

Dear North Augusta Property Owner:

The City of North Augusta has made a request to rezone ± 2.43 acres of land located at 311 W. Martintown Rd., Aiken County Tax Parcel Number 007-07-07-003 (formerly 007-07-07-003, 007-07-07-001, and 007-07-01-002) from R-14, Large Lot, Single-Family Residential to P, Public Use.

The North Augusta Planning Commission will hold a public hearing to collect public input and to consider the rezoning application on Thursday, December 19, 2019. Following the public hearing, the Planning Commission will prepare a recommendation for City Council consideration and action. The Planning Commission public 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 encouraged to attend and participate in 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 December 4, 2019. 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,

Libby Hodges, AICP
Director of Planning and Development

Administration
Office: 803-441-4202
Fax: 803-441-4203

Planning & Development
Office: 803-441-4221
Fax: 803-441-4222

Engineering & Public Works
Office: 803-441-4223
Fax: 803-441-4208

Building Standards
Office: 803-441-4227
Fax: 803-441-4222

Finance
Office: 803-441-4218
Fax: 803-441-4189

Parks, Recreation
& Tourism
Office: 803-441-4300
Fax: 803-441-4319

Human Resources
Office: 803-441-4205
Fax: 803-441-3921

Public Utilities
Office: 803-441-4240
Fax: 803-441-4242

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 December 19, 2019, in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following applications:

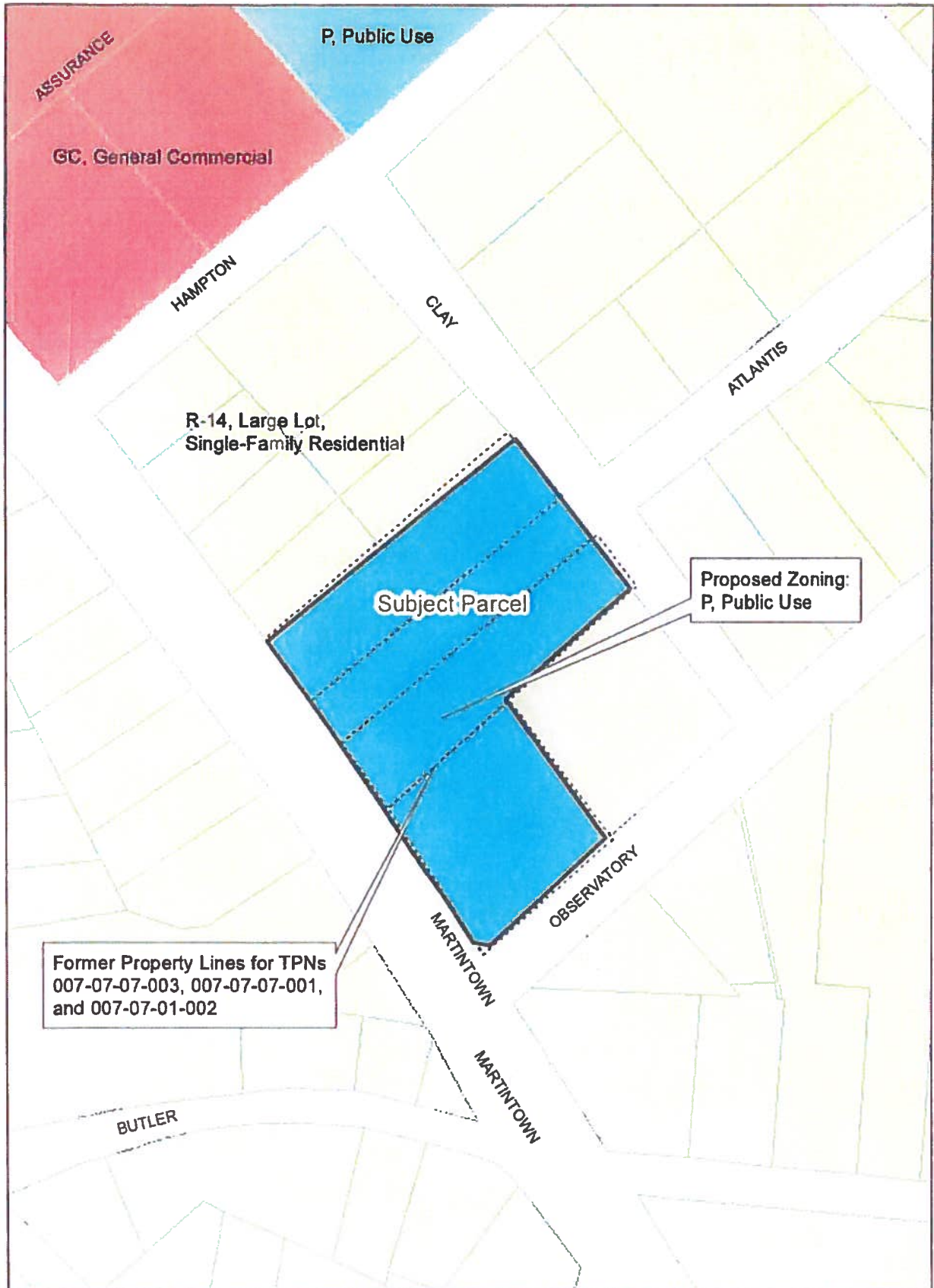
RZM19-004 – A request by the City of North Augusta to rezone ±2.43 acres, Tax Parcel Numbers 007-07-07-001, 007-07-01-002, and 007-07-07-003 located at 311 W. Martintown Rd. from R-14, Large Lot, Single-Family Residential to P, Public Use.

RZT19-006 - A request by the City of North Augusta to amend North Augusta Development Code Article 3, Zoning Districts, and other articles as needed to remove references to signs from the text.

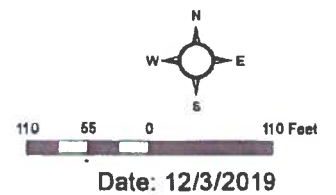
Documents related to the applications will be available for public inspection after December 12, 2019 in the Department of Planning and Development on the second floor of the North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, 803-441-4221. Citizens and property owners interested in expressing a view on the request are encouraged to attend.

CITIZEN ASSISTANCE:

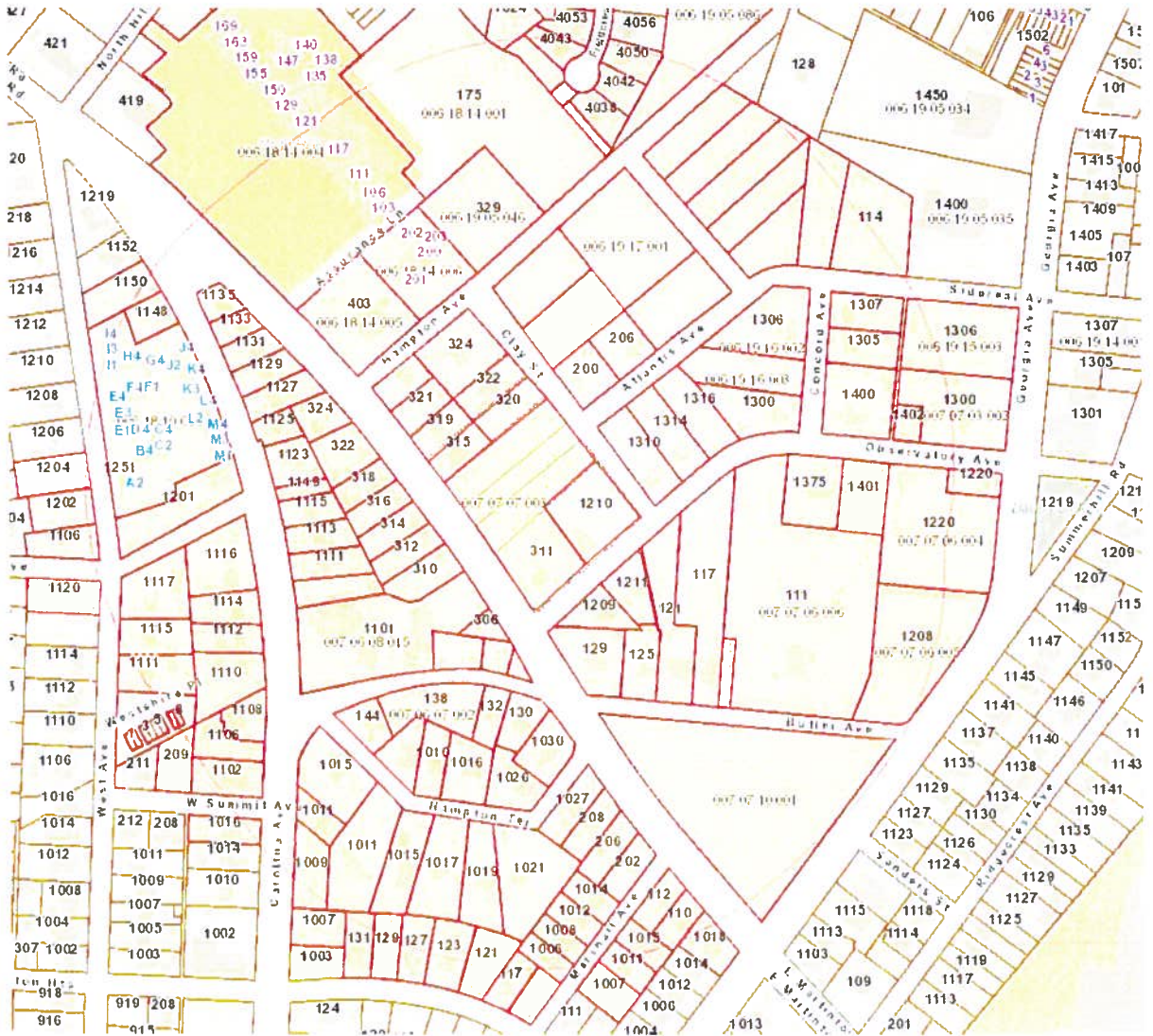
Individuals needing special assistance or a sign interpreter to participate in the meeting are asked to please notify the Department of Planning and Development at 803-441-4221 at least 48 hours prior to the meeting.

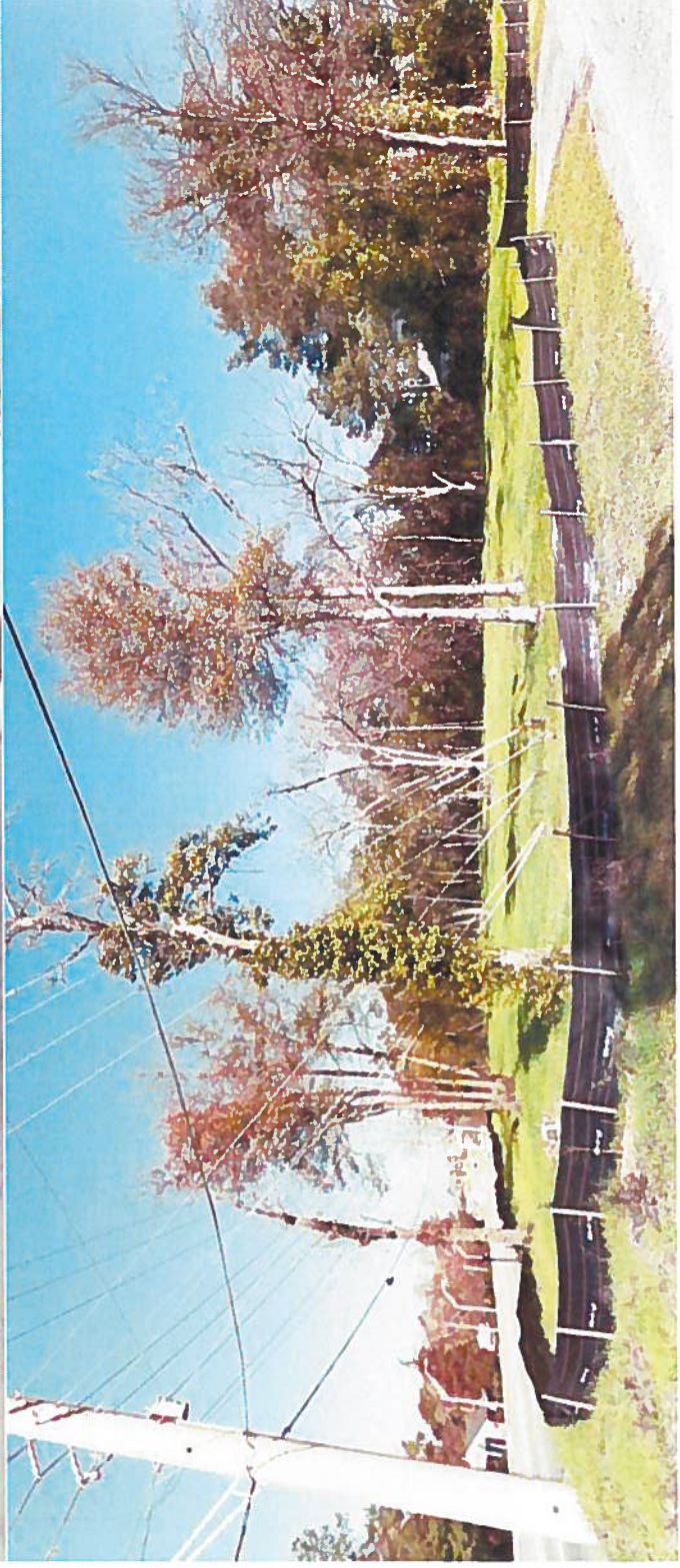
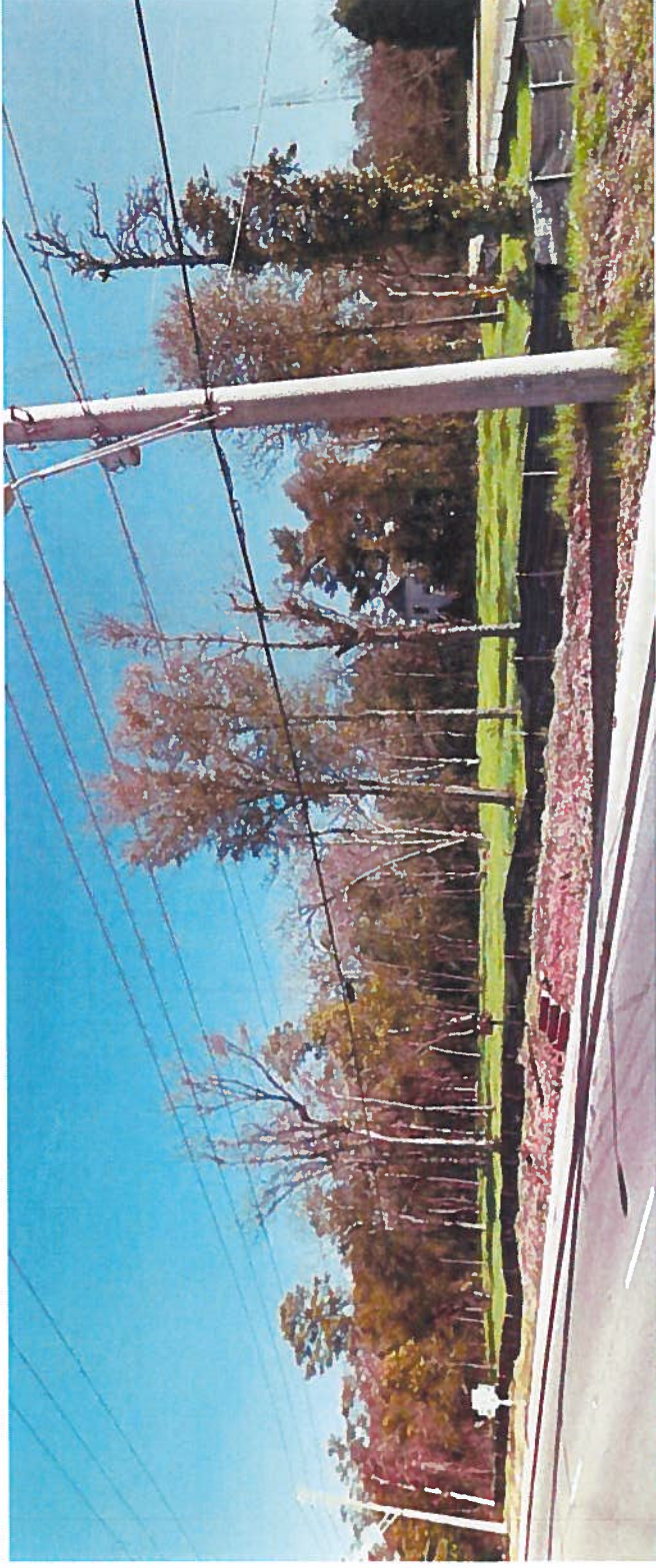


Proposed Zoning Map
 Application RZM19-004
 311 W. Martintown Rd.
 TPN 007-07-07-003
 Approximately 2.4 acres



1000 ft Notification Area





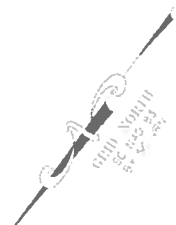
Top: West Martintown Road looking East towards property
Bottom: View of property Corner from Observatory Ave looking North



Top: View of former driveway off Observatory Ave
Bottom: View of property from the West



Additional view of property from West Martintown Road



THE SURVEY IS TO BE CONSIDERED AS A PART OF THE RECORDS OF THE SURVEYING AND ENGINEERING BOARD OF THE STATE OF GEORGIA. ANY CHANGES TO THIS SURVEY MUST BE MADE BY THE SURVEYOR OR HIS SUCCESSORS.

- 1. 1" = 100'
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GENERAL NOTES

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

2. ALL ANGLES ARE IN DEGREES AND DECIMALS THEREOF.

3. ALL CURVES ARE TO BE OPENED UNLESS OTHERWISE NOTED.

4. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

5. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

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10. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

TOPOGRAPHIC AND PROPERTY SURVEY

PREPARED BY

PATRICIA BLANDENBURG KINARD, ETAL

REGISTERED PROFESSIONAL SURVEYOR

STATE OF GEORGIA

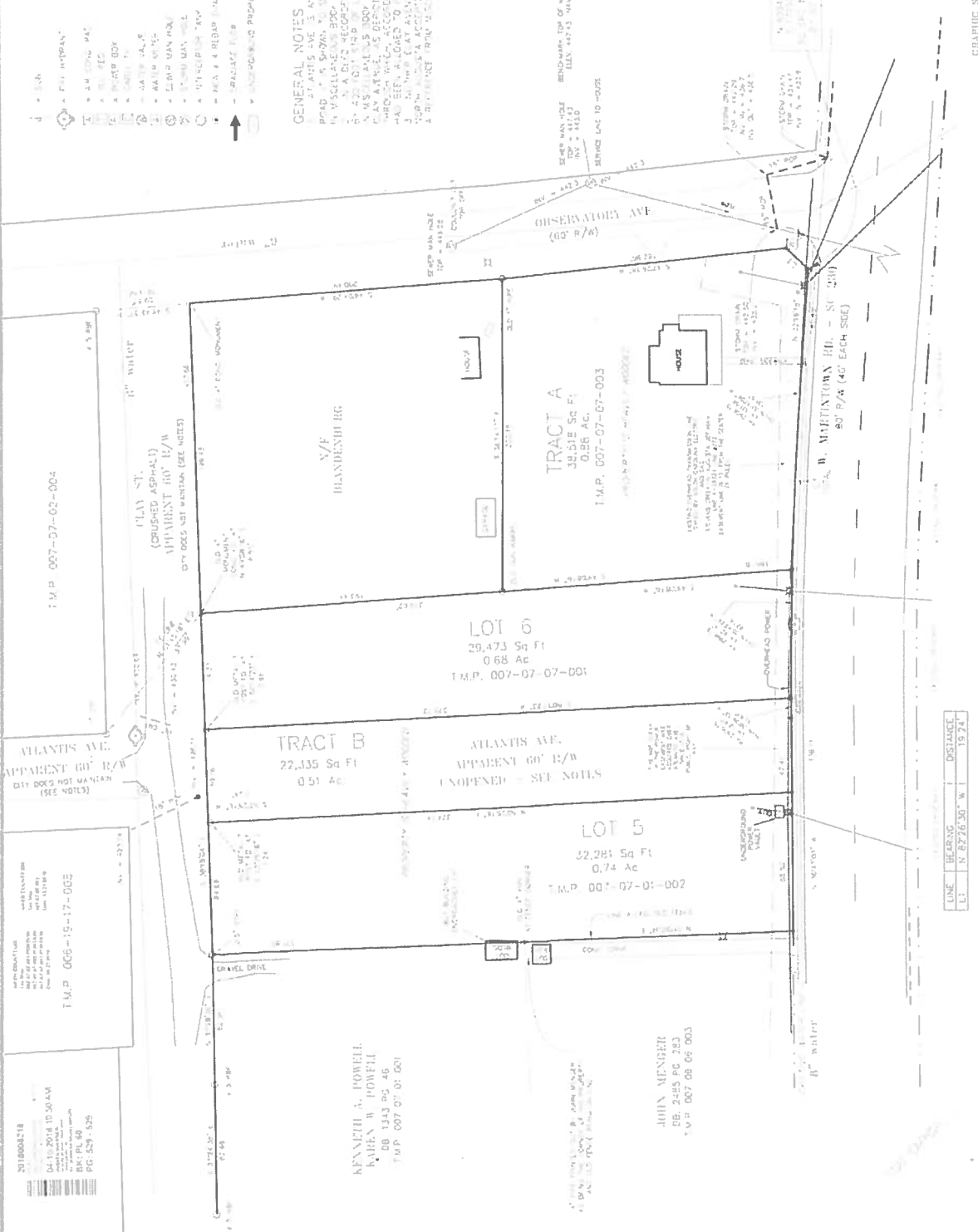
NO. 10000

ISSUED 10/10/11



1972 E. COMMERCE, SUITE 200
 ATLANTA, GA 30317
 PHONE (404) 862-3483
 FAX (404) 862-3483
 SCALE 1" = 30'

THE STATE OF GEORGIA SURVEYING AND ENGINEERING BOARD
 HAS REVIEWED THIS SURVEY AND HAS DETERMINED THAT IT CONFORMS WITH THE REQUIREMENTS OF THE GEORGIA SURVEYING AND ENGINEERING ACT OF 1967, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND ENGINEERING.
 REGISTERED PROFESSIONAL SURVEYOR
 STATE OF GEORGIA



CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	2908.75	1220.39	N 34°35'10" W	1778.34	2°27'45"

LINE	BEARING	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
L1	N 82°16'30" W	N 19°24'	19.74	



2018008218
 04/10/2018 10:50 AM
 10/10/11
 10/10/11
 10/10/11

KENNETH S. HOWELL
 KAREN W. HOWELL
 DB 1343 05 46
 T.M.P. 007-07-01-001

JOHN MENGER
 SB 2465 PG 283
 T.M.P. 007-07-01-002

Application for Development Approval

Please type or print all information



Staff Use

Application Number <u>R2M19-004</u>	Date Received <u>11/19/19</u>
Review Fee <u>N/A</u>	Date Paid <u>N/A</u>

1. Project Name 311 W. MARTINTOWN RD.
Project Address/Location 311 W. MARTINTOWN RD.
Total Project Acreage _____ Current Zoning P-14
Tax Parcel Number(s) 007.07.07.003 , 007.07.07.001 , 007.07.01.002
2. Applicant/Owner Name CITY OF N. AUGUSTA Applicant Phone _____
Mailing Address 100 GEORGIA AVE.
City N. AUGUSTA ST SC Zip 29841 Email rmoody@northaugusta.net
3. Is there a Designated Agent for this project? _____ Yes _____ No
If Yes, attach a notarized Designation of Agent form. (required if Applicant is not property owner)
4. Engineer/Architect/Surveyor N/A License No. _____
Firm Name _____ Firm Phone _____
Firm Mailing Address _____
City _____ ST _____ Zip _____ Email _____
Signature _____ Date _____
5. Is there any recorded restricted covenant or other private agreement that is contrary to, conflicts with or prohibits the use or activity on the property that is the subject of the application?
(Check one.) _____ yes _____ no
6. In accordance with Section 5.1.2.3 of the North Augusta Development Code, I hereby request the City of North Augusta review the attached project plans. The documents required by the City of North Augusta, as outlined in Appendix B of the North Augusta Development Code, are attached for the City's review for completeness. The applicant acknowledges that all required documents must be correct and complete to initiate the compliance review process.
7. Rachelle Moody 11-19-19
Applicant or Designated Agent Signature Date
Rachelle Moody
Print Applicant or Agent Name

RESOLUTION NO. 2019-36
A RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO FILE AN
APPLICATION REQUESTING REZONING OF LAND LOCATED AT
311 W. MARTINTOWN ROAD

WHEREAS, the City of North Augusta recently purchased property at 311 W. Martintown Road (parcels 007-07-07-001, 007-07-07-002 and 007-07-07-003) consisting of 2.81 acres; and

WHEREAS, the City of North Augusta intends to build a fire station on referenced property (specifically, fire station #1); and

WHEREAS, the property is currently zoned R-14 (Large Lot Single Family Residential) but needs to be rezoned to P (Public Use District) which has a permitted use of fire services.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that the City Administrator is directed as follows:

1. To file the appropriate application with the Department of Planning and Development requesting rezoning of property located at 311 W. Martintown Road from R-14 to P.
2. The City Administrator is further authorized to execute any documents necessary to make this application as well as submit any documents or information as required to allow the request to proceed.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS 18 DAY OF NOVEMBER, 2019.

SIGNED BY:



ROBERT A. PETTIT, MAYOR

ATTESTED BY:



SHARON LAMAR, CITY CLERK

3.6.4.5.1 Standards and Review Criteria

Review Criteria for Rezoning

- A. **Inter-jurisdictional Analysis:** North Augusta Fire Station #1 relocation provides coverage throughout the entire city that is not available through current public safety stations. This fire station is the closest to the City's downtown core, and provides primary coverage to: apartments, single family homes, businesses, churches, schools, multi-story critical infrastructure (municipal building), and the city's riverfront which includes single family residential, high-rise apartments, a hotel, baseball stadium, parking garages and retail and restaurant space. No other jurisdiction provides fire coverage in the City of North Augusta. There is no inter-jurisdictional approach to providing fire protection available.
- B. **Financial Analysis:** Fire Station #1 relocation is budgeted through, and funded by, Aiken County Capital Project Sales Tax #3. There is no negative financial impact upon the City. There is no inter-jurisdictional approach to providing fire protection available that would reduce the need or cost of this fire station.
- C. **Special Purpose Districts:** The North Augusta Fire Station #1 relocation is proposed by the City, not a Special Purpose District.
- D. **Measures to Facilitate Siting:** Since at least 2016, City of North Augusta staff and Council have considered and evaluated a significant number of potential sites for the relocation of Fire Station #1, including:
1. 700 block of Old Edgefield Rd
 2. North Hills Drive at Leisure Lane
 3. W. Martintown Road at North Hills
 4. 100 block of Sidereal Avenue (water tank)
 5. 1700 block of Georgia Avenue (Food Lion)
 6. 300 block of Whitlows Road (Capital City)
 7. 444 and 454 East Buena Vista Avenue (current Public Safety Headquarters, Municipal Court and Fire Station #1 locations)
 8. Riverside Boulevard at Buena Vista Avenue
 9. 417 E. Martintown Road (Lidl)
 10. 1220 Georgia Avenue

Availability of land: Sites were evaluated to ensure sufficient fire response area for existing, new or then-planned high rise buildings, the full City riverfront, high-density homes, and commercial businesses. Sites were further evaluated as to the amount of fire response time overlap from other stations. Meaning, it would be inefficient and nonproductive to relocate Fire Station #1 to an area that already receives sufficient response time from another station, yet leaves the full swath of riverfront development without coverage. Similarly, it would be nonproductive to relocate the fire station to an area with response area that extends into the Savannah River. Sites that have been

available over the past few years needed not only the specific coverage area, but also significant acreage, sufficient access to utilities, and access to adequate roadway infrastructure. The property in question meets the requirements outlined above. No other available property has provided the requisite response time and accessibility provided by this site.

Access to the transportation network: This property has direct access to Martintown Road. Clay Street (adjacent to the property) is not improved and is not sufficient for fire truck ingress or egress. Access is planned on site for apparatus ingress/egress from Martintown Road. This location of Martintown Road (SC 230) is considered a major urban thoroughfare commonly traveled by all types of trucks and vehicles, and is appropriate for large trucks including fire trucks. This location on Martintown Road provides quick access to Georgia Avenue (US 25), downtown and to many of the major commercial corridors and facilities within the City limits.

Compatibility with neighboring uses: The fire station will sit among commercial and residential land uses. The direct vicinity of the proposed fire station includes: multiple churches, professional service businesses such as banking and medical, and large retail, restaurant and single family residential homes. The fire station will be occupied 24 hours per day, providing residential accommodations to firefighters. Public Safety officers will access the fire station periodically throughout the day as well. The 24 hour presence of public safety officers will enhance the safety of surrounding churches, businesses and residences.

Impact on the physical environment: The station is planned to sit on a currently undeveloped site with no structures. Public utilities are adjacent to the site, minimizing land disturbance. Existing trees will be preserved as possible, with new trees, bushes and other landscaping planted as part of the finished fire house.

ATTACHMENT #14

ORDINANCE NO. 2020-02

TO AMEND THE ZONING MAP OF THE CITY OF NORTH AUGUSTA,
SOUTH CAROLINA BY REZONING ± 2.43 ACRES OF LAND OWNED BY
CITY OF NORTH AUGUSTA, AND LOCATED EAST OF MARTINTOWN ROAD,
WEST OF CLAY STREET, SOUTH OF HAMPTON STREET, AND NORTH OF
OBSERVATORY AVENUE, AIKEN COUNTY TAX PARCEL #007-07-07-003, FROM
R-14, LARGE LOT, SINGLE-FAMILY RESIDENTIAL,
TO P, PUBLIC USE.

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code and a citywide Zoning Map which is consistent with the City's North Augusta 2017 Comprehensive Plan; and

WHEREAS, pursuant to Section 5.3, North Augusta Development Code, the North Augusta Planning Commission may recommend amendments to the Zoning Map, provided such amendments are consistent with the City's North Augusta 2017 Comprehensive Plan; and

WHEREAS, the North Augusta Planning Commission, following an December 19, 2019, public hearing, reviewed and considered a request by the City of North Augusta, to amend the Official Zoning Map of North Augusta from Large Lot, Single-Family Residential (R-14) to Public Use (P). The Planning Commission report has been provided to City Council.

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. A parcel consisting of ±2.43 acres owned by the City of North Augusta, located East of Martintown Road, West of Clay Street, South of Hampton Street and North of Observatory Avenue is hereby rezoned from R-14, Large Lot, Single-Family Residential to P, Public Use. Said property is Aiken County tax map parcel # 007-07-07-003 and specifically identified on Exhibit "A" attached hereto.
- II. The Official Zoning Map for the City of North Augusta is hereby amended to reflect this rezoning.
- III. All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- IV. This Ordinance shall become effective immediately upon its adoption on third and final reading.

ORDINANCE TO AMEND ZONING MAP
311 W. Martintown Rd.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY
COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____
DAY OF _____, 2020.

First Reading _____

Robert A. Pettit, Mayor

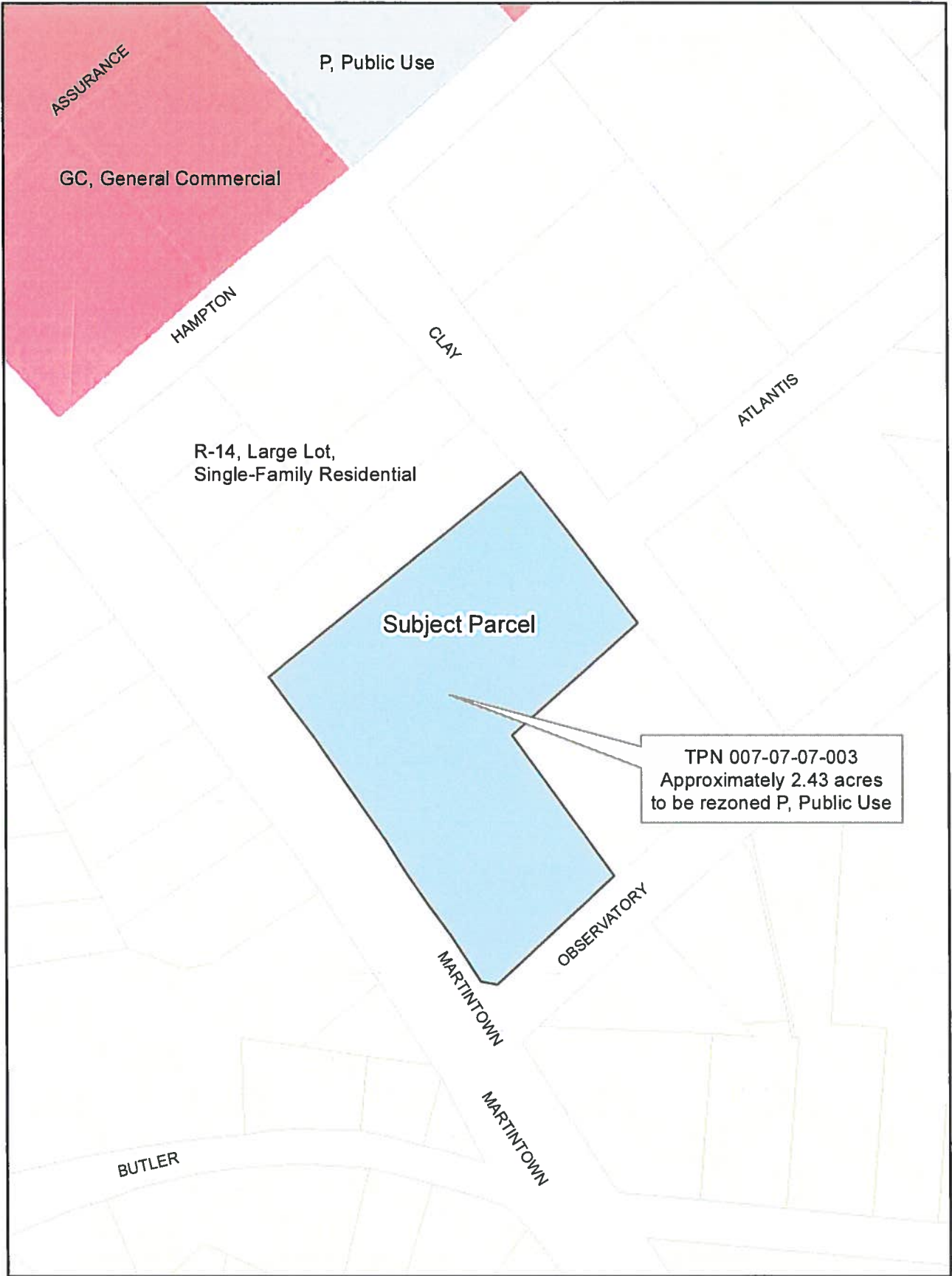
Second Reading _____

Third and Final Reading _____

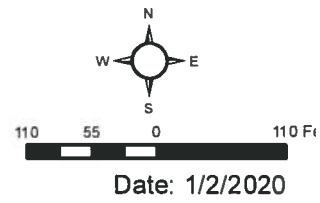
ATTEST:

Sharon Lamar, City Clerk

EXHIBIT A



Application RZM19-004
311 W. Martintown Rd.
Tax Parcel Number 007-07-07-003
A request to rezone approximately 2.43 acres
from R-14, Large Lot, Single-Family Residential
to P. Public Use



ATTACHMENT #15A

RESOLUTION NO. 2020-01
TO ACCEPT A PETITION FOR ANNEXATION
OF ± 2.816 ACRES OF PROPERTY LOCATED
AT 1443 HAMMOND POND ROAD AND OWNED BY JERRALD R. SINQUEFIELD

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina provides that: "Notwithstanding the provisions of subsections (1) and (2) of this section, any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete"; and

WHEREAS, the governing body of the City of North Augusta determines it to be in the best interest of the City to accept a petition for annexation attached hereto dated December 13, 2019.

The property sought to be annexed is described as follows:

All that certain piece, parcel or tract of land, containing 2.816 acres, situate, lying and being just North of North Augusta in the County of Aiken, State of South Carolina, all of which is more fully shown on a plat made by Joe L. Grant, Surveyor, dated July 23, 1973 and recorded in Misc. Book 177, page 229, records of the RMC Office for Aiken County, South Carolina, reference being made to said plat for a more complete and accurate description as to the metes, bounds and location of said property.

Being the same property conveyed to the Grantor in Title Book 4135, Page 1037-1040.

Tax Parcel No. 002-08-04-001

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated October 21, 2019, and prepared by the City of North Augusta.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of North Augusta in meeting duly assembled and by the authority thereof that the Petition to annex the property described herein is hereby accepted.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

Robert A. Pettit, Mayor

ATTEST:

Sharon Lamar, City Clerk

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF AIKEN)

PETITION FOR ANNEXATION
OF ±2.816 ACRES OF LAND
LOCATED AT 1443 HAMMOND POND ROAD
AND OWNED BY JERRALD R. SINQUEFIELD

I, the undersigned, as freeholder and owner of property located at 1446 Hammond Pond Road, do respectfully petition the City Council for the City of North Augusta, South Carolina, for annexation of the hereinafter described property into the municipal corporate limits of the City of North Augusta, South Carolina. This petition is submitted in accordance with Title 5-3-150(3) of the Code of Laws of South Carolina, 1976, as amended.

The property sought to be annexed is described as follows:

All that certain piece, parcel or tract of land, containing 2.816 acres, situate, lying and being just North of North Augusta in the County of Aiken, State of South Carolina, all of which is more fully shown on a plat made by Joe L. Grant, Surveyor, dated July 23, 1973 and recorded in Misc. Book 177, page 229, records of the RMC Office for Aiken County, South Carolina, reference being made to said plat for a more complete and accurate description as to the metes, bounds and location of said property.

Being the same property conveyed to the Grantor in Title Book 4135, Page 1037-1040.

Tax Parcel No. 002-08-04-001

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated October 21, 2019, and prepared by the City of North Augusta.

This petition dated the Dec day of 13, 2019.

Property Owner Signature


Jerrald R. Sinquefield

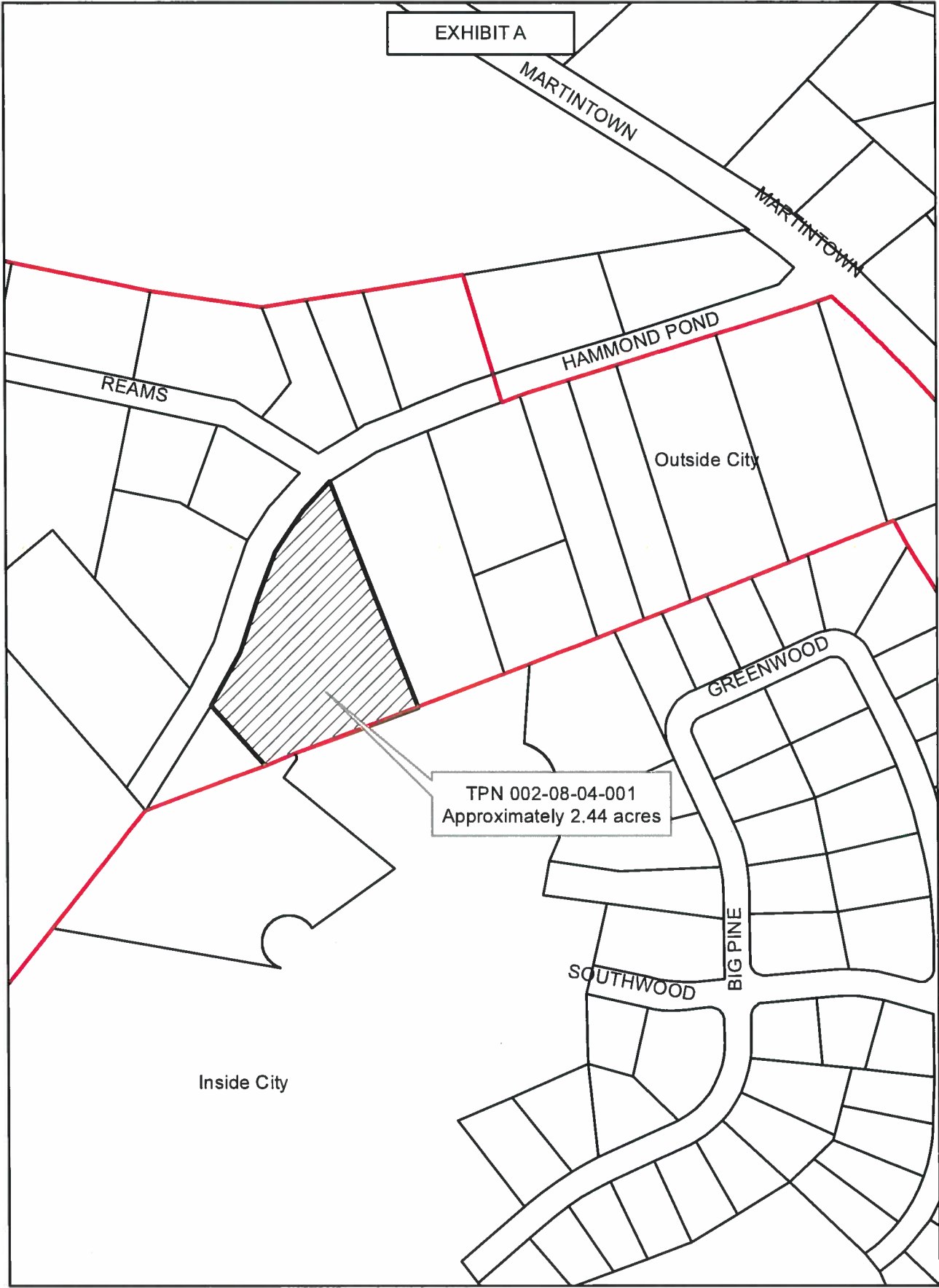
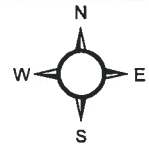


EXHIBIT A

TPN 002-08-04-001
 Approximately 2.44 acres



**ANX19-004
 MAP OF PROPERTY
 SOUGHT TO BE ANNEXED
 TO THE CITY OF NORTH AUGUSTA**



0.00 0.01 0.02 0.03 0.04 Miles
 Date: 10/21/2019

ATTACHMENT #15B

ORDINANCE NO. 2020-03
TO CHANGE THE CORPORATE LIMITS OF THE CITY OF NORTH AUGUSTA BY
ANNEXING ± 2.816 ACRES OF LAND LOCATED AT 1443 HAMMOND POND ROAD
AND OWNED BY JERRALD R. SINQUEFIELD

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina provides that: "Notwithstanding the provisions of subsections (1) and (2) of this section, any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete"; and

WHEREAS, the Mayor and City Council of the City of North Augusta, by adoption of Resolution No. 2020-01 dated January 6, 2020, accepted a Petition for Annexation and wish to annex the below described properties; and

WHEREAS, the zoning classification recommended for the properties proposed for annexation has been reviewed for consistency with the Future Land Use Classification of the properties as specified in the Land Use Element of the North Augusta 2017 Comprehensive Plan;

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 following described property shall be annexed into the City of North Augusta:

All that certain piece, parcel or tract of land, containing 2.816 acres, situate, lying and being just North of North Augusta in the County of Aiken, State of South Carolina, all of which is more fully shown on a plat made by Joe L. Grant, Surveyor, dated July 23, 1973 and recorded in Misc. Book 177, page 229, records of the RMC Office for Aiken County, South Carolina, reference being made to said plat for a more complete and accurate description as to the metes, bounds and location of said property.

Being the same property conveyed to the Grantor in Title Book 4135, Page 1037-1040.

Tax Parcel No. 002-08-04-001

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated October 21, 2019, and prepared by the City of North Augusta.

The property to be annexed shall be zoned R-14, Large Lot Single-Family Residential as shown on a map identified as "Exhibit B" titled "Zoning of

Property Sought to be Annexed to the City of North Augusta.” Said map is dated October 21, 2019 and prepared by the City of North Augusta.

- II. All 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 and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

First Reading: _____

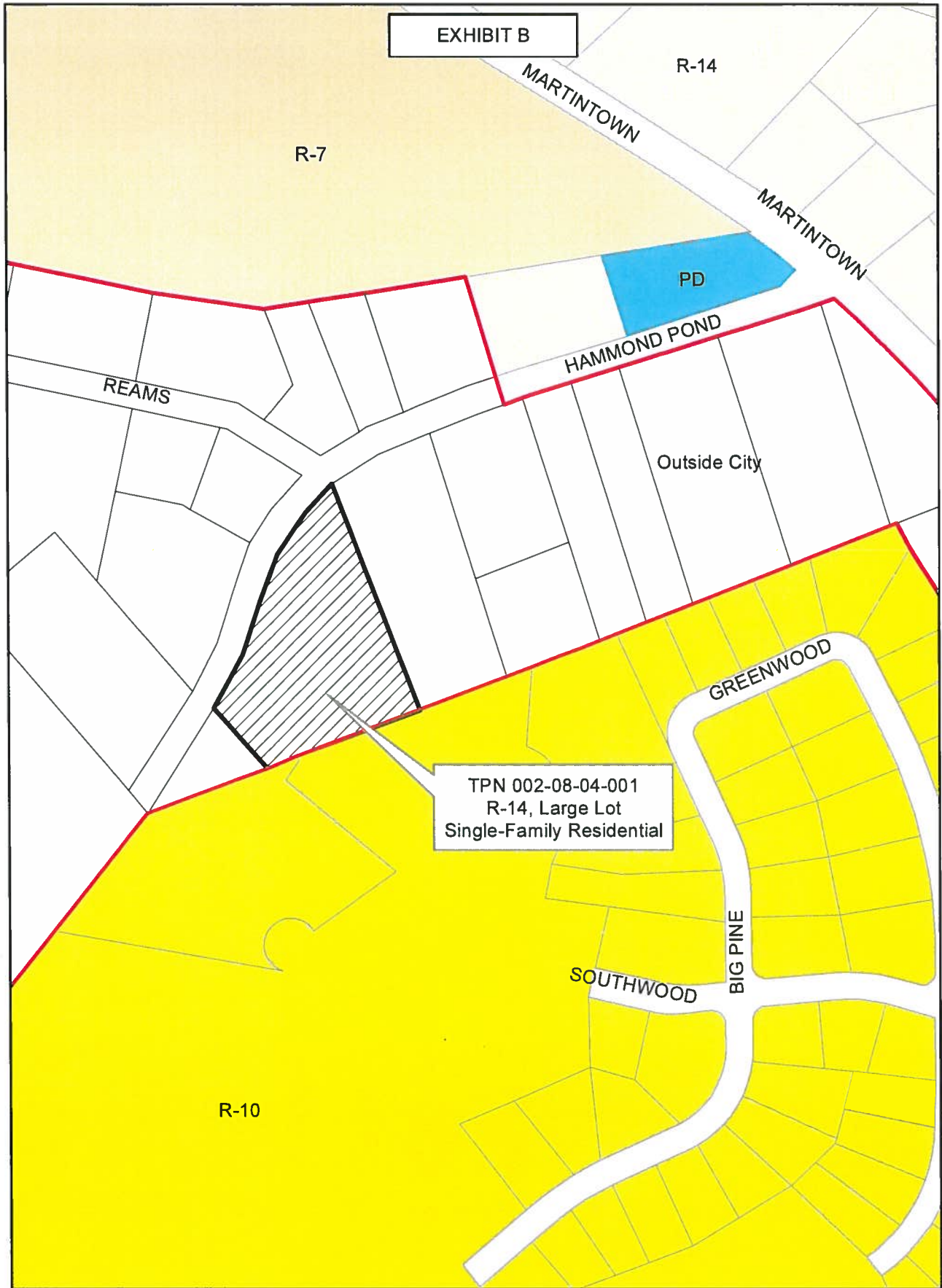
Second Reading: _____

Third Reading: _____

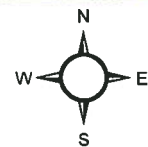
Robert A. Pettit, Mayor

ATTEST:

Sharon Lamar, City Clerk



**ANX19-004
ZONING OF PROPERTY
SOUGHT TO BE ANNEXED
TO THE CITY OF NORTH AUGUSTA**



0.00 0.01 0.02 0.03 0.04 Miles
Date: 10/21/2019



100 Georgia Avenue
North Augusta, SC
29841-3843

Post Office Box 6400
North Augusta, SC
29841-6400

City of North Augusta

November 2, 2019

Mr. Jerrald R. Sinquefield
1443 Hammond Pond Rd.
North Augusta, SC 29841

RE: Water Service Annexation Agreement, 1443 Hammond Pond Rd.
Parcel Number: 002-08-04-001

Dear Mr. Sinquefield:

In June of 2008, water service was established for the above referenced property under your name. At that time, you executed an Annexation Agreement. As a condition for connection, the Agreement stated that the owner would execute a Petition for Annexation upon request by the Mayor and City Council. A copy of the Agreement is attached.

We have determined that your property is contiguous to the Municipal Corporate Limits of the City and therefore can be legally annexed into the City.

I am enclosing the necessary Petition for Annexation in accordance with the Agreement. I request that you execute this Document and return the same to the City in the envelope provided. Please return the petition within 10 days of the date of this letter.

If you have questions concerning this matter, please contact me at the following number.

Sincerely,

Rachelle Moody
Interim City Administrator
RMoody@northaugusta.net
803-441-4202

Administration
Office: 803-441-4202
Fax: 803-441-4203

Planning & Development
Office: 803-441-4221
Fax: 803-441-4232

Engineering & Public Works
Office: 803-441-4223
Fax: 803-441-4208

Building Standards
Office: 803-441-4227
Fax: 803-441-4122

Finance
Office: 803-441-4215
Fax: 803-441-4189

Parks, Recreation
& Tourism
Office: 803-441-4300
Fax: 803-441-4319

Human Resources
Office: 803-441-4205
Fax: 803-441-3921

Public Utilities
Office: 803-441-4249
Fax: 803-441-4243

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF AIKEN)

PETITION FOR ANNEXATION
OF ±2.816 ACRES OF LAND
LOCATED AT 1443 HAMMOND POND ROAD
AND OWNED BY JERRALD R. SINQUEFIELD

I, the undersigned, as freeholder and owner of property located at 1446 Hammond Pond Road, do respectfully petition the City Council for the City of North Augusta, South Carolina, for annexation of the hereinafter described property into the municipal corporate limits of the City of North Augusta, South Carolina. This petition is submitted in accordance with Title 5-3-150(3) of the Code of Laws of South Carolina, 1976, as amended.

The property sought to be annexed is described as follows:

All that certain piece, parcel or tract of land, containing 2.816 acres, situate, lying and being just North of North Augusta in the County of Aiken, State of South Carolina, all of which is more fully shown on a plat made by Joe L. Grant, Surveyor, dated July 23, 1973 and recorded in Misc. Book 177, page 229, records of the RMC Office for Aiken County, South Carolina, reference being made to said plat for a more complete and accurate description as to the metes, bounds and location of said property.

Being the same property conveyed to the Grantor in Title Book 4135, Page 1037-1040.

Tax Parcel No. 002-08-04-001

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated October 21, 2019, and prepared by the City of North Augusta.

This petition dated the _____ day of _____, 2019.

Property Owner Signature

Jerrald R. Sinquefield

STATE OF SOUTH CAROLINA)
) ANNEXATION AGREEMENT
COUNTY OF AIKEN)

WHEREAS, I/we, owner(s) of property located outside the corporate limits of the City of North Augusta, situated in Aiken County, South Carolina, seek permission to connect to the water and/or sewer system of the City of North Augusta. Said property was conveyed to me by deed recorded in Title Book 4135 at page 1040, in records of Aiken County, South Carolina. Said property is described as follows and shown on the attached plat: GN

Tax Map, Lot, Block Parcel Number 007-13-07-006

Location/Address 1443 Hammond Pond Rd No. Augusta SC 29841

I/we understand and agree that as a condition for connecting to the water and/or sewer system, I/we will petition for annexation into the City of North Augusta in accordance with the annexation laws of the State of South Carolina. I/we understand that it may be necessary to execute a petition for annexation on more than one occasion. Such petition may be initiated by the Mayor and City Council or the property owner; however, in any event, the final acceptance of said petition rests upon an affirmative vote of a majority of the governing body of the City of North Augusta.

I/we understand and agree that should I/we or my/our successors in title violate the petition requirement that the City of North Augusta has the power to immediately stop providing water and /or sewer to the premises as well as bring an action for specific performance requiring the petition.

It is further understood and agreed that the City shall inspect and approve the owner's water and/or sewer system prior to connection to ensure compliance with City and State standards. An inspection fee may be charged for such inspection in accordance with established City policies.

All rights, powers, and privileges hereby granted to the City of North Augusta as Grantee. shall pass to its successors and assigns and shall be binding upon the heirs, successors, administrators, executors, and assigns of the Grantor.

IN WITNESS WHEREOF, the undersigned Grantor has hereunto set his hand and seal, this 18th day of June, 2008.

WITNESSES:
Loretta Mays

GRANTOR(s):
Signature Jerrald Russell Simguefield
Type or print: Jerrald Russell Simguefield

Christie A. Hendrix

Signature _____
Type or print: _____

PERSONALLY appeared before me LORETTA MAYS and made oath that he/she saw the within named Jerrald Russell Simguefield sign, seal, and as his/her act and deed, deliver the within written Annexation Agreement and that he/she with Christie A. Hendrix witnessed the execution thereof.

SWORN TO BEFORE ME THIS 18th
DAY OF June, 2008

Loretta Mays
Witness

Christie A. Hendrix
Notary Public for South Carolina
My Commission Expires June 28, 2017

Verified by: Christie A. Hendrix Date: 6/18/08

2008019570
AGREEMENT
RECORDING FEES
\$10.00
07-16-2008 10:30 AM
JUDITH SALTER
CLERK OF THE COUNTY OF AIKEN
By: VOICE & ENGLE DEPUTY INC
BK: RB 4213
PG: 312-312

Donna B. Young, City Clerk
City of North Augusta, SC
Post Office Box 6400
North Augusta, SC 29861-6400



400 East Buena Vista Avenue
North Augusta, SC
29841-4108

Post Office Box 6400
North Augusta, SC
29861-6400

City of North Augusta

July 14, 2008

Ms. Judith Warner
Aiken County RMC
P. O. Box 537
Aiken, South Carolina 29802

Dear Ms. Warner:

Please record the following:

Annexation Agreement

1443 Hammond Pond Road along with check
number 92598 in the amount of \$10.00

Please return the recorded document to me in the enclosed self-addressed envelope.

Thank you.

Sincerely,

Donna B. Young
City Clerk

/dby

Enclosures

C:\Documents and Settings\dyoung\Application Data\Captans\Alchemy\Databases\Admin-General#4b826af8-7391-4c2c-aeef-d39034d6431e\Checkout\LetRMC071408.doc^17512.doc

Administration Office 803 441 4204 Fax 803 441 4203	Economic & Community Development Office 803 441 4221 Fax 803 441 4232	Engineering & Public Works Office 803 441 4224 Fax 803 441 4232	Building Standards Office 803 441 4227 Fax 803 441 4122	Finance Office 803 441 4215 Fax 803 441 4203	Parks, Recreation & Leisure Services Office 803 441 4300 Fax 803 441 4310	Public Safety Office 803 441 4251 Fax 803 441 4252	Public Utilities Office 803 441 4241 Fax 803 441 4243
---	--	---	---	--	--	--	---

www.northaugusta.net

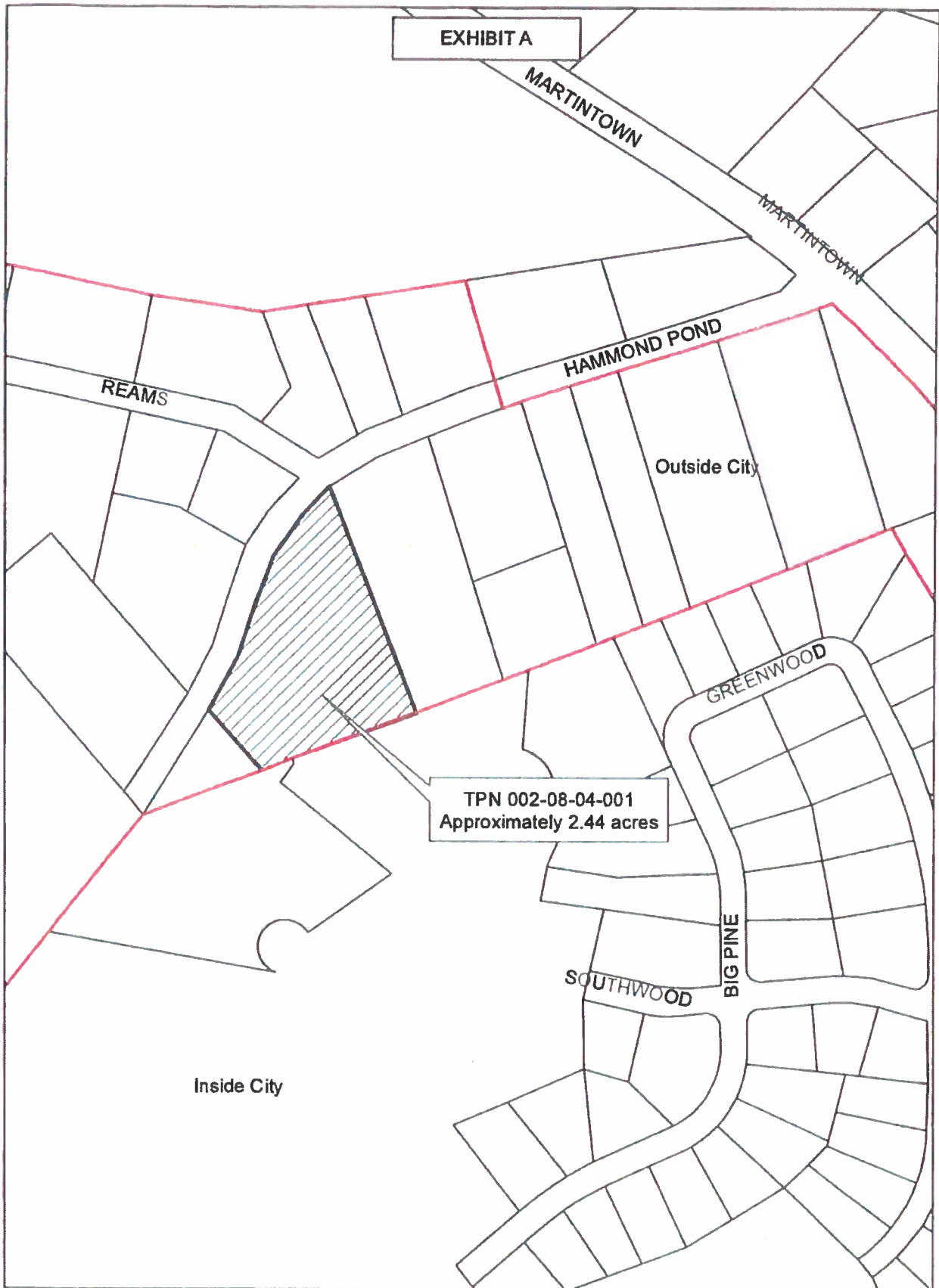


EXHIBIT A

MARTINTOWN

MARTINTOWN

HAMMOND POND

REAMS

Outside City

GREENWOOD

TPN 002-08-04-001
Approximately 2.44 acres

BIG PINE

SOUTHWOOD

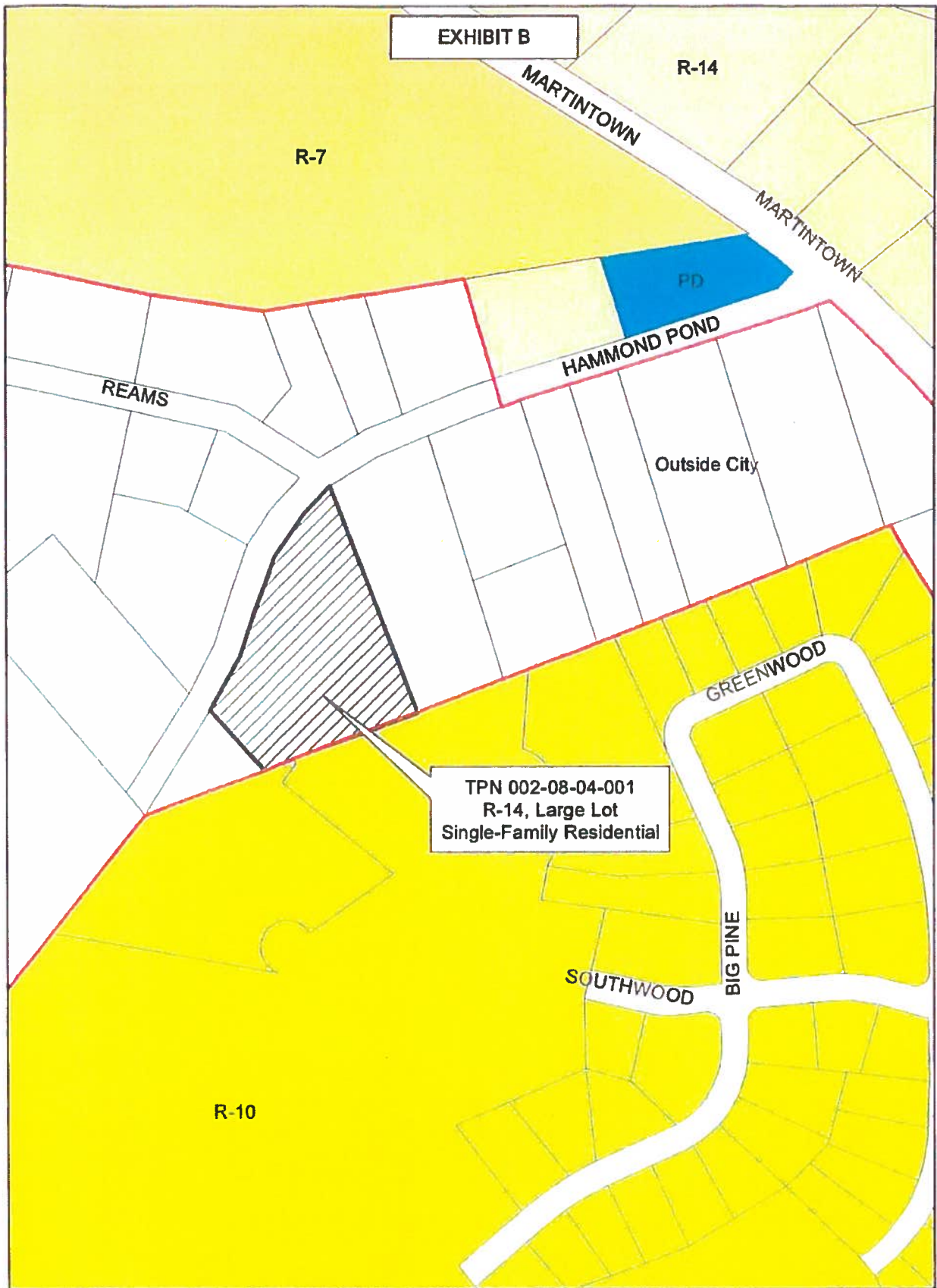
Inside City



**ANX19-004
MAP OF PROPERTY
SOUGHT TO BE ANNEXED
TO THE CITY OF NORTH AUGUSTA**



Miles
0.005 0.01 0.02 0.03 0.04
Date: 10/21/2019



ANX19-004
ZONING OF PROPERTY
SOUGHT TO BE ANNEXED
TO THE CITY OF NORTH AUGUSTA



0.005 0.01 0.02 0.03 0.04 Miles
 Date: 10/21/2019

AIKEN COUNTY ASSESSOR
Tax Map:
002-08-04-001

Prepared by: ndf
O. Douglas Smith/ndf
P. O. Box 6127
North Augusta, SC 29861
803-279-8818

2007015478
DEED
RECORDING FEES \$10.00
EXEMPT
PRESENTED & RECORDED:
05-08-2007 01:45 PM
JUDITH WARNER
REGISTER OF MESSE CONVEYANCE
AIKEN COUNTY, SC
By: JULIE STUTTS DEPUTY
BK: RB 4135
PG: 1037-1040

WARRANTY DEED

T.N.E.

RERECORD TO ADD WITNESS

The State of South Carolina

County of Aiken

KNOW ALL MEN BY THESE PRESENTS, That I, VIRGINIA R.

SINQUEFIELD, in the State aforesaid, for and in consideration of the sum of **ONE DOLLAR (\$1.00) and LOVE AND AFFECTION**, to it in hand paid at and before the sealing of these presents by **JERRALD R. SINQUEFIELD** in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto said **JERRALD R. SINQUEFIELD**, his heirs and assigns, forever, the following described property, to-wit:

Tract A) All that certain piece, parcel or tract of land, containing 2.816 acres, situate, lying and being just North of North Augusta in the County of Aiken, State of South Carolina, all of which is more fully shown on a plat made by Joe L. Grant, Surveyor, dated July 23, 1973 and recorded in Misc. Book 177, page 229, records of the RMC Office for Aiken County, South Carolina, reference being made to said plat for a more complete and accurate description as to the metes, bounds and location of said property.

Being the same property conveyed to the Grantor in Title Book 1815, Page 350.

Tax Parcel No. 002-08-04-001

2012017871
DEED
RECORDING FEES \$10 00
STATE TAX \$0 00
COUNTY TAX \$0 00
PRESENTED & RECORDED
07-23-2012 11:35 AM
JUDITH WARNER
REGISTER OF MESSE CONVEYANCE
AIKEN COUNTY, SC
BY: MARILYN SEIGLER DEPUTY
BK: RB 4414
PG: 2121 - 2124

Tract B) All that certain parcel or lot of land situate, lying and being in North Augusta, Aiken County, known and designated as Lot No. 6 in Block No. 51 of a subdivision of lots made for the Crystal Lake Development Company by J. I. Wise, C.L., in March 1928, said plat being recorded in Misc. Book 10 at page 135, in the Aiken County Clerk's Office.

Being the same property devised to Virginia R. Sinquefield under the will of J E. Sinquefield, deceased, which has been duly probated in the Aiken County Probate Judge's Office

Tax Parcel No. 007-13-07-006

GRANTEE ADDRESS: 1443 Hammond Pond Road, North Augusta, South Carolina 29841

The property herein conveyed subject to rights or claims of parties in possession and easements or claims of easements shown or not shown by the public records, boundary lines, overlaps, encroachments, and any matters not of record which would be disclosed by accurate survey and inspection of premises, and current taxes, if any.

Together with all and singular the rights, members, hereditaments and

Appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said **JERRALD R. SINQUEFIELD**, his heirs and assigns, forever.

AND, grantor does hereby bind herself and her Successors, Executors and Administrators to warrant and forever defend, all and singular, the said premises unto the said **JERRALD R. SINQUEFIELD**, his Heirs and Assigns, against grantor and her Successors, Heirs, and all persons whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS my hand and seal, this 7th day of May, in the year of our Lord Two Thousand Seven and in the Two hundred thirty Second year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
In the Presence of:
[Signature]
[Signature]

Virginia R. Siquel
Virginia R. Siquel

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

PROBATE

Personally appeared before me, the undersigned witness, who, being duly sworn, deposes and says that (s)he, saw the within named grantor, sign, seal and as her Act and Deed, deliver the foregoing Warranty Deed, and that (s)he, together with the other witness whose name appears as a witness, witnessed the execution thereof.

[Signature]

SWORN to and subscribed before me this
7th day of May, 2007
[Signature] (SEAL)
Notary Public for South Carolina
My Commission Expires 12/17/09

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

AFFIDAVIT

PERSONALLY appeared before me, the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and understand such information.
2. The property being transferred is located as :1443 Hammond Pond Road, N. Augusta, SC 29841 & Lt 6, Block 51, Crystal Lake bearing Aiken County Tax Parcel No. 002-08-04-001 & 007-13-07-006 was transferred by Virginia R. Sinquefield to Jerrald R. Sinquefield on May 7, 2007.

3. Check one of the following: The deed is

- (a) ___ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
- (b) ___ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
- X exempt from the deed recording fee because (See information section of affidavit).
Family Deed (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit):

- (a) ___ The fee is computed on consideration paid or to be paid in money or money's worth in the amount of \$13,200.00
- (b) ___ The fee is computed on the fair market value of the realty which is \$ _____.
- ___ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____

5. Check: Yes ___ or No X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes", the amount of the outstanding balance of this lien or encumbrance: \$ _____

6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: _____
- (b) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here)
- Subtract Line 6(b) from Line 6(a) and place result here: _____

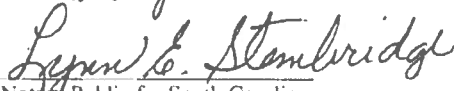
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ -0-

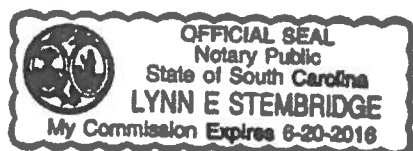
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Virginia R. Sinquefield

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.


Responsible Person Connected with the Transaction

SWORN to before me this 8
Day of May, 2007


Notary Public for South Carolina
My Commission Expires: _____



ATTACHMENT #16A

RESOLUTION NO. 2020-02
TO AUTHORIZE THE ANNEXATION OF PROPERTY RECENTLY ACQUIRED BY
THE CITY. SUCH PROPERTY BEING GENERALLY REFERRED TO AS THE
NORTH AUGUSTA COUNTRY CLUB PROPERTY.

WHEREAS, the City recently acquired by purchase 147.98 +/- acres of real estate as evidenced by deed recorded in the office of the Clerk of Court for Edgefield County in record book 001765 at page 0241; and,

WHEREAS, such property, as a result of a recent annexation has now become contiguous to the City Limits of the City of North Augusta; and,

WHEREAS, the City desires to formally annex such property into the City Limits.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that:

1. That the City, by this Resolution does hereby, pursuant to Section 5-3-100 of the South Carolina Code of Laws, request that such property be annexed into the Municipal Corporate Limits of the City.
2. That the City Administrator is specifically authorized to execute any documents that may be required related to such annexation as well as taking any action necessary in order for the City to annex rights of way of areas of streets lying beyond but abutting on the Corporate Limits of the City upon the annexation of said property.
3. That the City would request that the property be zoned as P, Public Use, upon such annexation.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS ____ DAY OF JANUARY, 2020.

SIGNED BY:

ROBERT A. PETTIT, MAYOR

ATTESTED BY:

SHARON LAMAR, CITY CLERK

ATTACHMENT #16B

ORDINANCE NO. 2020-04

AN ORDINANCE TO CHANGE THE CORPORATE LIMITS OF THE CITY OF NORTH AUGUSTA BY ANNEXING 148 +/- ACRES OF PROPERTY LOCATED PRIMARILY IN EDGEFIELD COUNTY, SOUTH CAROLINA WITH A SMALL PORTION BEING IN AIKEN COUNTY, SOUTH CAROLINA. SUCH PROPERTY GENERALLY KNOWN AS THE NORTH AUGUSTA COUNTRY CLUB PROPERTY.

WHEREAS, Section 5-3-100 of the Code of Laws of the State of South Carolina provides that; “if the territory proposed to be annexed belongs entirely to the municipality seeking its annexation and is adjacent thereto, the territory may be annexed by resolution of the governing body of the municipality. When the territory proposed to be annexed to the municipality belongs entirely to the County in which the municipality is located and is adjacent thereto, it may be annexed by resolution of the governing body of the municipality and the governing body of the County. Upon adoption of the resolution required by this Section and the passage of an Ordinance to that effect by the municipality, the annexation is complete.”; and,

WHEREAS, the Mayor and City Council for the City of North Augusta, by adoption of Resolution No. 2020-02 dated January 6, 2020 have petitioned that this property be annexed; and,

WHEREAS, the zoning classification recommended for the property proposed for annexation has been reviewed for consistency with the future land use classification of the properties as specified in the land use element of the North Augusta 2017 comprehensive plans;

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 following described properties shall be annexed into the City of North Augusta:

The property to be annexed is also shown on a map identified as “Exhibit A” titled map of property sought to be annexed by the City of North Augusta dated January 2, 2020 and prepared by the City of North Augusta.

Being the same piece parcel and tract of land conveyed by DWT Properties, LLC to the City of North Augusta by deed dated the 29th day of October, 2019 and recorded in the Office of the Clerk of Court for Edgefield County, South Carolina in Record

Book 1765 at Pages 241-245 and the Office of the RMC for Aiken County, South Carolina in Record Book 4812 at Pages 2047-2051.

Tax Parcel No.: the said property is known pursuant to the tax parcel numbers for Edgefield County Assessor's Office as a portion of 106-00-00-032-000 and 105-00-04-001-000.

II. This property is intended for use by the City as recreational property and the zoning classification recommended for said property has been reviewed by the Planning Commission for consistency with the future land use classification of the property as specified in the North Augusta 2017 Comprehensive Plans; Therefore, the property shall be zoned "P", public use on a map identified as "Exhibit B" Plat prepared by the City of North Augusta dated January 2, 2020. Such zoning classification was approved by the Planning Commission at its meeting held on November 21, 2019.

III. Ordinances and conflict herein are to the extent of such conflict hereby repealed.

IV. This Ordinance shall become effective immediately upon its adoption on the third and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

First Reading: _____

Second Reading: _____

Third Reading: _____

ROBERT A. PETTIT, MAYOR

ATTEST:

SHARON LAMAR, CITY CLERK

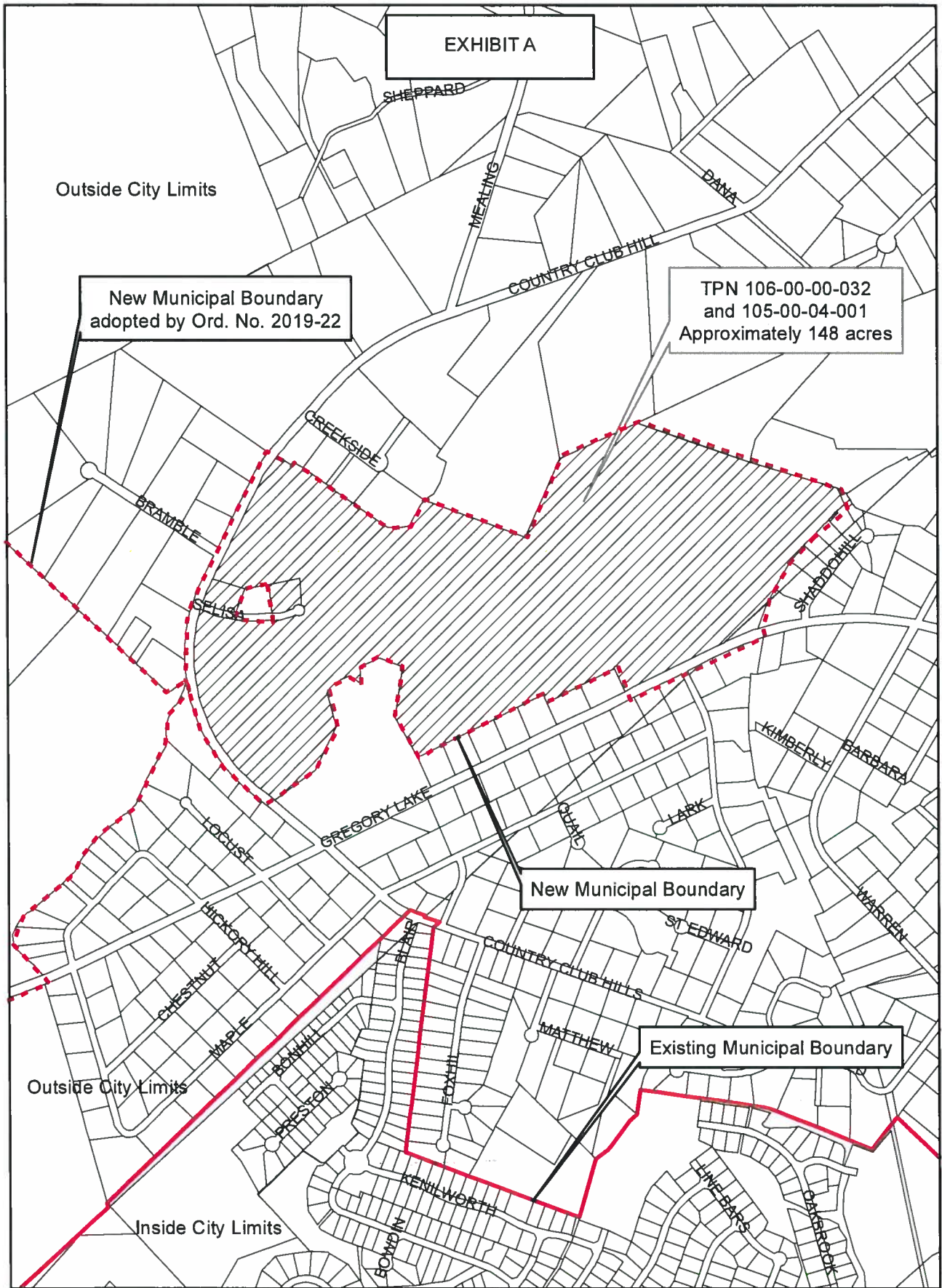


EXHIBIT A

Outside City Limits

New Municipal Boundary
adopted by Ord. No. 2019-22

TPN 106-00-00-032
and 105-00-04-001
Approximately 148 acres

New Municipal Boundary

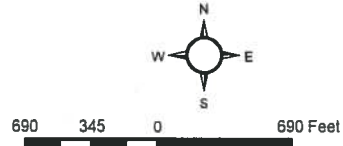
Existing Municipal Boundary

Outside City Limits

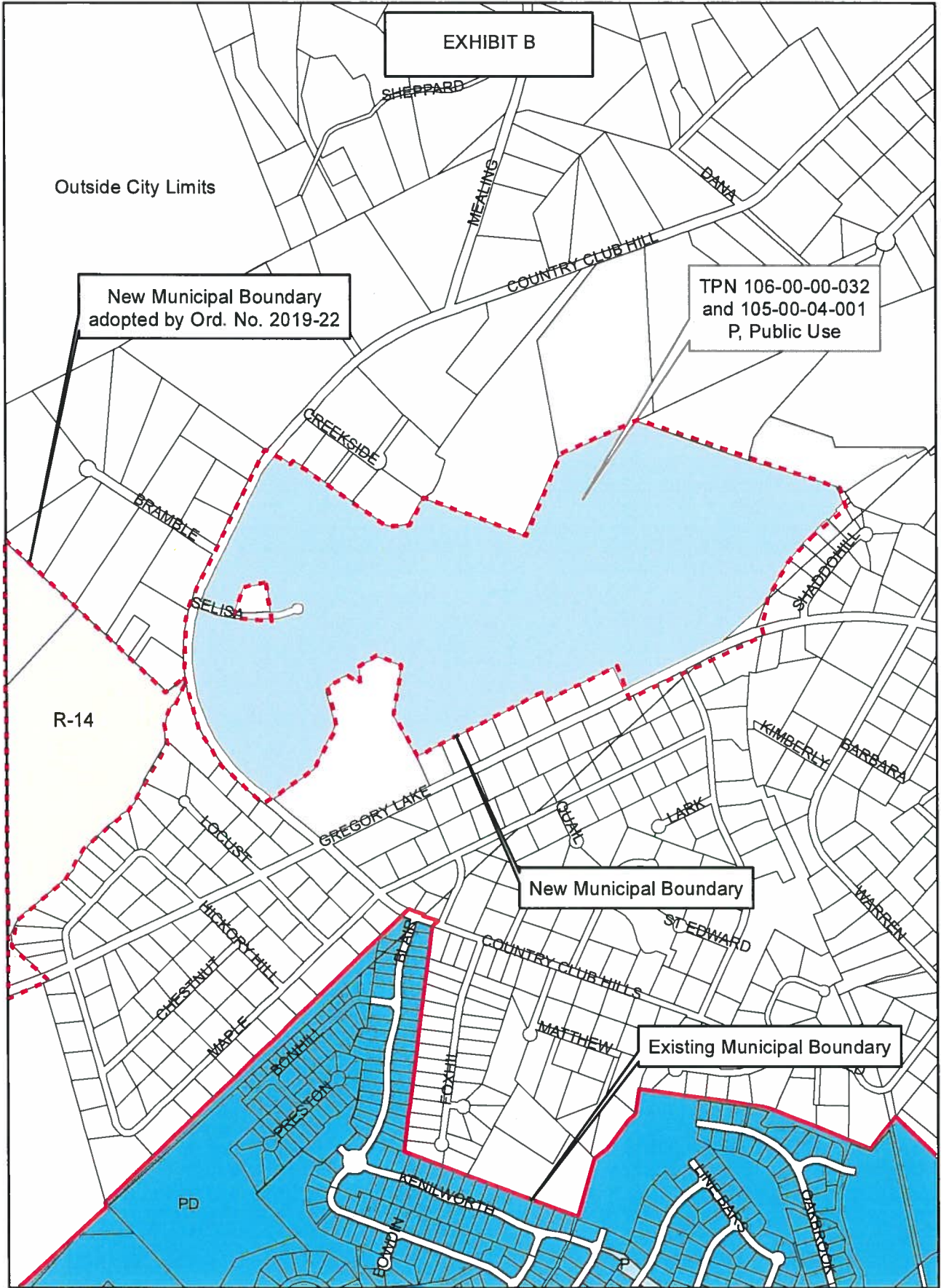
Inside City Limits



**ANX19-009
MAP OF PROPERTY
SOUGHT TO BE ANNEXED
TO THE CITY OF NORTH AUGUSTA**



Date: 1/2/2020



ATTACHMENT #17

RESOLUTION NO. 2020-03

TO AUTHORIZE THE CITY TO APPEAL THE ORDER OF THE HONORABLE CLIFTON B. NEWMAN IN CIVIL ACTION NO.: 2018-CP-02-02705. FILED WITH THE COURT ON THE 30th DAY OF DECEMBER, 2019.

WHEREAS, the Plaintiff Herman Perry Holcomb filed suit against the City on May 24, 2019 alleging a violation by the City of a provision of the Freedom of Information Act; and,

WHEREAS, such matter was litigated in the Court of Common Pleas for Aiken County, South Carolina, said matter being tried non-jury resulting in a decision by the Honorable Clifton B. Newman; and,

WHEREAS, following the original decision by Judge Newman, the City requested that he reconsider matters related to his original Order which resulted in a Motion Hearing before Judge Newman on December 5 2019; and,

WHEREAS, by Order filed on December 30, 2019, Judge Newman denied any request for changes, etc. to the Order; and,

WHEREAS, the Mayor and City Council are of the opinion that the effect of this decision is not in accordance with the intent of the Freedom of Information Act and greatly restricts the ability of the Council to perform its duties and actually restricts the ability of the City to share information with citizens, prior to formal council meetings; and,

WHEREAS, the Mayor and Council believe that it is necessary that this decision be reviewed and further considered by an Appellate Court which would result in the matter being considered by a group of Judges or Justices as opposed to the decision being made by one individual Judge.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that the City attorney is specifically authorized to proceed with the appeal of the decision of the Court dated December 30, 2019. Such appeal shall be handled by Danny C. Crowe Esquire, the trial attorney utilized by the City in this matter.

NOW THEREFORE, BE IT FURTHER RESOLVED:

1. Funding for this appeal shall be paid from the Administration Contingency account and should not to exceed \$10,000. Additional funds would require Council approval.
2. That the City Attorney and/or City Administrator are authorized to execute any documentation that might be necessary to move forward with this appeal.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY
COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS
____ DAY OF JANUARY, 2020.

SIGNED BY:

ROBERT A. PETTIT, MAYOR

ATTESTED BY:

SHARON LAMAR, CITY CLERK

ATTACHMENT #18

RESOLUTION NO. 2020-04
ACCEPTING A DEED OF DEDICATION FOR THE STREETS,
WATER DISTRIBUTION SYSTEM, SANITARY SEWER, STORMWATER
COLLECTION AND FIRE SUPPRESSION SYSTEMS, DETENTION PONDS AND
ASSOCIATED EASEMENTS AND RIGHTS OF WAY, ALONG WITH A
MAINTENANCE GUARANTEE AND LETTER OF CREDIT,
FOR RUSHING WATERS, SECTION 1

WHEREAS, Rushing Waters, LLC developed Rushing Waters, Phase I, according to the requirements of the North Augusta Planning Commission and the City, and owns the streets, utilities and easements; and

WHEREAS, pursuant to §5.8.4.3 of the North Augusta Development Code, the Director of Planning and Development and the City Engineer approved the final subdivision plat for recording on October 4, 2019, and

WHEREAS, it is the policy of the City that, upon approval of a final subdivision plat, the City will, following inspection by the City's Engineering department, accept a deed of dedication for the streets, utilities, etc. for the purpose of ownership and maintenance when said deed is accompanied by a maintenance guarantee; and

WHEREAS, a maintenance guarantee and supporting letter of credit accompany the deed; and

WHEREAS, the City Engineer has made final inspection of the subject improvements and these improvements meet City standards.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, do hereby accept a deed of dedication for:

All those certain streets, situate, lying and being in the City of North Augusta, County of Aiken, State of South Carolina, located in Rushing Waters subdivision, Phase One, to wit: Expedition Drive and Lookout Loop, along with the following systems incident to and servicing Rushing Waters subdivision, Phase One: 1) sanitary sewer lines and easements therefore; 2) storm sewer lines and easements therefore; and 3) water lines and easements therefore; all as shown upon a subdivision plat of Rushing Waters, Phase One for Rushing Waters, LLC by Southern Partners, Inc., dated June 19, 2019, and revised July 22, 2019, and recorded in Plat Book 61, at page 670, in the Office of the RMC of Aiken County, South Carolina. Reference is hereby made to said plat for a more particular description as to the metes, bounds, and exact location of property.

Also conveyed hereby are those parcels of land designated as Detention Pond 1 and Detention Pond 2 as shown on the aforesaid plat.

RESOLUTION ACCEPTING DEED OF DEDICATION –
RUSHING WATERS, PHASE 1

Page 2

This property is conveyed subject to applicable easements, restrictions and/or protective covenants of record in said RMC Office.

Derivation: This being a portion of the property conveyed to Rushing Waters, LLC by Title to Real Estate of Summer Lakes Development, LLC dated May 15, 2017 and recorded in the Office of the RMC of Aiken County, South Carolina in Deed Book 4684, page 110.

Tax Map Number: Portion of 011-09-01-049

BE IT FURTHER RESOLVED that a Maintenance Guarantee and Irrevocable Letter of Credit in the amount of \$140,000 are hereby accepted.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2020.

Robert A. Pettit, Mayor

ATTEST:


Sharon Lamar, City Clerk

Department of Planning and Development



Memorandum # 20-001

City of North Augusta

To: Rachelle Moody, Interim City Administrator
From: Libby Hodges, Director 
Subject: Deed of Dedication for Rushing Waters, Phase 1
Date: January 2, 2020

The final subdivision plat for Rushing Waters, Phase 1 was approved on October 4, 2019. The developer, Rushing Waters, LLC, has completed the following improvements and requests that the City accept them along with open space, associated easements and rights of way: streets, water distribution system, sanitary sewer, stormwater collection, fire suppression systems, and detention ponds. The completed improvements to be dedicated to the City have been approved by the City Engineer. The attached dedication documents have been approved by the City Attorney.

Certain improvements, namely subdivision sidewalks, ADA ramps, street trees, detention ponds, pond access roads, fencing, and asphalt pavement for a temporary cul-de-sac remained unfinished at the time of final plat approval. Construction of the aforementioned improvements has been guaranteed with a performance guarantee and supporting letter of credit.

The City may accept the streets, water distribution system, sanitary sewer, stormwater collection, fire suppression systems, and detention ponds and associated easements and rights of way for this subdivision. A draft resolution for the acceptance of the dedication is attached and a digital copy has been forwarded to the City Clerk.

Originals of the following documents are attached:

1. Deed of Dedication for the streets, water distribution system, sanitary sewer, stormwater collection and fire suppression systems, detention ponds and associated easements and rights of way;
2. Title Certificate dated August 6, 2019; and
3. Partial Mortgage Release date December 31, 2019

4. Maintenance Guarantee dated October 4, 2019 and valid for a period of 24 months;
5. Irrevocable Letter of Credit in support of the Maintenance Guarantee dated October 4, 2019;
6. Performance Guarantee dated October 4, 2019 and valid for a period of 24 months;
7. Irrevocable Letter of Credit in support of the Performance Guarantee dated October 4, 2019;
8. Final subdivision plat approved by the City Engineer and the Director of Planning and Development and recorded by the Aiken County RMC.

Additionally, a reduced copy of the final plat is attached for agenda reproduction.

Please schedule the resolution accepting the Rushing Waters, Phase 1 Deed of Dedication for City Council consideration at the next available meeting.

Vincent M. Davison, Jr.
Attorney at Law
2913 Professional Parkway
Augusta GA 30907
(706)860-9266 Fax (706)860-9275

August 6, 2019

City of North Augusta Planning and Engineering Office
P.O. Box 6400
North Augusta, SC 29841

RE: Rushing Waters, LLC
Rushing Waters Subdivision, Phase One

Dear Sir or Madam,

Please be advised that I have examined the records of the R.M.C. Office in Aiken County, South Carolina and I hereby certify that fee simple, marketable title is vested in **Rushing Waters, LLC**, by deed dated May 15, 2017 and recorded in Deed Book 4684, Page 110, subject to the following exceptions;

1. A certain mortgage in favor of State Bank and Trust Company nka Cadence Bank, N.A., dated April 11, 2018 in the amount of \$1,522,200.00 and recorded in Book 4716, pages 1001-1013 in the RMC of Aiken County, SC.
2. 2019 taxes for Aiken County are not yet due and payable.
3. 2019 taxes for City of North Augusta are not yet due and payable.
4. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed acquires for value of record the estate or interest or mortgage covered by the title certification;
5. Rights or claims of parties in possession not shown by the public records;
6. Easements, or claims of easements, not shown by the public records;
7. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises;
8. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records;

9. Any adverse claim or any portion of said land which has been created by artificial means or has accreted to any such portion so created and riparian rights, if any;
Taxes or special assessments which are not shown as existing liens by the public records;
10. Any prior reservation or conveyance, together with release of damages, of minerals of every kind and character, including but not limited to oil, gas, sand, and gravel in, on and under subject property.

This title is certified from January 11, 1980 to August 5, 2019.

Sincerely,

A handwritten signature in blue ink, appearing to read "Vincent M. Davison, Jr.", with a stylized flourish at the end.

Vincent M. Davison, Jr.
Attorney at Law

jtk

VINCENT M. DAVISON, JR.
Attorney At Law
2913 Professional Parkway
Augusta, GA 30907

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

PARTIAL RELEASE

The undersigned W. Cameron Nixon (name), in his/her representative capacity as Executive Vice President (title) of Cadence Bank N.A., Successor by merger to State Bank and Trust Company, hereby releases the lien filed against Rushing Waters, LLC on certain streets, sewer lines and Detention Ponds 1 & 2, Rushing Waters Subdivision, Phase I, Aiken County, South Carolina. Said property being more specifically described below and further designated as a Portion of Map and Parcel #011-09-01-049.

All those certain streets, situate, lying and being in the City of North Augusta, County of Aiken, State of South Carolina, located in **Rushing Waters Subdivision, Phase One**, to wit: Expedition Drive and Lookout Loop, along with the following systems incident to and servicing Rushing Waters Subdivision, Phase One: 1) sanitary sewer lines and easements therefore; 2) storm sewer lines and easements therefore; and 3) water lines and easements therefore; all as shown upon a subdivision plat of Rushing Waters, Phase One for Rushing Waters, LLC by Southern Partners, Inc., dated June 19, 2019, and revised July 22, 2019, and recorded in **Plat Book 61, page 670**, in the Office of the RMC of Aiken County, South Carolina. Reference is hereby made to said plat for a more particular description as to the metes, bounds and exact location of property.

Also conveyed hereby are those parcels of land designated as Detention Pond 1 and Detention Pond 2 as shown on the aforesaid plat.

It is the purpose and intent of this instrument to release all right title and interest in and to the above-described property by virtue of a Mortgage dated April 11, 2018 in the original principal sum of \$1,522,200.00 recorded in the Office of the RMC of Aiken County, South Carolina, in Realty Book 4716, page 1001; otherwise the Mortgage stays in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused the within Partial Release to be executed this 31st day of December, 2019.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Cadence Bank N.A.

BY: W. Cameron Nixon

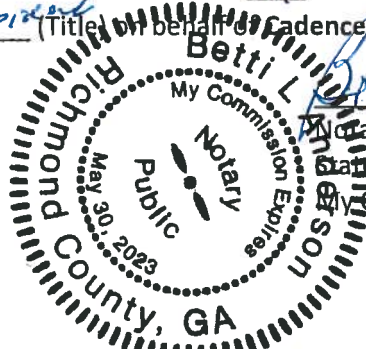
As Its: Executive Vice President

[Signature]
Witness

[Signature]
Witness



This instrument was acknowledged before me this 31 day of December 2019 by W. Cameron Nixon (Bank Officer) Executive Vice President (Title) on behalf of Cadence Bank N.A..



Betti L. Anderson
Notary Public, Richmond County
State of: GA
My Commission Expires: 5-30-2023

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said City of North Augusta, its successors and assigns forever.

WITNESS the hand and seal of the party of the First Part this 31 day of December 2019.

RUSHING WATERS, LLC

By: [Signature]
As its Member/Manager

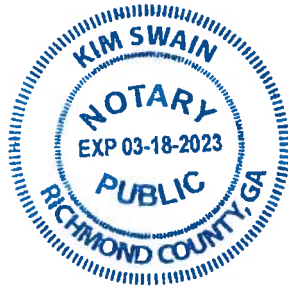


[Signature]
Witness
[Signature]
Witness

Personally appeared before me _____ and made oath that he/she saw the within named Robert Todd Bailey, as Member/Manager, sign, seal as its act and deed, deliver the within written Deed of Dedication, and that he/she with Kim Swain, witnessed the execution thereof.

Sworn to before me this 31st day of December, 2019. [Signature]

[Signature]
Notary Public



Accepted by:
CITY OF NORTH AUGUSTA
By: _____
As Its: Mayor
By: _____
As Its: City Clerk

Witness

Witness

Personally appeared before me _____ and made oath that he/she saw the within named Mayor and City Clerk, sign, seal as their act and deed, deliver the within written Deed of Dedication, and that he/she with _____, witnessed the execution thereof.

Sworn to before me this _____ day of _____, 2019. _____


Notary Public

Department of Planning And Development



Memorandum # 19-030

City of North Augusta

To: Todd Glover, City Administrator
From: Libby Hodges, Director 
Subject: Rushing Waters Phase 1 Performance and Maintenance Guarantees
Date: October 31, 2019

Rushing Waters, LLC, has received approval for Application PP17-003, a major subdivision plan to construct 61 homes in Phase I of the Rushing Waters development. The developer has elected to provide a Performance Guarantee and a Letter of Credit for sidewalks, ADA ramps, street trees, detention ponds, pond access roads, fencing, and asphalt pavement for a temporary cul-de-sac required as part of the approved site plans. The developer will have up to twenty-four (24) months from the date of acceptance (October 4, 2019) to complete the outstanding work or the city will have the right to draw upon the letter of credit to complete the work.

Rushing Waters, LLC, has completed all other required site improvements for Rushing Waters, Phase I. A Maintenance Guarantee and Letter of Credit for the streets, fire suppression elements of the water distribution system, sanitary sewerage collection system, stormwater collection system, and easements and rights of way for streets, sidewalks, potable water, sanitary sewerage and stormwater collection systems required as part of the approved major subdivision plan has been provided by the developer. The Maintenance Guarantee insures the improvements for a period of twenty-four (24) months from the City's approval of the Final Plat (October 4, 2019), and in the event of a failure, the city will have the right to draw upon the letter of credit to complete the work.

Please execute the original Performance and Maintenance Guarantees and have the City Clerk return a copy of the fully executed agreements to the Department of Planning and Development. Final copies will be sent to the developer and our office will retain one copy for our files. The City Clerk should file the original Performance and Maintenance Guarantee with the Letters of Credit until such time as the City Engineer requests the original to return to the developer.

If you have any questions, please do not hesitate to call.

STATE OF SOUTH CAROLINA

)

COUNTY OF AIKEN

)

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)

PERFORMANCE GUARANTEE

(Sidewalks/ADA Ramps/Street Trees/
Detention Ponds/Pond Access Roads/
Fencing/ Asphalt Pavement for
Temporary Cul-de-sac)

THIS AGREEMENT IS MADE AND ENTERED INTO this 4th day of October 2019 by and between Rushing Waters, LLC, hereinafter known as "Applicant", and the City of North Augusta, hereinafter known as "City". The designations Applicant and City as used herein shall include said parties, their heirs, successors and assigns.

WITNESSETH:

WHEREAS, the Applicant has received approval for Application PP17-003, a major subdivision plan and subdivision to construct sixty-one (61) single-family homes in Phase 1 of Rushing Waters subdivision, a portion of Tax Parcel Numbers 005-16-01-001, 005-12-03-006, and 011-09-01-049; and

WHEREAS, City approval of the major subdivision plan required site improvements of sidewalks, ADA ramps, detention ponds, fencing, pond access roads, street trees, and asphalt pavement for a temporary cul-de-sac in accordance with City development standards and the City Engineer estimates the cost to construct these improvements in Phase 1 to be \$201,300.00; and

WHEREAS, the Applicant wishes to sell lots and construct homes in Phase 1 prior to completion of the remaining site improvements and the City requires assurance that site improvements will be completed in a timely manner and in accordance with the approved major subdivision plan; and

WHEREAS, pursuant to §5.8.6 of the North Augusta Development Code, the City requires that the Applicant execute a Performance Guarantee supported by a letter of credit or other form of monetary guarantee in the amount of two hundred fifty-one thousand, six hundred twenty-five dollars (\$251,625.00), representing one hundred twenty-five percent (125%) of the estimated construction cost, to guarantee completion of the remaining site improvements.

IT IS HEREBY AGREED AS FOLLOWS:

1. The Applicant has provided a monetary guarantee, in the form of a Letter of Credit, in the amount of \$251,625.00 which is valid for a period of twenty-five (25) months from the date of acceptance; and

2. The Applicant will complete the remaining site improvements not later than twenty-four (24) months following the effective date of this Performance Guarantee in accordance with City development standards and the approved specifications in the Applicant's major subdivision plan dated September 6, 2017, last revised on March 6, 2018 and approved on April 2, 2018; and
3. The City Engineer shall regularly inspect the site improvement installation and exercise reasonable discretion to determine if the site improvement installation has been timely completed in conformity with City standards and approved major subdivision plan specifications; and
4. The City Engineer, upon receipt of the Applicant's request to reduce the monetary guarantee amount held by the City based on satisfactory partial completion of required improvements during the twenty-four month improvement installation period, shall have the discretion to approve and implement said request; and
5. If the City Engineer approves the final inspection of the finished site improvements either on a date earlier than the expiration of the Performance Guarantee or at the time of the expiration of the Performance Guarantee, the City shall acknowledge in writing that the Applicant has fully performed under the terms of the Performance Guarantee and release the monetary guarantee, provided that the Applicant has executed and the City has accepted a twenty-four (24) month Maintenance Guarantee supported by a letter of credit or other form of monetary guarantee in an amount equal to fifteen percent (15%) of the cost of the improvements subject to this Performance Guarantee; and
6. If the Applicant fails to provide the Maintenance Guarantee as required, the City is authorized to exercise its right to draw upon the held monetary guarantee in an amount equal to fifteen percent (15%) of the total in order to guarantee the maintenance of the site improvements for a period of twenty-four (24) months; and
7. If for any reason within the time limit established in Section 2 above, the Applicant, upon written notice given thirty (30) days in advance by the City Engineer, has not completed the installation of the remaining site improvements, the following conditions shall prevail:
 - a. The City Engineer shall have full and absolute discretion and authority in determining whether or not a failure or default has occurred under the terms of this Performance Guarantee;
 - b. In the event the Applicant fails to timely complete installation of the remaining site improvements in accordance with the approved major subdivision plan, after receiving the notice provided for above, the City

shall have the right to make claims on the funds provided by the Applicant to support the Performance Guarantee;

- c. In the event of a failure or default, the City reserves the exclusive right to determine who may be retained to complete installation of the remaining site improvements; and
- d. Any excess funds over and above those needed to complete installation of the remaining site improvements shall be refunded to the Applicant. The determination of such excess is to be under the sole discretion of the City.

IN WITNESS WHEREOF, the undersigned have executed this instrument the day and year above first written.

Rushing Waters, LLC

By: [Signature]
Robert T. Bailey (please print)
As its: President

State of South Carolina
County of Aiken

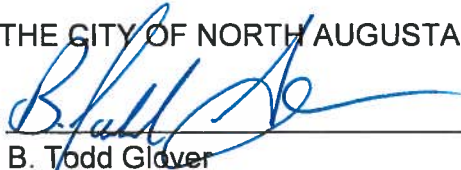
On this 4th day of October, 2019, before me personally appeared Robert T. Bailey who provided satisfactory evidence of his identification to be the person whose name is subscribed to this instrument, and he acknowledged that he executed the foregoing instrument.

[Signature]
Notary Public
Aiken County, South Carolina
My commission expires: _____




Accepted this 30th day of October, 2019.

THE CITY OF NORTH AUGUSTA

By: 
B. Todd Glover
As its: City Administrator

State of South Carolina
County of Aiken

On this 30th day of October, 2019, before me personally appeared B. Todd Glover, North Augusta City Administrator, who provided satisfactory evidence of his identification to be the person whose name is subscribed to this instrument, and he acknowledged that he executed the foregoing instrument.


Notary Public
Aiken County, South Carolina
My commission expires: _____

<p>Sharon Lamar Notary Public, State of South Carolina My Commission Expires March 7, 2028</p>
--



IRREVOCABLE LETTER OF CREDIT

Number 8510
Date October 4, 2019

Issuing Bank: Cadence Bank, N.A
2800 Post Oak Boulevard Suite 3800
Houston, Texas 77056

TO: City of North Augusta
c/o City Administrator
North Augusta, SC

APPLICANT: Rushing Waters, LLC
2569 Trade Center Dr.
Evans, GA 30809

We hereby establish our Irrevocable Letter of Credit Number 8510 dated October 4, 2019 in your favor for the account of Rushing Waters, LLC up to the aggregate amount of USD\$251,625.00(Two Hundred Fifty-One Thousand Six Hundred Twenty Five and 00/00 United States Dollars) available by your draft(s) at sight drawn on us to be accompanied by the original letter of credit and the following document(s):

Beneficiary's signed statement certifying that: "Failure of performance has occurred on the contract between Rushing Waters, LLC and the City of North Augusta for the completion of sidewalks/ADA ramps/street, trees/detention ponds/pond access roads/fencing/asphalt paving for temporary cul-de-sac for the Rushing Waters Phase 1 Lots."

Partial drawings are permitted.

Expiration date of the letter of credit is November 4, 2021 at our counters located 2800 Post Oak Boulevard, Suite 3800, Houston, Texas 77056.

All drafts presented for negotiation must be endorsed on their reverse side by the Beneficiary.

Drafts must be endorsed hereon and must be marked "Drawn under Cadence Bank N.A. Irrevocable Letter of Credit Number 8510 dated October 4, 2019.

We engage with bona fide holders that drafts drawn strictly in compliance with the terms of this credit and amendments will be duly honored upon presentation to us.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits Publication No. 600 (2007 Revision). As to matters not covered by UCP, this Letter of Credit shall be subject to and governed by the laws of the Texas.

Cadence Bank, N.A.

A handwritten signature in blue ink, appearing to read 'Steve Barnhart', is written over a light blue horizontal line.

Steve Barnhart
Executive Vice President

2800 Post Oak Boulevard, Suite 3800 | Houston, Texas 77056
713-871-4000

§5.8.5 of the North Augusta Development Code, the developer does hereby guarantee the maintenance of the infrastructure improvements under and pursuant to the following terms.

INFRASTRUCTURE IMPROVEMENTS SUBJECT TO THIS GUARANTEE

This Maintenance Guarantee shall extend to all infrastructure improvements proposed to be deeded to, dedicated to, transferred or otherwise assigned to the City of North Augusta by the developer. Such improvements shall include, where applicable, the following but not be limited to such specified improvements:

- A. Streets and associated improvements;
- B. Water distribution system;
- C. Fire suppression elements of the water distribution system;
- D. Sanitary sewerage collection system;
- E. Stormwater collection system; and
- F. Easements and rights of way for streets, sidewalks, water supply, and sanitary sewage and stormwater collection systems.

REPRESENTATIONS BY THE DEVELOPER

The Developer represents to the City of North Augusta that:

- A. For a period of twenty-four (24) months from the approval of the final plat, the improvements will not fail, for any reason, with the exception of force majeure;
- B. The Developer has submitted the Deed of Dedication and a monetary guarantee, in the form of an Irrevocable Letter of Credit in the amount of \$140,000, in support of this Maintenance Guarantee in accordance with §§5.8.4 and 5.8.5 of the North Augusta Development Code within the specified time period;
- C. The City Engineer for the City of North Augusta shall have full and absolute discretion and authority in determining whether or not a failure has occurred in regard to the infrastructure subject to this Maintenance Guarantee.

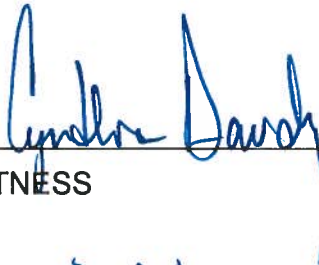
REMEDIES IN THE EVENT OF DEFAULT


In the event that the City Engineer for the City of North Augusta, in his sole discretion, determines that a failure has occurred, he shall provide written notice of such failure to the developer with a request for the immediate correction of said failure. In the event of failure by the developer to make such repairs as necessary within sixty (60) days of such written notice or within ten (10) days, in the event of such notice being received during the last sixty (60) days covered by this Maintenance Guarantee and letter of credit, the following conditions shall prevail:

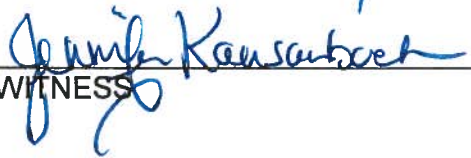
- A. This Maintenance Guarantee shall be considered violated and in default with the City having full right and authority to make claims on the guarantee amount provided for herein.
- B. The City may make claim against the full amount of the monetary guarantee, until such time as the City is able to make the necessary repairs to the infrastructure.
- C. Following the completion of the repairs to the infrastructure to the satisfaction of the City Engineer, any funds remaining from the monetary guarantee shall be refunded to the developer.
- D. The City is entitled to compensation, at a reasonable rate, for any in-house services provided by the City for the purpose of correcting failures or deficiencies to the infrastructure.
- E. The City shall have full and absolute authority in regard to a determination as to party or parties contracted with for the purpose of making repairs as required.

(Signature pages follow)

IN WITNESS WHEREOF, Rushing Waters, LLC. has caused these presents to be executed in its name by its duly authorized Manoj Mehta this 4th day of October, 2019.


WITNESS

BY: 
Robert T Bailey (please print)


WITNESS

ITS: Manoj Mehta

ACCEPTED THIS 30th DAY OF October, 2019.

City of North Augusta

Sharon Lamar
WITNESS

[Signature]
WITNESS

BY: B. Todd Glover
B. Todd Glover
ITS: City Administrator



IRREVOCABLE LETTER OF CREDIT

Number 8511
Date October 4, 2019

Issuing Bank: Cadence Bank, N.A.
2800 Post Oak Boulevard Suite 3800
Houston, Texas 77056

TO: City of North Augusta
c/o City Administrator
North Augusta, SC

APPLICANT: Rushing Waters, LLC
2569 Trade Center Dr.
Evans, GA 30809

We hereby establish our Irrevocable Letter of Credit Number 8511 dated October 4, 2019 in your favor for the account of Rushing Waters, LLC up to the aggregate amount of USD\$140,000.00 (One Hundred Forty Thousand and 00/00 United States Dollars) available by your draft(s) at sight drawn on us to be accompanied by the original letter of credit and the following document(s):

Beneficiary's signed statement certifying that: "Failure of maintenance has occurred on the contract between Rushing Waters, LLC and the City of North Augusta for any infrastructure improvements proposed to be deeded to, dedicated to, transferred or otherwise assigned to the City of North Augusta by the developer. Such improvements shall include, where applicable, the following but not be limited to such specified improvements:

- A. Streets and associated improvements;
- B. Water distribution system;
- C. Fire suppression elements of the water distribution system;
- D. Sanitary sewerage collection system;
- E. Stormwater collection system; and
- F. Easements and rights of way for streets, sidewalks, water supply, and sanitary sewage and stormwater collection systems."

Partial drawings are permitted.

Expiration date of the letter of credit is October 4, 2021 at our counters located 2800 Post Oak Boulevard, Suite 3800, Houston, Texas 77056.

All drafts presented for negotiation must be endorsed on their reverse side by the Beneficiary.

Drafts must be endorsed hereon and must be marked "Drawn under Cadence Bank N.A., Irrevocable Letter of Credit Number 8511 dated October 4, 2019.

We engage with bona fide holders that drafts drawn strictly in compliance with the terms of this credit and amendments will be duly honored upon presentation to us.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits Publication No. 600 (2007 Revision). As to matters not covered by UCP, this Letter of Credit shall be subject to and governed by the laws of the Texas.

Cadence Bank, N.A.

A handwritten signature in blue ink, appearing to read 'SB', with a horizontal line extending to the right.

Steve Barnhart
Executive Vice President

2800 Post Oak Boulevard, Suite 3800 | Houston, Texas 77056
713-871-4000