

Planning Commission



Agenda for the Wednesday, September 18, 2024, Study Session

Members of the Planning Commission

Dr. Christine Crawford

Chair

Bob Bigger, *Vice Chair*

Jesse Elliott

Lisa Christie

Chelsea Waddell

Rett Harbeson

Erin Slade

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

1. Call to Order – 6:00 p.m.
2. Discussion – North Augusta Development Code
3. Adjourn

Department of Planning And Development

Memorandum # 24-018

To: Planning Commission
From: Tommy Paradise, Director
Subject: Development Code Review
Date: September 18, 2024

In December, 2023, City Council adopted a rewrite of the Development Code. This new code is now in effect and has been for 9 months. As staff has been using this document, we have come across several items that we believe may be typo's, incorrect information transferred, or conflicts between sections. Staff is requesting that the Planning Commission review the list and attached documents and provide guidance at their work session on September 18th.

Attached is two sheets listing some of the items staff has identified. Where we have some longer text from the old code a separate sheet with the wording is attached.

New Code	Wording	Type	Old Code Section	Wording	Notes
4.12.1.3 (Parking) (R-14)	See Section 6.4	Parking	Article 8		6.5.7 only applies to DTMU 1
4.12.2.3 (Parking) (R-10)	See Section 6.4	Parking	Article 8		6.5.7 only applies to DTMU 1
4.12.3.3 (Parking) (R-7)	See Section 6.4	Parking	Article 8		6.5.7 only applies to DTMU 1
4.12.4.3 (Parking) (R-5)	See Section 6.4	Parking	Article 8		6.5.7 only applies to DTMU 1
4.12.4.1 (Side Yard) (R-5)	0' or 15'		Table 3-3	0' or 5'	
4.12.4.5.3 (Parking) (OC)	See Section 6.4	Parking	Article 8		6.5.7 only applies to DTMU 1
4.12.6.3 (Parking) (NC)	See Section 6.4	Parking	Article 8		6.5.7 only applies to DTMU 1
4.12.7.3 (Parking) (GC)	See Section 6.4	Parking	Article 8		6.5.7 only applies to DTMU 1
4.12.8.3 (Parking) (TC)	See Section 6.4	Parking	Article 8		6.5.7 only applies to DTMU 1
4.12.9.3 (Parking) (DTMU1)	See Section 6.5.7	Add Article 8			Article 8 would apply as well as 6.5.7
4.12.10.3 (Parking) (DTMU2)	See Section 6.5.7	Parking	Article 8		Section 6.5.7 only applies to DTMU1
4.12.11.3 (Parking) (CPMU)	See Section 6.4	Parking	Article 8		Section 6.4 is General Design Standards but does not include parking
4.12.12.3 (Parking) (Ind)	See Section 6.4	Parking	Article 8		Section 6.4 is General Design Standards but does not include parking
4.12.14.3 (Parking) (CR)	See Section 6.4	Parking	Article 8		Section 6.4 is General Design Standards but does not include parking
4.12.15 (Max Height)	35 feet		3.6.4.5.2 Development Standards	Public Use District are not subject to the dimensional standards of §3.5. However, such uses are subject to the landscaping standards of Article 10, and the parking standards of Article 12	Recommend changing from 35 feet to unlimited
4.12.16.5 (Parking)(MHP)	See Sections 6.4	Parking	Article 8		
4.12.16.4 (Dwelling Units)	7		Table 3-3	7 Dwellings/Acre	Recommend adding Dwellings/acre for consistency
Table 10.2 & Table 10.4	Notes for abbreviations not included		Table 14-4	Notes to Tables 14-2, 14-3 and 14-4	Recommend adding notes
Table 9.3 & 9.6.3.2.a	Table 9.3 has maximum allowed signage for DTMU1 & DTMU2 @ 100 SF. Section 9.6.3.2.a states Maximum total square feet of sign area permitted shall be 200 or three square feet per linear foot of street frontage, whichever is less.		Table 13-2 & Section 18.8.4.b	Table 13-2 Georgia Ave. Overlay district maximum area of 100 SF Section 13.8.4.b states, "Maximum Square Footage: 200 sq. ft. or 3 sq. ft. per linear foot of street frontage, whichever is less."	Recommendation, either separate DTMU1 & DTMU2 signage to 100 sf and 200 sf respectively or amend Table 9.3 & 9.6.3.2.a to agree. Note: the new code does not have the Georgia Ave. Overlay district
Not addressed			Section 19.7.1	19.7.1 Abandonment of Use or Activity No nonconforming use or activity of land, building or structure shall be resumed if it has been abandoned for a continuous period of six (6) months. This condition shall apply whether or not the equipment or fixtures have been removed. After the specified time period referenced herein, the property shall not again be used except in conformity with the use regulations of the district in which such lot, building or structure is located.	

No addressed		13.2.6 Non-Conforming Signs	13.2.6 Non-conforming Signs a. With a valid sign permit, a legal, non-conforming sign may be: xiii. Re-faced xiv. Repainted xv. Reprinted, or xvi. Removed for repair and remounted. b. Nothing in this section grants the right to technological upgrades such as the addition of electronic readerboards to an existing sign. Technological upgrades are the same as erecting a new sign. Changing a light source, such as changing from fluorescent to LED, with no change in appearance of the sign, is not considered a technological upgrade. c. Abandoned Non-conforming Signs shall be removed.	Reference in new code does not exist
Table 7.6 Street Tree Landscaping.	References 7.6a buffer width	Table 10.6 Buffer Width & Landscap Requirements	See Attached	
Table 7.3 references buffer points No lighting curfew or pole height indicated	No chart assigning buffer points	Table 10.5 Buffer Points Sections 7.4.7, 7.4.8, 7.4.9, 7.4.10	See Attached 7.4.7 Fixture Mounting and Allowable Height Light fixtures within nonresidential districts shall be wall-mounted or mounted on a concrete, fiberglass or painted metal pole. Mounting heights shall not exceed twentyfive (25) feet above finished grade or the top of the curb or edge of the roadway where no curb exists. 7.4.8 Outdoor Sports Facilities Lighting Lighting at publicly owned and privately owned outdoor sports facilities shall be shielded to reduce glare, safety hazards, light trespass and light pollution, and shall provide levels of illuminance consistent with nationally recognized standards such as the Illuminating Engineering Society of North America (IESNA), and shall be operated on a schedule that coincides with scheduled events. Lighting shall be extinguished within one (1) hour following the end of the event. 7.4.9 Lighting Curfew Lighting levels shall be reduced by fifty percent (50%) of full operational levels within one (1) hour after the close of business or shopping center by turning off and/or dimming lights. Businesses which are open twenty-four (24) hours per day shall not be subject to this provision. Security lighting no greater than two (2) foot candles may be maintained on the property whether or not the structures on the property are occupied.	
18.5 Site Plan Approval 4.2.13	No Criteria for Approval No Criteria for Approval	5.4.4 5.7	See Attached See Attached	

Table 10-6

	A	B	C	D	E
	Buffer Type	Minimum Buffer Width (feet)	Minimum Required Large Trees per Linear Foot	Minimum Required Small Trees per Linear Foot	Minimum Required Buffer Points per Linear Foot
1.	A	8	1 plus 1 per 60 feet	Optional	0.2
2.	B	15	1 plus 1 per 50 feet	1 plus 1 per 50 feet	0.7
3.	C	20	1 plus 1 per 40 feet	1 plus 1 per 50 feet	1.0
4.	D	40 May be 20 if a 6 foot high berm or decorative masonry wall is included	1 plus 1 per 40 feet	1 plus 1 per 40 feet	1.2 May be 0.9 with 6 foot high berm or wall

Table 10.5

	A	B
	Plant Category	Points
1.	Large Tree	10.0
2.	Small Tree	5.0
3.	Shrub	2.5

Section 5.4.4 Site Plans

5.5.4 Approval Criteria

The following conditions, restrictions, and limitations shall apply to any conditional use and may be specified in detail as conditions of an approval.

5.5.4.1 The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

5.5.4.2 The use or development complies with all required regulations and standards of this Chapter, including all applicable provisions of Article 3, Zoning Districts, and with all other applicable regulations;

5.5.4.3 The use or development is located, designed, and proposed to be operated so as to maintain the value of contiguous property, or that the use or development is a public necessity; and

5.5.4.4 The use or development conforms with the provisions and policies of the Comprehensive Plan.

5.5.4.5 Conditions that may be specified as a requirement for a conditional use permit include:

- a. Relationship of allowable uses.
- b. Protective screening and/or buffering of property perimeter.
- c. Protective screening/location of dumpsters, mechanical systems and loading docks.
- d. Landscaping relative to screening, buffering and ingress/egress control and not solely for beautification purposes.
- e. Lighting.
- f. Height limitations.
- g. Required setbacks.
- h. Parking. The location of parking and in some instances reduction in the amount of parking to be allowed.
- i. Access, circulation, ingress and egress.
- j. Hours of operation for special conditional uses permitted in, or adjacent to, residential zoning districts.
- k. Signage.
- l. Performance standards relative to: air pollution, noise, glare and heat, vibration, noxious odors, toxic and liquid wastes, fire and explosion, radioactivity and electromagnetic radiation.
- m. Building design.

5.7 GENERAL DEVELOPMENT PLANS

5.7.1

5.7.1.1 Initiation The site that is the subject of a Planned Development (PD) general development plan shall be in single ownership or control, or if in several ownerships, the application shall be filed jointly by all of the owners. The applicant, including all of the owners, shall be responsible for implementing the general development plan and completing the installation of planned and required public improvements.

5.7.1.2 An application for approval of a PD general development plan shall include the general development plan, the general development plan narrative and required information specified in Article 3, Zoning Districts, this section and Appendix B, Application Documents. A pre-application conference and sketch plan review (§§5.1.2.1 and 5.1.2.2) and citizen participation process (§5.1.7) are recommended prior to the submission of a formal application. The Director shall determine whether the application is complete as prescribed in Appendix B, Application Documents.

5.7.1.3 An application for a general development plan shall include the entirety of the property that is owned or controlled by the applicant and all such property shall be shown on the plat or survey submitted with the application. Applications for the development of a portion of property owned or controlled by an applicant with a balance or remainder of a site unplanned or planned for future development will not be approved. Nothing in this section shall preclude an owner or applicant from submitting a general development plan application for a development that will be implemented in phases over time or from submitting a modification to a general development plan that provides for more or less development or realigned development on the entirety of the property.

5.7.2

5.7.2.1 Completeness Review Within twenty (20) working days after receipt of the application, the Department and other agencies, as appropriate, shall determine whether the application for general development plan approval is complete as prescribed in Appendix B, Application Documents. 5.7.2.2 If the general development plan application is complete and conforms to this Chapter, the Director shall initiate the application review process.

5.7.2.3 If the general development plan application is incomplete or does not conform to the provisions of this Chapter, the Director shall return it to the applicant with a statement of the reasons why the proposed general development plan application is incomplete or otherwise does not conform to the provisions of this Chapter. The Director's statement will provide the information necessary for the applicant to revise and resubmit the application. If the applicant disagrees with the decision of the Director, an appeal may be filed in accordance with the procedures set forth in §18.4.

5.7.3 Review and Recommendation Upon a determination of completeness of a general development plan application the Director will initiate the review of the application. The review will be complete and scheduled for consideration by the Planning Commission within sixty (60) days of the determination of completeness unless the applicant agrees to an extension of time to prepare or provide additional information.

5.7.3.1 During the staff review period, the applicant shall be notified of any discrepancies and advised of the willingness of the Department to confer for the purpose of assisting in bringing the material submitted into conformity with requirements of this Chapter or of the Comprehensive Plan.

5.7.3.2 If the applicant does not desire to participate in such conference, the Department shall base its report to the Planning Commission on the application as received.

5.7.3.3 If the applicant joins in such conference, changes may be made in the original proposal, further conferences may be held, and additional material may be requested to guide in determinations. In the course of such conferences, any recommendation for change shall be recorded in writing, with reasons therefore, and shall become part of the record in the case. Applicants shall indicate, in writing, their disagreements and reasons; and such response by applicants shall be included in the record.

5.7.3.4 At the conclusion of the staff review stage, the Department shall report its findings to the Planning Commission as to:

- a. Type of PD proposed, physical characteristics of the land, relation of the proposed development to surrounding areas and existing and probable future development.
- b. Relation to major roads, utilities and other facilities and services.
- c. Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, or the need for such instruments, or for amendments in those proposed.
- d. Compliance of the general development plan with the provisions of this Chapter, the suitability of plans proposed, and the desirability of conditions on the approval, waivers, or amendments, if any, with reasons therefore.
- e. Desirable specific modifications in regulations or the Comprehensive Plan as applicable in the particular case based on determinations that such modifications are necessary or justified in the particular case. Any recommended modifications shall be supported by demonstration that the public purpose of the Comprehensive Plan, PD District or other regulations would be met to at least an equivalent degree.

5.7.3.5 Based on such findings, the Department shall recommend approval of the PD general development plan as proposed, approval conditioned on specific stated modifications, or denial with reasons therefore.

5.7.3.6 The Planning Commission shall have thirty (30) days from the Planning Commission meeting at which the PD general development plan application is considered to submit its report and recommendation on the application to the City Council.

5.7.3.7 The City Council shall consider the application within thirty (30) days from receipt of the Planning Commission's recommendation. Approval by the City Council shall be in the form of an ordinance approving the PD general development plan. a. The City Council may approve the application as recommended by the Planning Commission, may approve the application with specific modifications or other applicable regulations, or may deny the application. b. If amendment of the Comprehensive Plan or this Chapter is required, the City Council shall receive

the recommendation of the Planning Commission within thirty (30) days but shall not take any action on the ordinance approving the PD general development plan until it has acted on the amendment of the Comprehensive Plan or this Chapter or both as necessary.

5.7.4 Approval Criteria In making its report, the Planning Commission should consider the following factors:

- a. The relationship of the request to the Comprehensive Plan;
- b. Whether the request violates or supports the Comprehensive Plan;
- c. Whether the permitted uses would be appropriate in the area concerned; and
- d. Whether adequate public facilities such as roads, water and sewer facilities, drainage facilities, and schools and other public services exist or can be provided to serve the needs of the development.

5.7.5 See §5.3.7

5.7.6 Subsequent Applications Modifications A general development plan may be amended as provided in this section.

5.7.6.1 Major modifications to the development plan are changes that affect the content of the general development plan, except as provided in §5.7.6.2. Such modifications shall be reviewed and approved in the same manner as the original general development plan.

5.7.6.2 Minor modifications to the general development plan include changes to the mix of uses, location and sequence of phases and sub phases, and development schedule.

5.7.6.3 The Planning Commission may approve a minor modification to a general development plan at a regular meeting if it is consistent with the criteria for approval in the ordinance approving the PD general development plan.

- a. A minor modification application shall be reviewed in the same manner as the original general development plan. However, no public hearing or public notice shall be required.
- b. An applicant proposing a minor modification involving a shift in density or intensity between phases of a development shall provide a concept plan that shows, at a scale consistent with the general development plan, the street layout, the densities and intensities for each development phase, and compliance with the connectivity ratio in §14.19 for all streets within the proposed development.

5.7.7

5.7.7.1 Scope of Approval If the application is approved, the development shall comply with the approved PD general development plan, meeting the requirements of these and other regulations, as supplemented or modified by the City Council in the particular case as part of the ordinance approving the general development plan, and shall conform to any time or priority limitations established by the Planning Commission on beginning and completion of the development as a whole or in specified stages.

5.7.7.2 In taking action to recommend the approval of a PD general development plan to establish the approved PD, the Planning Commission shall pass upon the adequacy of the application, in form and substance relative to any agreements, contracts, deed restrictions,

sureties, or other instruments involved, and before development may proceed, such instruments shall be approved by appropriate officers and agencies.

5.7.7.3 Once a PD District is established on the Official Zoning Map, no development shall occur and no development application or building permit shall be approved therein unless the city has approved a general development plan and other subordinate plans and reports for the development as adopted by the Planning Commission, in whole or in stages that are deemed satisfactory in relation to the total development. Upon approval, building permits shall be issued in such manner as for building permits generally. All plans and reports approved shall be binding on the applicants and any successors in title so long as the PD zoning is applicable.

5.7.7.4 The general development plan may be approved such to an overall gross density or intensity. Dwelling units or floor area allocated to a phase of development may be transferred to another phase as a minor modification provided that the overall gross density or intensity is not exceeded.

5.7.7.5 The general development plan may be approved subject to an overall gross density or intensity per phase of development. In such cases, the Planning Commission may approve a designated number of dwelling units, referred to herein as “flex units,” or floor area, referred to herein as “flex intensity,” that may be added to or distributed between any phase subject to approval of a minor modification, so long as the gross density or gross intensity for the overall project or phase, as designated by the general development plan conditions, is not exceeded.

5.7.7.6 A General Development Plan, a phased development plan for the purposes of this section, approval or conditional approval shall expire five (5) years from the date of approval unless a building or grading permit has been issued and construction has commenced. The applicant may apply for and the Planning Commission may grant extensions on such approval for additional periods up to one (1) year each but not to exceed five (5) extensions. If an amendment to this Chapter is adopted by the City Council subsequent to the General Development Plan approval that would preclude the initial approval, a request for an extension may not be granted. The expiration and extension of major subdivision and site plans approved pursuant to a General Development Plan within a PD District shall be governed by the provisions of §§5.8.3.5.d and 5.6.7.5, respectively.