



BUILDING CODES COMMITTEE MEETING

MONDAY, MAY 6, 2024 | 6:00 PM

2nd committee meeting

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



Building Codes (BDS) Committee AGENDA
May 6, 2024

- | | |
|---|----------------------------|
| 1. <u>Call to Order</u> | Chairperson Mark Steenback |
| 2. <u>Public Comment</u> | Chairperson Mark Steenback |
| 3. <u>Reading and Approval of Minutes</u> | Chairperson Mark Steenback |
| a. Building Codes Committee Meeting:
April 1, 2024 (<i>Pages 3-5</i>) | |
| 4. <u>Reports or Communications from City Officers</u> | Chairperson Mark Steenback |
| a. BDS Department Report, David Dyrhaug | |
| 5. <u>Unfinished Business</u> | Chairperson Mark Steenback |
| a. None | |
| 6. <u>New Business</u> | Chairperson Mark Steenback |
| a. An Ordinance to rezone a property consisting of approximately 3.3 acres located at Miller Road (Tax Map Parcel #M002.01-02-002.00) and providing an effective date (<i>Pages 6-13</i>) | |
| b. An Ordinance to provide for the annexation of property owned by the City of Mauldin and located at Adams Mill Road (Tax Map Parcel: M006.02-01-035.01) by one hundred percent petition method; and to establish a zoning classification of R-15, residential, for said property (<i>Pages 14-20</i>) | |
| c. An Ordinance to provide for the annexation of property owned by the City of Mauldin and located at Fowler Circle (Tax Map Parcel: M007.03-01-011.04) by one hundred percent petition method; and to establish a zoning classification of R-20, residential, for said property (<i>Pages 21-27</i>) | |
| d. An amendment to the Mauldin Land Development Regulations establishing procedures for subdivisions and to invoke the pending ordinance doctrine (<i>Pages 28-63</i>) | |
| 7. <u>Public Comment</u> | Chairperson Mark Steenback |

Building Codes Committee Meeting



8. Committee Concerns

Chairperson Mark Steenback

9. Adjourn

Chairperson Mark Steenback

Building Codes Committee Meeting



Minutes

Building Codes (BDS) Committee

April 1, 2024

1st Committee Meeting

Committee Members present: Mark Steenback (Chair), Frank Allgood and Taft Matney.

Others present: David Dyrhaug, Business and Development Services Director and Seth Duncan, City Administrator

1. **Call to Order**- Chairman Mark Steenback

2. **Public Comment**- None

3. **Reading and Approval of Minutes**

a. Building Codes Committee Meeting: March 4, 2024

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

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

4. **Reports or Communications from City Officers**

a. BDS Department Report, David Dyrhaug

Mr. Dyrhaug reported Truliant Credit Union has received their building permit for N. Main Street. Meritage Homes will build a new office in Mauldin. A clothing and wine boutique and Jeremiah's Italian Ice will be opening in Bridgeway soon.

Following questions during the meetings last month, Mr. Dyrhaug advised committee there are no standards for containing construction debris such as dust. Any complaints received by the department are relayed to the contractor, who normally will bring a water truck to wet the dirt. Councilman Allgood asked if there were regulations that require water trucks. Mr. Dyrhaug said no, and he can imagine that would be difficult to measure.

Councilman Allgood asked about Truliant Credit Union and the road that may be constructed. Mr. Dyrhaug said the plans for the townhome community have been sent to the subdivision advisory committee for Greenville County. Truliant has asked about the road and their ability to do it without waiting for the townhome community.



5. **Unfinished Business-** None

6. **New Business**

- 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, for said property.

The City of Mauldin has received signed petitions requesting the annexation of a tract of land (one parcel) 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.

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

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

Motion: Councilman Matney made a motion to forward this item to Council with a recommendation of approval. Councilman Allgood seconded the motion.

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

- b. An amendment to the Mauldin Zoning Ordinance removing certain uses from those allowed in the S-1 and I-1 zoning districts.

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 into 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.

The proposed ordinance proposes to eliminate cemeteries, funeral homes, religious institutions, grade schools, colleges or universities, and social assistance services as

Building Codes Committee Meeting



allowed uses in the S-1 and I-1 zoning districts. The Planning Commission held a public hearing on March 26, 2024. No public comments were offered at the public hearing.

Councilman Allgood asked what the classifications would be for funeral homes or cemeteries. Mr. Dyrhaug answered they are in conjunction with church and would be allowed in the same district as an accessory use. In the future, some zoning districts probably needed to be added to the City. Councilman Allgood then asked if there are any recent inquiries that this ordinance would affect. Mr. Dyrhaug said not currently.

Motion: Councilman Allgood made a motion to forward this item to Council with a recommendation of approval. Councilman Matney seconded the motion.

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

- c. An amendment to the Mauldin Zoning Ordinance establishing regulations for nonconforming uses, structures, sites, lots, and signs.

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. 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. As nonconforming uses and structures become more prevalent due to ordinance amendments, having clear and thorough standards for nonconformities will be necessary.

Motion: Councilman Allgood made a motion to forward this item to Council with a recommendation of approval. Councilman Matney seconded the motion.

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

7. **Public Comment-** None

8. **Committee Concerns-** None

9. **Adjourn-** Chairman Steenback adjourned the meeting at 6:20 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk



BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: May 6, 2024
AGENDA ITEM #: 6a
ITEM TYPE: Zoning Map Amendment

TO: Building Codes Committee
FROM: Business & Development Services Director, David C. Dyrhaug
SUBJECT: Rezoning of 3-acre Property along Miller Road

OWNER(S):	Barrett Wood • B Wood, LLC
AUTHORIZED REP(S):	None
TAX MAP NUMBER(S):	M002.01-02-002.00
LOCATION:	Along Miller Road between 109 & 129 Miller Road
CURRENT ZONING:	S-1, Trades and Commercial Services
REQUESTED ZONING:	RM, Multi-family Residential
SIZE OF PROPERTY:	Approx. 3.3 acres

REQUEST

The City of Mauldin has received a signed petition requesting the rezoning of a tract of land pursuant to Section 4:2 of the Mauldin Zoning Ordinance. This petition includes rezoning a 3.3-acre tract along Miller Road from the S-1 district to the RM district. The intent of the applicant is to develop this property for attached single-family homes.

HISTORY/BACKGROUND

This tract is presently a wooded undeveloped lot. It lies between a commercial strip center at 109 Miller Road that includes Tato's Pizza and Staten Plumbing Heating and Electrical, a telecommunication tower at 129 Miller Road, and the Summer Stone Townes (Townhomes) at 201 Miller Road.

PROPOSED DEVELOPMENT

The applicant has expressed his intent for the property to developed for a high-end townhome community with rear-loading garages and attractive facades oriented to the sidewalk. The conceptual layout for this prospective project includes about 23 homes. These units are anticipated to sell for over \$300,000, will be two stories, and have brick and hardi board exterior finish materials. The applicant has provided the following images to depict the intent for the design of these homes.

Building Codes Committee Meeting



NEIGHBORHOOD MEETING

In accordance with Section 4:3.3 of the Mauldin Zoning Ordinance, the applicant held a neighborhood meeting on March 25 at T-Motion Event Rentals at 400 S. Main Street. The meeting was advertised in accordance with City requirements. No members of the public attended the meeting.



PUBLIC HEARING

The Planning Commission held a public hearing on April 23, 2024. No public comments were offered at the public hearing.

ZONING ANALYSIS

Existing Zoning Classifications

The ***S-1 district*** is established to provide a transition between commercial and industrial districts while restricting any noxious odor, fumes, smoke, dust, or noise. The types of uses that are allowed in this district include service-related uses, warehousing uses, and light industries.

The ***R-M district*** is established to provide for a full range of medium- to high-density multi-family housing types along with single-family detached and attached residences. Other uses include recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. This district is intended to function as a transition between single-family residential districts and commercial districts where certain land uses may not be compatible.

Surrounding Development/Zoning

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

Direction	Zoning District(s)	Existing Use(s)
North	S-1 (City)	Telecommunication tower
South	R-M (City)	Mixed of apartments including duplexes and quadplexes
East	R-M (City)	Summer Stone Townes
West	S-1 (City)	Tato's Pizza Staten Plumbing, Heating and Electrical

Comprehensive Plan Analysis

This property is designated as “Residential Multifamily” in the future land use map of the comprehensive plan. This designation is intended to include apartment buildings, condominiums, and duplexes.

REVIEW CRITERIA

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

- A. Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Plan, recent development trends, and the general character of the area;
- B. Suitability of the site’s physical, geological, hydrological and other environmental features to support the breadth and intensity of uses that could be developed in the proposed zoning district;

Building Codes Committee Meeting



- C. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, ability to develop adjacent properties under existing zoning, and potential influence on property values;
- D. Capacity of public infrastructure and services to sufficiently accommodate all potential uses allowed in the proposed district without compromising public health, safety or welfare; and
- E. Public need for the potential uses permitted in the requested zoning district.

STAFF FINDINGS

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

A. *Comprehensive Plan Consistency*

The Comprehensive Plan supports the rezoning this tract to RM.

B. *Suitability of the Site*

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

C. *Compatibility of the Development*

The intent to develop this property for townhomes is directly compatible with the mixed of apartments, condominiums, and townhomes currently located along Miller Road in the vicinity of this property. Furthermore, the intended design for the project has the opportunity to establish a higher standard for redevelopment and infill development surrounding the City Center project.

D. *Infrastructure Capacity*

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

E. *Public Need*

As City Center develops, projects like this will provide vital housing opportunities that support the walkable intent of the City Center project.

TIMELINE

In March, 2024, the applicant made application to the City of Mauldin for this rezoning.

On April 23, 2024, the Planning Commission conducted a public hearing. At this meeting, the Planning Commission voted 5-0 to recommend approval of this rezoning.

STAFF RECOMMENDATION

This project is entirely consistent with the Comprehensive Plan and provides vital housing opportunities in support of a walkable City Center. Staff fully supports and recommends approval of this rezoning.

PLANNING COMMISSION RECOMMENDATION

On April 23, 2024, the Planning Commission voted 5-0 to recommend approval of the rezoning.



ATTACHMENTS

Proposed Ordinance (map and boundary survey included therein)
Conceptual Site Layout



ORDINANCE # _____

AN ORDINANCE TO REZONE A PROPERTY CONSISTING OF APPROXIMATELY 3.3 ACRES LOCATED AT 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

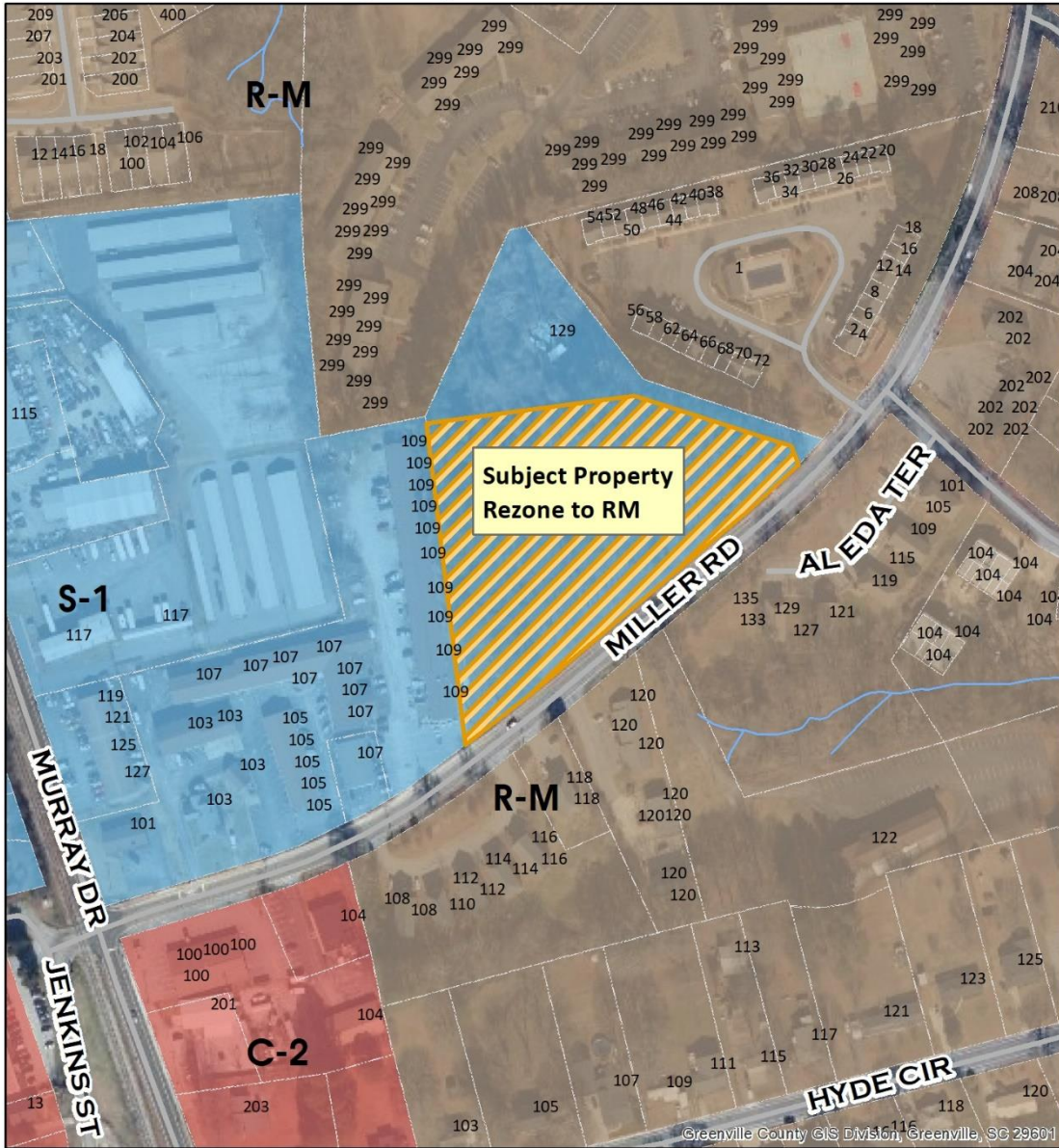
APPROVED AS TO FORM:

John Duggan, City Attorney



EXHIBIT 1

Barrett Woods Property on Miller Road Rezoning Map



Legend

- Subject Property
- Mauldin City Limits

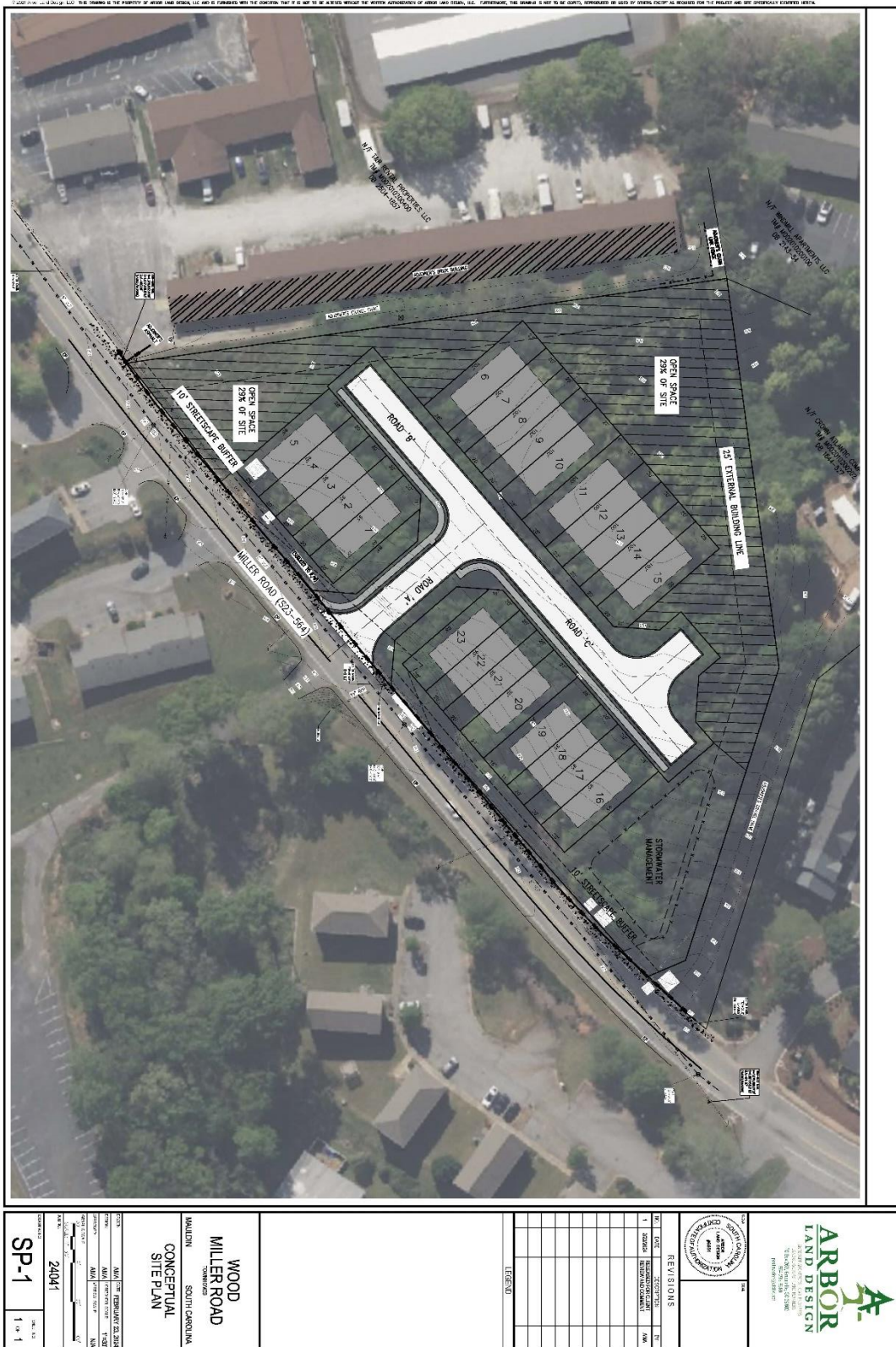


Created on April 11, 2024

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Building Codes Committee Meeting



<p>WOOD MILLER ROAD CONCEPTUAL SITE PLAN</p>		
<p>WALDIN SOUTH CAROLINA</p>		
<p>24041</p>		
<p>SP-1</p>		
<p>1 of 1</p>		



BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: May 6, 2024

AGENDA ITEM: 6b

ITEM TYPE: Annexation

TO: Building Codes Committee

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

SUBJECT: Annexation of 0.2 acres at Adams Mill Road

OWNER(S):	City of Mauldin
TAX MAP #(S):	M006.02-01-035.01
LOCATION:	At Adams Mill Road and W. Golden Strip Drive
CURRENT ZONING:	R-S (County)
REQUESTED ZONING:	R-15, Residential
SIZE OF PROPERTY:	Approx. 0.2 acres
CONTIGUITY:	This tract touches the City on three sides.

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 0.2 acres at Adams Mill Road and W. Golden Strip Drive.

This property was conveyed to the City of Mauldin in 1967 and is largely wooded with a creek that bisects the property.

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)	Homes along W. Golden Strip Drive
South	R-15 (City)	Single-family residence
East	R-S (City)	Homes along W. Golden Strip Drive
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

In April of 2024, staff received the signed petition for the annexation of this parcel.

STAFF RECOMMENDATION

This annexation fills in a portion of a donut hole inside the City of Mauldin. Additionally, the annexation of this property owned by the City would bring the property into the City’s jurisdiction. Staff supports this annexation.

ATTACHMENTS

Annexation Ordinance (maps and petitions attached therein)



ORDINANCE # _____

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY THE CITY OF MAULDIN AND LOCATED AT ADAMS MILL ROAD (TAX MAP PARCEL: M006.02-01-035.01) BY ONE HUNDRED PERCENT PETITION METHOD; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-15, RESIDENTIAL, FOR SAID PROPERTY

WHEREAS, the City of Mauldin is the sole owner of record title of a parcel of real property containing 0.2 acres, more or less, located at Adams Mill 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 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, the City of Mauldin 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 the City of Mauldin 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.

Building Codes Committee Meeting



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 of City Property at Adams Mill Road



Legend

- Subject Property
- Tax Parcel
- Municipal Boundary

Created on May 1, 2024

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Building Codes Committee Meeting



EXHIBIT 2 – PETITION

PETITION FOR ANNEXATION OF REAL PROPERTY OWNED BY CITY OF MAULDIN, AND LOCATED AT ADAMS MILL ROAD AND W. GOLDEN STRIP DRIVE INTO THE CITY OF MAULDIN BY ONE HUNDRED PERCENT (100%) METHOD

Petitioner, City of Mauldin, 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 0.2 acres, more particularly depicted in the Property Map attached hereto marked as Exhibit A.

Petitioner hereby petitions to annex their property consisting of 0.2 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, 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 17th day of April, 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, Residential.

April 17, 2024
Date

CITY OF MAULDIN

The undersigned represents that he/she has authority to bind this entity to this petition, and no other signatures are needed.

By: 
Name: Seth Duncan
Title: City Administrator

 Witness
 Witness

Building Codes Committee Meeting



EXHIBIT A

EXHIBIT A

Annexation of City Property at Adams Mill Road



Legend

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

Created on April 17, 2024

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BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: May 6, 2024

AGENDA ITEM: 6c

ITEM TYPE: Annexation

TO: Building Codes Committee

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

SUBJECT: Annexation of 10.6 acres at Fowler Circle

OWNER(S):	City of Mauldin
TAX MAP #(S):	M007.03-01-011.04
LOCATION:	At Fowler Circle
CURRENT ZONING:	R-S (County)
REQUESTED ZONING:	R-20, Residential
SIZE OF PROPERTY:	Approx. 10.6 acres
CONTIGUITY:	This tract is directly adjacent to Sunset Park which is a City-owned park within 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 10.6 acres at Fowler Circle.

This property was conveyed to the City of Mauldin in 2014 and is directly contiguous to Sunset Park, which is a City-owned park. At that time the back portion of the tract consisting of approximately 6.9 acres was already inside the City limits. The front portion of this tract consisting of approximately 10.6 acres was not in the City limits and has remained outside the City limits to this day.



PLANNING AND ZONING

About the R-20 District

The R-20 zoning designation is a low-density residential district intended to provide single-family living. R-20 zoning allows a minimum 20,000-square foot lot for detached single-family homes. The portion of this tract already inside the City limits as well as Sunset Park are presently zoned R-20.

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-20 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-20 (City)	Sunset Park
South	R-S (County)	Rural residential
East	R-20 (City)	Bishop Heights subdivision
West	R-15 (City)	Riley Trace subdivision

Summary

The R-20 zoning is consistent with the low-density residential designation in the Comprehensive Plan.

TIMELINE

In April of 2024, staff received the signed petition for the annexation of this parcel.

STAFF RECOMMENDATION

This annexation brings in the remaining portion of a property owned by the City that is partially already inside the City limits. Additionally, the annexation of this property owned by the City would bring the property into the City’s jurisdiction. Staff supports this annexation.

ATTACHMENTS

Annexation Ordinance (maps and petitions attached therein)



ORDINANCE # _____

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY THE CITY OF MAULDIN AND LOCATED AT FOWLER CIRCLE (TAX MAP PARCEL: M007.03-01-011.04) BY ONE HUNDRED PERCENT PETITION METHOD; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-20, RESIDENTIAL, FOR SAID PROPERTY

WHEREAS, the City of Mauldin is the sole owner of record title of a parcel of real property containing 10.6 acres, more or less, located at Adams Mill 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 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, the City of Mauldin 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-20, 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 the City of Mauldin 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 Fowler Circle 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.

Building Codes Committee Meeting



3. ZONING ASSIGNMENT: The above referenced property owned is hereby zoned R-20, Residential.

Terry Merritt, Mayor

ATTEST:

Cindy Miller, Municipal Clerk

First Reading: _____

Second Reading: _____

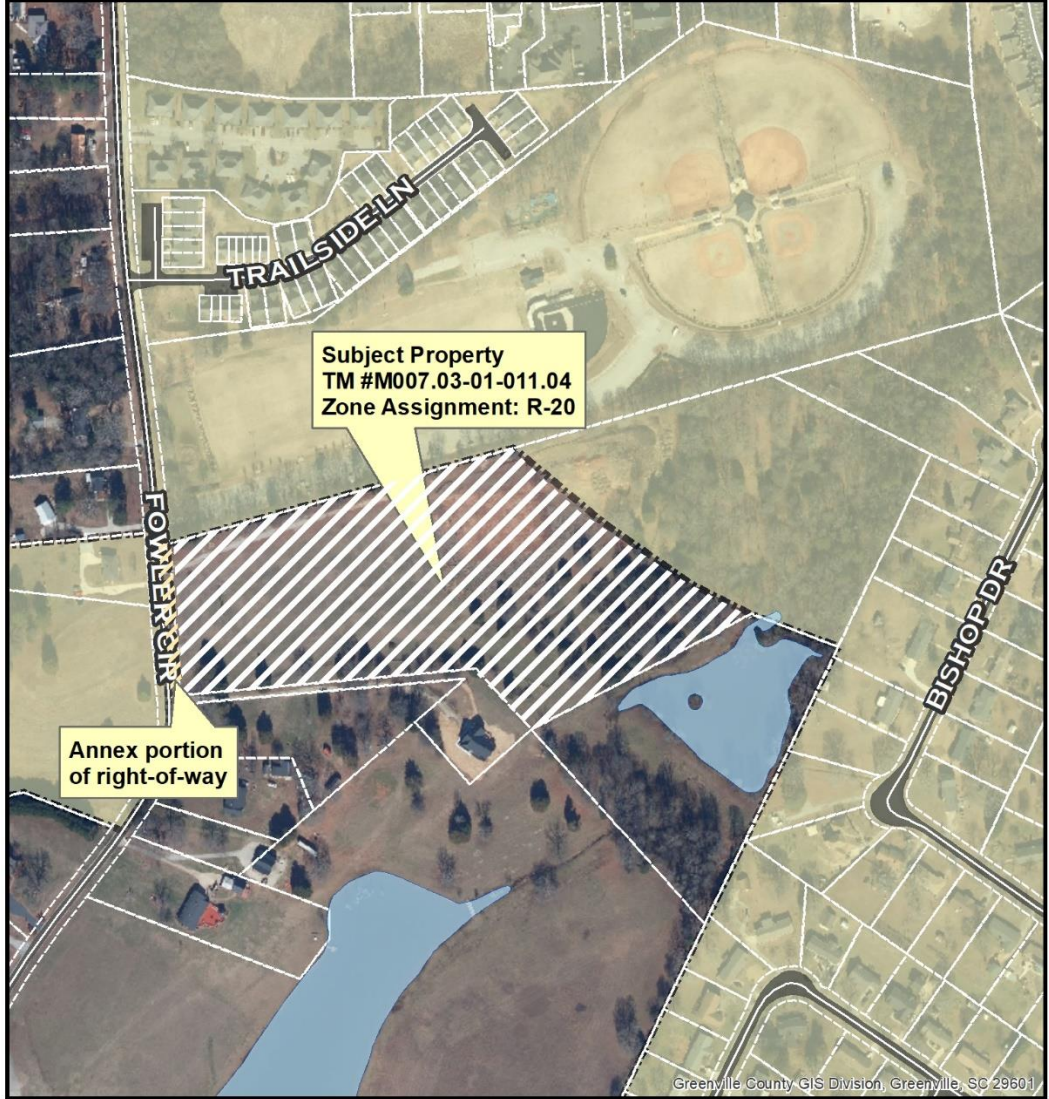
Approved as to Form:

City Attorney



EXHIBIT 1 – ANNEXATION MAP

Annexation of City Property at Fowler Circle



Greenville County GIS Division, Greenville, SC 29601

Legend

- Subject Property
- Tax Parcel
- Municipal Boundary

0 Feet 300

Created on May 1, 2024

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EXHIBIT 2 – PETITION

PETITION FOR ANNEXATION OF REAL PROPERTY OWNED BY CITY OF MAULDIN, AND LOCATED AT FOWLER CIRCLE INTO THE CITY OF MAULDIN BY ONE HUNDRED PERCENT (100%) METHOD

Petitioner, City of Mauldin, 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 17.5 acres, more particularly depicted in the Property Map attached hereto marked as Exhibit A.

Petitioner hereby petitions to annex the remaining approximate 10.6 acres of their property, 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-20, 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 17th day of April, 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-20, Residential.

April 17, 2024
Date


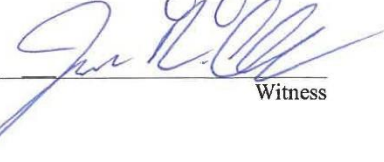
CITY OF MAULDIN

The undersigned represents that he/she has authority to bind this entity to this petition, and no other signatures are needed.

By: 

Name: Seth Duncan

Title: City Administrator

 Witness
 Witness

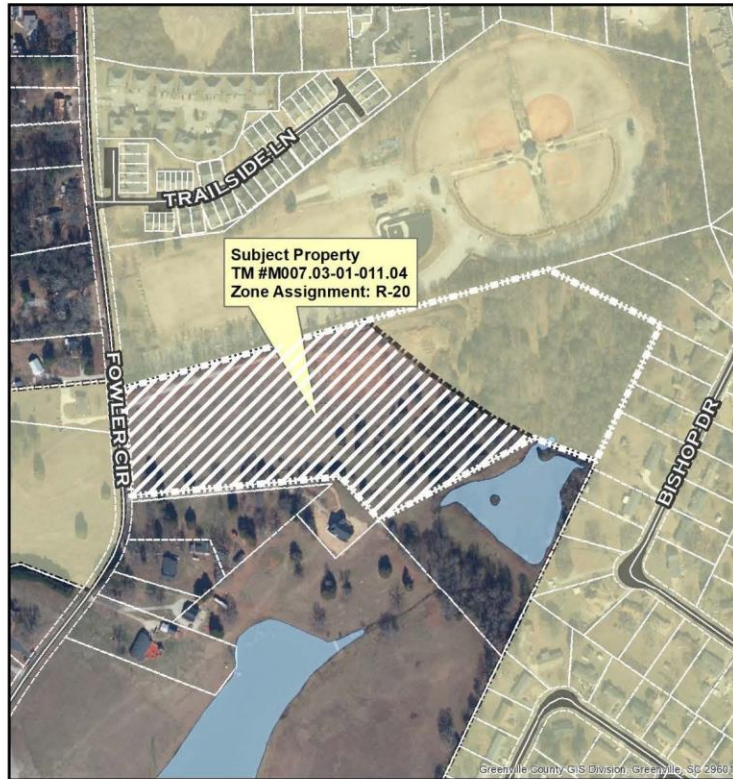
Building Codes Committee Meeting



EXHIBIT A

EXHIBIT A

Annexation of City Property at Fowler Circle



Legend

- Subject Property
- Tax Parcel
- Municipal Boundary

Created on April 17, 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.



BUILDING CODES COMMITTEE AGENDA ITEM

MEETING DATE: May 6, 2024

AGENDA ITEM #: 6d

ITEM TYPE: Text Amendment to Land Development Regulations

TO: Building Codes Committee

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

SUBJECT: Subdivision Procedures

BACKGROUND

The City of Mauldin currently regulates the subdivision of land through its Land Development Regulations which were originally adopted in 1967 and were last amended in 2018. When these regulations were last amended in 2018, the City at the time copied and pasted select sections of Greenville County's Land Development Regulations, but not all sections of their regulations. This has contributed to context and standards missing from the City's current Land Development Regulations.

Among these missing elements, the City's Land Development Regulations are presently void of any criteria to guide the decision of the Planning Commission as it reviews preliminary plats for new subdivisions except to say that the Planning Commission simply considers the recommendations of the Greenville County Subdivision Advisory Committee and the staff of the City.

The primary impetus for this text amendment is to introduce review criteria on which the Planning Commission can base its decisions as it reviews preliminary plats for new subdivisions. This will add strength and defense to decisions made by Planning Commission if their decisions are ever appealed through circuit court. Additionally, it provides more predictability for applicants to know the criteria that will be considered by the Planning Commission.

In addition to the introduction of these review criteria for preliminary subdivision plats, this proposed amendment to the Land Development Regulations also provides greater clarity, context and organization to the procedures for reviewing and approving new subdivisions.

REVIEW CRITERIA FOR PRELIMINARY SUBDIVISION PLATS

The new criteria in the proposed text amendment on which the Planning Commission will base its decisions for preliminary subdivision plats include the following:

- 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.
- The provision and preservation of open space and landscape buffers are consistent with the standards and intent of the City's ordinances and regulations.

Building Codes Committee Meeting



- 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.
- The availability of adequate public services, including, but not limited to, water, sanitary sewer, emergency response, and educational facilities.
- Significant impacts on public infrastructure such as roads and utilities will be appropriately mitigated.
- The ability of the proposed development to meet all standards provided in the City’s land development regulations and the City’s zoning ordinance.

AMENDMENTS TO ARTICLES 1 & 2

The proposed draft ordinance effects the first five articles of the Land Development Regulations. The outline below summarizes how each chapter has been amended in the proposed ordinance.

Article 1 – General Provisions

The proposed amendment adds the following to this Article.

- A “title” section for these regulations.
- A “policy” section that provides contextual policy for these regulations. The stated policies in the proposed amendment promote health, safety, general welfare, and support for the City’s comprehensive plan.
- A “purpose” section that provides purpose for the regulations contained in this document.

Other sections within this Article have been revised for increased clarity and consistency with current standards and practices.

Article 2 – Definitions

The proposed amendment adds the following to this Article.

- A “usage” section that provides increased direction on how the provisions in this document are to be interpreted.
- A section that provides interpretation when a graphic or comment conflicts with the text of the document.

Several of the definitions within this Article have been revised for increased clarity and consistency with current standards and practices. Some definitions which are not used or that contribute to confusion have been removed. Definitions have been added for new terms where useful.

AMENDMENTS TO ARTICLES 3, 4 & 5

Aside from the introduction of review criteria for preliminary subdivision plats, the proposed reorganizes and restructures articles 3, 4, and 5 of this document. These articles have been restructured as follows:

	CURRENT STRUCTURE	PROPOSED STRUCTURE
ARTICLE 3	Preliminary Plat Requirements	Subdivision Procedures
ARTICLE 4	Summary/Record Plat Approval	Financial Securities for Incomplete Improvements
ARTICLE 5	Final Plat Procedures	General Survey Requirements



Article 3 – Subdivision Procedures

Besides the general procedures at the beginning of this article, this article is organized into three sections: Minor Subdivisions, Major Subdivisions, and Exempt Plats.

- *Minor Subdivisions* are those subdivisions that do not involve the creation of any new streets or rights-of-way. These have historically been approved at a staff level as a summary plat.
- *Major Subdivisions* are those subdivisions that involve the creation of a new street or right-of-way. These have historically been approved in steps beginning with the preliminary plat which requires the approval of the Planning Commission. After the preliminary plat has been approved, the applicant prepares the construction plans which get into much more detailed engineering design. After the construction plans have been approved at a staff level, the applicant is able to proceed with clearing, grading, and the construction of infrastructure. Once the infrastructure has been completed to a satisfactory condition, the applicant is able to prepare the final plat which allows the subdivision of lots to be officially recorded. The final plat is approved at a staff level. After the final plat has been recorded, the applicant is eligible to obtain permits to begin constructing homes on each recorded lot.
- *Exempt Plats* include activities such as the transfer of title to land without dividing the land, the combination or recombination of lots or portions of lots, or the simple split of a single lot into two lots. These are approved for recording at a staff level.

The requirements for what should be depicted in the preliminary plat and the final plat has also been updated.

Article 4 – Financial Securities for Incomplete Improvements

The standards and requirements for financial securities have been placed in its own article for improved accessibility and organization. While some of these standards have been reworded for increased clarity and consistency with current standards and practices, there are no significant changes to these standards.

Article 5 – General Survey Requirements

The current land development regulations do not provide any technical requirements for plats and surveys. This new article establishes that surveys and plats are required to follow the general survey requirements for Greenville County. This will help promote consistency and reliability in these records.

TIMELINE

On April 23, 2024, the Planning Commission conducted a public hearing. At the meeting, the Planning Commission voted 5-0 to recommend approval of this text amendment.

PUBLIC HEARING

The Planning Commission held a public hearing on April 23, 2024. There was one comment provided by a member of the public who happened to be in attendance for a separate agenda item. Mr. Barrett Wood expressed support for proposed text amendment and the introduction of review criteria for preliminary subdivision plats.



STAFF RECOMMENDATION

Staff finds that this proposed amendment increases the clarity of these regulations and is consistent with current standards and practices. Staff recommends approval of this ordinance.

PLANNING COMMISSION RECOMMENDATION

On April 23, 2024, the Planning Commission voted 5-0 to recommend approval of the text amendment.

ATTACHMENTS

Draft Ordinance



ORDINANCE # _____

AN AMENDMENT TO THE MAULDIN LAND DEVELOPMENT REGULATIONS ESTABLISHING PROCEDURES FOR SUBDIVISIONS AND TO INVOKE THE PENDING ORDINANCE DOCTRINE.

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~~ 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 its 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;

Building Codes Committee Meeting



- 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 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. The Council further intends and declares that the pending ordinance doctrine shall apply as allowed by South Carolina law. This ordinance shall be considered pending as soon as

Building Codes Committee Meeting



Council advertised to the public its intention to hold public hearings on the amendments contained herein. Therefore, City officials and employees shall not issue or permit or authorize commencement of construction when the permit or proposed construction would allow the establishment of a use which is inconsistent or repugnant to the pending amendments contained herein.

Section 9. 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