



BUILDING CODES COMMITTEE MEETING

MONDAY, FEBRUARY 10, 2020 | 6 PM

3rd committee meeting

The Committee will meet in the Mauldin City Hall at 5 East Butler Road in the 2nd Floor Conference Room at 6 p.m.

Council agendas are outlines for a Council meeting showing what business the Council will be discussing on that date.



AGENDA

1. Call to Order

2. Public Comment

3. Reading and Approval of Minutes

- a. Building Codes Committee Meeting: January 7, 2020

4. Reports or Communications from City Officers

- a. Department Reports

Business and Development Services Director David Dyrhaug
Budget Review

5. Unfinished Business

- a. Small Cell Wireless Facilities Ordinance

6. New Business

- a. Rezoning at 317 Miller Road
- b. Amendments to the Conditional Standards for Multi-Family Housing in the C-1, C-2, and S-1 Zoning Districts

7. Public Comment

8. Committee Concerns

9. Adjourn



Minutes
Building Codes Committee
January 7, 2020
6:00 p.m.

Members present were Chairwoman Diane Kuzniar, Committee members Taft Matney and Dale Black. David Dyrhaug, Business and Development Services Director and City Administrator Brandon Madden were also present.

1. Call to Order- Chairwoman Kuzniar

2. Public Comment- None

3. Reading and Approval of Minutes

a. Building Codes Committee Meeting: December 2, 2019

Councilman Matney made a motion to approve the minutes with Councilman Black seconding. The vote was unanimous (3-0).

4. Reports or Communications from City Officers

a. Budget Review- No report. Councilman Black asked how everything was going with RCI. David answered very well. The expenditure has been lowered significantly.

b. Department Reports

i. Planning Commission Comprehensive Plan Resolution

The Planning Commission has been reviewing the Comprehensive Plan and decided in December that the timing is not ideal to adopt a new plan right now. The commission will wait until the 2020 Census is completed. The County is also going to adopt a plan soon, and we want to wait to work with the County's comprehensive plan.



Councilman Black asked about the timeline. David answered the Comprehensive Plan has to be updated every ten years. The City adopted an update in 2014, so we have plenty of time.

David said the software implementation is not going as smoothly as hoped, but the department is still working on it.

Councilman Matney asked if Council needed to take any action on this item and David said the attorney has said no.

5. Unfinished Business

- a. Planning Commission Vacancy- Two applications were included in the packet and one came in today. There are three applicants for the vacancy. Elizabeth Wiygul has resigned. Her seat expires at the end of June and this seat needs to be filled for the interim.

Chairwoman Kuzniar said Scott Crosby's application is dated January 30, 2019. David said it was hand delivered on December 30, 2019. This is a scrivener's error.

Randy Eskridge is currently serving on the Zoning Board and has applied for the Planning Commission. If he is appointed, a Zoning Board seat will be open.

Councilman Black made a motion to send this item to the Council meeting for action. Councilman Matney seconded the motion and the vote was unanimous (3-0).

6. New Business

- a. Annexation at Loblolly Circle and Laurel Drive- The City of Mauldin has received signed petitions requesting the



annexation of a tract of land consisting of three parcels pursuant to South Carolina Code of Laws Section 5-3-150. These petitions include approximately 14 acres owned by various individuals and is located at Loblolly Circle and at Laurel Drive.

The applicant has requested that this tract be zoned R-M, Residential, upon annexation into the City of Mauldin. The applicant has already begun development of a townhome project called Parkland. These tracts will be added to the Parkland development project. Parkland is already planned for approximately 121 homes in phase 1, approximately 82 homes in phase 2, and approximately 42 homes in phase 3. This annexation would enable the applicant to expand phase 1 by approximately 41 homes and phase 3 by approximately 54 homes. The price-point for homes is expected to average over \$200,000 (low- to mid-\$200s).

Councilman Black asked about sewer to the property. David said the sewer is in the City and will tie-in to a ReWa line. Councilman Matney asked what a traffic study would show on the existing road. Jamie McCutcheon is the engineer for the project. He has had a traffic study done and said it showed a turn lane was not warranted at the new intersection or at Laurel Drive. Laurel Drive is a secondary access. The primary will be a new entrance. Mr. McCutcheon said the new road from Laurel Drive to Ridge Road will be a City of Greenville road. The rest will be Greenville County. The road will be widened. Mr. McCutcheon met with the developer and they are purchasing the triangle between Laurel and Ridge for a pool or clubhouse. Chairwoman Kuzniar asked how many total units would be here. Mr. McCutcheon said 300-350 units. Chairwoman Kuzniar asked if there is a traffic light there now. Mr. McCutcheon answered no. Chairwoman Kuzniar asked if there would be one installed. McCutcheon said it is not warranted.



Councilman Black asked if some documentation could be included before the Council meeting. Mr. McCutcheon answered that a draft of the plan will be sent to Council at a minimum. If any comments are sent from DOT, they will be sent to Council as well. There is currently a traffic light at Ridge Road and Mauldin Road on both ends.

Councilman Matney made a motion to send this item with a recommendation of approval of all three parcels to Council. Councilman Black seconded the motion and the vote was unanimous (3-0).

- a. Small Cell Wireless Facilities Ordinance- The next wave of communications technology consisting of 5G technology utilizes higher frequencies with the capability to accommodate significantly higher data needs than current 4G/LTE technologies. The physical limits of the higher frequencies require that the transmitters be installed with much closer spacing than the 2± miles or greater distances that 4G/LTE technologies accommodate. The result of this physical need is that the public rights-of-way represent a convenient location for the required equipment. On September 26, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Third Report and Order, FCC 18133, titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment" (the Order). The order outlines the extent to which local agencies may or may not regulate the installation of small cell wireless communication facilities within the public rights-of-way and the use of existing public infrastructure.



Municipal aesthetic requirements will not be preempted if they are: (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance. There is a model ordinance from MASC on how to regulate the small cell wireless facilities. David does not think the model ordinance offers enough protection, so he has drafted an ordinance that puts in standards for aesthetics for the equipment, procedures for permitting, regulation, removal, etc.

We don't want the rights-of-way to be overly cluttered with pole. Chairwoman Kuzniar asked if these could go into neighborhoods. David said they potentially can. There are requirements on how that could be done in the draft ordinance. David also recommends instead of a square equipment box that it be more cylindrical to hug the pole a little better. Chairwoman Kuzniar asked how many of these does David think we would have. David said Verizon is looking at installation of six poles in various places and he is afraid that is just the beginning. There could end up being a lot. Chairwoman Kuzniar asked if we should consider this when City Center comes. David said we need to consider it.

Councilman Matney said the FCC has wielded its hammer. How much leeway would we have? Would the design requirements hold up against what the FCC says? David said he does not know the answer. The City Attorney has not given feedback on this yet. David said the draft is a compilation on various ordinances throughout the country. He doesn't know if they have been challenged in court yet.



Councilman Matney asked if the equipment was attached to our existing poles, would there be compensation to the City for that? David said yes, typically the City would ask for compensation for use of the pole. The draft ordinance calls for an annual permit fee as well. Chairwoman Kuzniar asked if we would make the pole ready and then get reimbursed. David said the City may have to do something to make the pole ready, and, if there is a need to do that, we would be compensated.

Councilman Black said if the building is tall enough, they might be able to mount on buildings. David said that could be encouraged because they are hidden better on buildings. That would be governed by the zoning ordinance. The ordinance tonight would be added into the code of ordinances. Councilman Black asked if once one company comes in, could other companies come in to do the same thing? David said yes, they would have to leave room for another vendor to share the existing poles. Councilman Black asked how the equipment would be fed. David said connected to the power supply by wires and cables.

Councilman Matney made a motion to send this to council with the expectation of having a legal opinion by the meeting. Councilman Black seconded the motion. The vote was unanimous (3-0).

7. Public Comment

Chris Paglialunga: Most of you know me. I am Chris Paglialunga. I have put in an application for the Planning Commission. I would like to represent the City in that regard. Let me know if you have any questions for me. You can ask me now, or email or call me. I appreciate it.



8. Committee Concerns- None

9. Adjourn- Chairwoman Kuzniar adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk



BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: February 10, 2020

AGENDA ITEM: 5a

TO: Building Codes Committee

FROM: Business & Development Services Director, David C. Dyrhaug

SUBJECT: Small Cell Wireless Facilities Ordinance

CITY COUNCIL ACTION

At the January 7, 2020, Building Codes Committee, the committee forwarded this ordinance to the City Council on the condition that the City Attorney would provide a legal opinion on this ordinance for the City Council meeting. Mr. Daniel Hughes was able to complete his review on the day of the City Council and made a few revisions to the ordinance. Unfortunately, members of the City Council were not afforded enough time to review the revisions provided by Mr. Hughes and, therefore, sent this ordinance back to Committee for review.

CITY ATTORNEY REVISIONS

The revisions made by the City Attorney include the following:

1. Under the definitions section in Section 44-3, added “and its support structure” to the definition of a small wireless facility.
2. Under the remediation section in Section 44-6 (G)(1)(a), added “and repair” all areas of the right-of-way impacted by the small cell facilities.
3. Under the remediation section in Section 44-6 (G)(1), added a new paragraph that would allow the City to undertake repairs to the right-of-way and charge the applicant for those repairs if the repairs are not performed within 30 days of notice by the City.
4. At the end of the ordinance, added a new section 44-7 regarding the effect of the permit. This section includes provisions about the authority granted to the applicant and the duration of the permit.
5. At the end of the ordinance, added a new section 44-8 regarding the removal, relocation, or modification of a small wireless facility.
6. At the end of the ordinance, added standard clauses regarding severability and the effective date of the ordinance.



BACKGROUND

The next wave of communications technology consisting of 5G technology utilizes higher frequencies with the capability to accommodate significantly higher data needs than current 4G/LTE technologies. The physical limits of the higher frequencies require that the transmitters be installed with much closer spacing than the 2± miles or greater distances that 4G/LTE technologies accommodate. The result of this physical need is that the public rights-of-way represent a convenient location for the required equipment.

On September 26, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Third Report and Order, FCC 18133, titled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment” (the Order). The order outlines the extent to which local agencies may or may not regulate the installation of small cell wireless communication facilities within the public rights-of-way and the use of existing public infrastructure.

Municipal aesthetic requirements will not be preempted if they are: (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance.

NOTE: The Municipal Association of South Carolina (MASC) has provided a model ordinance for communities to consider. However, after thoroughly reviewing MASC’s model ordinance, I do not feel it goes far enough to protect the right-of-way and regulate the design and placement of small cell wireless facilities. The attached draft ordinance differs considerably from MASC’s model ordinance.

INTENT OF ORDINANCE

The intent of this ordinance is to accommodate the installation of small cell wireless facilities within the public rights-of-way within the City of Mauldin provided that installations are completed in a context-sensitive manner with regard to minimum standards for aesthetics, location, spacing, accommodation of multiple providers at each location, safety, noise, and equitable allocation of space.

Further, it is the intent of this ordinance to establish procedures and standards for the consideration, permitting, siting, construction, installation, collocation, modification, operation, regulation and removal of small cell wireless facilities in the public rights-of-way within the City of Mauldin. These procedures and standards are intended to comply with, and not conflict with or preempt, all applicable state and federal laws, and all FCC rules and regulations to interpret and implement applicable federal statutes.

SUMMARY OF PROSPECTIVE AMMENDMENTS

There are several means by which new small cell wireless facilities may be installed. This ordinance permits four specific types of installations:

1. Attachments to existing utility poles
2. Attachments to existing wooden poles with streetlights
3. Attachments to streetlight poles or installation of new combination poles with streetlights
4. Installation of new monopole structure

To reduce the congestion and clutter in the public right-of-way, this ordinance indicates that the installation of new poles/structures is the least desirable installation method and would only be permitted when it has been clearly demonstrated that there is not an opportunity to install the antenna on an existing pole. This ordinance also prohibits the installation of antenna on existing decorative light poles.



When a new antenna is installed, it is required to be installed within a cylindrical shroud preferably located at the top of the pole in a manner that blends the shroud with the pole. See illustration on right. This ordinance contains standards for size, color, shape, and other considerations to help achieve this.



Additionally, this ordinance regulates the installation of support equipment so that the equipment has a low visual impact. Preferably, equipment should be installed inside the pole, within a cylindrical cabinet integrated into the base of the pole, in an existing above-ground cabinet, or in an underground equipment vault. Pole-mounted equipment should only be installed when the other installation options are not feasible or available. All hardware, service lines, wiring and cables are required to be concealed.

This ordinance does permit for the installation of antenna on City-owned poles. However, a separate agreement with this City is required for this type installation before the installation can be permitted.

When new poles or support structures are installed, there are standards in this ordinance that regulate where the pole can be installed in relation to property lines, storefronts, existing poles, sight triangles, intersections, driveways, sidewalks, trees, roadways, hydrants, etc.

TIMELINE

On January 7, 2020, the Building Codes Committee forwarded this matter to City Council for consideration. The Building Codes Committee also requested the City Attorney's legal opinion on this ordinance by the City Council meeting.

On January 21, 2020, the City Council sent this matter back to Committee to allow sufficient time to review the Attorney's revisions to the proposed ordinance.

ATTACHMENT

Proposed Ordinance with mark-ups from the City Attorney's office



ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH THE STANDARDS FOR THE PLACEMENT OF SMALL WIRELESS FACILITIES IN COVERED AREAS IN THE CITY OF MAULDIN, SOUTH CAROLINA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Mauldin (“City”) encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of Small Wireless Facilities while managing Public Rights-of-Way in a manner that promotes the interests of the public health, safety and welfare; and,

WHEREAS, the City recognizes that Small Wireless Facilities including facilities commonly referred to as small cell and distributed antenna systems are critical to delivering wireless access to advanced technology, broadband, and 9-1-1 services to residences, businesses, and schools within the City; and,

WHEREAS, the City recognizes that Small Wireless Facilities together with high capacity transport medium such as fiber optic cabling may be effectively deployed in Public Rights-of-Way; and,

WHEREAS, this Ordinance is intended to grant municipal consent to use of Rights-of-Way and establish a standard application process to streamline the issuance of necessary permits in a manner that is not a barrier to competition, and does not unnecessarily delay the implementation and installation of Small Wireless Facilities,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MAULDIN, SOUTH CAROLINA, that the Code of Ordinances City of Mauldin, South Carolina, is hereby amended to add ~~a~~**-new** Chapter 44 entitled “SMALL WIRELESS FACILITIES WITHIN THE RIGHT-OF-WAY,” to read as follows:

44-1. Intent.

A. Background

The next wave of communications technology consisting of 5G technology utilizes higher frequencies with the capability to accommodate significantly higher data needs than current 4G/LTE technologies. The physical limits of the higher frequencies require that the transmitters be installed with much closer spacing than the 2± miles or greater distances that 4G/LTE technologies accommodate. The result of this physical need is that the public rights-of-way represent a convenient location for the required equipment.

On September 26, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Third Report and Order, FCC 18-133, titled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment” (the Order). The order outlines the extent to which local agencies may or may not regulate the



installation of small wireless communication facilities within the public rights-of-way and the use of existing public infrastructure.

Municipal aesthetic requirements will not be preempted if they are: (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance.

B. Intent

The intent of this ordinance is to accommodate the installation of small cell wireless facilities within the public rights-of-way within the City of Mauldin provided that installations are completed in a context-sensitive manner with regard to minimum standards for aesthetics, location, spacing, accommodation of multiple providers at each location, safety, noise, and equitable allocation of space.

Further, it is the intent of this ordinance to establish procedures and standards for the consideration, permitting, siting, construction, installation, collocation, modification, operation, regulation and removal of small cell wireless facilities in the public rights-of-way within the City of Mauldin. These procedures and standards are intended to comply with, and not conflict with or preempt, all applicable state and federal laws, and all FCC rules and regulations to interpret and implement applicable federal statutes.

44-2. Applicability.

Subject to the South Carolina State Code and approval of an application under this Ordinance, an operator may locate and/or collocate a small cell wireless facility and construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon, and under public rights-of-way within the City of Mauldin.

An operator shall comply with this Ordinance and any rules, regulations, and design guidelines adopted by the City that are consistent with this Ordinance for the installation and/or collocation of a small cell wireless facility and construction, maintenance, modification, operation, or replacement of wireless support structures in, along, across, upon, and under the right-of-way within the City of Mauldin, unless otherwise prohibited by state or federal law.

Nothing in this Ordinance shall preclude the City from applying its generally acceptable health, safety, and welfare regulations when acting on an application for a permit for a small cell wireless facility in the right-of-way within the City of Mauldin.

44-3. Definitions.

Antenna means communication equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means uniform building, energy, electrical, plumbing, mechanical, gas, and fire codes in Title 6, Chapter 9, of the South Carolina Code of Laws, local amendments



to those codes authorized by state law, and local codes or ordinances which impose requirements defined in this ordinance including objective design and concealment standards to regulate location, context, material, color, stealth, and concealment standards on a uniform and nondiscriminatory basis.

Applicant means any person who submits an application to the City of Mauldin and is a wireless services provider or a wireless infrastructure provider.

Application means a request submitted by an applicant for a permit to (1) collocate small wireless facilities; or, (2) construct, install, maintain, operate, replace or modify a utility pole or wireless support structure.

City-owned pole means (1) a utility pole owned or operated by the City of Mauldin , and (2) a pole or similar structure owned or operated by the City of Mauldin that supports only wireless facilities.

Collocate means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to an existing wireless support structure or utility pole within the jurisdiction of the City of Mauldin.

Person means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Right-of-way means that area on, below, or above a public roadway, highway, street, sidewalk, alley dedicated to, managed or controlled by the City of Mauldin, Greenville County, or the State of South Carolina.

Small wireless facility or **small cell wireless facility** or **small cell facility** or **SWF** means equipment at a fixed location that enables wireless services between user equipment and a communications network, including: (1) equipment and its support structure associated with wireless communications; and (2) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

Utility pole means a pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control devices, traffic control or directional signage, or a similar function regardless of ownership.

Wireless infrastructure provider means any person, including a person authorized to provide telecommunications services in the State, that builds, installs or maintains utility poles, wireless communication transmission equipment, small wireless facilities or wireless support structures.

Wireless services mean any services provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, delivered to the public using small wireless facilities.

Wireless services provider means a person who provides wireless services.



Wireless support structure or ***support structure*** means a freestanding structure, such as a monopole, or other existing or proposed structure designed to support or capable of supporting small wireless facilities.

44-4. Procedures.

A. Application

In accordance with federal and state law and City Code, an operator must apply to the City to locate a new small cell wireless facility and/or collocate any portion of a small cell wireless facility on an existing wireless support structure or to construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon, and under the public rights-of-way within the City of Mauldin. Anyone seeking to perform any of these actions shall first duly file a written application with the City, in accordance with the requirements in this Ordinance and additional requirements set forth in any design guidelines as modified from time to time by the City.

Unless otherwise required by state or federal law, all applicants shall submit to the City all materials and information associated with each application as outlined below for the application to be considered complete:

- (1) The applicant's name, address, telephone number and e-mail address;
- (2) Facility owner's name, address, telephone number and e-mail address, if different from the applicant;
- (3) Intended facility use: owner operated or owner leased capacity;
- (4) The names, addresses, telephone numbers, and e-mail addresses, of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;
- (5) A general description of the proposed scope of work for the location or collocation of the small cell wireless facility;
- (6) Verification that the small cell wireless facility shall comply with all applicable codes, including, but not limited to, this Ordinance, including without implication all applicable design guidelines;
- (7) Verification of payment of the annual municipal consent or administrative fee for telecommunications companies to use public rights-of-way pursuant to S.C. Code § 58-9-2230 and acknowledgement of its continuing annual obligation;
- (8) Verification of municipal business license, if applicable;
- (9) Evidence that the applicant is duly authorized to do business in South Carolina;
- (10) Evidence the applicant has received any necessary certificate of public convenience and necessity or other required authority from the South Carolina



Public Service Commission or the Federal Communications Commission or evidence that it is not required;

- (11) A copy of an approved South Carolina Department of Transportation (SCDOT) encroachment permit and all documents required by SCDOT as part of the encroachment permit application, if the proposed location is within a SCDOT right-of-way; and
- (12) A statement that the applicant has a lease, attachment agreement or other authorization from the owner of the utility pole or structure proposed for collocation.

B. Consolidated Application for Multiple Small Cell Wireless Facilities

Applicants seeking to construct, modify, collocate, or replace more than one small cell wireless facility, may file, at the applicant's discretion, a consolidated application for up to 20 requests in a single application and receive a single permit for the construction, modification, collocation, or replacement of the small cell wireless facility subject to the following:

- (1) This single application may be filed for multiple small cell wireless facilities only if they are of substantially the same type.
- (2) The City must separately address small cell wireless facilities for which incomplete information has been received or which are denied and it must grant a permit for any and all sites in a single application that it does not deny subject to the requirements of this Ordinance.
- (3) In the case of a consolidated application, the fees shall be cumulative.

C. Fees and Costs

- (1) *Application processing costs.* Unless otherwise provided by law, including without limitation S.C. Code § 58-9-2230, all applications for permits pursuant to this Ordinance shall be accompanied by an application processing cost of \$100.00. Application costs for small wireless facilities applied for in a consolidated application shall be \$100.00 each for the first five (5) small wireless facilities and \$50.00 each for each additional small wireless facility.
- (2) *Annual rate.* Pursuant to S.C. Code § 58-9-2230, each individual applicant will be subject to an annual franchise or consent fee. The annual rate to place a small wireless facility on a City-owned pole shall be \$250.00 for each small wireless facility per year. This rate is in addition to reimbursement to the City for any expenses for make-ready work. The City reserves the right to require a pole attachment to further define the terms and conditions of attachments to City-owned poles.



- (3) *Make-ready reimbursement.* For City-owned poles, the applicant shall reimburse the City for expenses for any reasonable make-ready work, if any are required. The City shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested small cell wireless facility, including pole replacement if necessary.
- (4) *Lawful fees and taxes.* In addition to the applicable fees as specified above, every permit shall include as a condition the applicant's agreement to pay such lawful franchise fees, business license taxes, administrative fees and consent fees as are permitted under applicable ad valorem taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the City.
- (5) *Cease payment following removal.* A wireless services provider is authorized to remove its facilities at any time from a City-owned pole and cease paying the annual rate to the City as of the next due date for payment following the removal, provided, however, the provider pay its pro-rata share of the remaining term and expenses, if any.
- (6) *Tax liabilities and assessments not applicable.* Placement of a small cell wireless facility in the public rights-of-way or attachment of any portion of a small cell wireless facility to a wireless support structure and any fees associated therewith shall not subject the City to any state or local tax liabilities or assessments.

D. Application Review

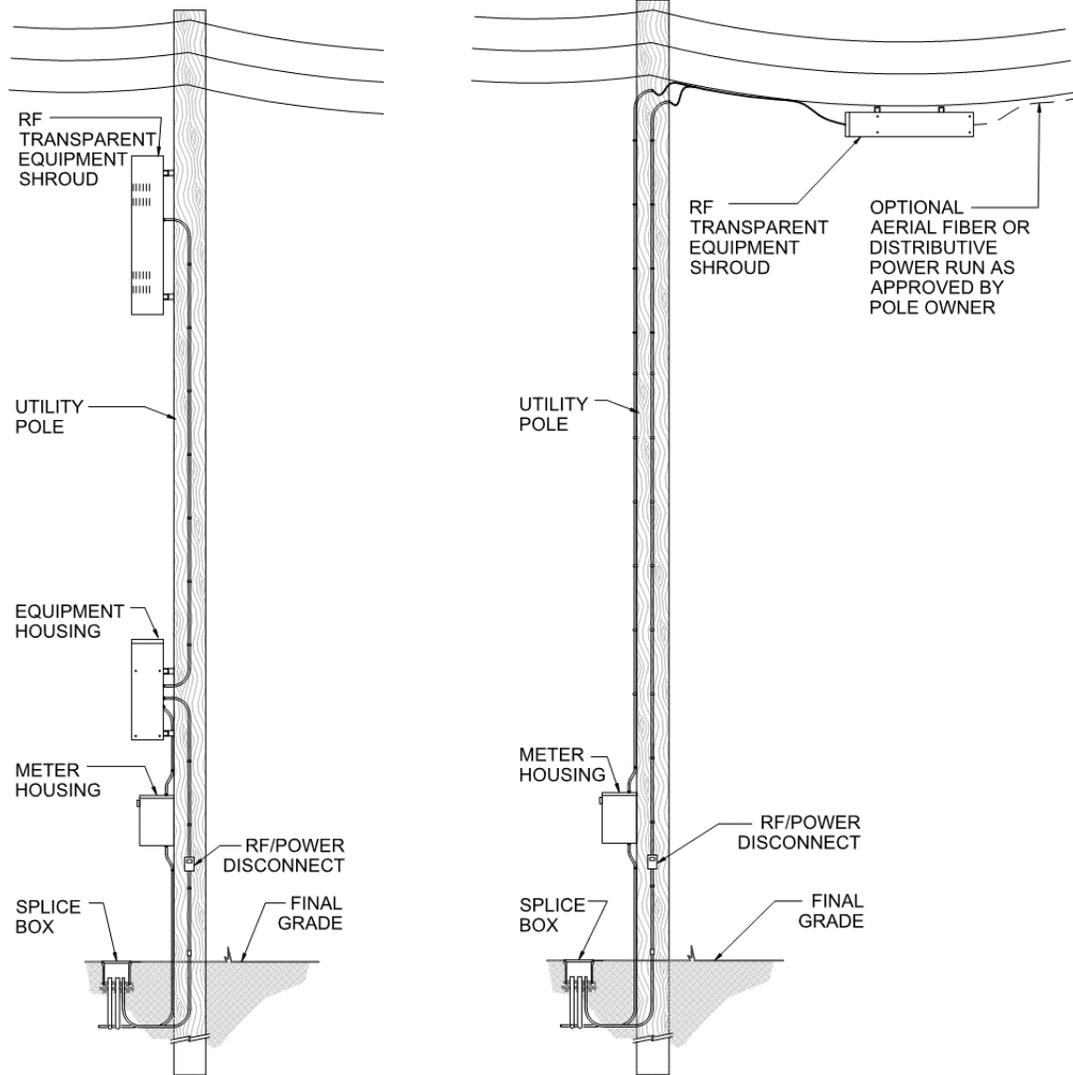
- (1) *Application completeness.* Shortly after receiving an application, the City will determine and notify the applicant whether the application is complete; or if an application is incomplete, the City will specifically identify the missing information.
- (2) *Application review.* Absent an agreement to the contrary between the City and the applicant that is confirmed by e-mail or other writing, the City shall grant or deny an application according to its typical review timeframes.
- (3) *Application denial.* If an application is denied, the City will provide in writing its reasons for denying the request, including, if applicable, specific references to any applicable law supporting the denial.
- (4) *Application resubmittal.* Notwithstanding an initial denial, the applicant may cure the deficiencies identified by the City and resubmit the application to the City for further review.
- (5) *Removal of a small cell wireless facility.* The City shall act on requests to remove wireless support structures associated with a small cell wireless facility from the public rights-of-way in accordance with its typical review timeframes for the general right-of-way permit required for this activity.



44-5. Small Cell Wireless Facilities Types

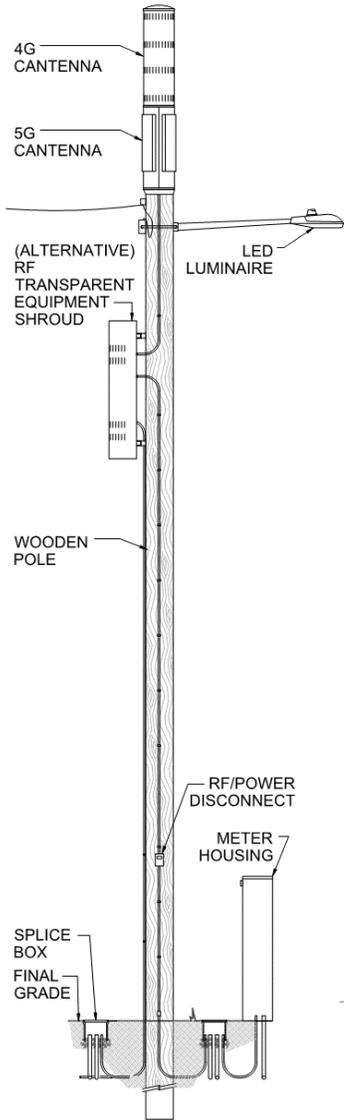
There are four types of small cell wireless facilities permitted within the City of Mauldin.

A. Type 1: Attachments to Utility Poles



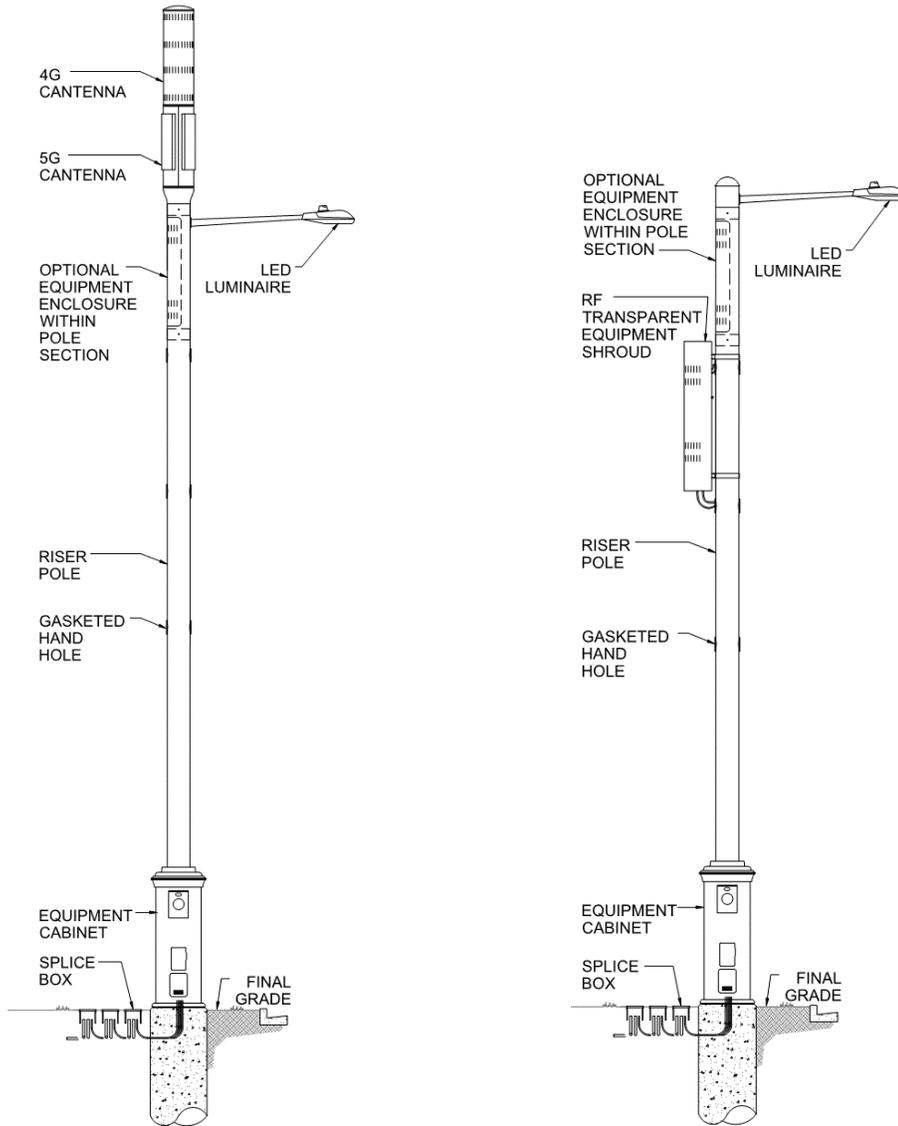


B. Type 2: Small Cell Wireless Facility on Existing Wooden Pole with Streetlight



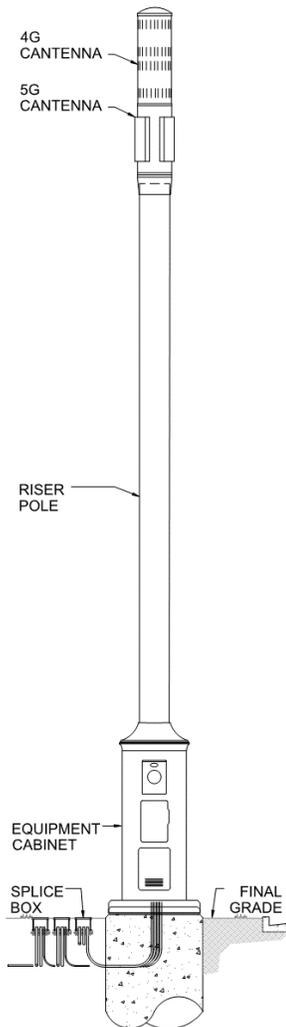


C. Type 3: Combination Small Cell Wireless Facility and Streetlight





D. Type 4: Freestanding Small Cell Wireless Facility Monopole Structure



E. Installation Type Preferences

- (1) The most preferred installation type is a collocation of an antenna and associated small cell facilities on an existing privately owned utility pole along a side street.
- (2) The least preferred installation type is a new freestanding small cell facility.
- (3) Existing decorative light poles are not permitted for collocations of small cell facilities due to the design aesthetics, height, and structure capacity of these fixtures.
- (4) In an effort to reduce congestion and clutter in the public right-of-way, applicants shall consider existing support structures prior to installing any new support structures.



44-6. Design Guidelines

The following standards shall apply to all small cell facilities within the public right-of-way throughout the City of Mauldin, unless otherwise noted.

A. Antennas

(1) Mounting Specifications

- (a) *Top-mounted.* Unless otherwise required by the owner of the pole, all antenna shall be top mounted to the top of the support structure pole, aligned with the centerline of the structure.
- (b) *No overhang.* No antenna shall overhang the roadway, sidewalk, or other travel way.

(2) Maximum Size

- (a) *Volume.* Each antenna shall be located entirely within a shroud enclosure of not more than three (3) cubic feet in volume.
- (b) *Height.* No antenna shall exceed a height of 30 inches.
- (c) *Diameter.* The diameter of the antenna or antenna enclosure shall typically not exceed the diameter of the top of the support structure pole, and to the maximum extent practical, shall appear as a seamless vertical extension pole. In no case shall the maximum diameter of the shroud be wider than 1.25 times the diameter of the top of the pole. Where the maximum shroud diameter exceeds the diameter of the top of the pole, the shroud shall be tapered to meet the top of the pole.

(3) Design Specifications

- (a) *Shape.* Antennas shall be generally cylindrical in shape.
- (b) *Enclosure.* Antenna shall be completely housed within a cylindrical shroud that is capable of accepting paint to match the support structure.
- (c) *Color.* Color for all antennas and shrouds shall match the color of the support structure.

B. Associated Small Cell Facilities and Equipment

- (1) Pole-mounted equipment shall only be installed when the applicant can demonstrate with clear and convincing evidence that other methods of equipment placement, such as underground installations and installations inside the pole, are not technically feasible or not potentially available.



(2) Specifications

- (a) *Maximum size.* Exclusive of the antenna, all wireless equipment associated with the small cell facility shall not cumulatively exceed twelve (12) cubic feet in volume.
- (b) *No overhang.* No portion of a wireless support structure or small cell facility cabinet or enclosure shall overhang the roadway, sidewalk, or other travel way.
- (c) *Color.* Color for all small cell facilities and enclosures/cabinets attached to wireless support structures or integrated within the transformer base shall match the color of the associated wireless support structure.
- (d) *Hardware.* All hardware attachments shall be hidden.
- (e) *Service lines.* All service lines from the power source to the small cell facilities and wireless support structure shall be located underground.
- (f) *Wiring and cables.* All wiring and cables must be housed within the steel support structure or pole and extended vertically within a flexible conduit. Where not technically feasible or practical, all cables shall be in conduits and shall be flush with the pole. Exposed wires, cables, connections and external conduit are prohibited.
- (g) *Excess wires and cables.* Spools and/or coils of excess fiber optic or coaxial cables or any other wires shall not be stored on the pole except completely within the approved enclosures or cabinets.

C. Small Cell Facilities Mounted to Wireless Support Structures

(1) Mounting Specifications

- (a) *Minimum clearance.* All small cell facilities mounted to wireless support structures shall provide a minimum clearance of 10 feet above established grade.
- (b) *Placement on pole.* All small cell facilities and equipment enclosures shall be mounted on the side of the pole opposite the direction of vehicular traffic of the adjacent roadway. Enclosures shall extend perpendicular from the pole and parallel to the right-of-way. Enclosures shall not interfere with existing brackets on poles.
- (c) *Flush mounting.* All pole-mounted equipment and enclosures shall be installed as flush to the pole as possible. In no case shall an enclosure be installed more than four (4) inches from the wireless support structure pole.
- (d) *Maximum protrusion.* Small cell equipment enclosures shall not protrude more than eighteen (18) inches beyond the face of the pole to the outermost portion of the enclosure.
- (e) *Attachment method.* The shroud enclosure shall be securely strapped to the wireless support structure pole using stainless steel banding straps. Through-bolting, use of lag bolts, or welding on publicly-owned wireless support structures is prohibited. New wireless support structures may utilize mounting brackets in accordance with the maximum horizontal



offset requirements. Care should be taken to integrate the mounting hardware into the enclosure design.

- (f) *Multiple enclosures.* Where multiple enclosures are proposed on a wireless support structure pole, the enclosures shall be grouped as closely together as possible on the same side of the pole. No more than two enclosures shall be mounted or attached to any individual pole.

(2) Design Specifications

- (a) *Size.* Small cell equipment enclosures shall be the smallest size practicable to house the necessary small cell facilities and equipment.
- (b) *Shape and width.* Small cell equipment enclosures shall be cylindrical or curved in shape, and shall generally be no wider than the maximum outer diameter of the pole to which it is attached, to the maximum extent possible.



- (c) *Concealment of gap.* Metal flaps or “wings” shall extend from the enclosure to the pole to conceal any gap between the enclosure and the pole. The design of the flaps shall be integrated with the design of the enclosure.
- (d) *Color.* All small cell equipment enclosures shall be painted to match the color of the associated wireless support structure. On a wood pole, the enclosures and hardware shall be colored gray.

(3) City-Owned Support Structures

- (a) *Agreement.* The City, in its proprietary capacity, retains sole and absolute discretion over whether and on what terms it may allow small cell facilities on its structures. Applicants shall provide a valid and fully executed agreement to use any City-owned support structure.
- (b) *Power supply.* Small cell facilities located on City-owned structures shall not use the same power or communication source providing power and/or communication for the existing facility original to the purposes of the structure. The independent power source must be contained within a



separate conduit inside the support structure. The applicant shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.

- (c) *Power disconnect.* The City reserves the right to disconnect power to the radio when working on the structure. The applicant shall provide a disconnect so the City has the ability to easily shut off radio signals and power while working on the structure.

D. Ground Mounted Equipment Cabinets

(1) Design Specifications

- (a) *Cabinet.* Ground-mounted equipment shall be concealed within a single shroud or cabinet and shall contain all the equipment associated with the facility other than the antenna.
- (b) *Installation types.* Ground-mounted equipment may only be installed in the following applications: (1) concealed within the pole, (2) placed within a cabinet integrated in the base of the pole, (3) in an existing above-ground cabinet, or (4) placed in a flush-to-grade underground equipment vault.
- (c) *Color.* Color for all ground-mounted cabinets shall match the pole color.
- (d) *Shape.* Equipment cabinets integrated in the base of the pole shall be cylindrical.
- (e) *Size.* Equipment cabinets integrated in the base of the pole shall not exceed a diameter of eighteen (18) inches. Where the diameter of the cabinet exceeds the diameter of the pole, the transition between the cabinet and the pole shall be tapered.
- (f) *Conduits.* All cables and conduits associated with the equipment shall be concealed from view and shall be underground between the pole and the ground-mounted cabinet.
- (g) *Owner identification.* A maximum four (4) inch by six (6) inch plate with the Carrier's name, location, identifying information, and emergency telephone number shall be permanently fixed to the cabinet on the side of the cabinet opposite the direction of vehicular traffic to the adjacent roadway.

(2) Placement Specifications

- (a) *Sight triangles.* Ground mounted equipment cabinets shall comply with the City of Mauldin regulations regarding sight distance triangles.
- (b) *No obstructions.* Ground mounted equipment cabinets shall be located so as to avoid any physical or visual obstruction to pedestrian or vehicular traffic or any other location that would create safety hazards to pedestrians, cyclists, or motorists.



E. New Wireless Support Structures

- (1) New wireless support structures shall only be constructed when the applicant can demonstrate with clear and convincing evidence that using an existing structure is not technically feasible or not potentially available.
- (2) Placement Specifications
 - (a) *Alignment with existing features.* New wireless support structures shall be located in alignment with existing trees, facilities, support structures, tower, utility poles, and streetlights, and are to be spaced evenly between any of these other objects.
 - (b) *Alignment with property lines.* New wireless support structures shall be aligned as close as practicable with adjacent side property lines, or with shared wall locations in adjacent multi-tenant structures.
 - (c) *Storefronts and signs.* In no case shall a wireless support structure be sited directly in front of an adjacent building entrance or storefront. Special care shall be taken to avoid siting wireless support structures in conflict with business signs.
 - (d) *Spacing from existing poles.* New wireless support structures shall be spaced a minimum of 250 feet from any existing poles including, but not limited to, utility poles, street light poles, and traffic signal poles.
 - (e) *Sight triangles.* New wireless support structures shall not be sited in conflict with required intersection sight distance triangles.
 - (f) *Setback from intersections.* New wireless support structures shall be setback at least 100 feet from any public street intersection measured from the closest edge of the street.
 - (g) *Setback from driveways.* New wireless support structures shall be located a minimum of twenty (20) feet from driveway aprons.
 - (h) *Setback from trees.* New wireless support structures shall be located a minimum of fifteen (15) feet from all trees to prevent disturbance within the critical root zone of any tree.
 - (i) *Setback from sidewalks.* New wireless support structures shall be located a minimum of two (2) feet from any sidewalk edge or other walkway.
 - (j) *Setback from roadways.* New wireless support structures shall be located a minimum of four (4) feet from any road pavement edge.
 - (k) *Setback from objects.* New wireless support structures shall be located a minimum of six (6) feet from any other permanent object, such as fire hydrants, or existing lawful encroachment in the right-of-way to allow for access.
 - (l) *No obstructions.* New wireless support structures shall be located so as to avoid any physical or visual obstruction to pedestrian or vehicular traffic or any other location that would create safety hazards to pedestrians, cyclists, or motorists.



(3) Maximum Size

- (a) *Height.* New wireless support structures and antennas shall be no taller than functionally necessary, and coordinate with the height of existing poles in the same right-of-way to the maximum extent practicable. If a compatible height cannot be clearly determined, then a maximum pole height of 30 feet above grade shall be used.
- (b) *Diameter.* Pole diameter shall be consistent with the surrounding poles.

(4) Design Specifications

- (a) *Generally.* New poles shall match existing poles in appearance, height, design, and material as those used on the same section of street. However, where requirements herein in represent a higher standard, the higher standard shall apply.
- (b) *Color.* Color for new wireless support structures shall match the color of existing poles in the same right-of-way to the maximum extent practicable. In the absence of existing poles, the color shall be a black powder coated finish.
- (c) *Shape.* New poles shall be cylindrical in shape.
- (d) *Material.* New poles shall be constructed of metal. Wood poles shall be prohibited.
- (e) *Equipment cabinet.* All small cell carrier equipment shall be housed internal to an equipment cabinet at the base of the pole or otherwise hidden inside the pole.

F. Minimum Spacing and Maximum Number

Blockface Length Intervals (in feet)¹	Number of Small Cell Facilities Permitted per Blockface²	Minimum Distance between Facilities on the Same Blockface (in feet)³	Limit per Carrier Block⁴
0 – 150	1	N/A	1
151 – 300	2	60	1
301 – 450	3	60	1
451 – 600	4	60	1
601 – 750	5	60	2
Over 750	6	60	2

¹ Block lengths shall be measured along the edge of curb between the edge lines extended of adjacent intersecting streets.

² This is inclusive of all types of installations and regardless of carrier.



³ In other words, the minimum distance between two facilities sharing the same side of the block. Distance shall be measured in a linear fashion along the edge of curb between two facilities' center points.

⁴ A block is defined as two opposing blockfaces.

G. Removal of Small Cell Facilities and Wireless Support Structures

(1) Remediation

- (a) *General area.* Applicants shall restore **and repair** all areas of the right-of-way impacted by the small cell facilities and/or wireless support structure installation and/or removal to equal or better condition.
- (b) *City-owned structures.* All City-owned support structures shall be returned to an equal or better state, upon removal of small cell facilities. All mounting hardware and equipment shall be removed from the site. All holes left in the pole shall be neatly sealed from any moisture intrusion and painted to match the pole.
- (c) *Repairs.* If the applicant fails to make repairs required by the City within thirty (30) days after written notice, unless the applicant and the City agree in writing to a longer time period, the City may undertake those repairs and charge the applicant the reasonable and documented cost of the repairs. The City may maintain an action to recover the costs of the repairs.

H. Other Small Cell Facilities Requirements

(1) Lighting

- (a) Lighting association with small cell facilities is prohibited. Any internal lights associated with electronic equipment shall be shielded from public view. This provision shall not be interpreted to prohibit the installation of luminaires on new poles.

(2) Noise

- (a) Noise produced by small cell facilities shall not exceed 5dBA above ambient sound. Other noise regulations may apply.

(3) Labels and Signage

- (a) *Owner identification.* A maximum four (4) inch by six (6) inch plate or label with the Carrier's name, location, identifying information, and emergency telephone number shall be permanently affixed to the small cell equipment enclosure on the side of the enclosure opposite the direction of vehicular traffic of the adjacent roadway. ID labels shall use background colors that match the color of the enclosure to which the label is affixed.



- (b) *RF warning sticker.* A maximum four (4) inch by six (6) inch sticker shall be affixed to the small cell facility on the side of the facility opposite the direction of the adjacent roadway as may be required by government or utility regulations. Stickers shall use background colors that match the color of the facility to which the label is affixed.
- (c) *Signage.* Signage is prohibited on all small cell facilities and wireless support structures, including stickers, logos, text, and other non-essential graphics and information other than the owner identification unless required by FCC.

(4) Prohibited Wireless Facilities

- (a) Microwave, macro towers, and other wireless backhaul facilities are not permitted within the right-of-way.

(5) Engineering

- (a) All small cell facilities and wireless support structures can have a significant structural, wind and other loading impact. All small cell facilities attachments and new wireless support structures shall be properly engineered to assure safety.
- (b) All structural components of small cell facilities and wireless support structures shall be designed for a minimum of 115 MPH wind velocity in accordance with applicable standards.

(6) Health and Safety

- (a) All small cell facilities and wireless support structures shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety regulations, including without limitation all applicable regulations for human exposure to radiofrequency (RF) emissions.
- (b) The applicant shall certify that radiation is at safe levels by a non-ionizing radiation electromagnetic radiation report (NIER). The NIER report shall be endorsed by a qualified professional. The report shall specify minimum approach distances to the general public as well as electrical and communication workers that are not trained for working in an RF environment (uncontrolled) when accessing the pole by climbing or bucket.

44-7. Effect of Permit

A. Authority Granted

No Property Right or Other Interest Created. A permit from the City authorizes an applicant to undertake only certain activities in accordance with the Ordinance, and does



not create a property right or grant any authority whatsoever to the applicant to impinge upon the rights of others who may already have an interest in the covered area.

B. Duration

Unless construction has actually begun and is diligently pursued to completion at that point, no permit for construction issued under this Ordinance shall be valid for a period longer than twelve (12) months unless both City and applicant agree to a reasonable extension and all required fees are paid for the term regardless of construction. The inability of the applicant to obtain electrical power or backhaul transport services to serve the wireless facility such that it is operational within the twelve (12) months due to the action or inaction of third-party utility providers shall not result in the invalidity of the permit.

44-8. Removal, Relocation or Modification of a Small Wireless Facility in the ROW

A. Notice

Within ninety (90) days following written notice from the City, an applicant shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any SWF within the rights-of-way whenever the City, in its reasonable discretion, has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.

B. Emergency Removal or Relocation of Facilities

The City retains the right to cut or move any SWF support structure located within its rights-of-way as the City, in its reasonable discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the applicant and provide opportunity to move its own SWF prior to the City cutting or removing a SWF and the City shall notify the applicant after cutting or removing a wireless facility.

C. Abandonment of Facilities

Upon abandonment of a SWF within the City rights-of-way, the applicant shall notify the City within ninety (90) days of such abandonment. Following receipt of such notice the City may direct the applicant to remove all or any portion of the SWF if the City, in its sole discretion, determines that such removal will be in the best interests of the public health, safety, and welfare.

D. Abandonment by Inaction

At any point when an applicant fails to pay any required fee, or annual payment to the City, and fails to respond within sixty (60) days to a written inquiry from the City as to whether the applicant intends to continue to operate a SWF, for whatever reason, the SWF shall be



deemed abandoned and the City may, at its sole option, remove all or any portion of the SWF, or take other action as authorized by law, including recovery of actual costs incurred in removing the SWF.

44-9. Severability

In the event any title, subtitle, section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or work of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Ordinance.

44-10. Effective Date

This Ordinance shall be effective upon second reading.

This ordinance shall become effective upon and after its final passage.

Passed on First Reading: _____

Passed on Second Reading _____

CITY OF MAULDIN, SOUTH CAROLINA

BY: _____

Terry Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

John Duggan, City Attorney



BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: February 10, 2020

AGENDA ITEM: 6a

TO: Building Codes Committee
FROM: Business & Development Services Director, David C. Dyrhaug
SUBJECT: **Rezoning for 317 Miller Road**

OWNER(S):	Marc and Mike Aleksinas, Robinwood LLC
AUTHORIZED REP(S):	N/A
TAX MAP NUMBER(S):	M008.04-01-009.02
LOCATION:	317 Miller Road
CURRENT ZONING:	R-12, Residential
REQUESTED ZONING:	S-1, Services
SIZE OF PROPERTY:	Approx. 1 acre

REQUEST

The City of Mauldin has received a signed petition requesting the rezoning of a tract of land pursuant to Section 4:2 of the Mauldin Zoning Ordinance. This petition includes approximately 1 acre located at 317 Miller Road. The applicant has requested that this property at 317 Miller Road be rezoned from R-12, Residential, to S-1, Services. The purpose of the rezoning is to expand their paved area at 25 Ellwood Court which sits behind 317 Miller Road.

HISTORY/BACKGROUND

There is currently an empty house in disrepair on the property. It is reported that the former property owner stripped much of what had value out of the home which, at least in part, has contributed to its state of disrepair. The home also has had signs of break-ins. Regardless of the zoning designation, the property owner intends to remove the home because it represents a liability for the property owner.

The property owner also owns the business, Metal Chem Inc., on the property at 25 Ellwood Court which is directly behind 317 Miller Road. The owner of Metal Chem Inc. purchased the property at 317 Miller Road last year. The purpose of this rezoning is to expand their paved area at the back of their existing facility. This expansion would only affect the back portion of 317 Miller Road. The applicant intends to



preserve much of the large trees at 317 Miller Road and add some landscaping along the front of 317 Miller Road.

ZONING ANALYSIS

Existing Zoning Classification

The R-12 district is a low-density residential district in which the principal use of land is single-family dwellings. Recreational, religious, and educational facilities may also be permitted in this district. The intent of this district is to protect the residential character of neighborhoods and provide a suitable environment for single-family living.

Proposed Zoning Classification

The S-1 district provides a transition between commercial and industrial areas. This district allows: (1) commercial uses which are service related; (2) service-related commercial uses which sell merchandise related directly to the service performed; (3) commercial uses which sell merchandise which requires storage in warehouses or outdoor areas; and (4) light industries which in their normal operations would have a minimal effect on adjoining properties. Facilities and operations in this district are not permitted to produce noxious odors, fumes, smoke, dust, or noise that would impact adjacent properties.

Surrounding Development/Zoning

These properties are surrounded by the following zoning and land uses:

Direction	Zoning District(s)	Existing Use(s)
North	S-1 (City)	Metal Chem, Inc.
South	R-12 (City)	Parkwood subdivision
East	S-1 (City)	Multiple businesses including Promotions Unlimited and Signatures Company
West	S-1 (City)	Psychoteherapist office

Comprehensive Plan Analysis

The Future Land Use Map for the property included in this rezoning request is designated as Employment Center which supports the S-1 zoning district.

NEIGHBORHOOD MEETING

On December 18, 2019, the applicant conducted a neighborhood meeting. Approximately two neighbors attended this meeting, not including city staff members and the applicant. The neighbors in attendance primarily asked about the intent for the existing home and if truck traffic would increase on Miller Road.

Regarding the existing home, the applicant indicated that they plan to remove the home for health and safety reasons. When asked if they would entertain moving the home, the applicant replied that he would make the home available for free to anyone who would like to move the home from the property.



Regarding the truck traffic, the applicant indicated that truck traffic would continue to use Ellwood Court and Old Mill Road as trucks travel to Highway 276. Ellwood Court was purposefully designed for truck access.

PLANNING COMMISSION MEETING

On January 28, 2020, the Planning Commission conducted a public hearing for this rezoning. Aside from the applicant, there was one person who spoke at this hearing, Ms. Ann Marie Smith, who resides outside the City limits at 505 Miller Road. Ms. Smith commented about the age and history of the house at 317 Miller Road and expressed that she would like to see the house saved.

The applicant reiterated that the home is available for free to anyone who would like to move the home from the property. The applicant has shown the home to a few interested parties so far and will continue to show the home to others who might consider moving it. But, due to its current state of disrepair, the home will need to be removed because it is a liability for the applicant. The applicant expressed that he purchased the property for the land.

The Planning Commission expressed their sympathies for the age and history of the house at 317 Miller Road and spent considerable time discussing the preservation of the house. They encouraged the applicant and staff to continue to seek opportunities for the house to be saved and removed to another property if possible. However, they also recognized that the preservation of the house is a separate issue from the rezoning. The applicant already has the right today to demolish the house under the current zoning of the property.

REVIEW CRITERIA

The Mauldin Zoning Ordinance does not contain any specified criteria that should be considered by the Planning Commission when reviewing requests for rezoning. However, the following criteria are typical of those used by other jurisdictions.

- A. Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Plan, recent development trends, and the general character of the area;
- B. Suitability of the site's physical, geological, hydrological and other environmental features to support the breadth and intensity of uses that could be developed in the proposed zoning district;
- C. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, ability to develop adjacent properties under existing zoning, and potential influence on property values;
- D. Capacity of public infrastructure and services to sufficiently accommodate all potential uses allowed in the proposed district without compromising public health, safety or welfare; and
- E. Public need for the potential uses permitted in the requested zoning district.

STAFF FINDINGS

Based on the above criteria, staff provides the following findings for consideration of the proposed request.



A. ***Comprehensive Plan Consistency***

The proposed rezoning to S-1 is consistent with the Employment Center designation listed in the Comprehensive Plan.

B. ***Suitability of the Site***

There are no apparent floodplains, wetlands, or topographic constraints on the site. Staff is not aware of any issues pertaining to the suitability of the site for the intentions expressed by the applicant.

C. ***Compatibility of the Development***

This property is bounded on three sides by the S-1 district and various businesses. The applicant has expressed his intent to primarily expand their paved area at their 25 Ellwood Court facility which would only affect the back portion of this property at 317 Miller Road. Further, the applicant has expressed his intent to install some landscape improvements along the front of this property at 317 Miller Road.

D. ***Infrastructure Capacity***

Although the applicant does not need utilities for their intended project, all utilities, including water and sewer, are available on site.

E. ***Public Need***

This project is being presented as an opportunity to aid an existing business at 25 Ellwood Court.

TIMELINE

On December 19, 2019, staff received the signed petition for the rezoning of this tract.

On December 18, 2019, the applicant conducted a neighborhood meeting. See details above.

On January 28, 2020, the Planning Commission voted 6-0 to recommend approval of the requested rezoning for the property at 317 Miller Road. See details above.

RECOMMENDATION

Based on its findings, staff supports the applicants' request to rezone this property from R-12, Residential to S-1, Services.

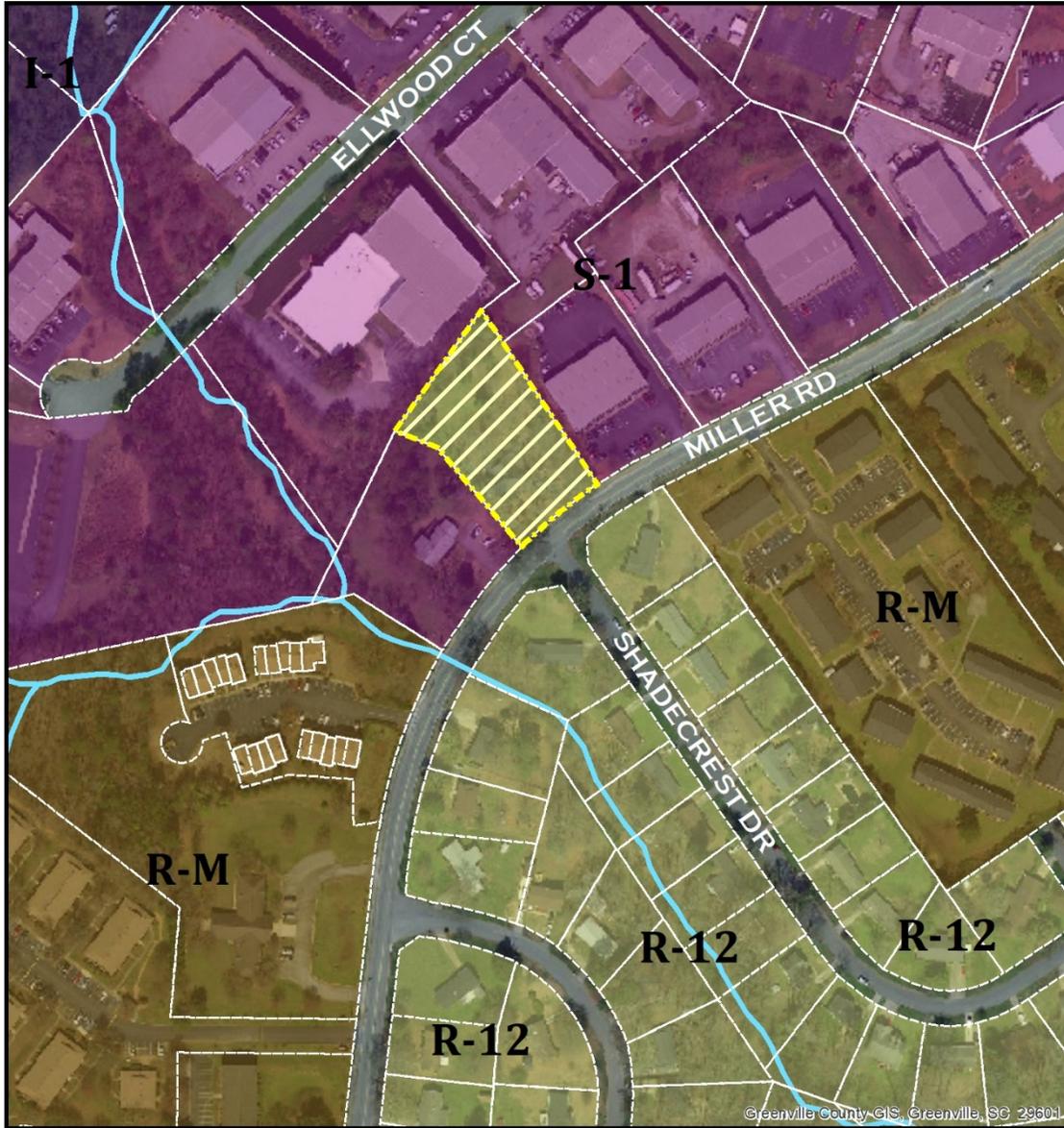
Recommended Motion: I move that the requested rezoning for the property at 317 Miller Road be forwarded to City Council for consideration.

ATTACHMENTS

- Exhibit A: Zoning Map
- Exhibit B: Survey
- Exhibit C: Neighborhood Meeting Information
- Exhibit D: Proposed Ordinance



EXHIBIT A: ZONING MAP



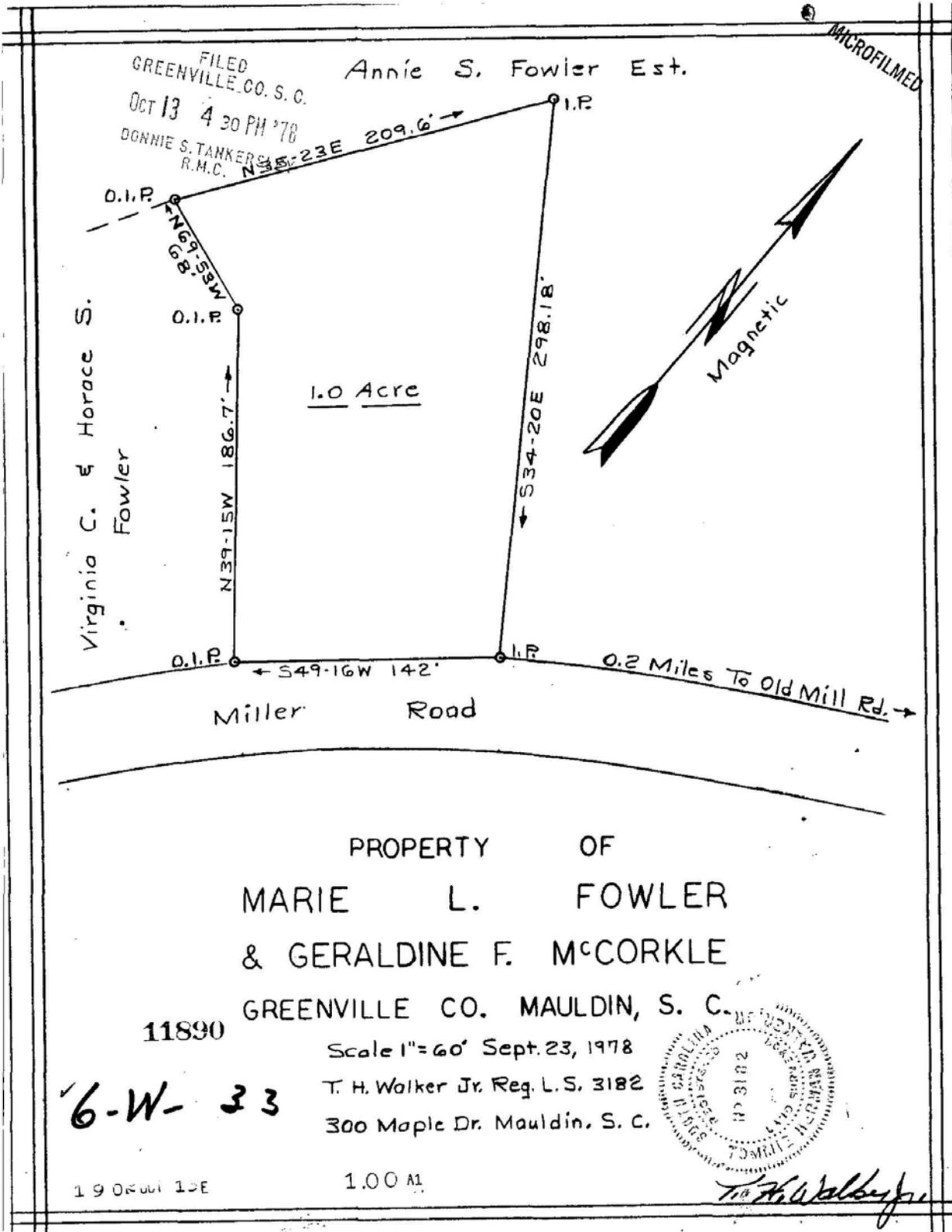
Legend

- Subject Property
- Water Body
- Parcels

Created on January 17, 2020

Reproduction of this map is prohibited without permission from the City of Mauldin.

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NOTICE

TO: Property Owner
FROM: Marc Aleksinas and Michael Aleksinas, Robinwood LLC
DATE: December 4, 2019
RE: 317 Miller Road Rezoning

I am making an application to the City of Mauldin to rezone approximately 1 acre at 317 Miller Road. This property is currently zoned as residential (R-12 district). I am seeking to rezone this property the same as the zoning on both sides of the property (S-1 district). I currently own the building behind this property at 25 Ellwood Court and this rezoning will allow me to expand the paved area at 25 Ellwood Court. I also plan to clean up the property and plant new trees and landscaping at the property at 317 Miller Road, so that it looks better from the road than it does currently.

You are receiving this notice because the City of Mauldin's rezoning procedures provide that I send out a courtesy notice to all persons or entities that own property within 200 feet of the property I am seeking to rezone.

If you have any questions about this application, you are welcome to contact me at MarcAleksinas@yahoo.com. Alternatively, you are welcome to join me at a meeting on December 18th at 6:00 PM at the Mauldin Cultural Center at 101 E Butler Rd, Mauldin, SC 29662. I will be available to answer questions at this meeting.

Regards, Marc and Michael Aleksinas

Building Codes Committee Meeting



317 Miller Road Meeting	
December 18, 2019 6:00:00 PM	
Attendee Name	Address
1 AnneMarie Smith	505 Millen Rd Greenville, S.C.
2 DAVID DYRHAUG	5 E BUTLER RD, MAULDIN
3 Marc Aleksius	316 Byrd Blvd, Greenville, SC 29605
4 John Lott	315 Miller Rd.
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6:00 PM December 18, 2019 317 Miller Road Zoning Meeting Notes

Meeting Attendees: Ann Marie Smith, David Dyrhaug, John Libby, Marc Aleksinas, Mike Aleksinas

Before the presentation, Ann Marie let us know some history of the house at 317 Miller Road, which is among the older houses in Mauldin.

Ann Marie: What do you plan to do with the house?

Marc Aleksinas: We plan to remove the house. It is falling apart as you will see in the pictures. Also the house contains asbestos, which poses a health risk.

Ann Marie: Would you consider moving the house?

Marc Aleksinas: We would be open to having anyone move the house off the property.

Mike Aleksinas: It could fall apart. It is not in good condition. But, if you can move it, you can take it.

Ann Marie: When would you take down the house?

Marc Aleksinas: Within the next few months.

At this point, we reviewed the power point presentation on the purpose of rezoning to accommodate a larger concrete pad for 25 Ellwood Court. (The presentation is included.)

Of note, Ann Marie confirmed there was a break-in at 317 Miller Road in January of 2019.

John Libby: Would you have trucks entering and leaving Miller Road?

Marc Aleksinas: We may have trucks a couple of times per month leaving from the Miller Road side. But, the Ellwood Court road is wider and easier to accommodate trucks entering and leaving. Also, I'd think that would be easier to get to Old Mill Road to 276 and 85 by using Ellwood Court.

There was much conversation about the previous owner Bill Goodman and how the house had become run down to disrepair over the last 10 years.



Improving 317 Miller Road

Marc Aleksinas
Mike Aleksinas



Rezoning Meeting

December 18, 2019 at Mauldin Cultural Center

Robinwood



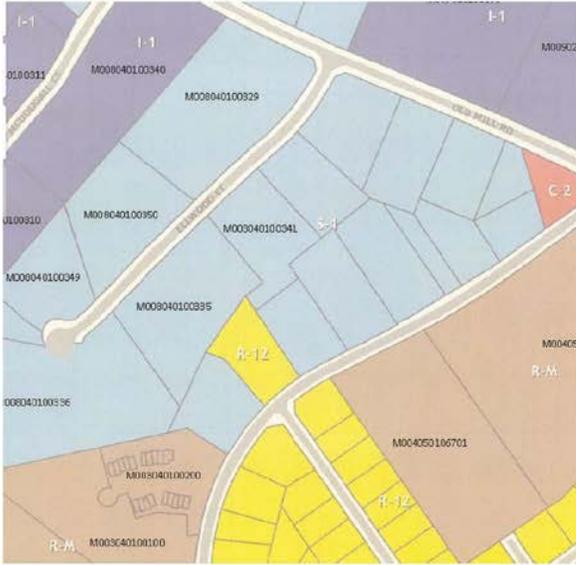
Items to Improve by Rezoning

- A. Current Zoning.
- B. Remove house in disrepair.
- C. Reduce crime potential.
- D. Maintain the property.
- E. Repurpose the rear of the property.
- F. Add landscaping.

Robinwood



A. Current Zoning for 317 Miller Road



- The current zoning is R-12.
- All four adjacent properties are zoned S-1.
- Reclassifying zoning as S-1 would allow for improvements to its current state.

Robinwood



B. Remove House in Disrepair



Robinwood



B. Remove House in Disrepair



Robinwood



B. Remove House in Disrepair



Robinwood



C. Reduce Crime Potential



1. 317 Miller Road's back door shows evidence of a break-in.
2. An unused, derelict house may attract unwanted vagrants and worse.

Robinwood



D. Maintain the Property

Improvements made at 25 Ellwood Court

Before



After



Robinwood



E. Repurpose the Rear of the Property



The area in red would be where improvements would be made to the concrete rear of 25 Ellwood Ct. The area is approximate.

Image from www.gcgis.org/apps/greenvillejs/

Robinwood



F. Improve Landscaping



- The lot at 317 Miller Rd would be improved with fresh landscaping.
- Many of the old growth trees will remain.
- As Robinwood has improved the appearance of 25 Ellwood Ct, 317 Miller Road will look much better than its current state.

Image is the rear of GE along Feaster Road.

Robinwood



Questions?

Thank you for coming. If you need to get in touch with us, please email MarcAleksinas@yahoo.com

Robinwood



ORDINANCE # _____

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 317 MILLER ROAD (TAX MAP PARCEL: M008.04-01-009.02) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Robinwood, LLC, has petitioned the City of Mauldin to rezone 1+/- acres from the R-12, Residential District to the S-1, Services District; and

WHEREAS, a rezoning of the parcel is in keeping with the City of Mauldin 2014 Comprehensive Plan Update and Future Land Use Map; and

WHEREAS, the rezoning of the parcel to S-1 is not detrimental to adjacent parcels or the immediate surrounding area, and

WHEREAS, the Mauldin Planning Commission has given favorable recommendation to the zoning application; and

NOW THEREFORE BE IT ORDAINED by the mayor and City Council of the City of Mauldin, South Carolina, in council assembled and by the authority thereof

Section 1.

That the property described in zoning docket PC-2020-01-RZ and Greenville County Tax Map Parcel M008.04-01-009.02 be rezoned from R-12, Residential, to S-1, Services.

The property is further identified on the attached exhibits that are hereby incorporated into this ordinance.

- Exhibit 1. Zoning Map
- Exhibit 2. Property Map

Section 2.

This ordinance shall become effective upon and after its final passage.

Passed on First Reading _____

Passed on Second Reading _____

CITY OF MAULDIN, SOUTH CAROLINA

ATTEST:

BY: _____
Terry Merritt, Mayor

Cindy Miller, Municipal Clerk

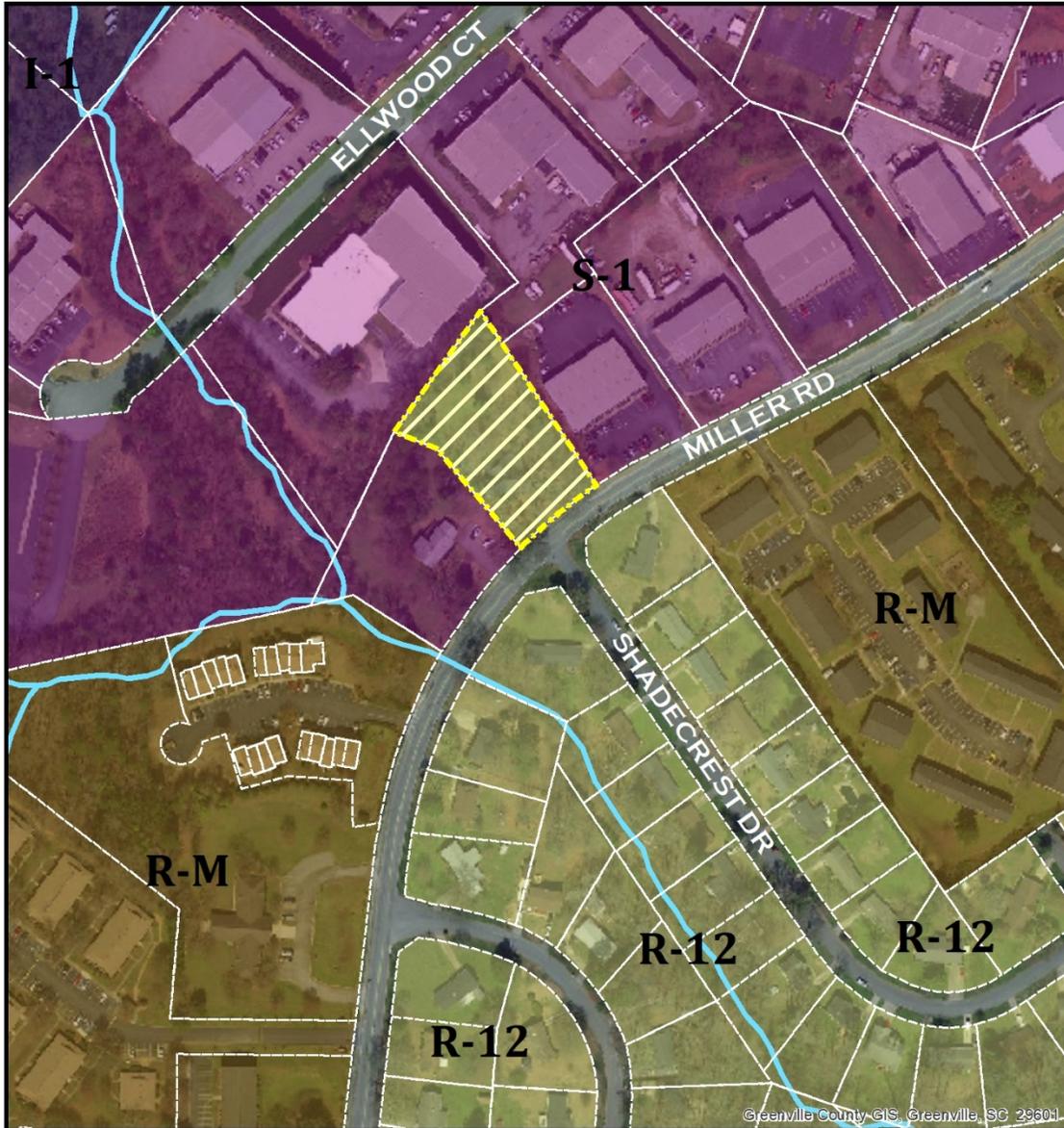
APPROVED AS TO FORM:

John Duggan, City Attorney



EXHIBIT 1

ZONING MAP



Greenville County GIS, Greenville, SC 29601

Legend

-  Subject Property
-  Water Body
-  Parcels




Created on January 17, 2020

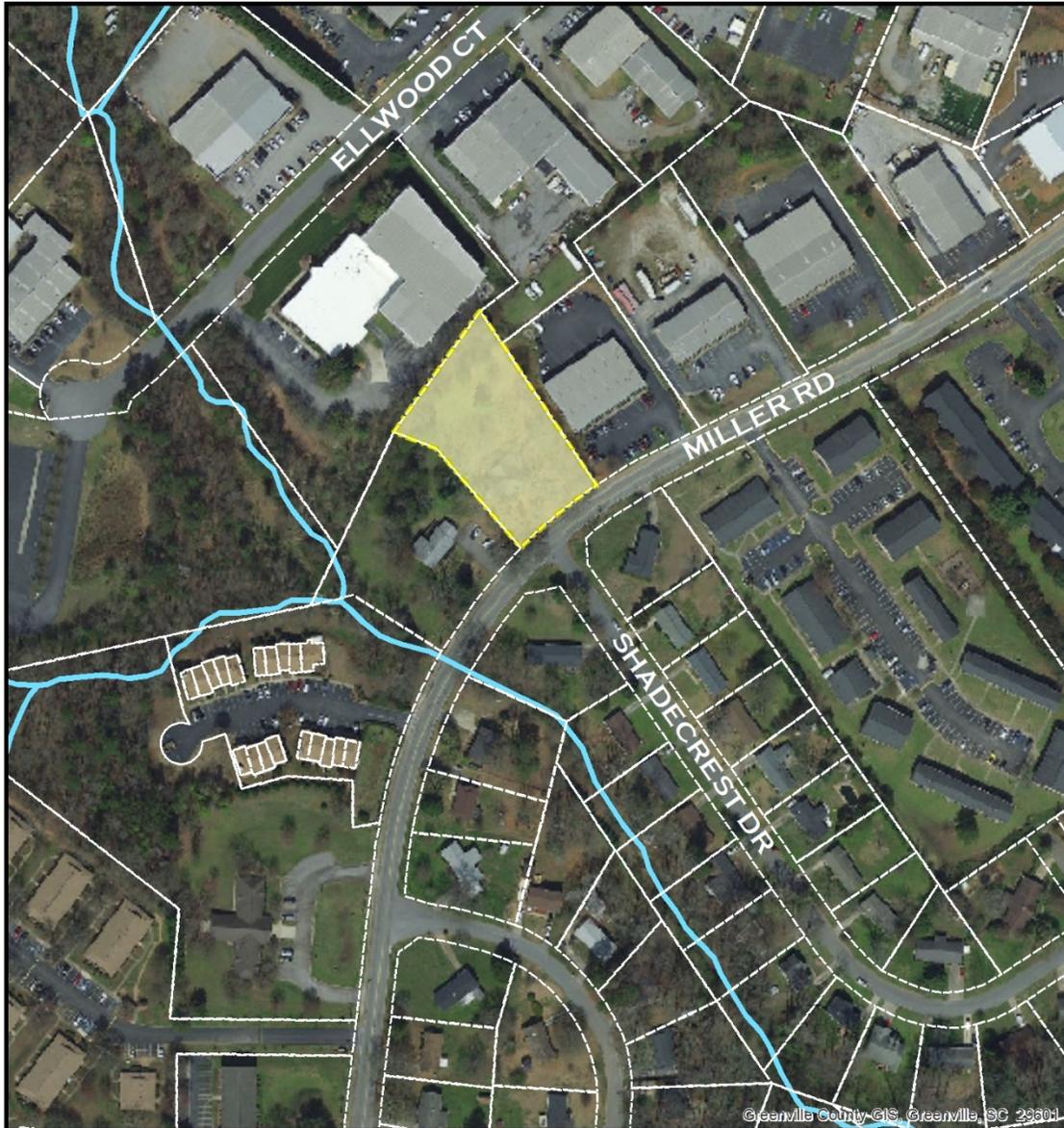
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EXHIBIT 2

PROPERTY MAP



©Greenville County GIS, Greenville, SC 29601

Legend

-  Subject Property
-  Water Body
-  Parcels



Created on January 17, 2020

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BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: February 10, 2020

AGENDA ITEM: 6b

TO: Building Codes Committee

FROM: Business & Development Services Director, David C. Dyrhaug

SUBJECT: Amendment to Multi-Family Dwellings Conditional Standards

BACKGROUND

In 2017, the City of Mauldin adopted an ordinance to allow multi-family housing as a conditional use in the C-1, C-2, and S-1 zoning districts. This came about because a group had desired to develop senior living apartments on Verdin Road. At that time, the zoning of that property, S-1, would not allow for apartments. Typically City staff would have helped the applicant navigate the rezoning process. However, in this particular case, the property owner selling the property had no desire to rezone the property before the property was sold and the developer did not want to close on the sale of the property unless the property had been rezoned. To help with this impasse, City staff introduced the ordinance that would allow multi-family housing as a conditional use.

INTENT OF ORDINANCE

The intent of the ordinance adopted in 2017 was to facilitate mixed-use development patterns within the City. The conditional standards for being able to develop multi-family housing in the C-1, C-2, and S-1 zoning districts focused mostly on architectural design.

Since 2017, City staff has been able to practice the application of this ordinance on at least two development projects: the senior living apartments on Verdin Road currently under construction and an apartment project on N. Main Street currently undergoing plan review. City staff is also beginning to receive several additional inquiries about constructing apartments in other commercial areas of the City.

At this time, City staff would like to introduce amendments to this ordinance that, in staff's opinion, would strengthen the intent of the ordinance to produce mixed-use development at pedestrian scale while introducing some additional placemaking design principles.

Further, some of the inquiries staff is receiving are for areas such as business parks and industrial areas. These amendments being introduced also include the protection of the City's employment centers from being infiltrated and overtaken by multi-family housing. Staff would prefer to study this issue some more before potentially allowing multi-family housing in the City's employment areas.



SUMMARY OF PROSPECTIVE AMMENDMENTS

In order to facilitate the above intent, the attached ordinance includes the following amendments:

1. *Maximum density.* Simplifies the maximum density allowed for multi-family residential projects by setting the maximum at 20 units per acre.

Comment: Currently, multi-family residential projects in the C-1, C-2, and S-1 districts are allowed a base density of 16 units per acre with an ability to receive a bonus of up to 20 units per acre if they include ground floor retail or construct the building along the front of the property fronting a wide sidewalk. Those bonus provisions have been incorporated into the attached ordinance as requirements. Therefore, it is no longer necessary to have different tiers for maximum density.

2. *Mixed use design.* In order to promote a more active pedestrian environment, principal structures with ground floor retail are required to front primary rights-of-way. This includes a provision that these structures should be built close to the front property line (not set back further than 10 feet).
3. *Parking location.* In order to facilitate a better pedestrian design, parking lots are required to be located in the side or rear yards of multi-family residential buildings and are prohibited between multi-family structures and the right-of-way.
4. *Public sidewalk.* In order to facilitate better pedestrian design, an 8-foot-wide sidewalk is required along the primary rights-of-way.
5. *Amenity zone.* A 4-foot-wide amenity zone, consisting of landscape plantings and pedestrian amenities such as benches, bicycle parking, planters, public art, etc., is required along the primary rights-of-way.
6. *Civic space.* In order to promote better placemaking and to create outdoor gathering spaces, an outdoor civic plaza is required in a prominent location of the development project, usually adjacent to a primary right-of-way.
7. *Prohibited locations.* In order to protect current and future opportunities for employment centers, multi-family residential is prohibited in business park areas such as Brookfield, Old Mill Road, and Old Stage Road.

The attached ordinance also contains the following minor amendments:

1. *Entrances.* The requirements for orienting entrances to the street have been reworded for clarity. A requirement for a porch or stoop area has been added.
2. *Building façades.* Vents and downspouts need to be incorporated into the design. Upper-story decks and patios need to avoid direct views in the private spaces of adjacent single-family homes.



3. *Fenestration.* In addition to including a minimum level of windows (40%) along the ground floor street-facing façade, a minimum level of windows (20%) is required along other façades.
4. *Roof form.* Pitched roofs need to include variation in their design. Green roofs have been listed as an acceptable roof form.
5. *Façade materials.* Language for façade material changes along horizontal lines has been added. Accessory buildings and structures need to use similar materials and styles as the primary building(s).

PLANNING COMMISSION MEETING

On January 28, 2020, the Planning Commission conducted a public hearing for these amendments. No public comments were provided.

During its discussion and review, the Planning Commission recommended three adjustments to the proposed ordinance:

1. Prohibit off-street parking between multi-family structures and the right-of-way (for the purpose of emphasizing the pedestrian environment);
2. Add a definition for “primary right(s)-of-way”; and
3. Add a requirement for a planting strip or amenity zone between the edge of the street and the sidewalk.

These adjustments have since been added to the proposed ordinance.

TIMELINE

On January 28, 2020, the Planning Commission voted 6-0 to recommend approval of the proposed amendments with the inclusion of some adjustments noted above.

RECOMMENDATION

Staff supports the amendments included in the proposed ordinance.

Recommended Motion: I move that the proposed amendments regarding multi-family housing in commercial districts be forwarded to City Council for consideration.

ATTACHMENT

Proposed Ordinance



ORDINANCE # _____

AN ORDINANCE TO AMEND SECTION 10:13, MULTI-FAMILY DWELLINGS: C-1, C-2, AND S-1 DISTRICTS, IN THE MAULDIN ZONING ORDINANCE.

WHEREAS, the City of Mauldin Comprehensive Plan encourages mixed-use development patterns that reduce the need for short-distance automobile trips; and

WHEREAS, the City of Mauldin finds that the proximity of housing to jobs and shopping activities can achieve traffic reduction by the internal capture of home-work, home-shopping, and work-shopping trips; and

WHEREAS, the City of Mauldin adopted an ordinance on September 18, 2017, to allow multi-family housing as a conditional use in the C-1, C-2, and S-1 zoning districts; and

WHEREAS, the City desires to further facilitate mixed-use development opportunities in appropriate locations; and

WHEREAS, the City desires to strengthen the standards for mixed-use development projects; and

WHEREAS, pursuant to properly published public notice, the Mauldin Planning Commission first considered this matter at a public hearing on January 28, 2020.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Mauldin, South Carolina, in council assembled and by the authority thereof that the Mauldin Municipal Code be amended as follows:

Section 1 Amendment. Amend Section 10:13, Multi-family Dwellings: C-1, C-2, and S-1 Districts, of the Mauldin Zoning Ordinance, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language is not ~~struck through~~ or underlined is not to be changed, and *** represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

Sec. 10:13 – Multi-family Dwellings: C-1, C-2, and S-1 Districts.

This section establishes design standards for multi-family dwellings in the C-1, C-2, and S-1 zoning districts. These standards are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing design principles, which can result in creative solutions that will facilitate mixed-use development opportunities, develop a satisfactory visual appearance, preserve taxable values, and promote the public health, safety, and general welfare. These standards are supplemental to other regulations which would otherwise apply.



A. *Maximum density.* The maximum density shall not exceed ~~sixteen (16)~~ twenty (20) dwelling units per acre. ~~Notwithstanding the maximum density may be increased to a maximum of twenty (20) dwelling units per acre if the multi-family residential development project meets one (1) of the following criteria:~~

- ~~1. The ground floor of the applicable principal structure(s) shall be entirely occupied or reserved for occupancy by retail or commercial uses;~~
- ~~2. The applicable principal structure(s) shall front a public sidewalk not less than eight (8) feet in width and shall not be set back further than ten (10) feet from the front property line. Furthermore, no off-street parking shall be located between the principal structure(s) and the front property line;~~
- ~~3. The entire project qualifies as a service-based senior living facility. As used herein, a service-based senior living facility shall mean a facility which provides both services and housing restricted to persons generally fifty-five (55) years of age and older. Examples of such services may include security, concierge, enriching activities, dining, religious services, and housekeeping.~~

B. *Mixed use design.*

1. Multi-family residential development shall create an environment of vitality through the inclusion and careful design of non-residential uses that generate activity.
2. Principal structures shall be provided along all primary rights-of-way and shall not be set back further than ten (10) feet from the right-of-way line.
3. The ground floor of structures along the primary rights-of-way shall be entirely occupied or reserved for occupancy by compatible retail or service uses.

C. *Primary right-of-way*

1. The right-of-way represents an opportunity for activity and liveliness, not just driving. The intent of these standards is to expand the public realm and provide greater opportunity for pedestrian activity and in-person interactions.
2. Multi-family residential development shall provide a primary right-of-way designed for pedestrian activity. As used herein, a primary right-of-way shall mean an existing right-of-way which abuts the development project and/or a right-of-way environment created internally within the project. Whether existing or created, this primary right-of-way environment shall be linear in design adjacent to the principal structure(s) of the development and shall consist of basic right-of-way features including vehicular lanes of travel and public sidewalks.
3. Where multi-family residential development abuts an arterial and/or collector street, the existing right-of-way for that arterial and/or collector



street shall be considered a primary right-of-way, in addition to any created right-of-way environment.

4. In addition to any existing primary right-of-way that abuts the project, multi-family residential development projects with at least 100 dwelling units shall include a primary right-of-way environment created internally within the project along a reasonable extent proportional to the development. This created right-of-way environment shall be located and designed as a focal feature of the development. A right-of-way environment may be created along private drives.
5. In addition to the vehicular lanes of travel, the primary right-of-way shall at a minimum include the following elements: (1) a pedestrian zone, and (2) an amenity zone.
6. The pedestrian zone shall consist of a public sidewalk not less than eight (8) feet in width along the entire length of the primary right-of-way.
7. The amenity zone shall consist of landscape plantings and pedestrian amenities such as benches, bicycle parking, planters, public art, etc. The amenity zone shall not be less than four (4) feet in width.
8. The Business and Development Services Director may approve alternative designs for the primary right-of-way as well as alternative minimum widths for the pedestrian zone and/or amenity zone where the intent of these standards is still achieved and where normal compliance is impractical or impossible.

E. D. Pedestrian walkways.

1. Pedestrian walkways at least four (4) feet in width shall be provided between buildings, streets, driveways, community spaces, and off-street parking.
2. Sudden changes of grade or sharp turns resulting in “blind spots” are discouraged.
3. Walkways shall transect common open space to enhance visual access while minimizing conflicts between vehicles, bicycles, and pedestrians.
4. Entry points and intersections of pedestrian walkways should be framed by landscaping consisting of plant, lighting, and hardscape materials scaled to the pedestrian context.

E. Civic space.

1. Multi-family residential development shall provide an outdoor plaza. Because they provide access to the outdoors and serve as public gathering places, these civic spaces are important to the health and vibrancy of the community.
2. For the purposes herein, a plaza shall mean an outdoor hardscaped area that is usually framed by buildings and streets and that provides amenities for pedestrians such as seating, shade, and ornamental features like fountains, art, and landscaping.



3. Plazas shall not be made up of residual space left after buildings are placed on a site (i.e., along sound walls, tucked into corners, or the like). Rather they shall be centrally and prominently located in a manner that is visible and easily accessible, usually adjacent to a primary right-of-way.
4. Plazas shall generally be regular in shape (i.e., rectangular, square, etc.).
5. The vibrancy and vitality of a plaza is directly related to the uses in buildings directly adjacent to the space. At least 50 percent of a building's frontage on a plaza shall be occupied by compatible retail or service establishments allowed under the applicable underlying zoning district. These uses may include uses such as restaurants, supermarkets, shopping stores, and personal care services. Certain uses are discouraged because they are incompatible with the goal of providing pedestrian activity. These may include wholesale establishments, automobile sales and services, parking garages and parking lots, contractor and construction services, and manufacturing establishments.
6. To ensure that a connection between buildings and plazas is maintained, principal building entrances shall be located on the plaza or within 10 feet of the space for any building adjacent to the civic space.
7. All new building walls fronting onto a plaza shall be treated with clear, untinted transparent material at least 50 percent of the surface area below 14 feet above the plaza level or the ceiling level of the ground floor, whichever is lower. Any non-transparent area of a new or existing building wall shall be treated with a decorative element or material, or screened with planting to a minimum height of 15 feet above the plaza level.
8. To facilitate access into plazas from adjacent sidewalks, at least 50 percent of the front of the space that abuts the sidewalk shall be free of obstructions.
9. Plazas shall provide at least one linear foot of seating for every 30 square feet of plaza.
10. Plazas shall provide at least two different seating types. Acceptable seating types include: moveable seating, fixed individual seats, fixed benches, seat walls, planter ledges, and seating steps.
11. In order to make plazas feel safe and inviting, abundant and well-designed lighting at adequate levels shall be provided. A minimum 2 horizontal foot candles is required for all walkable and seating areas. All light sources shall be shielded from direct view.
12. Plazas shall provide trash receptacles of sufficient size and quantity. One receptacle shall be provided for every 1,200 sq. ft. or fraction thereof. All receptacles shall have a minimum capacity of 25 gallons and a minimum opening of 12 inches.
13. In order to create comfort, shade, and textural variety, plazas shall provide trees and other planted areas. At least 15 percent of the space shall be comprised of planted areas, in the form of planting beds, groundcover or accessible lawns.
14. A minimum number of trees shall be provided within the space in accordance with Table 10.13.1. Trees shall be at least 3 inches in caliper at



the time of planting. Trees shall be surrounded by a porous surface at least 5 feet in width that allows water to penetrate to the tree roots.

15. The plaza shall be sized accordingly:

Table 10.13.1

<u>Number of Dwelling Units</u>	<u>Minimum Area</u>	<u>Minimum Width</u>	<u>Minimum Number of Trees</u>
0-9 units	400 sq. ft.	20 ft.	1
10-19 units	800 sq. ft.	30 ft.	2
20-49 units	1,200 sq. ft.	40 ft.	3
50-99 units	1,600 sq. ft.	50 ft.	4
100+ units	2,400 sq. ft.	60 ft.	5

~~I~~ F. Parking location.

1. Parking areas shall be located and designed to reduce or eliminate visual and operational impacts on surrounding land uses.
2. Parking structures, when included, shall provide:
 - a) Building façade treatments and materials similar to façades with residential units;
 - b) Clear sight lines of abutting streets, driveways, and pedestrian pathways;
 - c) Light-colored interior walls and ceilings; and
 - d) Adequate and uniform interior lighting without glare to surrounding properties.
3. All off-street parking shall be located within parking structures or in the side or rear yards of multi-family residential buildings. No off-street parking shall be located between the plane of any front wall of a principal structure and any adjacent primary right-of-way.
4. Garage doors or vehicular entrance points to parking structures shall be located at least ten feet behind the street-facing building façade.

~~B~~ G. Orientation.

1. Multi-family residential buildings shall be configured in a manner that activates street fronts and enhances pedestrian activity by orienting buildings and entrances towards adjacent streets, sidewalks, and open spaces.
2. ~~Principle~~ Principal buildings shall be sited to maximize natural ventilation, solar access, and access to views, to the maximum extent practicable.

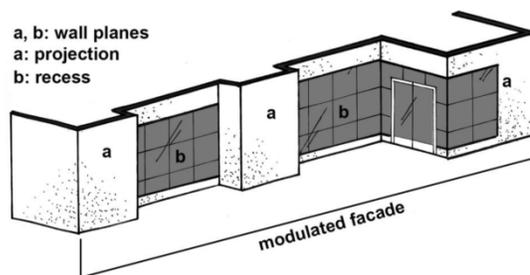
~~C~~ H. Entrances.



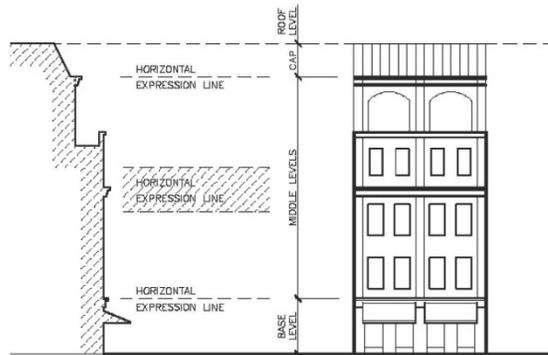
1. All entrances shall be adequately illuminated and oriented to promote natural surveillance.
- ~~2. The main entrance of each principal building must face the street. On corner lots, the main entrance may face either of the streets or be oriented to the corner. With buildings that have more than one (1) main entrance, only one (1) entrance must meet this requirement.~~
2. Street-level, street-facing multi-family dwelling units shall have a street-oriented entrance or, in-lieu thereof, a shared street-oriented entrance for every two street-level, street facing units.
3. Street-facing entrances for individual dwellings should include at least 36 square feet of usable porch or stoop area that is elevated above street level to create a separation of public and private space and to help activate the street.
- ~~3~~ 4. Shared building entrances shall be pedestrian-scaled and covered with canopies or overhangs.
- ~~4~~ 5. Exterior open stairways and corridors serving more than one (1) dwelling unit and facing a public street or residential zoning district are prohibited.

~~D~~ I. *Building façades.*

1. Buildings shall incorporate varied massing and design across long façades. Building walls shall be articulated at a minimum of every fifty (50) feet. Articulation may include modulating building elements such as recesses, projections, expressed entries, building form, columns, pilasters, colonnades, arcades, and/or other clearly expressed architectural details. No horizontal section of the building façade shall exceed fifty (50) feet without incorporating visible changes in the façade elevation.



2. In order to modulate their scale, buildings at least three (3) stories in height shall individually articulate the base, middle, and cap through the use of expression lines, cornices, string cornices, step-backs, or similar articulating feature. For the purposes of this section, the base generally includes the ground floor of the building, including entryways and windows; the middle is generally described as the upper stories of a building and typically features windows and/or balconies; and the cap includes the area from the top floor to the roof of the building.



3. For buildings at least three (3) stories in height, upper story decks or patios should be configured to avoid direct views into the private spaces of adjacent residential uses.
4. The articulation of buildings pursuant to this section shall include at least three (3) of the following:
 - a) Awnings or other weather protection for pedestrians;
 - b) Distinct changes in texture and color of wall surfaces;
 - c) A covered front porch or other designated gathering area occupying at least twenty-five (25) percent of the front façade width;
 - d) Vertical accents or focal points such as towers, spires, cupolas, window walls, or widow walks;
 - e) Distinctive window trim including lintels and sills;
 - f) Art work or bas relief;
 - g) Repetitive ornamentation, including decorative features such as wall-mounted light fixtures, with a maximum spacing of fifty (50) feet; or
 - h) Other comparable elements, as approved by the Business and Development Services Director.
5. Vents, exhaust vents, and downspouts shall be incorporated into the overall design.
6. Upper-story decks or patios shall be configured to avoid direct views into the private spaces of adjacent single-family dwellings.

~~E~~ J. *Fenestration.*

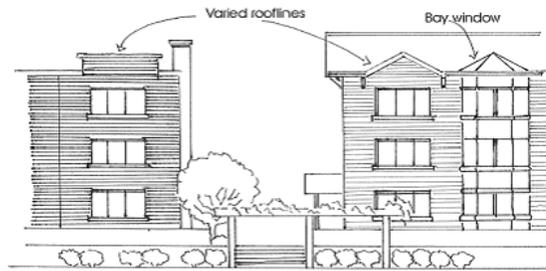
1. At least ~~twenty five (25)~~ forty (40) percent of the area of a ground floor street-facing façade must include windows and/or main entryways. All other building façades shall have a minimum glazed area of twenty (20) percent.
2. Windows on side façades shall be positioned to avoid direct views into the windows of an existing adjacent residential dwelling.



3. Windows and doors of proposed dwellings shall allow for casual surveillance of the parking and common open space areas.
4. Windows shall complement the rhythm, size, proportion, and trim of adjacent residential buildings.

~~F~~ K. *Roof form.*

1. For buildings at least three (3) stories in height, roof lines shall vary and be expressed in a visually interesting manner that complements the composition of the building and the surrounding area. This can be achieved through the use of dormers, varied cornice lines and/or ~~parapets~~ varied parapet lines, and other similar architectural features.



2. Pitched roofs shall include variation in planes, slopes, and features.
- ~~2~~ 3. Overhanging eaves and roof rakes on gable ends shall extend at least six (6) inches past the supporting walls.
- ~~3~~ 4. Flat roofs shall incorporate parapet walls with three-dimensional cornice treatments designed to conceal the roof and roof-mounted mechanical equipment. All parapet walls visible from a public street shall be finished.
- ~~4~~ 5. The parapet wall shall be similar in color and material to the building and shall not exceed twenty-five (25) percent of the height of the supporting wall.
- ~~5~~ 6. When adjacent to residential zoning districts, the roof form of multi-family residential buildings shall complement the character of surrounding residential structures.
- ~~6~~ 7. All roof vents, pipes, antennae and other roof penetrations should be of a color that will minimize their visual impact unless concealed by a parapet, located on the rear elevation, or configured to have a minimum visual impact as seen from the street or existing residential development.
8. Green roofs, which use vegetation to improve stormwater quality and reduce runoff, may be incorporated as an alternative to the roof forms described in this subsection.

~~G~~ L. *Façade materials.*



1. Building materials shall either be similar to the materials already being used in the immediate area or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture shall be utilized to ensure that enough similarity exists for the building to be compatible despite the differences in materials.
2. Where two (2) or more materials are proposed to be combined on a façade, the heavier and more massive elements shall be located below the lighter elements (e.g., brick shall be located below stucco). Use of a heavier material as a detail on the corner of a building or along cornices or windows is acceptable.
3. Primary façade materials shall not terminate or change at outside corners, and shall continue a minimum distance of two (2) feet from the front corners along the side façades.
4. Material changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that change of materials occur as accents around windows, doors, cornices, or as a repetitive pattern.
- ~~4.5.~~ The following materials shall not be used in the exterior building finish:
 - a) Corrugated metal siding;
 - b) Exposed smooth-finished concrete block;
 - c) Styrofoam-backed and synthetic stucco within twelve (12) feet of the grade level and within two (2) feet of any exterior door jamb; or
 - d) Vinyl siding.
6. Accessory buildings and structures shall be similar in materials and architectural style to the primary building(s).

~~H~~ M. *Service areas and equipment.*

1. Exterior mechanical equipment, vending machines, service and delivery areas, outdoor storage, trash storage, and accessory uses and structures that may produce noise, odor, glare, vibration, or other nuisances, shall be screened from view of public and common areas and adjacent properties.
2. Adequate facilities for waste disposal shall be provided and shall be appropriately screened.

~~J~~ N. *Landscaping and screening.*

1. Building foundations shall be landscaped along the full length of each front façade. Landscaping shall wrap around the corners and shall continue around building sides to a logical conclusion point or a minimum distance of ten (10) feet, whichever is less.
2. Foundation landscaping shall have an average depth of six (6) feet and a minimum depth of four (4) feet. Foundation landscaping depth along a sidewalk may be reduced by up to fifty (50) percent, where needed to provide for adequate pedestrian circulation or pedestrian amenities.



3. Structures along primary rights-of-way which contain non-residential uses on the ground floor shall be exempt from foundation landscaping requirements.

~~M~~ Q. *Exterior lighting.*

1. Exterior lighting shall be compatible with building architecture and scaled (dimension and intensity) to complement its context.
2. Adjacent to residential zoning districts, exterior lighting, whether pole-mounted or wall-mounted, shall not exceed a maximum height of fifteen (15) feet above grade. Uplighting of building or site features shall be directed away from adjacent properties.
3. Internally illuminated signage or awnings are prohibited in direct view or any adjacent residential zoning district.

~~M~~ P. *Crime prevention through environmental design.* Multi-family residential development is encouraged to adhere to the generally accepted Principles of Crime Prevention Through Environmental Design (CPTED), to the maximum extent practicable. These principles involve the design of walkways, fences, lighting, signage, and landscape to enhance natural site surveillance, control of access, and clear definition of public and private spaces.

Q. *Other applicable standards.* All multi-family housing residential developments projects shall be subject to other applicable standards established in the Mauldin Zoning Ordinance and Mauldin Land Development, including, but not limited to, Section 8:1 of the Mauldin Zoning Ordinance. Where other standards may differ from the standards herein, the higher, or more restrictive, standard shall apply.

R. *Prohibited locations.* Multi-family residential development shall be prohibited at the following locations: along Brookfield Parkway, Brookfield Boulevard, Brookfield Oaks Drive, Old Stage Road, Greer Drive, Palmetto Drive, Carlisle Drive, Old Mill Road (between Miller Road and Forrester Drive), Ellwood Court, McDougall Court, International Court, Geneva Court, Devonshire Road, Bi-Lo Boulevard, S. Park Drive, and Mourning Dove Lane.



Section 2. This ordinance shall become effective upon and after its final passage.

Passed on First Reading: _____

Passed on Second Reading _____

CITY OF MAULDIN, SOUTH CAROLINA

BY: _____
Terry Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

John Duggan, City Attorney