



CITY COUNCIL
STUDY SESSION MEMO
AUGUST 17, 2020

Administration Department



Interoffice Memorandum

TO: Mayor and City Council

FROM: Rachelle Moody, Interim City Administrator

DATE: August 14, 2020

SUBJECT: Virtual Study Session Date of Monday, August 17, 2020

The City of North Augusta will conduct a virtual Study Session on Monday, August 17, 2020 at 6:00 P.M. using GoToMeeting online conferencing software. The virtual Study Session will be streamed online for public viewing at:

- City Facebook page: To access, visit www.facebook.com/cityofnorthaugusta or search “City of North Augusta – Public Information” on www.Facebook.com
- City YouTube page: To access, visit https://www.youtube.com/channel/UCRLLD_cnQ68YRQgUGaE_22Q or search “City of North Augusta Public Information” on www.YouTube.com

The following is among the topics for discussion and review:

ITEM 1. CITY COUNCIL AGENDA: Items on the August 17, 2020 Council Agenda – Council Discussion

At this time, any questions related to the agenda scheduled for tonight’s meeting may be discussed.

ITEM 2. PLANNING AND DEVELOPMENT: Planning Commission Recommendation Memorandum # 20-017 and Project Staff Report: RZT20-001 Article 13: Signs, Text Amendment – Council Discussion


On June 18, 2020, the Planning Commission reviewed application RZT20-001, Article 13: Signs, Text Amendment. The application proposed a text change regarding electronic readerboard signs put forward by Be Ye Holy Ministries. The Planning Commission did not recommend the changes. Council will discuss the memo and report.

Department of Planning And Development



Memorandum # 20-017

To: Rachelle Moody, Interim City Administrator

From: Libby Hodges, Director 

Subject: Text Change for Be Ye Holy Ministries, RZT20-001

Date: June 22, 2020

At the June 18, 2020, Planning Commission meeting, the Planning Commission reviewed application RZT20-001, a text change regarding electronic readerboard signs put forward by Be Ye Holy Ministries.

Attached you will find copy of the staff report and attachments for the text change. The Planning Commission did not recommend the changes.

The request is being forwarded for consideration at the next available City Council meeting. Please contact me with any questions.

Project Staff Report

RZT20-001 Article 13: Signs, Text Amendment

Prepared by: Kuleigh Baker

Meeting Date: June 18, 2020

SECTION 1: PROJECT SUMMARY

Project Name	Article 13, Signs; Electronic Readerboards
Applicant	Be Ye Holy Ministries, Inc.
Proposed Text Amendment	A request by Be Ye Holy Ministries, Inc. to revise Article 13: Signs. The request is to allow Electronic Readerboards for certain non-residential uses within allowed within residential districts and to increase the allowed sign area.

SECTION 2: GENERAL DESCRIPTION

Be Ye Holy Ministries, Inc. has requested that the Planning Commission review proposed changes to North Augusta Development Code Article 13: Signs. The request is to allow Electronic Readerboards for certain allowed commercial or institutional uses within residential districts and to increase the percentage of allowed area for readerboards.

SECTION 3: PLANNING COMMISSION CONSIDERATION

The Planning Commission is being asked to review the 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 [see above].**

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 provide additional standards for review or analysis.

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 June 3, 2020.

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 completed a review of the sign regulations in North Augusta.

In 2019, several revisions to the code were presented by Staff to simplify, clarify, allow for new types of signage, and allow for more diverse signage types in Downtown. These revisions were reviewed by a subcommittee consisting of volunteers from the Planning Commission. A "Sign Revision Preview" meeting was held on May 7, 2019, to review the changes and discuss these changes with the public. The Planning Commission recommended the text amendment for approval by the City Council at their regular meeting held June 20, 2019.

City Council adopted Ordinance No. 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

Background Information

Readerboards and electronic readerboards are defined as follows:

Changeable Copy Sign: also known as a "readerboard," is any sign designated so that letters or numbers attached to the sign can be periodically changed to a different message.

Electronic Readerboard: a sign which displays messages in alternating light cycles using electronic messaging or LED lights. They are generally computerized programmable electronic visual communication devices, manufactured for the outside environment.

Section 13.8.1.a states the following: "Signage shall not exceed the limits as defined herein. If a sign type is not listed in that district or use, that type of signage is not allowed in that district or use. Zoning district means the district as established in Article 3, Zoning Districts. Use is more precise than the zoning district. If there is a conflict between district and use, use shall prevail."

This would indicate that use would over-ride zoning, however, the use of electronic readerboards are conditioned further within the code to limit Electronic Readerboards to use in only specific non-residential zoning districts.

Section NADC 13.8.3, Signage Allowed for Non-Residential Districts and Uses

I. Electronic Readerboards

- i. Shall be used only in the Office Commercial (OC), General Commercial (GC), Thoroughfare Commercial (TC), and Industrial (IND) districts.
- ii. Shall not exceed 50% of the sign area of which it is a part.
- iii. Must have a dark or black background.
- iv. Shall not display any animation, scrolling, flashing, or the appearance of animation or other prohibited sequence of lighting.
- v. Electronic Readerboards are prohibited in the Neighborhood Preservation Overlay.

Electronic Readerboards are allowed in the D, OC, GC, TC and IND (NADC 13.8.3, Table 3-3 & NADC 13.8.4.p, except in areas covered by the Neighborhood Preservation Overlay). By specifying that electronic readerboards are useable only in certain zoning districts, this would prohibit electronic readerboard signs in R-14, R-10, R-7, R-5, NC, CR, R-MH, and TND districts. Electronic readerboard signs are also prohibited in the Neighborhood Preservation Overlay District. Signs in the PD or P districts may have conditional allowances for these types of signs. The following uses are Permitted, Conditional Uses, Special Exceptions, or Accessory uses in residential districts:

Permitted Non-Residential Uses in Residential Districts

- Tourist homes
- Churches, synagogues, parish houses, Sunday school buildings, convents, including child care during worship services
- Open space, park or active recreational uses operated on a non-commercial basis
- Swimming pool
- Cemeteries
- Telephone exchange and repeater stations
- Utility lines

Conditional Uses (Administrative Approval with public hearings)

- Boarding House
- Childcare
- Private or non-profit clubs including country clubs, athletic clubs, lodges, fraternities, and swimming clubs on a non-commercial membership basis
- Schools, academic, nursery and preschool, grade schools – elementary, middle, high school
- Private boat docks, boat houses, or marinas
- Agricultural uses (raising crops, horticulture, orchards, forests excluding raising livestock)
- Dormitory
- Non-exempt Group homes

Special Exception (granted by the Board of Zoning Appeals)

- Bed and breakfast
- Cell/communication towers and antennae
- Gas or electric generation distribution facilities

Accessory Uses allowed in Residential Districts

- Accessory buildings
- Bus shelters
- Home occupations
- Community centers, meeting halls, community halls, reception halls, wedding halls
- Storage of construction equipment, outdoors, incidental to construction activities
- Studios for artists, designers, musicians, photographers, sculptors (not as a home occupation)
- Parking lots, parking structures, or underground parking areas

The Code does not specify a square footage allowance for non-residential uses in residential districts, but allows the Director to choose the most closely applicable district and use those standards.

Text Amendment Request

Be Ye Holy Ministries, Inc. has requested two text amendments to Article 13. The first is for Section 13.8.3.l.i., to allow for electronic readerboards on signs associated with allowed commercial or institutional uses in residential districts. The second amendment request is to change the text of Article 13, Section 13.8.3.l.ii. to allow electronic readerboards to cover 100% of the sign area in which it is a part.

Text Amendment Recommendations

Please note: Text that is underlined is added, text that is ~~struck through~~ is to be deleted

If accepted as submitted by the applicant, staff has recommends the following text changes Section 13.8.3:

I. Electronic Readerboards

i. Shall be used only in the Office Commercial (OC), General Commercial (GC), Thoroughfare Commercial (TC), and Industrial (IND) districts and for any non-residential use allowed in a residential district.

ii. ~~(deleted)~~

iii. Must have a dark or black background.

iv. Shall not display any animation, scrolling, flashing, or the appearance of animation or other prohibited sequence of lighting.

v. Electronic Readerboards are prohibited in the Neighborhood Preservation Overlay.

Table 13-2, item 13 would be amended to read:

TABLE 13-2 NON-RESIDENTIAL SIGN AREA CHART (USE OR ZONE)

A	All Signs			Wall Signs		Freestanding Signs				K Maximum SF, if not otherwise specified
	Maximum TOTAL SF of all signs is the lesser of B, or C, or D			Maximum SF is the lesser of E or F		Maximum SF is the lesser of G or H				
	B Maximum Area (sf)	C % of Ground	D Total sign area Per Linear Foot	E Maximum Area (sf)	F % of Wall Area	G Maximum Area (sf)	H Freestanding Sign Area per foot of	I Maximum Height (ft)	J Front/Side Setbacks	
13. Electronic Readerboards	--	--	--	--	--	--	--	--	--	50% of sign area No maximum

Staff recommends additional changes to include clarification of sign sizes allowed.

13.8.3 Signage Allowed for Non-Residential Districts and Uses

- a. Applicability: restrictions in this category apply to developments in any zoning district that are currently used for non-residential purposes. ~~If a non-residential use is legally occupying a residentially zoned lot, the Director shall determine the closest applicable district and sign requirements.~~ For non-residential uses permitted by right (not including conditional or special exception uses), the standards for Neighborhood Commercial (NC) signage shall be used.

Section NADC 13.8.3, Signage Allowed for Non-Residential Districts and Uses

I. Electronic Readerboards

- i. ~~Shall be used only in the Office Commercial (OC), General Commercial (GC), Thoroughfare Commercial (TC), and Industrial (IND) districts. Shall be permitted only on properties where the primary use of the entire property is non-residential. (Note: This would not include Tourist Homes or Home Occupations, as the primary use remains residential.)~~
- ii. Shall not exceed 50% of the sign area of which it is a part.
- iii. Must have a dark or black background.
- iv. Shall not display any animation, scrolling, flashing, or the appearance of animation or other prohibited sequence of lighting.
- v. Electronic Readerboards are prohibited in the Neighborhood Preservation Overlay.

Table 13-2 would not be modified.

SECTION 7: ATTACHMENTS

1. Public Notice
2. Applicant request for text changes
3. Staff recommended Revised Text of Article 13: Signs

- I. Electronic Readerboards
 - i. Shall be used only in the Office Commercial (OC), General Commercial (GC), Thoroughfare Commercial (TC), and Industrial (IND) districts and for any non-residential use allowed in a residential district.
 - ii. (deleted)
 - iii. Must have a dark or black background.
 - iv. Shall not display any animation, scrolling, flashing, or the appearance of animation or other prohibited sequence of lighting.
 - v. Electronic Readerboards are prohibited in the Neighborhood Preservation Overlay.

- m. Changeable Copy
 - i. Shall be used only in the Office Commercial (OC), General Commercial (GC) and Thoroughfare Commercial (TC) districts.
 - ii. Must be part of a larger wall or freestanding sign.
 - iii. Shall not exceed 30% of the sign area of which it is a part.
 - iv. Changeable Copy signs are prohibited in the Georgia Avenue and Neighborhood Preservation Overlay.

- n. Maximum Total Square Footage of All Signage on a Non-Residential Parcel or Lot
 - i. Zoning Districts
 - a. Neighborhood Commercial (NC):
 - i. Maximum Square Footage: 200 sq ft. or 4% of ground floor area, or 3 sq ft per linear foot of street frontage, whichever is least.
 - b. Office Commercial (OC):
 - i. Maximum Square Footage: 300 sq ft. or 6% of ground floor area, or 3 sq ft per linear foot of street frontage, whichever is least.
 - c. General Commercial (GC) and Thoroughfare Commercial (TC):
 - i. Maximum Square Footage: 300 sq ft. or 10% of ground floor area, or 3 sq ft per linear foot of street frontage, whichever is least.
 - d. Industrial (IND) Districts
 - i. Maximum Square Footage: 300 sq. ft. or 2% of ground floor area, or 3 sq. ft. per linear foot of street frontage, whichever is less.

TABLE 13-2 NON-RESIDENTIAL SIGN AREA CHART (USE OR ZONE)

A	All Signs			Wall Signs		Freestanding Signs				Maximum SF, if not otherwise specified
	Maximum TOTAL SF of all signs is the lesser of B, or C, or D			Maximum SF is the lesser of E or F		Maximum SF is the lesser of G or H				
	B	C	D	E	F	G	H	I	J	K
Use or Zoning District*	Maximum Area (sf)	% of Ground Floor Area	Total sign area Per Linear Foot of Frontage	Maximum Area (sf)	% of Wall Area	Maximum Area (sf)	Freestanding Sign Area per foot of Linear Frontage (sf)	Maximum Height (ft)	Front/Side Setbacks (ft)	Maximum Area (SF)
1. Construction Signage	--	--	--	--	--	--	--	--	--	32
2. Temporary Signs	--	--	--	--	--	--	--	--	--	16
3. Temporary Signs, NC District	--	--	--	--	--	--	--	--	--	6
4. Vacant Lots over 5 acres	--	--	--	--	--	--	--	--	--	32
5. Vacant Lots less than 5 acres	--	--	--	--	--	--	--	--	--	16
6. Identification	--	--	--	--	--	--	--	--	--	2
7. Accessory Signs	--	--	--	--	--	--	--	--	--	4
8. Window Signs	--	--	--	--	--	--	--	--	--	50% of window area
9. Subdivision/Project Identification Signs	--	--	--	--	--	32	--	5	--	--
10. Shopping Centers	1,000	5	1	1,000	10	150	0.50	25	5/10	16
11. Menu Boards	--	--	--	--	--	--	--	--	--	32
12. Canopy Signs	--	--	--	--	--	--	--	--	--	50% of canopy
13. Electronic Readerboards	--	--	--	--	--	--	--	--	--	<u>No Maximum.</u>
14. Changeable Message Signs	--	--	--	--	--	--	--	--	--	30% of sign area
15. Neighborhood Commercial (NC)	200	4	3	160	10	60	0.25	10	5/10	6
16. Office Commercial (OC)	300	6	3	300	10	100	0.50	12	5/10	16
17. General Commercial (GC)	300	10	3	300	10	100	0.50	20	5/10	16
18. Thoroughfare Commercial (TC)	300	10	3	300	10	100	1	25	5/10	16
19. Highway Corridor Overlay (HC)	300	10	6	300	10	100	0.50	25	5/10	16
20. Neighborhood Preservation Overlay (NP)	200	6	3	160	--	60	0.50	10	5/5	6
21. Georgia Avenue Overlay (GA)	100	10	6	100	7	20	0.25	8	0/0	
22. Industrial (IND)	300	2	3	--	--	150	0.50	20	5/10	16



BE YE HOLY MINISTRIES, INC.
1117 SEYMOUR DRIVE
NORTH AUGUSTA, S.C. 29841



To,
Mrs. Libby Hodges
Director of Planning and Development
City of North Augusta
100 Georgia Avenue
P.O Box 6400
North Augusta, SC 29841

Subject: *Request approval to allow Be Ye Holy Ministries, Inc. to install an Electronic Readerboard at 1117 Seymour Drive, North Augusta, S.C. 29841.*

Dear Mrs. Libby Hodges

It has come to our attention that the City of North Augusta has prohibited or placed restrictions to permit the installation of our proposed Electronic Readerboard.

Be Ye Holy Ministries, Inc., is a (501) © 3, Non-Profit Organization that represents Christ to the community. As a ministry, we have been instructed to propagate the Word of God. (Luke 14:23) Tells us to "Go out into the highways and hedges, and compel them to come in, that my house may be filled".

Be Ye Holy has been an active community member of North Augusta since December 2009. We provide public religious services to include worship, education, and counseling. We open our food pantry and clothes closet monthly. Also, we typically sponsor blood drives in conjunction with the Shepard blood center to enhance and contribute to the wellbeing of our community.

Permitting Be Ye Holy to install the proposed electronic readerboard allows us to freely brand and reach the public 24 hours a day, which can be utilized to provide a comforting message, welcome guests, or inform people when the next service is taking place. While sharing all this information is essential, visibility is the key. The electronic readerboard allows us to exercise our faith.

Article 13(l)(i)/(ii) puts an unreasonable restriction on Be Ye Holy Ministries, *hindering its ability to exercise religious activities in the community*. We believe the current zoning code on Electronic Reader boards in residential districts is antiquated and represents the past, not the future. Putting up letters and taking down messages is what we did when we began in 1992.

Our goal is to enhance the community through our complimentary landscape and spiritual fitness services.

Be Ye Holy request a "Text Amendment" to Article 13, para 13.8.3(l)(i) to allow electronic readerboards on signs associated with allowed commercial or *institutional uses* in residential districts. Our electronic readerboard is 8 ft. high, with a sign area of 32 sq. ft.



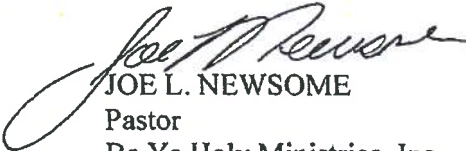
BE YE HOLY MINISTRIES, INC.
1117 SEYMOUR DRIVE
NORTH AUGUSTA, S.C. 29841



Be Ye Holy request a "Text Amendment" to Article 13, para 13.8.3(l)(ii) to allow our electronic readerboard to cover 100% of the sign area in which it is a part.

We request the City of North Augusta approve the installation of the proposed church sign at 1117 Seymour Drive, North Augusta, South Carolina 29841. We thank you in advance for your consideration and look forward to a continued community partnership.

Respectfully Submitted,



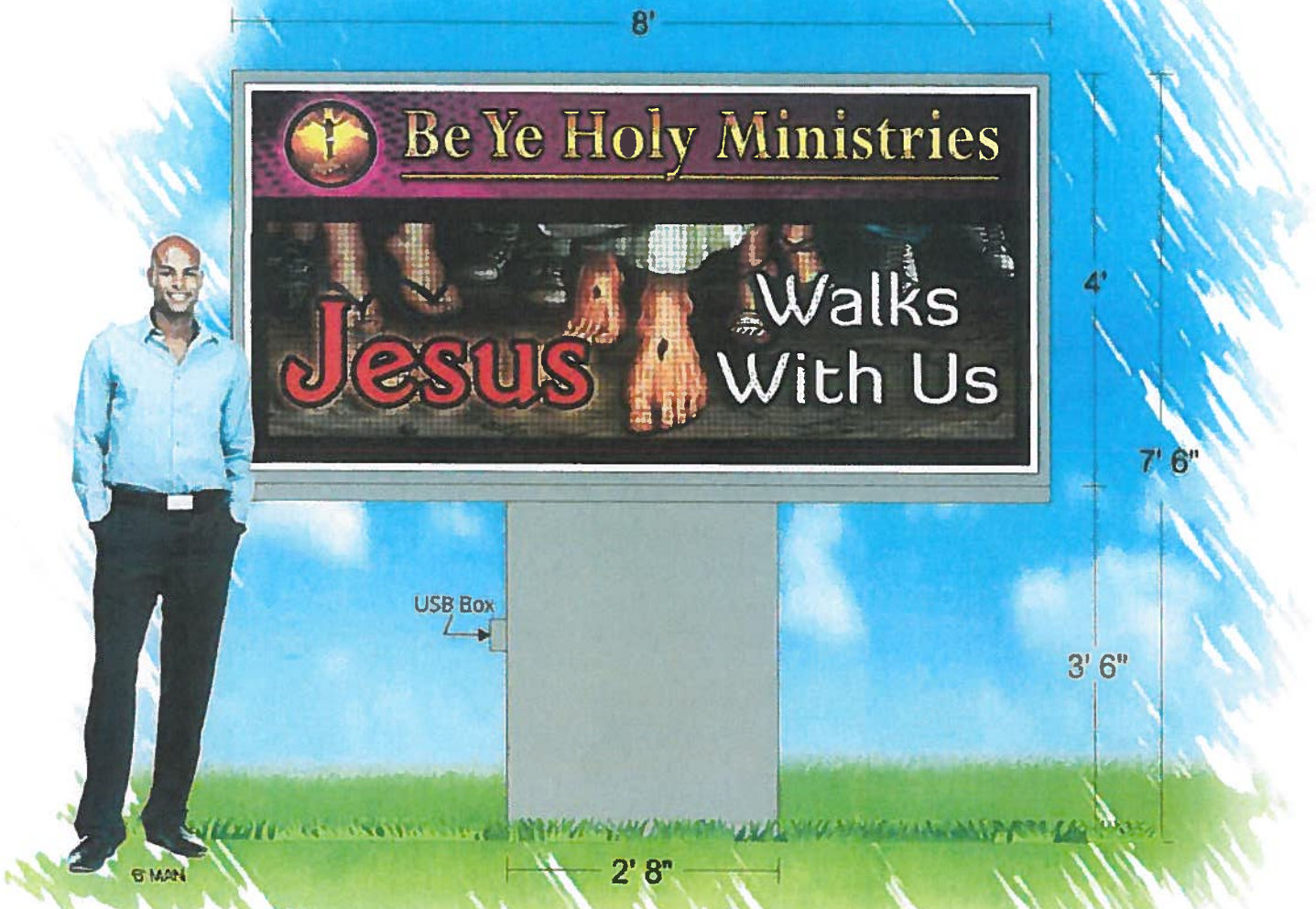
JOE L. NEWSOME

Pastor

Be Ye Holy Ministries, Inc.

Phone: 706-339-5590

Email: beyeholy@comcast.net



Stewart Signs
 AN EBSCO COMPANY

1-800-237-3928 stewartsigns.com

TekStar Color 20mm 32x112

Cabinet size: 4'x8'

1/2"=1' Sk: 953299-1 Cust: 3110125

4/17/2020 Ca/cMiller PROPOSAL

Scale: 5/8"=1' Color(s): Digital Print Paint Color: Silver Gray

Draft Color: White

Approved

as shown with changes

Signature _____

Date _____



This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone products. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimum viewing distance. **Original design, do not duplicate.**