



CITY COUNCIL

REGULAR AGENDA

OF

SEPTEMBER 21, 2015



CITY OF NORTH AUGUSTA

AGENDA: REGULAR CITY COUNCIL MEETING

September 21, 2015 – Municipal Center – 100 Georgia Avenue, 3rd Floor – 7:00 P.M.

CITIZEN COMMENTS: Citizens may speak to Mayor and City Council on each item listed on this agenda. Mayor Jones will call for your comments prior to City Council discussing the matter. When speaking to Council, please step up to the microphone, give your full name and address, and direct your remarks to Mayor Jones.

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.

REGULAR MEETING

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **APPROVAL OF MINUTES:** Regular and Study Session Minutes of August 17, 2015
Study session minutes of August 31, 2015

UNFINISHED BUSINESS

None

NEW BUSINESS

5. **FINANCE:** Designation of Municap as a Financial Consultant – Resolution
6. **ECONOMIC DEVELOPMENT:** Establishment of Procedures for Processing Development Agreement in the City of North Augusta; and Other Matters Related Thereto – Resolution
7. **ZONING:** North Augusta Development Code, Proposed Text Amendments (Application RZT 15-002) – Amendments A and B
 - A. Ordinance, First Reading
 - B. Ordinance, Second Reading
8. **ZONING:** North Augusta Development Code, Proposed Text Amendments (Application RZT 15-002) – Amendment C, Option 1
 - A. Ordinance, First Reading
 - B. Ordinance, Second Reading
9. **ZONING:** North Augusta Development Code, Proposed Text Amendments (Application RZT 15-002) – Amendment C, Option 2
 - A. Ordinance, First Reading
 - B. Ordinance, Second Reading
10. **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.
 - B. **Council Comments:**
11. **ADJOURNMENT:**

Administration Department



TO: Mayor and City Council

FROM: B. Todd Glover, City Administrator

DATE: September 18, 2015

SUBJECT: Agenda for Regular Meeting of September 21, 2015

ITEM 5. FINANCE: Designation of Municap as a Financial Consultant – Resolution

A resolution has been prepared for Council's consideration designating Municap as a financial consultant for the City of North Augusta, South Carolina.

Please see [**ATTACHMENT #5**](#) for a copy of the proposed resolution.

ITEM 6. ECONOMIC DEVELOPMENT: Establishment of Procedures for Processing Development Agreement in the City of North Augusta; and Other Matters Related Thereto – Resolution

A resolution has been prepared for Council's consideration establishing procedures for processing development agreement in the City of North Augusta, South Carolina; and other matters related thereto.

Please see [**ATTACHMENT #6**](#) for a copy of the proposed resolution.

ITEM 7. ZONING: North Augusta Development Code, Proposed Text Amendments (Application RZT 15-002) – Amendments A and B

A. Ordinance, First Reading

An ordinance has been prepared for Council's consideration on first reading amending the following standards: Line 8.16 of Table 3-2, Use Matrix, to conditionally allow "Recreation, Outdoor Commercial" uses in the GC, General Commercial District; and Section 3.8.5.8.4 to modify dumpster pad dimensions in the HC, Highway Corridor Overlay District. Both affected standards are

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located in Article 3, Zoning Districts, of the North Augusta Development Code (NADC).

Please see ATTACHMENT #7-A for a copy of the proposed ordinance and memo from Director of Planning and Development, Scott Sterling.

B. Ordinance, Second Reading

Pending Council's passage of the ordinance on first reading, it is submitted for Council's consideration on second reading.

ITEM 8. ZONING: North Augusta Development Code, Proposed Text Amendments (Application RZT 15-002) – Amendment C, Option 1

A. Ordinance, First Reading

An ordinance has been prepared for Council's consideration on first reading amending Article 3, Zoning Districts, related to Director of Planning and Development discretion for development standards waivers in the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances.

Please see ATTACHMENT #8-A for a copy of the proposed ordinance and memo from Director of Planning and Development, Scott Sterling.

B. Ordinance, Second Reading

Pending Council's passage of the ordinance on first reading, it is submitted for Council's consideration on second reading.

ITEM 9. ZONING: North Augusta Development Code, Proposed Text Amendments (Application RZT 15-002) – Amendment C, Option 2

A. Ordinance, First Reading

An ordinance has been prepared for Council's consideration on first reading amending Article 3, Zoning Districts, and Article 18, Administration, of the North Augusta Development Code (NADC). The Planning Commission in their deliberations during the public hearing provided an alternative text amendment to be submitted for consideration, which is Option 2 referred to below.

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

B. Ordinance, Second Reading

Pending Council's passage of the ordinance on first reading, it is submitted for Council's consideration on second reading.

ATTACHMENT 5

RESOLUTION NO. 2015-22
DESIGNATING MUNICAP
AS A FINANCIAL CONSULTANT
FOR THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA

WHEREAS, the City desires the services of a Financial Consultant to develop a financial plan that utilizes special assessments to support debt issuance for Project Jackson; and

WHEREAS, this plan will create an assessment district within the footprint of Project Jackson that provides assurances to the City of North Augusta that anticipated tax revenues for the project will be collected; and

WHEREAS, MuniCap has worked throughout the country assisting local jurisdictions in setting up similar Municipal Improvement Districts (MID);

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 MuniCap be designated as a Financial Consultant to the City of North Augusta for the purposes of establishing a special assessment district within the Project Jackson footprint, and that the City Administrator be authorized to sign all documents relating thereto.

BE IT FURTHER RESOLVED that the funding for the Financial Consultant shall come from the Tax Increment Financing Fund.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2015.

Lark W. Jones, Mayor

ATTEST:

Donna B. Young, City Clerk

ATTACHMENT 6

RESOLUTION 2015-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ESTABLISHING PROCEDURES FOR PROCESSING DEVELOPMENT AGREEMENT IN THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO

WITNESSETH

WHEREAS, Section 6-31-10 of the Code of Laws of South Carolina, 1976, as amended, commonly referred to as the South Carolina Local Government Development Agreement Act (the "Act"), authorizes the governing body of a city to enter into land development agreements to provide certainty to the development approval process so as to avoid wastes of economic and land resources and to ensure the provision of adequate public facilities to accommodate development;

WHEREAS, Section 6-31-30 of the Act provides that a city council may establish procedures and requirements to consider and enter into development agreements; and

WHEREAS, 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"), in recognition of the potential growth with which the City may be faced and of the circumstance that development agreements may be an appropriate means of evaluating and addressing growth, has determined it to be in the public interest to establish a procedure to be utilized in the City as and when development agreements are requested;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council, this ____ day of _____, 2015, that the following procedure be used to consider and enter into development agreements in the City:

1. A developer, as defined in the Act, shall consult with the City Administrator of the City (the "City Administrator"), or such staff as he shall designate, to discuss the propriety of a development agreement for a contemplated development.

2. Unless otherwise designated by the City Administrator, the developer shall be responsible for submitting a draft of a proposed development agreement (referred to herein as an "agreement" or the "development agreement"). The agreement must include the mandatory provisions of Section 6-31-10 of the Act, and such other provisions to which City staff and the developer may have discussed. If a Planned Unit Development (PUD) is proposed as part of the agreement, it must include such information as is required by the Zoning Ordinances of the City, the North Augusta Land Development Regulations, and other submittal requirements as may be in effect.

3. The developer and designated City staff shall consult and review the agreement and make such modifications as deemed appropriate, and the City Administrator is authorized to retain such outside professional assistance as may be desirable. All costs of professional review of the agreement, including consultants and attorneys, shall be the responsibility of the applicant, unless otherwise agreed by City Council. The City

Administrator may require a non-refundable deposit toward such fees and costs in his discretion.

4. The agreement must be reviewed and approved as to form by the City Attorney.

5. When the agreement is ready for consideration by the City Council, a public hearing will be noticed, at least seven (7) days in advance thereof, in a newspaper of general circulation in the City and Aiken County. The notice must specify the location of the property subject to the development agreement, the development uses proposed on the property, the place where a copy of the proposed development agreement can be obtained and/or reviewed, and otherwise comply with the provisions of Section 6-31-50 of the Act, as the same may from time to time be amended.

6. At the first public hearing, the date, time and place of a second public hearing shall be announced.

7. A second public hearing will be held by the City Council and it must be noticed at least fourteen (14) days in advance in a newspaper of general circulation in the City and Aiken County. The notice shall include the items and requirements of Paragraph 5 hereof.

8. If a development agreement is found by the City Council to be in the interest of the City, an ordinance approving and authorizing the development agreement shall be enacted. At its election, City Council may give first reading to such an ordinance at the first public hearing.

This resolution shall be effective as of final reading approval by City Council, provided that any development agreement application previously filed with the City before that date will only be subject to such of the public notice timing provisions as remain; i.e., if the first public hearing has already been scheduled and announced, the seven day notice shall not be applicable, but the fourteen day notice for the second public hearing shall.

Requested by:

MAYOR

Approved by:

City Administrator

Approved as to form:

ATTEST:

City Attorney

City Clerk

Introduced:
Final Reading:

ATTACHMENT 7-A

ORDINANCE NO. 2015-17
AMENDING ARTICLE 3, ZONING DISTRICTS, RELATED TO RECREATION,
OUTDOOR COMMERCIAL USES AND ALSO DUMPSTER PAD DIMENSIONS IN
THE NORTH AUGUSTA DEVELOPMENT CODE, CHAPTER 18 OF THE CITY OF
NORTH AUGUSTA, SOUTH CAROLINA CODE OF ORDINANCES

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code which is consistent with the City's 2005 Comprehensive Plan and which incorporates all City zoning and land development regulations; and

WHEREAS, pursuant to Title 6, Chapter 29 of the South Carolina Code, the North Augusta Planning Commission may recommend amendments to the Development Code for the purposes of technical clarification, error correction and to accommodate the needs of the City's citizens, provided such amendments are consistent with the City's 2005 Comprehensive Plan; and

WHEREAS, the North Augusta Planning Commission, following a September 3, 2015 public hearing, reviewed and considered amendments to specific sections of Article 3, Zoning Districts, of the North Augusta Development Code related to recreation, outdoor commercial uses and dumpster pad dimensions and recommended said amendments to the City Council for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

- I. The North Augusta Development Code, Chapter 18 of The City of North Augusta, South Carolina Code of Ordinances, Providing for New Zoning and Land Development Regulations for the City of North Augusta, South Carolina, is hereby amended and shall read as described in each of the following sections. The section of the Code affected by each proposed amendment is identified by the section number.

A. Line 8.16 of Table 3-2, Use Matrix, is amended to read:

Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "_" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

A	Land Use Coding			Zoning Districts										
	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Use	LBCS Function	LBCS Structure	NAICS	CR, Critical Areas	R-14, Large Lot, Single-Family Residential	R-10, Medium Lot, Single-Family Residential	R-7, Small Lot, Single-Family Residential	R-5, Mixed Residential	D, Downtown Mixed Use	OC, Office Commercial	NC, Neighborhood Commercial	GC, General Commercial	TC, Thoroughfare Commercial	IND, Industrial
8.16	Recreation, outdoor commercial (including amusement parks, paintball)	5310	4440	71311	-	-	-	-	-	-	-	C	C	-

B. Section 3.8.5.8.4.f. is amended to read:

f. A concrete pad and apron is required to prevent the dumpster and the service vehicle from damaging the asphalt pavement. The pad and apron must:

1. Have a level surface;
2. Have a minimum area of ten (10) feet wide and twenty (20) feet deep;
3. Be constructed a minimum of eight (8) inches thick and reinforced with #4 reinforcing bar on twelve (12) inch centers; and
4. Contain a back curb at the rear of the dumpster enclosure.

II. All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III. This Ordinance shall become effective immediately upon its adoption on third reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY
COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS
_____ DAY OF _____, 2015.

First Reading _____

Lark W. Jones, Mayor

Second Reading _____

Third Reading _____

ATTEST:

Donna B. Young, City Clerk

Department of Planning and Development



Memorandum # 15-43

City of North Augusta

To: B. Todd Glover, City Administrator

From: Scott Sterling, AICP, Director *SS*

Subject: **RZT 15-002 - A request by the City of North Augusta to amend the following standards: Line 8.16 of Table 3-2, Use Matrix, to conditionally allow "Recreation, Outdoor Commercial" uses in the GC, General Commercial District; and Section 3.8.5.8.4 to modify dumpster pad dimensions in the HC, Highway Corridor Overlay District. Both affected standards are located in Article 3, Zoning Districts, of the North Augusta Development Code (NADC).**

Date: September 11, 2015

Note: Application RZT 15-002 proposed three amendments to Article 3 of the Development Code, herein identified as Amendments A, B and C. This memorandum discusses Amendments A and B only. Amendment C is discussed in a separate memorandum.

Planning Commission Recommendation

On September 3, 2015, after a duly convened public hearing, the Planning Commission unanimously voted to recommend that the City Council approve proposed Amendment A, a request to conditionally allow "Recreation, Outdoor Commercial" uses in the GC, General Commercial District.

In a separate action, also following a September 3, 2015 duly convened public hearing, the Planning Commission unanimously voted to recommend that the City Council approve proposed Amendment B, a request to modify dumpster pad dimensions in the HC, Highway Corridor Overlay District.

Background on the proposed amendments follows. Language to be added to the NADC is underlined. Language to be deleted is struck through.

A draft ordinance approving the two text amendments is attached and a digital copy has been forwarded to the City Clerk. Please schedule the ordinance for consideration by City Council at the next available meeting.

Public Notice

A public notice describing the proposed text amendments and advertising the scheduled date of the Planning Commission public hearing was published in *The Star* and on

www.northaugusta.net on August 19, 2015. The Planning Commission convened the public hearing and considered the application on September 3, 2015.

Amendment A

Line 8.16 in Table 3-2, Use Matrix, of the North Augusta Development Code provides for Recreation, Outdoor Commercial uses (including amusement parks, paintball). Currently, the NADC permits uses in this category (NAICS Code 71311) as a Conditional Use in the TC, Thoroughfare Commercial District only. The Thoroughfare Commercial district is limited to a handful of locations within the City and most TC-zoned property is already developed.

The applicant (City) is seeking to expand potential sites for the uses covered in Line 8.16 by conditionally permitting them in the GC, General Commercial District as well as the TC, Thoroughfare Commercial District. Conditionally allowing the proposed uses in the General Commercial District will provide greater flexibility to locate potential outdoor recreational uses on appropriately zoned commercial parcels in the City while still requiring the additional oversight that is a part of the conditional use permit process. As a result, the City's economic development opportunities are expanded. Additional information on Conditional Use Permits is provided in Section 5.5 of the NADC.

Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

A		Land Use Coding				Zoning Districts									
		B	C	D	E	F	G	H	I	J	K	L	M	N	O
	Use	LBCS Function	LBCS Structure	NAICS	CR, Critical Areas	R-14, Large Lot, Single-Family Residential	R-10, Medium Lot, Single-Family Residential	R-7, Small Lot, Single-Family Residential	R-5, Mixed Residential	D, Downtown Mixed Use	OC, Office Commercial	NC, Neighborhood Commercial	GC, General Commercial	TC, Thoroughfare Commercial	IND, Industrial
8.16	Recreation, outdoor commercial (including amusement parks, paintball)	5310	4440	71311	-	-	-	-	-	-	-	-	C	C	-

Amendment B

The Department of Public Services has requested that required dumpster pad dimensions specified in Section 3.8.5.8.4 of the NADC be amended to provide adequate room for the typical two-dumpster configuration needed by most commercial uses to process both solid waste and recyclables. The proposed amendment will facilitate the review of commercial site plans and day to day operation of the Department.

3.8.5.8.4 Dumpsters

- f. A concrete pad and apron is required to prevent the dumpster and the service vehicle from damaging the asphalt pavement. The pad and apron must:
1. Have a level surface;
 2. Have a minimum area of ten (10) ~~eight (8)~~ feet wide and twenty (20) ~~eighteen (18)~~ feet deep;
 3. Be constructed a minimum of eight (8) inches thick and reinforced with #4 reinforcing bar on twelve (12) inch centers; and
 4. Contain a back curb at the rear of the dumpster enclosure.

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Date: 9-16-15
By: Donna Young
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ATTACHMENT 8-A

ORDINANCE NO. 2015-18
AMENDING ARTICLE 3, ZONING DISTRICTS, RELATED TO DIRECTOR OF
PLANNING AND DEVELOPMENT DISCRETION FOR DEVELOPMENT
STANDARDS WAIVERS IN THE NORTH AUGUSTA DEVELOPMENT CODE,
CHAPTER 18 OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA CODE OF
ORDINANCES

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code which is consistent with the City's 2005 Comprehensive Plan and which incorporates all City zoning and land development regulations; and

WHEREAS, pursuant to Title 6, Chapter 29 of the South Carolina Code, the North Augusta Planning Commission may recommend amendments to the Development Code for the purposes of technical clarification, error correction and to accommodate the needs of the City's citizens, provided such amendments are consistent with the City's 2005 Comprehensive Plan; and

WHEREAS, the North Augusta Planning Commission, following a September 3, 2015 public hearing, reviewed and considered amendments to specific sections of Article 3, Zoning Districts, of the North Augusta Development Code related to permitting the Director of Planning and Development discretion related to development standards in the Corridor Overlay Districts and recommended said amendment to the City Council for approval. The recommendation for approval was unanimously denied.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

- I. The North Augusta Development Code, Chapter 18 of The City of North Augusta, South Carolina Code of Ordinances, Providing for New Zoning and Land Development Regulations for the City of North Augusta, South Carolina, is hereby amended and shall read as described in each of the following sections. The section of the Code affected by each proposed amendment is identified by the section number.

A. Section 3.8.3, District Purposes and Standards, is amended to read:

3.8.3 District Purposes and Standards

3.8.3.1 The purposes, zoning standards, site design and access standards, and building form standards for each corridor district are described in §3.8.4 for the Georgia Avenue Overlay District, §3.8.5 for the Highway Corridor Overlay district and §3.8.6 for the Neighborhood Preservation Corridor Overlay District.

3.8.3.2 Interpretation of the development standards in this section of the code shall be the responsibility of the Director in consultation with the City Administrator and City Attorney. It is the responsibility of the Director to review development plans in the Overlay Districts and provide guidance when necessary to ensure overall compliance with the vision, goals and objectives of the City of North Augusta through the Comprehensive Plan and Development Code. The Director shall be responsible for interpreting the Overlay District development proposals regarding development standards. Proposed developments not in strict compliance with the applicable Overlay District standards may be granted a waiver by the Director if it has been determined that the proposed alternative development plan furthers the overall vision, goals and objectives of the City. If the project is not approved or the Applicant disagrees with the interpretation of the Director related to the waiver of Overlay District development standards, the Applicant may appeal to the Board of Zoning Appeals as provided in Article 18.

- II. All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- III. This Ordinance shall become effective immediately upon its adoption on third reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY
COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS
_____ DAY OF _____, 2015.

First Reading _____

Lark W. Jones, Mayor

Second Reading _____

Third Reading _____

ATTEST:

Donna B. Young, City Clerk

Department of Planning and Development



Memorandum # 15-44

City of North Augusta

To: B. Todd Glover, City Administrator

From: Scott Sterling, AICP, Director *Scott*

Subject: **RZT 15-002 - A request by the City of North Augusta to amend the following standards: Section 3.8, Corridor Overlay Districts to codify the Director of Planning and Development's authority to interpret Corridor Overlay District development requirements. The affected standards are located in Article 3, Zoning Districts, of the North Augusta Development Code (NADC).**

Date: September 16, 2015

Note: Application RZT 15-002 proposed three amendments to Article 3 of the Development Code, herein identified as Amendments A, B and C. This memorandum discusses Amendment C only. Amendments A and B are discussed in a separate memorandum.

Planning Commission Recommendation

On September 3, 2015, after a duly convened public hearing, the Planning Commission unanimously voted to recommend that the City Council deny the proposed Amendment C, Option 1, a request to codify the Director of Planning and Development's authority to interpret Corridor Overlay District development requirements affecting Section 3.8.3 of the NADC.

In a separate action, also following a September 3, 2015 duly convened public hearing, the Planning Commission unanimously voted to recommend that the City Council approve proposed Amendment C, Option 2, a proposed alternative to more narrowly define the scope of authority to be granted to the Director when reviewing potential waiver applications. The additional language was copied from Section 5.9.2, Minor Waivers and also included a recommendation to remove Article 3, Zoning Districts, from the authority of the Board of Zoning Appeals within Article 18, Administration.

Background on the proposed amendments follows. Language to be added to the NADC is underlined. Language to be deleted is struck through.

A draft ordinance approving the two text amendments is attached and a digital copy has been forwarded to the City Clerk. Please schedule the ordinance for consideration by City Council at the next available meeting.

Public Notice

A public notice describing the proposed text amendments and advertising the scheduled date of the Planning Commission public hearing was published in *The Star* and on www.northaugusta.net on August 19, 2015. The Planning Commission convened the public hearing and considered the application on September 3, 2015.

Amendment C, Option 1

Codify the Director of Planning and Development's authority to interpret Corridor Overlay District development requirements.

This is a request by the City Administrator, through City Council, to provide the Director of Planning and Development some flexibility in reviewing and approving proposed projects within the various Corridor Overlay Districts. The intent of this text amendment would be to allow the Director some discretion to waive development standards that would otherwise impede redevelopment and economic development projects. The Director would be granted authority to waive development standards that would allow the proposed project to be approved while still adhering to the general vision of the Corridor, Comprehensive Plan and Zoning District purpose.

The NADC was originally adopted by City Council with an effective of January 1, 2008. Since that time, numerous developments have been reviewed and approved in the three Corridor Overlay Districts; Georgia Avenue, Highway Corridor and Neighborhood Preservation. During that same time period, potential developments have been introduced in concept or submission to the Department that have been non-compliant to all development standards within the specific corridor the subject property was located. Some have been able to work through the non-compliant issues with a redesign that complied while others have not and the project failed to move forward with development. As more and more economic development opportunities have presented themselves in the recent months, continued pressure has been put on staff to approve developments that have not met all of the required Corridor Overlay development standards. Allowing some flexibility to these development standards would provide an opportunity for the city to capture some of the development interest and further build out (or redevelop) challenging sites. The City Administrator has expressed continued interest in providing more staff level approval authority where the development proposal will benefit the city rather than adhere to a more rigid set of development regulations that limits development interest. There are a couple of potential developments that are awaiting the outcome of this text amendment process at the present time.

Staff met with City Council in a study session on August 3, 2015. In a lengthy discussion, City Council generally agreed that some language should be drafted and considered. We informed them that any proposed modifications to the Corridor

Overlay Districts would require a text amendment process through a Public Hearing at the Planning Commission meeting, a recommendation from the same body and finally an ordinance approval by City Council.

3.8.3 District Purposes and Standards

3.8.3.1 The purposes, zoning standards, site design and access standards, and building form standards for each corridor district are described in §3.8.4 for the Georgia Avenue Overlay District, §3.8.5 for the Highway Corridor Overlay district and §3.8.6 for the Neighborhood Preservation Corridor Overlay District.

3.8.3.2 Interpretation of the development standards in this section of the code shall be the responsibility of the Director in consultation with the City Administrator and City Attorney. It is the responsibility of the Director to review development plans in the Overlay Districts and provide guidance when necessary to ensure overall compliance with the vision, goals and objectives of the City of North Augusta through the Comprehensive Plan and Development Code. The Director shall be responsible for interpreting the Overlay District development proposals regarding development standards. Proposed developments not in strict compliance with the applicable Overlay District standards may be granted a waiver by the Director if it has been determined that the proposed alternative development plan furthers the overall vision, goals and objectives of the City. If the project is not approved or the Applicant disagrees with the interpretation of the Director related to the waiver of Overlay District development standards, the Applicant may appeal to the Board of Zoning Appeals as provided in Article 18.

Amendment C, Option 2

The Planning Commission in deliberating Amendment C did not believe that the language was specific enough for staff to determine appropriate waivers of development standards within the corridor overlays. The Chairman of the Planning Commission, after the recommendation to deny the initial amendment was decided unanimously, offered an alternative Amendment C for consideration by the Planning Commission in hopes of giving City Council options for staff level waivers. The proposed amendment was not submitted to the staff prior to the meeting and therefore was not properly reviewed for legal concurrency. Following the Planning Commission meeting and in consultation with the City Attorney, the City Attorney determined that portions of the requested language are not legal under current state law, particularly the removal of Article 3 from Section 18.4.4. The state code provides that the Board of Zoning Appeals has the vested power to determine compliance with Article 3 development standards.

The waivers section was copied from Article 5, Approval Procedures, under the Minor Waivers (Section 5.9.2). The Option 2 text amendment removed a couple of the development standards available in Section 5.9.2 (mix of uses, number and relationship of buildings, parking spaces). It was unclear why the Planning Commission Chair copied the sections from Article 5 into Article 3 but removed portions of the language from Article 5 into the proposed language for Article 3.

3.8.3 District Purposes and Standards

3.8.3.1 The purposes, zoning standard, site design and access standards, and building form standards for each corridor district are described in §3.8.4 for the Georgia Avenue Overlay District, §3.8.5 for the Highway Corridor Overlay District and §3.8.6 for the Neighborhood Preservation Corridor Overlay District.

3.8.3.2 Planning Commission Waivers

The Planning Commission may approve waivers to the development standards contained in this Chapter except where the authority to grant waivers, variances and adjustments is vested in the Board of Zoning Appeals. Such waivers shall be approved as part of the underlying application for development approval upon a written finding, supported by substantial competent evidence. The Planning Commission may waive such standards where:

- a. After obtaining the recommendation of the Director, the Planning Commission determines that the proposed waiver does not conflict with the goals and policies of the Comprehensive Plan or the purposes underlying the standard; and
- b. The applicant demonstrates through documentation and/or studies, based on generally accepted engineering principles, that adherence to the standard provided by this Chapter would pose a threat to health and safety or would undermine a policy set forth in the Comprehensive Plan or the purposes underlying the standard; and
- c. The applicant consents to an alternative standard, and the Planning Commission finds that such a standard is consistent with the Comprehensive Plan, will protect the public health, safety and general welfare, and is consistent with the purposes underlying the standard; and
- d. The economic burden imposed on the applicant to comply with the generally applicable standard outweighs the public purpose for such standard; and
- e. Compliance with the generally applicable standard is impracticable due to unique topographical or other site conditions.

3.8.3.3 Minor Waivers

The Director may approve minor waivers unless a condition of development approval requires referral to the Planning Commission, in which case such referral shall be considered in accordance with §3.8.3.2. Minor waivers to the development standards include setbacks, landscaping, access and parking within fifty percent (50%) of the applicable standard or standards. The applicant or any aggrieved party as provided by law may appeal the Director's decision to the Planning Commission.

18.4.4 Purpose

The purpose of this section is to protect the rights of applicants, landowners and affected persons by providing procedures for appeals from decisions of administrative officials and variances from the provisions contained in Articles 3, 4, 5, 7, 9, 13, 18 and 19 of this Chapter. Appeals from the provisions of all other articles contained in this Chapter shall be considered by the Planning Commission in accordance with §3.8.3.2 and §5.9. This section implements the provisions of S.C. Code §6-29-800 and applies to the following appeals:

- a. Appeals from and review of any order, requirement, decision or determination made by an administrative official charged with enforcing this Chapter;
- b. ~~An application for a variance from a requirement of Article 3, Zoning Districts; or~~
- e. b. An application for a special exemption use as listed in the Table 3-2, Use Matrix.

ATTACHMENT 9-A

ORDINANCE NO. 2015-18
AMENDING ARTICLE 3, ZONING DISTRICTS, AND ARTICLE 18,
ADMINISTRATION, RELATED TO DIRECTOR OF PLANNING AND
DEVELOPMENT DISCRETION FOR DEVELOPMENT STANDARDS WAIVERS
(OPTION 2) IN THE NORTH AUGUSTA DEVELOPMENT CODE, CHAPTER 18 OF
THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA CODE OF ORDINANCES

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code which is consistent with the City's 2005 Comprehensive Plan and which incorporates all City zoning and land development regulations; and

WHEREAS, pursuant to Title 6, Chapter 29 of the South Carolina Code, the North Augusta Planning Commission may recommend amendments to the Development Code for the purposes of technical clarification, error correction and to accommodate the needs of the City's citizens, provided such amendments are consistent with the City's 2005 Comprehensive Plan; and

WHEREAS, the North Augusta Planning Commission, following a September 3, 2015 public hearing, reviewed and considered amendments to specific sections of Article 3, Zoning Districts, and Article 18, Administration, of the North Augusta Development Code related to permitting the Director of Planning and Development discretion related to development standards in the Corridor Overlay Districts and recommended said amendment to the City Council for approval. The recommendation for approval was unanimously denied.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

I. The North Augusta Development Code, Chapter 18 of The City of North Augusta, South Carolina Code of Ordinances, Providing for New Zoning and Land Development Regulations for the City of North Augusta, South Carolina, is hereby amended and shall read as described in each of the following sections. The section of the Code affected by each proposed amendment is identified by the section number.

A. Section 3.8.3, District Purposes and Standards, is amended to read:

3.8.3 District Purposes and Standards

3.8.3.1 The purposes, zoning standard, site design and access standards, and building form standards for each corridor district are described in §3.8.4 for the Georgia Avenue Overlay District, §3.8.5 for the Highway Corridor Overlay District and §3.8.6 for the Neighborhood Preservation Corridor Overlay District.

3.8.3.2 Planning Commission Waivers

The Planning Commission may approve waivers to the development standards contained in this Chapter except where the authority to grant waivers, variances and adjustments is vested in the Board of Zoning Appeals. Such waivers shall be approved as part of the underlying application for development approval upon a written finding, supported by substantial competent evidence. The Planning Commission may waive such standards where:

- a. After obtaining the recommendation of the Director, the Planning Commission determines that the proposed waiver does not conflict with the goals and policies of the Comprehensive Plan or the purposes underlying the standard; and
- b. The applicant demonstrates through documentation and/or studies, based on generally accepted engineering principles, that adherence to the standard provided by this Chapter would pose a threat to health and safety or would undermine a policy set forth in the Comprehensive Plan or the purposes underlying the standard; and
- c. The applicant consents to an alternative standard, and the Planning Commission finds that such a standard is consistent with the Comprehensive Plan, will protect the public health, safety and general welfare, and is consistent with the purposes underlying the standard; and
- d. The economic burden imposed on the applicant to comply with the generally applicable standard outweighs the public purpose for such standard; and
- e. Compliance with the generally applicable standard is impracticable due to unique topographical or other site conditions.

3.8.3.3 Minor Waivers

The Director may approve minor waivers unless a condition of development approval requires referral to the Planning Commission, in which case such referral shall be considered in accordance with §3.8.3.2. Minor waivers to the development standards include landscaping, access and parking within fifty percent (50%) of the applicable standard or standards. The applicant or any aggrieved party as provided by law may appeal the Director's decision to the Planning Commission.

B. Section 18.4.4. is amended to read:

18.4.4 Purpose

The purpose of this section is to protect the rights of applicants, landowners and affected persons by providing procedures for appeals from decisions of administrative officials and variances from the provisions contained in Articles 4, 5, 7, 9, 13, 18 and 19 of this Chapter. Appeals from the provisions of all other

articles contained in this Chapter shall be considered by the Planning Commission in accordance with §3.8.3.2 and §5.9. This section implements the provisions of S.C. Code §6-29-800 and applies to the following appeals:

- a. Appeals from and review of any order, requirement, decision or determination made by an administrative official charged with enforcing this Chapter;
- b. An application for a special exemption use as listed in the Table 3-2, Use Matrix.

II. All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III. This Ordinance shall become effective immediately upon its adoption on third reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2015.

First Reading _____

Lark W. Jones, Mayor

Second Reading _____

Third Reading _____

ATTEST:

Donna B. Young, City Clerk

