



# BUILDING CODES COMMITTEE MEETING

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**MONDAY, DECEMBER 6, 2021 | 6 PM**

4th committee meeting

The Committee will meet in the Mauldin City Hall at 5 East Butler Road in the Council Chambers at 6 p.m.

Please note that members of the public may attend this meeting in-person but are encouraged to participate remotely. The meeting will be available remotely through Zoom. Please visit the City's website at <https://cityofmauldin.org/your-government/meeting-minutes-agendas/> to access the meeting via audio and videoconferencing.



## Building Codes (BDS) Committee AGENDA December 6, 2021

Committee Members: Diane Kuzniar (Chair), Dale Black, Taft Matney

1. Call to Order The Honorable Diane Kuzniar
2. Public Comment The Honorable Diane Kuzniar
3. Reading and Approval of Minutes The Honorable Diane Kuzniar
  - a. Building Codes Committee Meeting:  
November 1, 2021 (*Pages 2-4*)
4. Reports or Communications from City Officers The Honorable Diane Kuzniar
  - a. BDS Director David Dyrhaug
5. Unfinished Business The Honorable Diane Kuzniar

None
6. New Business The Honorable Diane Kuzniar
  - a. An ordinance to rezone property consisting of approximately 0.5 acres located at 301 E. Butler Road (Tax Map Parcel: M004.02-01-010.01) and providing an effective date (*Pages 5-10*)
  - b. An amendment to section 3:12.3.8 of the Mauldin Zoning Ordinance to provide a description of moving trucks and trailers (*Pages 11-14*)
  - c. Annexation procedures (*Pages 15-17*)
7. Public Comment The Honorable Diane Kuzniar
8. Committee Concerns The Honorable Diane Kuzniar
9. Adjourn The Honorable Diane Kuzniar

## Building Codes Committee Meeting



### Minutes Building Codes (BDS) Committee November 1, 2021 4<sup>th</sup> Committee Meeting

Committee Members: Diane Kuzniar (Chair), Dale Black, Taft Matney  
Others present: Business and Development Services Director David Dyrhaug and City Administrator Brandon Madden.

1. Call to Order- Chairwoman Kuzniar
2. Public Comment- None
3. Reading and Approval of Minutes
  - a. Building Codes Committee Meeting: October 4, 2021

**Motion:** Councilman Matney made a motion to approve the minutes with Councilman Black seconding.

**Vote:** The vote was unanimous (3-0).

4. Reports or Communications from City Officers
  - a. BDS Director David Dyrhaug

Mr. Dyrhaug reported the department is at 71% of their budget. Two new employees began last week. A rezoning at Fork Shoals Road and Ashmore Bridge Road may come back to Council for second reading this month. It was requested to be tabled a couple of months ago.

5. Unfinished Business- There is no unfinished business
6. New Business
  - a. An ordinance to rezone property consisting of approximately 5.6 acres located at 513 N. Main Street (Tax Map Parcels: M008.01-01-001.00 and M008.01-01-001.03) and providing an effective date

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 5.6 acres located at 513 North Main Street. This is at the intersection of North Main Street and Knollwood Drive.

The applicant has requested that the back portion of this tract be rezoned from R-15, Residential, and C-2, General Commercial, to RM-1, Residential while retaining the C-2, General Commercial, zoning on the front portion of the tract. This property is currently occupied by a vacant commercial building and is the former site of the World Auto sales which was a used car lot. The applicant is planning for a mixed-use pedestrian-oriented development project.

**Motion:** Councilman Matney made a motion to forward this to Council with Councilman Black seconding.

## Building Codes Committee Meeting



Councilman Black asked if this part of Knollwood Drive is a City street and was answered yes.

Chairwoman Kuzniar asked about overflow parking. The developer said the project is not far enough along to specify the number of parking spaces there will be.

Chairwoman Kuzniar asked who would maintain the green space between the commercial building and the resident behind the property. The buffer helps to block his property from people being able to look in his fence.

She then said she was not concerned about noise from the proposed rooftop restaurant because the bistro will not be playing loud music.

**Vote:** The vote was unanimous (3-0).

- b. An ordinance to provide for the annexation of property owned by David M. Cumbia and Karen G. Cumbia, and located at 110 Rose Circle (Tax Map Parcel: M013.02-01-014.00 and M013.02-01-014.01) by one hundred percent petition method; and to establish a zoning classification of R-M1, residential, for said property

The City of Mauldin has received a signed petition requesting the annexation of a tract of land consisting of two parcels pursuant to South Carolina Code of Laws Section 5-3-150. This petition includes approximately 11.6 acres owned by David & Karen Cumbia and is located at 110 Rose Circle.

The applicant has requested that this tract be zoned R-M1, Residential, upon annexation into the City of Mauldin. Zenith Real Estate has this property under contract for purchase. Zenith Real Estate is described on their website as a residential acquisitions, holdings, and development company. Zenith Real Estates anticipates developing this property for 32 detached single-family homes estimated to sell in the \$300,000s.

Sewer is not available to the property. Zenith Real Estate expects to tie the sewer for this project into the lift station they plan for their project at 220 Fowler Circle.

Councilman Black raised a concern regarding the tabling of the 220 Fowler Circle property and the proposed sewer lift station. Mr. Dyrhaug said the property owner is requesting tabling while they work with the developer. If the 220 Fowler Circle doesn't go through, they will have to secure easements to extend the sewer line and install a lift station.

James Colton Miller represents the property and said the sewer would be extended down Rose Circle and a sewer lift station would be installed. A manhole would be put on the property at Planters Crossing.

Councilman Matney said he would like to keep this item in committee while the sewer issue is being worked out. There are three developments contingent upon each other.

**Motion:** Councilman Matney made a motion to hold this in committee with Councilman Black seconding.

**Vote:** The vote was unanimous (3-0).

## Building Codes Committee Meeting



- c. A request to table the annexation of 220 Fowler Circle- This item will go to the Council meeting with a request to table.

Mr. Dyrhaug said this item is for informational purposes and may be presented at Council for a request to table.

- d. An ordinance to adopt a revised business license ordinance in accordance with the Business License Standardization Act (2020 Act No. 176)

First reading has been taken on this ordinance. There was some discussion brought up by the City Attorney on recommendations to address suspension or revocation of business licenses. The Attorney has made some revisions, which are included in tonight's packet.

At the Council meeting, one council member asked that we look at the late penalty fees. Currently there is a \$25.00 processing fee and 10% fee each month. The state model ordinance allows for a 5% fee each month and this change is reflected in our draft ordinance.

**Motion:** Councilman Black made a motion to send this item to Council with Councilman Matney seconding.

**Vote:** The vote was unanimous (3-0).

### 7. Public Comment-

Brian Patton: I live at 123 Kingsley Drive. Thank you. I was unable to attend the meeting regarding 513 North Main. I am not against the development at all. I am actually looking forward to it. I would like to know about the buffer situation between the social security office and the development. I didn't know if you all had discussed if there would be a natural buffer or any type of buffer. It is popular practice to harvest all the timber and then come back and plant some trees. I would like you to think about a natural buffer like you had suggested a few years ago between the mobile home lot and the established homes to ease the lights from Mr. Clark's property to my property.

Chairwoman Kuzniar said that is one of the concerns she had on this property and the developer has agreed to leave a buffer, saving as many trees as possible and then planting more.

Mr. Dyrhaug said when the rezoning is complete, this will come back to the planning commission to review the subdivision process so there will be another opportunity to provide comments on feedback on this project.

### 8. Committee Concerns- None

- 9. Adjourn- Chairwoman Kuzniar adjourned the meeting at 7:32 p.m.

Respectfully Submitted,  
Cindy Miller  
Municipal Clerk



# BUILDING CODES COMMITTEE AGENDA ITEM

**MEETING DATE:** December 6, 2021

**AGENDA ITEM:** 6a

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**TO:** Building Codes Committee

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

**SUBJECT: Rezoning at 301 E Butler Road**

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**OWNER(S):** Ron Clyde, Sun Peak LLC

**AUTHORIZED REP(S):** N/A

**TAX MAP NUMBER(S):** M004.02-01-010.01

**LOCATION:** 301 E Butler Road

**CURRENT ZONING:** R-12, Residential

**REQUESTED ZONING:** C-2, General Commercial

**SIZE OF PROPERTY:** Approx. 0.5 acres

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## REQUEST

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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 0.5 acres located at 301 E Butler Road.

The applicant has requested that this tract be rezoned from R-12, Residential, to C-2, General Commercial. This property is currently occupied by a single-family dwelling. The owner is planning to convert the home to an office for his real estate company, Clyde Realty. The conversion of the home will include providing the required parking and landscaping.

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## HISTORY/BACKGROUND

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This property is located across from the intersection of East Butler Road and Bethel Drive. This is located along the section of East Butler Road that is being considered by SCDOT for road improvements. The improvements are still in the design stage, but it likely that the SCDOT improvements along East Butler Road may involve some right-of-way acquisition along this property.



## ZONING ANALYSIS

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### *Existing Zoning Classification*

The R-12 zoning designation is a low density residential district intended to provide single-family living and related facilities such as recreational, religious, and educational facilities.

R-12 Zoning allows a minimum 12,000-square foot lot (comparable density of 3.6 units per acre)

### *Proposed Zoning Classification*

The C-2 district is established to promote accessible and central concentrations of business activities and commercial establishments offering both retail goods and services to people from throughout the community. This district is intended to serve both pedestrians as well as people who travel by automobile. Therefore, this district is located along major roadways, and businesses are encouraged to locate in close proximity to one another. Where necessary, adjacent residential areas are protected through landscaping and site design.

### *Surrounding Development/Zoning*

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

<b>Direction</b>	<b>Zoning District(s)</b>	<b>Existing Use(s)</b>
<b>North</b>	R-12 (City)	Mauldin Mobile Home Park
<b>South</b>	C-2 (City)	CVS Pharmacy
<b>East</b>	R-12 (City)	Single-family residence
<b>West</b>	C-2 (City)	Property for sale

### *Comprehensive Plan Analysis*

This property is designated as a “regional corridor” in the future land use map of the comprehensive plan. A regional corridor is described in the comprehensive plan as intended for the most intense commercial uses, including “big-box” retail, drive-through restaurants, large shopping centers, and automotive service centers.

## PUBLIC HEARING

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The Planning Commission held a public hearing on November 30, 2021. There were no public comments provided at this hearing.

## REVIEW CRITERIA

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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;

## Building Codes Committee Meeting



- 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**

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

A. ***Comprehensive Plan Consistency***

The Comprehensive Plan supports the current C-2, commercial zoning of the tract.

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

There are not any apparent floodplains, wetlands, or steep topography on this site. The site appears suitable for development.

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

This tract is located along a corridor that is largely considered an emerging commercial corridor. The following businesses are already located at this intersection: CVS Pharmacy, Expressway gas station and convenience store, Watertech water purification company, Liquor Xpress, and Carolina Auto repair shop. The use of the property for a real estate office is not expected to cause any compatibility issues.

D. ***Infrastructure Capacity***

All utilities, including water and sewer, are available on site.

E. ***Public Need***

As the population continues to grow in and around the City of Mauldin, there is an increased need for businesses that provide commercial products and services for the growing population.

### **TIMELINE**

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On October 18, 2021, the applicant made application to the City of Mauldin for this rezoning.

On November 30, 2021, the Planning Commission conducted a public hearing. After the public hearing concluded, the Planning Commission voted 5-0 to recommend approval of the rezoning.

### **ATTACHMENTS**

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Proposed Ordinance (maps included therein)



**ORDINANCE # \_\_\_\_\_**

AN ORDINANCE TO REZONE PROPERTY CONSISTING OF APPROXIMATELY 0.5 ACRES LOCATED AT 301 E. BUTLER ROAD (TAX MAP PARCEL: M004.02-01-010.01) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Ron Clyde has petitioned the City of Mauldin to rezone +/- 0.5 acres from the R-12, Residential District to the C-2, Commercial District; and

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

WHEREAS, the site is suitable for the types of uses that could be developed under the new zoning district; and

WHEREAS, the potential uses permitted in the new zoning district meet a public need and are not detrimental to the public health, safety, and welfare; 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-2021-17-RZ and Greenville County Tax Map Parcel M004.02-01-010.01 be rezoned from R-12, Residential, to C-2, Commercial.

The property is further identified on the attached exhibits that are hereby incorporated into this ordinance, including Exhibit 1, Zoning Map, and 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

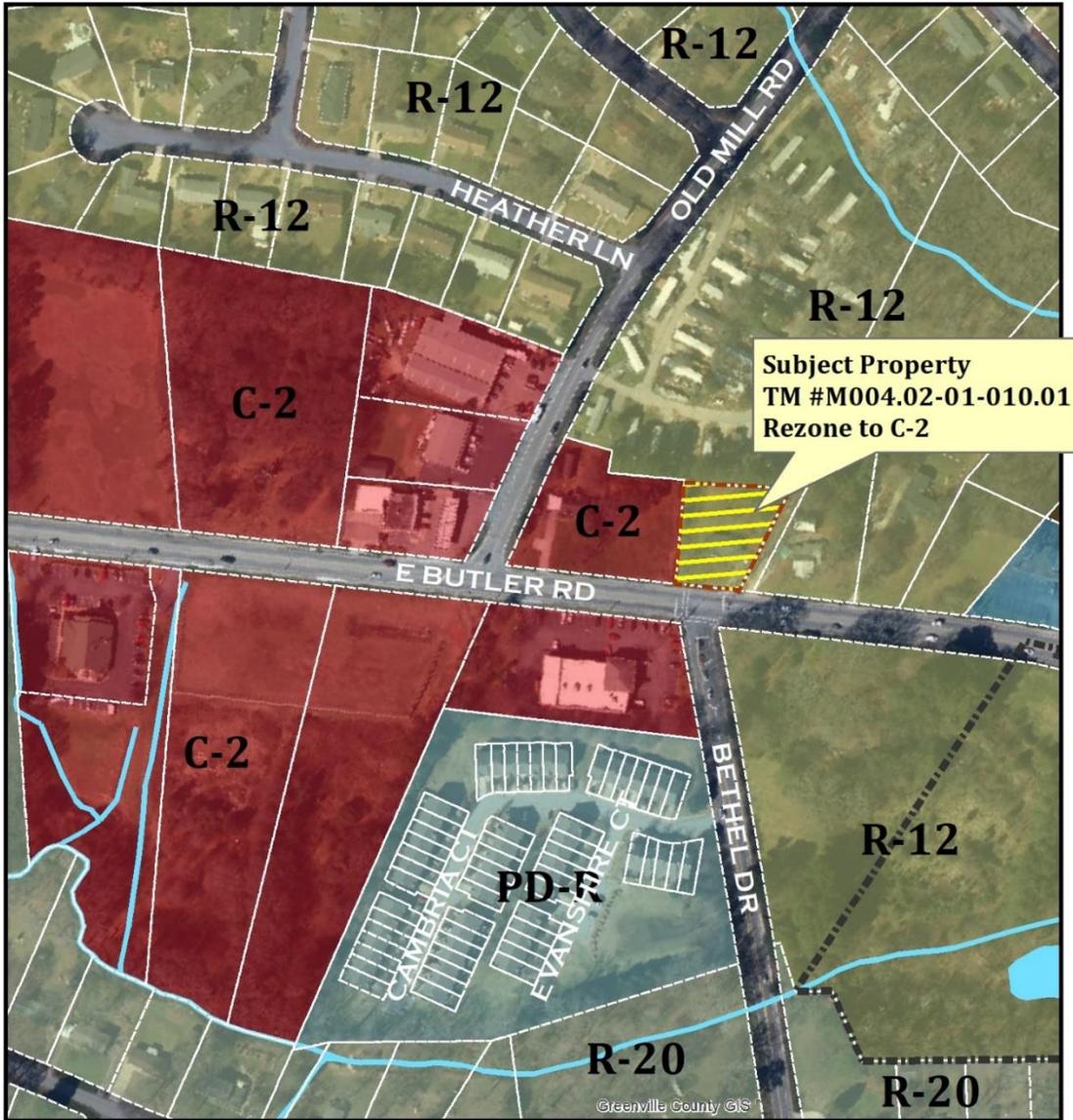
APPROVED AS TO FORM:

\_\_\_\_\_  
John Duggan, City Attorney



EXHIBIT 1

ZONING MAP



**Legend**

- Subject Property
- City of Mauldin Boundary
- Parcels
- Water Body

Created on November 18, 2021

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**EXHIBIT 2**

**PROPERTY MAP**



**Legend**

- Subject Property
- City of Mauldin Boundary
- Parcels
- Water Body



Created on November 18, 2021

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# BUILDING CODES COMMITTEE AGENDA ITEM

**MEETING DATE:** December 6, 2021

**AGENDA ITEM:** 6b

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**TO:** Building Codes Committee

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

**SUBJECT:** Trailer Rental Description

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## BACKGROUND

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On April 19, 2021, the City Council adopted an amendment to the Mauldin Zoning Ordinance that included a new consolidated table of allowed uses, descriptions for each of the use categories listed in the table, standards for conditional and exception uses, and new building design standards. This amendment included a provision that existing trailer rental activities and operations not in the S-1 district must cease no later than December 31, 2022.

Recently the City provided notice to the trailer/truck rental activities operating outside the S-1 district that they must cease no later than December 31, 2022. In the course of this notice, City staff received a comment that perhaps the City should consider providing clarity about what consists of the trailer/truck rental activities that must cease.

## ORDINANCE INTENT

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The intent of the sunset provision pertaining to the operation of trailer rentals outside of the S-1 district includes the rental and sale of trucks, trailers, and containers primarily used for moving and hauling goods (e.g., the rental of U-Haul or Penske trucks and trailers). This provision is not intended to include the rental of personal vehicles, such as pickup trucks, used as personal transportation (e.g., the rental of personal vehicles by companies such as Enterprise).

## PROPOSED AMENDMENT

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To clarify the intent of the sunset provision pertaining to the operation of trailer rentals outside of the S-1 district, the ordinance is proposed to be amended as follows (underlined language represents new language added to the ordinance):

*Section 3:12.3.8. Cessation of Moving Truck/Trailer Rentals and Sales.*

*Moving truck and/or trailer rentals and sales not in the S-1 district that had previously been allowed shall cease all moving truck and trailer rental and sales activity no later than December 31, 2022. No moving trucks and trailers for rent, for sale, or otherwise stored on the property shall remain on the premises after that date. As used in herein, moving trucks and trailers shall mean*

Building Codes Committee Meeting



trucks (including box trucks and cargo vans), trailers, and containers primarily used for storing, moving, and hauling goods. This does not include car rental services which rent pickup trucks primarily used for personal transportation instead of transporting goods.

**ATTACHMENTS**

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Ordinance



**ORDINANCE # \_\_\_\_\_**

**AN AMENDMENT TO SECTION 3:12.3.8 OF THE MAULDIN ZONING ORDINANCE TO PROVIDE A DESCRIPTION OF MOVING TRUCKS AND TRAILERS.**

**WHEREAS**, on April 19, 2021, the City of Mauldin amended the Mauldin Zoning Ordinance by providing that existing trailer rental activities and operations not located in the S-1 zoning district must cease no later than December 31, 2022; and

**WHEREAS**, the City of Mauldin desires to define the moving truck and trailer rentals and sales that are the subject of this sunset provision in Section 3:12.3.8 of the Mauldin Zoning Ordinance; 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 that the Mauldin Municipal Code be amended as follows:

**Section 1 Amendment.** Amend Section 18-95, Specific noise prohibited, of Chapter 18, Article II, Division 3, 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. 3:12.3.8. Cessation of Moving Truck/Trailer Rentals and Sales.

Moving truck and/or trailer rentals and sales not in the S-1 district that had previously been allowed shall cease all moving truck and trailer rental and sales activity no later than December 31, 2022. No moving trucks and trailers for rent, for sale, or otherwise stored on the property shall remain on the premises after that date. As used herein, moving trucks and trailers shall mean trucks (including box trucks and cargo vans), trailers, and containers primarily used for storing, moving, and hauling goods. This does not include car rental services which rent pickup trucks primarily used for personal transportation instead of transporting goods.

\*\*\*

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

Passed on First Reading: \_\_\_\_\_

Passed on Second Reading \_\_\_\_\_

Building Codes Committee Meeting



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:** December 6, 2021

**AGENDA ITEM:** 6c

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**TO:** Building Codes Committee

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

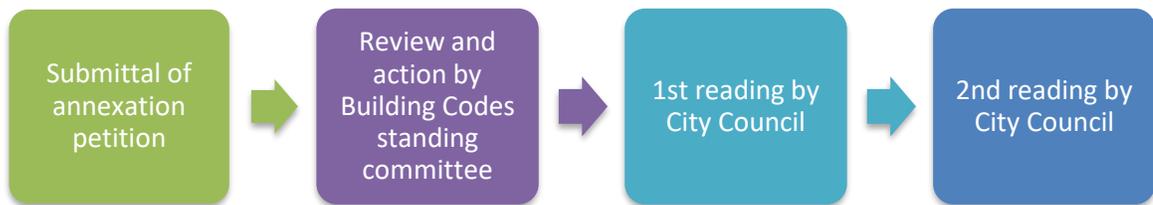
**SUBJECT:** Annexation Procedures

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## BACKGROUND

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At the direction of the City Attorney, the City of Mauldin currently processes and reviews annexation petitions as follows:



By way of advertisement, the annexation is advertised only as much as it is published on the agenda for the standing committees and City Council. No sign is posted on the property and no direct notice is provided to surrounding property owners.

Over the years, including recently, some County residents adjacent to properties being annexed have expressed concern that they received no notice of the adjacent land being annexed into the City and changed to a different zoning district.

## S.C. LAW

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Section 6-29-760 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 states the following:

*“Before enacting or amending any zoning regulations or maps, the governing authority or the planning commission, if authorized by the governing authority, shall hold a public hearing on it, which must be advertised and conducted according to lawfully prescribed procedures. If no established procedures exist, then at least fifteen days’ notice of the time and place of the public hearing must be given in a newspaper of general circulation in the municipality or county. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. If the local government maintains a list of groups that have expressed an interest in being informed of zoning proceedings, notice of such meetings must be mailed to these groups. No change in or*

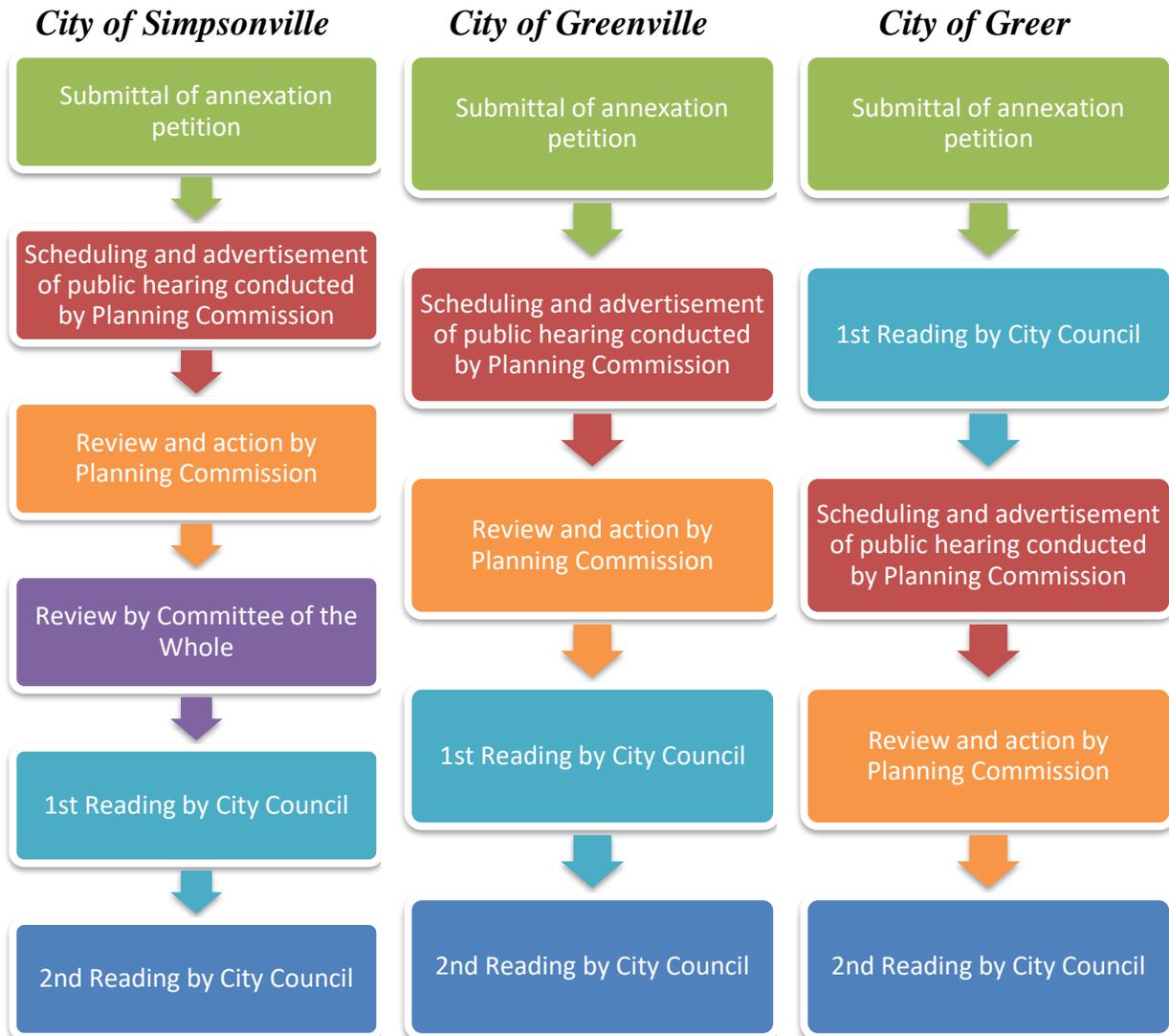


*departure from the text or maps as recommended by the local planning commission may be made pursuant to the hearing unless the change or departure be first submitted to the planning commission for review and recommendation. The planning commission shall have a time prescribed in the ordinance which may not be more than thirty days within which to submit its report and recommendation on the change to the governing authority. If the planning commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure. When the required public hearing is held by the planning commission, no public hearing by the governing authority is required before amending the zoning ordinance text or maps.”*

There is some question about whether and how this provision applies to land that is assigned to a zoning district upon annexation since the law makes no mention of the zoning of annexed land.

**PROCEDURES OF NEIGHBORING CITIES**

The following outlines the procedures utilized by some of the cities that neighbor the City of Mauldin.



## Building Codes Committee Meeting



The above cities each advertise the public hearing by placing appropriate signage on the subject property.

### **REQUEST**

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At this time, staff is seeking direction from City Council as to whether the Council would like to leave the City's current annexation procedures and practices "as is" or if the Council would like to recommend changes to the procedures by advertising the annexation via appropriate signage on the subject property or involving a public hearing conducted by the planning commission or both.

### **ATTACHMENTS**

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None