

ORDINANCE NO. 2009-07  
AMENDING TABLE 3-2, USE MATRIX, AND ARTICLE 4, SUPPLEMENTAL  
REGULATIONS, RELATED TO ENTERTAINMENT ESTABLISHMENTS, OF THE  
NORTH AUGUSTA DEVELOPMENT CODE, CHAPTER 18 OF THE CITY OF NORTH  
AUGUSTA, SOUTH CAROLINA CODE OF ORDINANCES

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code which is consistent with the City's 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, there is a need to provide additional conditions on the operation of entertainment establishment uses to meet the needs of the City's citizens; and

WHEREAS, the North Augusta Planning Commission, following a June 18, 2009, public hearing, reviewed, considered and approved amendments to Article 4, Supplemental Regulations, and Table 3-2, Use Matrix, of the North Augusta Development Code 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 below.

A. Row 8.7 of Table 3-2 as shown is amended to read:

**TABLE 3-2 USE MATRIX (Rev. 12-1-08; Ord. 2008-18)**

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	IIND, Industrial
8.7 Entertainment establishments, such as lounges, discos, nightclubs, private clubs, and music or dance establishments (not including Adult Businesses)	2540		722410 711310 713990	-	-	-	-	-	C	-	-	C	C	-

B. Reserved section 4.11 is being utilized to read:

**4.11 ENTERTAINMENT ESTABLISHMENTS**

**4.11.1 Applicability**

The requirements and conditions specified in this section apply to entertainment establishments including, but not limited to, lounges, discos, nightclubs, private clubs, and music and dance establishments. The requirements and conditions also apply to temporary uses sponsored by a private organization that may utilize community centers, meeting halls, reception halls, conference facilities, convention facilities, recreation halls and facilities, private and non-profit clubs, parks, outdoor recreation areas or other structures or facilities. Both a site plan and a conditional use permit must be approved and issued pursuant to §5.5. Temporary entertainment uses sponsored by a church, civic club or government are exempt from the requirements of this section.

**4.11.2 Conditions**

The applicant must show that all of the following conditions are met:

- a. Location relative to existing uses: Entertainment establishments may not be located closer than three hundred (300) feet, measured in a straight line, from the property lines to an existing residential, park, school or church use or residential zoning district.
- b. Licenses and registration: All entertainment establishments that serve or plan to serve alcoholic beverages or food or both shall submit a copy of the current South Carolina Department of Revenue issued alcoholic beverage license or the South Carolina Department of Health and Environmental Control restaurant license or both as applicable prior to the issuance of a conditional use permit.
- c. Security: Private security shall be provided by a qualified and licensed security service approved by the Department of Public Safety. Security personnel shall be provided at a ratio of one security officer to one hundred occupants based on the maximum occupant load. The number of required security personnel may be reduced based on the type of entertainment offered as determined by the Director of Public Safety.
- d. Outdoor area management: Parking areas shall be managed to minimize and control crowds, loitering, exterior gathering and partying. Waiting lines to enter the facility will be managed to maintain order and prevent disruption.
- e. Hours of operation: Hours of operation shall generally be limited to the period from 8:00 a.m. to 2:00 a.m. but may be reduced depending on location and type of entertainment.
- f. Noise: Noise generated by the entertainment establishment shall be limited so that the level of noise at the property line does not exceed the level of normal human conversation.

**4.11.3 Additional Conditions**

Additional conditions may be imposed pursuant to §5.5.4.5.

**4.11.4 Revocation**

A conditional use permit issued for an entertainment establishment pursuant to this section may be revoked pursuant to the provisions of §5.1.6 and SC Code §6-29-950. (See also §§5.5.3 and 5.11 of this Chapter)

**4.11.5 Enforcement for Public Safety**

The Department of Public Safety is specifically authorized to enforce the provisions of this section pursuant to SC Code §6-29-950(B). If a Public Safety Officer identifies conditions that violate the conditions of approval of an entertainment establishment use or are determined by the Public Safety Officer to be in violation of South Carolina or North Augusta law, the Public Safety Officer may issue a stop order requiring the entertainment establishment to cease operations until the unsafe conditions and violations are corrected.

- 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 17<sup>th</sup> DAY OF August, 2009.

First Reading 7-20-09

Second Reading 8-3-09

Third Reading 8-17-09



Lark W. Jones, Mayor

ATTEST:



Donna B. Young, City Clerk