



CITY COUNCIL MEETING
BACK-UP MATERIALS
FOR
NOVEMBER 16, 2020



TO: Mayor and City Council

FROM: Jim Clifford, City Administrator

DATE: November 13, 2020

SUBJECT: Regular City Council Meeting of November 16, 2020

REGULAR COUNCIL MEETING

ITEM 5. PROCLAMATION: Small Business Saturday – November 28, 2020

Mayor Pettit wishes to proclaim November 28, 2020 as Small Business Saturday in the City of North Augusta.

Please see a copy of the proclamation below:

PROCLAMATION

WHEREAS, small businesses form the backbone of our local economy, generating jobs and improving the quality of life for citizens; and

WHEREAS, the Mayor and City Council of North Augusta, South Carolina acknowledge and celebrate the City's small businesses and the contributions they make to our community; and

WHEREAS, the impact on local small businesses resulting from the COVID pandemic has been dramatic and, in many instances, devastating; and

WHEREAS, 2020 marks the eleventh year of Small Business Saturday, a nationwide campaign to encourage shopping at local businesses on the Saturday after Thanksgiving to stimulate the local economy; and

WHEREAS, local organizations such as the North Augusta Chamber of Commerce and many other organizations across the country endorse the Saturday after Thanksgiving as Small Business Saturday.

NOW THEREFORE, I, Robert A. Pettit, Mayor of the City of North Augusta, South Carolina, do hereby claim November 28, 2020 as:

SMALL BUSINESS SATURDAY

AND encourage our citizens to recognize and support small businesses within our community by shopping locally on the Saturday following Thanksgiving.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of North Augusta, South Carolina, to be affixed this 16th day of November, 2020.

ITEM 6. PROCLAMATION: Arbor Day – December 4, 2020

Mayor Pettit wishes to proclaim December 4, 2020 as Arbor Day in the City of North Augusta.

Please see a copy of the proclamation below:

PROCLAMATION

ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE, I, Robert A. Pettit, Mayor of the City of North Augusta, South Carolina, do hereby proclaim December 4, 2020, as “Arbor Day” in North Augusta, South Carolina, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and further, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of North Augusta, South Carolina, to be affixed this 16th day of November, 2020.

ITEM 7. PERSONNEL: Michael Key – Retirement – Recognition of Service to the City of North Augusta

Mike Key began his service to the City of North Augusta on April 1st 1987. For over 33 1/2 years He has been a role model for others to follow. He is an example of a loyal and dedicated employee. His devotion to the Public Safety Department is going to be missed and will likely not be equaled any time soon. Mike always seemed to have positive influence on the other officers he worked with. Mike handled his chosen profession with a calm demeanor and good humor even in the difficult times. His knowledge and caring of the Community he served will remain one of his finest qualities. He will be missed by all who had the pleasure of serving with him.

ITEM 8. PERSONNEL: Randy Nichols – Retirement – Recognition of Service to the City of North Augusta

On behalf of City Council and City Staff, I (Mayor Pettit) want to congratulate Public Utilities Supervisor Randy Nichols on his well-deserved retirement and thank him for 28 years of dedicated service to the citizens of North Augusta.

Randy began his career with the City in 1992 in the Public Utilities Department. During his years of service Randy served several years on the safety committee, provided technical skills training to employees and was known for his professionalism and dedication to provide exemplary customer service.

Randy has served as an integral component to maintaining the integrity of the City's utility systems. Randy's hard work and dedication to serve is an example we should all strive to follow and will truly be missed by his City family.

Our well wishes and thoughts are with Randy and his family for happiness and good fortune throughout his retirement.

Again, congratulations on your well-deserved retirement!

ITEM 9. PLANNING AND DEVELOPMENT: Ordinance No. 2020-34 – Amending Article 3, Zoning Districts, of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances; Ordinance – First Reading

An ordinance has been prepared for Council's consideration on first reading to amend Article 3, Zoning Districts, of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances.

Please see ATTACHMENT #9 for a copy of the proposed ordinance.

ITEM 10. BOARDS AND COMMISSIONS: Municipal Election Commission Appointments – Recommendation by Mayor

Mayor Pettit wishes to recommend the appointment of the citizens listed below to new terms on the Municipal Election Commission. Council concurrence is requested.

<u>Name</u>	<u>Term Expires</u>
Machela Knox	1/31/2026
Carleton Vaughn	1/31/2024

ITEM 11. ELECTIONS: Ordinance No. 2020-35 – Complying with Sections 10-1 and 10-2 of the Code of Laws of North Augusta, South Carolina by Setting the Dates for Municipal Party Primaries, Conventions, and Partisan General Election, Times for Filing of Nominating Petitions, Certification of Candidates by Parties, and Certification of Candidates by Municipal Election Commission; Ordinance – First Reading

An ordinance has been prepared to Council’s consideration on first reading to set the dates for the Municipal Party Primaries, Conventions, and Partisan General Election, timed of filing nominating petitions, certification of candidates by parties, and certification of candidates by Municipal Election Commission.

Please see ATTACHMENT #11 for a copy of the proposed ordinance.

ITEM 12. PUBLIC SAFETY: Resolution No. 2020-55 – Approving Payment to Belvedere Fire District for Transfer of Service Territory to City for Properties Annexed from April 15, 2019 through October 31, 2020

A resolution has been prepared for Council’s consideration to approve payment to Belvedere Fire District for the transfer of service territory to the City for properties annexed from April 15, 2019 through October 31, 2020.

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

ATTACHMENT #9

ORDINANCE NO. 2020-34
AMENDING ARTICLE 3, ZONING DISTRICTS, 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 October 15, 2020, public hearing, reviewed and considered a request by the Planning and Development Department to amend Article 3, Section 3.8.6 entitled "NP, Neighborhood Preservation Corridor Overlay District," of the North Augusta Development Code to allow Special Exceptions within the overlay. 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, NP, Neighborhood Preservation Corridor Overlay District, Section 3.8.6.2, Permitted Uses, is amended to read:

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

And

3.8.6.2.3 Uses which require a special exception may be granted by the Board of Zoning Appeals with conditions.

B. Any other needed formatting 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 second 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 _____

Robert A. Pettit, Mayor

ATTEST:

Sharon Lamar, City Clerk

Department of Planning And Development



Memorandum # 20-030

To: Jim Clifford, City Administrator
From: Libby Hodges, Director 
Subject: RZT20-003, Special Exceptions in Neighborhood Preservation Overlay
Date: October 21, 2020

Per the requirements of Development Code Article § 5.3.3.2, at the October 15, 2020, Planning Commission meeting, text amendment RZT20-003, Special Exceptions in the Neighborhood Preservation Overlay was presented to the Planning Commission for consideration. This text amendment was requested by the City of North Augusta to review an amendment to Article 3, Section 3.8.2, Establishment of Corridor Overlay Districts, to amend the NP, Neighborhood Preservation Overlay District to allow the Board of Zoning Appeals to review Special Exceptions in Overlay. The current text prohibits any Special Exception in the Neighborhood Preservation Overlay. This amendment, if approved by City Council, would allow the Board of Zoning Appeals to review Special Exception applications within the Neighborhood Preservation Overlay.

The Planning Commission voted unanimously to recommend approval of the text change with additional edits to § 3.8.6.2.1. A copy of the staff report, attachments, and text changes as revised, and a draft ordinance are attached.

We respectfully request that the text change be forwarded for consideration at the next available City Council meeting.

cc. Sharon Lamar, City Clerk, slamar@northaugusta.net
Kelly Zier, City Attorney, kzier@zierlawfirm.com

Attachments (11 pages)

Project Staff Report

RZT20-003 Special Exceptions in Overlay Districts

Prepared by: Libby Hodges

Meeting Date: October 15, 2020

SECTION 1: PROJECT SUMMARY

Project Name	Special Exceptions in Overlay Districts Text Amendment
Applicant	City of North Augusta
Proposed Text Amendment	A request by the City of North Augusta to amend Article 3, Section 3.8.2, Establishment of Corridor Overlay Districts, of the North Augusta Development Code to amend the NP, Neighborhood Preservation Overlay District to allow the Board of Zoning Appeals to grant Special Exceptions in Overlay Districts.

SECTION 2: GENERAL DESCRIPTION

On September 15, 2020, the Planning and Development Department submitted an application on behalf of the City of North Augusta requesting text amendments of the North Augusta Development Code related to Article 3, Section 3.8.2, Establishment of Corridor Overlay Districts. The request is to amend the restrictions of the NP, Neighborhood Preservation Overlay District to allow the Board of Zoning Appeals to grant Special Exceptions in Overlay Districts.

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.**

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, though analysis and commentary is provided for review.

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 Aiken Standard* and on the City's website www.northaugusta.net on October 1, 2020.

SECTION 5: HISTORY

The North Augusta Development Code was adopted by City Council on December 17, 2007, effective January 1, 2008. The Neighborhood Preservation Overlay District was introduced as part of the new Development Code.

SECTION 6: SUMMARY OF CHANGES AND PROPOSED AMENDMENTS

The requested revisions to the Development Code have been modified to show changes as follows:

Underlined Text: text that has been modified or added to the Code.

~~Strike Through Text~~: text proposed to be removed.

The affected section reads as follows:

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

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

3.8.6.2.2 Uses that are not permitted are:

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

3.8.6.2.3 ~~No use which requires a special exception is permitted.~~ Uses which require a special exception may be granted by the Board of Zoning Appeals with conditions.

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

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

Staff Introduction and Analysis

In reviewing a request for a Special Exception in the Neighborhood Preservation Overlay District, staff has identified several inconsistencies within the current code. This text amendment intends to address those inconsistencies, while recognizing that uses identified as Special Exceptions are uses that have been identified as requiring additional scrutiny under the Development Code.

It is important to note that uses prohibited in the overlay or by zoning district would remain prohibited. The Board of Zoning Appeals is not authorized to allow uses not allowed under the base zoning. For example, the Neighborhood Preservation Overlay (NADC Section 3.8.6.2.2) prohibits drive-in, drive-up and drive-through facilities, indoor or outdoor sales of equipment, motorcycles or automobiles, gasoline sales and automobile service stations, and automobile and motorcycle repair. These would remain prohibited within the overlay. As an example, an R-7 property, inside or outside the overlay, would not be allowed be used as an Outdoor Flea Market per the use matrix (Table 3-2). However, if passed, a GC zoned property within the overlay could request a Special Exception. The Board of Zoning Appeals would then follow the procedures outlined below to review the Special Exception.

Staff has provided the following review of the purpose and procedures related to the Neighborhood Preservation Overlay and Special Exceptions for review.

Review Standards for Special Exceptions

North Augusta Development Code Article 5 provides information about what a “quasi-judicial” decision is and how those reviews are conducted. The Development Code states the following:

“5.1.1.2.b. Quasi-Judicial Decisions: A quasi-judicial decision involves the application of a standard required by this Chapter to an application. Some of the applications require a public hearing. Procedural due process requirements apply as established in §5.1.4. Examples include variances, special exception permits, appeals, adjustments and waivers.

5.1.4.5 Quasi-Judicial Public Hearing Procedures –

a. Generally: This section applies to any application for a variance, appeal, special exception or any other action pursuant to this Chapter which is considered quasi-judicial under South Carolina law. In making quasi-judicial decisions, the decision makers must ascertain the existence of facts, investigate the facts, hold hearings, weigh evidence and draw conclusions from them, as a basis for official action, and exercise discretion of a judicial nature. In the land use context, quasi-judicial decisions involve the application of land use policies to individual situations, such as variances, and appeals of administrative determinations. These decisions involve three key elements: the finding of facts regarding the specific proposal, the exercise of some discretion in applying the standards of the ordinance and reaching conclusions of the applicable law in the case. Due process requirements for quasi-judicial decisions mandate that all fair trial standards be observed when these decisions are made. This includes an evidentiary hearing with the right of the parties to offer evidence; cross-examine adverse witnesses; inspect documents; have sworn testimony; and have written findings of fact and conclusions supported by competent, substantial, and material evidence.”

In addition, Development Code Article 18 outlines the review criteria for Special Exceptions:

“18.4.5.4.3 Special Exception –

a. Special exceptions are subject to additional scrutiny to insure that the health, safety and general welfare of the community and the area where the special exception use is proposed will not be harmed.

(continued, next page)

b. Permits for special exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:

1. That the special exception complies with all applicable development standards contained elsewhere in this Chapter and with the policies contained in the Comprehensive Plan. (Rev. 12-1-08; Ord. 2008-18)
2. That the special exception will be in substantial harmony with the area in which it is to be located.
3. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.

c. In granting a special exception, the Board of Zoning Appeals may attach such additional stipulations, conditions, or safeguards that, in its judgment, will enhance the proposed special exception use and promote the public health, safety or general welfare.”

These sections outline that the uses identified as “Special Exceptions” are required to have additional scrutiny under the procedures followed by the Board of Zoning Appeals. The quasi-judicial hearing process must follow the requirements of Article 5 and Article 18. These hearings include public advertisement (both written and online media) and on site (per NADC Table 5-1) and provision for public comment. This process also allows for the application of conditional approvals, which may impose additional conditions on projects on a case-by-case basis. Staff notes that conditions are not allowable through rezoning or most other Planning Commission procedures.

Evaluation of any Special Exception application would require reference to the Neighborhood Preservation Overlay purpose statement, as Special Exception review criteria states in item b. 1. “That the special exception complies with all applicable development standards contained elsewhere in this Chapter and with the policies contained in the Comprehensive Plan. (Rev. 12-1-08; Ord. 2008-18)” Additionally, several Special Exceptions are subject to additional regulations outlined Article 4, Supplemental Use Regulations, such as Bed and Breakfasts and Cell Towers, which staff verifies as part of the site plan approval process. The Neighborhood Preservation Overlay purpose section states:

“3.8.6.1. Purpose - The Neighborhood Preservation Corridor Overlay District applies to areas of the city that are located on collector and arterial streets and are in transition between traditional residential and commercial uses. Structures in the corridor are predominantly if not exclusively residential in character. Parcel size is relatively small. The underlying zoning in the corridor includes a variety of both commercial and residential districts. The continued residential use of some parcels may not be economically feasible.

(continued from page 7)

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

The purpose statement recognizes that “The continued residential use of some parcels may not be economically feasible. It is anticipated that conversion of single-family residences to commercial and office establishments will continue. Demolition of existing residential structures is inconsistent with policies expressed in the Comprehensive Plan and contemporary commercial development for new retail uses and office buildings is inappropriate.” Additionally, the purpose states, “With appropriate restrictions, the conversion of houses to office and small personal service uses is suitable and provides for economically feasible uses of parcels in the corridor.” The intent is stated that, “It is the intent of the Neighborhood Preservation Overlay Corridor District to maintain the residential appearance of existing structures and the residential setting of any building converted to a nonresidential use so that the converted dwelling will be compatible with neighboring residential property.”

Staff notes that the Comprehensive Plan echoes this language as well, prioritizing infill and redevelopment (Goal 4). Special Exceptions may also offer an opportunity for adaptive reuse of historic properties (Goal 8), as many of these are not easily maintained as single-family residences. There are several examples of these along Georgia Avenue.

Staff believes these statements would appear to support the general allowance for Special Exceptions within the corridor, as this would allow a uses that could potentially support the adaptive reuse of properties, but would require additional scrutiny and allow for the placement of conditions on the approval that would not be available through rezoning or removal from the overlay district. Staff notes that the number of Special Exceptions uses are very few, with the most exceptions allowed under the General Commercial zoning district. A list of zoning districts and the respective Special Exceptions is provided at the end of this report.

Staff recognizes that the Neighborhood Preservation Overlay was adopted to support and protect existing neighborhoods with the overlay, however, staff also recognizes that the overlay district encompasses several zoning districts and unique situations that may be better served through use of Special Exceptions. By prohibiting any review of these uses, staff believes the purpose of the Special Exception is being circumvented.

SECTION 7: ATTACHMENTS

1. Public Notice
2. Application Documents
3. Neighborhood Preservation Overlay written description and map
4. Parcel Analysis in Overlay
5. List of Special Exceptions by District
6. Revised Development Code Text

cc Jim Clifford, City Administrator
Rachelle Moody, Assistant City Administrator

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 October 15, 2020, in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following application:

RZT20-003- A request by the City of North Augusta to amend Article 3, Zoning Districts, Section 3.8.6.2 Permitted Uses in the NP, Neighborhood Preservation Corridor Overlay District of the North Augusta Development Code to allow Special Exceptions as granted by the Board of Zoning Appeals within Overlay Districts.

Documents related to the application will be available for public inspection after October 8, 2020 in the Department of Planning and Development on the second floor of the North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina and online at www.northaugusta.net. All residents and property owners interested in expressing a view on the case are encouraged to attend or provide written comments to planning@northaugusta.net, or by phone at 803-441-4221.

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.

Due to COVID-19, please visit www.northaugusta.net for any updates to meeting format, location or procedures prior to the meeting.

Application for Development Approval

Please type or print all information



Staff Use

Application Number R2T20-003

Date Received 9/15/2020

Review Fee NA

Date Paid NA

1. Project Name Text Amendment - Special Exceptions in Overlay Districts

Project Address/Location City of North Augusta

Total Project Acreage —

Current Zoning G/NP/HC

Tax Parcel Number(s) —

2. Applicant/Owner Name City of North Augusta Applicant Phone 803-441-4221

Mailing Address P.O. Box 6400

City North Augusta ST SC Zip 29861 Email planning@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 _____ 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. Libby Hodges
Applicant or Designated Agent Signature

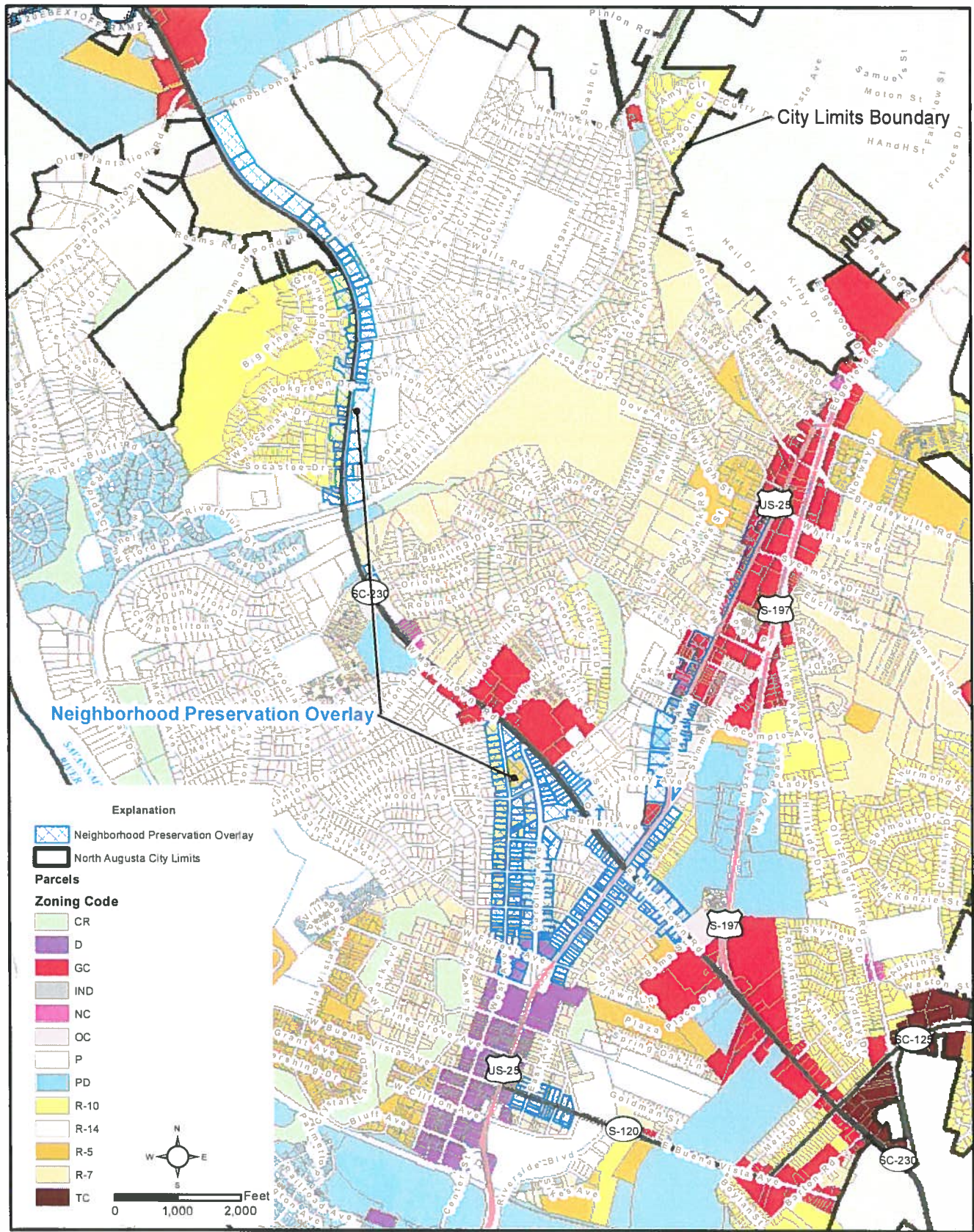
9/15/2020
Date

Libby Hodges
Print Applicant or Agent Name

Written Location of the Overlay

Table 3-8, Corridor Districts Established (Rev. 12-19-11; Ord. 2011-16) (Rev. 6-20-16; Ord. 2016-14)
reads as follows:

1. West Avenue between Jackson Avenue and Martintown Road
2. Carolina Avenue between Jackson Avenue and Martintown Road
3. The south side of Martintown Road between Bama Avenue and West Avenue
4. The north side of Martintown Road between Bama Avenue and Hampton Avenue
5. The residentially zoned and utilized property on the north side of Martintown Road between Hampton Avenue and River Bluff Drive
6. Martintown Road between River Bluff Drive and Hammond Pond Road
7. The east side of Georgia Avenue between Jackson Avenue and Observatory Avenue
8. The east side of Georgia Avenue between Sidereal Avenue and Argyle Avenue
9. The west side of Georgia Avenue between Jackson Avenue and Hugh Street
10. Buena Vista Avenue from the alley located between Georgia Avenue and East Avenue to Brookside Drive



Neighborhood Preservation Overlay Area for the City of North Augusta

Parcel Analysis in Overlay

Within the Overlay area, nine different zoning districts are represented. The zoning and number of parcels within these districts are roughly as follows:

<u>Zoning</u>	<u>Number</u>	<u>% Total</u>
D	11	3%
GC	34	8%
OC	92	22%
P	3	1%
PD	2	0.5%
R-5	10	2%
R-7	143	34%
R-10	56	13%
R-14	74	17%
Total Parcels:	425	
Total Commercial Parcels:	126	30%
Total Residential Parcels:	283	67%
Total Special Districts (D, PD, P):	16	4%

Special Exceptions by District

D - Downtown

- Gasoline stations/ Service Stations (prohibited per 3.8.6.2.2)
- Cell Towers, communication towers, and antennae (subject to Section 4.8)

GC – General Commercial

- Automobile and truck rental
- Car, truck, boat or marine craft sales and/or service
- Fireworks
- Flea Markets (out of doors)
- Trailer rentals
- Carpentry, floor, and tile contractor
- Contractor’s offices with outdoor storage areas (including equipment storage)
- Electrical component assembly operations
- Light assembly of premanufactured parts
- Miniwarehouse/self-storage
- Warehouse and distribution structures
- Freight Terminals and truck terminals
- Gas or electric generation distribution facilities, compressor stations, or substations
- Public utility storage and service yards

OC – Office Commercial

- Gasoline stations, service stations (prohibited per 3.8.6.2.2)

P – Public Use

(uses not listed in Use Matrix)

PD

(uses not listed in Use Matrix)

R-14 – Large Lot, Single Family Residential

- Bed and breakfast
- Cell Towers, communication towers, and antennae (subject to Section 4.8)
- Gas or electric generation distribution facilities, compressor stations, or substations

R-10 – Medium Lot, Single Family Residential

- Bed and breakfast
- Cell Towers, communication towers, and antennae (subject to Section 4.8)
- Gas or electric generation distribution facilities, compressor stations, or substations

R-7 – Small Lot, Single Family Residential

- Bed and breakfast
- Cell Towers, communication towers, and antennae (subject to Section 4.8)
- Gas or electric generation distribution facilities, compressor stations, or substations

R-5 – Mixed Residential

- Bed and breakfast
- Cell Towers, communication towers, and antennae (subject to Section 4.8)
- Gas or electric generation distribution facilities, compressor stations, or substations

**ARTICLE 3 – ZONING DISTRICTS
DRAFT REVISION FOR 10-15-20 PC**

3.8.6 NP, Neighborhood Preservation Corridor Overlay District

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

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

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

3.8.6.2.2 Uses that are not permitted are:

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

3.8.6.2.3 ~~No use which requires a special exception is permitted.~~ Uses which require a special exception may be granted by the Board of Zoning Appeals with conditions.

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

3.8.6.2.5 No existing structure may be demolished until a site plan for the parcel has been approved. If the demolition of an existing structure is anticipated an evaluation of the

ARTICLE 3 – ZONING DISTRICTS
DRAFT REVISION FOR CITY COUNCIL (PC10-15-2020)

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ATTACHMENT #11

ORDINANCE NO. 2020-35
COMPLYING WITH SECTIONS 10-1 AND 10-2 OF THE
CODE OF LAWS OF NORTH AUGUSTA, SOUTH CAROLINA,
BY SETTING THE DATES FOR MUNICIPAL PARTY PRIMARIES, CONVENTIONS,
AND PARTISAN GENERAL ELECTION, TIMES FOR FILING OF NOMINATING
PETITIONS, CERTIFICATION OF CANDIDATES BY PARTIES, AND
CERTIFICATION OF CANDIDATES BY MUNICIPAL ELECTION COMMISSION

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 2021 Municipal General Election for Purposes of electing the mayor and three members of City Council for the City of North Augusta, South Carolina, on Tuesday, April 27, 2021, with a run-off, if necessary, on May 11, 2021.

- II. The filing and certification dates are hereby set for the 2021 Municipal Party Primaries and General Election as follows:
 - A. The time for entry of candidates into party primaries or conventions shall commence at 9:00 A. M., December 14, 2020, and shall end at 12:00 Noon, December 21, 2020. Entries shall be made to the chairperson of the respective parties.
 - B. Primary elections, if selected by a party, shall be held on February 9, 2021, with a run-off, if necessary, on February 23, 2021.
 - C. Conventions, if selected by a party, shall be held no later than February 9, 2021.
 - D. The deadline for filing nominating petitions to the Municipal Election Commission shall be 12:00 Noon, February 10, 2021. Candidates may file by petition with no less than 5% of qualified electors.
 - E. The deadline for parties to certify candidates selected by primary or convention to the Municipal Election Commission shall be 12:00 Noon, February 26, 2021.
 - F. The certification of the candidates by petition, primary, or convention by the Municipal Election Commission shall be no later than 12:00 Noon, March 1, 2021.

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 second 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 _____

Robert A. Pettit, Mayor

ATTEST:

Sharon Lamar, City Clerk

ATTACHMENT #12

RESOLUTION NO. 2020-55
APPROVING PAYMENT TO BELVEDERE FIRE DISTRICT FOR TRANSFER OF
SERVICE TERRITORY TO CITY FOR PROPERTIES ANNEXED FROM
APRIL 15, 2019 THROUGH OCTOBER 31, 2020.

WHEREAS, the City and Belvedere Fire District entered into an Agreement related to the respective fire districts for the City and Belvedere Fire District, to include provisions related to future annexations by the City; and,

WHEREAS, the Agreement was approved by the Aiken County Council on February 5, 2019; and,

WHEREAS, the City and Belvedere Fire District reached an Agreement related to the specific procedure for the payment by the City to Belvedere Fire District when an area is annexed by the City and removed from the Belvedere Fire District; and,

WHEREAS, the City desires to, at this time make the required payment to Belvedere Fire District for annexations that have taken place since April of 2019 through October 31, 2020.

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 twenty-two (22) annexations have taken place within the timeframe as set forth above that pursuant to the formula agreed to results in a payment due by the City to Belvedere Fire District in the amount of \$1,950.00;
2. That pursuant to the agreement that this amount may be paid, without interest over a period of five (5) years;
3. That the City has determined that it does not desire to pay this amount over the five (5) year time, but would desire to pay the same in full at this time;
4. That the Director of Finance and General Services is authorized to make payment to Belvedere Fire District in the amount of \$1,950.00;
5. That the funds being paid to Belvedere Fire District are to be paid out of the Fire Protection Fees account.

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

SIGNED BY:

Attested By:

ROBERT A. PETTIT, MAYOR

SHARON LAMAR, CITY CLERK