



DISCUSSION ITEMS FOR
DECEMBER 6, 2021
CITY COUNCIL MEETING

The documentation provided herewith consists of advance draft materials for review by Mayor and City Council. Such documents may be revised prior to the actual Council meeting before any formal consideration of same by Mayor and City Council. Said documents may also be revised by way of a proper amendment made at the Council meeting. These documents are informational only and not intended to represent the final decision of the Council.



Interoffice Memorandum

TO: Mayor and City Council

FROM: Jim Clifford, City Administrator

DATE: December 3, 2021

SUBJECT: Regular City Council Meeting of December 6, 2021

REGULAR COUNCIL MEETING

ITEM 5 ANNEXATION: Ordinance No. 2021-21 – To Change the Corporate Limits of the City of North Augusta By Accepting the Petition Requesting Annexation by the Landowners and Annexing ±.98 Acres of Land Located at 1446 Hammond Pond Road and Owned by Henk De Graaf; Ordinance – Second Reading

An ordinance has been prepared for Council's consideration on second reading to change the corporate limits of the City of North Augusta by accepting the petition requesting annexation by the landowners and annexing ±.98 acres of land located at 1446 Hammond Pond Road and owned by Henk De Graaf.

Please see ATTACHMENT #5 for a copy to the proposed ordinance and supporting documents.

ITEM 6. ENGINEERING AND PUBLIC WORKS: Ordinance No. 2021-22 – Amending Chapter 14, Article V, Division 3 of the City Code of City of North Augusta, South Carolina; Ordinance – First Reading

An ordinance has been prepared for Council's consideration on first reading to amend Chapter 14, Article V, Division 3 of the City Code of the City of North Augusta, South Carolina. The most significant change is the addition of a Stormwater Maintenance Agreement for privately-owned stormwater facilities and requirements related thereto. Additionally, fees have been added for major amendments to an approved stormwater and erosion control plan, as well as reinspections of unsatisfactory construction sites. Other minor text edits have also been incorporated.

Please see ATTACHMENT #6 for a copy to the proposed ordinance.

ITEM 7. ANNEXATION: Ordinance No. 2021-23 – To Change the Corporate Limits of the City of North Augusta by Accepting the Petition Requesting Annexation by the Landowners and Annexing ±43.9 Acres

of Land Located on W. Martintown Road and Owned by Adams Brothers Properties, LLC; Ordinance – First Reading.

An ordinance has been prepared for Council's consideration on first reading to change the corporate limits of the City by accepting the petition requesting annexation by the landowners and annexing ±43.9 acres of land located on W. Martintown Road and owned by Adams Brothers Properties, LLC.

Please see [ATTACHMENT #7](#) for a copy to the proposed ordinance and supporting documents.

ITEM 8. PUBLIC SAFETY: Resolution No. 2021-46 – Resolution to Approve an Intergovernmental Agreement Between the City of North Augusta and Aiken County Related to the Purchase and Funding of Radios for the Department of Public Safety for the City of North Augusta

A resolution has been prepared for Council's consideration to approve an intergovernmental agreement between the City and Aiken County related to the purchase and funding of radio for the Department of Public Safety.

Please see [ATTACHMENT #8](#) for a copy to the proposed resolution.

ITEM 9. PUBLIC SAFETY: Ordinance No. 2021-24 – To Authorize the Purchase and Financing of Radios for the Department of Public Safety; Ordinance – First Reading

An ordinance is being prepared for Council's consideration on first reading to authorize the purchase and financing of radios for the Department of Public Safety.

Please see [ATTACHMENT #9](#) for a copy to the proposed ordinance.

ITEM 10. ZONING: Ordinance No. 2021-25 – To Amend the Zoning Map to the City of North Augusta, South Carolina by Rezoning ±1.63 Acres of Land Owned by Second Providence Baptist Church, Aiken County Tax parcel #006-20-06-003, #006-20-06-004, #006-20-06-005, and #006-20-06-006 from R-10 Medium Lot, Single Family Residential to GC, General Commercial; Ordinance – First Reading

An ordinance has been prepared for Council's consideration on first reading to amend the zoning map of the City by re-zoning ±1.63 acres of land owned by Second Providence Baptist Church, Aiken County tax parcel #006-20-06-003, #006-20-06-004, #006-20-06-005, and #006-20-06-006 from R-10 Medium Lot, Single Family Residential to GC, General Commercial.

Please see [ATTACHMENT #10](#) for a copy to the proposed ordinance and supporting documents.

ORDINANCE NO. 2021-21
TO CHANGE THE CORPORATE LIMITS OF THE CITY OF NORTH AUGUSTA BY
ACCEPTING THE PETITION REQUESTING ANNEXATION BY THE
LANDOWNERS AND ANNEXING ± .98 ACRES OF LAND LOCATED AT 1446
HAMMOND POND ROAD AND OWNED BY HENK DE GRAAF

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 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 City Council hereby accepts the Petition for Annexation as submitted by the Property Owner.
- II. The following described property shall be annexed into the City of North Augusta:
The property granted to Henk De Graaf, recorded in book 4346, page 1492-1494, February 2011, being the same conveyed to Deed from Enon C. Thompson and Lois H. Thompson to Henk De Graaf and Laurie De Graaf dated January 24, 2007 and recorded in Book 4115, page 1704-1707. Also deed of Laurie De Graaf dated February 15, 2011 recorded February 15, 2011 in Bok 4346 at page 1492.

Tax Parcel No. 006-05-02-002

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.

- 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 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 _____, 2021.

First Reading: _____

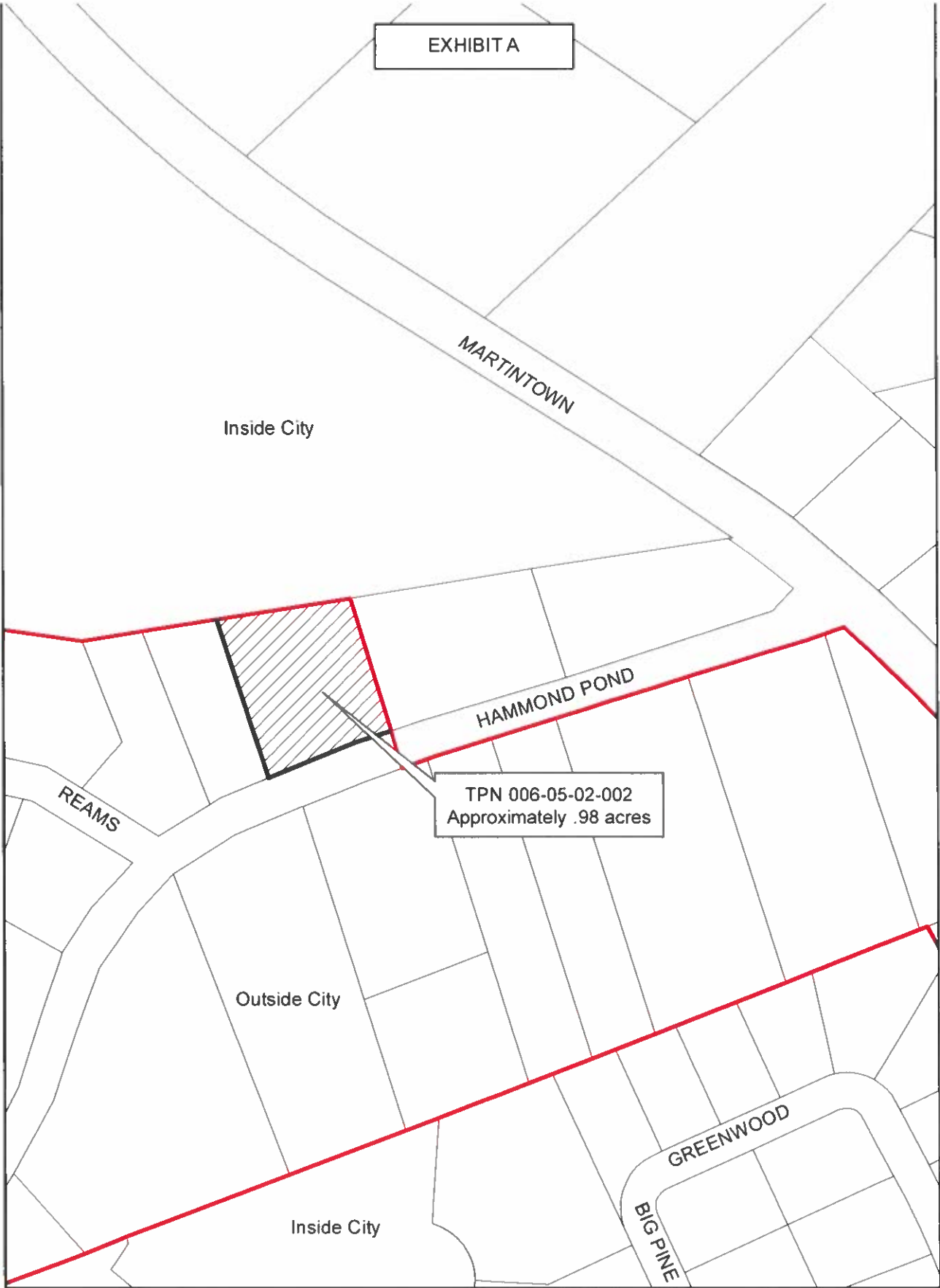
Second Reading: _____

Briton S. Williams, Mayor

ATTEST:

Sharon Lamar, City Clerk

EXHIBIT A



ANX19-005
MAP OF PROPERTY
SOUGHT TO BE ANNEXED
TO THE CITY OF NORTH AUGUSTA

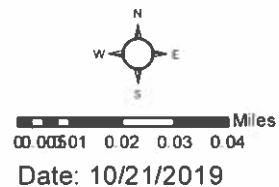
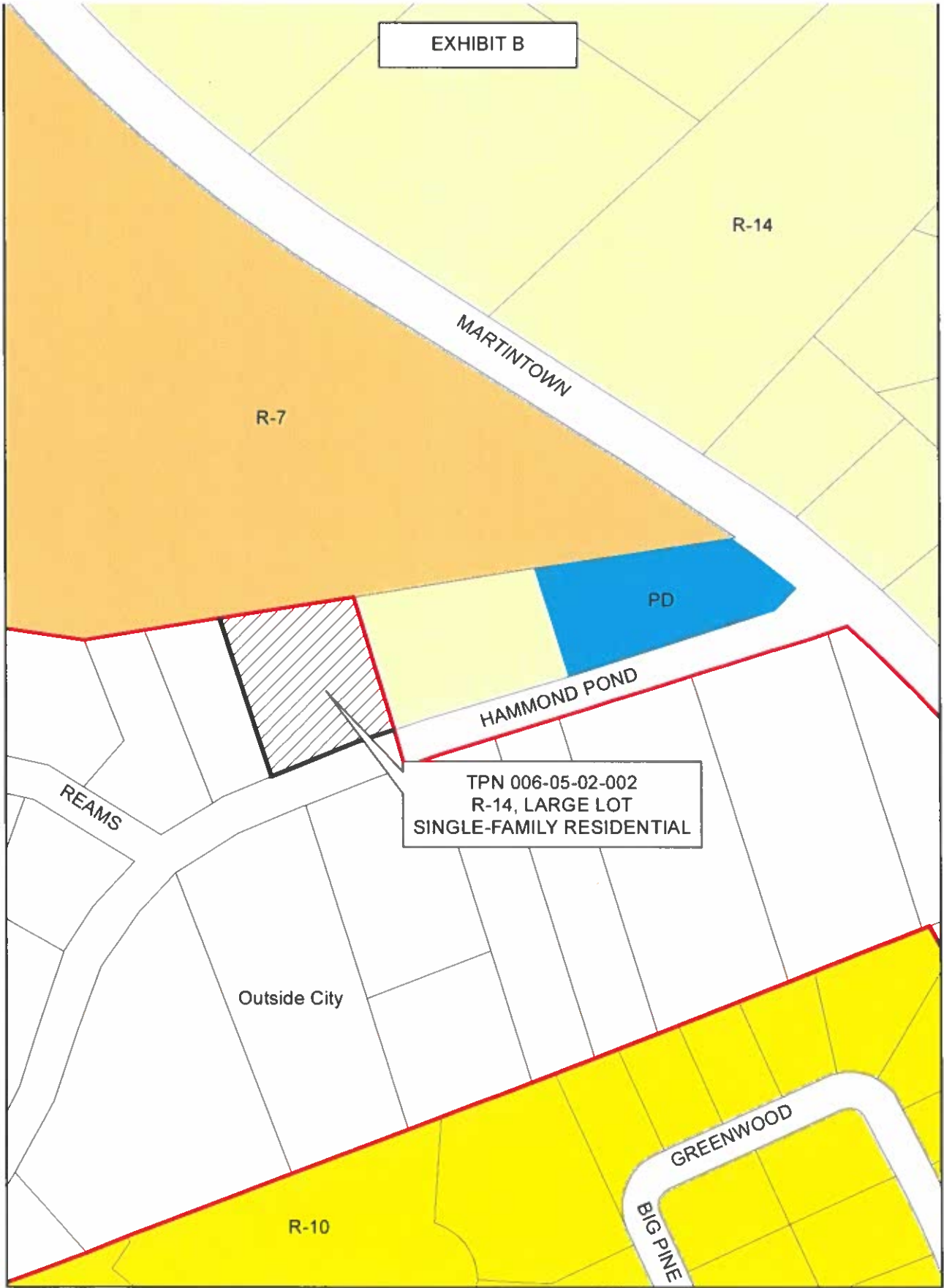


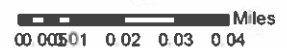
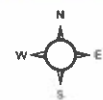
EXHIBIT B



TPN 006-05-02-002
 R-14, LARGE LOT
 SINGLE-FAMILY RESIDENTIAL



ANX19-005
 ZONING OF PROPERTY
 SOUGHT TO BE ANNEXED
 TO THE CITY OF NORTH AUGUSTA



Date: 10/21/2019

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF AIKEN)
)
)

PETITION FOR ANNEXATION OF ±.98 ACRES
 OF LAND LOCATED AT
 1446 HAMMOND POND RD
 AND OWNED BY HENK DE GRAFF

I, the undersigned, as freholder 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:

The property granted to Henk De Graff, recorded in book 4346, page 1492-1494, February 15, 2011, being the same property conveyed to Deed from Enon C. Thompson and Lois H. Thompson to Henk De Graff and Laurie De Graff dated January 24, 2007 and recorded in Book 4115, page 1704-1707. Also deed of Laurie De Graaf dated February 15, 2011, recorded February 15, 2011 in Book 4346 at page 1492.

Tax Parcel Number 006-05-02-002

This petition dated the 19th day of Oct., 2021.

Tax Map Parcel Numbers

006-05-02-002

Property Owner Signature



Henk De Graff

ORDINANCE NO. 2021-22
AMENDING CHAPTER 14, ARTICLE V, DIVISION 3
OF THE CITY CODE OF THE
CITY OF NORTH AUGUSTA, SOUTH CAROLINA

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. Chapter 6, Article V, Division 3 entitled "Construction Permitting for Land Disturbing Activities," is hereby amended, and when amended shall read as follows:

DIVISION 3. CONSTRUCTION PERMITTING FOR LAND DISTURBING ACTIVITIES

Section 14-170. Purpose/intent

(No Change)

Section 14-170.1 Definitions

Bioretention: A stormwater treatment practice that uses a combination of plants and pervious soils to treat water quality and, to a limited extent, may address water quantity.

Clearing: Any activity that removes the vegetative surface cover.

Constructed wetland: A shallow water quality pond that mimics natural wetland functions using wetland plants.

Drainage way: Any channel that conveys surface runoff throughout the site.

Erosion control: Measures that minimize or prevent erosion such as mulches, erosion control matting, and grassing.

Erosion and sediment control plan: A set of plans prepared by or under the direction of a licensed professional engineer that indicates the specific measures and sequencing to be used in controlling sediment and erosion on a development site both before, during and after construction.

Forebay: A small pond at the head of a detention pond for the purpose of collecting sediment and facilitating simplified sediment removal.

Grading: Excavation or fill of material, including the resulting conditions thereof.

Perimeter control: A barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff, or diverting it to a sediment trap or basin.

Phasing: Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Sediment control: Measures that prevent eroded sediment from leaving the site.

Site: A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Stabilization: The use of practices that prevent exposed soil from eroding (usually grass, mulch, geotextile fabric, or rock).

Start of construction: The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stormwater management manual: The manual produced by the city stormwater management department that provides requirements, guidance, and technical specifications for complying with this division.

Stormwater Maintenance Agreement: A written agreement from the landowner or responsible party assuring the maintenance and inspection of storm water management facilities and/or Best Management Practices related to them are maintained in proper working condition as shown or described on the approved development site plan in order to serve the intended purposes as set forth in this Ordinance and state regulations. The agreement grants permission of City or State inspectors to verify compliance. The agreement must be recorded with the land record for the parcel in the county it is located.

Stormwater treatment practice (STP): Any structural method of treating stormwater quantity or quality.

Section 14-170.2. Stormwater management permit required; exceptions.

(a) The surface of land in the city shall not be disturbed or altered for any purpose whatsoever until a stormwater management permit is issued to the person responsible for such construction. No permit shall be issued until the applicant has submitted a plan to control erosion and sedimentation and such plan has been approved by the city engineer or his designated representative. Additional permits required, must be acquired prior to start of construction.

(b) Exemptions.

- (1) Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
- (2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- (3) Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products.
- (4) Land disturbing activities conducted pursuant to a federal environmental permit, including permits issued under section 404 of the Federal Clean Water Act.
- (5) Projects regulated under the SC Mining Act.
- (6) Construction, renovation or land improvement of single-family residences, one duplex dwelling or their accessory buildings which are separately built and not part of a

subdivision development, and not located within the designated 100-year floodplain, provided that such construction does not materially impede the runoff capability of the existing major drainage channels.

- (7) Certain activities undertaken by utility providers that are not substantial land disturbing activities and are therefore not intended to be regulated by this chapter. These activities include but are not limited to the following:
 - a. Installation of utilities on sites of one acre or less.
 - b. Projects undertaken under jurisdiction of the state public service commission, and including work permitted by the Federal Energy Regulatory Commission.
 - c. Installation of utilities in a ditch section one foot or less in width.
 - d. Installation of utility poles.
 - e. Maintenance of easements and rights-of-way.
 - f. Service connections (i.e. tapping mains lines and/or setting meters, including installation of a manhole, valve box or fire hydrants).
 - g. Emergency repairs.
- (8) Construction activities of the state department of transportation.
- (9) Activities relating to the routine maintenance and/or repair or rebuilding of the tracks, rights-of-way, bridges, and any other related structures and facilities of a railroad company.
- (10) Minor land disturbing activities, as determined by the city engineer, which would not violate the integrity of this chapter.

Section 14-170.3. Application, review and approval, and issuance of stormwater management permit.

(a) *Application.* All applications for stormwater management permits shall be submitted to the Stormwater Management Department (SWMD) through the Planning and Development Department for processing and permit issuance. Applications for permits shall be accompanied by three (3) copies of the applicants stormwater and erosion control plan. Stormwater and erosion control plans shall conform to the requirements of section 14-174.

- (1) Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.
- (2) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the erosion and sediment control plan, and that an authorized representative shall inspect the site every seven (7) days and after every one-half-inch rain to ensure compliance with the plan.

(b) *Fee.* The application shall be accompanied by nonrefundable fee.

(c) *Review and approval.* The SWMD will review each application for a stormwater management permit to determine its conformance with the provisions of this regulation. Within ten (10) working days after receiving an application, the SWMD shall, in writing:

- (1) Approve the permit application;
- (2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- (3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

Failure of the SWMD to act on original or revised applications within ten (10) working days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the SWMD.

Major amendments of the stormwater and erosion control plan shall be submitted to the SWMD and shall be processed and approved, or disapproved, in the same manner as the original plans for a fee assessed at fifty percent (50%) of the original stormwater review fee for the permit. Field modifications of a minor nature may be authorized by the SWMD by written authorization to the permittee.

Transfer of ownership of permitted projects is allowed with proper notification to the stormwater department during the permit period.

Section 14-170.4. Stormwater and erosion control plans

(a) *General requirements.*

- (1) Stormwater and erosion control plans for land disturbance activities of one (1) acre or more must be prepared by a registered professional engineer, registered landscape architect, or tier B land surveyor licensed by the state.
- (2) Applications shall include a natural resources map identifying soils, forest cover, and resources protected by other agencies having jurisdiction.
- (3) A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary erosion and sediment measures, and establishment of permanent vegetation.
- (4) Provisions for maintenance of stormwater control facilities, including easements and estimates of the cost of maintenance. An executed, signed, and notarized maintenance agreement and maintenance plan from the responsible party(ies) or individual(s) accepting ownership and maintenance of permanent stormwater control devices/structures during construction must be provided prior to stormwater permit issuance.
 - a. A notarized permanent stormwater maintenance responsibility agreement and a maintenance plan for stormwater control facilities or treatment practices must be executed and must be recorded as part of the land/property record in the county

where it is located and the agreement constitutes a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including but not limited to any homeowners' association. This step must be completed prior to requesting a notice of termination (NOT) for your stormwater permit.

- b. Any changes in permanent maintenance responsibilities must be documented with a new notarized maintenance agreement and maintenance plan and recorded with the land in the county in which it resides as soon as approved by the city. The city must be notified of the change by providing a new notarized agreement and a letter of acceptance from the entity accepting permanent maintenance responsibilities. Prior to executing a change of ownership of maintenance responsibility, a letter of inspection may be requested by either party involved and obtained from the city SWMD at no fee. Subsequent inspection letters if requested will be available for a \$50.00 fee to be paid prior to the inspection.
- c. Failure to execute, record and/or acquire approval from the city for a change of ownership and maintenance responsibilities agreement for the stormwater control devices at a site constitutes leaving the original recorded agreement in force, and that agreement will be enforceable by the stormwater department for maintenance responsibility.

(b) *Water quantity design requirements.*

- (1) Stormwater management requirements for a specific project shall be based on the entire area to be developed, or if phased, the initial submittal shall control that area proposed in the initial phase and establish a procedure and obligation for total site control.
- (2) Post-development peak discharge rates shall not exceed pre-development discharge rates for the two-, ten-, and twenty-five-year frequency twenty-four-hour duration storm event.
- (3) Discharge velocities shall be reduced to provide a nonerosive velocity flow from a structure, channel, or other control measure or the velocity of the twenty-five-year, twenty-four-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.
- (4) Watersheds, other than designated watersheds, that have well documented water quantity problems may have more stringent, or modified, design criteria as determined by the SWMD for development or redevelopment.
- (5) An emergency spillway should safely pass the 100-year storm event.
- (6) Dry ponds must dewater within seventy-two (72) hours.
- (7) Additional requirements are found in the stormwater management manual.

(c) *Water quality design requirements.*

- (1) *Clearing and grading.*

- a. Clearing and grading of natural resources, such as forests and wetlands, shall not begin until all applicable local, state, and federal permits have been granted.
 - b. Clearing techniques that retain natural vegetation and retain natural drainage patterns, as described in the stormwater management manual, should be used.
 - c. Phasing shall be required on all sites disturbing greater than twenty (20) acres, with the size of each phase to be established at plan review and as approved by the SWMD.
 - d. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- (2) *Erosion control.* Plans shall include all erosion and sediment control measures necessary to meet the objectives of this regulation throughout all phases of construction and permanently, after completion of development of the site.
- a. Soil must be stabilized within fourteen (14) days of clearing or inactivity in construction.
 - b. If vegetative erosion control methods, such as seeding, have not become established within twenty-one (21) days, the SWMD may require that the site be reseeded, or that a non-vegetative option be employed.
 - c. On steep slopes or in drainage ways, special techniques that meet the design criteria outlined in the stormwater management manual shall be used to ensure stabilization.
 - d. Soil stockpiles must be stabilized or covered within twenty-one (21) days of inactivity.
 - e. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
 - f. Techniques that divert upland runoff past disturbed slopes shall be employed.
 - g. Energy dissipation shall be provided at all outfalls.
- (3) *Sediment control.*
- a. Sediment controls shall be provided in the form of settling basins or sediment traps or tanks, and perimeter controls.
 - b. Where possible, settling basins shall be designed in a manner that allows adaptation to provide long-term stormwater management.
 - c. Adjacent properties shall be protected with perimeter controls.
 - d. A fifty-foot long by six-inch deep stone construction exit shall be provided.
- (4) *Stormwater treatment practices.* Post-construction water quality must be addressed for all sites containing one or more acres of disturbance.
- a. Water quality volume design requirements require implementation of the one-inch sizing criterion.

One-inch sizing: The first one inch of water from any storm event, draining from that portion of the site that discharges to the stormwater treatment unit, must be collected and released over a twenty-four-hour period.

- b. Dry ponds are not an acceptable stand-alone water quality treatment technology. When used they should be preceded by a forebay and used in conjunction with infiltration, vegetative filters, or inline treatment. Dry ponds must dewater within seventy-two (72) hours.
- c. Technologies that may be used to meet water quality requirements include but are not limited to infiltration, bioretention, in-line treatment devices, disconnected impervious areas, vegetated filter strips, constructed wetlands, and wet ponds. Vegetative swales combined with bioretention or another infiltration technology is the preferred method of water quality treatment. Landscaped areas should be designed, where possible, to incorporate stormwater management. Peak flow control may be achieved by adding inline or overflow storage such as parking lot detention, pipe storage or a dry pond.

Sec. 14-170.5. Design guidelines.

Specific requirements, guidance and technical specifications for compliance with this ordinance are found in the city stormwater management manual. Although the intention of the plan is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering and construction procedures and practices may be used if approved by the SWMD.

Sec. 14-170.6. Variances.

The Stormwater Management Department may grant a written variance from any requirement of the stormwater management requirements if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of these regulations will result in unnecessary hardship and not fulfill the intent of the policy. A written request for variance shall be provided to the SWMD and shall state the specific variances sought and the reasons with supporting data for their granting. The SWMD shall not grant a variance unless and until the applicant provides sufficient specific reasons justifying the variance. The SWMD will conduct its review of the request for variance within ten (10) working days. Failure of the SWMD to act by the end of the tenth working day will result in the automatic approval of the variance.

A project may be eligible for a waiver or variance of stormwater management for water quantity control if the applicant can demonstrate that:

- (1) The proposed project will return the disturbed area to a pre-development runoff condition and the pre-development land use is unchanged at the conclusion of the project.
- (2) The proposed project does not increase the rate of runoff from a site by more than one cfs for each of the two-, ten- and twenty-five-year storm events and the disturbed area is less than one acre.

- (3) The proposed project will have no significant adverse impact on the receiving natural waterway or downstream properties; or
- (4) The imposition of peak control requirements for rates of stormwater runoff would aggravate downstream flooding.

Sec. 14-170.7. Inspection.

- (a) The SWMD shall conduct routine inspections and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the stormwater and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the SWMD shall be maintained at the site during the progress of the work. The permittee shall notify the SWMD at least two (2) working days before the start of construction.
- (b) The permittee or his/her agent shall make regular inspections of all control measures at least every seven (7) days and after every one-half-inch rain event. The purpose of such inspections will be to determine the overall effectiveness of the stormwater and sediment control plan, and the need for additional control measures. All inspections shall be documented in written form.
- (c) The SWMD shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports.
- (d) If inspection of a project results in an “unsatisfactory” rating indicating noncompliance with the site permit, upon request one follow-up re-inspection to verify compliance will be conducted at no charge. All subsequent inspections requested by the permit holder or project manager to verify the site has been brought back into compliance will require a \$50.00 re-inspection fee to be paid to the city prior to re-inspection. The city utilizes an Enforcement Response Plan (ERP) that fully explains the inspection protocols, ratings, time frames set to bring the site into compliance, and enforcement policy.
- (e) The SWMD shall make regular post-construction maintenance inspections of stormwater treatment and control devices and provide a written report to the owner of record (per the stormwater maintenance agreement, or if none, the property owner) of such device outlining deficiencies and required corrective actions.

Section 14-170.8. Construction site pollution prevention

(No Change)

Section 14-170.9. Enforcement

(No Change)

- 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 on second 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 DECEMBER, 2021.

First Reading _____

Second Reading _____

Briton S. Williams, Mayor

ATTEST:

Sharon Lamar, City Clerk

ORDINANCE NO. 2021-23
TO CHANGE THE CORPORATE LIMITS OF THE CITY OF NORTH AUGUSTA
BY ACCEPTING THE PETITION REQUESTING ANNEXATION BY THE
LANDOWNERS AND ANNEXING ± 43.9 ACRES OF PROPERTY LOCATED
ON W. MARTINTOWN ROAD AND OWNED BY
ADAMS BROTHERS PROPERTIES, LLC

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, have reviewed the petition of the landowners requesting that their property be annexed into the City and determined that such Petition should be accepted and the property annexed into the City; and

WHEREAS, the property is not situated within the area of the North Augusta 2017 Comprehensive Plan for review for consistency with the Future Land Use Classification of the properties as specified in the Land Use Element.

WHEREAS, the annexation request and zoning classification has been reviewed by the Planning Commission which has recommended annexation of the properties with ± 9.0 acres zoned R-7 Small Lot Single-Family Residential and ±34.1 acres as R-10 Medium Lot Single Family Residential.

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 Petition of the landowners is accepted and the following described property shall be annexed into the City of North Augusta:

A parcel of land, with all improvements thereon, being in the County of Edgefield containing ± 43.9 acres and appearing on that plat prepared and recorded in the Office of the Clerk of Court for Edgefield County in Record Book 1866 at page 241, including all adjacent right-of-way.

Tax Map & Parcel No.: 106-00-00-041

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" prepared by the City of North Augusta.

- II. The zoning classification shall be ± 9 acres as R-7 Small Lot Single-Family Residential and ± 34.1 acres as R-10 Medium Lot, Single-Family Residential,

as shown on a map identified as "Exhibit B" titled "Zoning Exhibit for Martintown Ridge."

- 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 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 _____, 2021.

First Reading: _____

Second Reading: _____

Briton S. Williams, Mayor

ATTEST:

Sharon Lamar, City Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)

PETITION FOR ANNEXATION
TAX PARCEL NUMBER 106-00-00-041
LOCATED ON MARTINTOWN ROAD
) OWNED BY ADAMS BROTHERS PROPERTIES LLC.

I, the undersigned, as freeholders and owners of property located on Martintown Road, Tax Parcel Number 106-00-00-041 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, inclusive of all adjacent right-of-way, is described as follows:

All that certain piece, parcel, or tract of land, with all improvements thereon, lying and being in the County of Edgefield, State of South Carolina consisting of ±43.9 acres and appearing on that plat prepared recorded in the Office of the Clerk of Court for Edgefield Count in Record Book 1866 at page 241.

This parcel being identified by Tax Parcel Number 106-00-00-041 and situated along Martintown Road.


The ±43.9 acres is requested to be zoned R-10 Large and Medium Lot Single-Family Residential and R-7 Small Lot Single-Family Residential as shown on the attached survey.

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" and prepared by the City of North Augusta.

This petition dated the 13 day of Oct, 2021

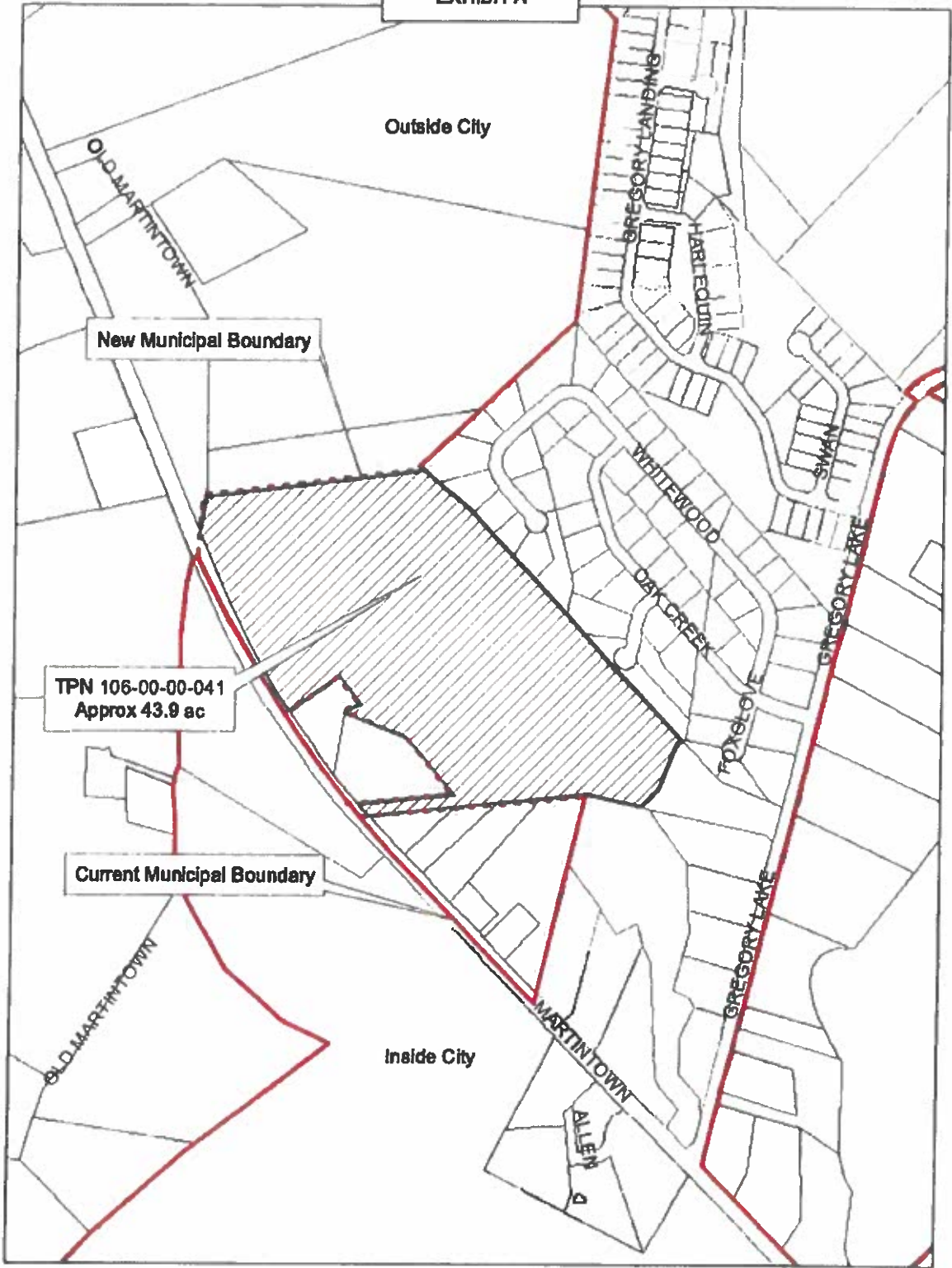
Property Owner Signatures

Witness

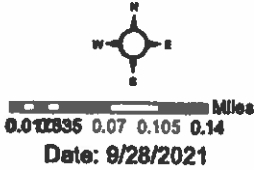


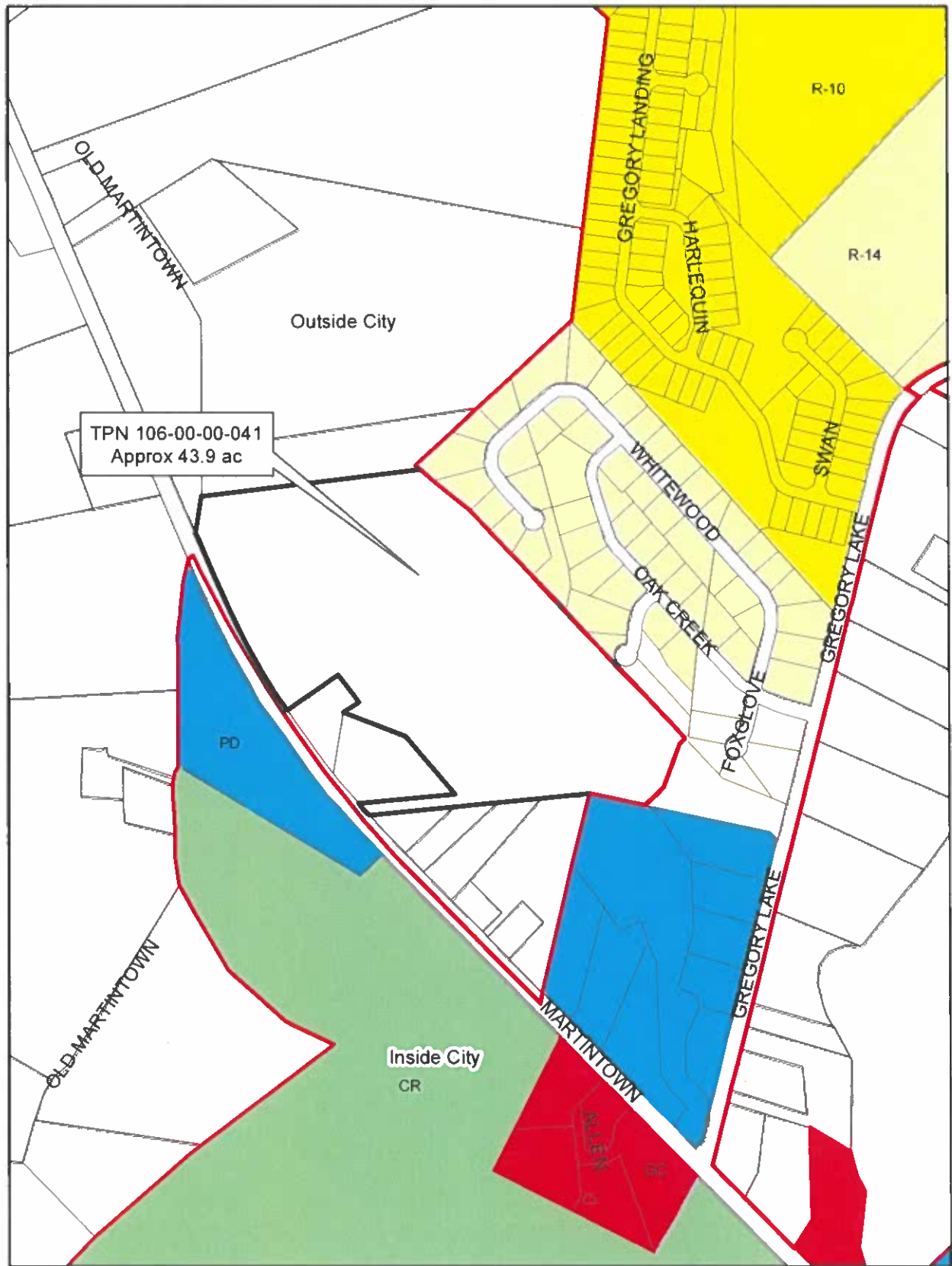
Adams Brothers Properties, LLC
as it's Manager/Member (title)

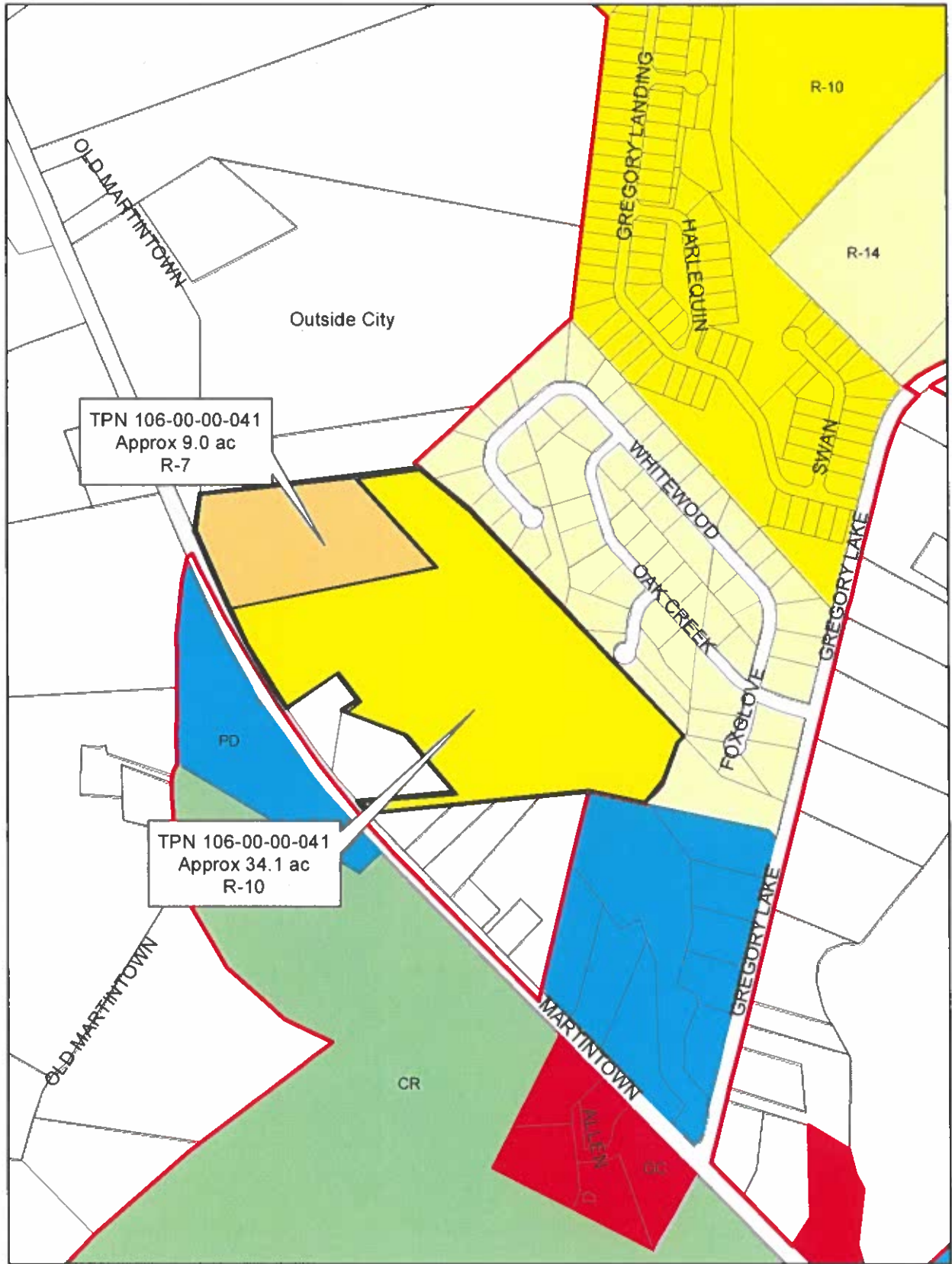
EXHIBIT A



MAP OF PROPERTY
SOUGHT TO BE ANNEXED
TO THE CITY OF NORTH AUGUSTA







Department of Planning And Development

To: Jim Clifford, City Administrator
From: Tommy Paradise, Interim Director
Subject: Tax Parcel Number 006-00-00-041
Date: November 19, 2021

At the November 18, 2021 Planning Commission meeting, the Planning Commission reviewed the annexation request for application ANX21-006, tax parcel number 106-00-00-041. The Commission unanimously to recommend this ±43.9 acre parcel be annexed into the City of North Augusta with ±9 acres being zoned R-7 Small Lot, Single-Family Residential and ±34.1 acres being zoned R-10, Medium Lot Single-Family Residential as shown on the exhibits in the staff report.

Attached you will find copy of the staff report and attachments for the case.

The request is being forwarded for consideration at the next available City Council meeting.

Please contact me with any questions.

Project Staff Report

ANX21-006 Adams Brothers Properties, LLC

Prepared by: Kuleigh Baker

Meeting Date: November 18, 2021

SECTION 1: ANNEXATION REQUEST SUMMARY

Address/Location	West Martintown Road at Old Martintown Road in Edgefield County
Parcel Number	106-00-00-041
Total Development Size	± 43.9 acres
Zoning Requested	R-7, Small Lot, Single-Family Residential (±9.0 acres) and R-10, Medium Lot, Single-Family Residential (±34.1 acres)
Future Land Use	Outside Map Area

SECTION 2: PLANNING COMMISSION CONSIDERATION

Adams Brothers Properties, LLC has requested to annex parcel 106-00-00-041, approximately 43.9 acres located along West Martintown Road at Old Martintown Road in Edgefield County. The request is for ±9.0 acres to be zoned R-7, Small Lot, Single-Family Residential and ±34.1 acres to be zoned R-10, Medium Lot, Single-Family Residential for future single-family residential development.

NADC § 18.3.7 Additional Reviews

18.3.7.3 Annexation – All proposed annexations, where the requested zoning is inconsistent with the Land Use Element of the Comprehensive Plan or differs from zoning on adjacent property, shall be reviewed by the Planning Commission for conformity and consistency with the Comprehensive Plan and recommendations regarding the zoning to be applied to the property to be annexed shall be forwarded to the City Council in accordance with the Planning Commission recommendation procedures specified in Article 5, Approval Procedures.

The Planning Commission is being asked to make a recommendation regarding the zoning classification of this property prior to annexation. The subject parcel is outside the Future Land Use Map area.

SECTION 3: EXISTING SITE CONDITIONS

	<u>Existing Land Use</u>	<u>Future Land Use</u>	<u>Zoning</u>
Subject Parcel	Vacant	Outside FLU Map Area	Neighborhood Commercial (Edgefield County)
North	Vacant/Single-Family Residential	Outside FLU Map Area	Neighborhood Commercial (Edgefield County)
South	Vacant/Commercial	Outside FLU Map Area/Mixed Use	Neighborhood Commercial (Edgefield County)
East	Single-Family Residential	Low Density Residential	R-14, Large Lot, Single-Family Residential
West	Single-Family Residential/Agricultural	Mixed Use	PD, Planned Development/Suburban Density Residential (Edgefield County)

SECTION 4: STAFF EVALUATION AND ANALYSIS

The parcels proposed for annexation are vacant at this time.

R-10, Medium Lot, Single-Family Residential is described as the following:

3.3.2.1 R-10, Medium Lot Single-Family Residential Districts – The purpose of this district is to recognize and promote the character of particular areas in North Augusta where single-family residential development is the predominant living environment. Also, changing patterns of work and home environments create incentives to view the single-family dwelling as a place of work and residential living activities.

The following uses are allowed in an R-10 zoning district:

Primary Uses:

- Single-family Detached Dwelling
- Tourist homes
- Churches, synagogues, parish houses, Sunday school buildings, convents and similar uses and their customary uses including child care on the premises during worship services (subject to 4.9)
- Open space, park or active recreational uses operated on a non-commercial basis

- Swimming Pool
- Cemeteries
- Telephone exchange and repeater stations
- Utility Lines (including electric lines, phone and cable lines, distribution circuits, gas and fuel lines, water lines, steam and air conditioning lines, irrigation channels, and sewer and waste water lines)

Accessory Uses:

- Accessory uses as allowed in Article 4 and this table (Table 3-2, Use Matrix)
- Bus Shelters
- Storage of Construction equipment, outdoor, incidental to construction activities
- Accessory dwellings (carriage houses, granny flats, echo homes, subject to 4.4)
- Home Occupations (subject to 4.14)
- Community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation
- Studios for artists, designers, musicians, photographers, sculptors (not as home occupations)
- Parking lots, parking structures or underground parking areas

Conditional Uses:

- Child care
- Private or non-profit clubs, including country clubs, athletic clubs, lodges, fraternal organizations, and swimming clubs on a noncommercial membership basis. Includes social, fraternal, social service, union and civic organizations.
- Schools, academic, nursery and preschool, grade schools, elementary, middle, and high school
- Private boat docks, boat houses, or marinas
- Agricultural uses including raising crops, horticulture, orchards, forestry, and related uses, excluding livestock, unless otherwise listed in this matrix

Special Exception Uses:

- Bed and breakfast (subject to 4.7)
- Cell towers, communication towers, and antennae (subject to 4.8)
- Gas or electric generation distribution facilities, compressor stations, or substations

R-7, Small Lot, Single Family Residential is described as the following:

3.3.2.2 R-7, Small Lot Single-Family Residential District – The purpose of this district is to provide for a variety of single-family housing types on small lots to meet market demands for smaller lot developments. It is also the intent of this district to balance higher densities with common open space.

The following uses are allowed in an R-7 zoning district:

Primary Uses:

- Duplex
- Patio Homes
- Single-family Detached Dwelling
- Townhouse
- Zero Lot-Line Units
- Tourist Homes
- Churches, synagogues, parish houses, Sunday school buildings, convents and similar uses and their customary uses including child care on the premises during worship services (subject to 4.9)
- Open space, park, or active recreational uses operated on non-commercial basis
- Swimming Pool
- Cemeteries
- Telephone exchange and repeater stations
- Utility lines (including electric lines, phone and cable lines, distribution circuits, gas and fuel lines, water lines, steam and air conditioning lines, irrigation channels, and sewer and waste water lines)

Accessory Uses:

- Accessory uses as allowed in Article 4 and this table (Table 3-2, Use Matrix)
- Bus Shelters
- Storage of construction equipment, outdoor, incidental to construction activities.
- Accessory Dwellings (carriage houses, granny flats, echo homes, subject to 4.4)
- Home Occupations
- Community Centers, meetings halls, community halls, reception halls, wedding halls, for assembly and recreation
- 6 Studios for artists, designers, musicians, photographers, sculptors (not as home occupation)
- Parking lots, parking structures or underground parking areas

Conditional Uses:

- Group Homes, Non Exempt (subject to 4.13)
- Child Care
- Private or non-profit clubs, including country clubs, athletic clubs, lodges, fraternal organizations, and swimming clubs on a noncommercial membership basis. Includes social, fraternal, social service, union and civic organizations
- Schools, academic, nursery and preschool, grade schools, elementary, middle, and high school
Private boat docks, boat houses, or marinas
- Agricultural uses including raising crops, horticulture, orchards, forestry, and related uses, excluding livestock, unless otherwise listed in this matrix

Special Exception Uses:

- Cell towers, communication towers, and antennae (subject to §4.8) (Rev. 12-1-08; Ord. 2008-18)
- Gas or electric generation distribution facilities, compressor stations, or substations

Section 6.2 of the Comprehensive Plan promotes providing a more varied housing stock to attract and retain a more diverse population, especially in downtown and near employment centers. The proposed mix of zoning districts on the subject parcel will allow for flexibility in the final design.

Section 6.2.2 of the Comprehensive Plan encourages revising the zoning ordinance and map to incentivize a variety of housing types at higher densities. This is further supported by Section 4.2.4 to support the priorities and principles of the Aiken, Edgefield, and Saluda Counties Economic Development Partnership by providing housing in an area that is expanding with new industries.

Based on these descriptions and nearby similarly zoned properties within the city limits, staff believes allowing both R-10, Medium Lot, Single-Family Residential and R-7, Small Lot, Single Family Residential zoning is appropriate for the property.

SECTION 5: ATTACHMENTS

Aerial Map
Topography Map
Zoning Map
Proposed Zoning Map
Future Land Use
Application Documents

cc Don Adams, Adams Brothers Properties, LLC

ATTACHMENT #8

RESOLUTION NO. 2021-46

RESOLUTION TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NORTH AUGUSTA AND AIKEN COUNTY RELATED TO THE PURCHASE AND FUNDING OF RADIOS FOR THE DEPARTMENT OF PUBLIC SAFETY FOR THE CITY OF NORTH AUGUSTA

WHEREAS, The City has a need to acquire new radios to be used as part of its emergency communications equipment inventory, for the Public Safety Department, such radios qualifying for purchase through the use of E-911 fees; and,

WHEREAS, By resolution number 17-05-84 Aiken County established an E-911 fee radio grant policy and process; and,

WHEREAS, The City has requested funding through such grant process; and,

WHEREAS, The City has been advised by the County that the City's application has been approved; and,

WHEREAS, It is now necessary that the City and County enter into an Agreement to specifically provide the details related to the receipt of such grant by the City; and,

WHEREAS, Section 6-1-20 authorizes contractual agreements related to public services between Counties and Municipalities; and,

WHEREAS, The City and Aiken County have prepared an Intergovernmental Agreement that the City Council deems to be in the best interest of the City.

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 Intergovernmental Agreement between the City of North Augusta and County of Aiken related to the purchase and funding of radios for the Department of Public Safety, such Agreement attached hereto, marked Exhibit "A", and incorporated by reference is hereby approved. Be it further resolved that the City Administrator is authorized to execute said agreement on behalf of the City.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF DECEMBER, 2021.

SIGNED BY:

BRITON S. WILLIAMS, MAYOR

ATTESTED BY:

SHARON LAMAR, CITY CLERK

STATE OF SOUTH CAROLINA)	INTERGOVERNMENTAL
)	AGREEMENT BETWEEN THE CITY
)	OF NORTH AUGUSTA, AND AIKEN
)	COUNTY, SOUTH CAROLINA
COUNTY OF AIKEN)	(911 Radio Acquisition)

THIS AGREEMENT is entered into this ____ day of _____, 2021, by and between the City of North Augusta, South Carolina (“City”), and Aiken County, South Carolina (“County”).

RECITALS

WHEREAS, the City desires to acquire radios to be used as part of its emergency communications equipment inventory that qualify for purchase through use of E911 fees; and

WHEREAS, by Resolution No. 17-05-84, the County established an “E911 Fee Radio Grant Policy and Process,” attached to and made a part of this Agreement; and

WHEREAS, the City has requested funding through the County’s Grant Policy and Process as described herein; and

WHEREAS, Article VIII, Section 13 of the South Carolina Constitution prescribes the joint administration of functions and exercise of powers such that, “(A)” Any county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof”; and

WHEREAS, the parties do not intend for the joint administration of any function or the exercise of power, but they do desire to share the costs of E911 radios described herein pursuant to the Grant Policy and Process, and the above S.C. Constitutional provision;

NOW, THEREFORE, the parties agree as follows:

1. Acquisition of E911 Radios. The County agrees to pay up to seventy-five (75%) of the cost of E911 radios that the City will obtain through purchase, lease-purchase, or similar acquisition method, provided that the total cost of the radios shall not exceed \$_____. The City agrees to pay a minimum funding match of twenty-five (25%) percent of the cost of the radios. Nothing in this Agreement shall prevent the City from providing a greater funding match than is identified in this paragraph, or from purchasing radios at higher than the total price listed herein; provided, that in no event shall the County’s portion of the acquisition costs of the radios exceed seventy-five (75%) of the total cost set forth in this paragraph. Funding provided by the County as a contribution toward the total acquisition cost described herein shall be provided to the City no later than _____ of each year until the County’s portion of funding is made in full, subject to paragraph 2, below.

2. Subject to Available Funds and Appropriations. The parties agree that the County's obligation set forth in paragraph 1, above, is contingent upon funds available from E911 wire or "land line" fees collected. The County has no obligation to appropriate funds from any other source, other than collected E911 wire or "land line" fees.

3. Entirety of County Obligation. Other than providing the radio acquisition funding percentage, as available and subject to County Council appropriation, described herein, the County shall have no obligation with respect to the E911 radios the City obtains, nor of the operational or administrative control of the City's E911 service, subject only to any obligations the parties may have agreed to in separate written agreements, and subject to any requirements set forth in the County's E911 Fee Radio Grant Policy and Process. The County shall not be responsible for the payment of any other fee, cost, tax, repair, maintenance, replacement or other expense that may be associated with the use or operation of any radios purchased by the City incident to the County's funding as described herein.

4. Funding Solely For Public Safety Radios. The parties agree that any funding provided by the County subject to this Agreement shall only be used for the purchase of E911 Public Safety Radios.

5. Insurance, Indemnification and Hold Harmless Agreement. The parties to this Agreement shall bear the risk of their own actions, as they do with their day-to-day operations, and determine for themselves what kinds of insurance and in what amounts, they carry. Each party shall be solely responsible for determining that their insurance is current and adequate prior to providing assistance under this Agreement. Neither the County nor its officers, employees or agents shall be liable for any loss or injury caused in whole or in part by use of any E911 radios purchased by the City, or by the failure, malfunction, poor service or any other cause related to the performance of any radio acquired by the City. To the extent permitted by law, the City indemnifies and holds harmless the County of and from any and all claims, demands, damages, attorneys' fees, costs, actions, cause of action, or suit in law or equity of whatsoever kind or nature whether heretofore or hereafter accruing or whether now known or not known for the use of any radios or equipment the City acquires through any funding described provided in accordance with this Agreement.

6. Effective Date, Term, Termination. This Agreement shall commence on the date set forth above and shall continue until the funding described herein has been provided, subject to paragraphs 2 and 4, above.

7. Notices. Any written notices under this Agreement shall be made by mailing or hand delivering such notice to the parties at the following addresses:

To the City: City of North Augusta

ADDRESS: Municipal Building
100 Georgia Avenue North Augusta, S.C. 29841
ATTN: City Administrator

To the County: Aiken County, South Carolina
1930 University Parkway, Suite 3400
Aiken, South Carolina 29801
ATTN: Administrator

With a copy to: Aiken County Attorney
1930 University Parkway, Suite 3600
Aiken, South Carolina 29801

Such notice shall be deemed given upon being so mailed or hand-delivered. The notice address may be changed from time-to-time by notice given pursuant hereto.

8. Amendment. This Agreement may be amended, modified or changed in writing as the parties may agree.

9. Entire Agreement. This Agreement sets forth all the covenants, promises, agreements, conditions, and understandings between the parties, and there are no covenants, promises, agreements, conditions, or understandings, either oral or written, between them other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change, or addition to this Agreement shall be binding upon the parties unless reduced to writing and signed by them.

10. Severability. Should any portion, section, or subsection of this Agreement be held to be invalid by a court of competent jurisdiction, that fact shall not affect or invalidate any other portion, section or subsection, and the remaining portions of this Agreement shall remain in full force and effect without regard to the section, portion, or subsection or power invalidated.

11. Governing Law. This Agreement shall be governed by and construed under the laws of the State of South Carolina, and venue shall be in the circuit court in Aiken County, South Carolina.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

WITNESS:

CITY OF NORTH AUGUSTA

By: _____
Its: _____

WITNESS:

AIKEN COUNTY, SOUTH CAROLINA

By: _____
Its: _____

ORDINANCE NO. 2021-24
TO AUTHORIZE THE PURCHASE AND FINANCING OF RADIOS FOR THE
DEPARTMENT OF PUBLIC SAFETY

WHEREAS, the radios currently used by the Department of Public Safety are over 10 years old and currently are not totally compatible with other law enforcement agencies in the area; and

WHEREAS, the City will be able to utilize a County program for the funding of such radios that will result in E-911 fees paying 75% of the cost; and

WHEREAS, the City will be able to arrange for a lease purchase of the radios with the City currently receiving bids from several financial institutions to provide such funding; and

WHEREAS, the Mayor and City Council acknowledge the need for the replacement of the radios and believe that the current plan for the purchase and financing of the purchase is appropriate and should be authorized.

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:

1. That the City is authorized to enter into a purchase of radios as determined to be necessary by the Director of Public Safety.
2. That the authorization for purchase is at an amount not to exceed (\$1,000,000.00) one million dollars with the approval of an intergovernmental agreement between the City of North Augusta and Aiken County that will result in 75% of the purchase price being paid utilizing E-911 fees.
3. That the lease purchase of said radios shall be through a financial institution that is selected by the Director of Finance and General Services following the receipt of bids/proposals.
4. That the City Administrator is authorized to execute such documents as required for the purchase and financing of the radios.

This Ordinance shall become effective immediately upon its adoption on the second final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS ____ DAY OF DECEMBER, 2021.

First Reading: _____

Second Reading: _____

BRITON S. WILLIAMS, MAYOR

ATTEST:

SHARON LAMAR, CITY CLERK

ORDINANCE NO. 2021-25
TO AMEND THE ZONING MAP OF THE CITY OF NORTH AUGUSTA,
SOUTH CAROLINA BY REZONING ± 1.63 ACRES OF LAND
OWNED BY SECOND PROVIDENCE BAPTIST CHURCH,
AIKEN COUNTY TAX PARCEL #006-20-06-003, #006-20-06-004, #006-20-06-005, AND
#006-20-06-006 FROM R-10 MEDIUM LOT, SINGLE-FAMILY RESIDENTIAL TO
GC, GENERAL COMMERCIAL

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 a November 18, 2021 public hearing, reviewed and considered a request by the Second Providence Baptist Church to amend the Official Zoning Map of North Augusta from R-10 (Medium Lot, Single-Family Residential) to General Commercial (GC) for tax parcel #006-20-06-003, #006-20-06-004, #006-20-06-005. AND #006-20-06-006 and unanimously recommends the request. The staff report and results of this hearing have 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 ±1.63 acres owned by Second Providence Baptist Church, is hereby rezoned from R-10 (Medium Lot, Single-Family Residential) to GC, General Commercial. Said property is Aiken County tax map parcel #006-20-06-003, #006-20-06-004, #006-20-06-005. AND #006-20-06-006 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 second 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 _____, 2021.

First Reading _____

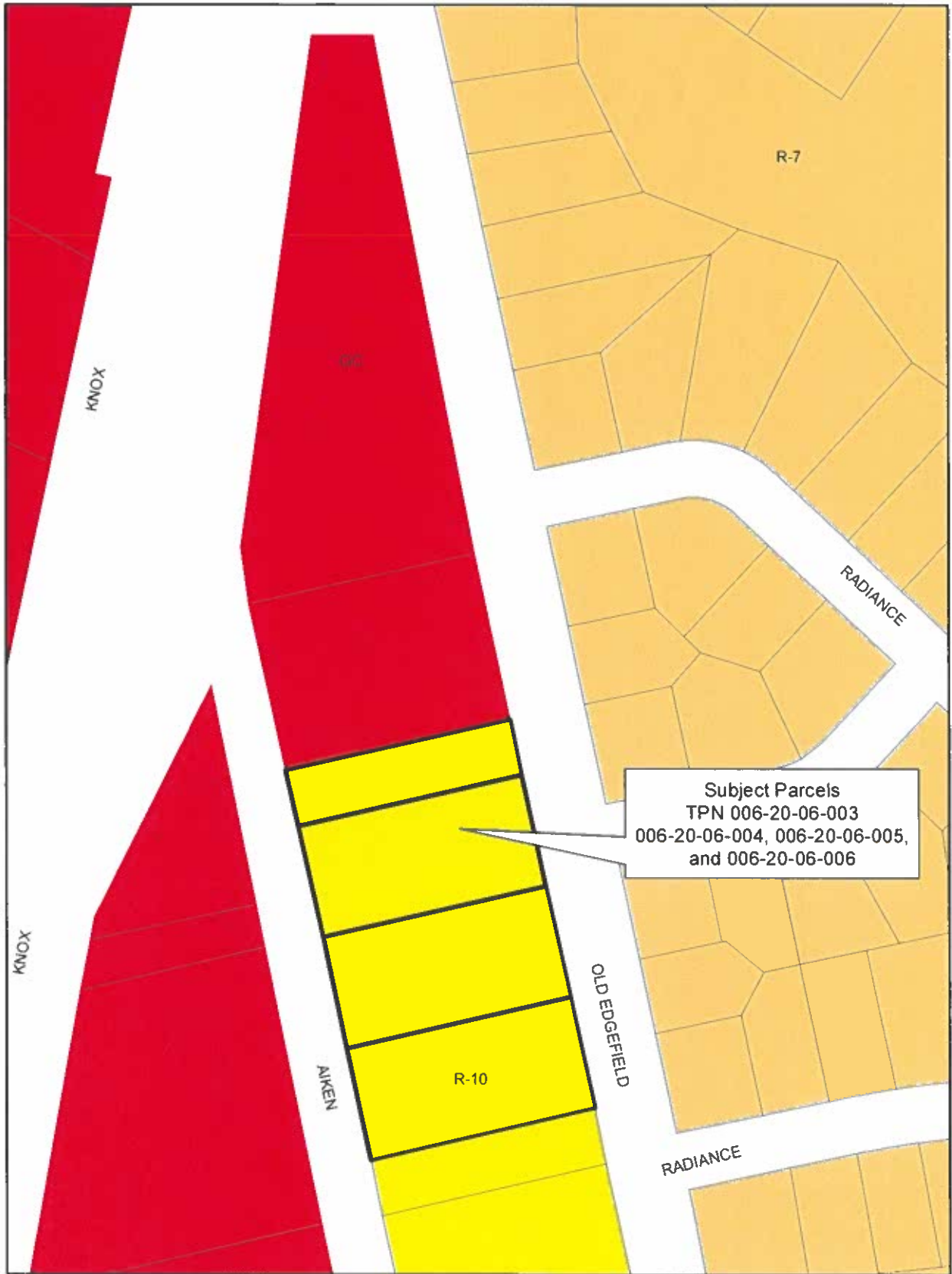
Second Reading _____

Briton S. Williams, Mayor

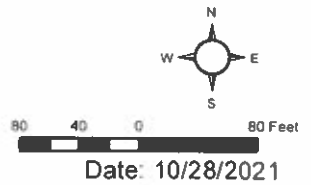
ATTEST:

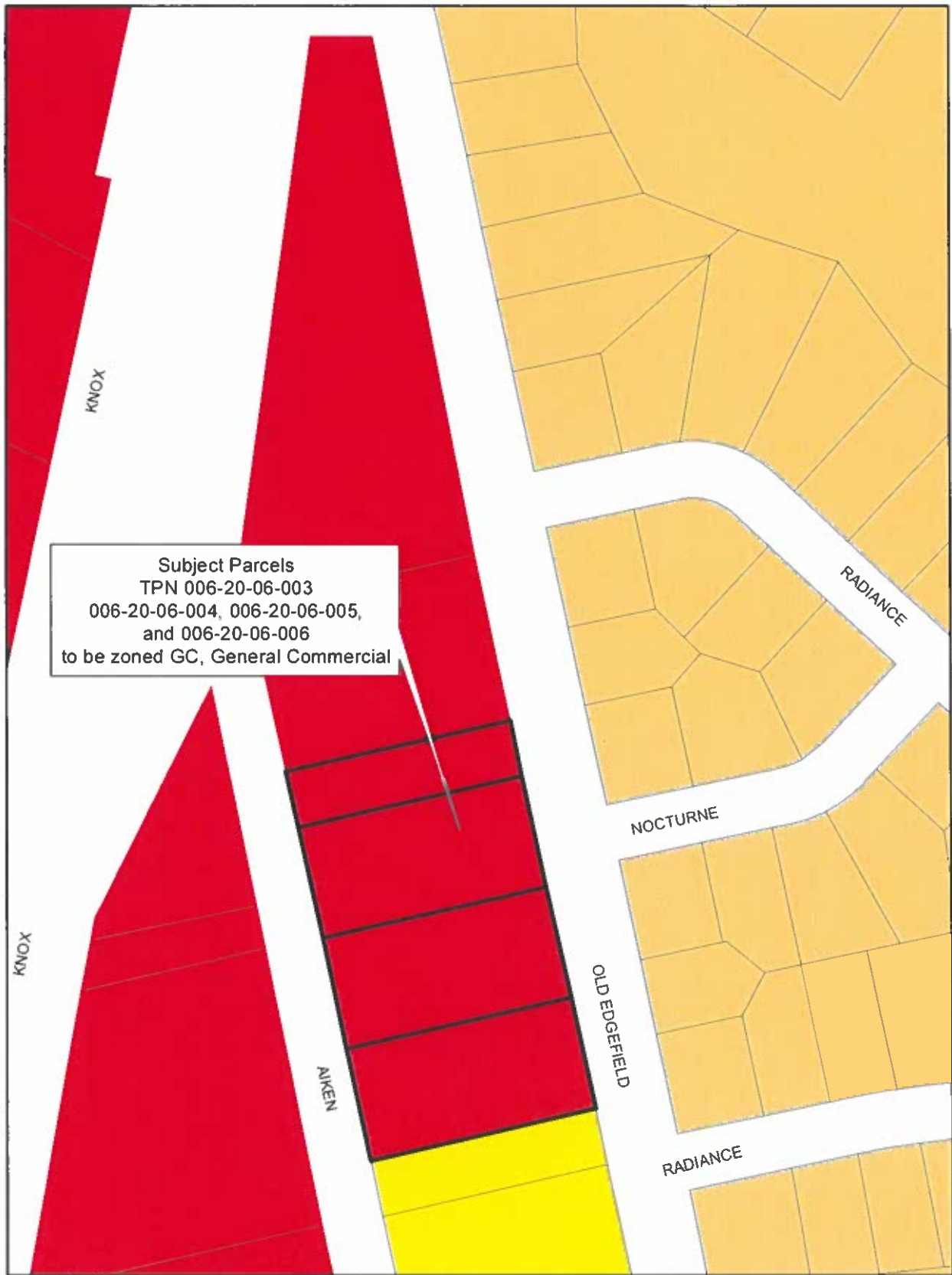
Sharon Lamar, City Clerk

Exhibit A

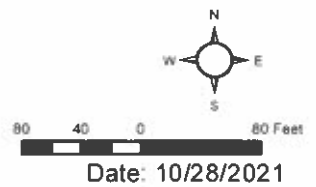


Current Zoning Map
Application RZM21-006
Tax Parcel Numbers 006-20-06-003,
006-20-06-004, 006-20-06-005,
and 006-20-06-006



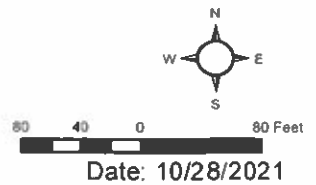


Proposed Zoning Map
 Application RZM21-006
 Tax Parcel Numbers 006-20-06-003,
 006-20-06-004, 006-20-06-005,
 and 006-20-06-006





Aerial Map
Application RZM21-006
Tax Parcel Numbers 006-20-06-003,
006-20-06-004, 006-20-06-005,
and 006-20-06-006



Department of Planning And Development

To: Jim Clifford, City Administrator

From: Tommy Paradise, Interim Director

Subject: Tax Parcel Number 006-20-06-003, 006-20-06-004, 006-20-06-005
& 006-20-06-006

Date: November 19, 2021

At the November 18, 2021, Planning Commission meeting, the Planning Commission reviewed the rezoning for application RZM21-006 for tax parcel numbers 006-20-06-003, 006-20-06-004, 006-20-06-005 & 006-20-06-006. The Commission unanimously voted to recommend of these parcels be rezoned to GC, General Commercial

Attached you will find copy of the staff report and attachments for the case.

The request is being forwarded for consideration at the next available City Council meeting.

Please contact me with any questions.

Department of Planning and Development



Project Staff Report

RZM21-006 Second Providence Baptist Church

Prepared by: Kuleigh Baker

Meeting Date: November 18, 2021

SECTION 1: PROJECT SUMMARY

Project Name	Second Providence Baptist Church Rezoning
Applicant	Second Providence Baptist Church
Address/Location	Along Old Edgefield Road and Aiken Avenue
Parcel Numbers	006-20-06-003, 006-20-06-004, 006-20-06-005, and 006-20-06-006
Total Development Size	± 1.63 acres
Existing Zoning	R-10, Medium Lot, Single-Family Residential
Overlay	NA
Traffic Impact Tier	Tier 2
Proposed Use	Church and Related Activities
Proposed Zoning	GC, General Commercial
Future Land Use	Low Density Residential

SECTION 2: PLANNING COMMISSION CONSIDERATION

Section 5.3 of the North Augusta Development Code (NADC) provides uniform procedures for processing changes to the Official Zoning Map.

The Planning Commission must use the criteria established in NADC Section 5.3.6 to evaluate each application. These criteria are further analyzed in Section 6 of this report, but are as follows per NADC Section 5.3.6.1-10:

1. The size of the tract(s) in question.
2. Whether the proposal conforms with and furthers the goals of the Comprehensive Plan, other adopted plans, and the goals, objectives, and policies of this Chapter. Specifically, the Planning Commission shall consider the goals stated in §1.2.

3. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. In particular, the Planning Commission shall consider whether:
 - a. The proposed rezoning is compatible with the surrounding area;
 - b. There will be any adverse effects on the capacity or safety of the portion of street network influenced by the rezoning;
 - c. There will be any adverse effects on existing or planned public utility services in the area;
 - d. Parking problems; or
 - e. Environmental impacts that the new use will generate such as excessive storm water runoff, water, air, or noise pollution, excessive nighttime lighting or other nuisances.
4. Any recent change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration and development.
5. The zoning districts and existing land uses of the surrounding properties.
6. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification.
7. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character.
8. The length of time the subject property has remained vacant as zoned, if applicable.
9. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs including, but not limited to, affordable housing and economic development.
10. Whether the existing zoning was in error at the time of adoption.

As referenced in item (2) above, NADC Section 1.2.1 states the following:

GENERAL PURPOSE AND INTENT

1.2.1 Comprehensive Development Code

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

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

1.2.2 Zoning Regulations

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

Planning Commission Action Requested:

The Planning Commission may recommend approval or denial of this request according to NADC § 5.1.3. The Planning Commission’s recommendation is then forwarded to the City Council for their consideration per NADC § 5.3.5.3.

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 200 feet of the subject property on November 1, 2021. The property was posted with the required public notice on November 3, 2021. 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 November 3, 2021.

SECTION 4: SITE HISTORY

Second Providence Baptist Church was established on the subject site in the early 1900s. Following a fire in the mid-1980s, a new sanctuary was added to the existing church structure and parking improvements were installed. A variance for an alternative paving material and number of parking spaces to be provided on the parcel adjacent to the primary church structure was approved at the time. No significant changes have been made to the subject site in recent years.

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-10, Medium Lot, Single-Family Residential
North	Church	Mixed Use	GC, General Commercial
South	Residential	Low-Density Residential	R-10, Medium Lot, Single-Family Residential
East	Residential	Low-Density Residential	R-7, Small Lot, Single-Family Residential
West	Commercial/Residential	Mixed Use	GC, General Commercial

Access – The subject parcel has access from Old Edgefield Road and Aiken Avenue.

Topography – The subject parcel is relatively flat.

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

Floodplain – The property is not located in a designated federal floodplain.

Drainage Basin –The property is located in the Womrath Basin. The preliminary physical stream assessments for Womrath basin indicate that this stream channel is currently effective at transporting current loads of stormwater during heavy storm events. The Womrath Basin is impacted by activities outside the control of the SWMD where they occur outside the city limits. The SWMD will continue to monitor the basin and work with Aiken County and other entities that

have authority to correct or resolve issues ongoing within the basin due to lower reaches being within the city.

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*.

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

The total acreage of the four subject parcels is ±1.63 acres.

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

The Comprehensive Plan Future Land Use Maps show this parcel to be used as Low Density Residential development.

NADC §3.3.2.1 states, "GC, General Commercial District-- The purpose of this district is to provide for areas within the city where large-scale commercial developments may take place. This district is designed to support citywide or regional shopping centers and business complexes of greater magnitude than permitted by the OC, Office Commercial, or NC, Neighborhood Commercial Districts. It permits a wide range of business and commercial uses generally clustered for cumulative attraction and optimum accessibility, but also in strips where so designated by the Comprehensive Plan."

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

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

The surrounding area contains a mix of development. The existing church is located between the main commercial strip on Knox Avenue containing restaurants, doctors' offices, and various retail establishments to the West and single-family residential development to the East.

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

Additional traffic in the area is not anticipated from the expansion of the church campus. The specific impact will not be known until an exact is identified. NADC §8.7 will require a Traffic Impact Analysis (TIA) for any site plan where the proposed new development will generate at least 50 new peak hour trips or required to provide more than one access point or curb cut. It is unlikely the trip generation will be triggered, as services generally occur outside of peak traffic hours.

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

There are existing utility services on the site. Any infrastructure improvements must be provided by the developer. A determination of the adequacy and availability of potable water and sanitary sewer will be analyzed by the City Engineer at the time of Site Plan approval. No issues are anticipated.

c. Parking problems; or

Parking will be required to meet City standards at the time of site plan approval. Any waivers or variances must be addressed by the Planning Commission or BZA, as applicable.

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

Any development will be required to meet all state standards for runoff capture and treatment. Noise and lighting will be subject to the standards of the Development Code and Municipal Code, as applicable.

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

The surrounding area has not seen any recent changes aside from the development of a Senior Living community south of the subject properties. This development has not changed the character of the surrounding area or affected utilities or zoning.

**5. The zoning districts and existing land uses of the surrounding properties (§5.3.6.5).
*North and West of the property across Knox Avenue is zoned GC, General Commercial.***

To the East is existing single-family residential neighborhood and several vacant tracts zoned R-7, Small Lot, Single-Family Residential.

The southern portion is adjacent to GC, General Commercial, and R-10, Medium Lot, Single-Family Residential zoning districts. The existing uses are a fast-food restaurant, single-family detached residences, and a church school.

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

The R-10 zoning district allows for churches and associated uses. The request is to consolidate the church property into a single zoning district.

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

The current property is undeveloped and the compatibility will largely depend on the development plan. However, it can be developed within the GC requirements while maintaining compatibility with the adjacent neighborhood.

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

The current site is undeveloped and has been zoned R-10 since the adoption of the current Development Code.

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

The property is adjacent to the large tract of land to the East that is zoned R-7, Small Lot, Single-Family Residential. The change in zoning from R-10 to GC will further serve the existing housing stock.

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

The zoning does not appear to have been in error at adoption.

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. Public Hearing Notice
6. Application Documents

cc Second Providence Baptist Church
Birkie Ayer, Ayercorp, via email

City of
North Augusta, South Carolina
Planning Commission

Public Hearing Notice

The North Augusta Planning Commission will hold its regular monthly meeting at 7:00 PM on Thursday, November 18, 2021, in the Council Chambers located on the 3rd floor of the North Augusta Municipal Center, 100 Georgia Avenue, to receive public input on the following applications:

RWN21-001 – A request by McKie Property Development, LLC to rename a portion of right-of-way from Napal Drive to Rachel Branch in the Forrest Bluff Subdivision. The application affects approximately 0.5 acres, TPN 006-11-03-196.

RZM21-006 – A request by Second Providence Baptist Church to rezone approximately 1.63 acres located along Old Edgefield Road and Aiken Avenue, TPNs 006-20-06-003, 006-20-06-004, 006-20-06-005, and 006-20-06-006 from R-10, Medium Lot, Single-Family Residential to GC, General Commercial.

ANX21-006 – A request by Adams Brothers Properties, LLC. to annex approximately 43.9 acres located along Martintown Road, TPN 106-00-00-041, to be zoned R-10, Medium Lot, Single-Family Residential and R-7, Small Lot, Single-Family Residential.

Documents related to the applications will be available for public inspection after November 11, 2021 in the office of the Department of Planning and Development on the 2nd floor of the Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina and online at www.northaugusta.net. All members of the public interested in expressing a view on these cases are encouraged to attend or provide written comments to planning@northaugusta.net.

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 <u>RZM21-006</u>	Date Received <u>10/18/21</u>
Review Fee <u>\$250.00</u>	Date Paid <u>\$ 10/22/21</u>

1. Project Name REZONING - SECOND PROVIDENCE BAPTIST CHURCH
Project Address/Location SEE ATTACHED ITEM 1
Total Project Acreage 3.78 AC. Current Zoning R-10
Tax Parcel Number(s) SEE ATTACHED ITEM 1

2. Applicant/Owner Name SECOND PROVIDENCE BAPTIST CHURCH Applicant Phone _____
Mailing Address 1202 OLD EDGEFIELD ROAD
City N. AUGUSTA ST SC Zip 29841 Email _____

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 BIRKIE AYER License No. 4895
Firm Name AYERCORP Firm Phone 706-722-8802
Firm Mailing Address 305 BROAD STREET
City AUGUSTA ST GA Zip 30901 Email ayercorp@ballsouth.net
Signature Birkie Ayer Date 10/15/2021

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. Birkie Ayer
Applicant or Designated Agent Signature 10/15/2021
Date
BIRKIE AYER
Print Applicant or Agent Name

Designation of Agent

Please type or print all information



This form is required if the property owner is not the applicant.

Staff Use Only	
Application Number <u>RZMAJ-006</u>	Date Received <u>10/18/21</u>

1. Project Name RE-ZONING - SECOND PROVIDENCE BAPTIST CHURCH

Project Address/Location Addresses do not match street names

Project Parcel Number(s) 006-20-06-003 006-20-06-004
006-20-06-005 006-20-06-006

2. Property Owner Name SECOND PROVIDENCE BAPTIST CHURCH Owner Phone 706-840-3308

Mailing Address 1202 OLD EDGEFIELD ROAD

City N. AUGUSTA ST SC Zip 29841 Email timkey@securityfederalbank.com

3. Designated Agent BIRKIE AYER

Relationship to Owner CLIENT

Firm Name AYERCORP Phone 706-722-8208

Agent's Mailing Address 305 BROAD STREET

City AUGUSTA ST GA Zip 30901 Email ayercorp@belkouth.net

Agent's Signature Birkie Ayer Date 10/15/2021

4. I hereby designate the above-named person (Line 3) to serve as my agent and represent me in the referenced application.

Tim Key
Owner Signature Date 10/15/21

5. Sworn and subscribed to before me on this 15th day of October, 2021

Betty J Johnson
Notary Public

04-30-2030
Commission Expiration Date

