



# PLANNING COMMISSION MEETING

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**TUESDAY, APRIL 23, 2024 | 6 PM**

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



**PLANNING COMMISSION AGENDA**  
**APRIL 23, 2024**

1. **Call to Order** Chairman, Jonathan Paulsen
2. **Roll Call** Staff, David Dyrhaug
3. **Pledge of Allegiance**
4. **Opening Remarks** Chairman, Jonathan Paulsen
5. **Reading and Approval of Minutes**
  - a. Planning Commission Meeting:  
March 26, 2024
6. **Old Business**

None
7. **New Business**
  - a. Docket: PC-2024-07-RZ  
±3.3 acres at Miller Road  
Rezone from S-1 to RM
  - b. Docket: PC-2024-08-TA  
Text Amendment to the Land Development  
Regulations regarding Subdivision Procedures
8. **Other Business**

None
9. **Adjourn**

**MAULDIN PLANNING COMMISSION  
MINUTES  
March 26, 2024 6:00 P.M.**

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

**MEMBERS ABSENT:** None

**CITY STAFF PRESENT:** David Dyrhaug

**CALL TO ORDER/OPENING REMARKS**

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

**READING OF MINUTES**

Mr. Eskridge moved to accept the February 27, 2024, Planning Commission minutes.

Ms. Locklear seconded the motion.

The motion to accept the February 27, 2024, Planning Commission minutes passed by unanimous vote, 7-0.

**OLD BUSINESS**

No old business was discussed.

**NEW BUSINESS**

**Docket #:** PC-2024-04-PP

**Request:** Preliminary plat approval for the Ashmore Hills subdivision at Ranch Road and Ashmore Bridge Road

Mr. Dyrhaug introduced a request to approve the preliminary plat for the Ashmore Hills subdivision at Ranch Road and Ashmore Bridge Road. The applicant is proposing to develop and subdivide this 12-acre tract for 74 attached single-family homes.

Ms. Lexi Chickoree, with Bluewater Civil Design, introduced herself as a representative for the project. She provided some annexation and zoning background for the property and also provided an overview of the traffic impact analysis and the road improvements associated with this development project.

Mr. Paulsen opened the floor to public comments.

Ms. Lori Hamacher, at 302 Glinda Ann Court, expressed opposition to this proposed development. She commented on the number of homes, traffic, septic tanks, and trees being taken down.

Mr. Norman Bunn, at 221 Yorkswell Lane, expressed opposition to this proposed development. He commented on density, traffic and road concerns, trees being taken down, and how there is too much development.

Mr. Dan Martin, at 217 Yorkswell Lane, expressed opposition to this proposed development and commented about concerns for traffic.

Ms. Darlene Pace, at 545 Polyanna Drive, expressed opposition to this proposed development. She commented on the amount of development in the area and the trees and habitat that are being destroyed.

Mr. Will Gregg, at 10 Midcroft Court, expressed opposition to this proposed development and asked if there was an new SCDOT report.

No other public comments were offered.

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

Ms. Chickoree commented on how this proposed development is consistent with the zoning for the property. She is not aware of any clearing activity on the property. However, it is possible trees had been taken down in association with test digs on the property. She clarified that there will not be any septic tanks in this development. Instead, sewer will tie into the sewer at the Adams Glen subdivision on the other side of Ashmore Bridge Road. She compared this current proposal to the previous development project proposed at this tract. She also commented that residents in this development project will have access to the amenities in the Adams Glen subdivision.

Mr. Chism shared comments about the traffic report. He also asked questions about stormwater, wetlands, and parking.

Mr. Eskridge asked about the commitments to install the traffic improvements along Ashmore Bridge Road and Ranch Road.

Ms. Chickoree outlined the commitments indicated in the e-mail message from SCDOT.

Mr. Reddy asked about the comments from ReWa and the comments from Greenville County about stormwater.

Mr. Eskridge asked if this would come back to the Planning Commission if the preliminary plat is approved. Mr. Dyrhaug replied that it would not.

Ms. Brandy Blake, with D.R. Horton, introduced herself as a representative of the applicant, and explained the arrangements for how the traffic signal would be installed. She committed that the traffic signal would be installed before the final plat is approved.

Mr. Greene asked about considerations to decrease the density and also if a detailed buffer plan could be provided.

Ms. Blake explained that 74 homes is about their lowest number of units to make the project viable. She also commented that they would leave the buffers undisturbed as much as possible.

Mr. Greene commented that he would like to receive more details and information about the buffers and traffic improvements.

Mr. Chism made a motion to conditionally approve the preliminary plat with the conditions recommended by staff as well as the condition that the traffic signal at Ranch Road and Ashmore Bridge Road will be installed prior to final plat approval.

Ms. Locklear seconded the motion.

The motion to conditionally approve the preliminary plat for Ashmore Hills failed by a vote of 2-4, with only Ms. Locklear and Mr. Reddy voting in favor.

Mr. Chism made a motion to deny the preliminary plat for reasons of insufficient roads to support traffic.

Mr. Eskridge seconded the motion.

The motion to deny the preliminary plat for Ashmore Hills passed by a vote of 4-3, with Mr. Paulsen, Ms. Locklear, and Mr. Reddy in dissent.

The preliminary plat for Ashmore Hills was denied.

**Docket #:** PC-2024-05-TA

**Request:** Text Amendment to the Zoning Ordinance regarding Institutional Uses in the S-1 and I-1 zoning districts

Mr. Dyrhaug introduced an ordinance that proposes to eliminate cemeteries, funeral homes, religious institutions, grade schools, colleges, universities, and social assistance services as allowed uses in the S-1 and I-1 zoning districts.

Mr. Paulsen opened the floor to public comments.

No public comments were offered.

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

Mr. Bixler asked about eminent domain concerns.

Mr. Reddy asked about how much revenue was lost from institutional uses currently located in business parks.

Mr. Eskridge made a motion to recommend approval of this text amendment ordinance.

Mr. Greene seconded the motion.

The motion to recommend approval of the text amendment ordinance passed by a vote of 7-0.

**Docket #:** PC-2024-06-TA

**Request:** Text Amendment to the Zoning Ordinance regarding Nonconformities

Mr. Dyrhaug introduced an ordinance that replaces the City's current standards for nonconformities, including nonconforming uses, sites, lots, structures, and signs, with stronger and clearer provisions.

Mr. Paulsen opened the floor to public comments.

Mr. Norman Bunn, at 221 Yorkswell Lane, expressed support for the ordinance particularly as it helps properties along E. Butler Road as they are impacted by the SCDOT project along E. Butler Road.

No other public comments were offered.

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

Mr. Bixler made a motion to recommend approval of this text amendment ordinance.

Mr. Greene seconded the motion.

The motion to recommend approval of the text amendment ordinance passed by a vote of 7-0.

## **OTHER BUSINESS**

No other business was discussed.

## **ADJOURNMENT**

Ms. Locklear moved to adjourn the meeting.

Mr. Eskridge seconded the motion.

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

**The Planning Commission meeting adjourned at 7:30 p.m.**

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

AN ORDINANCE TO REZONE A PROPERTY CONSISTING OF APPROXIMATELY 3.3 ACRES LOCATED AT ALONG MILLER ROAD (TAX MAP PARCEL #M002.01-02-002.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Barrett Wood has petitioned the City of Mauldin to rezone +/- 3.3 acres from the S-1 District to the RM District; and

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

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

WHEREAS, the potential uses permitted in the new zoning district meet a public need and are not detrimental to the public health, safety, and welfare; and

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

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

**Section 1.** That the property described in zoning docket PC-2024-07-RZ and Greenville County Tax Map Parcel M002.01-02-002.00 be rezoned from S-1 to RM, Multi-family Residential. The property is further identified on the attached exhibit that is hereby incorporated into this ordinance, including Exhibit 1, Zoning & Property Map.

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

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

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

CITY OF MAULDIN, SOUTH CAROLINA

ATTEST:

BY: \_\_\_\_\_  
Terry Merritt, Mayor

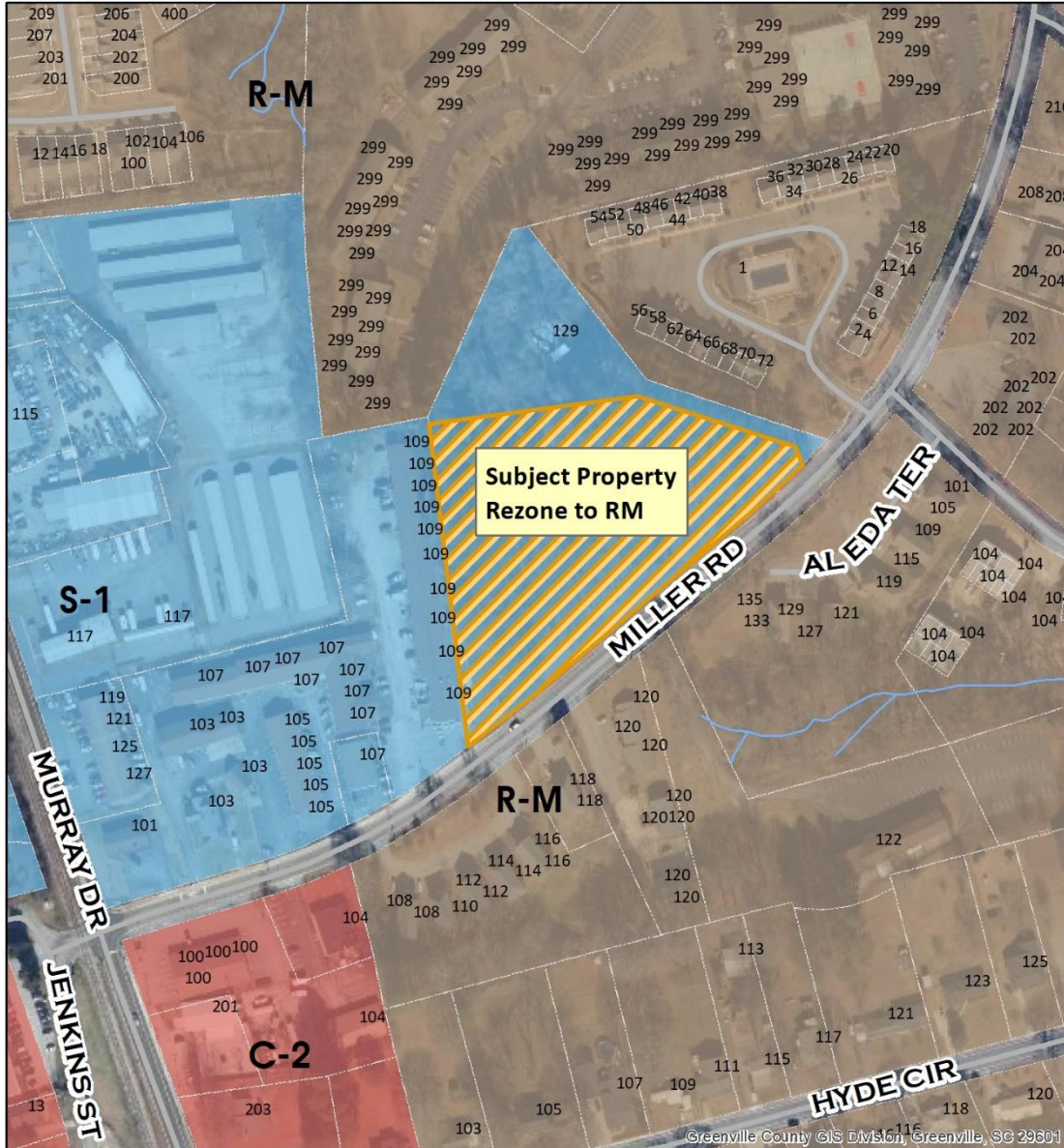
\_\_\_\_\_  
Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

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

# EXHIBIT 1

## Barrett Woods Property on Miller Road Rezoning Map



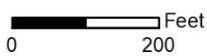
Created on April 11, 2024

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

DISCLAIMER: The information contained herein is for reference purposes only. The City of Mauldin makes no warranty, express or implied, nor any guarantee as to information provided herein. The City of Mauldin explicitly disclaims all presentations and warranties. The City of Mauldin assumes no liability for any errors, omissions, or inaccuracies in the information provided herein.

**Legend**

-  Subject Property
-  Mauldin City Limits





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

**AN AMENDMENT TO THE MAULDIN LAND  
DEVELOPMENT REGULATIONS ESTABLISHING  
PROCEDURES FOR SUBDIVISIONS.**

**WHEREAS**, the City establishes ordinances and regulations to protect and provide for the public health, safety, and general welfare of its citizens; and

**WHEREAS**, the City seeks to provide for the orderly growth and development of the City;  
and

**WHEREAS**, the intent of this ordinance is to establish reasonable standards of design and procedures for subdividing land;

**WHEREAS**, the City is engaged in ongoing efforts to update and refine the City’s land development regulations; and

**WHEREAS**, the City Council finds and determines that the following amendments to its land development regulations 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 April 23, 2024.

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

**Section 1. Amendment.** Amend ARTICLE 1, General Provisions, 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 1 GENERAL PROVISIONS**

**1.1 Title.** These regulations shall officially be known, cited, and referred to as the Land Development Regulations of the City of Mauldin (hereinafter “these regulations”).

**1.2 Policy**

**A.** It is declared to be the policy of the City of Mauldin to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the Comprehensive Plan of the City for the orderly, planned, efficient, and economical development of the City.

**B.** Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other

menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements.

C. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan and the capital budget and program of the City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building codes, zoning ordinances, the Comprehensive Plan, and the capital budget and program of the City.

1.3 **Purposes.** These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the City;

B. To provide for the orderly growth and development of the City;

C. To establish reasonable standards of design and procedures for subdividing land;

D. To facilitate orderly layout and compatibility with street patterns, setbacks, and character of the applicable zoning district;

E. To ensure required infrastructure is adequate to serve areas with new development;

F. To facilitate the further resubdivision of larger tracts into smaller parcels of lands and individual lots, where appropriate;

G. To ensure adequate services are available to any new development;

H. To ensure recreational opportunities are available to any new development;

I. To provide for the conservation, protection and preservation of natural resources;

J. To ensure proper legal descriptions and physical delineation of subdivided land;

K. To ensure that future plats, subdivision and dedications will be improved in accordance with established public policy; and

L. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision.

1.4 **Authority and Enactment.** Pursuant to the authority granted to it under Title 6, Chapter 29, Article 7 of the South Carolina Local Government Comprehensive

Planning Enabling Act of 1994, the Mauldin City Council does hereby adopt subdivision regulations to provide for the harmonious development of the ~~County~~ City; coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive ~~development~~ development plan; open spaces for traffic, recreation, light, and air, and for a distribution of population and traffic which will tend to create conditions favorable to the health, safety, and welfare of the general public.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the municipality. The developer has the duty of compliance with reasonable conditions laid down by the decision-making authority for design, dedication, improvement, and restrictive use of land to conform to the physical and economic development of the City and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

~~Hereafter, no plat of a subdivision of land within the area described in Section 1.2 below shall be filed or recorded until it has been submitted to and is approved by the City of Mauldin Planning Commission and such approval is entered in writing on the plat by the executive director or is authorized representative. The provisions of these regulations shall not apply to subdivision plat maps which, prior to the adoption of regulations governing the subdivision of lands, were recorded in the office of the Greenville County Register of Mesne Conveyance.~~

## 1.5 **Jurisdiction**

- A. These ~~subdivision~~ regulations adopted by the ~~Mauldin City Council~~ shall apply to all ~~new subdivisions~~ subdivision of land, as defined herein, located in the City as shown on the Official Subdivision Jurisdiction Area Map on file in the Business and Development Services Department within the corporate limits of the City of Mauldin.
- B. No land may be subdivided through the use of any legal description other than with reference to a plat approved in accordance with the provisions herein.
- C. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

## 1.6 **Interpretation.** In interpreting the regulations expressed in this document their interpretation and application, they the provisions of these regulations shall be considered as held to be the minimum ~~provisions~~ requirements for the ~~protection~~ promotion of the public health, safety, and general welfare of the general public. These regulations shall be construed broadly to promote the purposes for which they are adopted.

- A. *Public provisions.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision

of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

B. *Private provisions.* These regulations are not intended to abrogate any easement, covenant or other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determination of the decision-making authority in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or the determination made under these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

#### Conflict with Other Laws, Ordinances, or Regulations

~~Wherever the requirements made under authority of these regulations impose higher standards than are required in any statute, local ordinance, or regulations, the provisions of these regulations shall govern. Wherever the provisions of any other statute, local ordinance, or regulations impose higher standards than are required by these regulations, the provisions of such statute, local ordinance, or regulations shall apply.~~

1.7 **Separability.** If any section, paragraph, subdivision, or provision of the regulations shall be judged invalid, such judgment shall apply only to that particular section, paragraph, subdivision, or provision and the remaining sections of these regulations shall remain valid and effective. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City of Mauldin hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

1.8 **Amendments.** Before the adoption of any amendment to these regulations, the Planning Commission shall hold a public hearing with notice published in a newspaper of general circulation at least 15 days prior to the hearing. The notice shall be blocked in, carrying an appropriate descriptive title, and shall state the time, date and place of the hearing. The Planning Commission shall have 30 days within which to provide a written recommendation to City Council concerning the amendment. For the purpose of protecting the public health, safety, and general

welfare, these regulations may be amended from time to time. Any proposed amendment shall be presented at a public meeting held by the Planning Commission following public notice published in a newspaper of general circulation at least 15 days prior to the meeting. The Planning Commission shall provide recommendation regarding the amendment to City Council. For an amendment to be adopted, it must be approved by ordinance of City Council.

## 1.9 Variances, Exceptions, and Waiver of Conditions

~~Whenever, in the opinion of the Planning Commission, the strict application of the requirements contained in these regulations would result in substantial or excessive difficulties, hardships, or injustices, the Planning Commission may modify such requirements so that the subdivide is allowed to develop his property in a reasonable manner. The public interests of the city and its citizens are to be protected and the general intent and spirit of these regulations will preserved. All affected city departments shall accept variances granted by the Planning Commission. Variances approved by the Planning Commission shall be binding for all affected city departments.~~

A. General. Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waiver of conditions to these regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver of conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variance, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and
- (4) The relief sought will not in any manner vary the provisions of the zoning ordinance or comprehensive plan, except that those documents may be amended in the manner prescribed by law.

B. Conditions. In approving variances, exceptions, or waivers of conditions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the purposes described herein.

C. Procedures. A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the applicant. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

#### 1.10 Enforcement, Violations, and Penalties

~~The owner or agent of the owner of any land located within the jurisdiction of the Planning Commission who transfers, sells, or agrees to sell such land by reference to, or exhibition of, or by other use of a plat or subdivision of such land before such plat has been approved by the Planning Commission and recorded in the office of the County Register of Mesne Conveyance shall forfeit and pay a penalty of \$100 for each lot so transferred, sold, or agreed or negotiated to be sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from such penalties. The city may enjoin such transfer, sale, or agreement by action for injunction or may recover the penalty by civil action.~~

##### A. General

- (1) It shall be the duty of the official designated by the City Administrator to enforce these requirements and to bring any violations of these regulations to the attention of the appropriate authority.
- (2) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the appropriate decision-making authority in accordance with the provisions of these regulations.
- (3) The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
- (4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the City have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

B. Violations and penalties. Any person ~~or entity~~ who violates any of the provisions contained herein or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall upon conviction be fined ~~not less than \$10 nor more than \$500 for each conviction~~ these regulations shall be subject to a fine of not more than five hundred dollars (\$500), or imprisonment for a term not exceeding thirty (30) days, or both, such fine and imprisonment pursuant to the provisions of Section 5-7-30 of the statutes for the State of South Carolina. Each day of violation shall constitute a separate offense.

C. Civil enforcement. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful

construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

~~Nothing contained herein shall prevent the county from taking such unlawful action as is necessary to remedy any violation of these regulations.~~

### 1.11 **Appeals**

A. Staff action, if authorized, to approve or disapprove a land development plan may be appealed to the Planning Commission by any party in interest within thirty (30) days of the decision. The Planning Commission must act on the appeal within sixty (60) days, and the action of the Planning Commission is final.

B. Any person aggrieved by a decision of the Planning Commission rendered after hearing may, within thirty (30) days after notice thereof of the decision, file an appeal in circuit court for a review of the decision of the Commission pursuant to the Section 6-29-1150 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

### 1.12 **Effective Dates**

These regulations shall take effect on and after September 15, 1967.

Amended – April 22, 1971

Amended – October 16, 1979

Amended – February 16, 1982

Amended – April 19, 1983

Amended – June 19, 1983

Amended – December 28, 1984

Amended – August 19, 1992

Amended – May 4, 1999

Amended – June 18, 2018

**Section 2 Amendment.** Amend ARTICLE 2, DEFINITIONS, 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 2 DEFINITIONS

2.1 Usage

- A. For the purposes of these regulations, ~~the following definitions~~ certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein.
- B. Except for words specifically defined herein, all words shall have the customary dictionary meaning; technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- C. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; ~~the plural number includes the singular number.~~
- D. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- E. The words “shall,” “must,” and “will,” ~~is~~ are mandatory in nature, establishing an obligation or duty to comply with a particular provision.
- F. Unless context clearly suggests the contrary, conjunctions shall be interpreted as follows:
  - (1) “And” indicates that all connected terms, conditions, provisions, or events apply.
  - (2) “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.
- G. Lists of examples prefaced by “including the following,” “such as,” or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar and non-mentioned examples.
- H. The word “City” shall mean the City of Mauldin.
- I. All public officials, bodies, and agencies to which references are made are generally those of the City of Mauldin, unless otherwise indicated.
- J. A reference to an administrative official shall also refer to the designee of that official.



K. The word “person” or any similar term includes individuals, firms, corporations, associations, trusts, and any other similar entities or groupings of such entities.

L. All references to other local, state, or federal regulations or guiding documents in these regulations refer to the most current version and citation for those regulations or documents, where such versions are consistent with the purposes, intent, and objectives of these regulations.

## 2.2 Graphics, Commentary and Notes

Graphics and commentary associated with graphics used in these regulations are to aid the interpretation of the text, unless otherwise specifically stated. In the event of a conflict or ambiguity between a graphic or commentary and the text, the text shall control.

## 2.3 Words and Terms Defined

~~*Alley* – A minor, permanent public service way in used for secondary vehicular access to the back or the side of properties which otherwise have primary vehicular access to a public street~~ A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

~~*Applicant* – The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.~~

~~*Block* – A piece of parcel of land entirely surrounded by public streets~~ A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines of municipalities.

~~*Building* – Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.~~

~~*Building Setback Line* – A line establishing the minimum allowable distance between the nearest portion of any building excluding steps, gutters, and similar fixtures, and the property line when measured perpendicular thereto.~~

~~*Commission or Planning Commission* – The Mauldin City Planning Commission.~~

~~*Cul-de-sac* – A street having one end open to traffic and being permanently terminated by a vehicular turnaround of circular design~~ A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Developer** – The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations.

~~**Easement**~~ – A grant by the property owner of a portion of land, for use by the public, a utility, a corporation, or person for specified purposes. No construction of any kind is permitted upon easements except that which is allowed or required in conjunction with the designated use Authorization by a property owner for another to use the owner’s property for a specified purpose.

~~**Eyebrow**~~ – The arch of a cul-de-sac covering the outer ridged of a tangent street section.

~~**Group or Large Scale Development**~~ – A group or large scale development is a group of two or more principal structures, whether in single, condominium, or diverse ownership built on a single lot, tract, or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprises. Such development generally contains parcels or tracts of land in common and such land is controlled and maintained through a property owners’ association or similar group.

**Highway** – A street or traffic way serving as and designated as State or United States route.

~~**Lot**~~ – A portion of a subdivision or other parcel of land having a minimum of 20 feet frontage on, or approved access to, a public street and intended for transfer of ownership or for building purposes A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

~~**Lot, corner**~~ – A lot abutting upon two or more streets at a corner, a lot abutting upon two or more streets at their intersection A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

~~**Lot, double frontage**~~ – A lot, other than a corner lot, abutting upon two or more streets. A corner lot shall be considered having double frontage if it has access on three or more sides or shows access to two streets parallel to one another A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

~~**Lot, Width**~~ **Lot width** – The distance between the side lot lines at the front setback line as measured along a straight line parallel to the front lot line or parallel to the front lot lines or parallel to the chord thereof.

**Model home** – A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be used as a residence during its use as a model.

**Open space** – Land areas which are set aside for landscaping, preservation of natural features, or passive recreation.

**Parcel** – An individually taxable piece or portion of land.

**Person** – Any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

**Planning Commission** – The City of Mauldin Planning Commission.

**Plat** – A map prepared by a registered land surveyor that represents a tract or multiple tracts of land, and shows the boundaries and locations of individual properties and streets.

**Plat, final** – The map of a subdivision to be recorded after approval by the Planning Commission and any accompanying material as described in these regulations.

**Plat, preliminary** – The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

**Plat, summary** – A plat that shows a division of a parcel into multiple lots that does not require construction of a public or private street or right-of-way.

**Private road** – Any right-of-way, road, street, drive, or means of vehicular access to private properties that is not dedicated to or maintained by the City of Mauldin or any other governmental entity. The property owner(s) uses the private road as a means of access and has an undivided fee interest or usage easement in the private road. The fee interest in the private road may be held by a corporate, trust, partnership, or other legal entity provided the property owners are members of, and/or owners in, the legal entity. The entity has the obligation to maintain and repair the private road; provided, however, the City of Mauldin shall not be obligated in any way to maintain the private road.

**Record Drawing** – Drawings submitted for record purposes and which have been annotated to show significant changes in the work made during construction based upon marked up prints, drawings, and other data furnished by the Contractor to the Developer, or the Developer's Engineer.

**Record Strip** – A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way.

**Registered land surveyor** – A land surveyor properly licensed and registered in the State of South Carolina.

**Resubdivision** – A combination or recombination of previously recorded lots or tracts of contiguous land for the purpose of creating building sites. Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded.

**Right-of-way** – A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**Roadway** – That portion of a street intended for the use by vehicular traffic.

**SCDOT** – South Carolina Department of Transportation.

**Sale or lease** – Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

**Setback** – The shortest distance between a property line and the nearest portion of a building.

**Street** – A dedicated and accepted right of way for vehicular traffic. Includes but is not limited to highway, thoroughfare, lane, road, boulevard, way, place, court, trail or otherwise. Any vehicular way that is (1) an existing state, county, or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other appropriate official action; (4) shown on a plat duly filed and recorded in the office of the county register of deeds; or (5) shown on the official map or adopted master plan.

### **Hierarchy of Streets**

The following are definitions intended to distinguish between categories of streets:

- (a) **Arterial Streets/”A” Street** – High volume streets that carry traffic between commercial centers or communities.

- ~~(b) **Minor Arterial Streets/"B" Street** — Principal traffic arteries within residential or commercial areas that carry traffic from arterials to lower-order residential streets.~~
- ~~(c) **Residential Streets/"C", "D", "E" Streets** — Streets used primarily to provide access from minor arterial streets to residential units. By nature of their design, these streets serve vehicles passing through the area with either origin or destination within the area. The three classes of residential streets are listed below:
 
  - ~~(1) **Class "C" Residential Collector** — A street which provides access to 50 or more residential dwelling units.~~
  - ~~(2) **Class "D" Residential Subcollector Street** — A street which provides access to more than 15 but less than 50 residential dwelling units. A street may not be classified a Class "D" street if it is designed in such a way that it may provide at any future date access to another street or to more than 50 dwelling units.~~
  - ~~(3) **Class "E" Residential Access Street** — A street providing access and/or road frontage to 15 or fewer residential dwelling units. A street may not be classified a Class "E" if it designed in such a way that it may provide at any time in the future access to another street or to more than 15 dwelling units.~~~~
- ~~(d) **Industrial/Commercial "F" Street** — Streets used for access to commercial, service, and industrial properties as designated by the zoning classification or to those area exhibiting this character or intent.~~

*Street, arterial* – A street that connects and distributes traffic to and from collector streets, with access control, channelized intersections, and restricted parking. Arterial streets may overlap major collector streets to some extent. Arterial streets generally have traffic volumes that exceed 5,000 vehicles per day (average daily trips). Arterials may also carry regional traffic between communities.

*Street, collector* – A street that collects traffic from local streets and connects with arterial streets. Collector streets generally carry traffic within large neighborhoods or between small neighborhoods. They also provide access to abutting land uses. Collector streets generally have traffic volumes that vary between 1,500 and 5,000 vehicles per day (average daily trips), but may also drop as low as 1,000 vehicles per day and carry as much as 7,500 vehicles per day depending on the density and type of development.

*Street, local* – A street that provides frontage for access to abutting lots and carries slow-speed traffic primarily having a destination or origin on the street itself. Local streets are also known as residential access or neighborhood streets and are the lowest order of residential street, other than a rural street.

*Street width* – The shortest straight distance between the lines delineating the travel surface of a street.

**Structure** – Anything constructed, erected, or placed ~~with requires permanent location~~ above grade.

**Subdivider** – Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group, or combination thereof, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing. This definition includes any authorized agent of the subdivider.

**Subdivision** – ~~means all divisions of a tract of parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and nonresidentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion. however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:~~

- ~~(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;~~
- ~~(b) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate the fact on the plats; and~~
- ~~(c) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.~~

**Superelevation** – The construction of a curved roadway section in which the elevation of the outside edge of the curve is higher than the elevation of the inside edge of the curve. The purpose of including superelevation in the design of a curve is to counteract the centrifugal force acting on a vehicle passing through the curve, thus allowing the vehicle to safely navigate the curve while maintaining uniform speed.

**Tract** – A lot. The term “tract” is used interchangeably with the terms “lot” and “property.”

**Traffic Control Island**—The area in a roadway where vehicles are intended to be excluded. Refer to Article 7 of this Ordinance. Traffic control islands are classified as follows:

- (a) **Divisional Islands**—Islands built to separate opposing traffic flows. A continuous divisional island is a median. A divisional island located at the public entrance to a subdivision is a subdivision entrance island.
- (b) **Channelization Islands**—Islands built to guide traffic traveling in the same direction in proper and safe paths.
- (c) **Pedestrian Refuge Islands**—Islands built exclusively for the safety of pedestrians.

**Zoning**—Any existing zoning ordinance of the City of Mauldin, South Carolina.

**Section 3. Repeal.** ARTICLE 3, Preliminary Plat Requirements, ARTICLE 4, Summary/Record Plat Approval, and ARTICLE 5, Final Plat Procedures, of the Mauldin Land Development Regulations are hereby repealed in their entirety.

**Section 4 Adoption.** Adopt ARTICLE 3, Subdivision Procedures, in its entirety as follows:

## ARTICLE 3 SUBDIVISION PROCEDURES

### 3.1 General Procedure

- A. *Classification of subdivisions.* Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures for a Minor Subdivision or a Major Subdivision, whichever applies.
- B. *Official submission dates.* For the purpose of these regulations, for both major and minor subdivisions, submission deadlines shall be set by the Mauldin Business and Development Services Department in accordance with minimum review periods and meeting notification requirements.

C. *Compliance.* All development and redevelopment including the subdivision of land shall be in compliance with these regulations, zoning ordinances, and the following items, as applicable:

(1) *Compliance with State law.* All land subdivisions in the City shall be in accord with (Class A) Urban Land Surveys as promulgated by S.C. Code, 1976, Title 40, Chapter 21, as amended July 1, 1991, and described by the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

(2) *Reference to professional standards.* All infrastructure should be installed in accordance with the standards herein as well as other professional standards including the latest acceptable editions of:

- a. American Association of State Highway and Transportation Officials (AASHTO) Highway Safety Manual
- b. Institute for Traffic Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach
- c. Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices (MUTCD)
- d. National Association of City Transportation Officials (NACTO) Design Guidelines

(3) *Conformance to plans.* Improvements in all cases shall conform to cross sections, dimensions, technical specifications, and grades shown on the approved plans. Deviations from the plans during construction or otherwise shall require written approval by City staff prior to the construction of the deviation.

(4) *Licensed professionals.* Only a licensed professional may prepare the necessary plats, analyses and plans for ascertaining whether or not the work performed and materials used in conjunction with the public infrastructure are in accordance with the requirements and intent of these regulations. Any work done or materials used without supervision or inspection of the licensed professional or his or her representatives may be ordered removed and replaced at the developer's expense. Failure to reject any defective work or material shall not in any way prevent later rejection, when such defect is discovered.

D. *Inactive applications.* Applications that have been inactive for a period of at least six (6) months on the part of the application shall be closed. After an application has been closed, a new application and fee must be submitted.

### 3.2 **Minor Subdivision**

A. *Applicability.* The Minor Subdivision procedures apply to the division of land into lots or sublots for the purpose of sale, lease, or building development when



no new publicly-dedicated or private streets or rights-of-way are created to serve the development.

B. *Standards.* The Minor Subdivision must meet the following requirements.

- (1) The subdivision shall not violate the intent of these regulations or the Zoning Ordinance;
- (2) Each lot must conform to all applicable zoning requirements and land development regulations;
- (3) Each lot must have direct access to an existing roadway;
- (4) The subdivision shall not obstruct the floodplain;
- (5) The proposed lots must meet the criteria for public water systems and sewage systems; and
- (6) The subdivider must indicate who will be responsible for compliance with the stormwater management and erosion control requirements for lot development.

C. *Summary plat requirements.* The Summary Plat shall be produced on sheets not larger than 36 inches by 24 inches and in a scale of not less than 1 inch to 100 feet. The Summary Plat shall include the following:

- a. Address and tax map number(s) of the subject property;
- b. Name and contact information for the property owner and/or subdivider;
- c. Name and contact information for the design professional(s) that prepared the plat;
- d. Each sheet must be sealed with the name, signature, date, and state registration number by the licensed professional that prepared that sheet;
- e. Each sheet must include a scale, north arrow, and legend.
- f. The total area (in acres) of the land proposed for subdivision;
- g. The total number of lots proposed;
- h. The existing zoning classification of the subject property;
- i. The area (in square feet) of each lot;
- j. The length of each lot line (in feet) for each individual lot;
- k. The building setback requirements;
- l. The bearings and distances of all property lines;
- m. The location, name, pavement width, and right-of-way width of all adjacent roadways;
- n. The location, type, and width of any recorded easements or rights-of-way on or adjacent to the property;
- o. The location of any water courses, wetlands, marshes, flood plains, flood ways, and similar hydrological features;
- p. The location and dimensions of any existing houses, barns, vertical structure, cemeteries, or other significant features on the property;
- q. The location and description of monuments; and

- r. The address and/or property owner names of adjoining properties.
- D. *Pre-application conference.* Before submitting an application for a Minor Subdivision, the applicant is encouraged to schedule a pre-application conference with the Mauldin Business and Development Services Department to discuss the procedures, standards, and regulations required for approval. At the pre-application conference, the Director of the Business and Development Services Department, or his designee, will determine if the application qualifies as a Minor Subdivision. If the Director determines that the application qualifies as a Major Subdivision, the application will be processed accordingly.
- E. *Application.* Following the pre-application conference, an applicant may start the application process. To apply, a complete application form, required plans, and review fees must be filed with the Business and Development Services Department.
- F. *Public notice.* No public notice is required for a Minor Subdivision.
- G. *Review and action process*
- (1) *Administrative action.* The Director of Business and Development Services, or his designee, is authorized to approve requests for a Minor Subdivision. The Director, or his designee, must review each application and approve, approve with conditions, or deny the application based on the standards as defined in these regulations and the zoning ordinance.
  - (2) *Recordation.* The subdivider must file for recording an approved Minor Subdivision summary plat with the office of the Greenville County Register of Deeds within 90 calendar days after the date of approval and prior to the recording of any individual deeds for the subdivided lots or sublots.
- H. *Amendment.* Amendments to Minor Subdivision plans may be approved by the Director of Business and Development Services, or his designee, in accordance with these regulations.
- I. *Appeal of administrative decision.* Appeals of administrative decisions on Minor Subdivisions may be taken to the Planning Commission in accordance with the provisions herein.

### 3.3 Major Subdivision

- B. *Applicability.* The Major Subdivision procedures apply to the division of land into lots or sublots for the purpose of sale, lease, or building development that is determined by the Director of Business and Development Services, or his designee, to not be a Minor Subdivision.

C. *Pre-application meeting.* Before submitting an application for a Major Subdivision, the applicant is encouraged to schedule a pre-application conference with the Mauldin Business and Development Services Department to discuss the procedures, standards, and regulations required for approval.

D. *Preliminary plat requirements.* The Preliminary Plat shall be produced on sheets not larger than 36 inches by 24 inches and in a scale of not less than 1 inch to 100 feet. The Preliminary Plat shall include the following components:

(1) *Project information.* Basic project information including:

- a. Project name formatted as: “Preliminary Plat of [SUBDIVISION NAME];
- b. Address and tax map number(s) of the subject property;
- c. A vicinity map showing the location of the proposed subdivision;
- d. Name and contact information for the property owner and developer;
- e. Name and contact information for the design professionals that prepared the plans including civil engineer, land surveyor, landscape architect, and any other applicable design professional;
- f. The total area (in acres) of the land proposed for subdivision;
- g. The total number of lots proposed;
- h. The linear length (in miles or feet) of new roadways proposed;
- i. The total area (in acres) of open space proposed and the area (in acres) of the open space that meets the criteria for “developable acreage”;
- j. The existing zoning classification of the subject property;
- k. The building setback requirements;
- l. The calculations for off-street parking required and the number of off-street parking spaces that will be provided;
- m. The date that plans were prepared and a “revision box” that depicts the dates that any revisions were made;
- n. Each sheet must be sealed with the name, signature, date, and state registration number by the licensed professional that prepared that sheet; and
- o. Each sheet must include a scale, north arrow, and legend.

(2) *Boundary survey.* An accurate boundary survey of the property prepared by a registered land surveyor licensed to practice in the State of South Carolina. The boundary survey must include the following:

- a. The bearings and distances of all property lines;
- b. The location, name, pavement width, and right-of-way width of all adjacent roadways;

- c. The location and width of all existing sidewalks on or adjacent to the subject property;
- d. The location, type, and width of any recorded easements or rights-of-way on or adjacent to the property;
- e. The location of any water courses, wetlands, marshes, flood plains, flood ways, and similar hydrological features;
- f. The location and dimensions of any existing houses, barns, vertical structure, cemeteries, or other significant features on the property;
- g. Existing topographic contour intervals not greater than 12 feet; and
- h. The address and/or property owner names of adjoining properties.

(3) *Preliminary layout.* A preliminary layout of the proposed subdivision that includes the following:

- a. The lot number for each lot;
- b. The area (in square feet) of each lot;
- c. The length of each lot line (in feet) for each individual lot;
- d. The location, name, type (public or private), right-of-way width (in feet), and pavement width (in feet) of each new roadway or street;
- e. The location and type of traffic control devices that will be installed;
- f. The location and design of road improvements that will be constructed;
- g. The location and width of all new sidewalks and crosswalks;
- h. The location and dimensions of any new parking areas;
- i. The location and type of community facilities such as amenities and cluster mailbox units; and
- j. The location and area (in acres or square feet) of each open space tract that will be provided.

(4) *Basic grading and drainage plan.* A basic grading and drainage plan that includes the following:

- a. The anticipated location of each catch basin, storm water piping, and detention/retention pond;
- b. The location and width of each drainage easement;
- c. A basic grading plan that shows an approximation of how the topography will be altered; and
- d. The location, width and height of any proposed retaining walls.

(5) *Basic utility plan.* A basic utility plan that includes the following:

- a. The names of the utility providers for the property including water, sewer, electricity, and natural gas;
  - b. The location and size of existing sanitary sewer lines and water main lines on adjacent tracts (if water mains and sewer lines are not on or adjacent to the subject property, please indicate the direction, distance to, and size of the nearest accessible lines);
  - c. The location and size of proposed sanitary sewer lines and water lines; and
  - d. The location and width of each utility easement.
- (6) *Basic tree preservation and landscape plan.* A basic tree preservation and landscape plan that includes the following:
- a. The location and size (in acres) of tree preservation areas;
  - b. An estimation of the number of trees that will be preserved;
  - c. The size and design of buffers along the perimeter of the project;
  - d. The location and number of trees that will be planted along streets, in buffer areas, in parking areas, and in other community areas.

E. *Preliminary plat process*

- (1) *Review by Subdivision Advisory Committee.* The Preliminary Plat shall be submitted to and checked by the Greenville County Subdivision Advisory Committee (SAC) for conformance with the standards for each of the agencies that participate on that committee. The comments from that committee must be submitted to the City before the City will take any action and process the application.
- (2) *Application to City.* Following the pre-application meeting and receipt of the SAC comments, an applicant may submit an application for a Preliminary Plat to the City. The submission must include a completed application form, review fees, SAC comments, and all plans and details required by the application checklist.
- (3) *Completeness review.* Within ten (10) business days after receipt of the application, the Director of Business and Development Services, or his designee, shall determine whether the application a Preliminary Plat is complete. If the application or the plans are determined to be incomplete, the Director, or his designee, will provide the applicant with a statement of the reasons why the Preliminary Plat application or plans are incomplete. Applications or plans which are incomplete will not be processed any further until complete applications or plans are resubmitted.

- (4) *Public notice.* Signs advertising the date, time and place of the public meeting for the subdivision Preliminary Plat shall be posted on the property no less than 14 days prior to the public meeting conducted by the Planning Commission.
- (5) *Staff review.* The Director of Business and Development Services, or his designee, will review the completed application and plans for the Preliminary Plat and will provide a staff report to the Planning Commission in advance of the public meeting. Prior to the preparation of the staff report, other City staff may make comments or recommendations to the Director to include in the staff report.
- (6) *Planning Commission review.* After referral of the application from the Director, or his designee, the Planning Commission must conduct a public meeting on the application. At the public meeting, the Planning Commission must consider the application, the relevant support materials, the staff report, and the standards as defined in these regulations and the zoning ordinance. The Planning Commission shall base its decision on the following criteria:
  - a. The land uses and intensity of the proposed development are consistent with the character and intent of the zoning district and comply with the land uses authorized therein.
  - b. The provision and preservation of open space and landscape buffers are consistent with the standards and intent of the City's ordinances and regulations.
  - c. The proposed layout of streets, lots, utilities, and public improvements are designed in a manner consistent with the City's policies and can be reasonably and efficiently served by the City and other public agencies.
  - d. The availability of adequate public services, including, but not limited to, water, sanitary sewer, emergency response, and educational facilities.
  - e. Significant impacts on public infrastructure such as roads and utilities will be appropriately mitigated.
  - f. The ability of the proposed development to meet all standards provided in these regulations and the City's zoning ordinance.
- (7) *Planning Commission decision.* The Planning Commission must approve, approve with modifications, approve with conditions, or disapprove the Preliminary Plat for subdivision within sixty (60) days of the date the application is deemed sufficient or complete, unless this time limit is extended by mutual agreement. The decision or action of the Planning Commission is made by majority vote. Failure by the Planning Commission to act within this 60-day time limit constitutes approval of the Preliminary Plat. In approving a Preliminary Plat for subdivision, the Planning Commission may impose conditions on the permit approval.

- (8) *Preliminary Plat approval.* Approval of a Preliminary Plat for subdivision will constitute approval of the development with the lot dimensions and alignments of streets identified on the Preliminary Plat. Approval of a Preliminary Plat does not constitute approval of the construction plans or the Final Plat. The approval of a Preliminary Plat for subdivision will expire at the end of twenty-four (24) months from the date approval was granted by the Planning Commission unless the applicant has submitted an application for approval of a Final Plat for subdivision for at least ten percent (10%) of the land area of the subdivision or the application receives a one (1) year extension granted by the Director of Business and Development Services, or his designee. Up to three (3) extensions may be granted by the Director or his designee. After three (3) extensions, additional extensions may only be granted by the Planning Commission.

F. *Construction plans*

- (1) *Land disturbance permit.* Upon approval of the Preliminary Plat for subdivision, the applicant must obtain a Land Disturbance Permit before clearing and grading of land and installation of improvements for the subdivision may begin.
- (2) *Construction plan approval.* Before a Land Disturbance Permit may be issued, approval of the construction plans including full civil engineering drawings and tree preservation and landscape plans must be approved by the Director of Business and Development Services, or his designee, and other City staff as appropriate.
- (3) *Storm water plans.* Detailed drainage plans, including sediment and erosion control plans and pond plans, must conform to the standards and requirements established by Greenville County.

G. *Final plat*

- (1) *Final Plat application.* Upon fulfillment of the conditions of the preliminary approval and, after the required improvements have been completed or an acceptable financial security has been posted in lieu of the improvements, the applicant may submit an application for Final Plat for subdivision.
- (2) *Final plat requirements.* The Final Plat shall conform to all the standards of a Class "A" Land Survey as found in the Standards of Practice Manual for Surveying in South Carolina. The Final Plat shall be produced on sheets not larger than 36 inches by 24 inches and in a scale of not less than 1 inch to 60 feet. If the Final Plat is drawn in two or more sections, each section shall be accompanied by a key map showing the location of each section. All Final Plat shall be

accompanied by an electronic copy. The Final Plat shall include the following components:

- a. A title block containing the subdivision name; name and address of the owner/developer; location as to city, county, and state; the date the Final Plat was prepared; a numerical scale; a graphic scale; and the name, address, registration number, seal, and signature of the South Carolina Registered Land Surveyor who prepared the Plat;
  - b. An accurately positioned north arrow coordinated with any bearing shown on the Plat. Indication shall be made as to whether the north index is true, magnetic, or grid;
  - c. All parcels, rights-of-way, ground control points, street centerlines, easements, lot numbers, lot dimensions, lot area (in square feet), road names, easement types, utilities, and watercourses;
  - d. The location, bearing, and length of every lot line, easement line, right-of-way line, and boundary line;
  - e. Where a line is formed by a curved line, the curved line must be defined in a curve data chart to include the radius, delta, arc length, and the long chord with the chords' bearing and distance. The curve may also be defined as a traverse of chords around the curve;
  - f. The address, and tax map number, and property owner names of adjacent properties;
  - g. The base flood elevation, the delineation and area of special flood hazard, and the lowest floor elevation chart, if applicable; and
  - h. There shall appear on the Final Plat a certificate by the land surveyor stating the origin of the information shown on the map including deeds and any recorded data shown thereon. The error of closure shall be 1:10,000. Any lines on the map that were not actually surveyed must be clearly indicated and a statement included revealing the source of information.
- (3) *Boundary monuments and corners.* All boundary monuments must be in place prior to the approval of the Final Plat. All new or re-established corners shall be metal, concrete, or other durable material and shall be detectable with conventional instruments for finding ferrous or magnetic objects. Corners shall be at least 24 inches in length. Metal corners shall be at least ½ inch in diameter and concrete corners shall be at least 4 inches in diameter. If the corner location falls on pavement, concrete, or other impervious material where one of the above cannot be placed, it is permissible to use nails, spikes, scribes, or similar object in or on the surface.
- (4) *Required infrastructure.* At a minimum, sewer systems, water lines, hydrants, curbing, and all of the roadway binder and surface (except the



final surface) must be installed and in working order prior to the approval of the Final Plat. Furthermore, water lines and hydrants must be installed and in working order prior to combustible materials being allowed on site.

- (5) *Required landscaping.* At a minimum, landscaping in required buffers must be installed prior to the approval of the Final Plat, unless the landscaping has been guaranteed through a financial security.
- (6) *Model home.* Prior to the approval of the Final Plat, a single model home may be constructed provided that a hydrant is available within 600 linear feet and there is access to the home via an all-weather driving surface at least 20 feet wide and sufficient to support a fire truck where approved by the Mauldin Fire Department. The model home may not be occupied unless the sewer is operational or the applicant obtains a pump and haul permit.
- (7) *Covenants and restrictions.* The membership rights and obligations related to the common areas in a subdivision shall be described in covenants running with the land. All common areas shall be maintained by an association of the homeowners or property owners within the subdivision. The establishment of the association must take place prior to the Final Plat approval. No deed restrictions or restrictive covenants shall stipulate lower standards than the minimum standards in these regulations and the Mauldin Zoning Ordinance. Covenants and restrictions must be provided and recorded along with the Final Plat.
- (8) *Dedication offering.* No Final Plat shall be approved until the City receives a notarized statement of dedication of streets and roads signed by each owner of the property to the effect that:
  - a. The subdivision plan shown on the Plat or a reasonable revision thereof is made with his or their free consent and in accordance with their desires;
  - b. The dedication of streets or roads shown on the Plat and the road dedication form is freely offered; and
  - c. The property shown on the Plat is not encumbered by a recorded deed of trust or mortgage or by a judgment rendered by any court.
- (9) *Final Plat review and approval.* The Director of Business and Development Services is authorized to approve Final Plats for subdivision upon finding that the application complies with all applicable standards and all required dedications and improvements, or payments and guarantees in lieu thereof, have been installed on or finalized for the property.

- (10) *Final Plat recordation.* The Final Plat must be recorded by the subdivider or his authorized agent in the office of the Greenville County Register of Deeds within thirty (30) days of the date of approval by the appropriate official or such approval shall be void.
- (11) *Effect of Final Plat approval.* Approval of the Final Plat and the subsequent recordation of the Plat in the office of the Greenville County Register of Deeds shall be deemed an offer to dedicate all streets and other public areas shown on the Plat. The approval of a Final Plat for subdivision will not be deemed to constitute or effect the acceptance by the City of the dedication of any street or other ground, public utility line or other public facility shown on the plat. No dedications made pursuant to these requirements are effective unless the appropriate City official has expressly accepted the dedication.
- (12) *Assumption of liability.* If street construction is not completed and Final Plat approval is granted under the conditions of a financial security to ensure the completion of the streets, the developer assumes liability for damages that might be incurred by persons using the streets prior to the time that the dedication of the streets is accepted by the City.

#### H. *Dedications*

- (1) *Authority.* The City or other public authority shall not accept, lay out, open, improve, grade, pave, or light any street; or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street unless such street has been accepted and opened, or shall have otherwise received the legal status of a street for public use, or unless such street corresponds in its location and lines with a street shown on a Preliminary Plat approved the by Planning Commission. Notwithstanding, the City Council may authorize the location and construction or accept any other street pursuant to City ordinances and polices.
- (2) *Construction of appurtenances.* Before the dedication of streets is accepted by the City, all curbing, gutters, catch basins and sidewalks must be installed and in good condition before the dedication will be accepted by the City. Notwithstanding, the dedication may be accepted if the applicant establishes a financial security in accordance with the provisions herein for the unfinished sidewalk.
- (3) *Notice of acceptance.* Upon acceptance of a dedication, the appropriate City official will send a written notice of acceptance.

#### I. *Amendment*

- (1) *Minor amendment.* Minor amendments to Major Subdivision plans may be approved by the Director of Business and Development Services, or

his designee, in accordance with these regulations. Minor amendments include modifications that are not considered major amendments.

(2) *Major amendment.* Major amendments to Major Subdivision plans must be approved by the Planning Commission. The following shall be considered major amendments:

- a. An increase in the number of lots;
- b. Significant modifications to the basic layout of the street system or nonmotorized transportation system, such as removal of a connection, realignment of the street network, or change in the type or widths of streets or public rights-of-way;
- c. Reduction of open space; or
- d. Substantive removal or dilution of features or amenities that were essential elements of the approved subdivision plan.

J. *Appeal of administrative decision.* Appeals of administrative decisions on Major Subdivisions may be taken to the Planning Commission in accordance with the provisions herein.

### 3.4 **Exempt Plat**

A. *Exempt Plat qualifications.* Exempt Plats include activities that do not constitute a subdivision as defined by these regulations. Exempt Plats including the following:

- (1) A transfer of title to land not involving the division of land into parcels;
- (2) The combination or recombination of entire lots of record where no new roadway is created;
- (3) The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and resultant lots comply with the dimensional standards of the zoning district in which they are located and where no new roadway is created;
- (4) The division of a parcel into no more than two lots that comply with the dimensional standards of the zoning district in which they are located and where no new roadway is created; or
- (5) The division of land into parcels less than 5,000 square feet in area that are exclusively for the provision of local utilities such as pump stations.

B. *Public notice.* No public notice is required for an Exempt Plat.

C. *Exempt Plat approval.* The Director of Business and Development Services, or his designee, is authorized to approve Exempt Plats for recordation.

- D. *Effect of Exempt Plat approval.* Approval of an Exempt Plat shall authorize the applicant to record the Exempt Plat with the Greenville County Register of Deeds.

**Section 5 Adoption.** Adopt ARTICLE 4, Financial Securities for Incomplete Improvements, in its entirety as follows:

## ARTICLE 4 FINANCIAL SECURITIES FOR INCOMPLETE IMPROVEMENTS

### 4.1 General Procedures

- A. *Completion of improvements.* The developer has the option to complete the required infrastructure improvements and have them accepted by the City of Mauldin before recording a Final Plat. Alternatively, the developer also has the option to provide financial security instruments in accordance with these regulations in lieu of completing the infrastructure improvements upon meeting the minimum requirements provided herein.
- B. *Submittal.* When a financial security is permissible, the developer through his engineer of record shall submit to the Mauldin Business and Development Services Department the actual bid from the contractor or a cost estimate prepared by the developer's engineer and verified by the Mauldin Public Works Director or his designee.
- C. *Subject to approval.* All instruments and agreements presented herein are subject to the approval of the City of Mauldin.
- D. *Financial security period.* The initial financial security must be in effect for one year and is renewable for one-year extensions up to three times, subject to conditions as may be specified by City staff. The improvements covered by the financial security must be completed within four (4) years of the initial financial security acceptance date for each Plat.
- E. *Violations.* The City reserves the right to deny the issuance of building permits or other permits in a subdivision during any period in which the developer and/or the subdivision project is in violation of the approved plans, these regulations, or any zoning ordinances.

### 4.2 Financial Security Requirements

- A. *Recipient.* All financial security instruments shall be posted for and on behalf of the City.
- B. *Amount.* The Financial Security shall cover the full cost of all remaining infrastructure and public improvements and shall be based on one hundred and twenty-five percent (125%) of the cost estimates as approved by the City or a

minimum of twenty thousand dollars (\$20,000), whichever is greater. All financial security requests shall be accompanied by a fee.

- C. *Financial security methods.* A developer may execute a Financial Security using any of the following methods.
  - a. An irrevocable letter of credit from an acceptable FDIC accredited bank or institution;
  - b. Cash to be deposited in a City escrow account properly securing the amount of the Financial Security; or
  - c. A certified check to be deposited in a City escrow account properly securing the amount of the Financial Security.
  
- D. *Lending institutions.* Acceptable lending institutions shall be limited to a FDIC accredited bank or institution. Letters of credit must be issued by a financial institution with a full service branch located within the State of South Carolina, at which the letter of credit may be presented for payment. The letters themselves may be processed from the bank's main office located in another city or state.

#### 4.3 **Previous Failures by Developer**

- A. *Qualifications for previous failures.* If there is documentation that a developer of record has failed to complete all of the required infrastructure improvements in two separate subdivisions (not two phases of a single subdivision), the Director of Business and Development Services, or his designee, is not permitted to approve a financial security on any subsequent subdivision projects. Approval of such financial securities must be granted by the Planning Commission.
  
- B. *Increased financial security.* As a condition of such approval, the Planning Commission may require a financial security up to an amount of one hundred and forty percent (140%) of the estimated cost of the infrastructure improvements as submitted by the developer's engineer and verified by the Mauldin Public Works Director where it finds that this additional fifteen percent (15%) is appropriate as a reserve to provide reimbursement to the City for staff for project management services required to complete the infrastructure in the subdivision in the event that the developer fails to perform.
  
- C. *Reversion to standard procedures.* When a developer has successfully completed two separate subdivisions under the increased financial security provisions without the need to draw the financial security, the developer shall be allowed on future projects to provide a financial security in the regular amounts and will not require approval by the Planning Commission.

#### 4.4 **Reductions to a Financial Security**

- A. *Qualification and application.* Developers may apply for a reduction in the amount of the posted financial security based on completed infrastructure improvements. In order to qualify for credit for completed work, a significant portion of the infrastructure must be installed in accordance with approved plans.
- B. *Assurance of construction.* Developers must ensure that relevant work is complete and in accordance with approved construction plans prior to receiving a reduction in the financial security.
- C. *Remaining financial security.* The remaining amount of the financial security must be found by City staff to be adequate to complete the remaining work covered by the financial security.
- D. *Minimum financial security amount.* In no case may the remaining amount of the financial security be less than twenty thousand dollars (\$20,000).

#### 4.5 **Completion of Improvements**

When the required infrastructure has been installed, the developer shall provide a copy of the acceptance letter from the City and any other applicable agencies as well as any required affidavits and dedications.

#### 4.6 **Expiration and Extension of the Financial Security**

- A. *Developer responsibility.* The developer is responsible for maintaining adequate financial securities. The official designated by the City for administering financial securities will generally provide notice of expiration approximately ninety (90) days prior to the expiration of the financial security. Failure to receive a notice of expiration does not dismiss nor relieve the developer of the responsibility to maintain an adequate financial security.
- B. *Additional financial security.* If in the process of extending the financial security the City finds that the security amount is not sufficient or adequate to cover the remaining work, the developer may be required to provide an additional amount of financial security.
- C. *Unsatisfactory progress.* If the City finds that the improvements are not progressing in a satisfactory manner or in accordance with City requirements, the developer may be required to complete certain improvements before an extension of the financial security will be approved.

#### 4.7 **Failure to Complete Improvements**

- A. *Forfeiture of financial security.* If the improvements indicated on the approved plans are not constructed, completed, installed, or accepted as required, and the financial security is not renewed, the City shall declare the financial security funds to be forfeited and begin collection of the funds.

- B. *Use of forfeited funds.* Upon collecting financial security funds, the City may complete, or have completed, the subdivision improvements to the extent practicable with the available financial security funds. This may be accomplished by applying the remaining financial security funds to the construction of improvements. This provision shall not be construed to require the City to fund subdivision infrastructure improvements.
- C. *New developer or successor.* If prior to the completion of the improvements a new developer or successor acquires ownership of or development rights to a subdivision deemed to be in default in accordance with this section, the new developer shall submit a new financial security in accordance with these regulations prior to any construction activity.
- D. *Transfer of forfeited funds.* If the financial security funds have been drawn by the City prior to the new developer or successor acquisition of development rights to the subdivision, the City may assign or transfer funds to the new developer or successor upon establishment of a new financial security by the new developer or successor.

**Section 6 Adoption.** Adopt ARTICLE 5, General Survey Requirements, in its entirety as follows:

**ARTICLE 5 GENERAL SURVEY REQUIREMENTS**

**5.1 Intent**

In order to maintain and improve City and County land records, the City of Mauldin intends to maintain consistency with Greenville County Survey Requirements.

**5.2 Standards**

The City of Mauldin requires land parcels subject to these regulations to follow the most recent general survey requirements adopted by Greenville County.

**Section 7 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 8.** 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