

# North Augusta



*South Carolina's Riverfront*

## MINUTES OF AUGUST 12, 2024

*Briton S. Williams, Mayor*

*Jenafer F. McCauley, Councilmember – Mayor Pro Tem*

*David B. Buck, Councilmember*

*Pat C. Carpenter, Councilmember*

*David W. McGhee, Councilmember*

*Eric H. Presnell, Councilmember*

*Kevin W. Toole, Councilmember*

## **ORDER OF BUSINESS**

### **STUDY SESSION**

The Study Session of August 12, 2024 for the City Council of the City of North Augusta, having been duly publicized, was called to order by Mayor Briton S. Williams at 6:00pm and also streamed online for public viewing at the City Facebook page: “City of North Augusta – Public Information” and City YouTube page: “City of North Augusta Public Information.”

Per Section 30-4-80(e) notice of the meetings was sent out by email to the current maintained “Agenda Mailout” list consisting of news media outlets and individuals or companies requesting notification. Notice of the meetings was also posted on the outside doors of the Municipal Center, the main bulletin board of the Municipal Center located on the first floor, and the City of North Augusta website.

Members present were Mayor Williams, Councilmembers, Buck, Carpenter, McCauley, McGhee, and Toole.

Member absent was Councilmember Presnell.

Also in attendance were James S. Clifford, City Administrator; J.D. McCauley, Assistant Administrator; Kelly F. Zier, City Attorney; Thomas C. Zeaser, Director of Engineering and Public Works; Chief Junior Johnson, Director of Public Safety; Tommy Paradise, Director of Planning & Development; James Sutton, Director of Public Services; Rick Meyer, Director of Parks & Recreation, Karl Waldhauer, Manager of Tourism; Lynda Williamson, Director of Finance; Kayla Ferguson, Manager of Human Resources; Jamie Paul, City Clerk; and Ricky Jones, Manager of Information Technology.

**ITEM 1. CITY COUNCIL MEETING:**

Administrator Clifford led Council's discussion of items for the Augusta 19, 2024 regular meeting. **(See Attachment #1)**

Administrator Clifford noted that item #8 will be changed from a resolution to an ordinance. In addition, he commented that there may be an additional resolution regarding an existing contract with TischlerBise for an impact fee study and would like to add Parks & Recreation in that study. He pointed out that they are waiting on a contract modification and may have to move this addition to the next Council meeting in September as it will depend on when the modification arrives.

**ITEM 2. DEPARTMENT DETAILS:**

City department directors and managers provided departmental updates. **(See Attachment #2)**

**ITEM 3. MAYOR'S MATTERS:**

(A) FOCUS ITEM(S):

i. Administration - Update on Fiscal Year 2024

Administrator Clifford highlighted on the Fiscal Year 2024 budget expenditure and ARPA expenditures. **(See Attachment #3Ai)**

ii. Planning & Development - Development Update

Planning & Development Director Paradise updated on the residential development and spoke on potentially imposing a development moratorium which would be by ordinance. **(See Attachments #3Aii and #3Aii Examples)**

Discussion ensued with Council and Staff regarding the process of a moratorium and potential revisions of zoning regulations. In addition, it was clarified that both a moratorium and revisions can occur together.

It was the consensus of the Council to proceed with looking into a one-year moratorium ordinance. In addition, staff to bring back at a future study session additional information regarding the owner occupied residential compared to non-owner-occupied residential figure details.

(B) Mayor Williams will share reflections and announcements related to current City events and opportunities

Mayor Williams highlighted on the following:

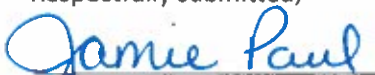
- o Community Engagement – TrueNorth, September 5 at 6:00pm

The Study Session adjourned at 7:26 pm

APPROVED THIS 19<sup>th</sup> DAY OF AUGUST,  
2024.

  
\_\_\_\_\_  
Britton S. Williams  
Mayor

Respectfully submitted,

  
\_\_\_\_\_  
Jamie Paul  
City Clerk



**DRAFT AGENDA: CITY OF NORTH AUGUSTA CITY COUNCIL MEETING**

**August 19, 2024 – 6:00 p.m. – Municipal Center – 100 Georgia Avenue, 3rd Floor - Council Chambers**

The Public Power Hour and City Council meeting will be streamed for public viewing online at:

- “City of North Augusta – Public Information” on [www.Facebook.com](http://www.Facebook.com)
- “City of North Augusta Public Information” on [www.YouTube.com](http://www.YouTube.com)

*CITIZEN COMMENTS: Citizens may speak to Mayor and City Council on each item listed on this agenda. The Mayor will call for comments prior to Council’s discussion. Speakers shall give their name and address in an audible tone of voice. Speaker Forms are provided on the credenza at the entrance for speakers desiring that the minutes indicate that they addressed Council on a specific topic. The form will be included as part of the minutes of the meeting. Citizen comments are limited to five minutes.*

*CITIZEN ASSISTANCE: Individuals needing special assistance or sign interpreter to participate in the meeting, please notify the Administration Department 48 hours prior to the meeting.*

**1. CALL TO ORDER**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF MINUTES:**

- Regular City Council Meeting minutes of August 5, 2024
- Study Session minutes of August 12, 2024

**5. PROCLAMATION(S):**

- a. Direct Support Professionals Recognition Week – September 8-14, 2024
- b. Stormwater Awareness Week – September 23-27, 2024

**OLD BUSINESS**

- 6. PLANNING & DEVELOPMENT: Ordinance No. 2024-17 To Change the Corporate Limits of the City of North Augusta by Accepting the Petition Requesting Annexation by the Landowners and Annexing ± 21.87 Acres of Property Located on Five Notch Road and Owned by Charles T. Blackston – Second Reading**

**NEW BUSINESS**

- 7. FINANCE: Resolution No. 2024-33 Selecting a Firm as the Independent Auditor for the City of North Augusta**
- 8. PARKS & RECREATION: Resolution No. 2024-34 Establishing Rules for the Provision of the Boat Dock within the City Limits**

9. **COUNCIL:** Resolution No. 2024-35 Appointing a Member to the Accommodations Tax Advisory Committee to Make State Accommodations Tax Expenditure Recommendations for Council's Consideration
10. **PLANNING & DEVELOPMENT:** Resolution No. 2024-36 Accepting a Deed of Dedication for the Sanitary Sewer, Stormwater Collection and Fire Suppression Systems, and Associated Easements and Rights of Way, Along with a Maintenance Guarantee and Letter of Credit, for Green Forest Commons
11. **ENGINEERING & PUBLIC WORKS:** Resolution No. 2024-37 West Avenue Intersection Improvements
12. **ADMINISTRATIVE REPORTS:**
13. **PRESENTATIONS/COMMUNICATIONS/RECOGNITION OF VISITORS:**
  - A. **Citizen Comments:** *At this time, citizens may speak to Mayor and City Council regarding matters not listed on the agenda. Speakers shall give their name and address for the records. Speaker Forms are provided on the credenza for speakers desiring that the minutes indicate that they addressed Council on a specific topic. The form will be included as part of the minutes of the meeting. Citizen comments are limited to five minutes.*
  - B. **Council Comments:**
14. **ADJOURNMENT**

## DEPARTMENT DETAILS

*for August 12, 2024*



### **FINANCE:**

- Cycle 2 Due Date - August 19
- Cycle 1 Due Date - September 3
- Utility Software delayed to September

### **PUBLIC SERVICES:**

- South Carolina Department of Environmental Services Water System Inspections & Audit

### **PLANNING AND DEVELOPMENT:**

- Planning Commission scheduled for Wednesday, August 21
- Updated all of the application checklists on the website to reflect current code
- Involuntary Clean-ups
  - 149 River Club Lane
  - 605 Grant Avenue
  - 5016 Field Crest (abandoned vehicle)

### **PUBLIC SAFETY:**

- National Night Out will be next Tuesday, August 20 at Riverview Park from 6-8pm. We will continue to advertise this event on our social media pages.
- Last week, Public Safety received the notification that the state funded SRO grant of \$537,044 has been renewed for another school year.

### **PARKS AND RECREATION:**

- The North Augusta Greenway section from the Martintown Road Bridge to Knotty Pine Road was closed this morning-Friday as our Streets & Drains crew makes repairs to numerous areas where the tree roots have pushed the asphalt up creating tripping hazards.
- Riverview Park Activities Center Chillers update: McCarter Mechanical out of Spartanburg, SC will begin work on Wednesday by shutting down and removing the existing chillers. The new chillers are scheduled to arrive on Thursday. No air conditioning in back 4 gyms from August 14-28. Does not affect the front 2 gyms.
- Riverside Village Boat Dock Construction update: Ribbon Cutting date will be set for the week of August 26.
- Amphitheater restrooms update.
- Fall Sports Evaluations begin tonight. Current participation numbers are 1130 registered participants, 493 of those have signed up online.
- New water fountain installed on Greenway at the Rapids parking area. Next up is the water fountain near the Pisgah Parking area. North Augusta Forward purchase.

### **TOURISM:**

- Tourism Rebranding Event partnering with the Augusta GreenJackets
- Ironman Update
- Upcoming Events:
  - Ribbon Cutting: Fleet Feet North Augusta; Thursday, August 15, 3:00pm at Beacon's Bluff
  - Chamber of Commerce Mixer & Pop-Up Shop: Thursday, August 15 at the Community Center from 4:30pm-7:00pm
  - Third Thursday: August 15; Downtown North Augusta from 5:00pm-8:00pm. Theme is a rock scavenger hunt

### **ENGINEERING AND PUBLIC WORKS:**

- Greenway Repair Work Underway
- RiverNorth, Phase IV Storm Pipe Construction

### **HUMAN RESOURCES:**

- See the following page for the Employment Opportunities list



## EMPLOYMENT OPPORTUNITIES

### **Building Standards Inspector – Building Standards**

Grade: 13  
Salary/ Pay Rate: \$22.56 - \$27.07/hour  
Closing Date: Until Filled

### **Communications Technician I – Public Safety**

Grade: 10  
Salary/Pay Rate: \$19.65 - \$23.58  
Closing Date: Until Filled

### **Engineering Inspector II – Engineering**

Grade: 15  
Salary/pay Rate: \$24.50 - \$29.40  
Closing Date: Until Filled

### **Firefighter – Public Safety**

Grade: 4  
Salary/Pay Rate: \$13.31 - \$15.97/hour  
Closing Date: Until Filled

### **Grounds Worker III – Parks and Recreation**

Grade: 7  
Salary/Pay Rate: \$16.75 – \$20.10/hour  
Closing Date: Until Filled

### **Grounds Worker III – Property Maintenance**

Grade: 7  
Salary/Pay Rate: \$16.75 – \$20.10/hour  
Closing Date: Until Filled

### **Maintenance Technician – Parks and Recreation**

Grade: 12  
Salary/Pay Rate: \$21.59 - \$25.91/hour  
Closing Date: Until Filled

### **Public Safety Officer – Public Safety**

Grade: 16  
Salary/Pay Rate: \$23.83 - \$28.59/hour  
Closing Date: Until Filled

### **Trades Worker – Streets & Drains**

Grade: 8  
Salary/Pay Rate: \$17.71 - \$21.26/hour  
Closing Date: Until Filled

### **Vehicle Operator I – Sanitation**

Grade: 6  
Salary/Pay Rate: \$15.78 - \$18.93/hour  
Closing Date: Until Filled

### **Utility Technician – Public Utilities**

Grade: 9  
Salary/Pay Rate: \$18.68 - \$22.42/hour  
Closing Date: Until Filled

To apply and to see full job descriptions please visit [www.northaugustasc.gov/jobs](http://www.northaugustasc.gov/jobs). You may also contact Human Resources for more information at 803-442-5710 or [kferguson@northaugustasc.gov](mailto:kferguson@northaugustasc.gov).

The City of North Augusta is an Equal Opportunity Employer



# North Augusta City Council

## *Fiscal Year 2024 Update*

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AUGUST 12, 2024

# Purpose:

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- To update the public and city council on Fiscal Year 2024 budget expenditures
- To update the public and city council on ARPA expenditures



# FY 2024 Budget Drivers

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- 4% increase in PEBA insurance costs to all local governments in South Carolina
- 4% Cost of Living Adjustment (COLA) to all City employees (Archer study recommended 3.7 – 4.2%)
  - 2023 COLA was 4% against a 9.8% recommendation
- Grade changes to Public Safety & CDLs
- Additional personnel (4 FT, 1 PT)
- Transitioning from Lease-Purchase to outright purchase

## Personnel Additions:

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- DPW Engineering Inspector, 1 July start – Advertised, not yet filled
- DPW Building Inspector, 1 July start
- PRT Maintenance Supervisor
- PRT Program Coordinator II – Activities Center
- Finance Part Time Customer Service Representative (Utilities fund)

# Facilities / DPW / Public Services:

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- Municipal Center railings completed



# Public Safety:

- Pay grade increases for uniformed officers / dispatchers
- TNR funding @ \$5,000



# Downtown / Quality of Life:

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- Downtown - \$25,000 allocated
  - \$5,000 hanging flower basket maintenance
  - \$20,000 West Avenue Intersection Improvements (for Council action)

# Un-forecasted Requirements

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- Woodlawn Avenue slope failure (SCDOT & CTC Funding pending)
- Boeckh Park blow-out

# FY 2025 Budget Calendar

Monday	August 19	Begin Budget Meetings with Directors/Managers	City Administration and Directors/Managers
Friday	September 6	Proposed Budget Completion	City Administration and Finance Department
Thursday	September 19	Proposed Budget Submitted and Delivered to Mayor and City Council	City Administration, Finance Department, City Clerk
Monday	September 30	Council Study Session	Mayor and City Council
Tuesday	October 1	Council Study Session (If Needed)	Mayor and City Council
Thursday	October 2	Publish Public Hearing Notice	Finance Department
Monday	October 21	Budget Hearing	Mayor and City Council
Monday	October 21	Budget Ordinance, First Reading	Mayor and City Council
Monday	November 4	Budget Ordinance, Second Reading	Mayor and City Council
Wednesday	November 6	Publish Public Notice of Enacted Budget	Finance Department

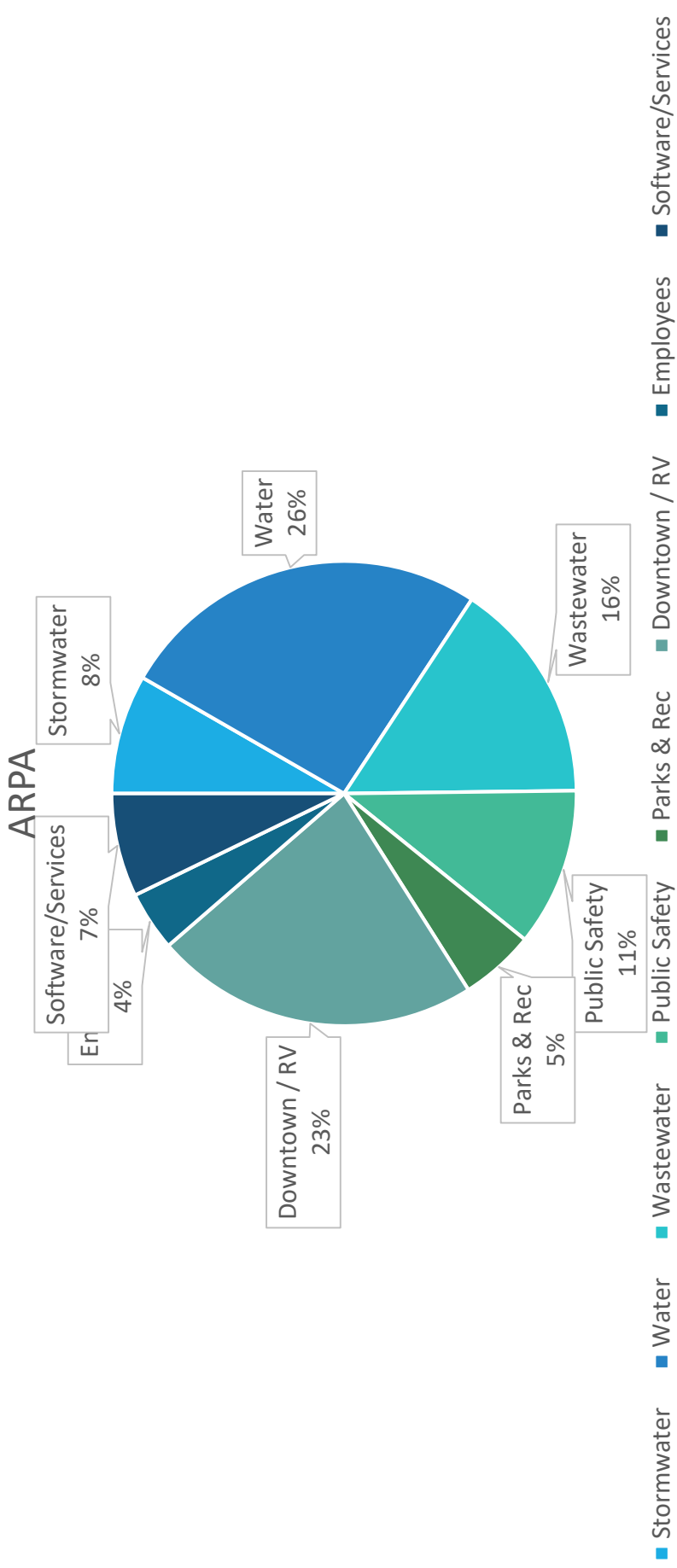
# ARPA Expenditures

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- Twelve (12) Council Resolutions
- Funds must be obligated / on contract by end of 2024
- Services and purchases must be complete by end of 2026



# ARPA Expenditures



# ARPA Projects @ 100% completion

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■ Greenway Bridge Replacement	\$167,000
■ Parks & Rec	
■ trailer removal	\$15,800
■ quiet generators	\$4,842.56
■ Athletic Field Lighting	\$89,800
■ Mealing Tract / Bluegrass stormwater project	\$600,000
■ Pole Branch remediation (stormwater)	\$400,000
■ Public Safety	
■ Public Safety Tanker Truck	\$450,000
■ Air & Light Truck, 911 consoles, Drone, Speed Trailer	\$571,752.86
■ SmartCOP	\$30,941.09
■ Downtown Plan w/Augusta Tomorrow	\$35,000

## ARPA Projects (ongoing)

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■ Southwest Interceptor Pipeline Rehab Project	\$1,871,089.22
■ Clay Street Booster Pump Station	\$3,123,632
■ Employee Recruitment & Retention	\$500,000
■ Stadium Improvement Fund	\$600,000
■ ERP/Finance Software	\$770,000
■ Amphitheater Improvements / Boat Dock	\$1,175,000
■ Riverview Activity Center Chiller	\$298,271
■ Downtown Façade Improvement Program	\$30,000



# North Augusta City Council

## *Fiscal Year 2024 Update*

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AUGUST 12, 2024



# Residential Development Update

**August 12, 2024**

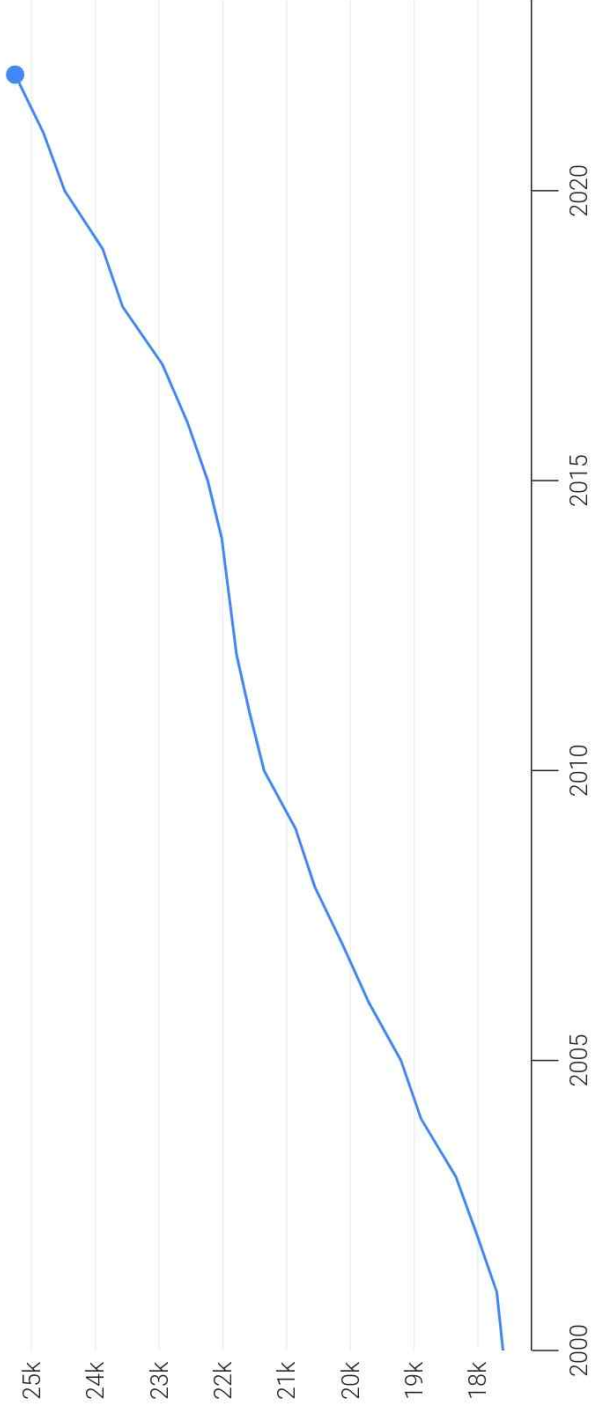
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**City Council Study Session**



## North Augusta, SC population from 2000 to 2022

North Augusta had an official estimated population of 25,258 on July 1, 2022



Source: U.S. Census Bureau (Population Estimates Program)

**Neilsberg**

# City Council Study Session



## **Are Our Goals Misaligned**

**The Goals and Strategies found in 2.2 of the 2021 Comprehensive Plan**

**2.2.2 states, “Revise zoning ordinance and map to incentivize a variety of housing types, at higher densities, including multifamily, courtyard apartments, quadruplexes, duplexes, and accessory units, especially near Downtown and activity centers.”**

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**City Council Study Session**



## **Projects in Pipeline**

### **51 Projects Overall**

**11 Apartments with 2887 units**

**14 Single Family Attached with 1035 units**

**15 Single Family Detached with 5,663 units**

**2 Duplex with 111 Units**

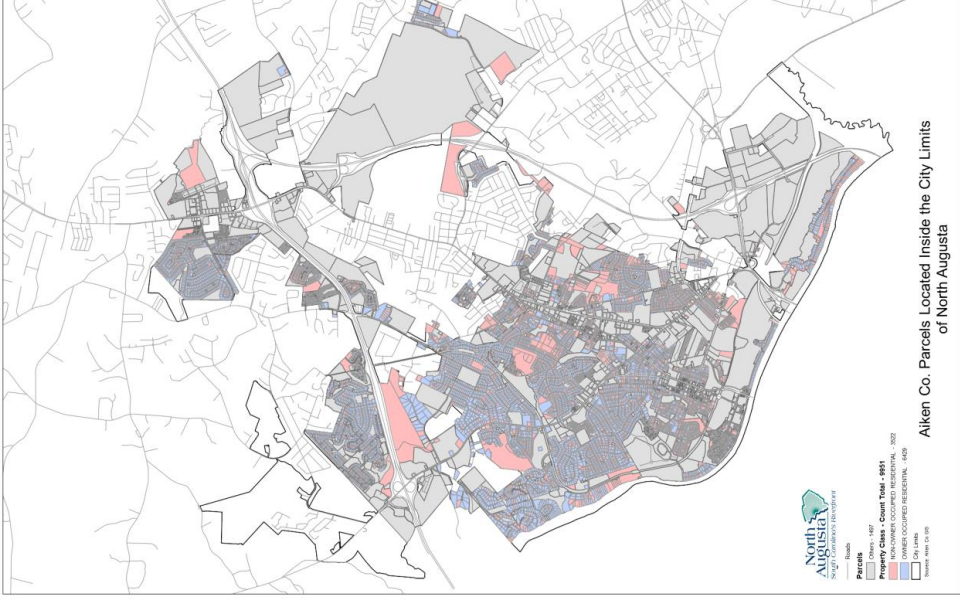
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**City Council Study Session**





# Owner Occupied Residential Compared To Non-Owner Occupied Residential



Aiken Co. Parcels Located Inside the City Limits  
of North Augusta

## City Council Study Session



**Owner Occupied Residential Parcels 6,429 (64%)**

**Non-Owner Occupied Residential Parcels 3522 (35%)**

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**City Council Study Session**



# **Tools to Deal With Unrestrained Apartment Growth Moratorium Revise Zoning Ordinance**

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**City Council Study Session**



## **Moratorium**

**Municipal Council may impose a development moratorium only by ordinance.**

**This rule arose from *Simpkins v. City of Gaffney***

**A leading case from Minnesota provides that a moratorium is valid if:**

- it is for the purpose of researching and implementing changes to the zoning ordinance or comprehensive plan,**
- it is of limited duration, and**
- the government acts promptly to research and implement such changes.**

**MASC**

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**City Council Study Session**



## **Three Case Studies**

**Clemson**  
**Port Royal**  
**Mount Pleasant**

## **Common Issues**

**Rapidly Increasing Population**  
**Apartment Demands for Public Services and Infrastructure**  
**Risk to Health, Safety, and Welfare for Residents**  
**Impact on Traditional Neighborhoods and Quality of Life**

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## **City Council Study Session**



## **Clemson Moratorium**

**City Council imposed a temporary moratorium on the issuance of construction permits for housing developments of 200 bedrooms or more in order to provide time for the Council to strategically evaluate the City's capacity to serve the increased demands such future developments might place on City services and infrastructure and to identify suitable locations for any such future developments.**

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## **City Council Study Session**



## **Clemson Moratorium**

**In effect for 180 calendar days from the effective date. Council may extend the moratorium for a period of an additional 90 calendar days upon finding that:**

- (1) The concerns that gave rise to the need for the moratorium still exist;**
- (2) Council is making reasonable and prompt progress in carrying out the actions set forth;**
- (3) Additional time is reasonably needed to adequately address the concerns by completing the action plan.**

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**City Council Study Session**



## **Port Royal**

**Town Population Increased 33% from 2010 to 2020**

**Population Increased 9.9% from 2020 to 2022**

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**City Council Study Session**





## **Port Royal Moratorium on Multi-Family Residential**

**Town Council imposed a moratorium on the issuance of certificates of compliance, building permits, design review approvals, site development plan approvals, subdivision approvals, or other similar land use or construction approvals under the Development Code or other Town ordinances for a period of one year for multi-family developments**

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**City Council Study Session**

## **Port Royal Moratorium**



**During the moratorium Town staff and the Planning Commission will:**

- 1) study the extent to which Multi-Family Developments are permitted within the various areas and neighborhoods of the Town;**
- 2) the long-term effect on the Town's neighborhoods, citizens, and businesses of the proliferation of Multi-Family Developments within the Town;**
- 3) appropriate amendments to the Development Code as may be necessary to protect the public health, safety, and welfare of the Town and its citizens;**
- 4) whether it may be necessary to enact new regulations for Multi-Family Developments that may be essential to protect the public health, safety, and welfare/**

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## **City Council Study Session**



## **Mount Pleasant**

**In order to better manage this type of growth the Town, over a two-year period, studied, developed and implemented a Comprehensive Plan. The Comprehensive Plans was adopted by Council and effective on October 13, 2020.**

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**City Council Study Session**



## **Mount Pleasant**

**The Comprehensive Plan addresses multi-family structures and the purpose of this moratorium is to provide a reasonable time period for the Town to effectuate changes to its zoning code in order to carry out the goals of the Comprehensive Plan.**

**Specifically, the Town has initiated a re-write of its zoning code to address over development of multi-family housing;**

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**City Council Study Session**



# Zoning Ordinance Amendments

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## City Council Study Session



## **Multi-Family Conditionally Allowed In:**

**Mixed Residential (R-5)**

**Office Commercial (OC)**

**Neighborhood Commercial (NC)**

**General Commercial (GC)**

**Thoroughfare Commercial (TC)**

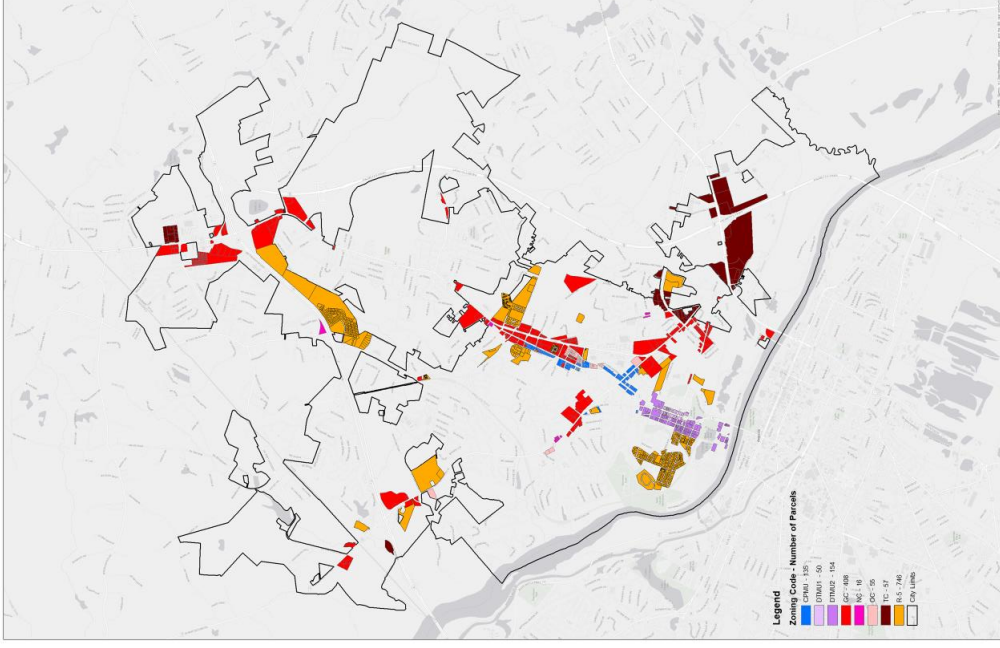
**Corridor Preservation Mixed Use (CPMU)**

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**City Council Study Session**



# Where Multi-Family Is Allowed 1,415 Parcels



## City Council Study Session



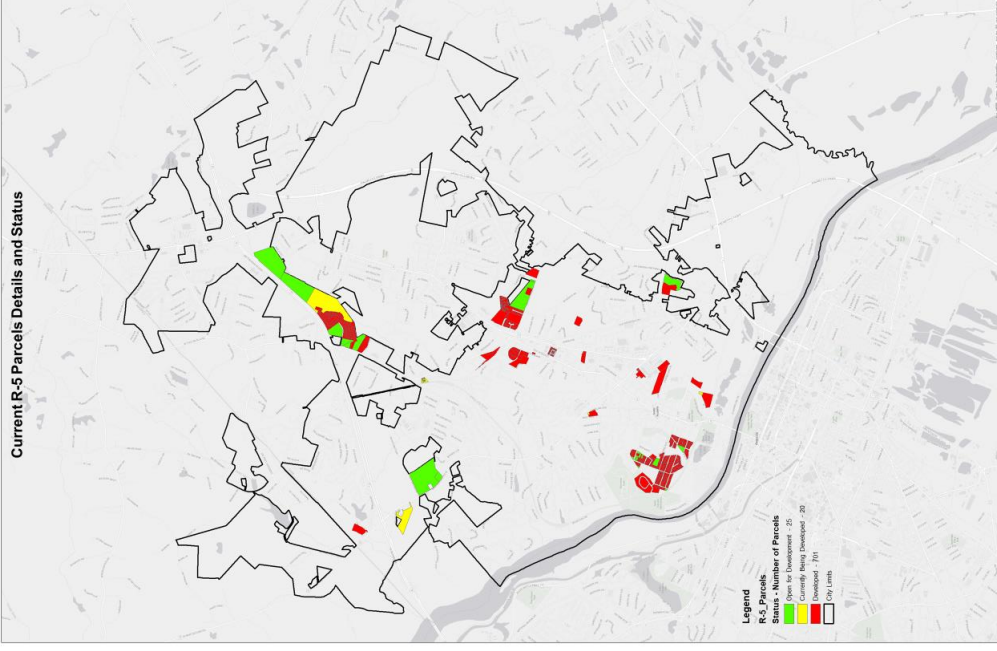
# Residential Mixed Use (R-5)

**25 Parcels Open for Development**

**1 Parcel Large Enough for Apartment Development**

**20 Parcels Being Developed**

**701 Parcel Developed**



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## City Council Study Session





## **Staff Recommends a Moratorium Exempt:**

- 1) Existing/Ongoing Planned Developments with Vested Rights**
- 2) Projects that have Acquired Vested Rights**
- 3) Accessory Apartments be allowed on an owner-occupied single-family parcel for the occupancy of a family member.**

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**City Council Study Session**



## **Comprehensive Plan**

**Plan Adopted August 7, 2017**

**Update Adopted June 16, 2022**

**Comprehensive Plan Rewrite Due August 7, 2027**

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**City Council Study Session**



# **Council Guidance on Recommendations**

## **Guidance on Moratorium**

### **Guidance on Revisions of Zoning Regulations & Referral to Planning Commission**

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## **City Council Study Session**

**ORDINANCE 2024-XXX**

**AN ORDINANCE OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA IMPOSING A MORATORIUM ON THE ISSUANCE OF CERTIFICATES OF ZONING COMPLIANCE, BUILDING PERMITS, DESIGN REVIEW APPROVALS, SITE DEVELOPMENT PLAN APPROVALS, SUBDIVISION APPROVALS, OR OTHER SIMILAR LAND USE OR CONSTRUCTION APPROVALS FOR ANY MULTI-FAMILY, DUPLEX, TRIPLEX, QUADRUPLEX DEVELOPMENTS .**

NOW THEREFORE, be it ordained by the City Council of the City of North Augusta (the “City Council”), the governing body of the City of North Augusta, South Carolina (the “City”), as follows:

**Section 1 Findings.** The City Council hereby makes the following findings of fact in connection with the enactment of this ordinance (this “Ordinance”):

- (a) The City Council is empowered pursuant to Section 5-7-30 of the Code of Laws of South Carolina 1976, as amended, to enact such regulations as are necessary for the security, general welfare, and convenience, of the City or for preserving health, peace, order, and good government within the City. The City Council is additionally empowered pursuant to Title 6, Chapter 29, Article 5 of the Code of Laws of South Carolina 1976, as amended (the “Act”), to enact regulations regarding land use within the City.
- (b) Pursuant to the Act, the City Council has enacted The North Augusta Development Code (the “Development Code”) which regulates development and land use within the City. The Development Code permits the use of property for Multi-Family, Duplex, Triplex, and Quadruplex Developments (as defined herein) in certain areas of the City.
- (c) The Development Code allows Multi-Family Developments as a “conditional use” in all commercial and mixed-use districts of the City which include, the Office Commercial, Neighborhood Commercial, General Commercial, Thoroughfare Commercial, Corridor Preservation, Downtown Mixed Use 1, and Downtown Mixed Use 2 areas of the City as well as the Mixed Residential (R-5) zoning district and the areas of some planned unit developments within the City. As a result, Multi-Family Developments are permitted in the vast majority of the area within the corporate limits of the City.
- (d) The Development Code allows Duplex Developments as a “permitted use” in the Neighborhood Commercial, General Commercial, Thoroughfare Commercial and Downtown Mixed Use 2 areas of the City as well as the Mixed Residential (R-5) and Small Lot Residential (R-7) and Manufactured Home (R-MH) zoning districts and the areas of some planned unit developments within the City.
- (e) The Development Code allows Triplex Developments as a “permitted use” in all commercial and mixed-use districts of the City which include, the Office Commercial, Neighborhood Commercial, General Commercial, Thoroughfare Commercial, Corridor Preservation, and Downtown Mixed Use 2 areas of the City as well as the Mixed

Residential (R-5) zoning district and the areas of some planned unit developments within the City.

- (f) The Development Code allows and Quadruplex Developments as a “conditional use” in the General Commercial, Thoroughfare Commercial and Downtown Mixed Use 2 areas of the City as well as the Mixed Residential (R-5) zoning district and the areas of some planned unit developments within the City.
- (g) The City has experienced significant growth with a population increase of approximately 36% since 2000. According to the U.S. Census Bureau, the City grew by approximately 13% from 2010 to 2020 and has grown by an additional 4% from 2020 to 2022, the most recent year for which population estimates are available. Rapid population growth has the potential to place undue strain on the City’s infrastructure, including water, sewer, and roads, and the City’s ability to continue providing high-quality municipal services such as police and fire protection.
- (h) The City currently has 42 residential projects in the design or development phase. These projects total 9696 new dwelling units of which 30%, or 2,998, are proposed to be multi-family, duplex and single-family attached.
- (i) Due to the density of Multi-Family, Duplex, Triplex, and Quadruplex Developments have the potential to overburden the infrastructure and public services in specific areas of the City at a higher pace and to a greater degree than other types of residential development. The high percentage of the City in which Multi-Family, Duplex, Triplex, and Quadruplex Developments are a permitted use and the particular risks posed by Multi-Family, Duplex, Triplex, and Quadruplex Developments inhibits the City’s ability to engage in long-term planning to ensure that it is able to adequately provide infrastructure and public services to support development of this type. Moreover, second-order effects of rapid growth in isolated areas of the City may not be considered and mitigated under current requirements for traffic impact analyses and other development review procedures.
- (j) The overburdening of the City’s infrastructure and public services, including the City’s road system, has the potential to negatively impact the public health, safety, and welfare of the City and its citizens. The City Council has determined that these conditions present substantial risks to the public health, safety, and welfare of the City and its citizens.
- (k) In order to ensure that the regulations concerning Multi-Family, Duplex, Triplex, and Quadruplex Developments including the zoning districts under the Development Code where Multi-Family, Duplex, Triplex, and Quadruplex Developments are a permitted use or conditional use, are sufficient to protect the public health, safety, and welfare of the City and its citizens, the City Council has determined that it is necessary to review the applicable terms of the Development Code and consider amendments, new regulations, or rezoning to achieve these purposes. To give the City Council, the City of North Augusta Planning Commission (the “Planning Commission”), and the City’s staff adequate time to conduct such a review and consider appropriate amendments, new regulations, or rezoning, the City Council has determined that it is appropriate to implement a temporary

moratorium on approvals for Multi-Family, Duplex, Triplex, and Quadruplex Developments, as set forth in greater detail in Section 2 of this Ordinance.

## **Section 2 Moratorium on Multi-Family, Duplex, Triplex, and Quadruplex Developments**

By and through the enactment of this Ordinance, the City Council hereby imposes a moratorium on the issuance of certificates of compliance, building permits, design review approvals, site development plan approvals, or other similar land use or construction approvals under the Development Code or other City ordinances for a period of one year from the date of the enactment of this Ordinance. The City Council hereby declares that this Ordinance, and the moratorium imposed hereby, shall be subject to the “pending ordinance doctrine,” which shall be effective upon the first reading hereof and the publication of a notice of public hearing in connection herewith.

### **Section 3 Exemptions:**

- (a) Existing/ongoing planned developments (PDs) and properties with vested rights. Planned developments already approved by Council are exempted from the effects of this moratorium, as Council carefully considered the uses and structures permitted within these PDs, and hereby finds them compatible with desirable current and future growth. This exemption applies, even though such PDS may not yet be fully built out.
- (b) Properties may have acquired vested rights under applicable laws. Accordingly, properties and/or property owners legally protected with such vested rights shall also be exempt from the effects of this moratorium to the extent they are lawfully protected by such vested rights.
- (c) An accessory apartment may be allowed on an owner-occupied single-family parcel for the occupancy of a family member.

## **Section 4 Recommendations Multi-Family, Duplex, Triplex, and Quadruplex Developments Development Regulations.**

During the pendency of the moratorium enacted hereby, City staff and the Planning Commission shall study the extent to which Multi-Family, Duplex, Triplex, and Quadruplex Developments are permitted within the various areas and neighborhoods of the City; the long-term effect on the City’s neighborhoods, citizens, and businesses of the proliferation of Multi-Family, Duplex, Triplex, and Quadruplex Developments within the City; appropriate amendments to the Development Code as may be necessary to protect the public health, safety, and welfare of the City and its citizens; and whether it may be necessary to enact new regulations for Multi-Family, Duplex, Triplex, and Quadruplex Developments that may be essential to protect the public health, safety, and welfare of the City and its citizens.

### **Section 5 Severability.**

If any one or more of the provisions of this Ordinance should be contrary to law, then such provision shall be deemed severable from the remaining provisions and shall in no way affect the validity of the other provisions of this Ordinance.

### **Section 6 Repealer.**

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance, except as expressly set forth herein and as may be permitted under South Carolina law.

### **Section 7 Inconsistency.**

All ordinances, resolutions or parts of any ordinances or resolutions inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

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. City Council hereby imposes a moratorium on the issuance of certificates of compliance, building permits, design review approvals, site development plan approvals, or other similar land use or construction approvals under the Development Code or other City ordinances for a period of one year from the date of the enactment of this Ordinance.
- II. City Council finds that the following are exempt from this moratorium:
  - a) Existing/ongoing planned developments (PDs) and properties with vested rights. Planned developments already approved by Council are exempted from the effects of this moratorium, as Council carefully considered the uses and structures permitted within these PDs, and hereby finds them compatible with desirable current and future growth. This exemption applies, even though such PDS may not yet be fully built out.
  - b) Properties may have acquired vested rights under applicable laws. Accordingly, properties and/or property owners legally protected with such vested rights shall also be exempt from the effects of this moratorium to the extent they are lawfully protected by such vested rights.
  - c) An accessory apartment may be allowed on an owner-occupied single-family parcel for the occupancy of a family member.
- 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 \_\_\_\_\_, 2024.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

\_\_\_\_\_  
Briton S. Williams, Mayor

Attest:

\_\_\_\_\_  
Jamie Paul, City Clerk

DRAFT





**Council**

Kevin Phillips  
Mayor

Mary Beth Heyward  
Mayor Pro Tempore

Jerry Ashmore  
Jorge Guerrero  
Darryl Owens

Van Willis  
Town Manager

T. Alan Beach  
Chief of Police

Jeffrey S. Coppinger  
Operations

Noah Krepps  
Planning

**ORDINANCE 2024-9**

**AN ORDINANCE OF THE TOWN OF PORT ROYAL, SOUTH CAROLINA IMPOSING A MORATORIUM ON THE ISSUANCE OF CERTIFICATES OF COMPLIANCE, BUILDING PERMITS, DESIGN REVIEW APPROVALS, SITE DEVELOPMENT PLAN APPROVALS, SUBDIVISION APPROVALS, OR OTHER SIMILAR LAND USE OR CONSTRUCTION APPROVALS FOR ANY MULTI-FAMILY DEVELOPMENTS.**

**NOW THEREFORE**, be it ordained by the Town Council of the Town of Port Royal (the “**Town Council**”), the governing body of the Town of Port Royal, South Carolina (the “**Town**”), as follows:

**Section 1 Findings.** The Town Council hereby makes the following findings of fact in connection with the enactment of this ordinance (this “**Ordinance**”):

(a) The Town Council is empowered pursuant to Section 5-7-30 of the Code of Laws of South Carolina 1976, as amended, to enact such regulations as are necessary for the security, general welfare, and convenience, of the Town or for preserving health, peace, order, and good government within the Town. The Town Council is additionally empowered pursuant to Title 6, Chapter 29, Article 5 of the Code of Laws of South Carolina 1976, as amended (the “**Act**”), to enact regulations regarding land use within the Town.

(b) Pursuant to the Act, the Town Council has enacted The Port Royal Development Code (the “**Development Code**”) which regulates development and land use within the Town. The Development Code permits the use of property for Multi-Family Developments (as defined herein) in certain areas of the Town.

(c) The Development Code allows Multi-Family Developments as a “permitted use” in all areas of the Town except within the small areas of the Town within the T1 – Natural Preserve, T3 – Edge, and T3 – Suburban Neighborhood zoning districts, and the areas of some planned unit developments within the Town. As a result, Multi-Family Developments are permitted without any additional requirements in the vast majority of the area within the corporate limits of the Town.

(d) The Town has experienced significant growth over the past decade. According to the U.S. Census Bureau, the Town grew by approximately 33% from 2010 to 2020 and has grown by an additional 9.9% from 2020 to 2022, the most recent year for which population estimates are available. Rapid population growth has the potential to place undue strain on the Town's infrastructure, including water, sewer, and roads, and the Town's ability to continue providing high-quality municipal services such as police and fire protection.

(e) Due to the density of Multi-Family Developments, they have the potential to overburden the infrastructure and public services in specific areas of the Town at a higher pace and to a greater degree than other types of residential development. The high percentage of the Town in which Multi-Family Developments are a permitted use and the particular risks posed by Multi-Family Developments inhibits the Town's ability to engage in long-term planning to ensure that it is able to adequately provide infrastructure and public services to support development of this type. Moreover, second-order effects of rapid growth in isolated areas of the Town may not be considered and mitigated under current requirements for traffic impact analyses and other development review procedures. These risks and conditions are substantially exacerbated by the fact that the Town is largely surrounded by bodies of water and marshland, which restricts number of routes into and out of, and certain routes of interconnectivity within the Town.

(f) The overburdening of the Town's infrastructure and public services, including the Town's road system, has the potential to negatively impact the public health, safety, and welfare of the Town and its citizens. These risks are greater in areas of the Town that are in close proximity to interconnecting bridges and causeways and in the historic waterfront areas of the Town which are served by narrow roadways. The Town Council has determined that these conditions present substantial risks to the public health, safety, and welfare of the Town and its citizens.

(g) In order to ensure that the regulations concerning Multi-Family Developments, including the zoning districts under the Development Code where Multi-Family Developments are a permitted use, are sufficient to protect the public health, safety, and welfare of the Town and its citizens, the Town Council has determined that it is necessary to review the applicable terms of the Development Code and consider amendments, new regulations, or rezonings to achieve these purposes. To give the Town Council, the Town of Port Royal Planning Commission (the "*Planning Commission*"), and the Town's staff adequate time to conduct such a review and consider appropriate amendments, new regulations, or rezonings, the Town Council has determined that it is appropriate to implement a temporary moratorium on approvals for Multi-Family Developments, as set forth in greater detail in Section 2 of this Ordinance.

**Section 2 Moratorium on Multi-Family Developments.** By and through the enactment of this Ordinance, the Town Council hereby imposes a moratorium on the issuance of certificates of compliance, building permits, design review approvals, site development plan approvals, subdivision approvals, or other similar land use or construction approvals under the Development Code or other Town ordinances for a period of one year from the date of the enactment of this Ordinance. For the purposes of this moratorium, the term "*Multi-Family Development*" shall including the terms (i) "Dwelling: Multi-Family Unit," as referenced in

Section 4.1.40, Table 4.1.40 – Principal Use Definitions, of the Development Code; (ii) “Dwelling – Multi-Family,” as referenced in that certain Planned Unit Development for SC SPA Port of Port Royal Tract, enacted by the Town on November 9, 2011, as subsequently amended pursuant to ordinances enacted on August 9, 2017, and July 14, 2021 (collectively, the “*SC SPA PUD*”); and (iii) similar terms referencing Multi-Family Developments used in other planned unit developments that may have been approved by the Town Council prior to the enactment of this Ordinance. The Town Council hereby declares that this Ordinance, and the moratorium imposed hereby, shall be subject to the “pending ordinance doctrine,” which shall be effective upon the first reading hereof and the publication of a notice of public hearing in connection herewith.

**Section 3 Effect on SC SPA PUD.** The Town Council hereby expressly determines that the findings set forth in Section 1 of this Ordinance regarding the substantial risks that Multi-Family Developments present to public health, safety, and welfare of the Town and its citizens apply equally within the area of the Town that is subject to the SC SPA PUD, and the regulations for Multi-Family Development that the Town may consider include regulations that apply to Multi-Family Developments within the area of the SC SPA PUD. In accordance with Sections V and VIII of that certain Development Agreement by and between Town of Port Royal, South Carolina and South Carolina State Ports Authority, dated as of February 14, 2013, as subsequently amended and assigned (the “*Development Agreement*”), and Section 6-31-80(B) of the Code of Laws of South Carolina 1976, as amended (“*Section 6-31-80(B)*”), the Town Council has determined that it may enact laws or regulations affecting Multi-Family Development within the area of the PUD that are essential to the public health, safety, or welfare of the Town and its citizens, and hereby declares that the moratorium imposed hereby applies to the SC SPA PUD, which is a development that is subject to the Development Agreement. In accordance with the requirements of Section 6-31-80(B), the Town Council has conducted a public hearing regarding the enactment of this Ordinance, and will conduct a public hearing concerning the enactment of any regulations for Multi-Family Developments that may apply within the area of the SC SPA PUD. Further, in accordance with Sections V and VIII of the Development Agreement, the Town has notified the Owner (as defined in the Development Agreement) of the moratorium imposed hereby and afforded the Owner the opportunity to challenge this Ordinance at the public hearing held in connection with the enactment hereof.

**Section 4 Recommendations Regarding Multi-Family Development Regulations.** During the pendency of the moratorium enacted hereby, Town staff and the Planning Commission shall study the extent to which Multi-Family Developments are permitted within the various areas and neighborhoods of the Town; the long-term effect on the Town’s neighborhoods, citizens, and businesses of the proliferation of Multi-Family Developments within the Town; appropriate amendments to the Development Code as may be necessary to protect the public health, safety, and welfare of the Town and its citizens; and whether it may be necessary to enact new regulations for Multi-Family Developments that apply to property within the area of the SC SPA PUD that may be essential to protect the public health, safety, and welfare of the Town and its citizens.

**Section 5 Severability.** If any one or more of the provisions of this Ordinance should be contrary to law, then such provision shall be deemed severable from the remaining provisions and shall in no way affect the validity of the other provisions of this Ordinance.

**Section 6 Repealer.** Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance, except as expressly set forth herein and as may be permitted under South Carolina law.

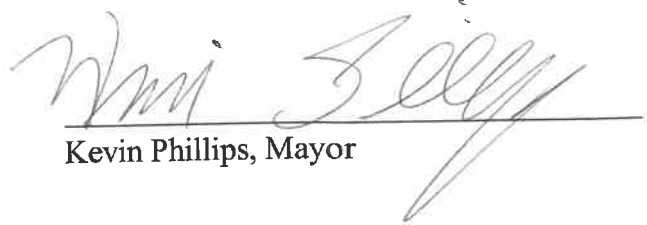
**Section 7 Inconsistency.** All ordinances, resolutions or parts of any ordinances or resolutions inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

**Section 8 Effect.** This Ordinance shall be enacted upon second reading by the Town Council.

[Remainder of Page Left Blank]

DONE AND ENACTED IN TOWN COUNCIL DULY ASSEMBLED, this 5th day  
of May 2024.

**TOWN OF PORT ROYAL, SOUTH  
CAROLINA**

  
Kevin Phillips, Mayor

[SEAL]

ATTEST:

  
\_\_\_\_\_  
Lisa Graham, Town Clerk

First Reading: April 10, 2024  
Public Hearing: 5/1, 2024  
Second Reading: 5/8, 2024

**AN ORDINANCE OF THE CITY OF CLEMSON, SOUTH CAROLINA, IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF CONSTRUCTION PERMITS FOR LARGE-SCALE MULTI-FAMILY RESIDENTIAL DEVELOPMENTS CONTAINING 200 OR MORE BEDROOMS, INVOKING APPLICATION OF THE PENDING ORDINANCE DOCTRINE, AND PROTECTING EXISTING VESTED RIGHTS AS REQUIRED BY APPLICABLE LAW.**

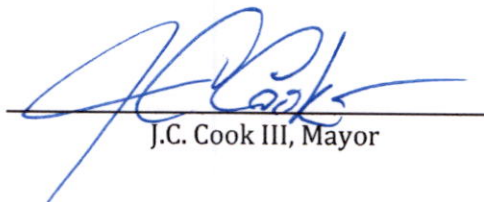
Now, therefore, be it ordained that the City Code of the City of Clemson, South Carolina shall be amended.

Done and ordained this the 6<sup>th</sup> day of January 2020.

First Reading: December 16, 2019

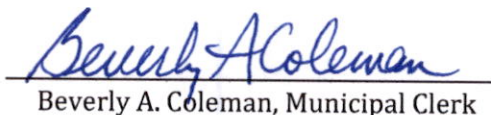
Final Reading: January 6, 2020

Ord. No CC-2020-01



J.C. Cook III, Mayor

Attest:



Beverly A. Coleman, Municipal Clerk

**AN ORDINANCE OF THE CITY OF CLEMSON, SOUTH CAROLINA, IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF CONSTRUCTION PERMITS FOR LARGE-SCALE MULTI-FAMILY RESIDENTIAL DEVELOPMENTS CONTAINING 200 OR MORE BEDROOMS, INVOKING APPLICATION OF THE PENDING ORDINANCE DOCTRINE, AND PROTECTING EXISTING VESTED RIGHTS AS REQUIRED BY APPLICABLE LAW.**

**WHEREAS**, pursuant to South Carolina law, a municipality may enact a construction moratorium after two readings which are at least one week apart; and,

**WHEREAS**, pursuant to prior appellate case precedents, a moratorium may be upheld where there is a demonstrated need for the moratorium, and the moratorium is enacted in good faith, is non-discriminatory, is set for a clearly defined limited duration, and has a clearly defined scope; and,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Clemson, duly assembled and with a legal quorum, as follows:

**Section 1. Findings.**

Over the last several years, the City of Clemson has experienced a significant increase in the development of large-scale multi-family residential developments within its boundaries. The City is experiencing and anticipates that there will continue to be demand for large-scale residential development growth, particularly with the ongoing growth in enrollment at Clemson University.

The City provides municipal planning and land use services, including, but not limited to land development regulation, zoning, land use planning, permitting, and licensing of businesses and properties. Appropriate and effective services of this nature are vital to the public health, safety, welfare, and quality of life in Clemson.

City Council finds that the increase in the number and size of large-scale multi-family residential developments in the City poses a risk to public health, safety, welfare, and quality of life in Clemson, via the impact that such development has on City services, infrastructure, and resources, including, but not limited to, creating increased strain on and negative impact to roads, fire and emergency services, police services, traffic density, pedestrian safety, aesthetics, and traditional single-family neighborhoods.

The pace of growth and the impact of large-scale multi-family residential housing in the City has created the need to review, revise, and update the City's ordinances and regulations related to land development, zoning, land use planning, permitting, and licensing of businesses and properties.

In sum, City Council hereby finds that there is a demonstrated and immediate need for a moratorium on the issuance of construction permits for large-scale multi-family family housing developments containing 200 or more bedrooms.

**Section 2. Moratorium.**

City Council hereby imposes a temporary moratorium on the issuance of construction permits for housing developments of 200 bedrooms or more in order to provide time for the Council to strategically evaluate the City's capacity to serve the increased demands such future developments might place on City services and infrastructure, to identify suitable locations for any such future developments, and to conduct the activities set forth in Section 5.

The type of large-scale multi-family residential developments affected by the moratorium shall include any proposed development with 200 beds or more that includes any building or structure containing more than one dwelling unit. The moratorium shall not apply to developments not having at least 200 beds. The moratorium shall not affect other types of permits, including, but not limited to, demolition permits, construction permits for single family homes, business licenses, or business up-fit or new construction permits.

### Section 3. Exemptions.

- a. **Senior housing developments.** Senior housing developments, including, but not limited to, assisted living, hospice, memory care, and nursing care facilities, are exempted from the effects of this moratorium. A senior housing development other than an assisted living, hospice, or nursing care facility is exempted if it includes restrictions on tenants or owners being 55 and older, such project legally qualifies as a senior housing exemption under the Fair Housing Act, and such project is clearly designed to meet the needs of senior citizen residents. This exemption is made because due to the widespread growth of housing more suitable for students; seniors in the community face limited availability of suitable housing addressing the specific needs of seniors. It is the best interests of the safety and medical welfare of senior citizens to have additional options available to them.
- b. **Affordable housing.** Affordable housing developments are exempted from the effects of this moratorium. Generally, affordable housing is housing that is deemed affordable to those with a median or lower household income, as rated by a recognized housing affordability index. Such indexes include indexes published by the National Association of Realtors and the NAHB/Wells Fargo Housing Opportunity Index. In South Carolina, "affordable housing" means residential housing that, so long as the same is occupied by lower or very low income households, requires payment of monthly housing costs of no more than thirty percent of one-twelfth adjusted annual income. "Annual income" means the anticipated total income from all sources received by the family head and spouse and by each additional member of a household, including all net income derived from assets. See, e.g., S.C. Code Ann. §31-13-410 (definition used in South Carolina Housing Trust Fund Act).
- c. **Existing/ongoing planned developments (PDs) and properties with vested rights.** Planned developments already approved by Council are exempted from the effects of this moratorium, as Council carefully considered the uses and structures permitted within these PDs, and hereby finds them compatible with desirable current and future growth. This exemption applies, even though such PDS may not yet be fully built out. Similarly, certain properties may have acquired vested rights under applicable laws. Accordingly, properties and/or property owners legally protected with such vested rights shall also be exempt from the effects of this moratorium to the extent they are lawfully protected by such vested rights.

Once a developer claims that a project has vested rights, Planning and Codes staff shall put together a packet of information and a timeline of events for Council to consider in making a determination whether the project meets the requirements of Section 3(c) of this ordinance in light of the facts of the project and the applicable law. At that point, based on Council's decision, either Planning and Codes staff or the City attorney shall send out a letter confirming or denying the existence of vested rights, as instructed by Council.



**Section 4. Limited Duration/Effective Date.**

The provisions of this ordinance shall be effective immediately upon enactment, and shall remain in effect for 180 calendar days from the effective date. Council may extend the moratorium for a period of an additional 90 calendar days upon finding that: (1) The concerns that gave rise to the need for the moratorium still exist; (2) Council is making reasonable and prompt progress in carrying out the actions set forth in Section 5 below; and, (3) additional time is reasonably needed to adequately address the concerns by completing the action plan.

**Section 5. Council action plan.**

During the moratorium, Council shall take the following actions:

- a. Review, with the assistance of a third party, the City's vision and mission, as well as codes, ordinances, and procedures related to traffic and housing density, in particular as related to large-scale multi-family residential developments with 200 beds or more;
- b. Undertake a visioning and strategic planning process designed to provide a Community Master Plan that will identify needed adjustments to city codes and regulations, and provide a guide for future development to include a vision, an overlay for the downtown district, strategies and guidelines for appropriate high density development, approaches to transportation and traffic issues, and student housing recommendations; and,
- c. Appoint a Steering Committee charged with identifying the process to follow in developing the Community Master Plan and submitting such document to Council for approval no later than 21 working days following the naming of the Committee members. The Committee shall be composed three City Council members, a representative from Zoning and Codes, seven appointed residents of Clemson, and others as needed. The committee shall be composed of no more than 12 members. The City Administrator shall serve the Committee in an advisory capacity.

**Section 6. Inconsistent ordinances.**

All ordinances or parts of ordinances inconsistent with this moratorium ordinance are hereby suspended to the extent of such inconsistency.

**Section 7. Invocation of the Pending Ordinance Doctrine.**

City Council hereby invokes the pending ordinance doctrine recognized under South Carolina law, effective immediately upon first reading approval. For the type of developments addressed in this ordinance, construction permits that might have been issued in the absence of a moratorium may not be issued while City Council considers whether to impose the moratorium.

**Section 8. Severability.**

The provisions of this moratorium ordinance are intended to be severable, and if a court of competent jurisdiction should hold any part of this ordinance invalid, unconstitutional, or otherwise unlawful, such ruling shall not affect the remainder of the ordinance, which shall remain in full force and effect.