



PLANNING COMMISSION MEETING

TUESDAY, MARCH 26, 2024 | 6 PM

The Planning Commission will meet at 6:00 p.m.
at the Mauldin City Hall at 5 East Butler Road
in the Council Chambers.



PLANNING COMMISSION AGENDA

MARCH 26, 2024

1. **Call to Order** Chairman, Jonathan Paulsen
2. **Roll Call** Staff, David Dyrhaug
3. **Pledge of Allegiance**
4. **Opening Remarks** Chairman, Jonathan Paulsen
5. **Reading and Approval of Minutes**
 - a. Planning Commission Meeting:
February 27, 2024
6. **Old Business**

None
7. **New Business**
 - a. Docket: PC-2024-04-PP
±12 acres at Ranch Rd & Ashmore Bridge Rd
ASHMORE HILLS SUBDIVISION
Preliminary Plat Review
 - b. Docket: PC-2024-05-TA
Text Amendment to the Zoning Ordinance
regarding institutional uses in the S-1 and I-1
zoning districts
 - c. Docket: PC-2024-06-TA
Text Amendment to the Zoning Ordinance
regarding nonconformities
8. **Other Business**

None
9. **Adjourn**

**MAULDIN PLANNING COMMISSION
MINUTES
February 27, 2024 6:00 P.M.**

MEMBERS PRESENT: Jonathan Paulsen, Randy Eskridge, Kevin Greene, Chauncelynn Locklear, Lyon Bixler, Raj Reddy, Dan Chism

MEMBERS ABSENT: None

CITY STAFF PRESENT: David Dyrhaug

CALL TO ORDER/OPENING REMARKS

Mr. Paulsen called the meeting to order at 6:00 P.M. Mr. Dyrhaug held roll call.

READING OF MINUTES

Mr. Greene moved to accept the January 23, 2024, Planning Commission minutes.

Mr. Eskridge seconded the motion.

The motion to accept the January 23, 2024, Planning Commission minutes passed by unanimous vote, 7-0.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

Docket #: PC-2024-02-TA

Request: Text Amendment to the Zoning Ordinance regarding drive-thru standards in the Central Redevelopment District

Mr. Dyrhaug introduced a draft text amendment to allow drive-thru facilities in the Central Redevelopment District (CRD) at properties that operated a drive-thru at any point in time between January 1, 2022, and December 31, 2023.

Mr. Paulsen opened the floor to public comments.

Mr. Stuart Wyeth, with Pintail Properties, introduced himself as the developer and broker for the project at 110 N. Main Street. He expressed that he made this request for a modification to the CRD standards in order to attract a new coffee shop, Summer Moon, at their property.

Mr. Charles Garcia, with Summer Moon, explained more about their business, operations, and customer experience.

No other public comments were offered.

Hearing no other comments, Mr. Paulsen closed the floor to public comments.

Mr. Chism shared concerns and questions about cut-through traffic and the prospect of other competing coffee shops. He commented about adjusting the draft ordinance so that a drive-thru can only be reestablished once and also restrict drive-thru circulation from interfering with pedestrian areas.

Mr. Greene asked about the percentage of business for Summer Moon that comes via the drive-thru. Mr. Greene also asked about the number of vehicles that would be able to queue in the drive-thru lane proposed at 110 N. Main Street.

Mr. Garcia replied that about drive-thru customers constitute about 20-40 percent of the business activity at their first location and over 40 percent at their Woodruff Road location. Mr. Dyrhaug also commented that it appears that about 18-19 vehicles would be able to queue in the drive-thru lane proposed at 110 N. Main Street.

Mr. Reddy asked if a traffic study would be required for this business.

Mr. Dyrhaug responded that a traffic study is not required for this type and size of business.

Mr. Eskridge make a motion to recommend approval of this ordinance.

Ms. Locklear seconded the motion.

Mr. Chism made a motion to amend the motion to limit that a drive-thru can only be reestablished once and to restrict drive-thru circulation from interfering with pedestrian areas.

Mr. Greene seconded the motion.

Mr. Dyrhaug commented that he would inquire of the City Attorney if there is a reasonable and appropriate way to adjust the ordinance for this.

This amendment to the motion passed by a vote of 6-1 with Ms. Locklear dissenting.

The motion to recommend approval of this ordinance passed by a vote of 7-0.

OTHER BUSINESS

No other business was discussed.

ADJOURNMENT

Mr. Eskridge moved to adjourn the meeting.

Mr. Reddy seconded the motion.

The motion to adjourn this meeting passed by unanimous vote, 7-0.

The Planning Commission meeting adjourned at 6:40 p.m.

SITE DATA

TAX MAP NO.:	M007010100302
SITE AREA:	±12.38 AC
DEED BOOK/PAGE:	2672/5984
ZONING:	R-M1
SETBACKS	
ASHMORE BRIDGE ROAD:	30'
RANCH ROAD:	30'
EXTERIOR:	25'
PROPOSED ROADWAY:	±1,522 LF (44' PUBLIC ROW)
PROPOSED UNITS:	74 UNITS (22' X 60' TYP.)

DENSITY & OPEN SPACE TABLE

TOTAL ACRES:	±12.38 AC
ZONING:	R-M1
NO. OF UNITS PROVIDED:	74 (5.98 UNITS/AC)
MIN. OPEN SPACE REQUIRED:	±1.86 AC (15%)
*MIN. OPEN SPACE PROVIDED:	±1.86 AC (15%)
**PROVIDED OPEN SPACE:	±4.84 AC (39%)
TRACT A (DEVELOPABLE):	±1.37 AC
TRACT B (DEVELOPABLE):	±0.31 AC
TRACT C (DEVELOPABLE):	±2.66 AC
TRACT D (UNDEVELOPABLE, STEEP SLOPES):	±0.50 ACRES (10%)
COMMON AREA:	
TRACT E:	±0.08 AC
TRACT F:	±0.74 AC

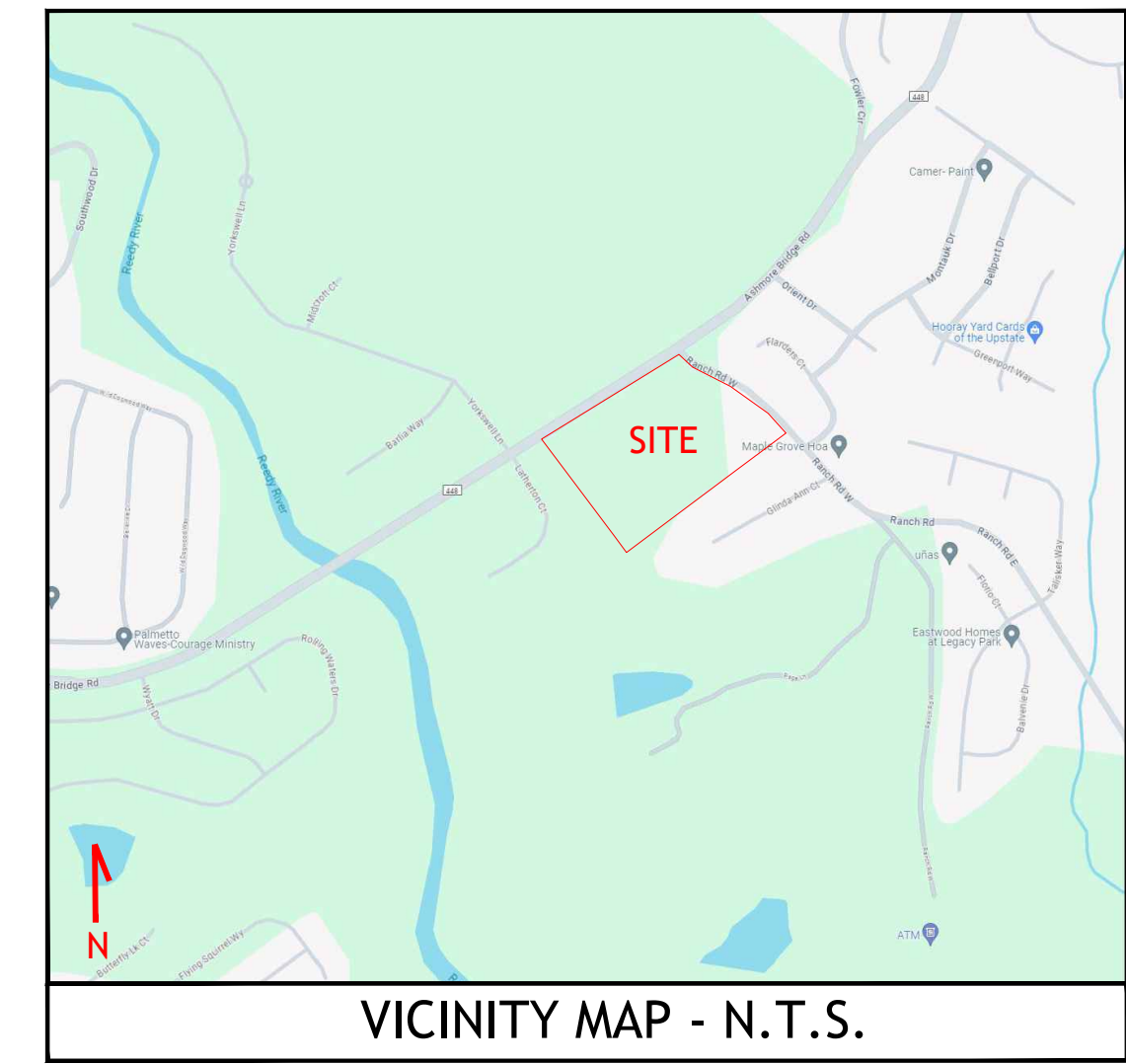
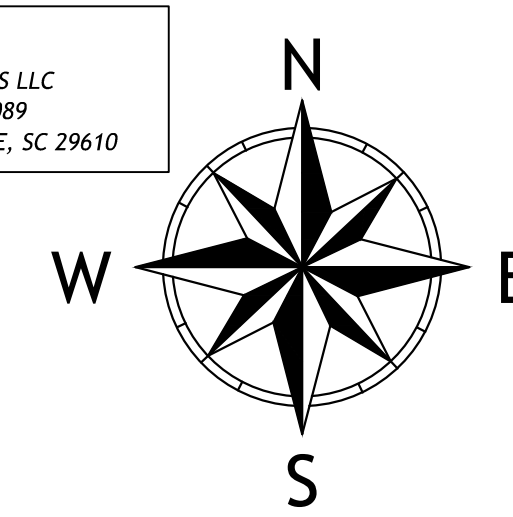
*EXACT ACREAGE OF OPEN SPACE TO BE FINALIZED DURING DESIGN/PERMITTING PROCESS.
**OPEN SPACE CALCULATIONS DO NOT INCLUDE COMMON AREA AND/OR STORMWATER PONDS. ALL OPEN SPACE AND COMMON AREA WILL BE OWNED AND MAINTAINED BY THE DEVELOPER UNTIL A HOA IS ESTABLISHED. OPEN SPACE TRACT D IS CONSIDERED "UNDEVELOPABLE" DUE TO STEEP SLOPES. COMMON AREA "E" WILL BE RESERVED FOR THE MAIL CENTER. COMMON AREA "F" WILL BE USED FOR STORM WATER MANAGEMENT.

DEVELOPER	
COMPANY:	D.R. HORTON
ADDRESS:	100 VERDAE BLVD., SUITE 401 GREENVILLE, SC 29607
PHONE:	864-417-2519
CONTACT:	JEFF SCOTT
EMAIL:	JDSCTT@DRHORTON.COM

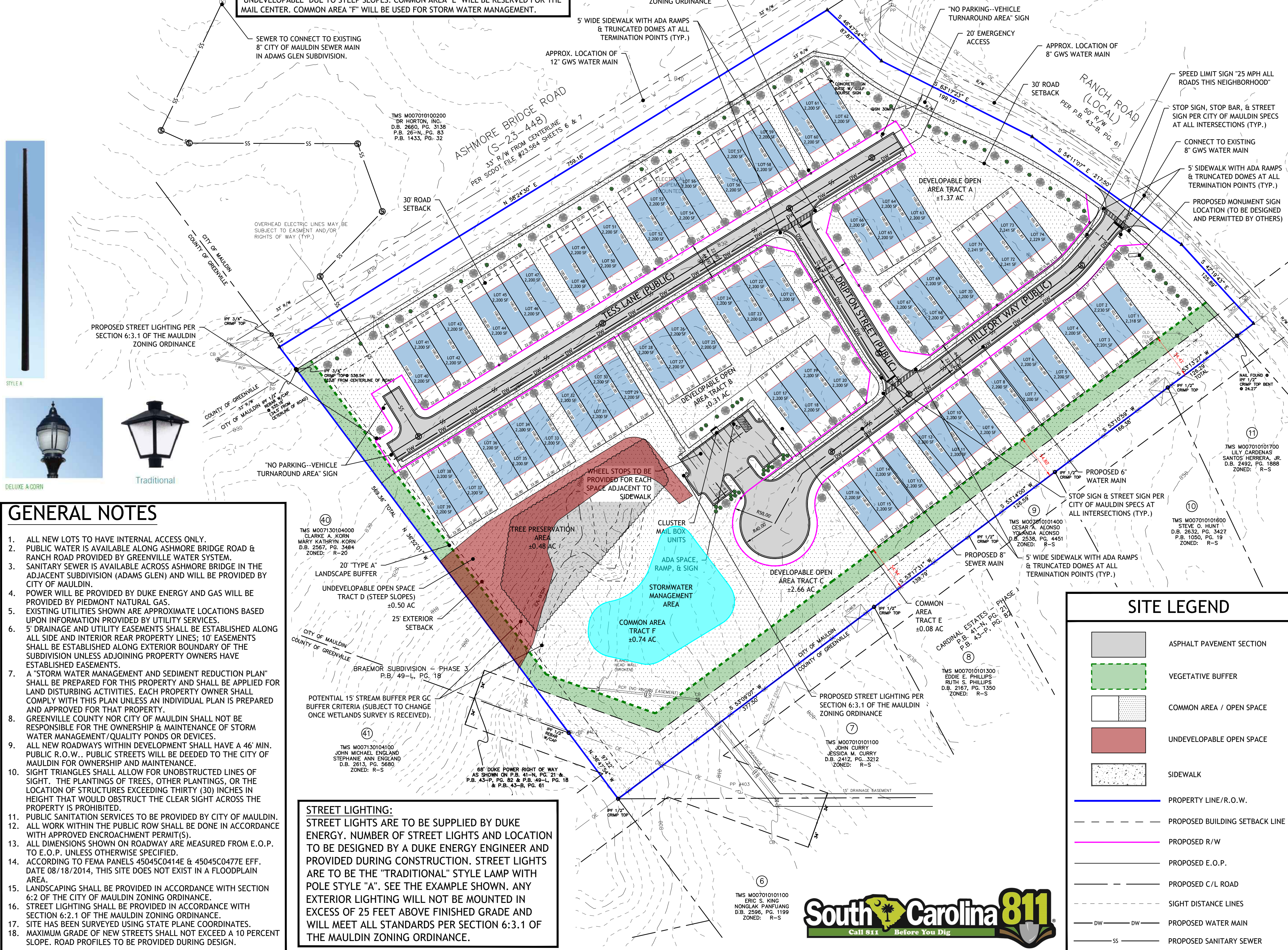
CIVIL ENGINEER	
COMPANY:	BLUEWATER CIVIL DESIGN, LLC
ADDRESS:	718 LOWNDES HILL ROAD GREENVILLE, SC 29607
PHONE:	864-735-5068
CONTACT:	PAUL HARRISON, P.E.
EMAIL:	PAUL@BLUEWATERCIVIL.COM

SURVEYOR	
COMPANY:	E.A. WALCHER SURVEYING
ADDRESS:	101 HIAWATHA DRIVE GREENVILLE, SC 29615
PHONE:	864-979-8700
CONTACT:	ERIC A. WALCHER, PLS
EMAIL:	EAWALCHERSURVEYING@YAHOO.COM

OWNER	
COMPANY:	ONIX HOMES LLC
ADDRESS:	PO BOX 15089 GREENVILLE, SC 29610



VICINITY MAP - N.T.S.



GENERAL NOTES

- ALL NEW LOTS TO HAVE INTERNAL ACCESS ONLY.
- PUBLIC WATER IS AVAILABLE ALONG ASHMORE BRIDGE ROAD & RANCH ROAD PROVIDED BY GREENVILLE WATER SYSTEM.
- SANITARY SEWER IS AVAILABLE ACROSS ASHMORE BRIDGE IN THE ADJACENT SUBDIVISION (ADAMS GLEN) AND WILL BE PROVIDED BY CITY OF MAULDIN.
- POWER WILL BE PROVIDED BY DUKE ENERGY AND GAS WILL BE PROVIDED BY PIEDMONT NATURAL GAS.
- EXISTING UTILITIES SHOWN ARE APPROXIMATE LOCATIONS BASED UPON INFORMATION PROVIDED BY UTILITY SERVICES.
- 5' DRAINAGE AND UTILITY EASEMENTS SHALL BE ESTABLISHED ALONG ALL SIDE AND INTERIOR REAR PROPERTY LINES; 10' EASEMENTS SHALL BE ESTABLISHED ALONG EXTERIOR BOUNDARY OF THE SUBDIVISION UNLESS ADJOINING PROPERTY OWNERS HAVE ESTABLISHED EASEMENTS.
- A "STORM WATER MANAGEMENT AND SEDIMENT REDUCTION PLAN" SHALL BE PREPARED FOR THIS PROPERTY AND SHALL BE APPLIED FOR LAND DISTURBING ACTIVITIES. EACH PROPERTY OWNER SHALL COMPLY WITH THIS PLAN UNLESS AN INDIVIDUAL PLAN IS PREPARED AND APPROVED FOR THAT PROPERTY.
- GREENVILLE COUNTY NOR CITY OF MAULDIN SHALL NOT BE RESPONSIBLE FOR THE OWNERSHIP & MAINTENANCE OF STORM WATER MANAGEMENT/QUALITY PONDS OR DEVICES.
- ALL NEW ROADWAYS WITHIN DEVELOPMENT SHALL HAVE A 46' MIN. PUBLIC R.O.W.. PUBLIC STREETS WILL BE DEEDED TO THE CITY OF MAULDIN FOR OWNERSHIP AND MAINTENANCE.
- SIGHT TRIANGLES SHALL ALLOW FOR UNOBSTRUCTED LINES OF SIGHT. THE PLANTINGS OF TREES, OTHER PLANTINGS, OR THE LOCATION OF STRUCTURES EXCEEDING THIRTY (30) INCHES IN HEIGHT THAT WOULD OBSTRUCT THE CLEAR SIGHT ACROSS THE PROPERTY IS PROHIBITED.
- PUBLIC SANITATION SERVICES TO BE PROVIDED BY CITY OF MAULDIN.
- ALL WORK WITHIN THE PUBLIC ROW SHALL BE DONE IN ACCORDANCE WITH APPROVED ENCROACHMENT PERMIT(S).
- ALL DIMENSIONS SHOWN ON ROADWAY ARE MEASURED FROM E.O.P. TO E.O.P. UNLESS OTHERWISE SPECIFIED.
- ACCORDING TO FEMA PANELS 45045C0414E & 45045C0477E EFF. DATE 08/18/2014, THIS SITE DOES NOT EXIST IN A FLOODPLAIN AREA.
- LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 6.2 OF THE CITY OF MAULDIN ZONING ORDINANCE.
- STREET LIGHTING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 6.2.1 OF THE MAULDIN ZONING ORDINANCE.
- SITE HAS BEEN SURVEYED USING STATE PLANE COORDINATES.
- MAXIMUM GRADE OF NEW STREETS SHALL NOT EXCEED A 10 PERCENT SLOPE. ROAD PROFILES TO BE PROVIDED DURING DESIGN.

STREET LIGHTING:
STREET LIGHTS ARE TO BE SUPPLIED BY DUKE ENERGY. NUMBER OF STREET LIGHTS AND LOCATION TO BE DESIGNED BY A DUKE ENERGY ENGINEER AND PROVIDED DURING CONSTRUCTION. STREET LIGHTS ARE TO BE THE "TRADITIONAL" STYLE LAMP WITH POLE STYLE "A". SEE THE EXAMPLE SHOWN. ANY EXTERIOR LIGHTING WILL NOT BE MOUNTED IN EXCESS OF 25 FEET ABOVE FINISHED GRADE AND WILL MEET ALL STANDARDS PER SECTION 6.3.1 OF THE MAULDIN ZONING ORDINANCE.

SITE LEGEND

	ASPHALT PAVEMENT SECTION
	VEGETATIVE BUFFER
	COMMON AREA / OPEN SPACE
	UNDEVELOPABLE OPEN SPACE
	SIDEWALK
	PROPERTY LINE/R.O.W.
	PROPOSED BUILDING SETBACK LINE
	PROPOSED R/W
	PROPOSED E.O.P.
	PROPOSED C/L ROAD
	SIGHT DISTANCE LINES
	PROPOSED WATER MAIN
	PROPOSED SANITARY SEWER

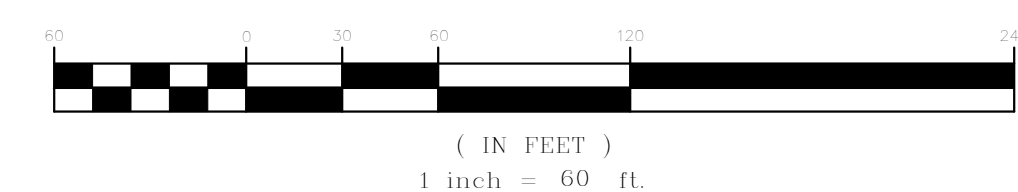
PRELIMINARY (PP-2024-016)

Ashmore Hills

Developer D.R. Horton Jeff Scott 100 Verdae Blvd., Ste. 401 Greenville, SC 29607 864-417-2519	Engineer Bluewater Civil Design, LLC Paul J. Harrison, P.E. 718 Lowndes Hill Road Greenville, SC 29607 864-735-5068
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Total Acreage:	±12.38 AC	Existing Zoning:	R-M1
Number of Lots:	74 Lots	New Public Road:	±1,522 LF

GRAPHIC SCALE



SITE DATA	
TAX MAP NO.:	M007010100302
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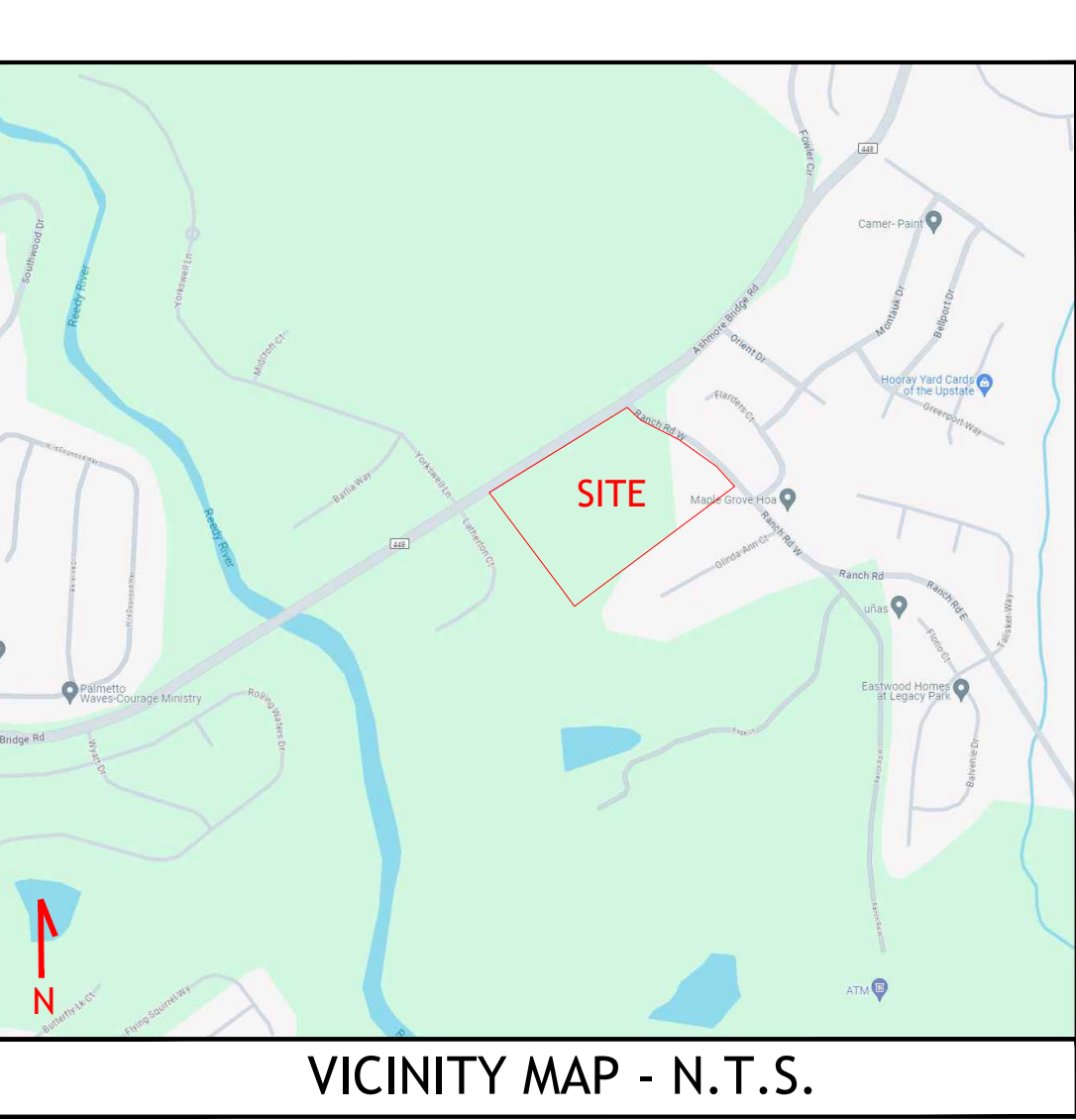
LANDSCAPING PLAN NOTE:

LANDSCAPING PLANS FOR ENTRANCE MONUMENTS AND SCREENING ALONG EXISTING ROADS AND PROPOSED ROADS WILL BE IN COMPLIANCE WITH SECTION 6.4 AND 9.8 OF THE CITY OF MAULDIN ZONING ORDINANCE AND LDR, RESPECTIVELY AND WILL BE SUBMITTED TO THE CITY OF MAULDIN AT A LATER DATE.

ALL OUTDOOR EQUIPMENT SHALL BE SCREENED PER CITY OF MAULDIN LANDSCAPING ORDINANCE.

TREE PRESERVATION TABLE:	
TREE CREDITS REQUIRED:	15 CREDITS PER ACRE
ACRES:	12.37 AC
TOTAL CREDITS REQUIRED:	*185.55 TREE CREDITS
TREE PRESERVATION AREA:	**±0.51 AC
*TREE PRESERVATION/PLANTED WILL BE DETERMINED DURING FINAL PERMITTING DESIGN, BUT SHALL MAINTAIN THE REQUIRED 185.55 TREE CREDITS PER SECTION 6.2.4 OF THE CITY OF MAULDIN ZONING ORDINANCE.	
**TREE PRESERVATION AREAS DENOTE WHERE TREES AND VEGETATION WILL NOT BE DISTURBED PER SECTION 6.2.11 OF THE CITY OF MAULDIN ZONING ORDINANCE.	

STREET TREE REQUIREMENT TABLE:	
TREE CREDITS REQUIRED:	1 STREET TREE/40 LF OF ROAD (WHERE LOTS ABUT STREET)
TOTAL L.F. OF EXISTING ROAD FRONTAGE:	
ASHMORE BRIDGE ROAD:	±759 LF
RANCH ROAD:	±630 LF
TOTAL TREES REQUIRED:	
ASHMORE BRIDGE ROAD:	±759/40 = 19 STREET TREES
RANCH ROAD:	±630/40 = 16 STREET TREES
TOTAL TREES PROVIDED:	
ASHMORE BRIDGE ROAD:	19 STREET TREES
RANCH ROAD:	16 STREET TREES
35 TREES TOTAL	
TOTAL L.F. OF PROPOSED ROAD FRONTAGE:	
HILLFORT WAY:	±562 LF
DRIPTON STREET:	±261 LF
TESS LANE:	±703 LF
TOTAL TREES REQUIRED:	
HILLFORT WAY:	±(562*2)/40 = 28 STREET TREES
DRIPTON STREET:	±(261*2)/40 = 14 STREET TREES
TESS LANE:	±(703*2)/40 = 36 STREET TREES
TOTAL TREES PROVIDED:	
HILLFORT WAY:	28 STREET TREES
DRIPTON STREET:	14 STREET TREES
TESS LANE:	36 STREET TREES
78 TREES TOTAL	



PRELIMINARY (PP-2024-016)

Ashmore Hills

Developer D.R. Horton Jeff Scott 100 Verdae Blvd., Ste. 401 Greenville, SC 29607 864-417-2519	Engineer Bluewater Civil Design, LLC Paul J. Harrison, P.E. 718 Lowndes Hill Road Greenville, SC 29607 864-735-5068
Total Acreage: ±12.37 AC	Existing Zoning: R-M1
Number of Lots: 74 Lots	New Public Road: ±1,522 LF

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

Project Number: 2024-004
DWG Name: Ashmore Hills PP-1.dwg
Drawing Scale: AS NOTED
Date of Project: 03/2024
Engineer of Record:
Paul J. Harrison, P.E.
South Carolina PE# 24224
North Carolina PE# 038371

bluewater
civil design
bluwater civil design, llc
718 Lowndes Hill Road • Greenville, SC 29607
www.bluwatercivil.com • info@bluwatercivil.com

Certificates of Authorization:
SC C04212 - GA PE#005865
NC P0868 - AL CA#0656

ASHMORE HILLS
(TH Subdivision - Preliminary)
Ashmore Bridge Road & Ranch Road
City of Mauldin, SC 29607

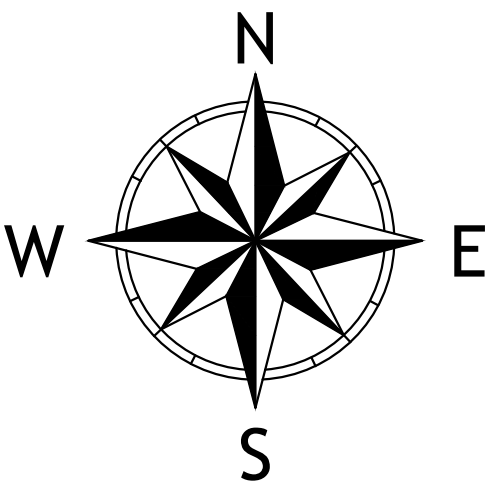
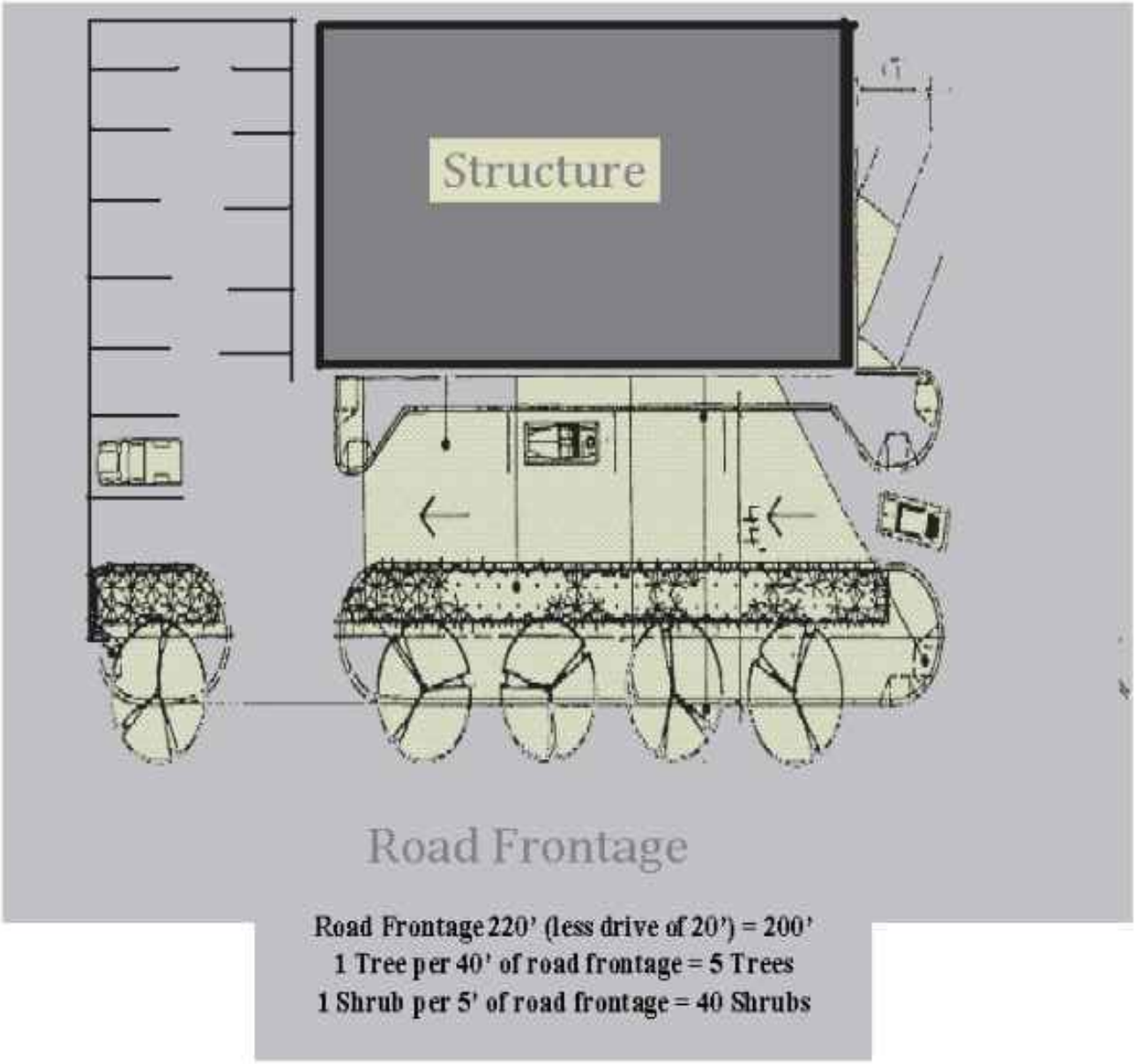
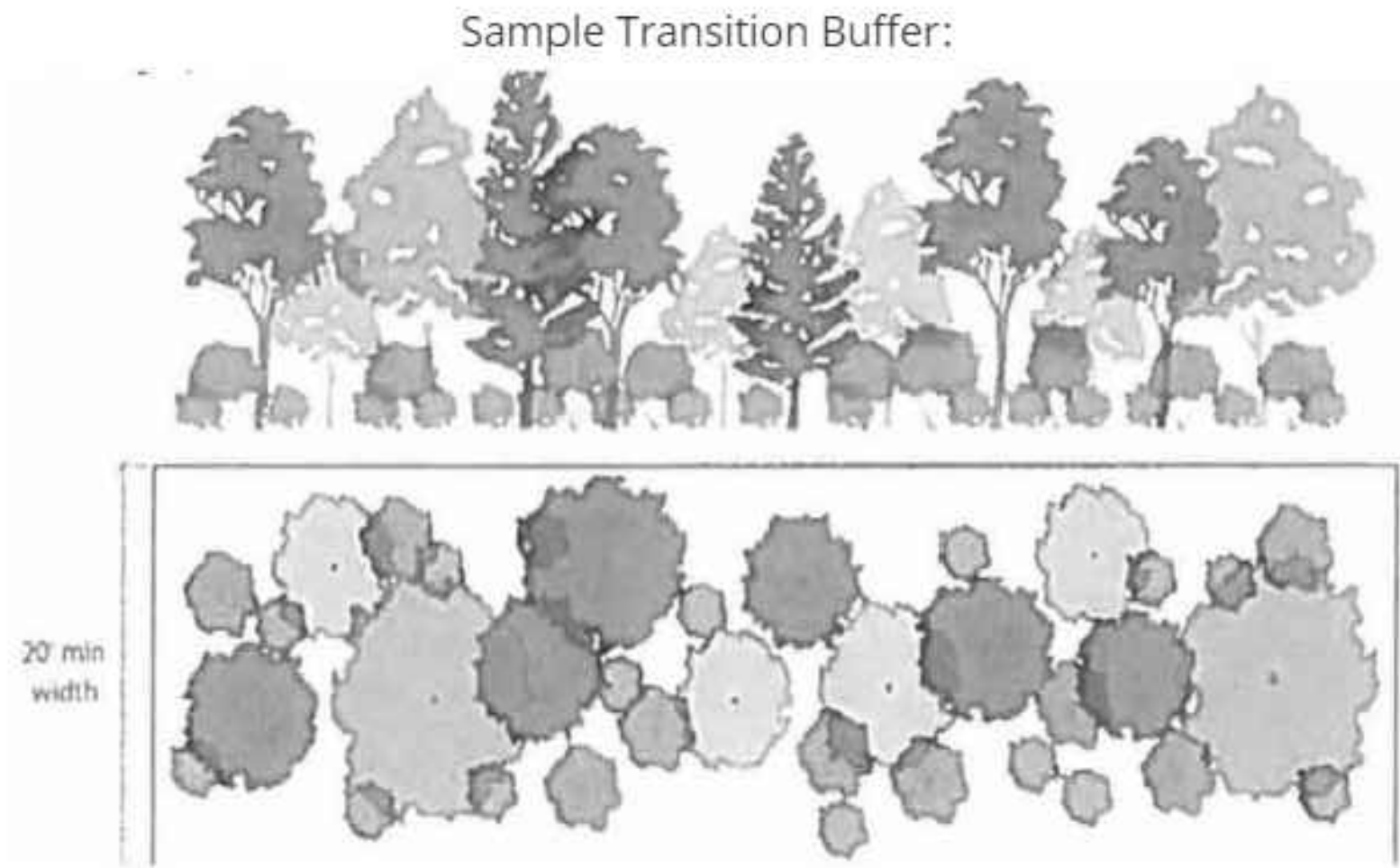
SOUTH CAROLINA
BLUEWATER CIVIL DESIGN, LLC
No. C04212
DATE OF AUTHORIZATION: 03/06/2024

SOUTH CAROLINA
PROFESSIONAL ENGINEER
No. 24224
03/06/2024

PLAN	REVISION	ISSUE	DATE	COMMENT
A	02/27/2024	Issued Preliminary Plat		
B	03/06/2024	Revised Preliminary Plat		

Preliminary Plat

PP-1



Bufferyard Type	Evergreen Trees	Deciduous Trees (Large)	Deciduous Trees (Small)	Shrubs (Large)	Shrubs (Small)
A—20' wide	4	3	3	10*	10*



STYLE A

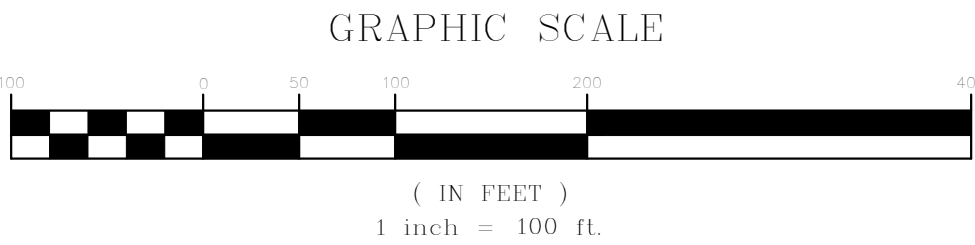
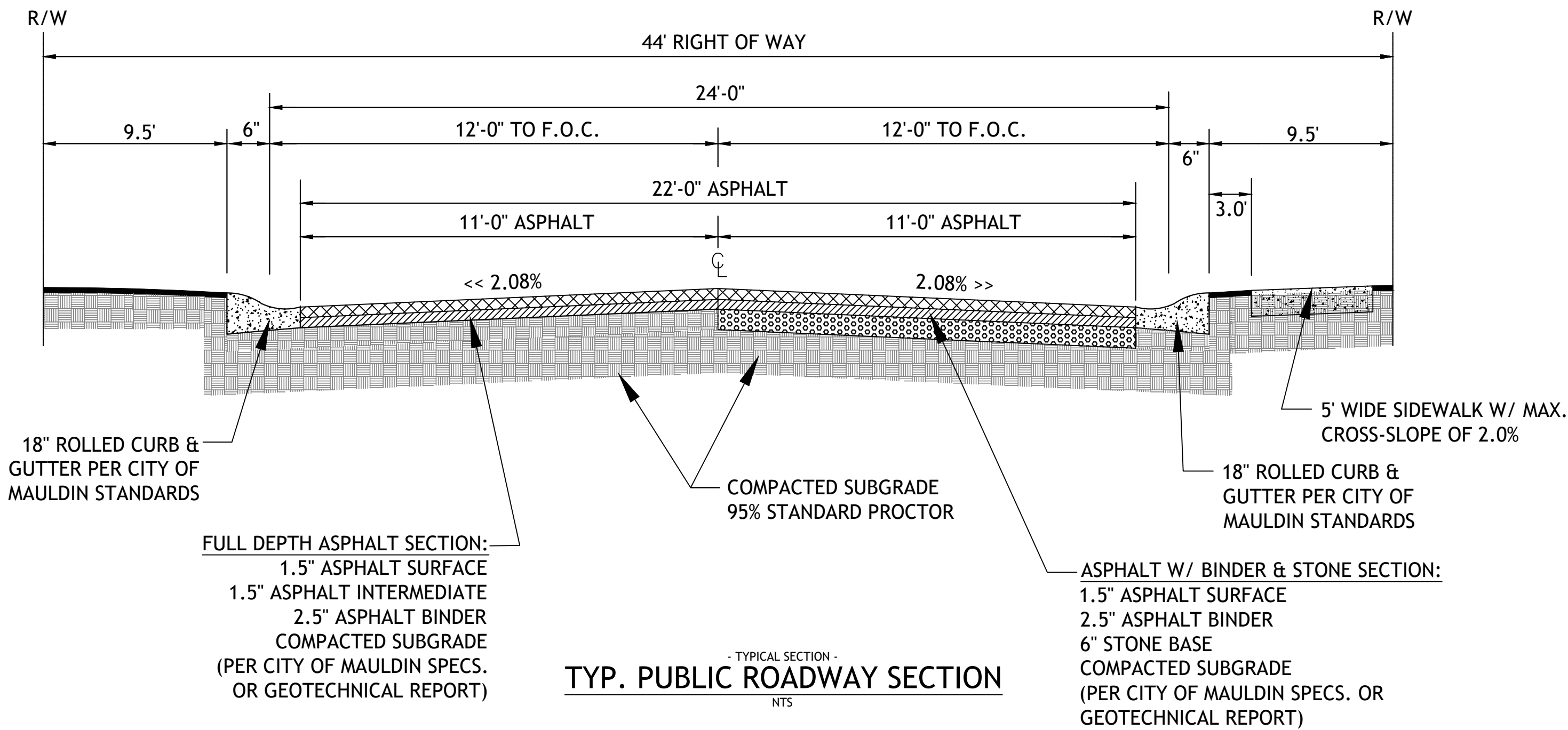


DELUXE ACORN



Traditional

TYP. STREET LIGHTING FIXTURES
(FULL CUT-OFF FIXTURES REQUIRED)
FINAL DESIGN BY OTHERS



ASHMORE HILLS
(TH Subdivision - Preliminary)
Ashmore Bridge Road & Ranch Road
City of Mauldin, SC 29607



PLAN REVISION	ISSUE DATE	ISSUE COMMENT
A	02/27/2024	Issued Preliminary Plat
B	03/06/2024	Revised Preliminary Plat

Details

ORDINANCE # _____

**AN AMENDMENT TO THE MAULDIN ZONING ORDINANCE
REMOVING CERTAIN USES FROM THOSE ALLOWED IN
THE S-1 AND I-1 ZONING DISTRICTS.**

WHEREAS, the Mauldin Comprehensive Plan includes a goal to ensure adequate supply of non-residential land uses within the City limits to support future economic development; and

WHEREAS, areas zoned S-1 and I-1 within the City limits of Mauldin are envisioned in the Mauldin Comprehensive Plan as “employment center” areas that support the City’s economic development initiatives and strategies; and

WHEREAS, institutional uses are not included in the defined category of employment centers; and

WHEREAS, the City seeks to protect economic development opportunities in the S-1 and I-1 districts; and

WHEREAS, the City is engaged in ongoing efforts to update and refine the City’s master plan and zoning regulations; and

WHEREAS, pursuant to properly published public notice, the Mauldin Planning Commission considered this matter at a public hearing on March 26, 2024.

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 Article 7, Allowed Uses, 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*):

ARTICLE 7. – ALLOWED USES

Sec. 7:1 – Uses by Districts.

7:1.5 Table of Allowed Uses

	R-20, R-15, R-12	R-10, R-8, R-6, RM-1	R-M	R-O	O-D	C-1	C-2	C R D	S-1	I-1	Notes
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<i>Institutional and Social Uses</i>											
Cemetery	-	-	-	-	-	-	C	-	C-	-	See Ch. 12 in Code of Ordinances
Day Care Center (Adult or Children)	-	-	C	C	C	C	C	C	C	-	See standards in Sec. 10:10 and 10:11
Day Care Home (Adult or Children)	C	C	C	C	-	-	-	-	-	-	See standards in Sec. 10:12 and 10:13
Funeral Home	-	-	-	-	-	P	-	-	P-	-	
Health Care Service—Assisted Living	-	-	P	-	-	P	-	-	P	-	
Health Care Service—Hospital	-	-	-	-	-	-	P	-	P	-	
Health Care Service—Nursing Home	-	-	-	-	-	P	-	-	P	-	
Health Care Service—Outpatient	-	-	-	-	-	P	P	P	P	-	
Health Care Service—Residential Care Facility	-	-	C	C	-	-	-	-	-	-	See standards in Sec. 10:14
Library	S	S	S	P	P	P	P	P	-	-	See standards in Sec. 10:15
Meeting or Assembly Hall	-	-	-	-	P	P	P	-	P	-	
Public Administration Building	-	-	-	-	-	P	P	P	P	-	
Public Safety Facility	S	S	S	P	P	P	P	P	P	P	
Public Works Facility	-	-	-	-	-	-	-	-	P	P	
Religious Institution	C	C	C	C	P	P	P	-	P-	-	See standards in Sec. 10:16
School—College or University	-	-	-	S	-	S	S	-	S-	S-	See standards in Sec. 10:17
School—Grade	S	S	S	S	S	S	-	-	S-	-	See standards in Sec. 10:18
School—Technical, Trade or Other Specialty	-	-	-	-	-	C	C	C	C	C	See standards in Sec. 10:19
Social Assistance Services	-	-	-	P	P	P	P	P	P-	-	

Section 2 Severage Provision. It is hereby declared to be the intention of the governing authority of this municipality that the sections, paragraphs, sentences and clauses and phrases are severable, and if any phrase, clause, sentence, paragraph, subsection, or section of this Ordinance shall be declared to be invalid or unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such invalidity or unconstitutionality shall not effect any of the remaining portions of this Ordinance so held to be invalid.

Section 3. 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

ORDINANCE # _____

AN AMENDMENT TO THE MAULDIN ZONING ORDINANCE
ESTABLISHING REGULATIONS FOR NONCONFORMING
USES, STRUCTURES, SITES, LOTS, AND SIGNS.

WHEREAS, some lots, sites, structures, uses, or signs may not conform to new or amended zoning standards adopted by the City from time to time; and

WHEREAS, this ordinance is intended to provide reasonable regulations for nonconforming lots, sites, structures, uses, and signs that were lawfully established; and

WHEREAS, the City is engaged in ongoing efforts to update and refine the City's zoning regulations; and

WHEREAS, pursuant to properly published public notice, the Mauldin Planning Commission considered this matter at a public hearing on March 26, 2024.

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 Zoning Ordinance be amended as follows:

Section 1. Repeal. Section 3:12, Nonconforming Uses, Structures, and Lots, of the Mauldin Zoning Ordinance is hereby repealed in its entirety.

Section 2. Repeal. Section 6:4.1.15, Nonconforming Sign (Grandfathered Signs), of the Mauldin Zoning Ordinance is hereby repealed in its entirety.

Section 3. Adoption. Adopt Article 11, Nonconformities, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that 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*):

ARTICLE 11. – NONCONFORMITIES

Sec. 11:1 – General Provisions.

11:1.1 Purpose and Intent.

From time to time, lots, sites, structures, uses, and signs that were lawfully established may no longer conform to the current standards of this Ordinance by reason of adoption, revision, or amendment to the Ordinance, or even right-of-way acquisition for public infrastructure projects. The standards of this Articles provide some relief from the requirements of this Ordinance for legal nonconformities while also aiding in the gradual elimination or lessening of nonconformities. This Article provides for the removal and

termination of illegal nonconformities and the regulation of legal nonconforming lots, sites, structures, and uses, and specifies those circumstances and conditions under which legal nonconformities are permitted to continue.

11:1.2 Applicability.

A. **Legal nonconformities.** Legal nonconformities are the nonconformities that were properly permitted and legally established but no longer comply with current zoning and development regulations. This Article applies to existing lots, sites, structures, and uses that became nonconforming upon the adoption or amendment of this Ordinance, or other lawful adjustment pertaining to the lot or site such as public right-of-way acquisition. Legal nonconformities are allowed to continue in accordance with the regulations of this Article.

B. **Illegal nonconformities.** Illegal nonconformities are those conformities that were not properly permitted, or were otherwise illegally established, and do not comply with current zoning and development regulations. Illegal nonconformities are hereby declared to be prohibited and a violation of this Ordinance. Illegal nonconformities are subject to enforcement actions, up to and including removal and termination. Illegal nonconforming lots, sites, structures, and uses are not allowed to be changed, enlarged, expanded, or extended unless such nonconforming lot, site, structure or use is brought into full compliance with the provisions of this Ordinance.

11:1.3. Burden of Proof.

The burden of establishing a legal nonconformity shall, in all cases, be upon the owner of such lot, site, structure, or use, and not upon the City or any other person.

11:1.4. Repairs and Maintenance.

Repairs and normal maintenance required to keep nonconforming sites and structures in a safe condition are hereby allowed so long as no alterations are made to the site or structure beyond those allowed by this Article or otherwise allowed by law or ordinance. Additionally, repairs ordered by a public official whose interest is in the protection of public safety are also hereby allowed.

Sec. 11:2. – Nonconforming Uses.

11:2.1. Continuation of Legal Nonconforming Uses.

Uses of land and buildings that lawfully existed prior to the adoption or amendment of this Ordinance, but which are not a use allowed by the current standards of this Ordinance, may continue to operate as a legal nonconforming use in accordance with the following standards.

A. **Enlargement.** A legal nonconforming use may not be enlarged, expanded, or extended to occupy a greater area of land or floor area than presently occupied.

- B. **Accessory structures.** No new accessory structure(s) may be established on the site of the legal nonconforming use.
- C. **New uses.** No new use(s) which are not allowed by the zoning of the lot or property may be established on the site of the legal nonconforming use.
- D. **Change of use.** A legal nonconforming use may not be changed to another use that is not allowed by the zoning of the lot or property.
- E. **Relocation.** A legal nonconforming use may not be moved or relocated, in whole or in part, to any other portion of the site on which it is located, or to any other building located thereon, nor to any other lot or property, unless such use is allowed by the zoning of that lot or property.
- F. **Damage or destruction.** A legal nonconforming use located within a building or structure which is damaged or destroyed may be restored or reestablished provided that a building permit for such reconstruction or restoration is applied for with the City within six (6) months from the date of the occurrence that caused the damage or destruction and provided that the size and number of the buildings or structures is not increased. Any building or structure which is not reestablished in the exact same footprint must meet all the bulk and setback requirements for the zoning district in which it is located.
- G. **Removed structures.** A legal nonconforming use associated with a building or structure that is physically removed or relocated from the lot or property may not be reestablished or replaced on that lot or property. Notwithstanding, manufactured homes in nonconforming manufactured housing communities may be replaced so long as the total number of units does not increase from the time of adoption or amendment of this Ordinance.
- H. **Change of ownership.** Changes of ownership or management of a nonconforming use, where the use does not change, are permitted in accordance with the standards of this section.

11:2.2. Abandonment of Nonconforming Uses.

If a legal nonconforming use is abandoned, discontinued, or ceases activity for a continuous period of ninety (90) calendar days, such use shall not be reestablished, and any use of the lot or property shall thereafter conform to the uses allowed by the zoning district in which it is located. The Business and Development Services Director shall have the authority to determine if a legal nonconforming use has been abandoned for a continuous period of 90 days or more. The Business and Development Services Director may consider the following circumstances in making such a determination:

- A. The disconnection of utility services, such as water, gas, or electricity, to the building or property, including the closing of an account for such service;

- B. The removal of equipment, fixtures, or structures associated with the nonconforming use;
- C. The neglect and disrepair of structures and facilities associated with the nonconforming use;
- D. The removal or abandonment of signs associated with the nonconforming use;
- E. The expiration or termination of a City-issued business license for the nonconforming use;
- F. The discontinuation of activities at the lot or property; or
- G. Other actions which, in the judgment of the Business and Development Services Director, demonstrate an intention to abandon or cease the nonconforming use.

If the owner of the nonconforming has taken observable steps to resume the nonconforming use prior to the end of this 90-day period, the Business and Development Services may take this into consideration.

11:2.3. Abandonment of Accessory Nonconforming Uses.

A legal nonconforming use that is accessory to a principal use is not allowed to continue or be reestablished after any length of time of abandonment or cessation.

Sec. 11:3 – Nonconforming Structures

11:3.1. Continuation of Legal Nonconforming Structures

Structures that lawfully existed prior to the adoption or amendment of this Ordinance, but which do not comply with the current standards of this Ordinance, may continue to be used or occupied as a legal nonconforming structure in accordance with the following standards.

- A. **Repairs and alterations.** A legal nonconforming structure may be repaired, improved, modernized, altered, or rehabilitated only if the extent of the nonconforming aspect of the structure is not increased.
- B. **Expansions and additions.** A legal nonconforming building may be enlarged or altered, provided the area of the expansion is within required setbacks and meets all other development and zoning standards. The portion of a building that encroaches into a required building setback or landscape buffer may not be increased in height.
- C. **Reduction of nonconformity.** A legal nonconforming structure may be altered or modified in a manner that eliminates, removes, or reduces any or all of the nonconforming aspect(s) of the structure. Nonconforming aspects of structure may not be reestablished after they have been eliminated, removed, or reduced.

D. *Damage or destruction.* A legal nonconforming structure which is damaged or destroyed may be restored or reestablished within the same footprint as existed at the time of the damage or destruction provided that a building permit for such reconstruction or restoration is applied for with the City within six (6) months from the date of the occurrence that caused the damage or destruction.

11:3.2. Nonconforming Façade Design

Buildings with a façade that does not conform to the building design standards of this Ordinance may be repaired or improved in a manner that reduces or eliminates or otherwise does not increase or reproduce the nonconforming aspect(s) of the façade. However, if any other building expansion or renovation is proposed, such expansion or renovation must conform with the building design standards of this Ordinance, as determined by the Business and Development Services Director.

Sec. 11:4 – Nonconforming Sites and Lots

11:4.1. Continuation of Legal Nonconforming Sites

Sites with improvements that lawfully existed prior to the adoption or amendment of this Ordinance, but which do not comply with the current standards of this Ordinance, may continue to be used or occupied as a legal nonconforming site in accordance with this section. Regarding additional site improvements and modifications, this section is intended to foster gradual increased conformance, and ultimately compliance, with the site standards in this Ordinance such as landscaping, parking, lighting, and so forth.

11:4.2. Modifications and Improvements to Legal Nonconforming Sites

Modifications and improvements to legal nonconforming sites may be allowed by the Business and Development Services Director without necessarily bringing the entire site in conformance. Any modifications or improvements must not increase the extent to which the site does not conform to current standards in this Ordinance. Aspects of the site that do not conform to parking and/or landscaping standards of this Ordinance must be brought into compliance to the extent that is proportionate to the size of the expansion of the site or building.

The Business and Development Services Director shall determine the aspects of the site that should be brought into conformance that are reasonable and in proportion to the site modifications and improvements being proposed. The Business and Development Services Director may consider the following circumstances in making such a determination:

- A. The scale and construction cost of the building or site improvements or expansion;
- B. The need for improvements to enhance public safety at the site;

- C. The opportunity for improvements to achieve the visions, objective and/or strategies of the City such as the installation of sidewalks to promote and enhance the pedestrian experience; and
- D. The opportunity for improvements to eliminate or reduce nonconforming aspects of the site.

11:4.3. Nonconforming Sites Resulting from Right-of-Way Acquisition or Expansion

Buildings, structures, parking lots, and other site improvements which lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer comply with the provisions of this Ordinance due to the acquisition or expansion of right-of-way on behalf of the City, Greenville County, or the State of South Carolina may continue to be used or occupied as a legal nonconforming site.

Such sites may be improved or expanded without a variance upon determination by the Business and Development Services Director that such improvement or expansion is reasonable. The Business and Development Services Director may consider the following circumstances in making such a determination:

- A. The building, structure, parking lot, or other site improvement was in conformance with current standards prior to the acquisition or expansion of the right-of-way;
- B. The building, structure, parking lot, or other site improvement will not further encroach into the required setback or buffer yard; and
- C. The proposed improvement or expansion will meet the current standards of this Ordinance to the extent practical.

11:4.4. Development of Legal Nonconforming Lots

Lots of record that lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer comply with the provisions of this Ordinance, may be developed for uses allowed in the applicable zoning district in accordance with the following standards:

- A. **Existing lot of record.** The lot must be an existing lot of record, lawfully created prior to the adoption or amendment of this Ordinance; and
- B. **Compliance with standards.** The location and development of the lot must conform to all other applicable standards of this Ordinance such as building setbacks, maximum density, minimum open space, maximum building height, minimum parking, landscaping, etc.

Sec. 11:5 – Nonconforming Signs

11:5.1. Continuation of Legal Nonconforming Signs

Signs that lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer comply with the provisions of this Ordinance, may continue to be used and maintained in accordance with the following standards:

- A. **Sign face change.** The sign face, including the copy or graphics on the sign face, may be changed on a nonconforming sign. However, a nonconforming sign or sign structure may not be changed or replaced with another nonconforming sign or sign structure.
- B. **Structural alteration.** A nonconforming sign may only be structurally altered to eliminate or substantially reduce a nonconforming aspect of the sign. The Business and Development Services Director shall determine if the reduction is substantial enough to warrant the alteration. Additionally, the alteration must not introduce or increase another nonconforming aspect of the sign.
- C. **Enlargement or relocation.** A nonconforming sign may not be enlarged, expanded, or relocated, unless the entire sign is brought into full compliance with the current standards of this Ordinance.
- D. **Removed signs.** A nonconforming sign which has been removed for any reason may not be reestablished or reconstructed, unless the entire sign is brought into full compliance with the current standards of this Ordinance.
- E. **Damage or destruction.** A nonconforming sign shall not be reestablished or reconstructed after damage or destruction of more than 50 percent of the replacement value of the same type sign at the time of such damage or destruction.
- F. **Abandoned signs.** A nonconforming sign shall not be reestablished or reused after it has been abandoned for more than a continuous period of 180 days. Abandonment shall include signs without a message or whose display surface has been blank or covered; signs which pertain to a time, event, or purpose which no applies or has elapsed; signs advertising a business that has closed or terminated occupancy at the premises of the sign; or signs consistent with the definition of an abandoned sign or sign structure as provided in this Ordinance.
- G. **Acceptable relocation.** Notwithstanding the standards herein, a sign may be relocated in accordance with Section 11:5.3.

11:5.2. Repair and Maintenance of Legal Nonconforming Signs

A nonconforming sign may be maintained and repaired in accordance with this section. Repairs necessary to restore a nonconforming sign or sign structure to a safe condition are allowable in accordance with the provisions of this section. Basic maintenance, such as painting or refinishing the surface of the sign or sign structure, are allowable in accordance with the provisions of this section.

11:5.3. Signs Made Nonconforming Due to Right-of-Way Acquisition

When a sign, whether conforming or legal nonconforming, is located on property which is acquire as right-of-way by the City, Greenville County, or the State of South Carolina, the sign may continue to be used or relocated in accordance with the following standards:

- A. ***Signs outside new right-of-way.*** A sign which is not located in and does not overhang the new right-of-way may remain in its place unless it is found to obstruct pedestrian and motorist visibility at driveways and/or intersection. If the sign does need to be relocated, it shall comply, as near as possible, to the required setbacks provided in this Ordinance. Where there are constraints on the site that prevent the sign from meeting the required setback, it shall be permitted to encroach into the required as minimally as possible and must be located so as not to obstruct pedestrian and motorist visibility at driveways and/or intersections.
- B. ***Signs inside the new right-of-way.*** When a sign is located within the newly acquired right-of-way, the sign must be relocated out of the new right-of-way and shall comply, as near as possible, to the required setbacks provided in this Ordinance. Where there are constraints on the site that prevent the sign from meeting the required setback, it shall be permitted to encroach into the required setback as minimally as possible and must be located so as not to obstruct pedestrian and motorist visibility at driveways and/or intersections.
- C. ***Legal nonconforming sign status.*** Any sign that does not meet the required setbacks, whether it has been relocated or remained in place, shall be deemed a legal nonconforming sign and shall be subject to the provisions for legal nonconforming signs provided in this section.

11:5.4. Nonconforming Temporary Signs

Temporary signs that lawfully existed prior to any subsequent amendments of this Ordinance, but which no longer comply with the provisions of this Ordinance because of an amendment, must be removed within thirty (30) calendar days of the effective date of the amendment to this Ordinance.

Sec. 11:6. The Nonconforming Sale and Rental of Moving Trucks, Trailers, Intermodal Containers, and Temporary Portable Units

11:6.1. Cessation in All Districts Except S-1 and C-2

In accordance with City Ordinance #1013, the sale and rental of moving trucks, trailers, intermodal containers and temporary portable storage units not in the S-1 or C-2 districts shall cease no later than two (2) years from the date of final passage of Ordinance #1013 on December 19, 2022. No moving trucks, trailers, intermodal containers, or temporary portable storage units for rent, sale, or otherwise stored on the property shall remain on the premises after this cessation period. As used herein, moving trucks and trails shall mean trucks (including box trucks and cargo vans) and trailers primarily used for storing, moving, and hauling goods. An intermodal container is defined as a standardized reusable steel box, or similar container, used for the safe, efficient and secure storage and movement of materials and products within a global containerized intermodal freight transport system.

A temporary portable storage unit is defined as a temporary, self-contained storage unit, which is intended to be picked up and moved to various locations on demand. The sunset provisions contained herein do not apply to the rental of pickup trucks and other vehicles at car rental services primarily used for personal transportation instead of transporting goods and also do not apply to the temporary use of storage containers as otherwise allowed by this Ordinance.

11:6.2. Continuation in the C-2 District

In accordance with City Ordinance #1013, the nonconforming sale and rental of moving trucks, trailers, intermodal containers, and temporary portable units that was lawfully established in the C-2 district shall, within two (2) years from the date of final passage of Ordinance #1013 on December 19, 2022, keep and maintain the moving trucks, trailers, intermodal containers, and temporary portable storage units (“the equipment”) within a storage area subject to the conditions set forth below. The intent of these standards is to limit equipment from being stored or displayed in front of the principal building for the business. The “storage area” referenced below is the portion of the property intended for parking or storage of the equipment being prepared or stored for rent, sale, or service in connection with the business located on the property.

- A. **Storage area location.** The storage area shall not be located any closer to the edge of the road right-of-way than the front façade of the principal building for the business.
- B. **Storage area screening.** The storage area shall be completely screened from the view of any public or private right(s)-of-way and from any adjacent residential use or residential zoning district. Screening shall be accomplished by the installation of an opaque wall, fence, or evergreen plant material or a combination thereof. The height of the screening material must be at least eight (8) feet.
- C. **Equipment outside the storage area.** No more than two (2) pieces of equipment may be kept outside the storage area and in front of the principal building at one time. Any other equipment may be kept out the storage area and in front of the principal building on a temporary basis not to exceed four (4) hours during normal business hours at a time when being processed for customer pick up and drop off.
- D. **Conflicting standards.** The standards in this section do not substitute or replace higher standards that may be provided for particular uses within the C-2 zoning district.

Section 4 Amendment. Amend Section 3:3, Definitions, of Article 3, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that 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*):

ARTICLE 3. – ZONING DISTRICTS, GENERAL STANDARDS, DEFINITIONS

Sec. 3:3 – Definitions

Nonconforming lot. ~~A lot of record at the time of passage of this ordinance which does not meet the requirements for area and/or width generally applicable in the district in which such lot is located.~~ A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance but, by reason of such adoption, revision, amendment, or right-of-way acquisition, fails to conform to the current standards of this Ordinance.

Nonconforming sign. ~~A legally established sign that does not conform to the minimum standards and provisions of the effective date of this article and/or are made nonconforming by subsequent amendments to this Chapter. Nonconformities include but are not limited to: sign type, sign height, sign copy size and location (both on premises and off premises).~~ A sign which was lawful prior to adoption, revision, or amendment of this Ordinance but, by reason of such adoption, revision, amendment, or right-of-way acquisition, fails to conform to the current standards of this Ordinance.

Nonconforming structure or building. A structure or building, the size, dimensions, design, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance but, by reason of such adoption, revision, amendment, or right-of-way acquisition, fails to conform to the current standards of this Ordinance.

Nonconforming use ~~or structure~~. ~~A land use or structure that existed lawfully on the date this Zoning Ordinance became effective and which does not conform to the permitted uses for the zoning district in which it is situated. Nonconforming uses are incompatible with permitted uses in the district involved. Such nonconformities are permitted to continue until they are removed.~~ A land use or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance but, by reason of such adoption, revision, or amendment, fails to conform to the current standards and allowed uses of this Ordinance.

Section 5 Amendment. Amend Section 6:4.1.2, Definitions, of Article 6, as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that 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*):

ARTICLE 6. – DEVELOPMENT AND DESIGN STANDARDS

Sec. 6:4 – Signs

~~*Nonconforming sign.* A legally established sign that does not conform to the minimum standards and provisions of the effective date of this article and/or are made nonconforming by subsequent amendments to this Chapter. Nonconformities include but are not limited to: sign type, sign height, sign copy size and location (both on premises and off premises).~~

Section 6 Severage Provision. It is hereby declared to be the intention of the governing authority of this municipality that the sections, paragraphs, sentences and clauses and phrases are severable, and if any phrase, clause, sentence, paragraph, subsection, or section of this Ordinance shall be declared to be invalid or unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such invalidity or unconstitutionality shall not effect any of the remaining portions of this Ordinance so held to be invalid.

Section 7. 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:

Daniel Hughes, City Attorney