



CITY COUNCIL MEETING

MONDAY, APRIL 15, 2024 | 7:00 PM

**City Council will meet in the Mauldin City Hall Council
Chambers, 5 East Butler Road**

Please note that members of the public are encouraged to participate 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

**CITY OF MAULDIN
COUNCIL MEETING AGENDA
APRIL 15, 2024
CITY HALL COUNCIL CHAMBERS, 5 E. BUTLER ROAD**

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|--|--------------------|
| 1. Call to Order | Mayor Merritt |
| a. Welcome | |
| b. Invocation | |
| c. Pledge of Allegiance | |
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| 2. Proclamations and Presentations | Mayor Merritt |
| a. Greenville County Soil and Water Conservation Presentation-
Kirsten Robertson | |
| b. National Day of Prayer Proclamation [Page 5] | |
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| 3. Reading and Approval of Minutes | Mayor Merritt |
| a. City Council Meeting- March 18, 2024 [Pages 6-12] | |
| Council Budget Workshop- March 14, 2024 [Page 13] | |
| Council Budget Workshop- March 28, 2024 [Page 14] | |
| Special Called Council- April 1, 2024 [Page 15] | |
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| 4. Public Comment | Mayor Merritt |
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| 5. Report from City Administrator | Seth Duncan |
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| 6. Report from Standing Committees | |
| a. Finance and Policy (Chairperson Reynolds) | |
| b. Public Safety (Chairperson King) | |
| c. Public Works (Chairperson Kraeling) | |
| d. Economic Planning & Development (Chairperson Matney) | |
| e. Building Codes (Chairperson Steenback) | |
| f. Recreation (Chairperson Allgood) | |
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| 7. Unfinished Business-
 Ordinances- 2nd Reading | Mayor Merritt |
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| a. An Amendment to Section 5:6.16 of the Mauldin Zoning
Ordinance regarding drive-thru facilities in the Central
Redevelopment District [Pages 16-22] | Chairman Steenback |
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| b. An Ordinance to provide for the annexation of property
owned by Andrew and Alexandria Smith and located at
325 Bridges Road (Tax Map Parcel: 0542.01-01-021.11) | Chairman Steenback |

by one hundred percent petition method; and to establish a zoning classification of R-15, residential, for said property [Pages 23-36]

- c. An Ordinance to provide for the annexation of property owned by Jason and Tina Styron and located at 315 Bridges Road (Tax Map Parcel: 0542.01-01-021.10) by one hundred percent petition method; and to establish a zoning classification of R-15, residential, for said property [Pages 23-36] Chairman Steenback

Standing Committee Items

- d. Stormwater Fee Discussion [Pages 37-38] Chairman Kraeling

8. New Business

Mayor Merritt

Ordinances – 1st Reading

- a. An Ordinance to provide for the annexation of property owned by Clayton Bohn, Jr., and located at 2 Woodhedge Court (Tax Map Parcel: M006.02-01-434.00) by one hundred percent petition method; and to establish a zoning classification of R-15, residential [Pages 39-46] Chairman Steenback
- b. An amendment to the Mauldin Zoning Ordinance removing certain uses from those allowed in the S-1 and I-1 zoning districts [Pages 47-52] Chairman Steenback
- c. An amendment to the Mauldin Zoning Ordinance establishing regulations for nonconforming uses, structures, sites, lots, and signs [Pages 53-68] Chairman Steenback
- d. Ordinance to Sell Butler Road Property for ROW [Pages 69-92] Chairman Kraeling

Standing Committee Items

None

Committee of the Whole

None

9. Public Comment

Mayor Merritt

10. Call for Executive Session

- a. Executive Session to consider an economic development matter related to City Center as allowed by State Statute Section 30-4-70(a)(2)

b. Possible action on items discussed in Executive Discussion

11. Council Concerns

Mayor Merritt

12. Adjournment

Mayor Merritt



PROCLAMATION

NATIONAL DAY OF PRAYER

WHEREAS, America needs a moral rebirth and nearly every problem facing our nation today springs from a moral base; and

WHEREAS, We need to implore God’s blessings on our country; and

WHEREAS, We need to ask God to forgive our sinfulness and restore our moral perspective; and

WHEREAS, We ask that our citizens be reminded of II Chronicles 7:14: “If my people, who are called on by My name, shall humble themselves and pray, and seek My face, and turn from their wicked ways; then I will hear from heaven, and will forgive their sin, and will heal their land.”

NOW THEREFORE, I, Terry Merritt, Mayor of the City of Mauldin, do hereby proclaim Thursday, May 2, 2024 as

National Day of Prayer

In the City of Mauldin and urge our citizens to join the millions of other Americans across the nation in praying for a moral rebirth in America.

Terry Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

**MINUTES
CITY OF MAULDIN
COUNCIL MEETING
MARCH 18, 2024
CITY HALL COUNCIL CHAMBERS, 5 E. BUTLER ROAD**

Members present were Mayor Terry Merritt, Council members Taft Matney, Carol King, Jason Kraeling, Michael Reynolds, Frank Allgood, and Mark Steenback.

Others present were City Administrator Seth Duncan and City Attorney Daniel Hughes.

1. Call to Order- Mayor Merritt

- a. Welcome- Mayor Merritt
- b. Invocation- Councilman Kraeling
- c. Pledge of Allegiance- Councilman Kraeling

2. Proclamations and Presentations

a. Presentation to State Champions 8U Girls Basketball Team

Mayor Merritt read a proclamation and presented certificates to the team.

b. American Legion Presentations for Firefighter and Police Officer of the Year

Police Officer Thomas Fazio and Firefighter Tanner Matheson were recognized by the American Legion.

c. Mauldin Chamber Report

Ozzy Custodio, Chairman of the Chamber board, was present to give a report. The Chamber has 9 new members and several upcoming ribbon cuttings and grand openings.

d. GCRA Public Hearing

Imma Nwobodu from the Greenville County Redevelopment Authority held a public hearing to present CDBG and HOME funding for the current year. No comments were made. The public hearing concluded at 7:42 p.m.

3. Reading and Approval of Minutes

- a. City Council Meeting- February 19, 2024

Motion: Councilman Matney made a motion to accept the minutes with Councilman Steenback seconding.

Vote: The vote was unanimous (7-0).

b. Council Workshop- February 19, 2024

Motion: Councilman Reynolds made a motion to accept the minutes with Councilwoman King seconding.

Vote: The vote was unanimous (7-0).

4. Public Comment

- a. Charles Garcia from 209 Allender Way, Simpsonville is the owner of Summer Moon coffee. He spoke on the project he envisions here in Mauldin.
- b. Nick Netchaeff- 212 North Main Street shared his concerns about air quality and dust in the air from the Jenkins Court project and from the City property on North Main Street.
- c. Aaron Peter of 516 Rivanna Lane in Greenville spoke on the Summer Moon project and the changes that have been made to the plans based on feedback received by City staff and Council members. The project will have walkable access from City Center with lighting and signage. There will be no vehicular access from the coffee shop over to Jenkins Court.

5. Report from City Administrator

There is still time for the public to help shape the future of Mauldin as we continue to seek responses to the City's Community Survey for our 5-year Strategic Plan. To date, we have received more than 623 responses. The Strategic Plan will help guide City Council in identifying its vision for the future of our community as well as playing a crucial role in helping to define future priorities. Responses will be accepted until March 31st. A link to the survey can be found on the City's webpage at: www.cityofmauldin.org.

The Blues & Jazz annual event features a variety of your favorite restaurants and food trucks, complete with live blues and jazz music. It will be held on Saturday, April 20, 2024 | 2 p.m. – 9 p.m.

Community Development staff and Mauldin PD are working together to plan the inaugural BridgeWay 5k, an event being funded in part from a grant received from Ten at The Top. The date has been set for Saturday, June 1, 2024 starting at 8am. The event will include a 5k and Fun Run beginning and ending at BridgeWay Station.

6. Report from Standing Committees

- a. Finance and Policy (Chairperson Reynolds)- Chairman Reynolds mentioned the budget workshops.
- b. Public Safety (Chairperson King)
- c. Public Works (Chairperson Kraeling)
- d. Economic Planning & Development (Chairperson Matney)
- e. Building Codes (Chairperson Steenback)
- f. Recreation (Chairperson Allgood)

**7. Unfinished Business-
Ordinances- 2nd Reading**

- a. Ordinance to Sell Butler Road Property for ROW

The City owns a number of parcels along the project corridor and due to the nature of this project SCDOT is increasing its right-of-way throughout the project area. The parcels related to this appraisal are directly in front of City Hall and the old Fire Station. SCDOT is seeking to acquire a thin strip of City property for the purpose of building a dedicated right-turn lane onto HWY 276.

Motion: Chairman Kraeling made a motion to accept this ordinance on second reading. Councilman Matney seconded the motion.

Vote: The vote was unanimous (7-0).

- b. Ordinance to Amend the Zoning Ordinance Establishing Regulations for Temporary Uses and Structures

Staff has drafted a new ordinance for temporary uses that is much easier to administer and follow. The simplified approach of this draft ordinance is to: (1) Provide general standards that apply to all temporary uses and structures; (2) Identify temporary uses and structures that are allowed and exempt from permit requirements; (3) Identify temporary uses and structure that are allowed by permit; and (4) Specify a brief set of standards for mobile food sales. In addition, the draft ordinance outlines the purpose and intent of these regulations, establishes the authority to administer these regulations, and cleans up the definitions pertaining to temporary uses and structures.

Motion: Chairman Steenback made a motion to accept this ordinance on second reading. Councilman Matney seconded the motion.

Vote: The vote was unanimous (7-0).

Standing Committee Items- None

8. New Business

Ordinances – 1st Reading

- a. An Amendment to Section 5:6.16 of the Mauldin Zoning Ordinance regarding drive-thru facilities in the Central Redevelopment District.

Motion: Chairman Steenback made a motion to approve this ordinance on first reading. Councilman Reynolds seconded the motion.

The ordinance was sent to the Planning Commission from the Building Codes committee. The Planning Commission recommended the project unanimously. This ordinance modifies the allowance for a drive-thru facility in the Central Redevelopment District in a minimal way that does not impact other properties aside from 110 N. Main Street. Driveway access from drive-thru facilities onto the Jenkins Court extension will be restricted.

Councilman Matney said he has agonized over this vote. The CRD plan is so important to the future of our City, but this property was slated to be a coffee shop that was previously agreed to by Council, so he will support the project.

Councilman Allgood asked what extra steps will be taken to make this project cohesive with the City Center Village property. Mr. Peter answered there will be a direct pedestrian path from the sidewalk to the back patio of Summer Moon. This would be just like what is in downtown Greenville. There will be signage and landscaping going to the back patio. A material change will designate a pathway. There will also be a raised table to identify it as a pathway. The building and pathway will be ADA compliant.

Mr. Garcia answered that there are plans for signage facing Jenkins Court. Also, the front door will be moved to be storefront, and a front patio will be added.

Mayor Merritt stated he was against the project because we need City Center for a downtown. He was concerned about the walkability of the City Center Village. Traffic needs to be kept at a minimum at Jenkins Court. Council has discussed this issue several times regarding the CRD. He received an email from Mr. Wyeth saying that all points from 110 North Main to Jenkins Court will be blocked to vehicular traffic. The Mayor would like it in writing that the two access points to Jenkins Court would be blocked. With this assurance, he will vote for the project.

Councilwoman King said Council has had many discussions on this location. Mr. Dyrhaug did a great job updating the ordinance and the developer has more than met Council halfway and has listened to Council and staff recommendations. She is happy to support the ordinance change to allow the project.

Councilman Kraeling said he likes the design and concept. Things that were not clear in the beginning are clear now and he will support the project.

Vote: The vote was unanimous (7-0).

- b. An Ordinance to provide for the annexation of property owned by Andrew and Alexandria Smith and located at 325 Bridges Road (Tax Map Parcel: 0542.01-01-021.11) by one hundred percent petition method; and to establish a zoning classification of R-15, residential, for said property

Motion: Chairman Steenback made a motion to adopt this ordinance on first reading. Councilwoman King seconded the motion.

Chairman Steenback wants to make sure the zoning will benefit the City long-term.

Vote: The vote was 6-1 with Councilman Kraeling dissenting.

- c. An Ordinance to provide for the annexation of property owned by Jason and Tina Styron and located at 315 Bridges Road (Tax Map Parcel: 0542.01-01-021.10) by one hundred percent petition method; and to establish a zoning classification of R-15, residential, for said property

Motion: Chairman Steenback made a motion to adopt this ordinance on first reading. Councilwoman King seconded the motion.

Vote: The vote was 6-1 with Councilman Kraeling dissenting.

Standing Committee Items

- d. Authorization to Sell Equipment

Motion: Chairman Kraeling made a motion to adopt the resolution to sell used/old equipment. Councilwoman King seconded the motion.

Vote: The vote was unanimous (7-0).

- e. Pine Forest Park Grant Modification

Motion: Chairman Allgood made a motion to approve the grant modification with a not to exceed amount of \$50,000. Councilman Reynolds seconded the motion.

Vote: The vote was unanimous (7-0).

- f. City Center Village Master Plan

Motion: Chairman Matney made a motion to contract with Seamon Whitesides as the company to develop the Village master plan not to exceed \$33,000. Councilman Kraeling seconded the motion.

Councilman Reynolds said he wants to make sure we move forward with the project and use this study as a guide.

Vote: The vote was unanimous (7-0).

g. Police and Court Operations Security Updates

City Council is requested to reallocate \$45,000 of ARPA funding for Police Department and Court Operations Security Upgrades. The funds would be used as follows:

Security Cameras Replacement \$20,000
Metal Detector Replacement \$5,000
Court Administration \$20,000
\$45,000.00

Motion: Chairwoman King made a motion to reallocate ARPA funding in the amount of \$45,000. Councilman Kraeling seconded the motion.

Vote: The vote was unanimous (7-0).

Committee of the Whole

Motion: Councilman Matney made a motion to consider the following two items informally. Councilwoman King seconded the motion.

Vote: The vote was unanimous (7-0).

h. GCRA Resolution

Motion: Councilwoman King made a motion to adopt the FY 24 CDBG/HOME resolution from GCRA. Councilman Steenback seconded the motion.

Vote: The vote was unanimous (7-0).

i. Capital Project Sales Tax – Priority List

Staff is recommending these road projects be submitted to the County Capital Project

Sales Tax Commission for inclusion in the ballot measure being presented to the public this November.

Holland Road (Vendue Ct. to E. Butler Road) (city)
Adams Mill (Ashmore Bridge Rd to Brooks Rd) (city/state)
Hamby Road (Miller Rd to Forrester Dr) (state)
Interchange Improvement (Forrester Drive at Hamby Rd) (state)
Ashmore Bridge Road (widening Fork Shoals Rd to W. Butler Rd) (state)
West Butler Road (Conestee Rd to HWY 276) (state)
HWY 276 (E. Standing Springs to Innovation Dr.) (state)
Old Mill Road (E. Butler Rd to Forrester Dr) (state)
North Golden Strip Dr (HWY 417 to Bethel Dr) (state)
Fowler Circle (widening W. Butler Rd to Murphy Ln) (county)

Motion: Councilman Kraeling made a motion to submit these road projects to the County for inclusion in the ballot for capital sales tax. Councilman Reynolds seconded the motion.

Vote: The vote was unanimous (7-0).

9. Public Comment

Rollie Hyust of 104 Swinton Drive spoke about the community survey . He hopes citizens will participate. He also mentioned he is very happy to hear that sidewalks will be installed on a section of Miller Road to help the students who are walking to school.

10. Council Concerns

Councilman Allgood asked Mr. Duncan to put dust remediation on a future committee agenda for discussion.

Councilman Allgood then asked for clarification on making motions if a Council Chairperson is not in favor of an item. City Attorney Daniel Hughes said he could draft a memo regarding parliamentary procedure.

11. Adjournment- Mayor Merritt adjourned the meeting at 8:44 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

**MINUTES
CITY OF MAULDIN
CITY COUNCIL WORKSHOP
MARCH 14, 2024, 6:00 PM
CITY HALL – UPSTAIRS CONFERENCE ROOM**

Members present were MPT Taft Matney, Council members Carol King, Jason Kraeling, Michael Reynolds, and Frank Allgood. Mayor Terry Merritt and Council member Mark Steenback were not present.

1. Call to Order- MPT Taft Matney
2. Budget Opening Remarks- Councilman Reynolds
3. Budget Presentation- City Administrator Seth Duncan
4. Adjournment- Mayor Pro Tempore Taft Matney adjourned the meeting.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

MINUTES
CITY OF MAULDIN
CITY COUNCIL WORKSHOP
MARCH 28, 2024, 6:00 PM
CITY HALL – UPSTAIRS CONFERENCE ROOM
5 E. BUTLER ROAD

Members present at Call to Order were Mayor Terry Merritt, Council members Taft Matney, Jason Kraeling, and Frank Allgood. Councilman Mark Steenback came in at 6:06 p.m. and Councilwoman King was present at 6:21 p.m. Councilman Michael Reynolds was not present.

1. Call to Order- Mayor Merritt
2. Budget Opening Remarks- City Administrator Seth Duncan
3. Continuation of Budget Discussion- City Administrator Seth Duncan
4. Adjournment- Mayor Merritt adjourned the meeting at 8:00 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

**MINUTES
CITY OF MAULDIN
SPECIAL CALLED CITY COUNCIL MEETING
APRIL 1, 2024, FOLLOWING COMMITTEE MEETINGS
CITY HALL - COUNCIL CHAMBERS 5 E. BUTLER ROAD**

Members present were Mayor Terry Merritt, Council Members Taft Matney, Carol King, Jason Kraeling, Michael Reynolds, Frank Allgood and Mark Steenback

Others present were Daniel Hughes, City Attorney and Seth Duncan, City Administrator

1. Call to Order- Mayor Merritt

- a. Invocation- Councilman Reynolds
- b. Pledge of Allegiance- Councilman Reynolds
- c. Welcome- Mayor Merritt

2. New Business

- a. Motion to enter into Executive Session to consider an economic development matter related to City Center as allowed by State Statute Section 30-4-70 (a)(2)

Motion: Councilman Matney made a motion to move into executive session at 7:23 p.m. Councilman Reynolds seconded the motion.

Vote: The vote was unanimous (7-0).

Mayor Merritt reconvened the Council meeting at 8:49 p.m.

Councilman Matney reported no decisions were made and no action taken.

- b. Possible action on items discussed in Executive Session- None

3. Public Comment- None

4. Council Requests- None

5. Adjournment- Mayor Merritt adjourned the meeting at 8:49 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

CITY COUNCIL AGENDA ITEM

MEETING DATE: April 15, 2024

ITEM: 7a

TO: City Council

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

SUBJECT: Drive-thru Standards in the Central Redevelopment District
*** 2nd Reading ***

BACKGROUND

On December 19, 2022, the Mauldin City Council adopted standards to amend the City’s zoning ordinance to prohibit the establishment of new drive-thru facilities in the Central Redevelopment District, commonly referred to as City Center. On January 2, 2024, Pintail Properties requested that the Building Codes Standing Committee consider an amendment to this ordinance that would provide some allowance for new drive-thru facilities in the Central Redevelopment District. Pintail Properties has a potential coffee shop client, Summer Moon, interested in moving into the vacant suite at 110 N. Main Street. Summer Moon has indicated that drive-thru operations are vital to the success of their business. 110 N. Main Street is the former BB&T building that has recently been renovated and is now partly occupied by the Mauldin Station Vet Clinic. On February 6, 2024, the Building Codes Standing Committee referred this matter to the Planning Commission for review and recommendation.

CURRENT MAULDIN STANDARDS

Presently, the City of Mauldin prohibits new drive-thru facilities in the Central Redevelopment District. Existing drive-thru facilities in this district may remain but cannot be expanded or enlarged. Additionally, existing drive-thru facilities are not allowed to create vehicular access to new streets constructed in the Central Redevelopment District provided that the facility is still accessible via existing streets. These restrictions were adopted primarily to support the pedestrian focus of the Central Redevelopment District and to minimize motorist-pedestrian conflicts.

PROSPECTIVE MODIFIED STANDARDS

According to the discussion regarding this issue, staff has drafted an ordinance that would modify the approach of how drive-thru facilities in the CRD are “grandfathered.” This modified “grandfather” approach would expand the ability to continue the operation of a drive-thru in the CRD to properties that operated a drive-thru at any point in time between January 1, 2022, and December 31, 2023. In addition to the Sully’s Steamers, Tropical Grille, and Dairy Queen (which currently operate a drive-thru), the ordinance would expand this opportunity to the former BB&T property as well. While these draft modified standards would allow for a drive-thru facility at these properties, the queuing lanes for these drive-thru facilities would not be allowed to be directly accessed by any new streets in the Central Redevelopment District, including the Jenkins Court extension.

PUBLIC HEARING

The Planning Commission held a public hearing on February 27, 2024. Stuart Wyeth with Pintail Properties and Charles Garcia with Summer Moon Coffee spoke in support of the ordinance. No other public comments were offered at the public hearing.

TIMELINE

On January 2, 2024, Stuart Wyeth with Pintail Properties appeared before the Building Codes Committee to request consideration to allow a drive-thru facility at 110 N. Main Street (the former BB&T building) for Summer Moon Coffee.

On February 5, 2024, the Building Codes Committee reviewed a draft ordinance that would modify the allowance for a drive-thru facility in the Central Redevelopment District and forwarded this ordinance to the Planning Commission for their review and recommendation.

On February 27, 2024, the Planning Commission held a public hearing and voted 7-0 to recommend approval of the ordinance.

On March 4, 2024, the Building Codes Committee voted 3-0 to forward this ordinance to City Council.

On March 18, 2024, the City Council voted 7-0 to approve this ordinance on first reading.

STAFF RECOMMENDATION

The attached ordinance modifies the allowance for a drive-thru facility in the Central Redevelopment District in a minimal way that does not impact other properties aside from 110 N. Main Street.

PLANNING COMMISSION RECOMMENDATION

In the course of their discussion on February 27, members of the Planning Commission expressed support for the manner in which the ordinance would minimally allow drive-thru facilities. They additionally supported restricting driveway access from drive-thru facilities onto the Jenkins Court extension. The Planning Commission voted 7-0 to recommend approval of the ordinance.

ATTACHMENTS

Draft ordinance
Concepts provided by Pintail Properties
Letter of intent from Pintail Properties

ORDINANCE # _____

AN AMENDMENT TO SECTION 5:6.16 OF THE MAULDIN ZONING ORDINANCE REGARDING DRIVE-THRU FACILITIES IN THE CENTRAL REDEVELOPMENT DISTRICT.

WHEREAS, the Mauldin Comprehensive Plan establishes “City Center” areas that promote pedestrian-oriented development; and

WHEREAS, the purpose and intent of the Central Redevelopment District is to encourage the redevelopment of the central area of the City in a manner that promotes pedestrian activity and safety; and

WHEREAS, drive-thru facilities prioritize vehicular orientation over pedestrian orientation; and

WHEREAS, this Ordinance is intended to minimize drive-thru facilities in areas where pedestrian orientation is integral to the character of the district; and

WHEREAS, this Ordinance is intended to provide standards that will promote pedestrian safety in areas where drive-thru facilities may be appropriate; 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 February 27, 2024, and unanimously recommended approval.

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 5:6, CRD, Central Redevelopment District, of Article 5, 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 5. – ZONING DISTRICT REGULATIONS

Sec. 5:6 – CRD, Central Redevelopment District.

5:6.16 Drive-thru Facilities.

~~Drive thru facilities shall be strictly prohibited within this district. Existing drive thru facilities may remain but shall not be expanded or enlarged. Additionally, existing drive thru facilities shall not be allowed vehicular access to new streets constructed within this district where the facility will still be accessible via existing streets.~~

New drive-thru facilities are allowed within this district in the following limited circumstances: Properties that had a drive-thru facility at any time between January 1, 2022, and December 31, 2023, may continue to have a drive-thru facility provided that the drive-thru lanes are not accessible by a direct driveway connection to any new public streets planned or constructed in the Central Redevelopment District such as Jenkins Court.

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: _____

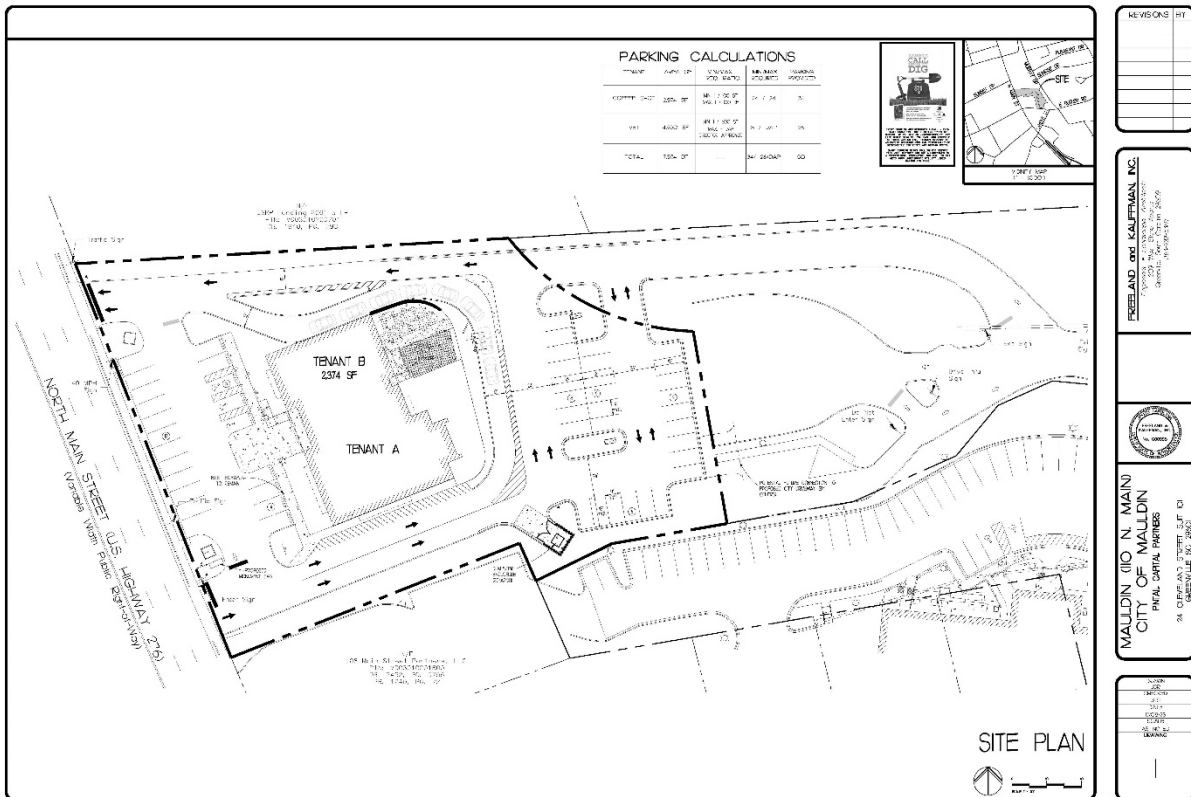
Terry Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

Daniel Hughes, City Attorney





864.729.4500
P.O. Box 9776
Greenville, SC 29604

April 9, 2024
City of Mauldin
5 E. Butler Rd
Mauldin, SC, 29662

Dear Members of the City of Mauldin Council,

I am writing to formally address the decision made during the drive-thru approval meeting regarding the access from North Main Street to the City Center. Per the request of the meeting, we will proceed with eliminating this access point.

As per the discussions and considerations raised during the meeting, we understand the importance of this decision in ensuring the safety and efficiency of traffic flow in the designated area. By eliminating access from North Main Street to the City Center, we aim to address the concerns raised by the community and local authorities regarding traffic management and pedestrian safety.

We are committed to collaborating closely with the City of Mauldin and relevant stakeholders throughout the implementation process to ensure a smooth transition. Our priority remains the well-being and satisfaction of Mauldin residents and visitors, and we believe that this decision aligns with our shared goal of creating a safer and more accessible environment for all.

Please do not hesitate to reach out if you require any further information or clarification regarding this matter. We look forward to continuing our partnership with the City of Mauldin and contributing to enhancing our community.

Sincerely,
Stuart Wyeth

Pintail Holdings, LLC.
stuart@pintailcre.com

CITY COUNCIL AGENDA ITEM

MEETING DATE: April 15, 2024

AGENDA ITEM: 7b & 7c

TO: City Council

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

SUBJECT: Annexation of 325 & 315 Bridges Road
*** 2nd Reading ***

OWNER(S):	Jason & Tina Styron	Andrew & Alexandria Smith
TAX MAP #(S):	0542.01-01-021.10	0542.01-01-021.11
LOCATION:	315 Bridges Road	325 Bridges Road
CURRENT ZONING:	R-S (County)	R-S (County)
REQUESTED ZONING:	R-15, Residential	R-15, Residential
SIZE OF PROPERTY:	Approx. 0.8 acres	Approx. 4.8 acres
CONTIGUITY:	The tract at 325 Bridges Road touches the Bridges Crossing located in the City of Mauldin. The 315 Bridges Road property would be contiguous through the 325 Bridges Road property upon annexation of that property.	

REQUEST

The City of Mauldin has received signed petitions requesting the annexation of two tracts of land (two parcels) pursuant to South Carolina Code of Laws Section 5-3-150. These petitions include approximately 0.8 acres at 315 Bridges Road owned by Jason & Tina Styron and approximately 4.8 acres at 325 Bridges Road owned by Andrew & Alexandria Smith.

The homeowners at 315 Bridges Road had supposed that their home was served by a septic tank system only to discover that their home was illegally tapped into a City of Mauldin sewer line by prior homeowners. The City of Mauldin has a policy that only properties inside the City limits are allowed to connect to City-owned sewer lines. The purpose of this annexation petition is to rectify this situation and to make the sewer connection legal.

PLANNING AND ZONING

About the R-15 District

The R-15 zoning designation is a low-density residential district intended to provide single-family living. R-15 zoning allows a minimum 15,000-square foot lot for detached single-family homes.

Comprehensive Plan Designation

This tract is designated for medium-density residential on the Future Land Use Map in the Comprehensive Plan. This designation in the Comprehensive Plan is described as appropriate for small-lot single family homes, patio homes and townhomes. The R-15 zoning district represents a much lower density district and does not currently allow for small-lot single-family homes, patio homes and townhomes.

Surrounding Development/Zoning

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

Direction	Zoning District(s)	Existing Use(s)
North	PD (City)	Bridges Crossing subdivision
South	R-15 (County)	Ricelan Creek subdivision
East	R-S (County)	Undeveloped rural property
West	R-S (County)	Mobile home on rural property

Summary

Although the R-15 zoning district is a much lower density district than the designation in the Comprehensive Plan, this district is consistent with the current single-family character of each of these two properties and matches the zoning of the Ricelan Creek subdivision across the street on Bridges Road.

TIMELINE

On February 26, 2024, staff received the signed petitions for the annexation of these two parcels.

On March 4, 2024, the Building Codes Committee voted 3-0 to forward this annexation to City Council with a recommendation of approval.

On March 18, 2024, the City Council voted 6-1 to approve the annexation of both properties on first reading.

STAFF RECOMMENDATION

The annexation of these two properties rectifies the sewer situation. For this reason, staff supports the annexation of these tracts.

ATTACHMENTS

Annexation Ordinance (maps and petitions attached therein)

ORDINANCE ____-2024

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY ANDREW AND ALEXANDRIA SMITH, AND LOCATED AT 325 BRIDGES ROAD (TAX MAP PARCEL: 0542.01-01-021.11) BY ONE HUNDRED PERCENT PETITION METHOD; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-15, RESIDENTIAL, FOR SAID PROPERTY

WHEREAS, Andrew and Alexandria Smith are the sole owners of record title of a parcel of real property containing 4.8 acres, more or less, located at 325 Bridges Road, which property is contiguous to the City of Mauldin and is more particularly illustrated in Exhibit 1 attached hereto; and,

WHEREAS, an Annexation Petition, attached hereto as Exhibit 2, has been filed with the City of Mauldin by Andrew and Alexandria Smith, requesting that the aforementioned property be annexed into the City of Mauldin; and,

WHEREAS, the property to be annexed is contiguous to the City of Mauldin, and is more particularly depicted in Exhibit 1 attached hereto; and,

WHEREAS, Andrew and Alexandria Smith constitute one hundred (100%) percent of freeholders owning one hundred (100%) of the real property depicted in Exhibit 1 attached hereto; and,

WHEREAS, the proposed zoning of R-15, Residential, is compatible with the surrounding property uses in the area; and,

WHEREAS, the Mayor and Council conclude that the annexation is in the best interest of the property owner and the City;

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Mauldin that:

1. ANNEXATION: The real property owned by Andrew and Alexandria Smith, and more particularly depicted in the map attached hereto marked as Exhibit 1, is hereby annexed into the corporate city limits of the City of Mauldin effective immediately upon second reading of this ordinance.

2. ANNEXATION OF A PORTION OF ADJACENT RIGHTS-OF-WAY: All of that portion of Bridges Road along the edge of and adjoined to the annexed property shown on the attached Exhibit to the centerline of the afore-mentioned right-of-way is also hereby annexed into the corporate limits of the City of Mauldin effective immediately upon second reading of this ordinance.

3. ZONING ASSIGNMENT: The above referenced property owned is hereby zoned R-15, Residential.

Terry Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

First Reading: _____

Second Reading: _____

Approved as to Form:

City Attorney

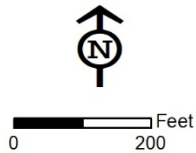
EXHIBIT 1 – ANNEXATION MAP

Annexation at 325 Bridges Road



Legend

-  Subject Property
-  Municipal Boundary
-  Tax Parcel



Created on January 8, 2024

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EXHIBIT 2 – PETITION

PETITION FOR ANNEXATION OF REAL PROPERTY OWNED
BY ANDREW & ALEXANDRIA SMITH, AND LOCATED AT
325 BRIDGES ROAD INTO THE CITY OF MAULDIN BY ONE
HUNDRED PERCENT (100%) METHOD

Petitioners, Andrew and Alexandria Smith, are the sole owners [freeholders owning one hundred (100%) percent of the assessed value of real property in the area proposed to be annexed] of a parcel of real property in Greenville County containing approximately 4.808 acres, more particularly described in the property description attached hereto marked as Exhibit A, and the Property Map attached hereto marked as Exhibit B.


Petitioner hereby petitions to annex their property consisting of 4.808 acres, which is contiguous to the City of Mauldin, into the corporate limits of the City of Mauldin. Petitioner also hereby petitions to assign their property the zoning classification of R-15, Single-Family Residential on the Official Zoning Map of the City of Mauldin.

This Petition is submitted to the City of Mauldin pursuant to the provisions of S.C. Code §5-3-150(3) authorizing the City Council to annex an area by the one hundred percent (100%) method.

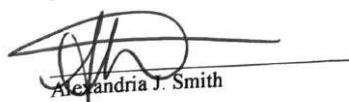
This Petition is dated this 8th day of January, 2024, before the first signature below is attached.

The Petitioner requests that the tract described above and shown on the attached Exhibit A be annexed into the corporate city limits of the City of Mauldin and assign the tract the zoning classification of R-15, Single-Family Residential.


January 8, 2024
Date




Andrew S. Smith



Alexandria J. Smith



Witness



Witness

EXHIBIT A

PROPERTY DESCRIPTION

ALL THAT CERTAIN piece, parcel or tract of land, situate, lying and being in the State of South Carolina, County of Greenville, being shown and designated as Lot "B", containing 4.808 acres, more or less, on Bridges Road, upon a plat of survey entitled "Summary Plat for Andrew S. and Alexandria J. Smith", prepared by Jeffry M. Wallace, dated July 20, 2020 and recorded in the Office of the Register of Deeds for Greenville County in Plat Book 1375 at Page 35. Reference to said plat hereby made for a metes and bounds description thereof.

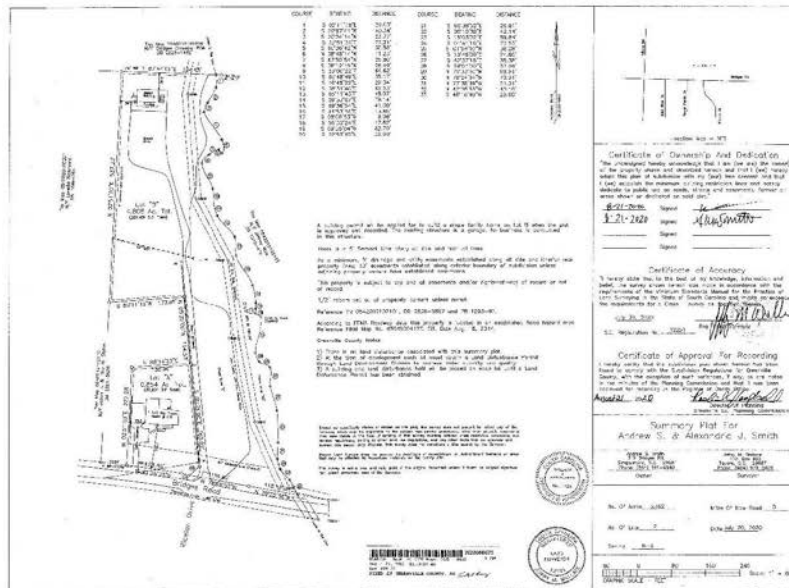


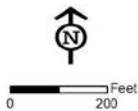
EXHIBIT B

Annexation at 325 Bridges Road



Legend

- Subject Property
- Municipal Boundary
- Tax Parcel



Created on January 8, 2024

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ORDINANCE ____-2024

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY JASON AND TINA STYRON, AND LOCATED AT 315 BRIDGES ROAD (TAX MAP PARCEL: 0542.01-01-021.10) BY ONE HUNDRED PERCENT PETITION METHOD; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-15, RESIDENTIAL, FOR SAID PROPERTY

WHEREAS, Jason and Tina Styron are the sole owners of record title of a parcel of real property containing 0.8 acres, more or less, located at 315 Bridges Road, which property is contiguous to the City of Mauldin and is more particularly illustrated in Exhibit 1 attached hereto; and,

WHEREAS, an Annexation Petition, attached hereto as Exhibit 2, has been filed with the City of Mauldin by Jason and Tina Styron, requesting that the aforementioned property be annexed into the City of Mauldin; and,

WHEREAS, the property to be annexed is contiguous to the City of Mauldin, and is more particularly depicted in Exhibit 1 attached hereto; and,

WHEREAS, Jason and Tina Styron constitute one hundred (100%) percent of freeholders owning one hundred (100%) of the real property depicted in Exhibit 1 attached hereto; and,

WHEREAS, the proposed zoning of R-15, Residential, is compatible with the surrounding property uses in the area; and,

WHEREAS, the Mayor and Council conclude that the annexation is in the best interest of the property owner and the City;

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Mauldin that:

1. ANNEXATION: The real property owned by Jason and Tina Styron, and more particularly depicted in the map attached hereto marked as Exhibit 1, is hereby annexed into the corporate city limits of the City of Mauldin effective immediately upon second reading of this ordinance.

2. ANNEXATION OF A PORTION OF ADJACENT RIGHTS-OF-WAY: All of that portion of Bridges Road along the edge of and adjoined to the annexed property shown on the attached Exhibit to the centerline of the afore-mentioned right-of-way is also hereby annexed into the corporate limits of the City of Mauldin effective immediately upon second reading of this ordinance.

3. ZONING ASSIGNMENT: The above referenced property owned is hereby zoned R-15, Residential.

Terry Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

First Reading: _____

Second Reading: _____

Approved as to Form:

City Attorney

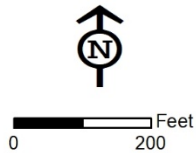
EXHIBIT 1 – ANNEXATION MAP

Annexation at 325 Bridges Road



Legend

- Subject Property
- Municipal Boundary
- Tax Parcel



Created on January 8, 2024

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EXHIBIT 2 – PETITION

PETITION FOR ANNEXATION OF REAL PROPERTY OWNED BY JASON & TINA STYRON, AND LOCATED AT 315 BRIDGES ROAD INTO THE CITY OF MAULDIN BY ONE HUNDRED PERCENT (100%) METHOD

Petitioners, Jason and Tina Styron, are the sole owners [freeholders owning one hundred (100%) percent of the assessed value of real property in the area proposed to be annexed] of a parcel of real property in Greenville County containing approximately 0.861 acres, more particularly described in the property description attached hereto marked as Exhibit A, and the Property Map attached hereto marked as Exhibit B.

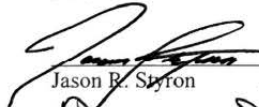
Petitioner hereby petitions to annex their property consisting of 0.861 acres, which is contiguous to the City of Mauldin, into the corporate limits of the City of Mauldin. Petitioner also hereby petitions to assign their property the zoning classification of R-15, Single-Family Residential on the Official Zoning Map of the City of Mauldin.

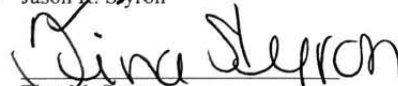
This Petition is submitted to the City of Mauldin pursuant to the provisions of S.C. Code §5-3-150(3) authorizing the City Council to annex an area by the one hundred percent (100%) method.

This Petition is dated this 8th day of January, 2024, before the first signature below is attached.

The Petitioner requests that the tract described above and shown on the attached Exhibit A be annexed into the corporate city limits of the City of Mauldin and assign the tracts the zoning classification of R-15, Single-Family Residential.

January 8, 2024
Date



Jason R. Styron


Tina M. Styron



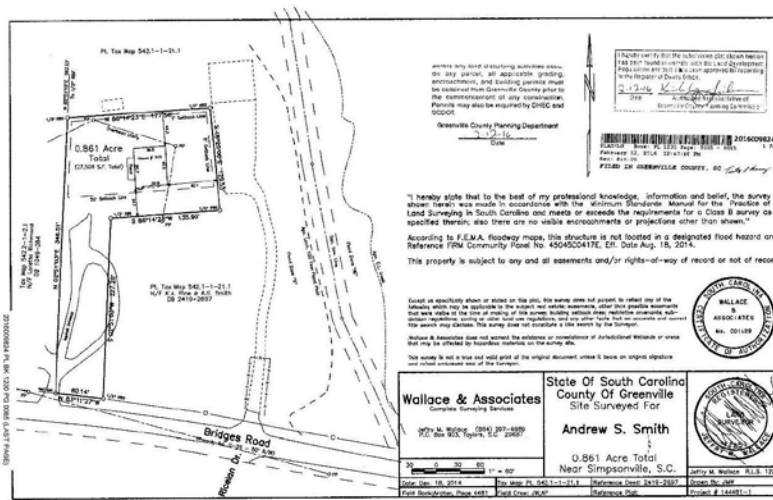
Witness


Witness


EXHIBIT A

PROPERTY DESCRIPTION

ALL THAT CERTAIN piece, parcel or tract of land, situate, lying, and being in the State of South Carolina, County of Greenville, containing 0.861 acres, more or less, on Bridges Road, shown upon a plat of survey for Andrew S. Smith, prepared by Wallace & Associates, dated December 18, 2014 and recorded in the Office of the Register of Deeds for Greenville County in Plat Book 1230 at Page 65. Reference to said plat hereby made for a metes and bounds description thereof.



201603924 PL BK 1230 PG 065 (LAST PAGE)

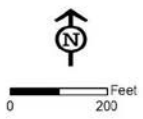
EXHIBIT B

Annexation at 315 Bridges Road



Legend

- Subject Property
- Pending Annexation
- Municipal Boundary
- Tax Parcel



Created on January 8, 2024

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MAULDIN CITY COUNCIL AGENDA ITEM

MEETING DATE: April 15, 2024

AGENDA ITEM: 7d

TO: Mauldin City Council

FROM: Public Works Director, Matthew Fleahman; Seth Duncan, City Administrator

SUBJECT: Discussion - Stormwater Fee and Division Initiation

REQUEST

The Public Works Committee has forwarded to City Council a discussion regarding the possibility of implementing a Stormwater Fee and for the creation of a Stormwater Division under the Public Works Department.

HISTORY/BACKGROUND

The City of Mauldin is part of Greenville County's MS4 Stormwater permit. As part of the permit, the City is responsible for drainage structures within City-Owned rights-of-way (ROWs). The Public Works Department inspects and maintains these drainage systems so that stormwater will be properly conveyed to drainage outfalls. The existing system includes 3,103 catch basins, 8 stormwater detention ponds, and approximately 58 miles of stormwater pipes in sizes varying from 6-inch to 96-inches.

Over last few years, the City has undertaken several projects and programs to better understand the city's stormwater needs, issues, and potential cost both on public property as well as private property. City Council authorized an assessment of six flood prone areas, authorized a Stormwater Master Plan, initiated a Stormwater Fee Study, and funded a grant match for stormwater improvements in the Oak Park subdivision. All of these activities were funded either through ARPA funds or the General Fund.

In addition, the City allocates approximately \$35,000 annually for stormwater maintenance in public rights-of-way. Staff estimates that the total book value of all public stormwater infrastructure represents approximately \$50 million in liability to the City. City funds can only be used on public property and within the public rights-of-way or easements. The current funding is insufficient to maintain and address the needs of publicly owned and maintained stormwater infrastructure.

The City also recently examined several flood prone areas including Bishop Heights, Bi-Lo Distribution Center, Harrison Plaza, Holly Springs, Knollwood Drive, and Oak Park Drive. As KCI has estimated, to convert private stormwater infrastructure into public infrastructure costs are expected to range from \$6.6 million to \$20 million for just these 6 projects. Many of the City's older subdivisions have privately held stormwater systems which are beginning to show signs of aging and failure. Staff estimates that there could be as much as \$20 million or more in private stormwater needs throughout the City. Current policy and SC State Constitution prohibits the use of taxpayer funds to make improvements on private property.

ANALYSIS or STAFF FINDINGS

The 2023 Stormwater Fee Analysis and Evaluation prepared by KCI and the stormwater fee and budget drafted by staff show several options for Council to raise revenue to begin addressing public stormwater needs and private needs. Staff believes a Stormwater Division would need at minimum \$705,000 in funding annually, but more to begin addressing larger capital needs and private stormwater systems. A summary of KCI’s and Staff’s fee recommendations and revenue projections are below.

Recommendations	Residential	Non-Residential	Projected Rev	Expenses	Balance (Capital & Grants)
KCI	\$25 - <1,000 sq ft dev or undev \$28 - >1,000 sq ft dev	\$27 per ERU for dev \$25 per ERU for undev	\$725,000	\$705,000	\$20,000
Fleahman	\$36	\$37.50 per ERU	\$1,000,000	\$705,000	\$295,000
Duncan	\$25	\$25 per parcel	\$225,000	\$125,000*	\$100,000

*Expenses would include hiring 1 FTE inside Street Division with the balance towards stormwater operations.

Non-residential impact on local businesses based on \$37.50 per ERU:

Site	ERU	Current Fee	Proposed City Fee	Total Fee
GBS	76	\$2,052	\$2,850	\$4,902
Compex	143	\$3,861	\$5,363	\$9,224
CS Sauer	136	\$3,672	\$5,100	\$8,772
Spectrum	82	\$2,214	\$3,075	\$5,289
Harrisons	149	\$4,023	\$5,588	\$9,611
Kellets	39	\$1,053	\$1,463	\$2,516
BASF	122	\$3,294	\$4,575	\$7,869

An alternative funding method would be to increase budgeted funds for stormwater activities from revenue generated by the proposed millage increase as included in the FY2025 Budget. Funding could be increased from \$35k to \$70k from the balance of revenue after new investments.

RECOMMENDATION

Staff recommends that City Council consider creating a dedicated revenue source if it desires to make larger investments into the City’s publicly owned stormwater systems or begin converting private stormwater systems into public systems.

CITY COUNCIL AGENDA ITEM

MEETING DATE: April 15, 2024

AGENDA ITEM: 8a

TO: City Council

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

SUBJECT: Annexation of 2 Woodhedge Ct

OWNER(S): Clayton Bohn, Jr.

TAX MAP #(S): M006.02-01-434.00

LOCATION: 2 Woodhedge Ct

CURRENT ZONING: R-15 (County)

REQUESTED ZONING: R-15, Residential

SIZE OF PROPERTY: Approx. 0.4 acres

CONTIGUITY: The tract at 2 Woodhedge Court touches the City on three sides. This tract is the only property in Butler Forest that is not in the City limits.

REQUEST

The City of Mauldin has received signed petitions requesting the annexation of a tract of land (one parcels) pursuant to South Carolina Code of Laws Section 5-3-150. This petition includes approximately 0.4 acres at 2 Woodhedge Court owned by Clayton Bohn, Jr.

Per the Mauldin Public Works Department, this homeowner had enjoyed trash service from the City until it was recently realized that this property is not in the City limits. The homeowner has petitioned the City to annex their property so that they can receive City services including sanitation.

PLANNING AND ZONING

About the R-15 District

The R-15 zoning designation is a low-density residential district intended to provide single-family living. R-15 zoning allows a minimum 15,000-square foot lot for detached single-family homes.

Comprehensive Plan Designation

This tract is designated for low-density residential on the Future Land Use Map in the Comprehensive Plan. This designation consists of single family homes, typically on ¼-acre size lots or larger. The R-15 zoning is consistent with this designation.

Surrounding Development/Zoning

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

Direction	Zoning District(s)	Existing Use(s)
North	R-15 (City)	Butler Forest subdivision
South	R-10 (City)	Butler Station subdivision
East	R-S (County)	Undeveloped City-owned property
West	R-15 (City)	Butler Forest subdivision

Summary

The R-15 zoning is consistent with the low-density residential designation in the Comprehensive Plan.

TIMELINE

On March 6, 2024, staff received the signed petition for the annexation of this parcel.

On April 1, 2024, the Building Codes Committee voted 3-0 to forward this annexation to City Council with a recommendation of approval.

STAFF RECOMMENDATION

This annexation fills in a portion of a donut hole inside the City of Mauldin. The City of Mauldin already provides services to the areas surrounding this property. It makes sense for the City of Mauldin to provide services to this property from an efficiency standpoint. Staff supports this annexation.

ATTACHMENTS

Annexation Ordinance (maps and petitions attached therein)

ORDINANCE # _____

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY CLAYTON BOHN, JR., AND LOCATED AT 2 WOODHEDGE COURT (TAX MAP PARCEL: M006.02-01-434.00) BY ONE HUNDRED PERCENT PETITION METHOD; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-15, RESIDENTIAL, FOR SAID PROPERTY

WHEREAS, Clayton Bohn Jr. is the sole owner of record title of a parcel of real property containing 0.4 acres, more or less, located at 2 Woodhedge Court, which property is contiguous to the City of Mauldin and is more particularly illustrated in Exhibit 1 attached hereto; and,

WHEREAS, an Annexation Petition, attached hereto as Exhibit 2, has been filed with the City of Mauldin by Clayton Bohn Jr., requesting that the aforementioned property be annexed into the City of Mauldin; and,

WHEREAS, the property to be annexed is contiguous to the City of Mauldin, and is more particularly depicted in Exhibit 1 attached hereto; and,

WHEREAS, Clayton Bohn Jr. constitutes one hundred (100%) percent of freeholders owning one hundred (100%) of the real property depicted in Exhibit 1 attached hereto; and,

WHEREAS, the proposed zoning of R-15, Residential, is compatible with the surrounding property uses in the area; and,

WHEREAS, the Mayor and Council conclude that the annexation is in the best interest of the property owner and the City;

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Mauldin that:

1. ANNEXATION: The real property owned by Clayton Bohn Jr., and more particularly depicted in the map attached hereto marked as Exhibit 1, is hereby annexed into the corporate city limits of the City of Mauldin effective immediately upon second reading of this ordinance.

2. ANNEXATION OF A PORTION OF ADJACENT RIGHTS-OF-WAY: All of that portion of Adams Mill Road along the edge of and adjoined to the annexed property shown on the attached Exhibit to the centerline of the afore-mentioned right-of-way is also hereby annexed into the corporate limits of the City of Mauldin effective immediately upon second reading of this ordinance.

3. ZONING ASSIGNMENT: The above referenced property owned is hereby zoned R-15, Residential.

Terry Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

First Reading: _____

Second Reading: _____

Approved as to Form:




City Attorney



EXHIBIT 1 – ANNEXATION MAP

Annexation at 2 Woodhedge Court



Legend

-  Subject Property
-  Tax Parcel
-  Municipal Boundary

0 100 Feet

Created on March 25, 2024

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EXHIBIT 2 – PETITION

PETITION FOR ANNEXATION OF REAL PROPERTY OWNED
BY CLAYTON C BOHN JR, AND LOCATED AT 2
WOODHEDGE COURT INTO THE CITY OF MAULDIN BY
ONE HUNDRED PERCENT (100%) METHOD

Petitioner, Clayton C. Bohn, Jr., is the sole owner [freeholder owning one hundred (100%) percent of the assessed value of real property in the area proposed to be annexed] of a parcel of real property in Greenville County containing approximately 0.41 acres, more particularly described in the property description attached hereto marked as Exhibit A, and the Property Map attached hereto marked as Exhibit B.


Petitioner hereby petitions to annex their property consisting of 0.41 acres, which is contiguous to the City of Mauldin, into the corporate limits of the City of Mauldin. Petitioner also hereby petitions to assign their property the zoning classification of R-15, Single-Family Residential on the Official Zoning Map of the City of Mauldin.

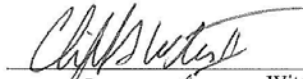
This Petition is submitted to the City of Mauldin pursuant to the provisions of S.C. Code §5-3-150(3) authorizing the City Council to annex an area by the one hundred percent (100%) method.

This Petition is dated this 6th day of March, 2024, before the first signature below is attached.

The Petitioner requests that the tract described above and shown on the attached Exhibit A be annexed into the corporate city limits of the City of Mauldin and assign the tracts the zoning classification of R-15, Single-Family Residential.

3/6/2024, 2024
Date


Clayton C. Bohn, Jr.


Witness

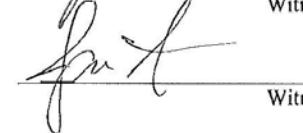

Witness

EXHIBIT A

PROPERTY DESCRIPTION

ALL THAT CERTAIN piece, parcel or tract of land, situate, lying, and being in the State of South Carolina, County of Greenville, containing 0.41 acres, more or less, on Woodhedge Court, shown upon a plat of survey for Kenneth Ancel Elrod, prepared by Freeland & Associates, dated February 26, 1998 and recorded in the Office of the Register of Deeds for Greenville County in Plat Book 37-1 at Page 63. Reference to said plat hereby made for a metes and bounds description thereof.

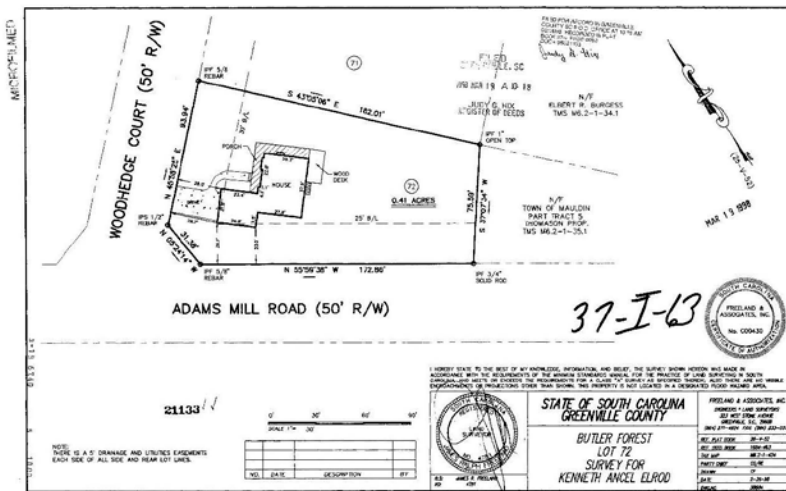
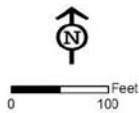
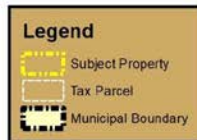


EXHIBIT B

Annexation at 2 Woodhedge Court



Created on March 6, 2024

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CITY COUNCIL AGENDA ITEM

MEETING DATE: April 15, 2024

AGENDA ITEM: 8b

TO: City Council

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

SUBJECT: Institutional Uses in S-1 and I-1 Districts

BACKGROUND

Employment centers, such as the Brookfield Office Park and the industrial corridor along Old Stage Road and SC Highway 417, have historically been vital to the success and fiscal well-being of the community. These centers provide great access to job opportunities and are a vital portion of the City's tax base. The City is beginning to see more interest by institutional uses in vacant spaces at these centers. This includes a private school that has already moved in to the Brookfield Office Park and a charter school approved by the Zoning Board of Appeals earlier this year to open in the Brookfield Office Park. As institutional uses such as schools, churches, and other non-profit organizations purchase property and occupy space in these centers, the City loses much of its opportunity for business license revenue and even property tax revenue.

CURRENT MAULDIN STANDARDS

The **S-1 zoning district** is intended primarily for trades and commercial services. This district generally 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. Some of the notable areas in the City that are zoned S-1 include: Brookfield Office Park, Brookfield South flex space district, the former Bi-Lo distribution center area now occupied by Ahold Delhaize, the Elwood Court warehouse district, and the Murray Drive corridor north of Miller Road.

The **I-1 zoning district** is intended primarily for manufacturing plants, assembly plants, and warehouses. Some of the notable areas in the City that are zoned I-1 include: Access Point Industrial Park, industrial corridor along Old Stage Road and SC Highway 417, the Sauer Brands manufacturing plant and surrounding businesses, the Old Mill Road corridor north of Miller Road, the McDougall Court warehouse district, and the International Court warehouse district.

Presently, the following institutional and social uses are allowed in either the S-1 and/or I-1 zoning district.

USE or BUSINESS TYPE	ALLOWED IN S-1	ALLOWED IN I-1
Cemetery	✓	
Day Care Center	✓	
Funeral Home	✓	
Assisted Living	✓	
Nursing Home	✓	
Hospital	✓	
Outpatient Healthcare	✓	
Church	✓	
College or University	✓*	✓*
Grade School	✓*	
Social Assistance Services	✓	

*Approval by the Zoning Board of Appeals is required

COMPREHENSIVE PLAN

The Mauldin Comprehensive Plan has a goal to ensure an adequate supply of non-residential land uses within the City limits to support future economic development. The Comprehensive Plan includes a designation for employment centers that largely coincide with the S-1 and I-1 zoned areas. The Comprehensive Plan does not reference institutional uses as appropriate for employment centers. Instead, institutional uses are referenced as appropriate in other future land use designations including non-residential mixed use, residential low-density, community corridors, and neighborhood corridors.

DRAFT ORDINANCE

The attached draft ordinance proposes to eliminate cemeteries, funeral homes, religious institutions, grade schools, colleges or universities, and social assistance services as allowed uses in the S-1 and I-1 zoning districts.

PUBLIC HEARING

The Planning Commission held a public hearing on March 26, 2024. No public comments were offered at the public hearing.

TIMELINE

On March 4, 2024, the concept for this ordinance was reviewed by the Building Codes Committee. At that meeting, the Committee expressed interest in protecting the economic development opportunities provided in employment centers within the City including properties zoned S-1 and I-1.

On March 26, 2024, the Planning Commission held a public hearing and voted 7-0 to recommend approval of the ordinance.

On April 1, 2024, the Building Codes Committee voted 3-0 to forward this ordinance to City Council with a recommendation of approval.

STAFF RECOMMENDATION

The elimination of the above-mentioned institutional uses from the S-1 and I-1 zoning districts appears to be consistent with the purpose and intent of these districts. This elimination also appears to support the economic development and land use goals and designations in the Mauldin Comprehensive Plan. Staff supports the adoption of this ordinance.

PLANNING COMMISSION RECOMMENDATION

On March 26, 2024, the Planning Commission voted 7-0 to recommend approval of the ordinance.

ATTACHMENTS

Draft Ordinance

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, and unanimously recommended approval.

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:

Daniel Hughes, City Attorney

CITY COUNCIL AGENDA ITEM

MEETING DATE: April 15, 2024

AGENDA ITEM: 8c

TO: City Council

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

SUBJECT: Nonconformities

BACKGROUND

The purpose of provisions for nonconformities is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, a use, structure or property prior to the adoption or amendments of the Zoning Ordinance that otherwise may render that use, structure, or property as unlawful. Additionally, provisions for nonconformities can aid in the gradual elimination of uses, structures, and properties that no longer comply with the Zoning Ordinance as it is adjusted for changing visions of the City.

The current provisions for nonconforming uses, sites, lots, structures, and signs are in need of strengthening in order to be able to adequately address these matters. As the City continues to revise and amend its zoning and land use regulations, clear provisions addressing nonconformities will become increasingly important.

DRAFT ORDINANCE

Currently the City has brief standards pertaining to nonconforming uses, lots, structures, and signs. The proposed draft ordinance strengthens and clarifies the provisions for nonconformities. The following table summarizes these standards that have been preserved and amended in the proposed draft ordinance. In addition to these changes, the proposed draft ordinance also reorganizes these standards so that they are easier to navigate and understand while placing these provisions in a new Article (Article 11) of the Zoning Ordinance that is easier to find. Presently these standards are buried at the bottom of the Article for General Standards and Definitions (except for the nonconforming sign provisions which are buried near the bottom of the Section for Sign Standards).

CURRENT STANDARDS

ILLEGAL NONCONFORMITIES

No direct language.

STANDARDS IN DRAFT ORDINANCE

Nonconformities which were not properly permitted or were otherwise illegally established are declared a violation of the Zoning Ordinance.

CURRENT STANDARDS**STANDARDS IN DRAFT ORDINANCE****LEGAL NONCONFORMING USES**

Cannot be enlarged or extended.

Clarifies that legal nonconforming uses are not allowed to be enlarged, expanded, or extended.

Normal maintenance and repair allowed to the building.

Same as before but stated in under the “General Provisions” section.

The building may be reconstructed if it is damaged or destroyed (permit application required within 6 months).

Same as current standards.

Can be changed to a conforming use.

Same as current standards.

Zoning Board of Appeals may approve change to another nonconforming use.

Nonconforming uses are not allowed to be changed to another nonconforming use.

No longer allowed if the use ceases for a continuous period of 90 calendar days.

Same as current standards. Clarified the circumstances that could warrant consideration of abandonment.

New nonconforming uses are not allowed to be added.

Nonconforming uses are not allowed to be moved or relocated to where it would still be a nonconforming use.

Once a building associated with a nonconforming use is removed, it cannot be reestablished.

Changes of ownership of a nonconforming use are allowed.

Accessory structures are not allowed to be added to nonconforming uses.

Accessory nonconforming uses cannot be reestablished at any time after it ceases.

LEGAL NONCONFORMING STRUCTURES

Normal maintenance and repair allowed.

Same as current standards provided the nonconformity is not increased.

May be reconstructed in the same footprint if it is damaged or destroyed (permit application required within 6 months).

Same as current standards.

Only single-family residential structures may be enlarged or extended.

Any legal nonconforming structure may be enlarged or extended provided the extension meets the required backs.

New additions must meet the building setback requirements for that district.

Same as current standards.

Alterations are allowed that reduce or eliminate a nonconformity.

The portion of a façade associated with an expansion or renovation must conform to building design standards.

CURRENT STANDARDS

STANDARDS IN DRAFT ORDINANCE

LEGAL NONCONFORMING SITES AND LOTS

Nonconforming lots in single-family districts may be used as a building site for a single-family residence.

Legal nonconforming lots in any district may be developed.

New construction must meet the building setback requirements for that district.

Same as current standards.

Modifications and improvements to sites are allowed so long as the nonconformity is not increased.

As the site or buildings are expanded, landscaping and parking must be brought into compliance in a proportionate manner.

Sites made nonconforming due right-of-way acquisition may be improved or expanded without a variance.

LEGAL NONCONFORMING SIGNS

Normal maintenance including painting the structure or changing the face of the sign is allowed.

Clarifies that normal maintenance and repairs includes not only painting, but also repairs necessary to restore a sign to a safe condition. Sign face changes are allowed as before.

Damaged or destroyed signs cannot be reconstructed or replaced if the cost exceeds 50 percent of the value of the sign.

Same as current standards.

Nonconforming signs cannot be reestablished after it has been abandoned for 180 days.

Same as current standards.

Nonconforming temporary signs must be removed within 30 days of the enactment of the ordinance.

Temporary signs made nonconforming by amendments to the Zoning Ordinance must be removed within 30 days of the amendment.

Nonconforming signs or sign structures cannot be replaced with another nonconforming sign or sign structure.

Same as current standards.

Nonconforming signs cannot be altered.

Structural alterations that substantially reduce the nonconformity are allowed.

Nonconforming signs cannot be expanded.

Same as current standards.

Nonconforming signs cannot be relocated unless the whole sign is brought into compliance.

Nonconforming signs in newly acquired right-of-way can be relocated.

PUBLIC HEARING

The Planning Commission held a public hearing on March 26, 2024. Mr. Norman Bunn, with Emmanuel Bible Church, spoke in support of the ordinance. Specifically he commented that he appreciates how this ordinance will help some of the properties that will be impacted by the SCDOT project along East Butler Road.

TIMELINE

On March 26, 2024, the Planning Commission held a public hearing and voted 7-0 to recommend approval of the ordinance.

On April 1, 2024, the Building Codes Committee voted 3-0 to forward this ordinance to City Council with a recommendation of approval.

STAFF RECOMMENDATION

As nonconforming uses and structures become more prevalent due to ordinance amendments, having clear and thorough standards for nonconformities will be necessary. Staff supports the adoption of this ordinance.

PLANNING COMMISSION RECOMMENDATION

On March 26, 2024, the Planning Commission voted 7-0 to recommend approval of the ordinance.

ATTACHMENTS

Draft Ordinance

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 improve existing regulations regarding nonconforming uses by adopting new 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, the City Council finds and determines that the following amendments to its zoning ordinance are reasonable and in the best interests of the City; and

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

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 Article seeks to relieve hardship from the requirements of this Ordinance for legal nonconformities while also improving the City’s ability to regulate 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 upon modification and improvements to the nonconforming site 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

CITY COUNCIL

MEETING DATE: April 15, 2024

AGENDA ITEM: 8d

TO: City Council
FROM: Seth Duncan, City Administrator
SUBJECT: Sale of Property E. Butler (Tracts 205 & 229)

DISCUSSION

To approve the sale of certain property along E. Butler Road to SCDOT for the purpose of road improvements as part of the Butler Road Improvement Project AND to authorize additional temporary construction easements for the project.

HISTORY/BACKGROUND

In March, the City received the appraisal findings from ORC Real Estate Solutions for Infrastructure for the sale of land along E. Butler Road (Tracts 205 and 229). The property is being purchased by SCDOT as part of the Butler Road Improvement Project which will see the improvement of E. Butler Road from Bridges Road to HWY 276. Improvements will include stormwater changes, inclusion of a 10-foot multi-use path, intersection changes, and other improvements. Additionally, SCDOT is requesting temporary Right-of-Way (ROW) on both parcels and is willing to compensate the City for its use.

ANALYSIS or STAFF FINDINGS

The City owns a number of parcels along the project corridor and due to the nature of this project SCDOT is increasing its right-of-way throughout the project area. The parcels related to these appraisals at City Park (205) and where Gilder Creek crosses E. Butler (229). As described below, SCDOT is seeking to acquire a segment of City property for the project.

The new right-of-way will not have a significant impact on either property. As such, SCDOT's offers are for fee simple title to land and temporary Right-of-Way. Each of the acquisitions are described below and illustrated in the referenced attached Exhibits.

Tract 205 – City Park	Tract 229 – Gilder Creek
Compensation \$35,521.00 fee simple title to 0.28 acre <u>\$11,859.00</u> Temporary ROW to 0.18 acre \$47,380.00 <i>Total</i>	Compensation \$3,247.00 fee simple title to 0.30 acre <u>\$485.00</u> Temporary ROW to 0.076 acre \$3,732.00 <i>Total</i>

Staff have found the appraisal fair and cost to cure acceptable.

FISCAL IMPACT

The City will receive \$51,112 for the sale of property to SCDOT and to provide temporary Right-of-Way. Staff suggest dedicating those funds to Cost to Cure activities as described in the appraisal.

RECOMMENDATION

Staff recommends City Council approve the sale of these properties to SCDOT as stated in the offers.

ATTACHMENTS

Tract 205

- Butler Road ROW Ordinance (205)
- Offer Letter Appraisal (205)
- Title to Real Estate (205)
- Tract 205 Exhibit A, B, C
- Easement (205)
- Tract 205 Exhibit A Temp RW, B Temp RW, C Temp RW

Tract 229

- Butler Road ROW Ordinance (229)
- Offer Letter Appraisal (229)
- Title to Real Estate (229)
- Tract 229 Exhibit
- Easement (229)
- Tract 229 Exhibit TempRW

Full appraisals are available upon request.

MAULDIN ORDINANCE _____-2024

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF ANY AND ALL INTEREST IN CERTAIN REAL PROPERTY IN THE CITY OF MAULDIN AND GRANTING A TEMPORARY CONSTRUCTION EASEMENT

WHEREAS, the City of Mauldin (“City”) owns certain road right-of-way property lying and situate within the city limits of Mauldin, County of Greenville along East Butler Road identified as Tract 205 on the “SCDOT Area of Acquisition from Tract 205 Project ID P030553” attached hereto as Exhibits “A, B, and C;” and,

WHEREAS, the South Carolina Department of Transportation (“the SCDOT”) desires for the City to convey its interest in the area of acquisition from Tract 205 shown on Exhibits “A, B, and C” to the SCDOT as part of the SCDOT’s Butler Road Improvements Project (See www.buildingabetterbutler.com); and,

WHEREAS, the SCDOT also desires for the City to convey a temporary Right-Of-Way (“ROW”) from Tract 205 identified as Tract 205 on “SCDOT Area of Temporary R/W from Tract 205 Project ID P030553 on Exhibits “A, B, and C” to the SCDOT as part of the planned improvements; and

WHEREAS, pursuant to S.C. Code § 5-7-40, a municipality may convey or dispose of property it owns by Ordinance; and,

WHEREAS, the Mayor and City Council find that it is in the best interest of the City of Mauldin to convey the area of acquisition from Tract 205 as shown on Exhibits “A, B, and C” to the SCDOT by quit-claim deed attached hereto as Exhibit “D” for the consideration stated in said deed and by Temporary Right Of Way Easement an area shown on Exhibits “A, B, and C” for the consideration stated in said easement on Exhibit “E.”

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Mauldin, that the Mayor of the City is hereby authorized, empowered, and directed to execute,

acknowledge and deliver the quit-claim deed attached hereto as Exhibit "D" and right-of-way easement attached hereto as Exhibit "E."

This Ordinance shall be effective upon second reading approval thereof and no further authorization is required to execute and deliver all documents related to the conveyance contemplated by this Ordinance.

Terry W. Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

Introduced by: _____

First Reading: _____

Second Reading: _____

Approved as to form: _____
Daniel R. Hughes

03/14/2024

The City of Mauldin, a municipal corporation
Attn: Seth Duncan City Administrator
5 East Butler Road
Mauldin, South Carolina 29662

RE: Project ID No. P030553 - Road S-107 (East Butler Road) - Greenville County – Tract 205

To Whom it May Concern:

Reference is made to the above captioned project, under which the South Carolina Department of Transportation (SCDOT) proposes to acquire a portion of your property for this improvement as has been discussed with you previously. The Department must pay just compensation for the property which is based on an appraisal made by a qualified real estate appraiser using comparable sales in the area.

The appraisal, a copy of which is attached hereto, has been prepared, reviewed and approved, and I am now authorized to make you the following offer:

\$35,521.00	for fee simple title to 0.28 acre (12,247 SF) of land and all improvements thereon, if any, in fee simple.
<u>\$11,859.00</u>	Temporary Right of Way 0.18 acre (7,906 SF)
\$47,380.00	Total

Please give this offer your prompt attention and let me know your decision as soon as possible. Retain this information to report your payment according to IRS rules in Publication 544.

If I can be of any further assistance, do not hesitate to contact me.

Sincerely,

Jeremy Robertson
O. R. Colan Associates, LLC
Right of Way Agent

03/14/2024
Date Offer Made

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Road/Route **Road S-107 (East Butler Road)**
 Project ID No. **P030553**
 Tract **205**

TITLE TO REAL ESTATE

Approximate Survey Stations

_____ 179+00 _____ To _____ 188+00 Lt _____
 Reloc S-107 East Butler Road
 _____ To _____
 _____ To _____

KNOW ALL MEN BY THESE PRESENTS, That I (or we) **The City of Mauldin, a municipal corporation – 5 East Butler Road, Mauldin, South Carolina 29662** in consideration of the sum of **Thirty Five Thousand Five Hundred Twenty One and No/100 Dollars (\$35,521.00)** and other valuable consideration to me (or us) in hand paid at and before the sealing and delivering thereof, by the South Carolina Department of Transportation, Columbia, South Carolina, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the said South Carolina Department of Transportation, its successors and assigns, all that certain real property of the Grantor in fee simple absolute **for Roadway Improvements on S-107 (East Butler Road) from US Route 276 (Laurens Road) to S-941 (Bridges Road)**, State and County aforesaid, as shown on plans prepared by Infrastructure Consulting & Engineering for the South Carolina Department of Transportation and dated **April 6, 2023**.

SPECIAL PROVISIONS:

The above consideration is for all that certain parcel of land containing **0.28 acres (12,247 square feet)**, more or less, and all improvements thereon, if any, owned by **The City of Mauldin, a municipal corporation**, shown as the “Area of Acquisition” on Exhibits A, B and C, attached hereto and made a part hereof. Property herein conveyed is along a relocated centerline as shown on plans between approximate survey stations 180+83.54 and 188+12.20 Reloc S-107 East Butler Road. This being a portion of the property conveyed to **The City of Mauldin, a municipal corporation** by the Deed of George O’Shields Builders, Inc., dated and recorded April 27, 1977, in Deed Book 1055, at Page 481 in the Office of the Register of Deeds for Greenville County, South Carolina and shown as **Tax Map No. 0546.01-01-038.00**.

Together with, all and singular, the rights, members, hereditaments and appurtenances thereunto belonging, or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the grantee, and the grantee’s successors and assigns forever.

TO HAVE AND TO HOLD in fee simple, absolute and singular the said property and the rights hereinbefore granted, unto the said South Carolina Department of Transportation, its successors and assigns forever.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand(s) and seal(s) this day of _____, in the year of our Lord, Two Thousand and _____.

Signed, sealed and delivered in the presence of:

The City of Mauldin, a municipal corporation

1st Witness

Grantor (L.S.)

2nd Witness

Grantor (L.S.)

NOTE: All right of way agreements must be in writing and are subject to rejection by the South Carolina Department of Transportation.

THE STATE OF _____)
_____)
COUNTY OF _____)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____ of The City of Mauldin, a municipal corporation, on behalf of the corporation.

Signature of Notary Public

Printed Name of Notary Public

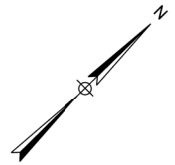
NOTARY PUBLIC FOR THE STATE OF _____

My Commission Expires: _____
(Affix seal if outside SC)

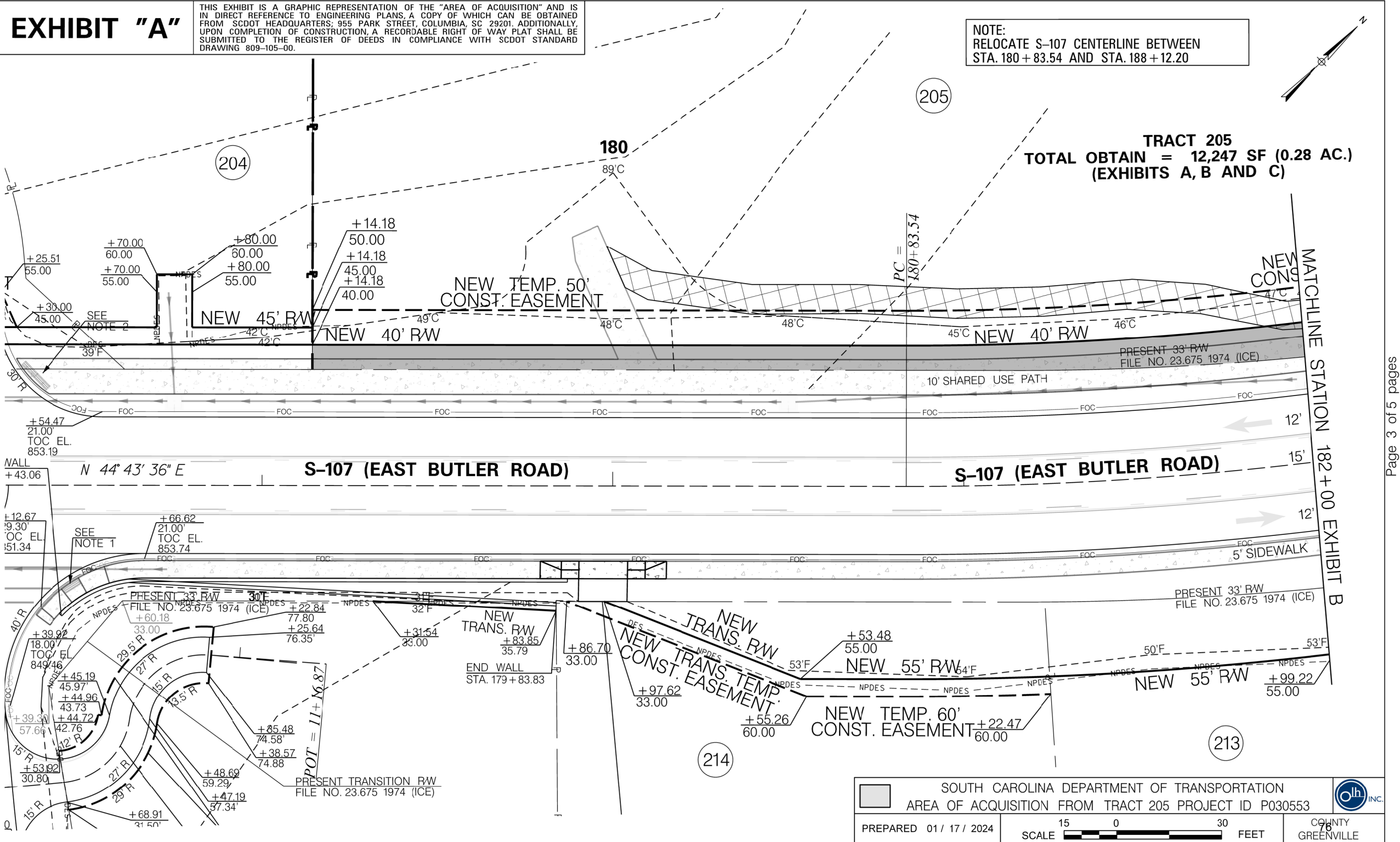
EXHIBIT "A"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS, 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.

NOTE:
RELOCATE S-107 CENTERLINE BETWEEN
STA. 180+83.54 AND STA. 188+12.20



TRACT 205
TOTAL OBTAIN = 12,247 SF (0.28 AC.)
(EXHIBITS A, B AND C)



MATCHLINE STATION 182+00 EXHIBIT B

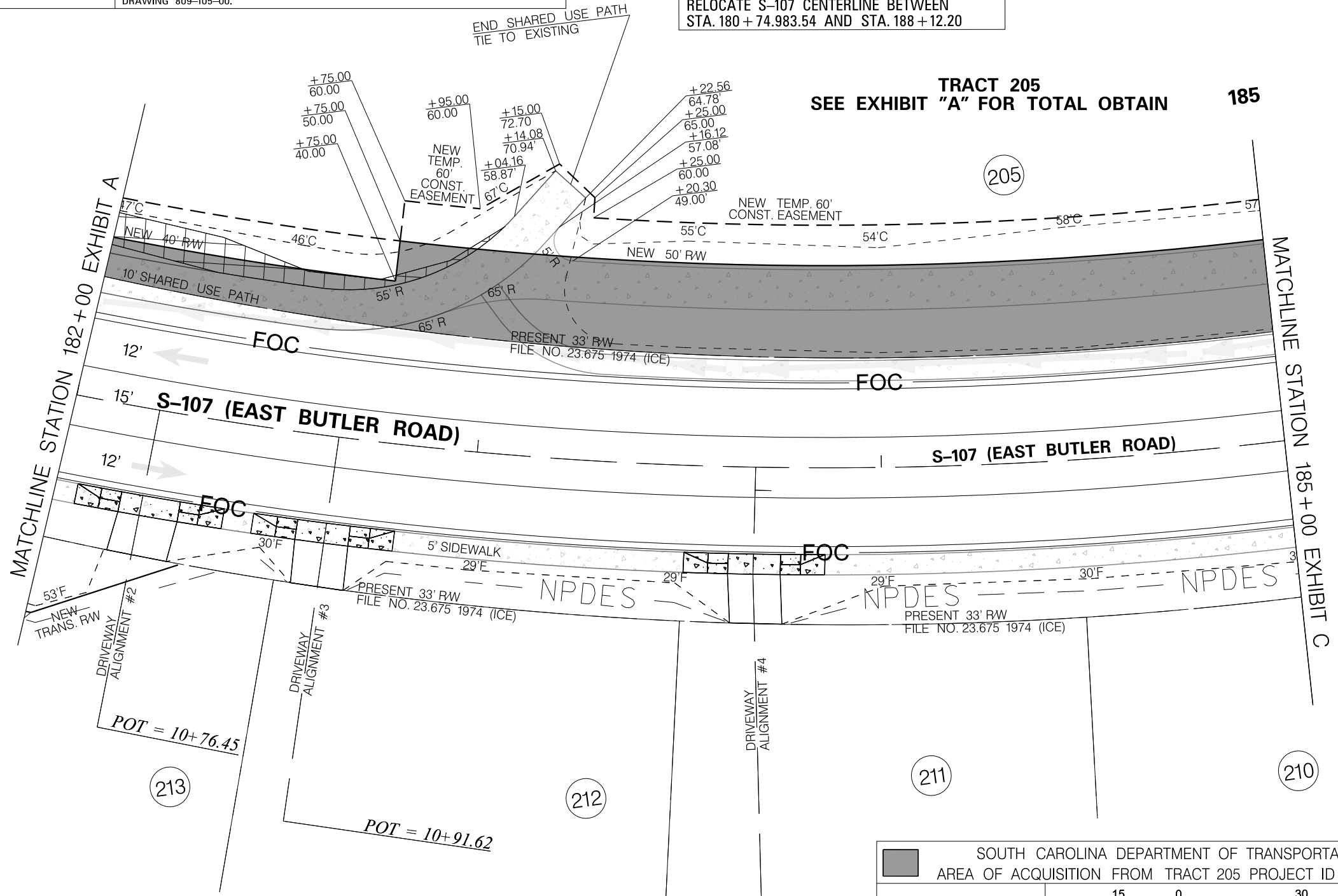
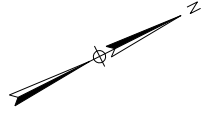
Page 3 of 5 pages

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AREA OF ACQUISITION FROM TRACT 205 PROJECT ID P030553			
PREPARED 01/17/2024	COUNTY GREENVILLE		

EXHIBIT "B"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS: 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.

NOTE:
RELOCATE S-107 CENTERLINE BETWEEN
STA. 180 + 74.983.54 AND STA. 188 + 12.20



TRACT 205
SEE EXHIBIT "A" FOR TOTAL OBTAIN 185

MATCHLINE STATION 182+00 EXHIBIT A

MATCHLINE STATION 185+00 EXHIBIT C

213

212

211

210

POT = 10+76.45

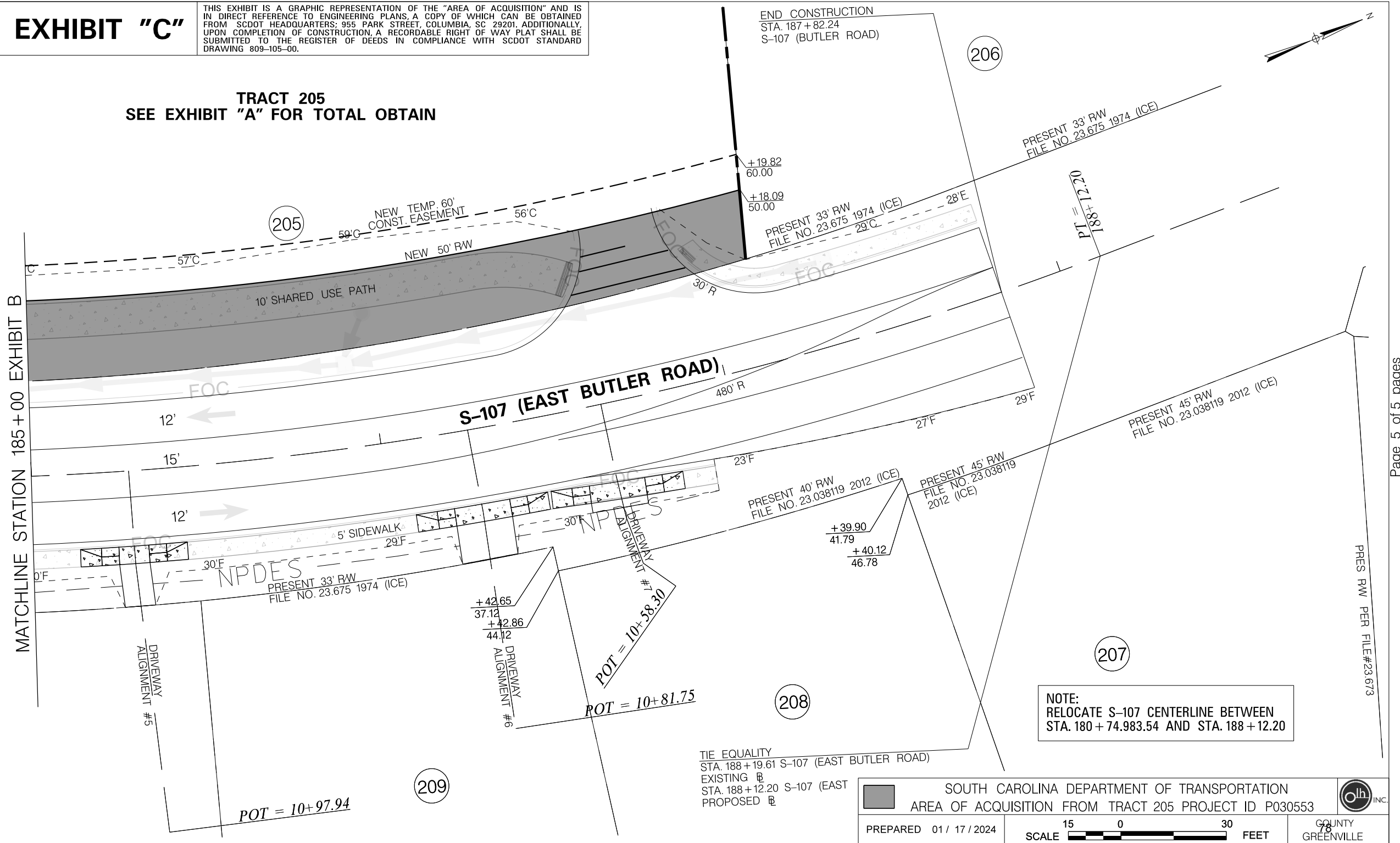
POT = 10+91.62

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AREA OF ACQUISITION FROM TRACT 205 PROJECT ID P030553		
PREPARED 01 / 17 / 2024	SCALE FEET	

EXHIBIT "C"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS; 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.

TRACT 205
SEE EXHIBIT "A" FOR TOTAL OBTAIN



PRESENT 33' RW
FILE NO. 23.675 1974 (ICE)

PRESENT 33' RW
FILE NO. 23.675 1974 (ICE)

PRESENT 45' RW
FILE NO. 23.038119 2012 (ICE)

PRESENT 40' RW
FILE NO. 23.038119 2012 (ICE)

PRESENT 45' RW
FILE NO. 23.038119 2012 (ICE)

PRESENT 33' RW
FILE NO. 23.675 1974 (ICE)

NOTE:
RELOCATE S-107 CENTERLINE BETWEEN
STA. 180 + 74.983.54 AND STA. 188 + 12.20

TIE EQUALITY
STA. 188 + 19.61 S-107 (EAST BUTLER ROAD)
EXISTING \square
STA. 188 + 12.20 S-107 (EAST BUTLER ROAD)
PROPOSED \square

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
AREA OF ACQUISITION FROM TRACT 205 PROJECT ID P030553

PREPARED 01 / 17 / 2024

SCALE
15
0
30
 FEET

COUNTY GREENVILLE

THE STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

TEMPORARY
RIGHT OF WAY EASEMENT
 Approximate Survey Stations

Road/Route **Road S-107 (East Butler Road)**
 Project ID No. **P030553**
 Tract **205**

179+00 To 188+00 Lt
 Reloc S-107 East Butler Road
 _____ To _____
 _____ To _____

KNOW ALL MEN BY THESE PRESENTS, That I (or we) **The City of Mauldin, a municipal corporation – 5 East Butler Road, Mauldin, South Carolina 29662** in consideration of the sum of **Eleven Thousand Eight Hundred Fifty Nine and No/100 Dollars (\$11,859.00)**, to me (or us) in hand paid, and other valuable consideration at and before the sealing and delivering thereof, by the South Carolina Department of Transportation, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, give, bargain, sell and release, unto the said South Carolina Department of Transportation, its successors and assigns, an easement or right of way for the construction, improvement, operation and maintenance of a public road known as a State Highway **for Roadway Improvements on S-107 (East Butler Road) from US Route 276 (Laurens Road) to S-941 (Bridges Road)**, State and County aforesaid, as shown on plans prepared by the South Carolina Department of Transportation, upon and across the land which I (or we) may own, in whole or in part, between the survey stations referenced above and as depicted and described on the above reference plans together with, all and singular, the rights, members, hereditaments, and appurtenances thereunto belonging, or in any way incident or appertaining. The grantor expressly recognizes the possibility that the property herein may be used in the future by public utility or others granted the statutory right to use the right of way.

SPECIAL PROVISIONS:

The above consideration is for temporary easement to **0.18 acres (7,906 square feet)**, more or less, and all improvements thereon, if any, owned by **The City of Mauldin, a municipal corporation**, shown as the "Area of Temporary Right of Way " on Exhibit A, attached hereto and made a part hereof. Property herein conveyed is along a relocated centerline as shown on plans between approximate survey stations 180+83.54 and 188+12.20 Reloc S-107 East Butler Road. **Temporary right of way herein granted shall revert to the grantor upon completion and acceptance of the project.**

Tax Map No. 0546.01-01-038.00.

TO HAVE AND TO HOLD, all and singular, the said easement or right of way and the rights hereinabove granted, unto the said South Carolina Department of Transportation, its successors and assigns forever for a public road, highway, other public transportation purposes or other public uses as are permitted within and in conjunction with highway rights of way and the grantors hereby dedicated their respective interest in said strip of land to public use for such purposes.

It is agreed that buildings, fences, signs or other obstructions will not be erected by me (or us), my (or our) heirs, assigns or administrators within the limits of the right of way herein conveyed.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand(s) and seal(s) this _____ day of _____, in the year of our Lord, Two Thousand and _____.

Signed, sealed and delivered in the presence of:

The City of Mauldin, a municipal corporation

1st Witness

Grantor (L.S.)

2nd Witness

Grantor (L.S.)

NOTE: All right of way agreements must be in writing and are subject to rejection by the South Carolina Department of Transportation.

THE STATE OF _____)
_____))
COUNTY OF _____)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____ by _____ of The City of Mauldin, a municipal corporation, on behalf of the corporation.

Signature of Notary Public

Printed Name of Notary Public

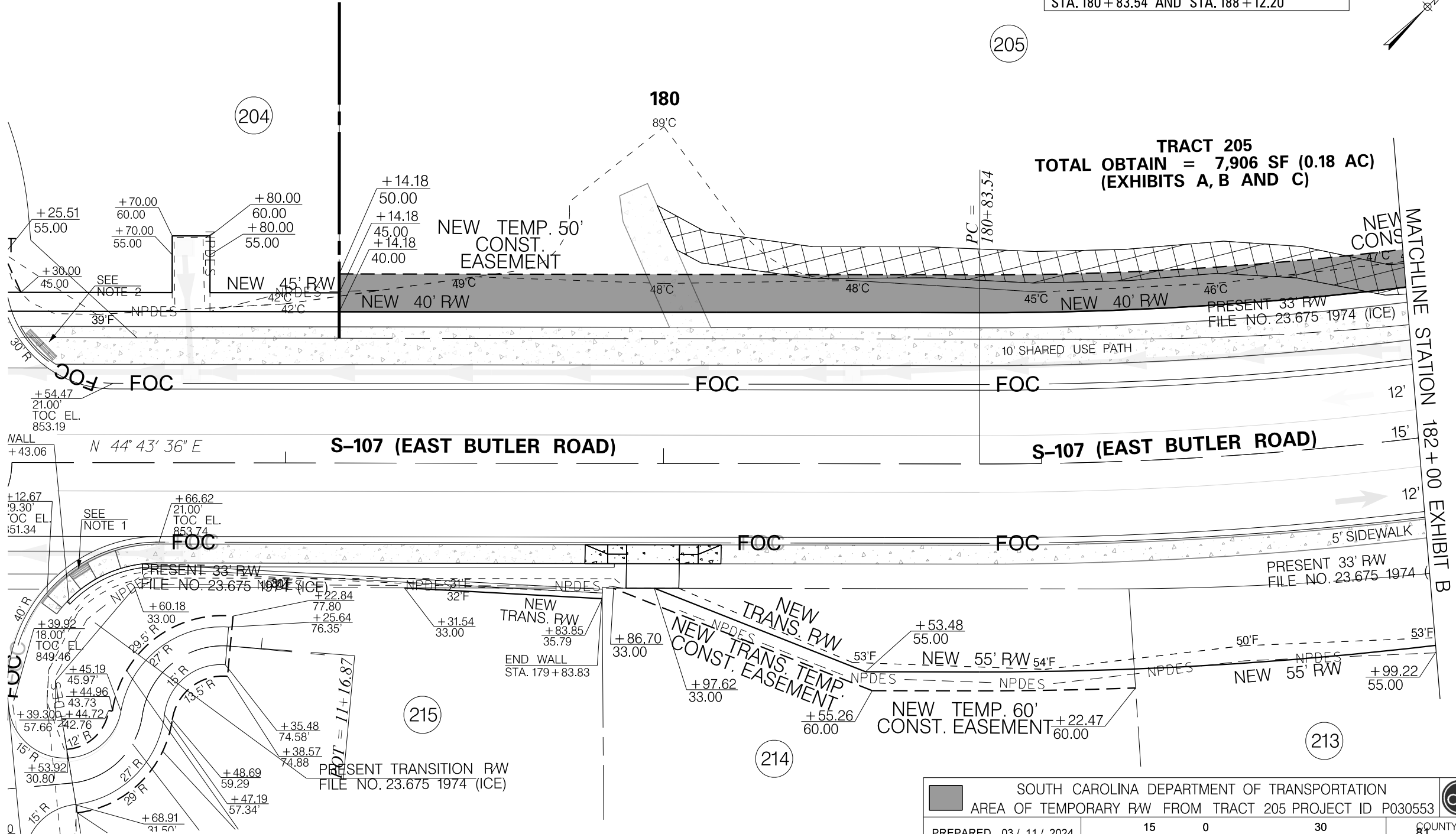
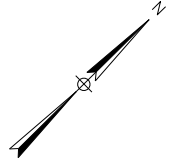
NOTARY PUBLIC FOR THE STATE OF _____

My Commission Expires: _____
(Affix seal if outside SC)

EXHIBIT "A"

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NOTE:
RELOCATE S-107 CENTERLINE BETWEEN
STA. 180 + 83.54 AND STA. 188 + 12.20



TRACT 205
TOTAL OBTAIN = 7,906 SF (0.18 AC)
(EXHIBITS A, B AND C)

MATCHLINE B
STATION 182 + 00 EXHIBIT B

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
AREA OF TEMPORARY RW FROM TRACT 205 PROJECT ID P030553

PREPARED 03 / 11 / 2024

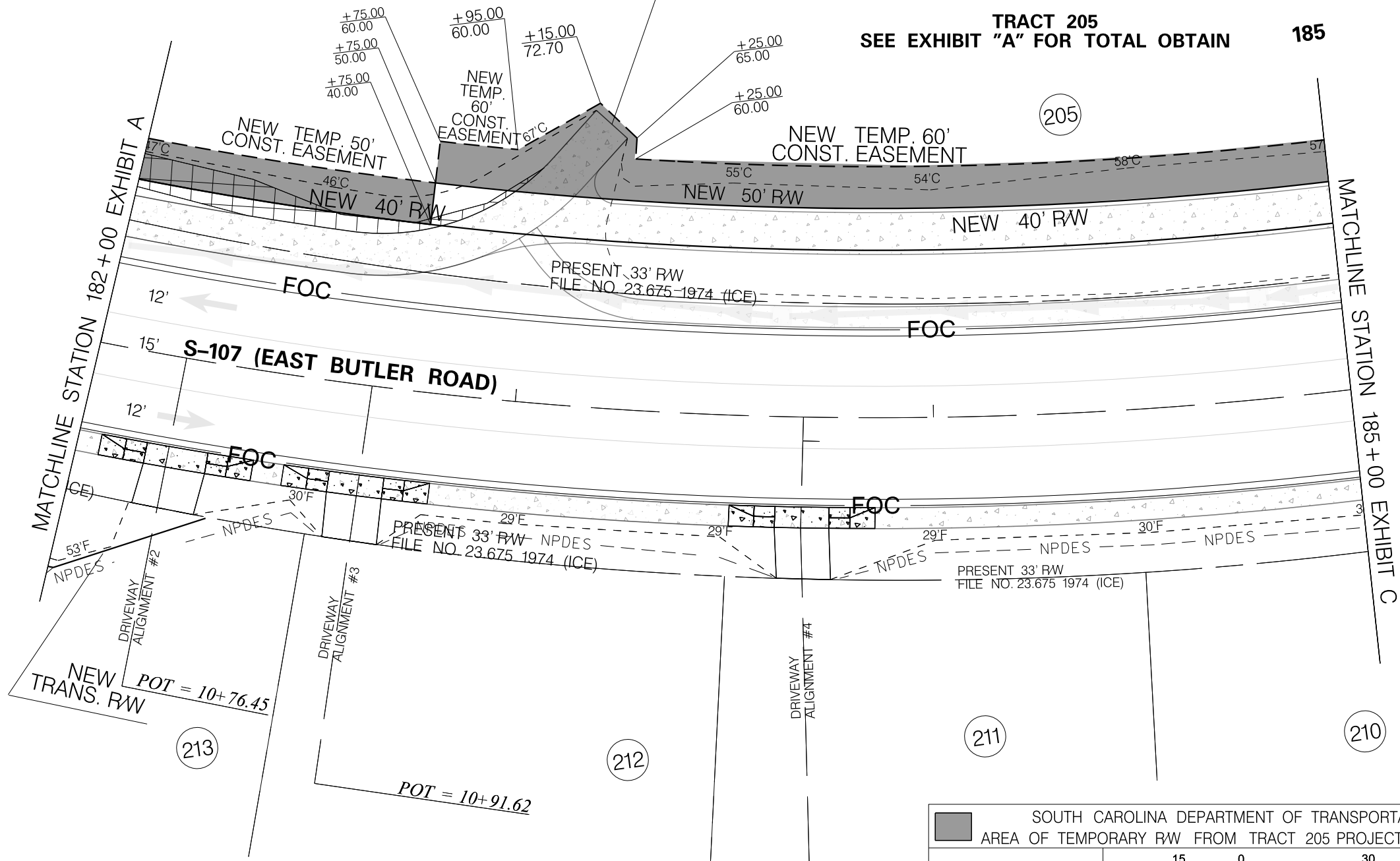
SCALE 15 0 30 FEET

COUNTY GREENVILLE

EXHIBIT "B"

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NOTE:
RELOCATE S-107 CENTERLINE BETWEEN
STA. 180 + 74.983.54 AND STA. 188 + 12.20



TRACT 205
SEE EXHIBIT "A" FOR TOTAL OBTAIN 185

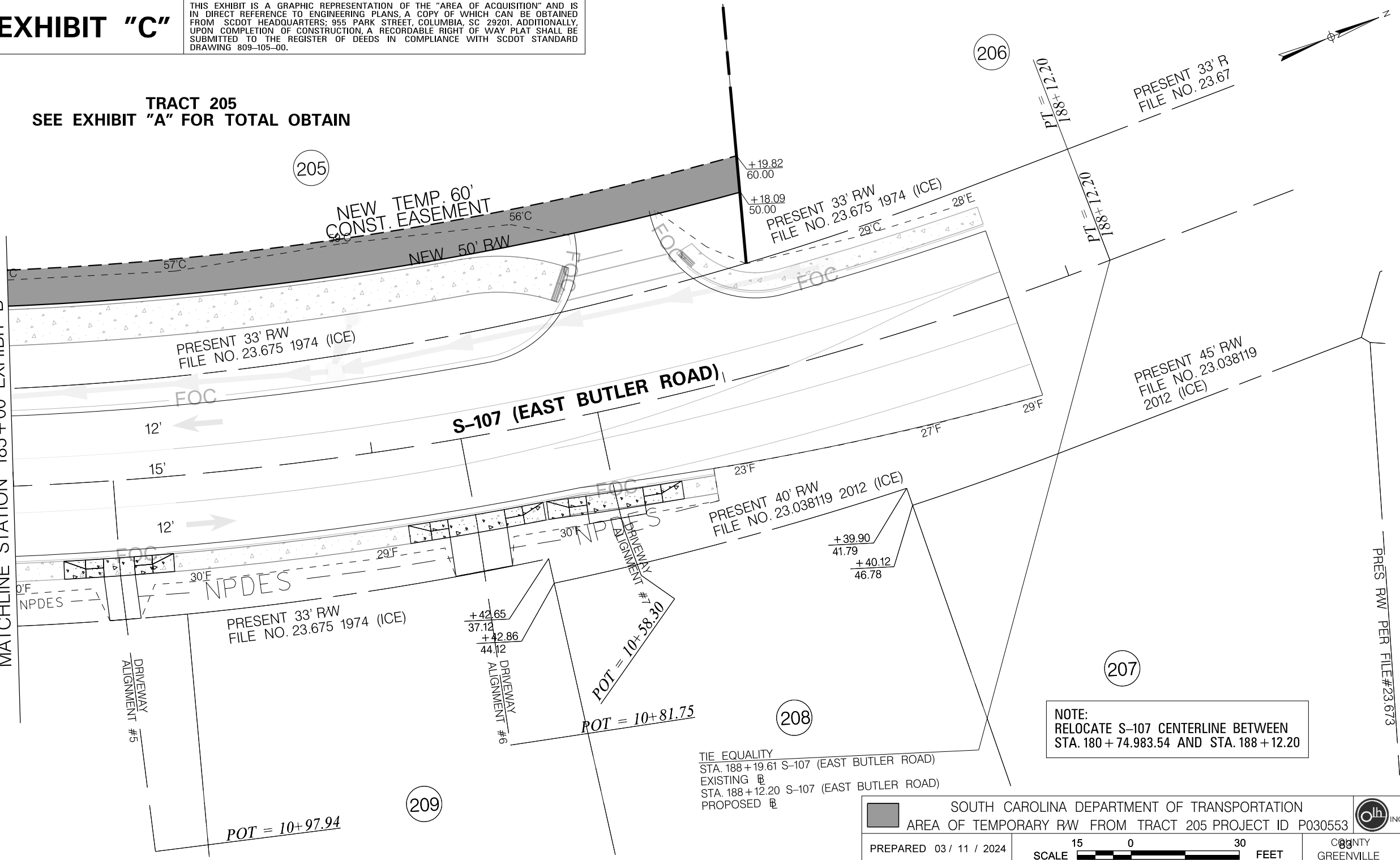
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AREA OF TEMPORARY RW FROM TRACT 205 PROJECT ID P030553		
PREPARED 03/11/2024	SCALE $\frac{15}{0}$ FEET	COUNTY GREENVILLE

EXHIBIT "C"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS, 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.

TRACT 205
SEE EXHIBIT "A" FOR TOTAL OBTAIN

MATCHLINE STATION 185+00 EXHIBIT B



SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AREA OF TEMPORARY RW FROM TRACT 205 PROJECT ID P030553		
PREPARED 03 / 11 / 2024	SCALE $\frac{15}{0}$ FEET	

MAULDIN ORDINANCE _____-2024

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF ANY AND ALL INTEREST IN CERTAIN REAL PROPERTY IN THE CITY OF MAULDIN AND GRANTING A TEMPORARY CONSTRUCTION EASEMENT

WHEREAS, the City of Mauldin (“City”) owns certain road right-of-way property and ~~situate~~ within the city limits of Mauldin, County of Greenville along East Butler Road identified as Tract 229 on the “SCDOT Area of Acquisition from Tract 229 Project ID P030553” attached hereto as Exhibit “A;” and,

WHEREAS, the South Carolina Department of Transportation (“the SCDOT”) desires for the City to convey its interest in the area of acquisition from Tract 229 shown on Exhibit “A” to the SCDOT as part of the SCDOT’s Butler Road Improvements Project (See www.buildingabetterbutler.com); and,

WHEREAS, the SCDOT also desires for the City to convey a temporary Right-Of-Way (“ROW”) from Tract 229 identified as Tract 229 on “SCDOT Area of Temporary R/W from Tract 229 Project ID P030553 on Exhibits “A” to the SCDOT as part of the planned improvements; and

WHEREAS, pursuant to S.C. Code § 5-7-40, a municipality may convey or dispose of property it owns by Ordinance; and,

WHEREAS, the Mayor and City Council find that it is in the best interest of the City of Mauldin to convey the area of acquisition from Tract 229 as shown on Exhibit “A” to the SCDOT by quit-claim deed attached hereto as Exhibit “B” for the consideration stated in said deed and by Temporary Right Of Way Easement an area shown on Exhibits “A” for the consideration stated in said easement on Exhibit “C.”.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Mauldin, that the Mayor of the City is hereby authorized, empowered, and directed to execute,

acknowledge and deliver the quit-claim deed attached hereto as Exhibit "B" and right-of-way easement attached hereto as Exhibit "C."

This Ordinance shall be effective upon second reading approval thereof and no further authorization is required to execute and deliver all documents related to the conveyance contemplated by this Ordinance.

Terry W. Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

Introduced by: _____

First Reading: _____

Second Reading: _____

Approved as to form: _____
Daniel R. Hughes

03/14/2024

The City of Mauldin, South Carolina
Attn: Seth Duncan
Post Office Box 249
Mauldin, South Carolina 29662

RE: Project ID No. P030553 - Road S-107 (East Butler Road) - Greenville County – Tract 229

Dear Mr. Duncan:

Reference is made to the above captioned project, under which the South Carolina Department of Transportation (SCDOT) proposes to acquire a portion of your property for this improvement as has been discussed with you previously. The Department must pay just compensation for the property which is based on an appraisal made by a qualified real estate appraiser using comparable sales in the area.

The appraisal, a copy of which is attached hereto, has been prepared, reviewed and approved, and I am now authorized to make you the following offer:

\$ 3,247.00	for fee simple title to 0.30 acre (12,987 SF) of land and all improvements thereon, if any, in fee simple.
<u>\$ 485.00</u>	Temporary Right of Way 0.076 acre (3,324 SF)
\$ 3,732.00	Total

Please give this offer your prompt attention and let me know your decision as soon as possible. Retain this information to report your payment according to IRS rules in Publication 544.

If I can be of any further assistance, do not hesitate to contact me.

Sincerely,

Jeremy Robertson
O. R. Colan Associates, LLC
Right of Way Agent

03/14/2024

Date Offer Made

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Road/Route **Road S-107 (East Butler Road)**
 Project ID No. **P030553**
 Tract **229**

TITLE TO REAL ESTATE

Approximate Survey Stations

_____ 163+00 _____ To _____ 166+00 Lt _____
 Reloc S-107 East Butler Road
 _____ To _____
 _____ To _____

KNOW ALL MEN BY THESE PRESENTS, That I (or we) **The City of Mauldin, South Carolina – Post Office Box 249, Mauldin, South Carolina 29662** in consideration of the sum of **Three Thousand Two Hundred Forty Seven and No/100 Dollars (\$3,247.00)** and other valuable consideration to me (or us) in hand paid at and before the sealing and delivering thereof, by the South Carolina Department of Transportation, Columbia, South Carolina, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the said South Carolina Department of Transportation, its successors and assigns, all that certain real property of the Grantor in fee simple absolute **for Roadway Improvements on S-107 (East Butler Road) from US Route 276 (Laurens Road) to S-941 (Bridges Road)**, State and County aforesaid, as shown on plans prepared by Infrastructure Consulting & Engineering for the South Carolina Department of Transportation and dated **April 6, 2023**.

SPECIAL PROVISIONS:

The above consideration is for all that certain parcel of land containing **0.30 acres (12,987 square feet)**, more or less, and all improvements thereon, if any, owned by **The City of Mauldin, South Carolina**, shown as the “Area of Acquisition” on Exhibit A, attached hereto and made a part hereof. Property herein conveyed is along a relocated centerline as shown on plans between approximate survey stations 144+08.59 and 170+59.92 Reloc S-107 East Butler Road. This being a portion of the property conveyed to **The City of Mauldin, South Carolina** by the Deed of Eastcreek Development Partners, LLC, dated December 17, 2001, and recorded December 27, 2001, in Deed Book 1978, at Page 1148 in the Office of the Register of Deeds for Greenville County, South Carolina and shown as **Tax Map No. M004.02-01-006.23**.

Together with, all and singular, the rights, members, hereditaments and appurtenances thereunto belonging, or in any wise incident or appertaining.

And I (or we) do hereby bind myself (or ourselves), and my (or our) successors, to warrant and forever defend all and singular said premises unto said South Carolina Department of Transportation, its successors and assigns, against myself (or ourselves) and our successors in interest and anyone claiming under us and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

TO HAVE AND TO HOLD in fee simple, absolute and singular the said property and the rights hereinbefore granted, unto the said South Carolina Department of Transportation, its successors and assigns forever.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand(s) and seal(s) this _____ day of _____, in the year of our Lord, Two Thousand and _____.

Signed, sealed and delivered in the presence of:

The City of Mauldin, South Carolina

1st Witness

Name Grantor (L.S.)

Title

2nd Witness

Grantor (L.S.)

NOTE: All right of way agreements must be in writing and are subject to rejection by the South Carolina Department of Transportation.

THE STATE OF _____)

)

ACKNOWLEDGEMENT

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____ by _____ of The City of Mauldin South Carolina.

Signature of Notary Public

Printed Name of Notary Public

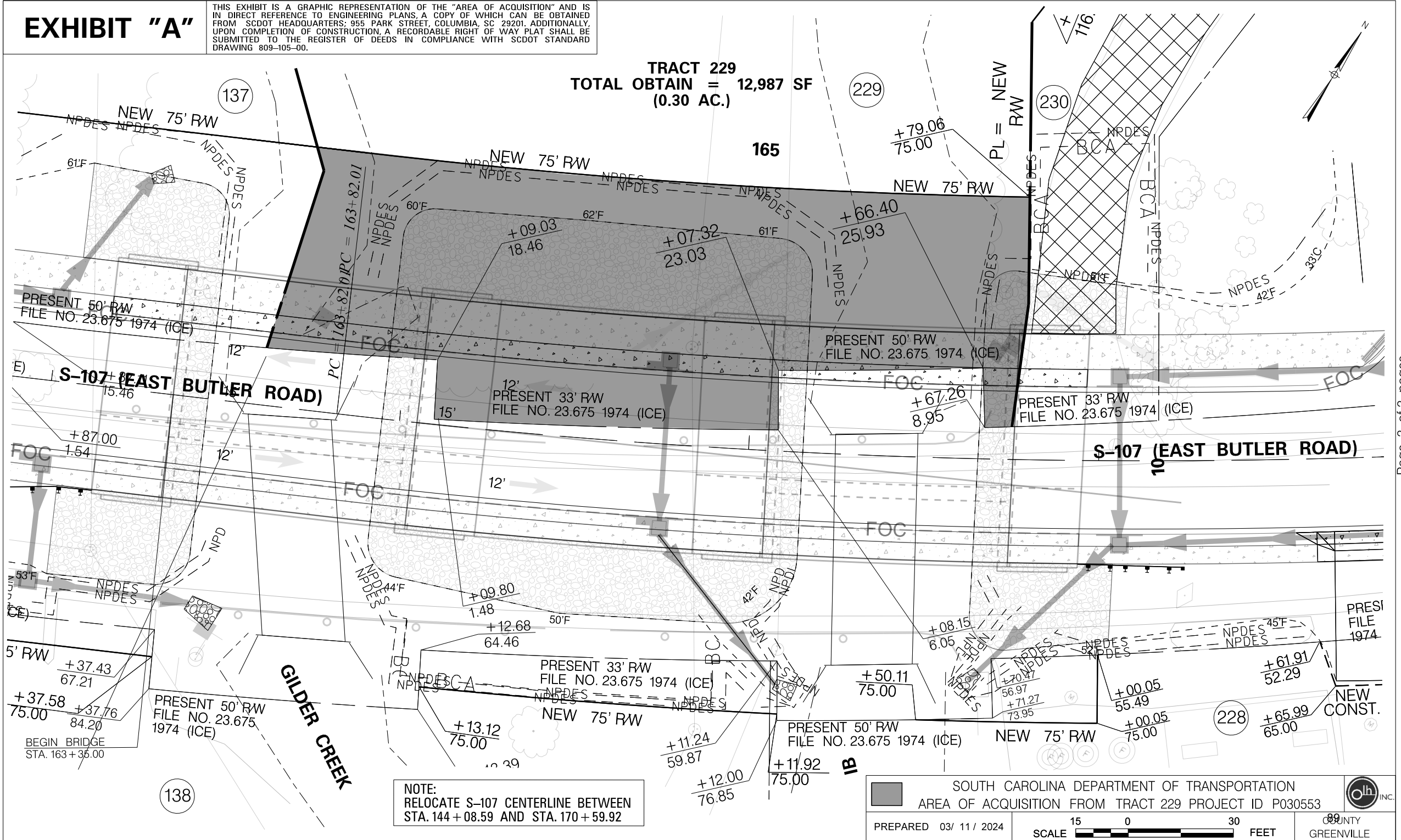
NOTARY PUBLIC FOR THE STATE OF _____

My Commission Expires: _____
(Affix seal if outside SC)

EXHIBIT "A"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS: 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.

TRACT 229
TOTAL OBTAIN = 12,987 SF
(0.30 AC.)



NOTE:
 RELOCATE S-107 CENTERLINE BETWEEN
 STA. 144 + 08.59 AND STA. 170 + 59.92

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
 AREA OF ACQUISITION FROM TRACT 229 PROJECT ID P030553

PREPARED 03/11/2024

SCALE FEET

COUNTY GREENVILLE

THE STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

TEMPORARY
RIGHT OF WAY EASEMENT
 Approximate Survey Stations

Road/Route **Road S-107 (East Butler Road)**
 Project ID No. **P030553**
 Tract **229**

163+00 To 166+00
 Reloc S-107 East Butler Road
 _____ To _____
 _____ To _____

KNOW ALL MEN BY THESE PRESENTS, That I (or we) **The City of Mauldin, South Carolina – Post Office Box 249, Mauldin, South Carolina 29662** in consideration of the sum of **Four Hundred Eighty Five and No/100 Dollars (\$485.00)**, to me (or us) in hand paid, and other valuable consideration at and before the sealing and delivering thereof, by the South Carolina Department of Transportation, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, give, bargain, sell and release, unto the said South Carolina Department of Transportation, its successors and assigns, an easement or right of way for the construction, improvement, operation and maintenance of a public road known as a State Highway **for Roadway Improvements on S-107 (East Butler Road) from US Route 276 (Laurens Road) to S-941 (Bridges Road)**, State and County aforesaid, as shown on plans prepared by the South Carolina Department of Transportation, upon and across the land which I (or we) may own, in whole or in part, between the survey stations referenced above and as depicted and described on the above reference plans together with, all and singular, the rights, members, hereditaments, and appurtenances thereunto belonging, or in any way incident or appertaining. The grantor expressly recognizes the possibility that the property herein may be used in the future by public utility or others granted the statutory right to use the right of way.

SPECIAL PROVISIONS:

The above consideration is for a temporary easement to **0.076 acres (3,324 square feet)**, more or less, and all improvements thereon, if any, owned by **The City of Mauldin, South Carolina**, shown as the "Temporary Right of Way" on Exhibit A, attached hereto and made a part hereof. Property herein conveyed is along a relocated centerline as shown on plans between approximate survey stations 144+08.59 and 170+59.92 Reloc S-107 East Butler Road. **Temporary right of way herein granted shall revert to the grantor upon completion and acceptance of the project.**

Tax Map No. M004.02-01-006.23.

TO HAVE AND TO HOLD, all and singular, the said easement or right of way and the rights hereinabove granted, unto the said South Carolina Department of Transportation, its successors and assigns forever for a public road, highway, other public transportation purposes or other public uses as are permitted within and in conjunction with highway rights of way and the grantors hereby dedicated their respective interest in said strip of land to public use for such purposes.

It is agreed that buildings, fences, signs or other obstructions will not be erected by me (or us), my (or our) heirs, assigns or administrators within the limits of the right of way herein conveyed.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand(s) and seal(s) this _____ day of _____, in the year of our Lord, Two Thousand and _____.

Signed, sealed and delivered in the presence of:

The City of Mauldin, South Carolina

1st Witness

Name Grantor (L.S.)
Title

2nd Witness

Grantor (L.S.)

NOTE: All right of way agreements must be in writing and are subject to rejection by the South Carolina Department of Transportation.

THE STATE OF _____)
_____))
COUNTY OF _____)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____ by _____ of The City of Mauldin South Carolina.

Signature of Notary Public

Printed Name of Notary Public

NOTARY PUBLIC FOR THE STATE OF _____

My Commission Expires: _____
(Affix seal if outside SC)

EXHIBIT "A"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS; 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.

TRACT 229
TOTAL OBTAIN = 3,324 SF

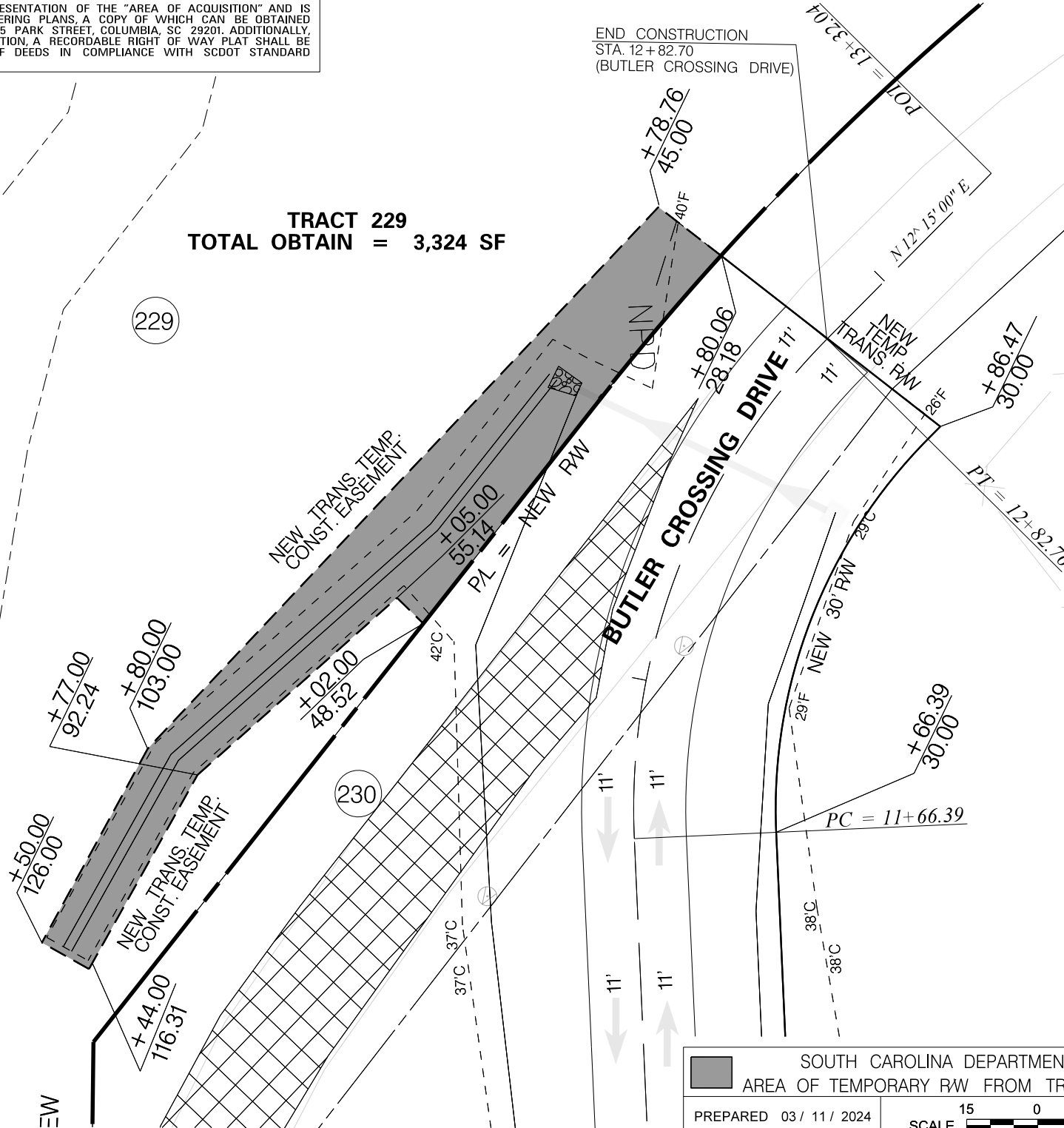
END CONSTRUCTION
STA. 12+82.70
(BUTLER CROSSING DRIVE)

229

229

201

230



SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
AREA OF TEMPORARY RW FROM TRACT 229 PROJECT ID P030553

PREPARED 03 / 11 / 2024

SCALE 15 0 30 FEET

COUNTY GREENVILLE