

ORDINANCE NO. 2010-05
AMENDING SPECIFIC SECTIONS OF TABLE 3-2, USE MATRIX, ARTICLE 4,
SUPPLEMENTAL REGULATIONS, ARTICLE 10, LANDSCAPING, AND ARTICLE 14,
STREETS AS THEY RELATE TO FIREWORKS SALES, TATTOO FACILITIES,
CIRCUSES, CARNIVALS AND SIMILAR USES, LANDSCAPE MAINTENANCE AND
ON-STREET PARKING MANAGEMENT, 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, the North Augusta Planning Commission, following a February 18, 2010 public hearing, reviewed, considered and approved amendments to specific sections of Table 3-2, Use Matrix, Article 4, Supplemental Regulations, Article 10, Landscaping, and Article 14, Streets as they relate to fireworks sales, tattoo facilities, circuses, carnivals and similar uses, landscape maintenance and on-street parking management, 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 in each of the following sections. The section of the Code affected by each proposed amendment is identified by the section number.

- A. Line 5.32 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
5.32	Fireworks (Class C, seasonal and year around)		453998	-	-	-	-	-	-	-	-	S	S	P

B. Section 4.34 is renumbered as 4.35 and a new Section 4.34 is added to read:

4.34 TATTOO FACILITIES

4.34.1 State License Required

Tattoo facilities licensed by the state of South Carolina may be permitted as conditional uses in the TC, Thoroughfare Commercial, district as provided in Table 3-2, Use Matrix.

4.34.2 Limit on Facility Location

No tattoo facility shall be initially located within one thousand (1,000) feet, as defined by state law, of any school, church, playground, park or day care facility.

4.34.3 Home Occupation Use Not Allowed

A tattoo facility shall not be permitted as a home occupation as defined in Section 4.14.

4.34.4 Other Conditions

Approval to operate a tattoo facility may be subject to other conditions as provided for in §5.5.4.5 and in conjunction with an administrative conditional use hearing.

C. Section 4.35.2 in the renumbered Section 4.35 is amended to read:

4.35.2 Promotional Circuses and Carnivals

Circuses, carnivals and similar uses may be permitted in the OC, GC, D, TC, PD or IND districts in accordance with the following criteria:

- a. No structure, tent, equipment or mechanical ride shall be located within two hundred (200) feet of property used for residential purposes;
- b. The site shall be a minimum of one (1) acre in size;
- c. The maximum permitted time period shall be two (2) weeks; and
- d. The hours of operation shall be limited from 9:00 a.m. to 10:00 p.m.
- e. Special events including fairs, carnivals, circuses and similar uses sponsored by the City or approved by the City and held on publicly owned property are exempt from the provisions of this section.

D. A new Section 10.4.4.6 is added to read:

10.4.4.6 For seasonal uses that are planned or proposed to be closed for any period in excess of ninety (90) consecutive days, the applicant shall provide a signed contract for landscape maintenance specifying the annual landscape maintenance program and specifically providing for maintenance during the periods the seasonal use is not in business or occupied. Additionally, the applicant shall provide a continuing maintenance guarantee supported by a letter of credit or cash deposit to the City to be used in the event that the landscape is not adequately maintained. The amount of the maintenance guarantee and letter of credit or cash deposit will be equal to fifteen percent (15%) of the cost of the initial landscape installation or the amount of an annual landscape maintenance contract, whichever is greater. If the use changes and the use is not closed for any period in excess of ninety (90) consecutive days, the maintenance guarantee will no longer be required and the letter or credit or cash deposit will be returned.

E. A new Section 10.4.4.7 is added to read:

10.4.4.7 The Director may reduce the amount or waive the requirement for a landscape maintenance guarantee and associated letter of credit or cash deposit where he determines that the scope of the landscaping is minimal and the cost of the guarantee exceeds the benefit or where natural landscaping that does not require continuing maintenance is installed. The Director may consult with appropriate city staff, a landscape architect or other landscape professional to determine the appropriateness and amount of a waiver.

F. Notes g and p to Table 14.2 are amended to read:

g. Parking Lanes – Refers to the minimum number of parking lanes. If parking lanes are required, they shall be located on the outside of the travel lanes. If two (2) lanes are required, one (1) parking lane shall be provided on each side of the street. Access, subcollector and collector streets that include

a center median may provide a parking lane adjacent to each side of the median provided the design speed of the street is thirty-five (35) miles per hour or less. Parking lanes shall be a minimum of seven (7) feet in width. In accordance with Section 5.9, the Planning Commission may waive the requirement for parking lanes and the resulting pavement width may be adjusted accordingly.

p. Bike Lanes – On local and subcollector streets, bicyclists should be considered a normal part of the vehicle mix on the street and, accordingly, no separate lanes or markings are required. On collector streets, bicyclists shall be accommodated with five (5) feet wide bike lanes. Applicants may also provide separate routes for bicyclists in lieu of a bike lane. Bike lanes shall connect with segments of the Greenway system that are within the proposed development. Bike lanes shall conform to the minimum widths specified in Table 14-5, Bikeway Design Width. In accordance with Section 5.9, the Planning Commission may waive the requirement for bikeways and pavement width may be adjusted accordingly.

- 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
15 DAY OF MARCH, 2010.

First Reading 3-1-10 w/amendment

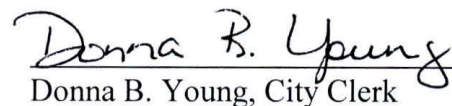
Second Reading 3-1-10 w/amendment

Third Reading 3-15-2010



Lark W. Jones, Mayor

ATTEST:



Donna B. Young, City Clerk