

ORDINANCE NO. 2010-12
AMENDING SPECIFIC SECTIONS OF ARTICLE 3, ZONING DISTRICTS, ARTICLE 4,
SUPPLEMENTAL REGULATIONS, ARTICLE 5, APPROVAL PROCEDURES,
ARTICLE 18, ADMINISTRATION AND APPENDIX A, DEFINITIONS, AS THEY
RELATE TO PLANNED DEVELOPMENTS, CONDITIONAL HOME OCUPATIONS,
NONDEPOSITORY PERSONAL CREDIT INSTITUTIONS AND VESTED RIGHTS, 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 June 17, 2010 public hearing, reviewed, considered and approved amendments to specific sections of Article 3, Zoning Districts, Article 4, Supplemental Regulations, Article 5, Approval Procedures, Article 18, Administration and Appendix A, Definitions, as they relate to planned developments, conditional home occupations, nondepository personal credit institutions and vested rights, 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. Lines 5.7, 5.31, 5.61 and 5.62 of Table 3.2, Use Matrix are 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.

		Land Use Coding			Zoning Districts										
A		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
5.7	Nondepository Personal Credit Institutions (See §4.12 for conditions)	2220	2100	522291 522390	-	-	-	-	-	C	C	C	C	C	-
5.31	Professional and financial offices including architects, engineers, accountants, financial advisors, stock brokers, insurance, consultants (Rev. 12-1-08; Ord. 2008-18)	2230 2240 2250 2400 2410 2411 2412 2413 2414 2415	2100	5239 5411 5412 5413 5414 5415 5416	-	-	-	-	-	P	P	C	P	P	-
5.61	Bank, credit union or savings institution office building, with or without ATM and with drive-through facility	2210	2110	5221	-	-	-	-	-	C	C	-	C	P	P
5.62	Bank, credit union or savings institution office building, with or without ATM and no drive-through facility	2210	2100	5221	-	-	-	-	-	P	P	P	P	P	P

B. Section 3.6.1.3 is amended to read:

3.6.1.3 Procedures – The creation of a PD District designation is a process involving both a rezoning and General Development Plan approval.

C. Section 3.6.1.3.1 is amended to read:

A PD District may be established on the Official Zoning Map in the manner prescribed in §3.2 only after a General Development Plan that complies with the provisions of §5.7 of this Chapter has been reviewed by the Planning Commission, submitted to the City Council with a Planning Commission recommendation and approved by the City Council. Approval by the City

Council must be in the form of an ordinance that approves the General Development Plan and applies the PD zoning designation to the property. Parcels of land that were zoned PD prior to the effective date of this section and for which a General Development Plan has been approved may continue to be developed in accordance with the approved plan. A major modification to a previously approved PD General Development Plan will require compliance with the mixed use provisions of §3.6.1.4. Parcels of land that were zoned PD prior to the effective date of this section and for which a General Development Plan has not been approved will retain the PD district zoning designation. Such PD zoned property may not be developed until a General Development Plan for such PD zoned property has been submitted in compliance with §3.6.1.4 and approved pursuant to §5.7. Alternatively, such PD zoned property may be rezoned to a different zoning district in accordance with the provisions of §5.3 and developed pursuant to the applicable procedures and approvals for that district.

D. Section 3.6.1.4 is amended to read:

3.6.1.4 Permitted Uses – A PD District is specifically intended for development projects of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments characterized by a unified site design for a mixed use development. Any use included in the ordinance approving the General Development Plan and rezoning the site to the PD District is permitted in such district. A list of uses, hereinafter the “PD Use List,” including the types of uses, type and number of residential dwelling units and planned square footage of non residential uses within a particular PD District, shall be included in the ordinance approving the General Development Plan as part of the regulations applying to the district.

E. Section 3.6.1.6.2 is amended to read:

3.6.1.6.2 Permitted uses within a PD District are not subject to the restrictions of §3.4 or the Use Matrix, Table 3-2. However, the ordinance rezoning the tract and approving the General Development Plan shall include the PD Use List, a list of uses from the Use Matrix that are the only uses permitted in the specific PD District. The definition of uses included in the Use Matrix shall be used to interpret the PD Use List, unless a different definition is provided in the PD Use List.

F. Section 3.6.1.6.5 is amended to read:

3.6.1.6.5 PD District zoning is intended to permit flexibility in the design, construction, and processing of mixed use developments of a quality that could not be achieved by complying with the design and development standards of another zoning district. Therefore, the design elements as set forth in Table 3-6 shall be adhered to in the design of a Planned Development and shall be used in the City’s review of proposed PD District projects.

G. Reserved Section 4.12 is amended to read:

4.12 NONDEPOSITORY PERSONAL CREDIT INSTITUTIONS

4.12.1 Applicability

This section applies to business establishments which engage in the business of loaning or providing money to customers on a temporary basis, wherein such loans are secured by a post-dated check, paycheck, automobile title or similar collateral. This section applies, but is not limited, to check cashing stores, deferred presentment lenders, payday loan stores, car title loan stores, and title pawn stores. This section does not apply to state or federally chartered banks, savings associations or credit unions. Further, this section is not applicable to rental-purchase (rent-to-own) companies, or to retail sellers primarily engaged in the business of selling consumer goods, including consumables, where the cashing of checks and money orders, or the issuing of money orders for a flat fee as a service to its customers, is incidental to the main purpose of the business.

4.12.2 Separation

No nondepository personal credit institution is permitted within three thousand (3,000) feet of another nondepository personal credit institution. Additionally, no nondepository personal credit institution may be located within three hundred (300) feet of an existing residential use, residential district, school, public park or religious institution. All distances shall be measured in a straight line from building to building.

4.12.3 Minimum Structure Size

A nondepository personal credit institution shall be located within either a multi-tenant commercial structure of a minimum of thirty thousand (30,000) square feet of gross ground floor area, or totally within (without a separate public access) a grocery store or other large retail establishment of a minimum of thirty thousand (30,000) square feet of gross ground floor area.

4.12.4 Variances and Planned Developments

The Board of Zoning Appeals shall not grant a variance from any of the provisions of this section, and the provisions of this section shall not be varied by any provisions of a Planned Development District General Development Plan.

H. A new Section 4.14.4.f is added to read:

4.14.4.f. Notwithstanding the provisions of §4.14.3.e, the preparation of ready for consumption meals or specialty foods, specifically prepared for fresh delivery or catering and consumption at another location, provided that any and all required state health and

restaurant approvals and licenses have been obtained and are maintained.

I. A new Section 5.5.8 is added to read:

5.5.8 Expiration and Extension of Approval

A conditional use approval, a site specific development plan for the purposes of this section, and the associated site plan shall expire two (2) years from the date of approval unless a building permit has been issued and construction has commenced or, if no construction is required, the approved conditional use has been initiated. The applicant may apply for and the Planning Commission or Director, as applicable, 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 conditional use or associated site plan approval that would preclude the initial approval, a request for an extension may not be granted.

J. Section 5.6.7.5 is amended to read:

5.6.7.5 A site plan, a site specific development plan for the purposes of this section, approval or conditional approval shall expire two (2) years from the date of approval unless a building permit has been issued and construction has commenced. The applicant may apply for and the Planning Commission or Director, as applicable, 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 site plan approval that would preclude the initial approval, a request for an extension may not be granted.

K. A new Section 5.7.7.6 is added to read:

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.

L. Section 5.8.3.5.d is amended to read:

5.8.3.5.d A major subdivision application, a site specific development plan for the purposes of this section, approval or conditional approval shall expire two (2) years from said approval unless a grading permit has been issued and construction has commenced. The applicant may apply for and the Planning Commission may grant extensions on such preliminary 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 major subdivision development approval that would preclude the initial approval, a request for any extension may not be granted.

M. Section 18.5.6 is amended to read:

18.5.6 Expiration and Extension of Variance and Special Exception Approvals

The approval, or conditional approval, of a variance or a special exception, site specific development plans for the purposes of the section, by the Board of Zoning Appeals, and the associated site plan, if any, shall expire two (2) years from the date of approval unless a building permit has been issued and construction has commenced or, if no construction is required, the approved variance or special exception has been initiated. The applicant may apply for and the Board of Zoning Appeals 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 variance or associated site plan approval that would preclude the initial approval, a request for an extension may not be granted.

N. The definition of Planned Development (PD) in Appendix A is amended to read:

Planned Development (PD)

A development of land under unified control and management that is planned and developed as a whole in a single development operation or programmed series of development phases pursuant to an approved General Development Plan and within a Planned Development zoning district. A Planned Development is a mixed use development that includes housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments characterized by a unified site design for a mixed use development. The development may include streets, circulation ways, utilities, buildings, open spaces and other site features and improvements.

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

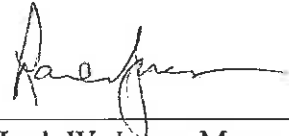
III. This Ordinance shall become effective immediately upon its adoption on third and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS 16 DAY OF August, 2010.

First Reading 8/2/10

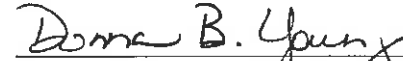
Second Reading 8/2/10

Third Reading 8/16/10



Lark W. Jones, Mayor

ATTEST:


Donna B. Young, City Clerk