

ORDINANCE NO. 2012-08
AMENDING SPECIFIC SECTIONS OF ARTICLE 3, ZONING DISTRICTS, RELATED TO SIGN AREA DIMENSIONS AND NONCONFORMING USE ABANDONMENT, ARTICLE 5, APPROVAL PROCEDURES, RELATED TO PERFORMANCE GUARANTEE LETTERS OF CREDIT, AND ARTICLE 14, STREET LIGHTING, RELATED TO STREET LIGHTING PLAN AND POLE REQUIREMENTS, 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 an April 19, 2012 public hearing, reviewed, considered and approved amendments to Article 3, Zoning Districts, related to sign area dimensions and nonconforming use abandonment; Article 5, Approval Procedures, related to performance guarantee letters of credit; and Article 14, Street Lighting, related to street lighting plan and pole requirements, 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. Subsection 3.8.4.3.b is amended to read:

3.8.4.3 Permitted Uses

b. No new auto oriented uses including auto repair, gasoline service stations, and drive through uses will be allowed. Such existing uses are permitted and will be allowed to continue. No such nonconforming use shall be resumed if it has been abandoned for a continuous period of sixteen (16) months.

- c. For purposes of this section, “abandon” or “abandonment” means discontinuance of the nonconforming use regardless of the property owner’s intent to relinquish the right to so use the property. A nonconforming use is considered abandoned when:
 - 1. It has been intentionally discontinued, remains idle or unused;
 - 2. Necessary utilities, such as water, sewer or electricity have been discontinued for any reason including a failure to pay fees, rates or other required charges lawfully established by the service provider; or
 - 3. The principal buildings or structures are no longer actively occupied.
- d. In addition to the uses listed above, residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.
- e. Uses containing drive throughs will be allowed if the Director deems appropriate traffic controls are installed.

B. Subsection 3.8.4.5.2.e is amended to read:

3.8.4.5.2 Freestanding Signs –

- e. The sign panel or message area shall not exceed twenty (20) square feet in area.

C. Subsection 3.8.4.5.3.a is amended to read:

3.8.4.5.3 Monument Signs –

- a. Such signs shall not exceed five (5) feet in height and twenty (20) square feet in area.

D. Subsection 3.8.4.5.6.b is amended to read:

3.8.4.5.6 Canopy and Awning Signs –

- b. The message does not exceed ten (10) inches in height on the fringe or drip-flap portion of a canvas awning.

E. Section 5.8.6.1 is amended to read:

5.8.6.1 If all improvements as required by this Chapter or by the Planning Commission at the major subdivision plan or site development plan approval stage are not entirely installed and constructed in accordance with the required standards prior to the submission of a final plat application, or in the case of a site plan, an application for final approval and a certificate of occupancy, and the developer desires to proceed with building construction within a subdivision or occupancy of a site, and the City Engineer certifies that all necessary infrastructure and other installations required for the safe use, continued development and occupancy of a subdivision or a site have been completed satisfactorily, the developer shall submit a performance

guarantee in an amount equal to one hundred twenty-five percent (125%) of the cost of the unfinished improvements as certified by City Engineer. The performance guarantee shall be supported by a letter of credit or other security that shall be valid for a minimum of one month beyond the performance guarantee term. (Rev. 2-21-11; Ord. 2011-02)

F. A new Section 14.16.2 is added to read:

14.16.2 Street Lighting Plan Required

A street lighting plan is required for all new developments where additional street lights are required by this Section. The street lighting plan shall be included as part of the major subdivision plan.

G. Section 14.16.3 is renumbered as 14.16.4 and a new Subsection b is added to read:

14.16.4 Ornamental Light Standards

b. The developer shall be responsible for securing the required number of light poles prior to approval of the final plat plus an additional one percent (1%) of light poles for the phase, not to be less than one pole. The developer may opt to purchase sufficient poles to complete the entire development at any phase.

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

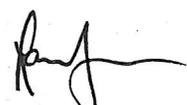
III. This Ordinance shall become effective immediately upon its adoption on third reading.

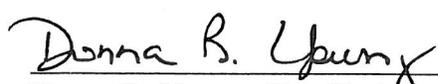
DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS 21st DAY OF May, 2012.

First Reading 5/7/12

Second Reading 5/7/12

Third Reading 5/21/12


Lark W. Jones, Mayor

ATTEST:

Donna B. Young, City Clerk

Scanned into Alchemy
Date: 6/4/12
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