

ZONING ORDINANCE

MAULDIN, SOUTH CAROLINA

ORIGINALLY ADOPTED JUNE 10, 1968



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MAULDIN CITY COUNCIL

MAULDIN, SOUTH CAROLINA

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AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE CITY OF MAULDIN, SOUTH CAROLINA AND PROVIDING FOR THE ADMINISTRATION,

ENFORCEMENT, AND AMENDMENT THEREOF, AND CREATING A BOARD OF ZONING APPEALS IN ACCORDANCE WITH THE PROVISIONS OF THE SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994, S.C. CODE TITLE 6, CHAPTER 29.

BE IT ORDAINED by the City Council of Mauldin, South Carolina.

ARTICLE 1 PURPOSE, AUTHORITY

Section 1:1 Purpose

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and are designed to lessen traffic congestion; to secure safety from fire, panic, and other danger; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations have been made with reasonable consideration, among other things, to the character of each district and to its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city of Mauldin.

Section 1:2 Authority

The provisions of this ordinance are adopted under authority of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Title 6, Chapter 29.

ARTICLE 2 JURISDICTION

The regulations set forth in this ordinance shall be applicable within the corporate limits of the city of Mauldin, now or hereafter, as designated on the official Zoning Map. All territory which may hereafter be annexed to the city of Mauldin shall be considered to be in the R-20 Residential District until otherwise classified by the City Council acting on the recommendation of the Planning Commission provided, however, that when the annexation is by petition without an election, the petitioners may request a different zoning classification as a condition of the petition for annexation. In this event, the City Council may zone the property in accordance with the request contained in the petition by so providing in the annexation ordinance. Prior to City Council considering a request for a different zoning classification on an annexation petition, the provisions of Article 10 concerning amendments to the zoning map shall apply.

ARTICLE 4 DEFINITIONS

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word "shall" is mandatory, not directory.

AAN Standards - The American Standard for Nursery Stock, published by the American Association of Nurserymen (AAN), current edition.

Accessory Use - A use of land or of a building or portion thereof customarily incidental to the principal use of the land or building and located on the same lot with such principal use. For the purpose of this Ordinance, accessory uses include swimming pools, game courts, and satellite dish antennas and shall meet the requirements of Section 6:14.

Adjacent - Meeting and touching at some point, or having nothing of the same kind intervening.

Antenna - A device, dish or array used to transmit or receive telecommunications signals.

Apartment - See Dwelling, Multifamily.

Approved Plant List - List of trees, shrubs, and ground covers, approved for use in the city of Mauldin for compliance with Section 6:17 and the Mauldin City Code: Chapter 21, Sections 1-8 for tree preservation and planting regulations.

Automobile Parts Sales - A wholesale or retail store that only sells automobile parts and may not be involved in any shop-related activities such as parts rebuilding, refurbishing, or installation.

Automobile Parts Sales and Shop - A wholesale or retail store that sells automobile parts and is involved in shop-related activities such as parts rebuilding, refurbishing, or installation.

Bar - Any establishment including cocktail lounges, taverns, etc., however designated, whose primary function is the sale of alcoholic beverages for consumption on the premises and cannot be licensed as a restaurant under state A.B.C. regulations.

B & B - Roots of plant material which have been balled and burlapped, in accordance with AAN Standards, in preparation for delivery and transplanting.

Berm - An earthen mound formed to shield undesirable views, decrease noise, and/or add topographical interest. The slope of a berm should not exceed a rise of one (1) foot in four (4) horizontal feet, unless approved otherwise.

Buffer - An area of land used to separate visibly one use from another or which acts as a separation between two land uses of different intensity.

Buffer Yard - The two-dimensional (length and width) ground area used to support any screening used to satisfy the requirements of this Ordinance.

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment, or goods.

Building, Accessory - A structure attached to or detached from a principal building on the same lot and customarily incidental in use to the principal building.

Building, Principal - A building in which is conducted the principal use of the lot.

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 perpendicularly thereto.

Canopy - A roof like, unenclosed (except when connected to a building) shelter, having various means of support and generally used for protection of pedestrians from weather.

Certificate of Occupancy - A statement signed by the Zoning Administrator setting forth that the building, structure, or use complies with the Zoning Ordinance and that the same may be used for the purpose stated herein.

Certified Treated Wood - Wood that has been treated with a permanent preservative as defined by the American Wood Preservers Association.

Child Care Center or Day Care Center - A state, county, and/or city licensed home, center, agency, school, church, or facility where children not related to the operator are received for care, apart from their parents whether for compensation, reward, or otherwise, during part or all of the day or night, and upon any number of successive days or nights.

Child Care Home - A family residence in which care of children for compensation is provided in the residence for one and not more than six children. All children under eighteen years of age residing in the residence shall be included in computing the maximum number of six. Only those persons residing in the residence may be involved in the operation of the child care home.

Cluster Subdivision - A form of residential subdivision that permits housing units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from conventional sizes, provided the density of the tract as a whole shall not exceed the density allowed by the zoning district under existing regulations and the remaining land area is devoted to common open space.

Common Open Space - Land and/or water within or related to a cluster residential development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development, or the public, which may contain such accessory structures and improvements as are necessary and appropriate for passive recreational purposes and utilities. A condition of the cluster residential development approval shall be that common open space may not be further subdivided.

Communications Tower - A tower, pole, or similar structure of any size which supports communications (broadcast or receiving) equipment utilized by commercial, governmental, or other public and quasi-public users above ground in a fixed location, freestanding, guyed, or on a building. This does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission.

Convenience Store - Any retail establishment offering for sale prepackaged food products, household items, and similar products, which meet the convenience shopping needs of its patrons. These establishments may or may not offer gasoline for sale; however, they do not offer any automobile maintenance services or repair.

Developable Acreage – As it pertains to cluster developments, land that is located outside of designated floodplains and has a slope of less than 30 %.

Dimensional Requirements - Those measurements contained in this ordinance that identify the area, height, and spacing requirements for signs.

District, Zoning - Any section of the city of Mauldin in which zoning regulations are uniform.

Drainage Plan - A site plan showing contours, drainage structures (including, but not limited to, pipes, ponds, ditches, etc.), anticipated flow calculations, destination of run-off to nearest identifiable drainage way and any other data required to clearly define the proposed drainage system.

Dwelling - Any building used exclusively for human habitation, including any permitted home occupation but excluding hotels, motels, and rooming and boarding houses.

Dwelling, Garden Court - A single-family dwelling unit, also known as a patio house, which is located on its lot nearer to one side and/or rear property line(s) than is allowed for normal single-family dwellings; however, such structure cannot be located closer than 5 feet to the side and/or rear property lines). For the purpose of this ordinance, a garden court dwelling shall be treated as a single-family attached dwelling.

Dwelling, Multifamily - A residential building containing three or more individual dwelling units located on a single lot or parcel of ground. A multifamily dwelling, commonly known as an apartment house, generally has a common outside entrance for all the dwelling units and the units are generally designed to occupy a single floor one above the other.

Dwelling, Single-Family Attached - Two or more single-family dwelling units, each with its own outside entrance, which are generally joined together by a common party wall or connecting permanent structures such as breezeways, carports, or garages whether or not such a group is located on a single lot or parcel of ground or on adjoining individual lots. For the purpose of this ordinance, dwellings such as garden court dwellings, patio houses, rowhouses, townhouses, and zero lot line dwellings shall be treated as single-family attached dwellings.

Dwelling, Single-Family Detached - A single-family dwelling unit, which is entirely surrounded by open space or yards on the same lot.

Dwelling, Single-Family - A residential building containing only one dwelling unit and not occupied by more than one family.

Dwelling, Two-Family - A residential building containing two individual dwelling units located on a single lot or parcel of ground.

Dwelling Unit - One or more rooms with cooking and toilet facilities, used as a place of residence for one family.

Dwelling, Zero Lot Line - A single-family dwelling, which has a zero-foot setback from a side and/or rear property line. For the purpose of this ordinance, a zero lot line dwelling shall be treated as a single-family attached dwelling.

Expressway - Expressways involve those facilities containing some at-grade intersections but with limited access.

Family - One or more persons living together as a single housekeeping unit. For the purposes of this ordinance such persons may include gratuitous guests, foster children, and domestic servants employed on the same premises.

Freeway - Freeways involve those facilities with complete control of access through the use of grade separation and interchanges.

Gallon - Unit of physical measure for defining the size of root balls of plant material in a standard container (e.g. three gallon size), in accordance with AAN Standards, in preparation for delivery and transplanting.

Gross Leasable Area - The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Ground Covers - Ground covers shall be defined as any evergreen plant material, forming a continuous coverage, with a mature height ranging from 1 inch to 18 inches.

Group Development - A planned mix of permitted uses.

Height - The vertical distance measured from the average finished grade at the front building line, to the highest point of the structure.

Home Occupation - Any activity carried out for gain by a resident conducted as an accessory use in the resident's principal dwelling unit.

Homeowners Association - A private non-profit association which is organized by the

developer of a residential development in which individual owners share common interests in open space and/or facilities and are in charge of preserving, managing, and maintaining the common property, and enforces certain covenants and restrictions.

Hotel or Motel - A building or group of buildings containing individual sleeping or living units designed for the temporary occupancy of automobile tourists or transient guests and which has a garage attached or parking space conveniently located to each unit.

Junk Yard - Any land or area used in whole or in part for commercial storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of vehicles and machinery and/or dismantling of such vehicles or machinery.

Landscaping - Landscaping shall consist of any of the following materials or combination thereof, such as grass, ground covers, shrubs, vines, hedges, or trees, and any commonly used non-living durable material commonly used in landscaping, such as but not limited to rocks, pebbles, mulch, walls or fences, but excluding paving.

Lot - A parcel of land designated by number or other symbol as a part of a legally approved and recorded subdivision, or as described by metes and bounds and recorded in the office of Greenville County Register of Mesne Conveyance.

Lot, Corner - A lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines or of the street lines as extended is the corner.

Lot Depth - The average horizontal distance between the front and rear property lines of a lot.

Lot, Double Frontage - A lot which extends through a block having frontage on two streets.

Lot Line, Front - That line which separates the lot from a street right-of-way.

Lot Line, Rear - Ordinarily that lot line, which is opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, a line 10 feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line or a chord thereof, if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard.

Lot of Record - A lot existing before the adoption of the Zoning Ordinance and as shown or described on a plat or deed in the records of the Greenville Register of Mesne Conveyance.

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

Lot, Zoning - A parcel of land which is indicated by the owner at the time of application for a building or zoning permit as being that land which he proposes to develop under one ownership.

Manufactured Home - See "Sectional Home."

Mobile Home - A mobile home is a portable unit designed and built to be towed on its own chassis comprised of frame and wheels, connected to utilities, and designed to be used without a permanent foundation for a permanent residence. A unit may contain parts that may be folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing. Mobile units can be designed to be used for residential, commercial, educational, or industrial purposes excluding, however, travel trailers, travel motorized homes, pick-up coaches, and camping trailers.

Mobile Home Park - Any place, area, or tract of land maintained, offered, or used for parking of two or more mobile homes used or intended to be used for living or sleeping purposes, regardless of whether or not a charge is made for such accommodations.

Mobile Home Space - That portion of land in a mobile home park allotted to or designed for the accommodation of one mobile home.

Mobile Module - A mobile module is a factory fabricated, transportable building unit designed to be incorporated at a building site into a permanent structure to be used for residential, commercial, educational, or industrial purposes.

Motel - See "Hotel or Motel."

Mulch - A protective covering (such as pine straw, shredded bark, or other materials) spread evenly around trees, shrubs, and ground covers to reduce evaporation, maintain even root temperatures, prevent erosion, control weeds, and enrich the soil.

Nonconforming Lot - A lot of record at the time of passage of this ordinance which does not meet the requirements for area and/or width generally applicable in the district in which such lot is located.

Nonconforming Signs - Signs, which were in existence prior to the adoption of this ordinance, which do not conform to the provisions of this ordinance, are declared nonconforming signs.

Nonconforming Use or Structure - A land use or structure that existed lawfully on the date this Zoning Ordinance became effective and which does not conform to the permitted uses for the zoning district in which it is situated. Nonconforming uses are incompatible with permitted uses in the districts involved. Such nonconformities are permitted to continue until they are removed.

Parapet - That portion of a building wall that rises above the roofline.

Parking Space - That storage space for one automobile of not less than 9 feet by 20 feet or as described in Section 6:9.5 and shown on the parking standards, plus the necessary access space, and located outside the dedicated street right-of-way.

Patio House - Same as "Dwelling, Garden Court."

Planned Shopping Center - A group of commercial establishments, planned, developed, owned, and managed as a unit related in location, size, and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the types and sizes of stores.

Planned Development - For purposes of this ordinance, a planned development shall be a group of detached, semi-detached, attached, groups of attached, clustered, or multi-storied residential structures, or any combination thereof on a parcel of land under single, corporation, firm, partnership, or association ownership planned and developed as an integrated unit in a single development operation or a definitely programmed series of development operations in accordance with an approved development plan.

Private Recreation Area - A recreation area owned and maintained by members and operated as a nonprofit organization.

Private Street - A right-of-way of undetermined width with a roadway of undetermined width, which has not been dedicated, recorded, or publicly accepted by the county.

Quorum - The number of members of any deliberative or corporate body as is necessary for the legal transaction of business, commonly a majority.

Recreational Vehicle, Dependent - Any self propelled vehicular unit, motorhome, pop-up or truck camper, or coach designed to be mounted on another vehicle, or motorized dwellings, boat or boat trailer, or buses, designed as a temporary dwelling with sleeping facilities for travel, recreational, and vacation use, not more than 26 feet in length, and is dependent upon a separate service building for toilet and lavatory facilities, such vehicles shall be in conformance with all National Highway Traffic Safety Administration (NHTSA) regulations including being manufactured or modified by a dealer who has met or consistently meets the requirements of the Federal Motor Vehicle Safety Standards (FMVSS) established in order to ensure the reduction of death and injuries attributable to failure or inadequate performance of motor vehicle systems.

Recreational Vehicle, Independent - Any self propelled vehicular unit, motorhome, pop-up or truck camper, or coach designed to be mounted on another vehicle, or motorized dwellings, boat or boat trailer, or buses, designed as a temporary dwelling, for travel, recreational, and vacation use and containing toilet, lavatory, and sleeping facilities. Such vehicles shall be in conformance with all National Highway Traffic Safety Administration (NHTSA) regulations including being manufactured or modified by a dealer who has met or consistently meets the requirements of the Federal Motor Vehicle Safety Standards (FMVSS) established in order to ensure the reduction of death and injuries attributable to failure or inadequate performance of motor vehicle systems.

Rest Home - The rooming or boarding of any aged or convalescent persons, whether ambulatory or nonambulatory, for which a license is required by a county, state, or federal agency.

Restaurant - Any establishment, including drive-ins, however designated whose primary function is the sale of food for consumption on the premises and includes any establishment, which has been licensed by the state A.B.C. Board as a restaurant.

Rooming or Boarding House - A dwelling other than a hotel where lodging and/or meals for three or more persons are provided for compensation.

Rowhouse - Same as "Townhouse."

Satellite Dish Antenna - A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

Screening - Any constructed wall(s), fence(s), building(s), and/or living plant material used for the purpose of visually or functionally separating adjacent land uses, as required by this Code.

Sectional Home - A sectional home consists of two or more units factory fabricated and transported to the home site where they are put on a permanent foundation and joined to make a permanent single-family house.

Self-Service Storage Facility - A structure containing separate storage spaces of varying size leased or rented as individual leases. No activities other than rental of storage units and pick up and deposit of stored goods shall be allowed on the premises. No outside storage shall be permitted. Radioactive materials, explosives, and flammable or hazardous chemicals shall be prohibited.

Service Station - An establishment used for the servicing of automobiles including the sale of gasoline, oil, grease, and minor accessories and washing and polishing but excluding the sale of automobiles, body repairing, major motor repairing, and painting.

Setback Line - That line which is parallel to and a given distance from the front lot line of a lot or parcel of land at such distance as is required in this ordinance.

Shade Tree - Any tree, evergreen or deciduous, whose mature height can be expected to exceed thirty-five (35) feet and whose crown spread can be expected to exceed thirty (30) feet, is considered a shade tree according to standards set forth by the American Association of Nurserymen. The shade tree, existing or planted, shall be at least eight (8) feet in height and six and one quarter (6 1/4) inches in circumference, or two (2) inches in diameter, measured at six (6) inches above grade for new trees and measured at four and one-half (4 2) feet above grade for existing trees.

Shrubs - Shrubs shall be defined as self-supporting woody plants, either deciduous or evergreen, with several stems and a normal mature height of three (3) to twenty (20) feet in Greenville County.

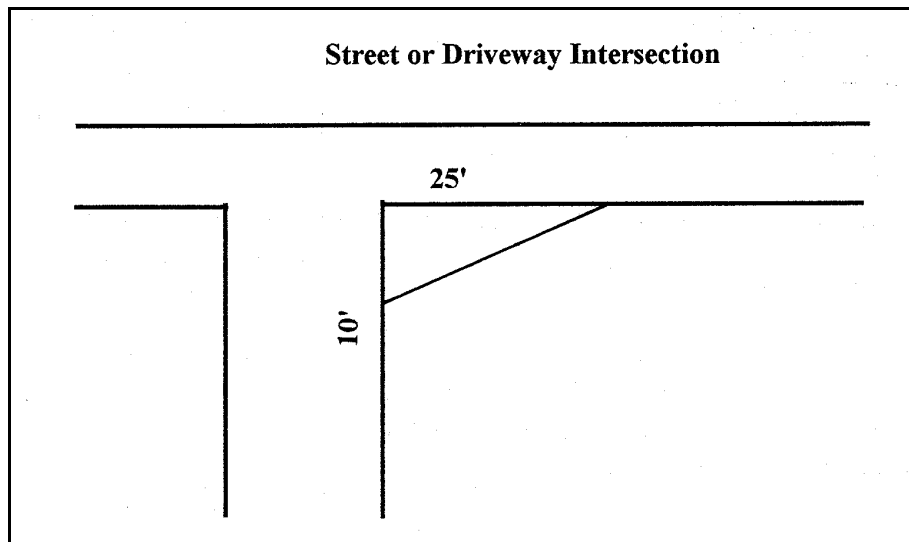
- A. **Small Shrub** - Any shrub easily maintained at three (3) to eight (8) feet in height in Greenville County. The minimum size at time of planting shall be 18 to 24 inch spread, three- (3) gallon container, in accordance with AAN Standards.
- B. **Large Shrub** - Any shrub easily maintained at eight (8) to twenty (20) feet in height in Greenville County. The minimum size at time of planting shall be 18- to 24-inch spread, three- (3) gallon container, in accordance with AAN Standards.

Sight Triangle - Measured from the curb or edge of pavement, the triangle area created by a line connecting points on the front and side for lines at a distance (as indicated below) from the intersection of said lines or the extension of said lines:

Sight Triangle Illustration

Sign - Any form of publicity which is visible from any public way directing attention to an individual, business, commodity, service; panels, or other devices created on an open framework or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports.

Sign, Cessation of Use - A sign shall be considered to be in cessation of use when the business activity or firm which such sign advertises is no longer in operation or does not have a current business license in effect.



Sign, Billboard - A permanent freestanding off-premises sign.

Sign Copy - All words, letters, numbers, figures, characters, art work, symbols, or insignia that are used on a display surface area.

Sign, Display Surface Area - That area of a sign including the entire area within a regular geometric shape or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed including blank masking or any surface shape. Structural members not bearing informational or representational matter shall not be included in the computation of display surface area. Only one side of a double-faced sign shall be included in calculating the display area.

Sign, Freestanding - A sign which is permanently affixed to the ground and which is not a part of a building or other structure.

Sign, Marquee - A permanent structure which projects over the entrance and is attached to and supported by a building.

Sign, Mobile - A temporary sign such as an A-frame which is moveable by a person without aid of a motor vehicle or other mechanical equipment.

Sign, Multiple Use Identification - A sign stating the name of the group development and the major tenants.

Sign, Owner - Shall include the person receiving benefit from the sign and/or the property owner.

Sign, Off-Premises - Any sign that advertises goods, products, services or facilities, or that directs persons to a different location from where the sign is located.

Sign, On-Premises - Any sign that disseminates information that directly relates to the use of the property on which it is located and is not a separate and distinct use.

Sign, Portable - A temporary sign which may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from a "mobile sign" in that it may be equipped for transportation by motor vehicle or other mechanical means. Trailer signs and bench signs are considered to be portable signs.

Sign, Projecting - Any sign, other than a "wall sign" which projects from and is supported by a building and projects more than 12 inches.

Sign, Temporary - A sign which disseminates information about special events or occurrences, property for sale, land development, or contractor's or craftsmen's signs at a construction site subject to the provisions of Section 8:6.

Sign, Wall - Any sign painted on or attached flat and parallel to the exterior wall or surface of a building or other structure and which projects not more than 12 inches from that wall or surface.

Sign, Window - A sign that is painted or otherwise permanently attached to a window.

Street - A dedicated public right-of-way which affords the principal means of access to abutting property and which has been accepted for maintenance by the City of Mauldin, Greenville County or the State Highway Department. For the purposes of these regulations, the term street or streets shall also mean avenues, boulevards, roads, lanes and other public ways.

Residential Service Street - A public or private way used primarily for providing direct access to abutting property.

Collector Street - A public way designed primarily to connect residential service streets with arterial streets or to provide a direct connection between two arterial streets and may be expected to carry a significant volume of traffic having neither origin nor destination on the street.

Arterial Street - A Federal or State highway designed primarily for the movement of large volumes of traffic from one area to another.

Structure - Anything constructed or erected which requires permanent location above grade. For purposes of this ordinance, "structure" does not include landscape features such as ornamental pools, planting boxes, sculpture, bird baths, open terraces, walkways, driveways, walls, or fences; shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, light standard game courts, swimming pools, underground fallout shelters, air conditioning compressors, pump houses or wells, mailboxes, outdoor fireplaces, gate houses, burial vaults, or bus shelters.

Telecommunications - The transmission, between or among points specified by the user, of information of the users choosing, without change in the form or content of the information as sent and received (as defined in the Federal Telecommunications Act of 1996).

Tower Height - The distance from the base of the tower to the top of the structure.

Townhouse - A two-story, single-family attached dwelling with each unit having a separate entrance on the ground floor.

Tract - An area, parcel, site, piece of land, or property which is the subject of a development proposal and applications.

Travel Trailer - Travel or recreation vehicles, camping trailers, boats and boat trailers, or any vehicular portable unit mounted on or intended to be mounted on wheels, designed, suitably equipped, and intended to serve as short term shelter/temporary living quarters for recreational camping, or travel use and drawn by a separate motorized vehicle, such trailers shall be in conformance with all National Highway Traffic Safety Administration (NHTSA) regulations including being manufactured or mounted by a dealer who has met or consistently meets the requirements of the Federal Motor Vehicle Safety Standards (FMVSS) established in order to

ensure the reduction of death and injuries attributable to failure or inadequate performance of motor vehicle systems.

Tree Formed Shrub - Any large deciduous or evergreen multi-stem shrub which has been pruned of its lower limbs and other foliage, to a minimum height of four (4) feet, to reveal 3 to 7 main vertical supporting branches.

Trees - Trees shall be defined as self-supporting woody plants of species, which normally grow to an overall height of at least fifteen (15) feet in Greenville County.

All new trees shall be either container grown, B & B, bare root, or transplanted by mechanical tree spade. The minimum size to be considered for use as required plant materials shall be five (5) to six (6) feet in height.

- A. **Small Deciduous Tree** - Any deciduous tree normally maturing at a height of less than thirty (30) feet in Greenville County. The minimum size at time of planting shall be as follows in accordance with AAN Standards:
 - 1. **Single Trunk** - One and a half (1 2) to two (2) inches caliper, measured at six (6) inches above grade.
 - 2. **Multiple Trunk** - Six (6) to eight (8) feet in height.
- B. **Large Deciduous Tree** - Any deciduous tree normally maturing at a height greater than thirty (30) feet in Greenville County. The minimum size at time of planting shall be two (2) to two and a half (2 2) inches caliper, measured at six (6) inches above grade, in accordance with AAN Standards.
- C. **Small Evergreen Tree** - Any evergreen tree with a mature height of at least fifteen (15) feet in Greenville County. The minimum size at time of planting shall be five (5) to six (6) feet in height, in accordance with AAN Standards.
- D. **Large Evergreen Tree** - Any evergreen tree with a mature height of at least twenty (20) feet in Greenville County. The minimum size at time of planting shall be five (5) to six (6) feet in height in accordance with AAN Standards.
- E. **Naturalized Screen Trees** - Any existing deciduous or evergreen tree native to Greenville County and attaining a height at maturity of at least twenty (20) feet.

Useable Wall Area - The exterior wall or surface area of a building or structure including windows and doors.

Uses Permitted by Special Exception - Uses allowable where facts and conditions detailed in this ordinance as those upon which a use may be permitted are found to exist.

Utility, Public - Any agency which, under public franchise or ownership, provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other service.

Vacant - The term "vacant" as used herein applies to any property, on which there is no building or structure, or vehicular parking area, within two hundred (200) feet of any common property line shared by the developing property and any adjacent property.

Variance - A variance is a relaxation of the dimensional terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship and does not involve a change in the use of property.

Vehicular Display Area - Any area, paved or unpaved, used to display motorcycles, automobiles, pickup trucks, vans, motor homes, delivery vehicles, passenger buses, transfer trucks, and/or vehicles used for towing other vehicles, for the sole purpose of conducting sales.

Vehicular Parking Area - Any area, paved or unpaved, used to store or park motorcycles, automobiles, pickup trucks, vans, motor homes, delivery vehicles, passenger buses, transfer trucks, and/or vehicles used for towing other vehicles.

Veterinary Clinic - A facility for diagnosis, treatment, and care of large and small animals. Animals may be boarded in this facility. All activities related to this facility shall be enclosed in a self-contained, freestanding building wholly occupied by the activities related to the veterinary clinic.

Veterinary Hospital - A facility for diagnosis, treatment, and care of large and small animals. The facility shall be a freestanding building wholly occupied by the activities related to the veterinary hospital. Animals may be boarded in this facility. Activities are not restricted to the interior of the building

Veterinarian Office - A facility for diagnosis, treatment, and care of small domestic animals. Sick or injured animals may be boarded on a short-term basis. No commercial boarding is allowed in the veterinary office facility. All activities related to this facility shall be enclosed in a self-contained, freestanding building wholly occupied by activities related to the veterinary office.

Yard, Front - An area extending across the full width of the lot and lying between the front lot line and the setback line as required in the applicable district.

Yard, Rear - An area extending across the full width of the lot and lying between the rear lot line parallel thereto at a distance therefrom as required in the applicable district.

Yard, Required - The open space between a lot line and the buildable area within which no structure may be located except as otherwise provided in this ordinance. All yards referred to in this ordinance are minimum required yards.

Yard, Side - An area extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and a line parallel thereto and a distance therefrom as required in the various districts.

Zoning Certificate/Building Permit - A certification by the Zoning Administrator that a proposal to use or occupy a tract of land or a building; or to erect, install, or alter a structure, building, or sign fully meets the requirements of this ordinance.

ARTICLE 5 ZONING DISTRICT REGULATIONS

Section 5:1 General Regulations for all Residential Districts

5:1.1

It shall be unlawful to construct or occupy any residential dwelling that is not connected to an approved water supply and sewerage disposal facility. Wherever public or community water and sewerage systems are available, dwellings shall be connected to such systems. In every other case, individual water supply and sewerage disposal facilities must meet the requirements set by the Greenville County Health Department.

5:1.2

Area requirements for individual lots in all districts are minimum requirements with an approved water and sewerage disposal system accessible to the lot. If a lot of record with less than the minimum area is proposed for use and does not have an approved water and sewerage system available, a certificate from the Greenville County Board of Health approving the proposed facility must accompany a request for a zoning certificate.

Section 5:2 R-20, R-15, R-12, and R-10 Residential Districts

These residential districts are established as areas in which the principal use of land is for single-family dwellings and for related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. The regulations for these districts are intended to discourage any use which, because of its characteristics, would interfere with the development of or be detrimental to the quiet residential nature of the area included in the districts.

5:2.1 Uses Permitted

Cluster Housing, Detached (in accordance with Section 6:18)
Detached single-family dwelling
Home occupation (Subject to the requirements in Section 6:12)
Portable, temporary school classroom on an existing school site
Sign, identification
Sign, occupancy
Sign, temporary (Appertaining to the lease or sale of a building or premises)
Temporary building, incidental to the construction of buildings permitted in this district and which shall be removed when work is completed
Transportation and utility easement and right-of-way
Uses and structures customarily accessory to the permitted uses

5:2.2 Uses Permitted by Special Exception

The following uses are permitted on review by the Board of Zoning Appeals in accordance with the provisions of Article 7.

Child care home
Church
Fire station
Golf course, including a clubhouse and other improvements
Private recreation area
Public park and playground
Public utility building and use
School, public, parochial, and private
Other public and semi-public uses which are considered to be compatible with the aforementioned uses

5:2.3 Accessory Building Setback

Accessory buildings may be located in the rear yard provided they are set back not less than 5 feet from any lot line and occupy not more than 20 percent of the rear yard.

5:2.4 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9.

5:2.5 Minimum Requirements - Residential Lots

	R-20	R-15	R-12	R-10
Lot Area (Square Feet)	20,000 See No. 1	15,000 See No. 1	12,000 See No. 1	10,000 See No. 1
Lot Width	100 feet	100 feet	80 feet	70 feet
Front Yard Setback	See No. 2	See No. 2	See No. 2	See No. 2
Side Yard Setback	10 feet See No. 3	10 feet See No. 3	10 feet See No. 3	10 feet See No. 3
Rear Yard Setback	25 feet	25 feet	25 feet	25 feet

5:2.6 Minimum Requirements - Nonresidential Lots

	R-20	R-15	R-12	R-10
Lot Area (Square Feet)	30,000	30,000	30,000	30,000
Lot Width	200 feet	200 feet	100 feet	100 feet
Front Yard Setback	See No. 2	See No. 2	See No. 2	See No. 2
Side Yard Setback	20 feet See No. 3	20 feet See No. 3	20 feet See No. 3	20 feet See No. 3
Rear Yard Setback	25 feet	25 feet	25 feet	25 feet

No. 1

When calculating the minimum lot area within the R-20, R-15, R-12, and R-10, Single-Family Residential districts, the area adjacent to a lot designated as being city owned right-of-way may be included in the computation and determination of the minimum lot area required under this Section. In the case of multiple lot frontages, only the single lot frontage with the greatest length shall be used in computing the minimum lot area.

This provision does not diminish the city's rights and privileges to use the right-of-way nor does it confer any additional rights or privileges concerning the city owned right-of-way to any adjacent landowner.

No. 2

The minimum depth of the front yard measured from the street right-of-way line shall be 20 feet on a residential service street (any subdivision lots platted before December, 1997 shall be subject to the original 30 foot provision), 40 feet on a collector street, and 50 feet on an arterial street except that, when a right-of-way has not been established or is not known, the setback shall be measured from the centerline of the existing road and each required setback shall be increased by a minimum of 25 feet. In the event an existing right-of-way exceeds 25 feet from the center of the road; the setback shall be measured from the right-of-way.

No. 3

The minimum width of a residential side yard shall be 10 percent of the total lot width or 10 feet, whichever is greater. The minimum width of a nonresidential side yard shall be 20 feet measured from the property line. For residences, accessory buildings, and nonresidential uses located on corner lots, the minimum side yard width measured from the property line shall be 25 feet on a residential service street, 30 feet on a collector street, and 40 feet on an arterial street.

Section 5:3 R-M1, Mixed Residential District

This residential district is established to provide for medium residential density. The principal use of land is for one- and two-family dwellings, and recreational, religious, and educational facilities normally associated with residential development. This district also allows a mixture of residential and professional offices provided design and review conditions are met.

5:3.1 Uses Permitted

Cluster Housing, Attached (in accordance with Section 6:18)
Cluster Housing, Detached in accordance with Section 6:18)
Dwelling-Single-family
Dwelling-Two-family (Duplex)
Home Occupation (Subject to Section 6:12)
Sign-Identification (Subject to the requirements of the Sign Ordinance)
Sign-Occupancy (Subject to the requirements of the Sign Ordinance)
Sign-Temporary (As pertaining to sale or lease)

5:3.2 Uses Permitted by Special Exception

The following uses may be permitted on review by the Board of Zoning Appeals in accordance with the provisions in Article 7.

Child care centers
Church
Family care home
Fire station
Golf course, including clubhouse
Group care home
Group development, including single-family, two-family (duplex, cluster, town-house and office uses [excluding apartments] subject to requirements in Article 7, Section 7:12)
Nursing continuing care retirement center
Police station
Private recreation area
Professional offices, subject to Section 7:11
Public park
School-public, parochial, and private
Transportation and utility easements and rights-of-way, other public and semi-public uses which are considered compatible with the aforementioned uses
Certain retail sales establishments, which are customarily accessory and clearly incidental and subordinate to, permitted principal office uses, such as but not limited to, the following:

Apothecary
Barber shop
Beauty shop
Cafeteria

Florist shop
Newsstand
Optician
Restaurant
Sale or rental of medical supplies and prosthetic devices
Sandwich shop
Similar retail uses which are designed primarily to serve the convenience of persons working or receiving services in the building in which the accessory use is located, provided that such accessory use is clearly incidental and subordinate to principal permitted office uses.

5:3.3 Height Limitation

No structure shall exceed a height of 35 feet.

5:3.4 Dimensional Requirements

5:3.4-1 Lot Area

The minimum lot area for a single-family dwelling shall be 10,000 square feet.

Minimum lot area for a two-family (duplex) dwelling shall be 9,000 square feet.

Minimum lot area for cluster dwellings shall be 5,000 square feet per unit.

The minimum lot area for a townhouse development shall be 10,000 square feet for the first unit and 3,500 square feet for each additional unit per acre. In no case shall development exceed 10 units per acre.

Group development shall not be allowed on a lot less than 2 acres in size.

A professional office development shall not be allowed on a lot of less than 2 acres in size.

For nonresidential buildings other than professional offices, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking and loading areas required in Article 6, Section 6:9 and 6:10 provided, however, that the lot area for each nonresidential building shall not be less than 30,000 square feet.

5:3.4-2 Lot Width

Minimum lot width for a single-family detached dwelling shall be 30 feet.

Minimum lot width for two-family (duplex) shall be 70 feet.

5:3.4-3 Front Yard

The minimum depth of a front yard for single-family detached dwellings (single-family, garden, patio, and zero lot line) measured from the street right-of-way line shall be 20 feet on a residential service street, 30 feet on a collector, and 50 feet on an arterial street. The minimum depth of all other dwellings measured from the street right-of-way line shall be 30 feet on a residential service street, 40 feet on a collector street, and 50 feet on an arterial street. When a right-of-way has not been established or is not known, the setback shall be measured from the centerline of the existing road and each required setback shall be increased by a minimum of 25 feet. In the event an existing right-of-way exceeds 25 feet from the center of the road; the setback shall be measured from the right-of-way.

5:3.4-4 Side Yard

The minimum width of single-family and two-family (duplex) residential side yards shall be 10 percent of the total lot width or 8 feet, whichever is greater. The minimum width of a nonresidential side yard shall be 15 feet measured from the property line. For residences, nonresidential uses, and accessory buildings on corner lots, the minimum side yard width measured from the street right-of-way line shall be 20 feet on a service street, 30 feet on a collector street, and 40 feet on an arterial street.

5:3.5 Accessory Building Setback

Accessory buildings may be located in the rear yard provided that they are set back not less than 5 feet from any lot line and occupy not more than 20 percent of the rear yard.

5:3.6 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9. Applications for a planned office development shall include the following data and other reasonable information that the Board of Zoning Appeals and the Zoning Administrator may require in their review of the application.

- A. The location and size of the site.
- B. A circulation plan including the location of all curb cuts and points of egress and ingress and, all sidewalks and dimensions thereof.
- C. Land use proposed for every part of the site.
- D. The location and size of any existing or proposed roads within the planned office district.
- E. Photographs of surrounding development.
- F. Elevations of proposed development.
- G. Prospective sketch indicating color and materials of all structures and screening.
- H. The location of all parking.
- I. The location and types of all exterior light fixtures.
- J. A complete landscaping and screening plan.
- K. Plans showing complete drainage of entire site.

In addition to the above information, the following will be required:

- A. A copy of covenants, grants, or easements or other restrictions proposed to be imposed upon the use of land, buildings, and structures including proposed easements for grants for public utilities.
- B. A schedule showing the proposed times for constructing the development.
- C. A statement indicating the intent to develop the site as proposed in the plans submitted.

Section 5:4 R-M, Residential Multifamily District

This residential district is established to provide for medium and high population density. The principal use of land is for two-family and multifamily dwellings and mobile home parks, and includes the recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. The regulations for this district are intended to discourage any use which, because of its character, would interfere with the development of or be detrimental to the residential nature of the area included in the district.

5:4.1 Uses Permitted

Cluster Housing, Attached (in accordance with Section 6:18)
Cluster Housing, Detached in accordance with Section 6:18)
Dwelling, single-family detached
Dwelling, single-family attached (Not more than two dwelling units)
Dwelling, single-family attached (Three or more dwelling units subject to provisions of Section 6:13)
Dwelling, two-family
Dwelling, multi-family (Subject to provisions of Section 6:13)
Home occupation (Subject to requirements in Section 6:12)
Portable or temporary school classroom
Signs (Subject to provisions of Section 6:11)
Temporary building, incidental to the construction of buildings permitted in this district and which shall be removed when work is completed
Uses and structures customarily accessory to the permitted uses

5:4.2 Uses Permitted by Special Exception

The following uses may be permitted on review by the Board of Zoning Appeals in accordance with the provisions in Article 7.

Child care home
Church
Fire station
Golf course including a clubhouse and other improvements
Library
Mobile home park (Subject to requirements in Section 7:2)
Public park and/or playground
Public utility use and building
Private recreation area
School, public, private, and parochial
Transportation and utility easement and rights-of-way
Other public and semipublic uses which are considered to be compatible with the aforementioned uses

5:4.3 Height Limitation

No structure shall exceed a height of 35 feet except as provided in Section 6:7.

5:4.4 Dimensional Requirements

5:4.4-1 Lot Area

The minimum lot area for a single-family dwelling unit shall be 12,000 square feet.

The minimum lot area for a two-family dwelling unit shall be 12,000 square feet.

The minimum lot area for two single-family attached dwelling units on adjoining individual lots shall be 6,000 square feet per lot.

The total area required for a multifamily dwelling or group of dwellings containing three or more dwelling units, or for a group of three or more single-family attached dwelling units, shall be based on 9,000 square feet for the first dwelling unit and 3,000 for each additional dwelling unit. Within a multifamily dwelling or group of dwellings containing three or more dwelling units or a group of three or more single-family attached dwelling units, no minimum lot area is required.

The minimum lot area for a mobile home park is three acres.

For nonresidential buildings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking and loading areas required in Section 6:9 and 10 provided, however, that the lot area for each nonresidential building shall not be less than 30,000 square feet.

5:4.4-2 Lot Width

Minimum lot width for a single-family detached dwelling shall be 70 feet.

Minimum lot width for a single-family attached dwelling unit located within a development containing three or more dwelling units shall be 20 feet.

Minimum lot width for two single-family attached dwelling units on adjoining individual lots shall be 40 feet per lot.

5:4.4-3 Front Yard

The minimum depth of a front yard for single-family and two-family dwellings measured from the street right-of-way line shall be 30 feet on a residential service street, 40 feet on a collector street, and 50 feet on an arterial street. When a lot has double frontage, the front yard requirements shall be complied with on both streets. Front yard requirements for mobile home park developments shall be determined by the provisions of Section 7:2.

5:4.4-4 Side Yard

The minimum width of any side yard for a single-family or two-family dwelling shall be 10 percent of the total lot width or 8 feet, whichever is greater.

The minimum width of a nonresidential side yard shall be 15 feet measured from the property line. For residences, nonresidential uses, and accessory buildings on corner lots, the minimum side yard width measured from the street right-of-way line shall be 20 feet on a residential service street, 30 feet on a collector street, and 40 feet on an arterial street.

5:4.4-5 Rear Yard

The minimum depth of a rear yard shall be 20 feet.

5:4.4-6 Accessory Building Setback

Accessory buildings may be located in the rear yard provided that they are set back not less than 5 feet from any lot line and occupy not more than 20 percent of the rear yard.

5:4.4-7 Privacy Area

Where any property line of a zero lot line dwelling or a garden court dwelling abuts other property within the same overall development zoned or used for residential purposes, there shall be provided and properly maintained along the property line a continuous visual screen not less than 6 feet in height. This requirement does not apply to townhouse development. The screen shall be a windowless wall, fence, or other type of impenetrable and opaque material, which is aesthetically compatible with existing development or a combination thereof. However, the requirement for a privacy wall along any property line may be omitted or modified where the Board of Zoning Appeals, acting upon the recommendation of the Zoning Administrator, has determined that one or more of the following conditions exists:

- A. Due to special conditions and circumstances of a physical or dimensional nature, which are peculiar to the property involved, a privacy wall would serve no valid purpose.
- B. The provision of a privacy wall along any side and/or rear property line would deny the property involved advantages of amenities specifically associated with the overall development.

In no instance shall the privacy wall requirement be omitted or modified which would infringe upon the privacy rights of adjacent property owners.

5:4.4-8 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9.

Section 5:5 O-D, Office District

This district is established to provide an office district for the convenience of local residents. The uses permitted in this district are limited to office and research facilities and shall not include any use engaged in retail sales or the stocking and storage of goods or merchandise. No use shall be permitted in this district which will be detrimental to the development of the district as an office research park.

5:5.1 Uses Permitted

- Accountant
- Advertising agency
- Bank
- Savings and loan
- Broadcasting studio
- Brokerage house
- Employment agency
- Insurance
- Real estate
- Signs (Subject to provisions of Section 6:11)
- Accessory buildings and uses customarily incidental to the above uses
- Other uses which are considered to be compatible with the aforementioned uses

5:5.2 Uses Permitted by Special Exception

The following uses are permitted on review by the Board of Zoning Appeals in accordance with the provisions of Article 7.

- Church
- Educational institution
- Exhibition buildings
- Fire station
- Library
- Post office

5:5.2-1 Accessory Retail Uses Permitted by Special Exception by the Board of Zoning Appeals

Certain retail sales establishments which are customarily accessory and clearly incidental and subordinate to permitted principal office uses such as, but not limited to, the following:

- Apothecary
- Barber shop
- Beauty shop
- Cafeteria

Florist shop
Newsstand
Optician
Restaurant
Sale or rental of medical supplies and prosthetic devices
Sandwich shop
Similar retail uses which are designed primarily to serve the convenience of persons working
or receiving services in the building in which the accessory use is located, provided that such accessory use is clearly incidental and subordinate to the principal permitted office uses.

5:5.3 Height Limitation

No structure shall exceed a height of 45 feet except as provided in Section 6:7.

5:5.4 Dimensional Requirements

5:5.4-1 Front Setback

All buildings and structures shall be set back from all street right-of-way lines not less than 25 feet. All outside merchandise on display shall be set back not less than 15 feet from property lines.

5:5.4-2 Side Setback

None is required except on corner lots and lots adjacent to any residential district, in which case all commercial buildings, structures, and merchandise on display shall be set back not less than 15 feet from property lines. When a side yard is provided, it shall be not less than 5 feet in width.

5:5.4-3 Rear Setback

No building shall be located closer than 20 feet to a rear lot line. All outside merchandise on display shall be set back not less than 15 feet from property lines.

5:5.5 Screening

A wall, fence, dense hedge, or other permanent year-round foliage, or a combination thereof, which provides a solid, opaque, visual barrier at least 6 feet in height shall be provided along the side and rear lot lines where any nonresidential use in this district is adjacent to a residential district. Such screening shall also prohibit, for safety reasons, passage by children and/or other pedestrians. Screening design shall visually compliment the surrounding residential district. Additionally, maintenance shall be performed to ensure that the screen continues to meet the

provisions set forth herein. Strict enforcement of these provisions shall be in accordance with Section 8:1 of this Ordinance.

5:5.6 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9.

5:5.7 Drainage

A complete drainage plan of the entire site meeting the requirements as prescribed in the Mauldin City Drainage Ordinance shall be provided.

Section 5:6 C-1N, Neighborhood Commercial District

The intent of this district is to accommodate commercial development that is environmentally and aesthetically compatible with surrounding residential areas. The requirements of this district are designed to ensure that the C-1N commercial development harmonies with the surrounding residential area in such a way that it does not impair existing and future residential development. All establishments developed under the C-1N classification shall be scaled to meet the convenience shopping needs of the immediate area.

The following criteria should be used in zoning property C-1N:

- A. The C-1N zoning classification must be consistent with the development plan for the area.
- B. It should be determined that the proposed C-1N zoning classification will provide the immediate area with convenience shopping.
- C. The C-1N use must not put any undue burden on existing streets or utilities.
- D. Wherever possible, group development should be encouraged as an effort to concentrate C-1N uses.
- E. Reclassification to C-1N should not contribute to undue scattering of commercial development.
- F. The C-1N zone shall be located on a collector or an arterial street.

5:6.1 Uses Permitted by Special Exception

Uses permitted in the C-1N district are permitted on review by the Mauldin Board of Zoning Appeals.

Offices, including financial institutions

Personal services establishments including such uses as:

- Barber shop
- Beauty shop
- Dressmaking
- Dry cleaning and laundry pick-up stations
- Services carried out as home occupations
- Shoe repair shop
- Tailoring

Private day care nurseries and kindergartens

Public, semi-public uses

Retail establishments, which provide general merchandise for local neighborhood use including such uses as:

- Bakery goods store
- Candy store
- Confectionery store
- Convenience store (without a carwash and with a maximum size of 2,500 square feet, a

minimum size of 1,000 square feet, and limited to one fuel service area that can serve

no more than four (4) vehicles at one time)

Dairy products store

Drug store

Florist

Food store

Gift shop

Hardware store

Hobby shop

Newsstand

Novelty shop

Stationery shop

5:6.2 Relationship of Buildings to Lots

One or more principal structures may be permitted on a single lot.

5:6.3 Minimum Yard Requirements

Minimum yard requirements between all structures and exterior property lines shall be as follows:

Front: 45 feet except commercial gasoline islands which shall be set back from all street right-of-way lines not less than 15 feet.

Side: 25 feet

Rear: 25 feet

5:6.4 Maximum Height of Structures

Maximum height of all structures shall not exceed 35 feet.

5:6.5 Minimum Off-Street Parking and Loading Requirements

Off-street parking as set forth in Section 6:9 and loading requirements as set forth in Section 6:10 shall be met.

5:6.6 Signs

Identification signs and business signs are allowed subject to review by the Zoning Administrator. No signs shall have flashing lights or movable display parts.

5:6.7 Screening

A screening and landscaping plan shall be approved by the Board of Zoning Appeals.

Screening shall be provided along the side and rear property lines adjacent to residential districts.

Landscaping shall be provided along street frontages. Natural landscaping may be counted toward this requirement.

5:6.8 Application Procedure

All applications for development in the C-1N district shall be made to the office of the Zoning Administrator. Within 30 days, the Zoning Administrator shall submit a written review and recommendation of the application to the Board of Zoning Appeals. The Board of Zoning Appeals will evaluate the staff's recommendation in its consideration of the application.

Before the Zoning Administrator makes a recommendation to the Board of Zoning Appeals, it shall determine the following.

- A. That the spirit of the Zoning Ordinance shall not be violated.
- B. That the proposed development will harmonize with existing developments.
- C. That the proposed development will be a desirable addition to the physical pattern of the neighborhood.
- D. That the design be such that additional traffic will not be a burden on existing streets.
- E. That no adverse environmental impacts will be created by the proposed development.
- F. That the size of the proposed development will not exceed the convenience commercial needs of the immediate area.
- G. That the visual appearance of the development will harmonize with the existing development.
- H. That the architectural character blends with the surrounding area.

Applications for a C-1N development shall include the following data and other reasonable information that the Board of Zoning Appeals and the Zoning Administrator may require in their review of the application.

- A. The location and size of the site.
- B. The location of all curb cuts and points of egress and ingress and all sidewalks and dimensions thereof.
- C. Density of land use proposed for every part of the site.
- D. The location and size of any existing or proposed roads within the C-1N district.
- E. Photographs of surrounding development.
- F. Elevations of proposed development.
- G. Prospective sketches indicating color and materials of all structures and screening.
- H. The location of all parking.
- I. The location and types of all exterior light fixtures.
- J. A complete landscaping and screening plan.
- K. Plans showing complete drainage of entire site.

In addition to the above information, the following will be required:

- A. A copy of covenants, grants, easements, or other restrictions proposed to be imposed upon the use of land, buildings, and structures including proposed easements for grants for public utilities.
- B. A schedule showing the proposed times for constructing the development.
- C. A statement indicating the intent to develop the site as proposed in the plans submitted.

5:6.9 Annual Review

After a period of one year from the date of rezoning, the Mauldin Zoning Administrator shall review the status of the approved C-1N development. If significant progress is not demonstrated at that time, the Zoning Administrator shall advise the City Council of his findings. If City Council determines that it would be in the best interest of the area to rezone the property to the previous classification, City Council shall schedule a public hearing to rezone the property. The property owner(s) shall be notified in writing at least 30 days prior to the hearing. If within 15 days the owner and/or developer is able to present proof of progress, the City Council may withdraw the application.

Section 5:7 C-1, Commercial District

This district is established to provide commercial establishments for the convenience of local residents.

5:7.1 Uses Permitted

Accountant
Antique shop
Apparel store
Appliance sales and service
Art store
Automobile parts sales
Automobile parking lot
Bakery
Bank
Barber shop
Beauty shop
Cafeteria
Camera shop
Candy store
Child care center
Catering establishment
Cleaning and laundry collection station
Convenience store (without a carwash and with a maximum size of 2,500 square feet, a minimum size of 1,000 square feet, and limited to one fuel service area that can serve no more than four (4) vehicles at one time)
Dairy products and ice cream store
Dance studio
Delicatessen
Department store
Dressmaker
Drug store
Dry goods store
Florist shop
Furniture store
Grocery store
Hardware store
Hobby shop
Interior decorating shop
Jewelry store
Key shop
Leather goods store
Loan company
Medical facility

Music store
Newsstand
Nursery or garden supply store
Office, business and professional
Office supply and equipment store
Optical goods sales
Paint store
Pet shop
Pharmacy
Photography studio
Radio and television sales and service
Restaurant
Savings and loan company
Self service laundry and cleaner
Sewing machine sales and service
Shoe store and repair shop
Shopping centers (As provided in Section 5:8.9)
Sign, business (Subject to provisions of Section 6:11)
Sign, temporary (Subject to provisions of Section 6:11)
Sporting goods store
Stationery store
Supermarket
Tailor
Theater (Indoor)
Toy store
Travel bureau
Utility easement
Accessory buildings and uses customarily incidental to the above uses

5:7.2 Uses Permitted by Special Exception

The following uses are permitted on review by the Board of Zoning Appeals in accordance with the provisions of Article 7.

Automobile service station
Church
Exhibition building
Fire station
Library
Post office

5:7.3 Height Limitation

No structures shall exceed a height of 45 feet except as provided in Section 6:7.

5:7.4 Dimensional Requirements

5:7.4-1 Front Setback

All buildings and structures shall be set back from all street right-of-way lines not less than 25 feet.

5:7.4-2 Side Setback (C-1)

None is required, except on corner lots and lots adjacent to any residential district. On corner lots, all commercial buildings, structures, and merchandise on display shall be set back not less than 25 feet from the street right-of-way line on the side with street frontage. On lots adjacent to any residential district all commercial buildings, structures, and merchandise on display shall be set back not less than 20 feet from the property line on the side adjacent to the residential district. When a side yard is provided, it shall be not less than 5 feet in width.

5:7.4-3 Rear Setback

No building shall be located closer than 20 feet to a rear lot line.

5:7.5 Screening

A wall, fence, dense hedge, or other permanent year-round foliage, or a combination thereof, which provides a solid, opaque, visual barrier at least 6 feet in height shall be provided along the side and rear lot lines where any nonresidential use in this district is adjacent to a residential district. Such screening shall also prohibit, for safety reasons, passage by children and/or other pedestrians. Screening design shall visually compliment the surrounding residential district. Additionally, maintenance shall be performed to ensure that the screen continues to meet the provisions set forth herein. Strict enforcement of these provisions shall be in accordance with Section 8:1 of this Ordinance.

5:7.6 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9.

5:7.7 Off-Street Loading

Off-street loading shall be provided in accordance with the provisions set forth in Section 6:10.

5:7.8 Drainage

A complete drainage plan of the entire site meeting the requirements prescribed in the Mauldin City Drainage Ordinance shall be provided.

Section 5:8 C-2, Commercial District

This district is established to provide for the development on major thoroughfares of commercial land uses, which are oriented to customers traveling by automobile. Establishments in this district provide goods and services for the traveling public and also for the convenience of local residents.

5:8.1 Uses Permitted

Accountant
Amusement center
Antique shop
Appliance sales and service
Automatic car wash
Automobiles, truck, and trailer rentals
Automobile parking lot
Automobile parts sales
Automobile sales and service (Excluding body repair)
Automobile upholstery shop
Bakery
Bank
Barber shop
Beauty shop
Boat sales
Bowling alley
Broadcasting studios, radio or television
Bus station
Cafeteria
Child care center
Club, lodge, and similar non-profit organization
Convenience store (With or without a car wash and no size restriction)
Dairy products sales
Dance studio
Dressmaker
Drive-in restaurant
Drug store
Dry cleaner and laundry
Dry goods store
Figure salon
Florist shop
Funeral home
Furniture store
Garden supply store
Golf driving range
Greenhouse or plant nursery

Grocery store
Hardware store
Health club
Leather goods store
Liquor store
Loan company
Medical facility
Miniature golf course
Monument sales
Motel
Music store
Office, business or professional
Paint store
Printing, excluding newspapers and periodicals
Public utility building and use
Radio and television sales and service
Recording studio
Restaurant
Savings and loan company
Seed and feed store
Self-service laundry and cleaner
Service station
Sewing machine sales and service
Shopping center (As provided in Section 5:8.9)
Sign, business (Subject to provisions of Section 6:11)
Sign, occupancy (Subject to provisions of Section 6:11)
Sign, temporary (Subject to provisions of Section 6:11)
Skating rink
Sporting goods store
Supermarket
Temporary building, incidental to the construction of buildings permitted in this district and which shall be removed when work is completed
Theater (Indoor)
Tire sales and service
Utility easement
Veterinary clinic
Veterinary office
Accessory buildings and uses customarily incidental to the above uses
Other uses which are considered to be compatible with the aforementioned uses

5:8.2 Uses Permitted by Special Exception

The following uses are permitted on review by the Board of Zoning Appeals in accordance with the provisions of Article 7.

Ambulance service
Armory
Auditorium
Baseball park
Building materials sales and storage
Cemetery
Check Cashing Business
Church
Fairgrounds
Fire station
Football stadium
Gymnasium
Home for aged persons
Hospital
Library
Museum
Police station
Post office
School public, private, and parochial

5:8.3 Height Limitation

No structures shall exceed a height of 45 feet except as provided in Section 6:7.

5:8.4 Dimensional Requirements

5:8.4-1 Front Setback

All buildings and structures shall be set back from all street right-of-way lines not less than 35 feet except commercial gasoline islands and canopies which shall be set back from all street right-of-way lines not less than 15 feet. All outside merchandise on display shall be set back not less than 15 feet from property lines.

5:8.4-2 Side Setback (C-2)

None is required, except on corner lots and lots adjacent to any residential district. On corner lots, all commercial buildings, structures, and merchandise on display shall be set back not less than 25 feet from the street right-of-way line on the side with street frontage. On lots adjacent to any residential district, all commercial buildings, structures, and merchandise on display shall be set back not less than 20 feet from the property line on the side adjacent to the residential district. When a side yard is provided, it shall be not less than 5 feet in width.

5:8.4-3 Rear Setback

No building shall be located closer than 20 feet to a rear lot line. All outside merchandise on display shall be set back not less than 15 feet from property lines.

5:8.5 Screening

A wall, fence, dense hedge, or other permanent year-round foliage, or a combination thereof, which provides a solid, opaque, visual barrier at least 6 feet in height shall be provided along the side and rear lot lines where any nonresidential use in this district is adjacent to a residential district. Such screening shall also prohibit, for safety reasons, passage by children and/or other pedestrians. Screening design shall visually compliment the surrounding residential district. Additionally, maintenance shall be performed to ensure that the screen continues to meet the provisions set forth herein. Strict enforcement of these provisions shall be in accordance with Section 8:1 of this Ordinance.

5:8.6 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9.

5:8.7 Off-Street Loading

Off-street loading shall be provided in accordance with the provisions set forth in Section 6:10.

5:8.8 Drainage

A complete drainage plan of the entire site meeting the requirements of the Mauldin City Drainage Ordinance shall be provided.

5:8.9 Requirements for Planned Shopping Centers

5:8.9-1 Height Limitations

No building shall exceed 45 feet except as provided in Section 6:7.

5:8.9-2 Lot Area

The shopping center shall be located on a parcel of land not less than 2 acres in area.

5:8.9-3 Dimensional Requirements

5:8.9-3a Setback from Streets

All buildings shall be set back from all street right-of-way lines not less than 50 feet.

5:8.9-3b Setback from Side Property Lines

All buildings shall be set back from side property lines not less than 25 feet.

5:8.9-3c Setback from Rear Property Lines

All buildings shall be set back from the rear property line not less than 25 feet.

5:8.9-4 Screening

A wall, fence, dense hedge, or other permanent year-round foliage, or a combination thereof, which provides a solid, opaque, visual barrier at least 6 feet in height shall be provided along the side and rear lot lines where any nonresidential use in this district is adjacent to a residential district. Such screening shall also prohibit, for safety reasons, passage by children and/or other pedestrians. Screening design shall visually compliment the surrounding residential district. Additionally, maintenance shall be performed to ensure that the screen continues to meet the provisions set forth herein. Strict enforcement of these provisions shall be in accordance with Section 8:1 of this Ordinance.

5:8.9-5 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9.

5:8.9-6 Off-Street Loading

Off-street loading shall be provided in accordance with the provisions set forth in Section 6:10.

5:8.9-7 Application Procedure

Each application for a zoning certificate/building permit for a planned shopping center shall be accompanied by the following:

- A. A development plan of the proposed development at a scale of not less than 1-inch equals 100 feet showing:
 - 1. The location and size of the site;
 - 2. The dimensions of the property;
 - 3. The location and proposed use of buildings and their general exterior dimensions;
 - 4. A traffic, parking, and circulation plan showing proposed locations, arrangements, and dimensions of parking spaces, loading areas, drives, and ingress and egress to and from adjacent streets;
 - 5. The proposed location and materials to be used for screening;
 - 6. A title showing the names of the developers, the date, scale of the plan, and the name of the individual or firm preparing the plan.

- B. A statement to be filed with the Building Inspector indicating readiness to proceed with construction of the proposed development within one year from the date the proposal is approved.
- C. Drainage - A complete drainage plan of the entire site meeting the requirements prescribed in the Mauldin City Drainage Ordinance shall be provided.

5:8.9-8 Zoning Certificate/Building Permit

No zoning certificate/building permit shall be issued for any building in a shopping center until a final development plan shall have been approved by the Zoning Administrator.

Section 5:9 S-1, Services District

This district is established to provide a transition between commercial and industrial districts by allowing (1) commercial uses which are service related; (2) service-related commercial uses which sell merchandise related directly to the service performed; (3) commercial uses which sell merchandise which requires storage in warehouses or outdoor areas; and (4) light industries which in their normal operations would have a minimal effect on adjoining properties. All of the uses permitted in this district shall be conducted in such a manner that no noxious odor, fumes, smoke, dust, or noise will be emitted beyond the property line of the lot on which the use is located.

5:9.1 Uses Permitted

Air conditioning and heating equipment, sales and service
Ambulance service
Amusements, commercial
Animal shelters
Auction house
Automobile body shop
Automobile garage
Automobile painting
Automobile parking
Automobile parts or accessories
Automobile rental
Automobile repairing
Automobile sales and service
Automobile service station
Automobile storage
Automobile upholstery
Automobile wash
Baseball batting range
Boat sales and service
Building materials sales and storage
Cabinet shop
Crematorium
Dental laboratories
Diaper supply service
Drive-in business (Theaters, restaurants, etc.)
Eating establishments
Electric motor repair
Engravers
Exhibition buildings, galleries, or showrooms
Farm machinery and implement sales and service
Farmer's market

Feed and seed store
Funeral home
Golf courses
Golf courses - par three
Golf driving ranges
Group Development (Subject to provisions of Section 7:13)
Gunsmith
Household appliance repair
Ice skating rink
Laundries, dry cleaning, or linen supply service
Linen or towel supply business
Lithographing
Lumber yards
Machine shop
Mattress shop
Medical clinic or laboratory
Mimeographing service
Mobile home, travel trailer, and recreational vehicle sales
Monument and tombstone sales
Motel
Motorcycle sales and service
Newspaper establishment
Nursery-flower, plant, or tree
Nursery supply
Offices
Office supply and equipment
Parking areas
Parking structures, commercial
Pest or insect control business
Photo developing and refinishing
Plumbing shop
Printing or binding
Radio or television broadcasting studio
Radio or television repair
Restaurant
Roller skating rink
Safe and vault repair
Self-service storage facility
Service stations
Signs, business (Subject to provisions of Section 6:11)
Signs, occupancy (Subject to provisions of Section 6:11)
Sign painting
Sign, temporary (Subject to provisions of Section 6:11)
Sporting goods sales
Swimming pool, commercial sales
Taxi business

Taxidermist
Telephone exchange
Tire shop
Utility easement or right-of-way
Utilities, public or private
Venetian blinds - laundry, servicing, and repairing
Veterinary clinic
Veterinary office
Video poker and like gaming devices
Welding
Wholesaling and warehousing
Other uses that are considered to be compatible with the aforementioned uses

5:9.2 Uses Permitted by Special Exception

The following uses are permitted on review by the Board of Zoning Appeals in accordance with the provisions of Article 7.

Accessory dwelling unit (Subject to provisions of Section 7:10)
Auditorium
Baseball park
Cemetery
Church
Correctional institution
Exhibition buildings
Fairgrounds
Fire station
Football stadium
Gas sales, commercial and industrial (Oxygen and acetylene)
Hospital
Manufacturing:
 A. Processing of foodstuffs, beverages
 B. Fabrication of cloth, wood, leather, paper, plastic, metal
Police station
Station, bus or railway
Truck terminals
Other public uses
Certain retail sales establishments which are customarily accessory and clearly incidental and subordinate to permitted principal office uses such as, but not limited to, the following:

 Apothecary
 Barber shop
 Beauty shop
 Cafeteria
 Florist shop
 Newsstand

Optician

Sale or rental of medical supplies and prosthetic devices

Sandwich shop

Similar retail uses which are designed primarily to serve the convenience of persons working or receiving services in the building in which the accessory use is located, provided that such accessory use is clearly incidental and subordinate to principal permitted office uses.

5:9.3 Height Limitation

No building or structure shall exceed 45 feet in height except as provided in Section 6:7.

No building or structure on a lot in the Services District which is adjacent to a residential district shall exceed the maximum building height permitted in the residential district unless there is one additional foot of setback on the sides adjacent to the residential district for each additional foot of height.

5:9.4 Dimensional Requirements

5:9.4-1 Front Setback

All buildings shall be set back from the street right-of-way line not less than 45 feet except advertising signs which shall be permitted no closer than 15 feet to the street right-of-way line. All outside merchandise on display shall be set back not less than 15 feet from property lines.

5:9.4-2 Side Setback

No building shall be located closer than 25 feet to a side lot line except next to rail siding. All outside merchandise on display shall be set back not less than 15 feet from property lines.

5:9.4-3 Rear Setback

No building shall be located closer than 25 feet to a rear lot line except next to rail siding. All outside merchandise on display shall be set back not less than 15 feet from property lines.

5:9.5 Screening

A wall, fence, dense hedge, or other permanent year-round foliage, or a combination thereof, which provides a solid, opaque, visual barrier at least 6 feet in height shall be provided along the side and rear lot lines where any nonresidential use in this district is adjacent to a residential district. Such screening shall also prohibit, for safety reasons, passage by children and/or other pedestrians.

Screening design shall visually compliment the surrounding residential district. Additionally, maintenance shall be performed to ensure that the screen continues to meet the provisions set

forth herein. Strict enforcement of these provisions shall be in accordance with Section 8:1 of this Ordinance.

5:9.6 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9.

5:9.7 Off-Street Loading

Off street loading shall be provided in accordance with the provisions set forth in Section 6:10.

5:9.8 Drainage

A complete drainage plan of the entire site meeting the requirements of the Mauldin City Drainage Ordinance shall be provided.

Section 5:10 I-1, Industrial District

This district is established as a district for manufacturing plants, assembly plants, and warehouses. The regulations are intended to protect neighboring land uses from potentially harmful noise, odor, smoke, dust, glare, stream pollution, or other objectionable effects.

5:10.1 Uses Permitted

Automobile and truck repair and rebuilding shop

Bottling plant

Building contractor and related activities

Building materials sales and storage and manufacture

Crematorium

Farm implements and machinery sales and storage

Feed and seed sales and storage

Junk yard:

Including automobile wreckers and scrap processors (subject to provisions of Section 7:4)

Laundry and cleaning plant

Manufacturing:

Apparel and other finished products made from fabrics, leather, and similar materials

Chemicals and allied products

Fabricated metal products

Food and kindred products

Furniture and fixtures

Household and industrial cleaning products

Lumber and wood products (Except furniture)

Paper and allied products

Plastic products

Stone, clay, and glass products

Textile mill products

Milk processing plant

Mobile homes or other prefabricated buildings used for temporary offices

Petroleum refining and related industries

Primary metal industries

Printing, publishing, and allied industries

Public utility building or use

Self-service storage facility

Sign, business (Subject to provisions of Section 6:11)

Sign, occupancy (Subject to provisions of Section 6:11)

Temporary building which is incidental to the construction of buildings permitted in the district and which shall be removed when work is completed

Tire recapping and retreading plant

Truck terminal

Veterinary hospital

Wholesaling and warehousing

Other uses which are considered to be compatible with uses permitted

All of the uses permitted in this district shall be conducted in such a manner that no noxious odor, fumes, smoke, or dust will be emitted beyond the property line of the lot on which the use is located. No pollution shall leave the premises of a use in this district by way of streams or rivers.

5:10.2 Uses Permitted by Special Exception

The following uses are permitted on review by the Board of Zoning Appeals in accordance with the provisions of Article 7.

Laboratories: analytical, experimental, testing, or industrial processes

5:10.3 Height Limitation

No building or structure shall exceed 90 feet in height except as provided in Article 6, Section 6:7. No building or structure on a lot in the industrial district which is adjacent to a residential district shall exceed the maximum building height permitted in the residential district unless there is one additional foot of setback on the sides adjacent to the residential district for each additional foot of height.

5:10.4 Dimensional Requirements

5:10.4-1 Front Setback

All buildings shall be set back from the street right-of-way not less than 50 feet. An advertising sign shall be permitted no closer than 15 feet to street right-of-way, and an advertising sign exceeding 25 feet in height shall be located no less than 30 feet from a public right-of-way.

5:10.4-2 Side Setback

No building shall be located closer than 25 feet to a side lot line except when the property is adjacent to a railroad right-of-way and written approval from the railroad authorities has been obtained to utilize a railroad spur for loading and unloading.

5:10.4-3 Rear Setback

No building shall be located closer than 25 feet to a rear lot line except when the property is adjacent to a railroad right-of-way and written approval from the railroad authorities has been obtained to utilize a railroad spur for loading and unloading.

5:10.5 Screening

A wall, fence, dense hedge, or other permanent year-round foliage, or a combination thereof, which provides a solid, opaque, visual barrier at least 6 feet in height shall be provided along the side and rear lot lines where any nonresidential use in this district is adjacent to a residential district. Such screening shall also prohibit, for safety reasons, passage by children and/or other pedestrians. Screening design shall visually compliment the surrounding residential district. Additionally, maintenance shall be performed to ensure that the screen continues to meet the provisions set forth herein. Strict enforcement of these provisions shall be in accordance with Section 8:1 of this Ordinance.

5:10.6 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Article 6, Section 6:9.

5:10.7 Off-Street Loading

Off-street loading shall be provided in accordance with the provisions set forth in Article 6, Section 6:10

5:10.8 Drainage

A complete drainage plan of the entire site meeting the requirements of the Mauldin City Drainage Ordinance shall be provided.

Section 5:11 P-D, Planned Development

5:11.1 Intent

The PD district is established to encourage innovative and creative design of residential and/or commercial developments and to permit a greater amount of flexibility to a developer by removing some of the restrictions of conventional zoning. It is the intent of the district that such design and planning features be incorporated properly into all PD districts hereafter created, and that the Planning Commission and City Council shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such districts. The district is also intended to encourage developments, which provide a full range of residential types to serve the inhabitants of the district.

The regulations provide a mechanism to evaluate each application on its own merit. It is recognized that some concepts will be more successful than others will and the approval of an application in one situation does not necessarily indicate the development will be applicable in other situations. It should also be emphasized that these provisions are not to be confused with nor designed to circumvent the intent or use of conventional zoning classifications as set forth in the Ordinance.

5:11.2 Types of Planned Development Districts

Two types of planned development districts accommodating primarily residential or non-residential uses are created as follows:

A. PD-R Planned Development - Residential

The PD-R district is intended to accommodate primarily residential uses; with nonresidential uses integrated into the design of such districts as secondary uses.

B. PD-C Planned Development - Commercial

The PD-C district is intended to accommodate primarily nonresidential uses; with residential uses integrated into the design of such districts as secondary uses.

5:11.3 Permitted Principal Uses and Structures

Permitted principal uses and structures vary with increasing size and are different for PD-R and PD-C districts. Permitted principal uses and structures for various site sizes and types of PD districts are as follows:

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Site Size in Acres	PD-R Uses Permitted	PD-C Uses Permitted
1 but less than 15	Residential, Office, Commercial	Commercial, Office
15 or more	Residential, Office, Commercial, Services	All uses

5:11.4 Maximum Area of Commercial or Industrial Uses in PD-R Districts

In PD-R districts in which commercial or service uses are permitted, the area of land devoted to such uses, including structures, parking, and related characteristics and accessory uses thereto shall not exceed the following percentages for any specific site size:

Site Size in Acres	Maximum Percentage Commercial or Service
2 but less than 8	10
8 but less than 25	20
25 but less than 50	30
50 but less than 80	40
80 or more	50

Provided, however, that these percentages shall apply only to commercial and service uses, and not to other non-residential uses such as schools, parks, community buildings, or public facilities. Required parking for commercial and service uses shall be counted towards maximum percentages.

5:11.5 Permitted Accessory Uses and Structures

Accessory uses and structures shall be permitted as for the least restrictive districts indicated in Section 5:11.3 for any specific site size.

5:11.6 Uses and Structures Permitted by Special Exception

No review actions by the Board of Zoning Appeals are required to establish any specific use. Uses and structures permitted in the least restrictive land use classifications indicated in Section 5:11.3 for any specific site size are permitted outright, provided that the Planning Commission and City Council shall ascertain that the effects and benefits usually derived from safeguards and conditions normally imposed upon uses permitted by review are upheld.

5:11.7 Prohibited Uses and Structures

Certain uses and structures shall be prohibited as for the least restrictive uses indicated in Section 5:11.3 for any specific site size.

5:11.8 Minimum Lot Area

No minimum lot area is required for any specific structure; however, a minimum site size to accommodate specific uses shall be as listed in Section 5:11.3.

5:11.9 Minimum Lot Width, Minimum Yard Requirements, Maximum Lot Coverage, Maximum Height of Structures

No structure shall be erected within 25 feet from any external lot line of any planned development. Minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not otherwise regulated within PD districts, provided, however, that the Planning Commission and City Council shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of this Ordinance.

5:11.10 Minimum Off-Street Parking and Loading

The Planning Commission shall not approve a PD site plan until the Zoning Administrator has reviewed and approved a parking scheme for the development.

5:11.11 Signs

Signs are permitted in PD districts only in accordance with provisions of the Sign Ordinance.

5:11.12 PD Application and Preliminary Development Plan Approval

- A. An applicant is encouraged to communicate his intentions to establish a Planned Development district and the proposed characteristics thereof to the Zoning Administrator and Greenville County Planning Commission staff prior to initiating an application for amendment to the zoning map in order to avoid undue delay in the review process after initiating such applications.
- B. Applications for Planned Development district shall be by amendment to the official Zoning Map in accordance with the provisions of Article 10 and shall include the following:
 - 1. **Preliminary Development Plan** - The applicant shall submit one reproducible vellum copy (22" x 27" minimum size) and one paper copy (11" x 17" in size) of the proposed Planned Development which shall include the following:
 - a. Vicinity map, title block, scale, north arrow, and property line survey.
 - b. Total number of acres of overall site.
 - c. Location and number of acres of various areas by type of use (e.g., single-family detached, recreation, office, commercial, etc.).
 - d. Number of units and density of various residential types, such number to represent the maximum number of units.

- e. Approximate square footage of non-residential use and approximate number of bedrooms in each residential unit.
- f. Primary traffic circulation pattern, including major points of ingress and egress.
- g. Approximate number of parking spaces per use.
- h. An indication that an acceptable drainage system can be designed for the proposed project.
- i. Any such information or descriptions as may be deemed reasonably appropriate for review.

2. **Statement of Intent** - The applicant shall submit 3 copies of a descriptive statement setting forth the characteristics for the proposed Planned Development including the following:

- a. A description of the responsibilities of any proposed homeowners association or group maintenance agreement.
- b. A statement setting forth the proposed development schedule.
- c. A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.
- d. A statement from the public facility providers, including water, sewer collection and treatment, schools, garbage collection, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed Planned Development.
- e. A statement concerning the appearance, landscaping, screening, and maintenance of any proposed pond, lake, or retention pond contained in the development.
- f. Any such information or descriptions as may be deemed reasonably appropriate for review.

- C. A public hearing shall be held by the Planning Commission in accordance with procedures set forth in Article 10.
- D. The Planning Commission shall make a recommendation upon the proposed Planned Development, which shall be advisory to City Council.
- E. The City Council may, after fulfilling all applicable requirements of this section and all applicable requirements of Article 10, act to either approve, approve with modification, or disapprove the application for a Planned Development.
- F. Following approval of a PD district, the official zoning map shall be amended to reflect such approval. Approval of a Planned Development district shall constitute authority for the applicant to submit a Final Development Plan to the Planning Commission for approval in accordance with the provisions of Section 5:11.14.

5:11.13 Failure to Submit a Final Development Plan

Approval of a PD district granted by City Council shall be valid for one year by the end of which time a Final Development Plan must be submitted. Prior to the expiration of the approval, the Zoning Administrator shall submit a progress report to Council on the status of the development. One-year extensions may be granted by City Council. If an extension(s) is not granted, City Council may rezone the property to its original classification in accordance with Article 10.

5:11.14 Final Development Plan

All final development plans in the Planned Development District will require a site plan review and approval by the Greenville County Planning Commission. Site plan requirements and procedures for the Planned Development District are outlined in Section 3 of the Mauldin City Land Development Regulations.

5:11.15 Recording of Final Development Plan and Statement of Intent

Following approval of the Final Development Plan by the Planning Commission, one copy of the Final Development Plan and Statement of Intent shall be recorded in the Register of Mesne Conveyances of Greenville County; one copy of both documents shall be filed with the Zoning Administrator; and one copy of both documents shall be filed with the Greenville County Planning Commission.

5:11.16 Subdivision Plats, Building Permits, and Certificates of Occupancy

Approval of a Final Development Plan shall constitute authority for the applicant to prepare subdivision plats, if applicable, in accordance with procedures set forth in the Greenville County Subdivision Regulations. No building permit or Certificate of Occupancy shall be issued in a PD district until a Final Development Plan has been recorded.

5:11.17 Changes to Planned Development Districts

Changes to a proposed Planned Development district or to an approved Planned Development district may be permitted in accordance with one of the following procedures as determined by the Zoning Administrator:

- A. **Minor Changes** - Changes to a Planned Development district which are of a design nature and which do not alter the original concept or use characteristics of the Planned Development district may be approved by the Planning Commission in accordance with the procedures established by the Land Development Regulations, Section 3 provided that no minor change may be approved by the Planning Commission which is in conflict with specific conceptual considerations previously contained in City Council's preliminary approval. Examples of Minor Changes may include, but are not limited to the following:

- § reductions in:
 - § density
 - § signage

- § square footage
- § increases in:
 - § landscaping
 - § open space
 - § setbacks
- § Minor changes to:
 - § landscaping
 - § lighting
 - § location of land uses
 - § parking
 - § signage
 - § site plan
- § Minor changes to allow:
 - § reorientation of structures
 - § realignment of approved access
 - § more restrictive land uses, e.g. commercial to residential
 - § shift in approved density from one area of PD to another

B. Major Changes - Changes to a Planned Development district which would alter the basic concept and general characteristics of the Planned Development district may be approved by City Council in accordance with the procedures established by Section 5:11.12. Approval of a major change by City Council must be followed by final development plan approval with a detailed design plan showing such changes by the Planning Commission in accordance with the Land Development Regulations, Section 3. Examples of major changes include but are not limited to the following:

- § boundary changes,
- § changes in the maximum number of structures or residential units,
- § increased density,
- § substantial changes to residential housing type,
- § use changes, or
- § access changes, etc.

5:11.18 Failure to Begin, Failure to Complete, or Failure to Make Adequate Progress

One year after final approval and each year thereafter, the Zoning Administrator shall present to City Council's Public Works Committee a status report on the progress of the approved development. If there is failure to begin, failure to complete, or failure to make adequate progress as set forth in the Statement of Intent, City Council may change the district classification of the Planned Development in accordance with provisions of Article 10.

Section 5:12 AP, Airport Protective Areas

5:12.1 Airport Protective Areas Established as Supplementary

The "AP" designation is not intended to be utilized as a district classification but as a designation which identifies areas subject to regulations which are supplementary to the regulations of the district to which such designation is attached, appended, or "overlaid." Regulations, which apply to areas, designated on the Zoning map, as being within such appended or overlaid designation must be determined by joint reference to the regulations of both the basic district classification and the appended or overlay classification. The basis for preparing these supplementary regulations is contained in the Federal Aviation Regulations (FAR), Vol. XI, Part 77, Objects Affecting Navigable Airspace.

5:12.2 AP, Intent

It is the intent of this Ordinance to restrain influences which are adverse to the proper and safe conduct of aircraft operations in the vicinity of airports, to prevent creation of conditions hazardous to aircraft operations, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, the "AP" designation, when appended to a basic district classification, is intended to coordinate the purposes and intent of this Ordinance with other regulations duly established by the city of Mauldin whose primary intent is to further the purposes set out above.

5:12.3 Action Upon Applications Within Areas Designated "AP"

The Zoning Administrator shall take no action upon issuance of a zoning permit or presentation of an application to the Board of Zoning Appeals or other similar administrative procedures until it has been duly certified to him by proper authorities that the proposal upon which he is requested to act is in compliance with regulations of the AP Protective Area regulations as detailed in this section.

5:12.4 Definitions

1. **Airports** - Greenville-Spartanburg International Airport, Greenville Downtown Airport, and Donaldson Center.
2. **Airport Elevation** - The highest point of an airports usable landing area measured in feet above mean sea level (MSL).
3. **Approach Surface** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 5:12.6 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. **Approach, Transitional, Horizontal, and Conical Zones** - These zones are set forth in Section 5:12.5 of this Ordinance.

5. **Board Of Zoning Appeals** - A board consisting of 5 members and 2 alternates appointed by City Council as provided in Article 9 of the Mauldin City Zoning Ordinance.
6. **Conical Surface** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. **Hazard To Air Navigation** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. **Height** - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level (MSL) elevation unless otherwise specified.
9. **Heliport Primary Surface** - The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
10. **Horizontal Surface** - A horizontal plane 150 feet above the established airport elevation, the perimeter which in plan coincides with the perimeter of the horizontal zone.
11. **Larger Than Utility Runway** - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
12. **Nonconforming Use** - Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this Ordinance or an amendment thereto.
13. **Obstruction** - Any structure, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5:12.6 of this Ordinance.
14. **Person** - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
15. **Precision Instrument Runway** - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), Differential Global Positioning System (DGPS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or another planning document.
16. **Primary Surface** - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, or planned hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 5:12.5 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
17. **Runway** - A defined area on an airport prepared for landing and take-off of aircraft along its length.
18. **Structure** - An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines.
19. **Transitional Surfaces** - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for

those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerlines.

20. **Tree** - Any object of natural growth.
21. **Utility Runway** - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
22. **Visual Runway**- A runway intended solely for the operation of aircraft using visual approach procedures.

5:12.5 Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Greenville-Spartanburg International Airport, Greenville Downtown Airport, and Donaldson Center. Such zones are shown on the official Greenville County Zoning Map, which is on display in the Greenville County Planning Commission office. An area located in more than one (1) of the following zones is considered to be only in the one with the more restrictive height limitations. The various zones are hereby established and defined as follows:

1. **Utility Runway Visual Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide for utility runways with only visual approaches and 500 feet wide for utility runways with a non-precision approach on the opposite end. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. **Runway Larger Than Utility Visual Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide for such runways with a visual approach or non-precision approach on the opposite end and 1,000 feet wide for those with a precision approach on the opposite runway end. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. **Precision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. **Transitional Zones** - The transitional zones are the areas beneath the transitional surfaces.
5. **Heliport Transitional Zones** - These zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.
6. **Horizontal Zones** - The horizontal zone is established by swinging arcs of a given radii from the center of each end of the primary surface of each runway and connecting the

adjacent arcs by drawing lines tangent to those arcs. The radii of these arcs are as follows: 5,000 feet for all runways designated utility or visual, and 10,000 feet for all other runways. The radii of the arcs for each end of the runway shall be the same and consist of the longest radius determined for either runway end. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded. The horizontal zone does not include the approach and transitional zones.

7. **Conical Zone** - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

5:12.6 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, and with the exception of structures erected for aeronautical purposes, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. **Utility Runway Visual Approach Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. **Runway larger Than Utility Visual Approach Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. **Precision Instrument Runway Approach Zone** - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
4. **Heliport Approach Zone** - Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.
5. **Transitional Zones** - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and approach surface, and extending to a height of 150 feet above the airport elevation, which is 963.8 feet MSL for GSP International Airport, 1,048 feet MSL for Greenville Downtown Airport, and 956.2 feet MSL for Donaldson Center. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach

surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

6. **Helicopter Transitional Zones** - Slope two (2) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the helicopter approach zones and extending a distance of 250 feet measured horizontally from and at 90 degree angles to the primary surface centerline and helicopter approach zones centerline.
7. **Horizontal Zone** - Established at 150 feet above the airport elevation or at a height of 1,113.8 feet MSL for GSP International Airport, 1,198 feet MSL for Greenville Downtown Airport, and 1,106.2 feet MSL for Donaldson Center.
8. **Conical Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
9. **Excepted Height Limitations** - Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface.

5:12.7 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

5:12.8 Nonconforming Uses

1. **Regulations Not Retroactive** - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure; the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
2. **Marking and Lighting** - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Greenville-Spartanburg Airport Commission, Greenville Downtown Airport Commission or the Donaldson Center Airport Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the respective Airport Commission.

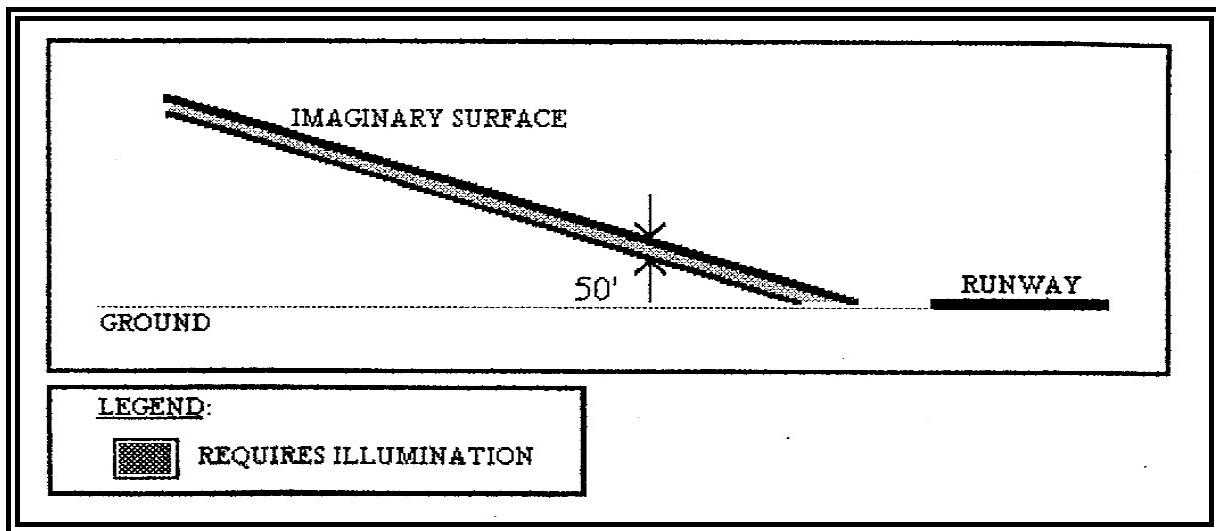
5:12.9 Permits

1. **Future Uses** - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provision of this Ordinance shall be granted unless a variance has been approved.
 - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such structure would extend above the height limits prescribed for such zones.
 - b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any structure less than seventy-five feet of vertical height above the ground, except when such structure would extend above the height limit prescribed for such approach zones.
 - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure less than seventy-five feet of vertical height above the ground, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure in excess of any of the height limits established by this Ordinance except as set forth in Section 5:12.6, 9.
2. **Existing Uses** - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.
3. **Nonconforming Uses Abandoned or Destroyed** - Whenever the Zoning Administrator determines that a nonconforming structure has been abandoned or more than 80 percent torn-down, physically deteriorated or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. **Variances** - Any person desiring to erect or increase the height of any structure or use property, not in accordance with the regulations prescribed in this Ordinance, may apply

to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for a variance to the requirements of this Ordinance may be considered by the Board of Zoning Appeals unless a copy of this application has been furnished to the relative Airport Commission for advice as to the aeronautical effects of the variance. If the Airport Commission does not respond to the application within fifteen (15) days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.

5. **Obstruction Marking and Lighting** - All objects penetrating the plane 50 feet beneath the following imaginary surface shall be lighted:



An approach surface having a 50:1 slope originating 200 feet beyond the end of an existing or proposed runway, which has a width of 1,000 feet, expanding uniformly for 10,000 feet to a width of 4,000 feet, thence becoming a 40:1 slope expanding uniformly for a distance of 40,000 feet to a width of 16,000 feet, or for such a distance that the imaginary surface is more than 200 feet above all terrain.

Otherwise, all objects must be marked and lighted in accordance with Federal Aviation Administration Advisory Circular 70/7460-1, as amended from time-to-time.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, maintain, at the owners expense, such markings and lights as may be necessary. If deemed proper by the Board

of Zoning Appeals this condition may be modified to require the owner to permit the Airport Commission, at its own expense, to install, operate, and maintain the necessary markings and lights.

6. **Notification** - All such persons proposing the construction of objects, whether of a temporary or permanent nature within 20,000 feet of a public use airport and the height of which penetrates a slope of 100:1 from the nearest point of the nearest runway, shall submit a copy of FAA form 7460-1 to the affected airport for review. Said airport shall have ten-business -days to make any comments.

5:12.10 Airport Zones Relating to Noise Restrictions

As noted in Section 5:12.2, one of the intentions of AP Protective Areas regulations is to encourage development, which is compatible with airport use characteristics. Noise resulting from aircraft operations is the airport use characteristic, which most affects surrounding development.

Relating the zoning format to noise criteria is difficult because two land uses which might otherwise be compatible in a specific zoning category may each be affected differently by airport noise. For example, general commercial zoning may be compatible with airport noise. However, theaters (a commercial use) would need special protection at least to the extent that they were notified of potential incompatible noise characteristics on a proposed site prior to their construction. Supplementary regulations contained in the AP Protective Areas section of the Ordinance would facilitate notification of potential incompatible uses (as a result of aircraft noise) without undue restriction of the establishment of retail uses lists the criteria for evaluating and regulating development around the airport. Sensitive areas surrounding Greenville Downtown Airport and Donaldson Center are divided into Zones I through III. Zone I being the most restrictive. The Official Zoning Map of Greenville County, located at the Greenville County Planning Commission, delineates the location and area of each of the zones around the airport.

Greenville-Spartanburg International Airport is surrounded by an Airport Environs Area, which prohibits certain future land uses. This area is delineated on the Official Zoning Map of Greenville County. The land uses allowed within the Environs Area are stated in the Greenville-Spartanburg Airport Environs Area Zoning Ordinance, which is on file with the Greenville County Planning Commission, the city of Mauldin, and the Greenville-Spartanburg Airport Commission.

5:12.11 Airport Zoning Related to Sanitary Landfill Location

Various studies and observations have resulted in the conclusion that sanitary landfills attract birds, and that birds in the vicinity of airports create potential hazards to aircraft operations (see FAA order SO 5200.5). Aircraft accidents have resulted when aircraft collided with low-flying birds, particularly during takeoff and landing. In order to prevent such an occurrence in Greenville, the following regulations shall apply with regard to location of landfills:

- A. No landfill shall be located within 10,000 feet from a runway of any airport.
- B. Landfills located further than 10,000 feet, but within five miles of a runway of any airport will be reviewed on a case by case basis by the respective airport Commission staff, who may in turn contact the Bird Hazard Group and the Federal Aviation Administration. If in the opinion of the airport Commission staff, the landfill poses a threat to safe aircraft operations, then the landfill shall be considered an incompatible land use.

5:12.12 Enforcement

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Building Standards Department upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the secretary.

Section 5:13 POD, Planned Office District

This district is established to accommodate office development, which is found to be compatible with surrounding physical development, particularly neighboring residential properties. Uses permitted in this district are limited to office and research facilities and shall not include any use engaged in retail sales or the stocking and storage of merchandise except as provided by Section 5:5.2 and 5:5.2-1.

5:13.1 Uses Permitted

Uses permitted in the Planned Office District are the same as those uses permitted in Section 5:5.1, Uses Permitted, and Section 5:5.2, Uses Permitted by Special Exception, in the O-D, Office District.

5:13.2 Accessory Retail Uses Permitted

Accessory retail uses permitted in the Planned Office District are the same as those permitted in the O-D, Office District, as set forth in Section 5:5.2-1.

5:13.3 Relationship of Buildings to Lots

One or more principal structures may be permitted on a single lot.

5:13.4 Minimum Area

No minimum area is required.

5:13.5 Minimum Yard Requirements

Front	45 feet
Side	25 feet
Rear	25 feet

For additional minimum setback requirements, refer to Section 6:15 Additional Minimum Setback Requirements For Certain Streets.

5:13.6 Maximum Height

Maximum height of all structures shall not exceed 45 feet.

5:13.7 Off-Street Parking

Off-street parking shall be provided in accordance with Section 6:9.

5:13.8 Site Plan Review

All uses permitted in the Planned Office District will require a site plan review and approval by the Mauldin City Planning Commission. Site plan requirements and procedures for the Planned Office District are outlined in Section 4 of the Mauldin City Land Development Regulations.

ARTICLE 6 GENERAL PROVISIONS

Section 6:1 Application

The regulations set forth in this Ordinance affect all land, every building, and every use of land and/or buildings and shall apply as follows.

6:1.1 New Uses or Construction

After the effective date of this Ordinance, any new construction or uses of land shall conform to the use and dimensional requirements for the district in which it is to be located.

6:1.2 Open Space Requirements

After the effective date of this Ordinance, no part of a yard, court, or other open space, or off-street parking or loading space required for the purpose of complying with the provisions of this Ordinance, shall be included as part of a yard, open space, or parking and loading space required for any other building.

6:1.3 Reduction of Lot and Yard Area Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

6:1.4 Conforming Uses

After the effective date of this Ordinance, structures or the uses of land or structures which then conform to the regulations for the district in which such structures or uses are located may be continued; provided that any structural alteration or change in use shall conform with the regulations herein specified.

6:1.5 Nonconforming Uses

After the effective date of this Ordinance, structures or uses of land or structures which would be prohibited under the regulations for the district in which such structures or uses are located shall be considered as non-conforming. Nonconforming structures or uses may be continued provided they conform to the provisions contained in Article 6, Section 6:2. Nonconforming single-family residential structures may be extended or enlarged, provided they conform to the provisions contained in Article 6, Section 6:2.1.

6:1.6 Nonconforming Lots

In any district in which single-family dwellings are permitted, if a lot of record at the effective date of adoption of this Ordinance does not contain sufficient land area to permit a building to conform to the dimensional requirements of the Ordinance, such lot may be used as a building site for a single-family residence provided there is conformance to the minimum front and side yard requirements set forth in this Ordinance for the district in which the residence is located; and further, that any permitted use serviced by a private septic tank system shall meet minimum County Health Department regulations.

Section 6:2 Continuance of Nonconforming Uses of Land and Structures

6:2.1 Extension of Nonconforming Uses and Nonconforming Structures

Nonconforming uses of land or structures existing at the time of adoption of this Ordinance shall not hereafter be enlarged or extended in any way, with the exception of nonconforming single-family residential structures. Nonconforming single-family residential structures may be enlarged or extended in any zoning district provided the new additions conform to the setback requirements provided in the zoning district in which such structures or uses are located.

6:2.2 Change of Nonconforming Use

Any nonconforming use may be changed to any conforming use, or with the approval of the Board of Zoning Appeals, to any use more in character with the uses permitted in the district. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

6:2.3 Cessation of Nonconforming Uses

When a nonconforming use of land ceases for a continuous period of ninety calendar days, subsequent use of the land shall conform to the regulations for the district in which the land is located.

6:2.4 Cessation of Nonconforming Uses of Structures

When a nonconforming use of a structure is discontinued or abandoned for ninety calendar days, the use shall not be resumed; and the subsequent use shall conform to the regulations for the district in which the structure is located.

6:2.5 Repair and Alteration of Nonconforming Uses

Normal maintenance and repair of a building occupied by a nonconforming use is permitted; provided no other provisions of this Ordinance are violated.

6:2.6 Damage or Destruction of Nonconforming Uses

Any nonconforming structure or any structure containing a nonconforming use, which has been damaged by fire or other causes, may be reconstructed and used as before, if it is done within six months of such damage, unless such structure has been declared by the Zoning Administrator to have been damaged to an extent exceeding eighty percent of its value at the time of destruction. If the structure is damaged to a degree greater than eighty percent, future use of the structure or site must be in conformance with the zoning district regulations for the area.

6:2.7 Temporary Nonconforming Uses of Land

Temporary nonconforming uses of land for carnivals and similar uses may be permitted according to the provisions of Article 8, Section 8:3.

Section 6:3 Relationship of Buildings to Lots

There shall be not more than one principal building and its accessory buildings on one lot, except group, large-scale and multifamily developments as provided in Articles 6 and 7.

Section 6:4 Public Access to Property

Every building hereafter erected or moved shall be located on a lot adjacent to and have access to a public street, highway, road, or other public way.

Section 6:5 Projections into Public Streets and Street Rights-Of-Way

No commercial signs or other structures shall project in or over any right-of-way line of any street. No shrubbery shall project into any public street right-of-way.

Section 6:6 Parking and Storage of Certain Vehicles

6:6.1 Vehicles without Current License Plates

Automobiles, trucks, or trailers of any kind or type without current license plates or current inspection stickers shall not be parked or stored on any lot zoned for residential use, other than in completely enclosed buildings, except that unlicensed and uninspected vehicles may be stored outside on a residential lot as follows:

- A. Not more than one motor vehicle shall be stored outside per lot.
- B. Parking should be limited to driveways or other off-street parking.
- C. No vehicle shall be parked within 10 feet of any property line in the rear yard.
- D. All vehicles so parked will be covered with a close-fitting weatherproof cover maintained

in good condition.

6:6.2 Parking, Storage, or Use of Travel Trailers, Dependent or Independent Recreational Vehicles in Residential Districts

Travel trailers, dependent or independent recreational vehicles (hereafter referred to as units) are permitted to be parked, stored, or used in a residential district subject to the following restrictions:

Occupancy

Not more than one (1) unit shall be permitted for each family living on the lot or premises, except as allowed in subsection A. 3.

The unit shall not be occupied temporarily or otherwise except by obtaining a temporary certificate of occupancy from the building inspector to allow limited occupancy by nonresident guests for a period not to exceed fourteen (14) days. Such certificates may be granted no more than two (2) times per calendar year for any one (1) lot, which terms shall not be consecutive.

The total number of units on any residential lot shall be limited to two (2). The second unit will only be allowed as a variance by the Board of Zoning Appeals. However, this does not include those units kept in a garage or other totally enclosed building.

Setbacks

Units shall not be parked within a drainage or utility easement, or building, or zoning setback; and

Units must be parked in the rear or side yard, not projecting beyond the front of the building wall nearest to the street of the principle dwelling on the lot; or

On a corner lot or double frontage lot, the unit must be parked in the rear or side yard, not projecting beyond the building wall nearest to the street of the principle dwelling on the lot. If parked in the rear or side yard, the unit must be completely screened from view by evergreen vegetation from all streets that run along the rear or side yard in which it is parked.

When the unit is parked temporarily for loading and unloading for a period of no more than 24 hours, it must be entirely on the residential lot in a safe and orderly condition. If parked on a driveway, it shall not be an impediment or interfere with the visibility of persons or vehicles entering or exiting adjacent driveways, persons passing on the sidewalk, or persons in vehicles passing on any street.

Other

Any utility connections must have a special building permit from the building inspector, and sewage dumping shall be only in approved facilities.

The owner of such a unit or of the residential lot on which the unit is parked may not have rental units on the premises.

Units shall not be located on any residential lot without current license plates and proof of liability insurance in accordance with the state insurance laws, and must be able to pass state inspection standards for safety and performance, except those units in completely enclosed buildings.

Units which are not fully operational and in a safe, driveable condition shall not be parked or stored on any lot, except units in completely enclosed buildings.

If there is no reasonable access to the rear or side yard, garage, or carport on a residential lot, the owner may apply to the Board of Zoning Appeals for a variance to park one (1) unit on the driveway or other hard surface area (asphalt, paving stones, shell rock, or concrete) on the lot, between the road right-of-way and the principle dwelling on the lot.

If, upon adoption of this Ordinance, there exists any unit in conflict with the provisions of this Ordinance, it shall not be considered a nonconforming use. Any owner may apply to the Board of Zoning Appeals for a variance in accordance with the provisions of Article 9 of the Mauldin Zoning Ordinance.

Maximum lot coverage for all permitted uses, including all permitted and permissible buildings, accessory structures and units, shall be 40 percent, except as required to meet other regulations herein.

6:6.3 Commercial Vehicles

Not more than one commercial vehicle, which does not exceed one and one-half tons rated capacity, per family living on the premises shall be permitted in a residential district; no commercial vehicles used for hauling explosives, gasoline, hazardous materials, or liquefied petroleum products shall be permitted.

Section 6:7 Height

The following provisions qualify and supplement the specific height regulations set forth in Article 5.

6:7.1 Public and Semipublic Buildings

Hospitals, schools, churches, and other public and semipublic buildings may exceed the height limitations of the district, if the minimum depth of rear yards and the minimum width of side yards required in the district regulations are increased one foot for each two feet by which the height of such public or semipublic building exceeds the prescribed height limit.

6:7.2 Other Structures

Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may exceed the district height limit.

Section 6:8 Visibility at Intersections

On any corner lot on which a front and side yard is required, nothing shall be erected, planted, or allowed to grow which obstructs sight lines between a height of two and one-half feet above the crown of the adjacent roadway and ten feet within a triangular area formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five feet

along the front and side lot lines and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

Section 6:9 Off-Street Parking Requirements

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use of occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded and improved open space.

6:9.1 Certification of Minimum Parking Requirements

Each application for a zoning certificate or certificate of occupancy submitted to the Zoning Administrator, as provided for in Article 8, Section 8:2, shall include a plan showing the required space reserved for off-street parking and loading space and the means of ingress and egress to such space. This information shall be sufficient to enable the Zoning Administrator to determine whether or not the requirements of this section are met.

6:9.2 Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that one half of the parking space required for churches, theaters, or other uses whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

6:9.3 Remote Parking Space

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred feet of the principal use. Such space shall be deemed required space associated with the permitted use and shall not hereafter be reduced or encroached upon any manner. It is further provided that the building inspector may require a plat, deed, or other documentation to show that the remote parking space is controlled by and available to the applicant prior to the granting of a Zoning Certificate.

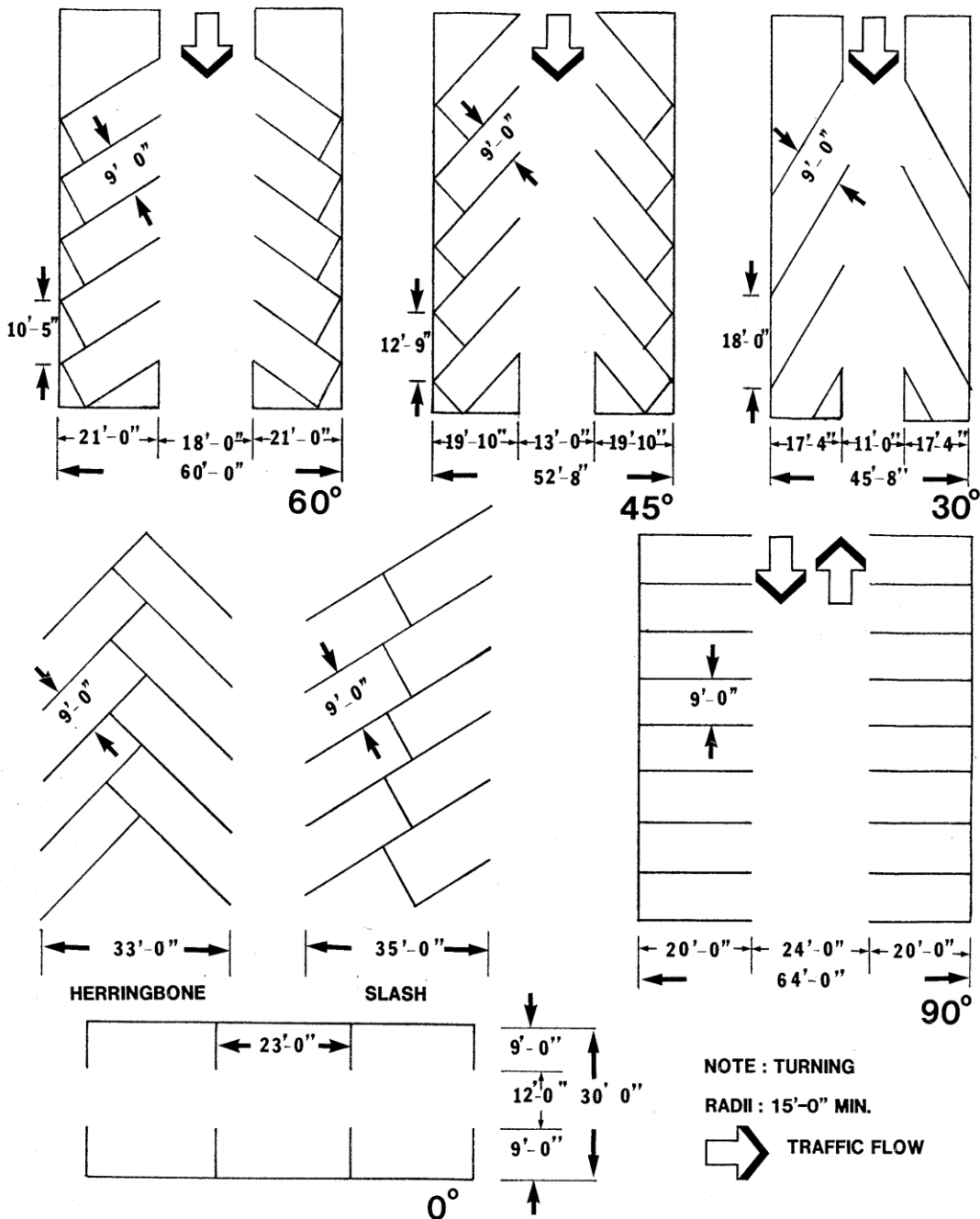
6:9.4 Design of Parking Area

All off-street parking, except for off-street parking for single-family detached dwelling units, single-family attached dwelling units on adjoining individual lots, or two-family dwellings located on a residential service street, shall be designed so that vehicles can turn around within the area and enter the street, road, or highway in such a manner as to completely eliminate the necessity of backing into the street, road, or highway. Off-street parking for single-family detached dwelling units, single-family attached dwelling units on adjoining individual lots, or two-family dwelling units, which requires backing into a residential service street shall be

permitted provided such movement can be made with reasonable safety and without interfering with other traffic.

6:9.5 Size of Off-Street Parking Space (See Diagram)

PARKING STANDARDS



Parking	Width of Stall	Minimum Depth of Stall	Driveway Width	Length of Curb Per Car
0	9'	23'-0"	12'	23'-0"
30 degree	9'	17'-4"	11'	18'-0"
45 degree	9'	19'-10"	13'	12'-9"
60 degree	9'	21'-0"	18'	10'-5"
90 degree	9'	20'-0"	24'	9'-0"

6:9.6 Minimum Parking Requirements

Wherever off-street parking is required in district regulations, the following minimum spaces shall be provided on the same lot with the principal use, except as provided in Article 6, Section 6:9.3. A developer should evaluate his own needs and, if they are greater than the minimum, provide the necessary space.

Use	Required Off-Street Parking
Apartment, row house and multiple-family dwelling	Two (2) spaces for each dwelling unit
Auditorium and theater	One (1) space for each four (4) spectator seats
Automobile service station	One (1) space for each car stored plus one (1) space for each employee
Bank	One (1) space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees
Bus terminal	One (1) space for each four (4) seats in the waiting room, plus one (1) space for each two (2) employees
Child care center	One (1) space for each adult attendant, plus two (2) off-street spaces for loading and unloading
Church	One (1) space for each four (4) seats in the sanctuary
Drive-in facility	Five (5) spaces for each one hundred (100) square feet of floor space, plus one (1)space for each two (2) employees during period of greatest employment

Elementary school	One (1) space for each vehicle owned or operated by the school, plus two (2) spaces for each classroom and administrative office
Fire station	One (1) space for each person on duty on a normal shift, plus one (1) space for each three (3) volunteer personnel
Funeral home	One (1) space for each four (4) seats in the chapel or parlor, plus one (1) space for each employee
Golf course	Four (4) spaces for each green, plus requirements for any other associated use
Home occupation	In addition to residence requirements, one (1) space for each one hundred (100) square feet of floor space devoted to the home occupation use
Hotel, motel, or motor court	One (1) space for each room to be rented, plus one (1) additional parking space for each three (3) employees, plus requirements for any other use associated with the establishment
Indoor and outdoor commercial	One (1) space for each one hundred and eighty recreation (180) square feet of floor or ground area, or one (1) space for each four (4) seats available to patrons, whichever is needed
Industrial/manufacturing uses	One (1) space for each two (2) and Wholesale employees on the largest shift, one (1)space for each member of the managerial or office staff, one (1) visitor parking space for each ten (10) persons on the managerial staff, and one (1) space for each vehicle used directly in the conduct of the business
Junior high school	One (1) space for each vehicle owned or operated by the school, plus three (3) spaces for each five (5) seats in the auditorium or gymnasium
Library	One (1) space for each two hundred fifty (250) square feet of gross floor space

Mobile home park	Two (2) spaces for each mobile home, plus one (1) space for each two (2) park office employees
Nursing home	One (1) space for each five (5) beds intended for patient use
Office and professional building	One (1) space for each two hundred (200) square feet of gross floor space
Office - medical or dental	One (1) space for each employee, plus two (2) spaces per each examining room
Planned shopping center	Five (5) spaces for every one thousand (1,000) square feet of gross leasable floor area
Public or private club	One (1) space for each two hundred (200) square feet of gross floor space
Public utility building	One (1) space for each employee
Restaurant	One (1) space for each three (3) seats, plus one (1) space for each two (2) employees
Retail store	One (1) space for each two hundred (200) square feet of floor area used for sales, plus one (1) space for each two (2) employees
Sales and service establishments not listed elsewhere, which deal with customers on the premises	One (1) space for each two hundred (200) square feet of floor area available for customers, plus (1) space for each two (2) employees
Senior high school	One (1) space for each vehicle owned or operated by the school, plus one (1) space for each ten (10) students, plus one (1) space for each classroom and administrative office
Single or two-family dwelling	Two (2) spaces on the same lot for each dwelling unit
Stadium seats	One (1) space for each four (4) spectator

6:9.7 Additional Requirements for the Physically Disabled and/or Handicapped

As required by the latest edition of the Standard Building Code and subsequent adopted amendments.

Section 6:10 Off-Street Loading Requirements

6:10.1 Requirements for Industrial and Wholesale Buildings

Every industrial and wholesale building hereafter erected shall provide space as indicated herein for loading and unloading of vehicles. The number of off-street loading berths required by this section shall be considered as the absolute minimum, and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of 12 feet by 65 feet and 14 feet overhead clearance with adequate means for ingress and egress.

Square Feet of Gross Floor Area in Structure	Number of Berths
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7
Each 90,000 above 400,000	1

6:10.2 Design of Loading Spaces

Off-street loading spaces shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

6:10.3 Requirements for Commercial Uses

All retail uses and office buildings with a total floor area of 20,000 square feet shall have 1 off-street loading berth for each 20,000 square feet.

Section 6:11 Signs

6:11.1 General Provisions

6:11.1-1 Compliance

All signs must be in compliance with the regulations set forth in Table 1 - District Regulations for Permanent Signs.

6:11.1-2 Sign Setback Requirements

Signs located in a sight triangle as defined in Article 4 shall not obstruct vision between a height of 3 feet and a height of 9 feet measured vertically from the ground level at the base of the sign, except for one supporting structure not exceeding 18 inches in diameter. No portion of signs 25 feet or less in height should be located closer than 8 feet from the right-of-way. No portion of a sign exceeding 25 feet in height shall be located closer than 25 feet from the road surface and it must also meet the setback requirement for signs under 25 feet in height.

6:11.1-3 Cessation of Use

A sign that has ceased to be used must be removed within ninety (90) days from the date official notice is given by the Zoning Administrator.

6:11.1-4 Sign Construction

After the effective date of this Ordinance, all freestanding signs constructed above ground level shall have support members fabricated of metal poles, metal beams, or certified treated wood and shall be permanently attached to the ground. The exterior surfaces of all signs shall be constructed of corrosion resistant materials or be painted or treated with a weather resistant protective coating. In addition, all signs, regardless of original construction date shall be in compliance with the Standard Building Codes and the National Electric Codes as adopted by the City of Mauldin.

6:11.1-5 Sign Maintenance

Any signs not meeting the following provisions shall be repaired or removed in 30 days after receipt of notification by the Zoning Administrator.

- A. The area around the sign shall be properly maintained clear of visible.
- B. Reverse sides of signs must be properly finished with no exposed electrical wires or protrusions.
- C. All electrical signs shall bear a nationally recognized electrical testing laboratory label (such as a UL label).
- D. The supporting poles, base, face, and all sign hangers must be kept in sound condition.
- E. All burned out bulbs or damaged panels must be replaced.

6:11.1-6 Owner Responsibility

It shall be the responsibility of the sign owner to maintain and ensure conformance to the provisions of this Ordinance.

6:11.1-7 Building Graphics

Drawings painted on buildings that contain no copy, symbols, or other references to products or services shall not be considered signs and shall be exempt from the provisions of the Ordinance. Drawings painted on buildings that do contain copy, symbols, or other references to products or services shall be considered wall signs and shall be subject to the regulations of the district in which they are located.

6:11.1-8 Signs in or Over Public Right-Of-Way

No sign shall project in or over a public right-of-way.

6:11.1-9 Sign Spacing

No sign within a commercial district shall be erected within a twenty-five (25) foot radius from any residential district boundary line unless such sign would meet the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.

6:11.1-10 Sight Clearance

No sign shall encroach upon vision clearances as established in Section 6:11.1-2 and defined as the sight triangle in Article 4.

6:11.1-11 Grade Level

In cases where signs are located below the grade of the road to which they are oriented (as declared by the sign owner), sign height shall be measured from the grade of that street.

6:11.1-12 Political Campaign Signs

Signs announcing candidates seeking public office or relating to any election or public referendum shall be permitted in all districts subject to the following provisions:

- A. Such signs are confined wholly to placement on private property.
- B. Such signs are placed on the property within 30 days of the election and removed within 7 days after the election or referendum for which they were prepared has been decided.
- C. The regulations of this section do not prohibit the purchase of advertising space on permitted advertising signs in addition to the signs permitted by this Section.

6:11.2 Nonconforming Signs

Intent: Signs which were in existence prior to the adoption of this Ordinance which do not conform to the provisions of this Ordinance are declared nonconforming signs. It is the intent of this section that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.

6:11.2-1 General Provisions for Nonconforming Signs

Subject to the conditions and amortization schedule hereinafter set forth, nonconforming signs may be continued in operation and maintenance after the effective date of this Ordinance, provided that nonconforming signs shall not be:

- A. Structurally altered so as to extend their useful life.
- B. Expanded
- C. Relocated
- D. Re-established after damage or destruction of more than 50 percent of the replacement value of the same type sign at the time of such damage or destruction.
- E. Modified in any way that would increase the degree of nonconformity of such sign.

A nonconforming sign that is removed due to actions of a public agency may be replaced only after being reviewed by the Board of Zoning Appeals under the regulations set forth in Article 9.

Except in the case of (e) herein above, this shall not prevent repairing or restoring to a safe condition any part of a sign or sign structure or normal maintenance operations performed on a sign or sign structure.

In addition, it shall not prevent the display area of a nonconforming sign to be replaced or modified so long as the modification or replacement meets the other requirements listed above. A nonconforming sign that is removed due to the actions of a public agency may be replaced only after being reviewed by the Board of Zoning Appeals under the regulations set forth in Article 9.

6:11.2-2 Cessation of Nonconforming Permanent Signs

From the date of notification, signs that are in cessation of use, and signs that are prohibited by Section 6:11.4 of this Article, shall be removed according to the amortization schedule below. Signs which are nonconforming because they do not meet the dimensional requirements of this Article are not subject to this section.

6:11.2-3 Portable Signs and Mobile Signs

Portable signs and mobile signs are not permitted in any district and shall be removed within 6 months from the date of notification.

6:11.2-4 The Order in which Signs are Removed

The order in which signs are removed shall be based on their value, with the least expensive signs being removed first. The owner or operator of the sign must furnish acceptable proof of the sign's original total cost in the form of:

- A. Original value from sign permit if available, or;
- B. An original bill of sale, including installation costs, fees, etc., or;
- C. Depreciation schedules from Federal or State tax returns, or original cost;
- D. Have an independent professional appraisal done giving the best possible estimate of the cost at the time of construction.

Original Construction Cost of Sign(s)	Amortization Period
Less than \$1,000	1 Year
\$1,001 to \$2,000	2 Years
\$2,001 to \$3,000	3 Years
\$3,001 to \$6,000	4 Years
\$6,001 to \$9,000	5 Years
\$9,001 to \$12,000	6 Years
Greater than \$12,000	7 Years

6:11.2-5 Signs Made Nonconforming Due to Annexation

Such signs shall be removed or modified so as to conform according to the amortization schedules established herein, but the initiation date of the schedules shall be the effective date of the annexation Ordinance which brought the affected property into the City rather than that of this Sign Ordinance.

6:11.2-6 Method for Removal of Signs

Method for removal of signs by city contractor and charging property owner's taxes: In the event that the City's Sign Inspector determines that it is necessary under the terms of this Article to remove a sign, the Sign Inspector shall use either a city department staff or a private contractor depending upon the availability of budgeted funds and/or manpower and equipment to undertake this work. The city department doing said removal work or the city's contractor shall keep accurate records of the costs incurred which shall be submitted to the City Administrator for an inspection, verification, and approval of the quality and quantity of the work performed. The approved invoice shall then be submitted to the City Clerk for payment. The owner may pay the costs of the work directly to the City or the cost will become a lien against the real property upon which such cost was incurred and said costs shall be collected in the same manner as city taxes are collected. When private contractors are utilized, the lowest bidder shall be awarded the contract.

6:11.3 Signs for which a Permit is not Required

A permit is not required for the following types of signs, and such signs shall not be considered in determining the allowable number or size of signs on a zoning lot, provided however, that they must comply with all other applicable sections of this Ordinance.

- A. Traffic, directional, warning, or information signs owned by any public or semipublic agency provided they do not exceed 6 square feet and are located on private property.
- B. Official notices issued by any court, public agency, or officer.
- C. Signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- D. Flags and insignia of any government except when displayed in connection with commercial promotion.
- E. Integral decorative or architectural features of buildings, except letters, trademarks, moving lights.
- F. Indoor signs.
- G. Signs directing and guiding traffic and/or indicating services provided on private property but bearing no advertising matter and not exceeding 5 square feet for each sign.
- H. Signs located on the inside of windows intended for the purpose of disseminating information about special sales or promotional campaigns, provided that such signs are of a temporary nature, and are constructed of such materials and are of such a nature that clearly indicates that they are temporary.
- I. Private traffic direction signs located on the premises for which directions are indicated, not exceeding 3 square feet for each sign.
- J. **Gasoline pump signs:** Signs shall be allowed on gasoline pumps so as to provide required information to the public such as "gallons", "price", "octane rating" and "type of fuel." As the trade name of the business is often times incorporated into the name for the different types of fuel, said trade name and any associated symbols shall be permitted on the pumps as flat signs not to exceed 3 square feet in area per sign face and an aggregate area of 6 square feet per pump.
- K. **Oil rack signs:** Since oil is marketed on the pump island, the identification signs on the merchandise are visible and shall be permitted. Any additional signs on the oil rack shall not exceed 3 square feet per sign face and an aggregate area of 6 square feet per rack.
- L. **Pricing Signs:** A sign advertising the price of gasoline, other than pump signs, shall be permitted and shall not exceed 12 square feet per sign face and an aggregate area of 24 square feet, nor shall it exceed 5 feet in height, if freestanding. One such sign per on-premises frontage shall be allowed with a maximum of two such signs per premises. However, should such pricing sign be attached to, or part of, a permanent freestanding sign which identifies the premises, such sign must then conform to the requirements of freestanding signs in their respective categories.

- M. **Political campaign signs:** Signs announcing candidates seeking public office or relating to any election of public referendum shall be permitted in all districts subject to the following provisions:
1. Such signs are confined wholly to placement on private property.
 2. Such signs are placed on the property within 30 days of the election and removed within 7 days after the election or referendum for which they were prepared has been decided.
 3. The regulations of this section do not prohibit the purchase of advertising space on permitted advertising signs in addition to the signs permitted by this section.

6:11.4 Prohibited Signs

6:11.4-1 Signs Imitating Traffic or Emergency Signals

No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles, except as part of a permitted private or public traffic control sign.

6:11.4-2 Signs or Devices Employing Confusing, Distracting, or Intense Illumination when Visible from the Public Right-Of-Way

No sign shall be permitted which utilizes intense flashing (strobe type) lights, spot lights, flood lights, flashing or blinking lights, or any type of pulsating or moving lights which may impair the vision, causes glare, or otherwise interfere with any driver's operation of a motor vehicle.

6:11.4-3 Signs Employing Confusing Motion

No sign shall be permitted which employs motion in such a manner as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic, or a traffic signal, device or sign, which would otherwise interfere with a driver's operation of a motor vehicle.

6:11.4-4 Sign Lighting which is Incompatible with Residential Character

No sign shall be illuminated in such a way that it casts intense illumination onto any residential premises located in any residential district in a manner which by intensity, duration, location, or other characteristic is incompatible with the residential character of the district into which such illumination is cast.

6:11.4-5 Roof-Mounted Signs are Prohibited in all Districts

6:11.4-6 Portable Signs are Prohibited in all Districts

6:11.4-7 Mobile Signs are Prohibited in all Districts

6:11.5 Temporary Signs Permitted in any District

Non-illuminated temporary signs may be erected in any district in addition to signs permitted otherwise subject to the following provisions:

6:11.5-1 General Temporary Sign Provisions

Temporary signs shall not encroach upon vision clearances established in Section 6:11.1-2. The height of temporary signs not within established site clearance or setback areas shall be governed by the dimensional requirements of the district in which they are located.

6:11.5-2 Temporary Subdivision Signs

Temporary signs announcing a land subdivision development may be erected on the premises of the land subdivision, provided that such signs do not exceed 50 square feet in area, are set back at least 10 feet from any property line, are spaced at least 500 feet apart, and are removed within one year from the date the sign permit was issued. Extensions may be granted upon approval of the Zoning Administrator.

6:11.5-3 Contractor's Signs, Craftsmen's Signs and Other Signs Pertaining to Construction

One sign displaying the names of the building, contractors, architects, engineers, craftsmen, and similar information is permitted upon the premises of any work under construction or any work of major repair or improvement, provided that the sign does not exceed 60 square feet in area, are set back 10 feet from property line or do not encroach upon the vision clearances set forth in Section 6:11.1-2, and the sign is removed within seven days after completion of the work.

6:11.5-4 Real Estate Signs

Signs offering real estate for sale, rent, or lease provided that combined display surface area of all such signs does not exceed 4 square feet for every 100 feet of street frontage and that total display surface area shall not be required to be less than 6 square feet on any individual lot and are no more than 5 feet in height if located in the 10-foot setback.

6:11.5-5 Other Temporary Signs

Signs which disseminate information about special events or occurrences provided that the sign shall be removed within seven days of completion of the event and shall be confined to private property and shall conform to the dimensional requirements of the district in which they are located.

6:11.5-6 Combination Signs

When temporary subdivision, contractor's, and/or real estate signs are erected on a common support, the signs shall not exceed the greater of 100 square feet or 4 square feet for every 100 feet of street frontage.

6:11.6 Conversion to a Permanent Sign

6:11.6-1 Portable Trailer Signs and Mobile Signs

Portable trailer signs and mobile signs must be removed at the end of the time set forth in 6:11.2-3 above, or be converted to a permanent freestanding sign. Signs being converted to a permanent freestanding sign shall be counted towards the number of permanent signs allowed by this Article for the district in which it is located. Trailer signs which are converted must meet the definition of a freestanding sign and have the trailer assembly removed.

Section 6:11.7 Billboards and Other Off-Premise Signs

6:11.7-1 General Provisions for Off-Premise Signs

Permits shall not be required for any off-premise sign that is set forth in Section 6:11.3.

6:11.7-2 Off-Premise Signs Used in Conjunction with On-Premise Signs

Such signs shall not count towards the number of permanent signs allowed on the property on which they are located, and they shall not exceed the maximum display area set forth herein for the type of sign.

6:11.7-3 Nonconforming Signs

Notwithstanding any other provision of this chapter, any off-premise sign which was lawfully erected prior to December 9, 1996, shall be deemed to be nonconforming in accordance with Section 6:11.2.

Any off-premise sign which is repaired or maintained shall retain its nonconforming status. Billboards and off-premise signs may be relocated in accordance with the provisions of Section 6:11-7.4.

6:11.7-4 Special Provisions for Billboards (and off-premise signs). In addition to the general provisions set forth in this Article, billboards shall be subject to the following special provisions.

1. Relocation of Billboards Permitted

Notwithstanding any other provision of this chapter, any billboard which was lawfully erected prior to December 9, 1996, may be relocated to a new site, provided the relocation meets the provisions of this chapter.

2. **Criteria for Relocation of Billboards**

No billboard shall be relocated to a new site except in accordance with the general provisions of this chapter, and except as follows:

A. **Location** - Billboards shall only be permitted in S-1 and I-1 districts.

B. **Spacing** - On all streets and highways within the jurisdiction of this chapter, no billboards may be established:

i. Within one thousand (1,000) feet of any other billboard located on the same side of the street;

ii. Within five hundred (500) feet from the vertical point of any other billboard located on the opposite side of the street;

iii. Within five hundred (500) feet of residentially zoned property on the same side of and fronting the street in question;

iv. Within five hundred (500) feet of residentially zoned property on the opposite side of and fronting the street in question;

v. At intersecting streets, within five hundred (500) feet of any other billboard measured by the curb line or curb line extension. A billboard may be located at this point or at a vertical point on the opposite side of the street, provided all other criteria are met;

vi. Within one thousand (1,000) feet of any historic site, place or district that is recorded on the national register, or any public park, measured by the curb line of the existing streets and in no case within 500 feet of the boundaries of such locations. A billboard may be located at this point or at a vertical point on the opposite side of the street, provided all other criteria are met;

vii. Within one thousand (1,000) feet from the center of any designated scenic highway when locating a billboard on a street which intersects with a scenic highway.

When determining whether a proposed billboard meets the spacing requirements set forth herein, distances shall be measured from the center of the billboard and shall take into account any billboard, residential property, historic district, public park or scenic highway, regardless of whether it is located in the City of Mauldin or unincorporated area of the county.

C. **Computation of Number:**

i. **Double-Faced Sign** - Two adjacent signs on a single structure with both faces oriented in the same direction and not more than five feet apart at the nearest point between

the two faces. A double-faced sign may be referred to as a side-by-side sign or a double deck sign. A doubled-faced sign shall constitute one Outdoor Advertising Sign.

- ii. **Back-to-Back Sign** - A single structure with two parallel and directly opposite signs with their faces oriented in opposite directions located not more than five feet apart. A back-to-back or a back-to-back double-face sign shall constitute one Outdoor Advertising Sign.
- iii. **V-Type Sign** - Two signs in the shape of the letter "V" when viewed from above with their faces oriented in different directions and with an angle facing the road to which the sign is oriented of no more than 60 degrees. A V-type sign shall constitute one Outdoor Advertising Sign.

D. **Maximum Allowable Display Area:**

- i. Double-Faced - 300 square feet per face.
- ii. Back-to-Back Double-Faced - 300 square feet per face.
- iii. Back-to-Back - 672 square feet per face.
- iv. V-Type - 672 square feet per face.

Twenty (20) percent of the six hundred seventy-two (672) square feet allowable for extended copy of "pop-ups".

E. **Maximum Allowable Height**

- i. A billboard shall not exceed 35 feet in height.
- ii. All measurements shall be taken from the road grade level to which the sign is oriented.

F. **Minimum Setback from Right-of-Way**

- i. Twenty (20) feet for sign dimensions of 672 square feet (14 feet by 48 feet)
- ii. Fifteen (15) feet for sign dimensions of 300 square feet (12 feet by 25 feet)
- iv. Ten (10) feet for sign dimensions of 72 square feet (6 feet by 12 feet).

feet

G. **Abandoned Signs** - A billboard without copy shall either display copy or be removed within ninety (90) days after official notification from the Zoning Administrator.

H. **Scenic Highway** - No billboards shall be allowed on the following scenic highways and corridors: I-385 within the city limits, US 276 from I-385 to Highway 417, US 276 from Knollwood Drive to the northern city limits, East Butler Road from Hyde Circle to the city limits east of I-385.

I. **Permit Issuance**

- i. **Permits for Existing Billboards** - All billboards existing in the City which were lawfully erected prior to December 9, 1996, shall be required to be re-permitted within ninety (90) days after the effective date of this section. In order to

obtain the permit, the owner shall furnish the City with the following information on each billboard:

- (1) Location.
- (2) Color photographs of each face and support structure.
- (3) Size description of each face, excluding pop-ups.
No initial fee shall be charged for repermitting existing billboards.

ii. **Permits for Relocated Billboards** - A permit for the relocation of a billboard shall not be issued by the City unless:

- (1) An officer of the company applying for a permit to relocate a sign certifies in writing that the company has provided the information required by subsection 6:11.7-4(2)li above for all of its existing billboards in the County.
- (2) The City has certified that the off-premise sign at the original location has been completely removed.
- (3) The City has verified that the proposed billboard and its proposed location meet the criteria set forth in this section.
- (4) All other requirements for obtaining a permit have been met, including the payment of a permit fee as charged by the City Codes Department.

No permit for the relocation of a billboard shall be issued if the company requesting such permit is presently in violation of any of the provisions of this chapter.

iii. **Posting of Permits** - The City Codes Department shall issue all permits required by this section in duplicate, one of which shall be weather resistant. The owner of each billboard in the City shall be responsible for affixing the weather resistant permit to the billboard in a prominent location and for ensuring that such permit is continuously attached at all times thereafter.

iv. **Renewal** - All permits issued in accordance with this section shall be valid only for the calendar year in which they are issued and shall be renewed not later than January 15 of each calendar year. A renewal fee of seventy-five dollars (\$75.00) shall be charged. No renewal permit shall be issued if the company requesting such permit changes an

existing sign so it violates any of the provisions of this chapter.

J. **Construction of Relocated Sign**

- i. Any billboard relocated pursuant to the provisions of this chapter must be constructed within twelve (12) months from the date the permit is issued.
- ii. A relocated billboard shall have no more faces than it had at its previous location.
- iii. The face or faces of a relocated billboard shall have no more display area (square footage) per face than it had at its previous location. In no event shall the face of a relocated billboard exceed the maximum allowable display area set forth in subsection 6:11.7-4(2)D herein.

6:11.8 Signs in Residential Districts

Signs in R-12, R-15, R-20, and R-M districts are subject to the following regulations.

6:11.8-1 District Requirements

SEE TABLE 1, PAGE 6-13 and 6-14

6:11.8-2 Special Use Limitations

- A. **Home Occupation Signs:** One non-illuminated sign shall be permitted for each home occupation provided that the display surface area of such sign does not exceed 2 square feet in area and that such sign is mounted flat against the wall of the building in which such home occupation is conducted or flat against the wall of a principal structure.
- B. **Permanent Subdivision Signs:** One permanent sign per entrance displaying no information other than the name of the residential land subdivision in which they are located shall be permitted, provided that such signs do not exceed 20 square feet in area, do not encroach upon vision clearances established in Section 6:11.1-2 and are maintained in accordance with provisions of Section 6:11.1-5. Two permanent signs shall be permitted at the main subdivision entrance.
- C. **Group residential uses and non-residential uses:** Signs identifying group housing developments, mobile home parks, residential high rise structures, and permitted non-residential uses of a recreational, civic, charitable, fraternal, cultural, church bulletin, other religious, educational, institutional, governmental, and service nature, and not elsewhere regulated or specified, may be erected, subject to the following provisions:
 - 1. **Size:** Not to exceed 40 square feet of display surface area per sign.
 - 2. **Number:** One sign per street entrance not to exceed two signs per street front.

- Two signs shall be permitted at the main entrance.
3. **Height:** If building mounted, such signs shall not project above the roof line. If freestanding, such signs shall comply with Section 6:11.1-2.

6:11.9 Signs in Office and Commercial Districts

Signs in the O-D, C-1, and C-2 districts are subject to the following provisions.

6:11.9-1 District Requirements

SEE TABLE 1, PAGE 6-13 and 6-14

6:11.9-2 Special Provisions

- A. Group office and commercial developments: Where two or more separate tenants occupy the same parcel or where the obvious intent is to function as a single center, one freestanding sign shall be permitted per street front of each development. Each sign shall not exceed 1 square foot of display surface area for each linear foot of street frontage or 225 square feet, whichever is less. Where a single freestanding sign is used in lieu of two allowable freestanding signs, the display area may be increased to 300 square feet. The permitted freestanding sign shall contain only the name of the shopping center or group commercial development on which it is located.

In addition to the requirements above, separate placards shall be allowed for the use of the individual tenants. Each placard shall have a standard height of 24 inches and must be affixed to the sign support or sign base in a permanent fashion. The placards shall also have a standard width, which shall not exceed, in any instance, the width of the host sign. Individual placards shall be located below the freestanding sign and they shall not count toward the maximum size of the freestanding host sign. One or more tenants may occupy copy area on the individual placards which may only bear the name of the tenant.

A changeable display sign shall also be allowed in addition to the freestanding sign and not be counted toward the maximum number of square feet allowed. The changeable display sign shall not exceed 50 square feet, it shall be attached in a permanent fashion to the sign support, sign base, or the existing sign itself and located entirely within the width of the host sign.

In addition, each tenant shall be allowed one wall sign not to exceed 20 percent of the useable wall area of that tenant.

Where two or more tenants own adjoining parcels and the intent is not to function as a single center, signs shall be governed by the district in which they are located.

- B. In addition to the above, each motion picture theater located on the premises may erect one freestanding sign not to exceed 50 square feet in display surface area.

- C. Other regulations governing freestanding signs shall be provided by Section 6:11.1.
- D. In addition to the above, one rear or service entrance wall sign is allowed not to exceed 10 square feet in area.

6:11.10 Signs in Service and Industrial Districts

Signs in S-1 and I-1 districts are subject to the following provisions:

6:11.10-1 District Requirements

SEE TABLE 1, PAGE 6-13 and 6-14

6:11.10-2 Special Provisions

Group industrial developments: Where two or more separate tenants occupy the same parcel or where the obvious intent is to function as a single center, two freestanding signs shall be permitted per street front of each development. Each sign shall not exceed 1 square foot of display surface area for each linear foot of street frontage or 225 square feet, whichever is less. Where a single freestanding sign is used in lieu of the two allowable freestanding signs, display area may be increased to 300 square feet.

In addition, each tenant shall be allowed one wall sign not to exceed 20 percent of the useable wall area of that tenant.

Where two or more tenants own adjoining parcels and the intent is not to function as a single center, signs shall be governed by provisions of the district in which they are located.

6:11.11 Signs in PD-R and PD-C Districts

No specific regulations are imposed upon signs located in PD-R and PD-C Districts. However, it is the intent of this Ordinance that signs within PD-R and PD-C districts be appropriate for the locations in which they are established, and that regulations governing the display surface area, number, location, and height of signs should be generally followed as for the least restrictive zone related to site size of the development, as set forth in Section 5:11.3.

6:11.12 Variances to Sign Requirement

Request for variances to the provisions set forth in this Article will be reviewed by the Board of Zoning Appeals as set forth in Article 7.

6:11.13 Violations and Penalties

Violations of the provisions of this Article shall be subject to the penalties set forth in Article 14 of the Zoning Ordinance.

Section 6:12 Home Occupation

Any activity carried out for gain by a resident conducted as an accessory use in the resident's principal dwelling unit.

6:12.1

Persons other than those residing in the home, engaged in the occupation, shall be limited to only one employee who works a maximum of twenty (20) hours a week. Employee position will be listed on the business license application, as well as the occupant certifying compliance.

6:12.2

The occupation shall not involve the retail sale of merchandise manufactured off the premises.

6:12.3

No display of merchandise shall be visible from the street. There shall be no outside storage of equipment, vehicles, or supplies associated with the home occupation.

6:12.4

The occupation shall not be a nuisance or cause any undue disturbance in the neighborhood.

6:12.5

No sign shall be permitted, except one non-illuminated nameplate not more than 2 square feet in area mounted flat against the wall of the principal building in which the occupation is conducted.

6:12.6

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9 of this Article.

6:12.7

The home occupation shall be carried on completely inside the living area and shall be limited to 25 percent of the floor area of the principal structure.

6:12.8

The number of patrons of the home occupation shall be limited to two (2) at any one time and the number of patron's vehicles shall not exceed two (2) at any one time.

6:12.9

The following home occupations shall be permitted. Other home occupations may be permitted by the Board of Zoning Appeals in accordance with the provisions of Article 7 and the aforementioned requirements.

- Accounting
- Art instruction
- Attorney
- Barber
- Beautician
- Dress making
- Insurance agent
- Ironing
- Manufacturer's representative
- Music teacher
- Notary public
- Photographer
- Real estate agent
- Secretarial service
- Sewing
- Tailoring
- Tax consultant
- Tutoring
- Typing

Section 6:13 Single-Family Attached and Multifamily Development

Plans for a single-family attached or multifamily development containing three or more dwelling units shall be submitted to the City Building Department for approval. The plans shall include the following data and any other reasonable information the Building Department may require in its review of the plans.

- A. The location and size of the site.
- B. Density of land use proposed for various parts of the site.
- C. The location and size of any roads within the apartment complex.
- D. The location of all parking.
- E. The location of all street lights within the complex.
- F. The location, size, and type of recreation provided.
- G. The height of each structure in the development.
- H. A complete drainage plan of the entire site, meeting the requirements prescribed in the Mauldin City Drainage Ordinance.
- I. The location and type of material to be used in the visual screen surrounding property.

In addition to the above information, the following will be required.

- A. A copy of covenants, grants, or easements, or other restrictions proposed to be imposed upon the use of land, buildings, and structures including proposed easements or grants for public utilities.
- B. A schedule showing the proposed times for constructing the development.

6:13.1 Roads

All roads or drives within the apartment development shall be no less than 24 feet in width with extruded curbs and gutter and 4 inches of rock base or 3 inches of hot laid asphaltic binder covered by 1-1/2 inches of hot laid asphalt. If the roads are to be conveyed to the City of Mauldin, a 50 foot right-of-way shall be provided and all county subdivision regulations shall be met.

In determining minimum area requirements for single-family attached and multiple-family developments, an interior public right-of-way shall not constitute an exterior property line.

6:13.2 Yard Requirements

No structure shall be constructed closer than 15 feet to an exterior property line of the total development. No structure shall be located closer than 35 feet to a public right-of-way.

6:13.3 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Article 6, Section 6:9.

6:13.4 Street Lights

Adequate street lighting shall be provided in all apartment or group housing developments.

6:13.5 Recreation Area

Two hundred square feet of useable recreation area will be provided for each dwelling unit in addition to yard and common areas. A minimum of fifty percent of this area shall be for outdoor recreation. If the recreation area is developed as a swimming pool, it shall meet all State and County Health Department requirements and shall have a fence not less than 6 feet in height.

6:13.6 Height

No building shall exceed 35 feet in height except as provided in Article 6, Section 6:7.

6:13.7 Drainage

A complete drainage plan of the entire site, meeting the requirements prescribed in the Mauldin City Drainage Ordinance must be submitted for approval.

Section 6:14 Game Courts, Swimming Pools, and Satellite Dish Antennas

Game courts, swimming pools, and satellite dish antennas are allowed as accessory uses in residential districts in conjunction with one family, one family mobile home, and two-family dwellings, subject to the following provisions:

- A. Game courts, swimming pools, and satellite dish antennas shall be located in the rear yard.
- B. Game courts, swimming pools, and satellite dish antennas shall be set back not less than 5 feet from any lot line.
- C. Setback requirements for game courts, swimming pools, and satellite dish antennas on corner lots shall be the same as those for accessory buildings.
- D. Game courts shall not occupy more than 65 percent of the rear yard, and swimming pools and satellite dish antennas shall not occupy more than 50 percent of the rear yard.
- E. Lighting for game courts and swimming pools shall have proper shielding from glare.
- F. All satellite dish antennas shall employ (to the extent possible) materials and colors that blend with the surroundings.

Section 6:15 Additional Minimum Setback Requirements for Certain Streets

6:15.1 Purpose

For purposes of coordinating the provisions of this Ordinance with the Greenville Urban Area Transportation Improvements Program and any proposed street improvements, certain minimum setbacks, measured from the center lines of certain streets, are established as set forth in Section 6:15.2 below. The intent of the section is to allow for the improvement of the street system in an orderly and effective manner. Construction within areas proposed for street improvements requires subsequent expenditure of public funds and creates inconvenience for property owners adjacent to such streets.

Therefore, in order to conserve public funds and to protect property values of property owners adjacent to certain streets, minimum setbacks have been established.

Section 6:15.2 Relation to Generally Required Setbacks

Other sections of this Ordinance require certain setbacks which are measured from property lines or from street right-of-way lines. The rules of those sections apply generally to property located on all streets within the City of Mauldin. Minimum setbacks established by this section apply to property located generally on certain specified major street segments within the City. In establishing which setback shall apply to any specific parcel of property, reference must be made both to general setbacks as established elsewhere herein and also to the minimum setbacks established for certain street segments by this section. The greatest setback established in either instance shall be the required setback.

6:15.3 Yards

Where any required yard abuts upon the street on which an official setback line or building line has been established by Section 6:15, such setback line or building line shall be considered as a property line for the purpose of measuring the depth for any yard requirements.

6:15.4 Parking

The development of the area within the setback area for parking is allowed. Any parking spaces developed within the setback area, however, shall not be counted towards the permanent off-street parking requirements as set forth in Section 6:9.

6:15.5 Establishment of Setbacks

In addition to the required setback of the respective zoning classification, minimum setbacks for the following specified street segments, measured from the center line of the specified street, shall be:

Street Name	Street Section	Setback
East Butler Road	Main Street to City Limits	45 feet
West Butler Road	Main Street to City Limits	45 feet
Main Street (U.S. 276)	Within City Limits	45 feet
Holland Road	Within City Limits	45 feet

Section 6:16 Communication Towers

6:16.1 Purpose and Intent

The purpose of this Ordinance is to protect the health, safety, welfare, and property values of the citizens of Mauldin from potential adverse affects caused by the proliferation of telecommunication towers. The intent is to minimize hazards from tower failure and falling ice, as well as hazards to low-flying aircraft, and personal injury to unauthorized persons scaling these towers. By maximizing the use of existing telecommunication towers and other suitable structures, the natural beauty of the City of Mauldin can be preserved.

6:16.2 Location

Communication towers may be located in the following zoned areas in the City of Mauldin:

- A. Communication towers are permitted as a principal use in the C-2, S-1, and I-1 Zoning Districts, if located at least 25 percent of the height of the tower from a residential district

and are subject to the applicable setback requirements of the district in which they are located. Communication towers may be approved as a Use Permitted by Special Exception by the Board of Zoning Appeals in the C-2, S-1, and I-1 zoning districts where the tower is located within 25 percent of the tower height of a residential district and are subject to the applicable setback requirements of the district in which they are located.

- B. Communication towers are not permitted in single-family or multifamily residential zoning districts unless they comply with the ancillary use requirements as defined in (C) below.
- C. Communication towers are permitted as an ancillary or secondary Use Permitted by Special Exception by the Board of Zoning Appeals on residentially or nonresidentially zoned sites where another use (other than single-family or duplex use) is already established as the principal use of the property, such as a school, church, multifamily residential complex, shopping center, office building, public utility site, or other similar use provided the principal use complies with applicable zoning and subdivision regulations. On sites zoned O-D or C-1 adjacent to a residential district, or sites located within a residential district, the minimum setback of the zoning district in which it is located is increased by one foot for each one foot of tower height in excess of 40 feet from all residential property lines. The maximum required setback is 200 feet.
- D. In the C-1 and O-D Zoning Districts, communication towers are permitted as a Use Permitted by Special Exception by the Board of Zoning Appeals and are subject to the requirements of the district in which they are located. In the PD and C-1N Zoning Districts, communication towers are permitted as a Use Permitted by Special Exception by the Mauldin City Planning Commission and are subject to the requirements of the district in which they are located.
- E. A proposed freestanding tower shall not be constructed within 200 feet of the right-of-way of any designated scenic highway, nor within 200 feet of a property listed on the National Register of Historic Places except upon approval by the Board of Zoning Appeals as a Use Permitted by Special Exception.

6:16.3 Application Procedure

All applications for construction of communication towers or placement of telecommunications antenna in the City of Mauldin shall be made to the office of the Mauldin City Building Codes and Zoning Administrator. The application shall be accompanied by the application fee of \$200.00. If a public hearing is necessary, notice of the hearing shall be published in a newspaper of general circulation, at least fifteen (15) days prior to the hearing. The notice shall be blocked in, carry an appropriate descriptive title, and shall state the time, dates, and place of the hearing. The Mauldin city staff shall properly post and maintain on the property a Notice of Public Hearing at least ten (10) days prior to the date of the hearing. The City of Mauldin shall notify the Greenville County Planning Commission staff who shall submit a written review and recommendation of the application to the Board of Zoning Appeals or Mauldin City Planning Commission. Following the public hearing the Board or Commission will evaluate the staff's recommendation in its consideration of the application. The Board or Commission may impose additional or more restrictive requirements if it is determined that it is within the best public interest.

Each application for a Use Permitted by Special Exception by the Board of Zoning Appeals or Planning Commission for a communication tower shall include the following information in addition to the general information required by this Ordinance.

Site Plan, which shall include the following information:

1. the location and height of the proposed tower(s), guy anchors (if any), and required setbacks;
1. transmission building and other accessory uses;
2. parking;
4. access;
5. landscaped areas;
6. fences;
7. adjacent land uses and zoning;
8. photos of the site and immediate area; and
9. statements and documentation as required in Section 6:16.9.

Prior to approving a Site Plan, the Board of Zoning Appeals or the Mauldin City Planning Commission, as applicable, must make the following findings:

1. the proposed structure will not endanger the health and safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of such structure;
2. the proposed structure will not impair the use of or prove detrimental to neighboring properties;
3. the proposed structure is necessary to provide a service that is beneficial to the surrounding community;
4. the permitted use meets the setback requirements of the underlying zoning district in which it is located;
5. the proposed tower is located in an area where it does not substantially detract from aesthetics and neighborhood character;
6. the proposed use is consistent with potential land uses recommended in the General Development Plan for the City of Mauldin, and
7. within residentially zoned areas, communication towers shall not be located within 1,000 feet of another communication tower unless such towers are located on the same property.

6:16.4 Height

Freestanding communication towers shall have a maximum height of 200 feet. Additional height, up to 300 feet, may be approved as a Use Permitted by Special Exception by the Board of Zoning Appeals. For communication towers on buildings, the maximum height shall be 20 feet above the roofline of buildings 40 feet or less in height, and 40 feet above the roofline of buildings 50 feet in height or greater.

6:16.5 Landscaping

Landscaping shall be required as follows:

- A. Around the base of the communication tower, outside of the security fence, at least one row of evergreen shrubs capable of forming a continuous hedge at least 5 feet in height shall be provided, with individual plantings spaced not more than 5 feet apart. In addition, at least 1 row of evergreen trees with a minimum caliper of 1-3/4 inches at the time of planting and spaced not more than 25 feet apart shall be provided within 50 feet of the perimeter security fence.
- B. The landscaping requirements may be waived in whole or in part by the Zoning Administrator if it is determined that existing natural vegetation provides adequate screening or if the Zoning Administrator determines that the landscaping requirements are not feasible due to physical constraints or characteristics of the site on which the communication tower is to be located. Where the physical constraints or characteristics of the site are such that the landscaping cannot be located as prescribed above, the Zoning Administrator may require that plant material be placed in another, feasible location on site, which would serve to meet the intent of the landscaping requirements.
- C. All required landscaping shall be installed according to established planting procedures using good quality plant materials.
- D. A Certificate of Occupancy shall not be issued until the required landscaping is completed in accordance with the approved Landscape Plan and verified by an on-site inspection by the Zoning Administrator or the Zoning Administrator's designee, unless such landscaping has been waived in accordance with (B), above. A temporary Certificate of Occupancy may, however, be issued prior to completion of the required landscaping if the owner or developer provides to the City a form of surety satisfactory to the City Attorney and in an amount equal to the remaining plant materials, related materials, and installation costs as agreed upon by the Zoning Administrator or the Zoning Administrator's designee and the owner or developer.
- E. All required landscaping must be installed and approved by the first planting season following issuance of the temporary Certificate of Occupancy or the surety bond will be forfeited to the City.
- F. The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing unhealthy or dead plant materials within one year or by the next planting season, whichever first occurs. Replacement materials shall conform to the original intent of the Landscape Plan.
- G. Eight-foot high fencing shall be provided around the communication tower and any associated building.

6:16.6 Illumination

Communication towers shall only be illuminated as required by the Federal Communications Commission and/or Federal Aviation Administration.

6:16.7 Signage

A single sign for the purposes of emergency identification shall be permitted. The permitted sign shall not exceed two square feet in area and shall be attached to the fence surrounding the tower. Under no circumstances shall any signs for purposes of commercial advertisement be permitted.

6:16.8 Access to Site

Each parcel on which a communication tower is located must have access to a public road 20 feet in width.

6:16.9 General Requirements

Communication towers, in addition to the requirements set forth above, must also comply with the following requirements:

- A. A statement shall be submitted from a registered engineer that the NIER (Non-ionizing Electromagnetic Radiation) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards by any regulatory agency of the United States Government or the American National Standards Institute. For roof mounted communication towers, the statement regarding the NIER shall address spaces which are capable of being occupied within the structure on which the communication tower is mounted.
- B. Communication towers and their foundations shall meet the requirements of the Standard Building Code for wind and seismic loads. Drawings and calculations shall be prepared and sealed by a South Carolina Registered Professional Engineer and shall be submitted with the building permit application.
- C. All communications towers and supporting facilities shall be subject to periodic reinspection(s) by the Building Standards Department. If any additions, changes, or modifications are proposed to the site or its components, proper plans, specifications, and calculations shall be submitted for permit approval to the Building Standards and Zoning Departments. Prototypical drawings indicating various types of antenna(s) to be located on the communication tower may be submitted at the time of the appropriate permit application. Additional antennas may be added to the communication tower without additional permits or inspections so long as electrical wiring is not required.
- D. Unless otherwise required by the F.C.C. or the F.A.A., communication towers shall be light grey in color.
- E. Satisfactory evidence shall be submitted, with the building permit application for a freestanding communication tower, that alternative towers, buildings, or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from AM towers.

- F. A communication tower must be removed within 120 days of the date such tower ceases to be used for communication purposes.

COMMUNICATION TOWER USE LOCATION MATRIX

Communication towers are allowed in all zoning districts in the City of Mauldin subject to the following restrictions:

Zoning District	Permitted Use	Use by Special Exception	All Setbacks
R-20		X	District requirements, plus one (1) foot for each one (1) foot of tower height in excess of 40 feet. 200 foot maximum.
R-15		X	Same as above.
R-12		X	Same as above.
R-10		X	Same as above.
R-M1		X	Same as above.
R-M		X	Same as above.
OD		X	District requirements, or district requirements, plus one (1) foot for each one (1) foot of tower height in excess of 40 feet if located adjacent to a residential district. 200 foot maximum.
C-1		X	District requirements, or district requirements, plus one (1) foot for each one (1) foot of tower height in excess of 40 feet if located adjacent to a residential district. 200 foot maximum.
C-1N		X	District requirements.
PD		X	District requirements.
C-2, S-1, I-1		X	District requirements, if located within 25% of the tower height of a residential district.
C-2, S-1, I-1	X		District requirements, if located at least 25% of the tower height from a residential district.

* Freestanding towers shall have a maximum height of 200 feet, or may be allowed up to 300 feet as a Use Permitted by Special Exception.

- * For towers on buildings, the maximum height shall be 20 feet above the roofline of buildings 40 feet or less in height, and 40 feet above the roofline of buildings 50 feet in height or greater.

Section 6.17 Landscaping and Design Requirements

6.17.1 Purpose

The purpose of this section is to provide landscaping and design requirements for all properties, other than single family detached dwellings, to encourage preservation of existing trees, to protect the air, soil, and water from contamination, and to make the city more attractive to residents, businesses, and visitors. No part of this section may be construed as prohibiting the owner from developing his property in a manner allowed by this ordinance and the adopted codes, nor shall it prohibit a public utility, public entity, or authorized agent thereof from maintaining or improving their easements or right-of-ways. The requirements of this section shall apply whenever there is a change in use of the property as defined by the adopted codes, or whenever improvements are made in excess of fifty (50) percent of the assessed value of the property.

6.17.2 Tree Preservation

Prior to initiating any land clearing activity, other than operation of a bona fide tree farm, the property owner or developer shall submit a “tree survey” to the Building and Zoning Director for review and approval which shows the location, species, and size of any trees which are in excess of ten (10) inches in diameter, and which identifies those trees that will be preserved. At least twelve (12) trees in excess of ten (10) inches in diameter shall be preserved per acre or portion thereof. If it is not feasible to preserve the required number of qualifying trees or if there are no qualifying trees to preserve, at least twenty-four (24) new trees which are at least four (4) inches in diameter shall be planted per acre or portion thereof, at least half of which shall be planted in and around the parking lot prior to issuance of a certificate of occupancy. Only trees from the tree list herein shall be counted toward meeting this requirement unless the species is approved by the Building and Zoning Director. In no case may any tree in excess of thirty (30) inches in diameter be removed without the written consent of the City Council. All tree diameter measurements shall be made with calipers at the narrowest width at a height of four and one-half (4½) feet above grade. No land clearing activity shall be permitted in a designated flood hazard area unless a “no rise” certification from a qualified surveyor or engineer is submitted with the “tree survey”. Where any provision of this ordinance conflicts with the tree preservation requirements of section 21 of the Mauldin Municipal Code, the more restrictive requirement shall apply.

6.17.3 Landscaping

A buffer not less than ten (10) feet in width shall be maintained between the road right-of-way and the parking lot or structure on any lot, other than one occupied by a single family detached

dwelling, for the purpose of planting landscaping materials. At least one (1) tree which is at least four (4) inches in diameter and thirty (30) shrubs from the approved list shall be planted for every thirty (30) feet of road frontage. No tree shall be planted within eight (8) feet of the road right-of-way. Where overhead utility lines exist and may interfere with the growth of the trees, the Building and Zoning Director may approve the substitution of three (3) low growing trees or large shrubs for each required tree. All other shrubs planted in the landscape buffer shall be low growing or dwarf varieties which are a minimum one (1) gallon size at planting, and which do not ordinarily exceed three (3) feet in height at maturity. Monument signs located within the landscape buffer must comply with the eight (8) foot sign setback from the road right-of-way required in section 6.11.2 herein. Pylon signs must be located outside of the landscape buffer.

6:17.4 Parking Lot Trees

One tree from the approved tree list shall be planted for every ten (10) spaces located in the parking lot. Such tree shall be at least four (4) inches in diameter at the time of planting. All such trees shall be protected against vehicular damage by means of curbs, curb stops, bollards, retaining walls, or other approved means. No other landscaping material is required in the parking lot.

6:17.5 Landscaping Plan Requirements

A landscaping plan shall be submitted for review and approval by the Building and Zoning Director prior to issuance of any building permit for any change in use or improvements in excess of fifty (50) percent of the assessed value. Such landscaping plan shall be drawn on a scale no smaller than one inch being equal to 50 feet (1" = 50'). The landscaping plan shall show the location of all qualifying trees that have been preserved, all trees to be planted, all shrubs to be planted, all road and utility right-of-way lines, all driveways, all parking lots, all structures, all exterior lighting, and any other improvements, either existing or proposed, on the subject property. No certificate of occupancy shall be issued until all landscaping material has been planted in accordance with the approved plan.

6:17.6 Maintenance

The owner of the property shall be responsible for maintaining all required vegetation including replacing any dead or diseased vegetation, mulching, weeding, watering, and pruning as needed.

6:17.7 Dumpster Enclosures, Storage Yards, and Loading Docks

All dumpsters, compactors, and outside storage yards shall be enclosed inside an eight (8) foot tall wall, opaque fence, or fence and evergreen hedge which hides the dumpster, compactor, or outside storage yard from view. All loading docks shall be screened from view from all road right-of-ways by a six (6) foot tall evergreen hedge.

6:17.8 Equipment Enclosures

All cooling towers, air conditioning condensers, and other equipment mounted on the roof of a structure or on the ground shall be enclosed inside a wall, opaque fence, or fence and evergreen hedge which hides the equipment from view.

6.17.9 Building Facades

Exterior building facades which are visible from any other property or road right-of-way shall not be constructed of unfinished concrete block, cast concrete, or metal unless such construction is required by the adopted codes for the type of use and occupancy, in which case that wall shall be screened by a row of evergreen shrubs which are capable of hiding the wall from view within three (3) years of planting. No intense or distracting colors or color schemes shall be used on any structure, other than a single family detached dwelling or its accessory structures, unless specifically approved in writing by the Building and Zoning Director. Appeals of the decision of the Building and Zoning Director shall be heard as provided by section 9 herein.

6:17.10 Tree List

American Beech	(Fagus Grandifolia)
American Chestnut	(Castenea Dentata)
American Holly	(Ilex Opaca)
American Hornbeam	(Carpinus Caroliniana)
American Linden	(Tilia Americana)
American Sycamore	(Platanus Occidentalis)
Bald Cypress	(Taxodium Distichum)
Black Cherry	(Prunus Serotina)
Black Gum	(Nyssa Sylvatica)
Black Mulberry	(Morus Nigra)
Black Oak	(Quercus Velutina)
Black Walnut	(Juglans Nigra)
Box Elder	(Acer Negundo)
Cabbage Palm	(Sabal Palmetto)
Carolina Basswood	(Tilia Caroliniana)
Carolina Hemlock	(Tsuga Caroliniana)
Chinese Elm	(Ulmus Parvifolia)
Deodar Cedar	(Cedrus Deodar)
Eastern Hop Hornbeam	(Ostrya Virginiana)
Eastern Redbud	(Cercis Canadensis)
Ginkgo – male specimens	(Gingko Biloba)
Green Ash	(Fraxinus Pennsylvanica)
Horse Chestnut	(Aesculus Hippocastanum)
Live Oak	(Quercus Virginiana)
Laurel Oak	(Quercus Laurifolia)
Lombardy Poplar	(Populus Nigra)

London Planetree	(Platanus X Acerifolia)
Mockernut Hickory	(Carya Tomentosa)
Norway Maple	(Acer Platanoides)
Pecan	(Carya Illinoensis)
Pignut Hickory	(Carya Glabra)
Planetree Maple	(Acer Pseudoplatanus)
Redbay	(Persea Borbonia)
Red Buckeye	(Aesculus Pavia)
Red Maple	(Acer Rubrum)
Red Mulberry	(Morus Rubra)
Red Oak	(Quercus Rubra)
River Birch	(Betula Nigra)
Sassafras	(Sassafras Albidum)
Shagbark Hickory	(Carya Ovata)
Silver Maple	(Acer Saccharinum)
Sourwood	(Oxydendrum Arboreum)
Southern Magnolia	(Magnolia Grandiflora)
Sugar Maple	(Acer Saccharum)
Sweetgum	(Liquidambar Styraciflua)
Tulip Tree	(Liriodendron Tulipifera)
Water Oak	(Quercus Nigra)
White Ash	(Fraxinus Americana)
White Mulberry	(Morus Alba)
White Oak	(Quercus Alba)
Willow Oak	(Quercus Phellos)

6:17.11 Small Trees / Large Shrubs

American Smoketree	(Cotinus Obovatus)
Amur Maple	(Acer Ginnala)
Bay Laurel	(Laurus Nobilis)
Bradford Pear	(Pyrus Calleryana)
Burford Holly	(Ilex Cornuta Burfordii)
Catawba Rhododendron	(Rhododendron Catawbiense)
Common Camellia	(Camellia Japonica)
Crape Myrtle	(Lagerstroemia Indica)
Downy Serviceberry	(Amelanchier Arborea)
Eastern Redbud	(Cercis Canadensis)
Eastern Red Cedar	(Juniperus Virginiana)
Flowering Dogwood	(Cornus Florida)
Fragrant Winter Hazel	(Corylopsis Glabrescens)
Fringetree	(Chionanthus Virginicus)
Green Hawthorn	(Crataegus Viridis)
Hedge Maple	(Acer Campestre)
Japanese Dogwood	(Cornus Kousa)

Japanese Crabapple	(Malus Floribunda)
Japanese Maple	(Acer Palmatum)
Japanese Yew	(Taxus Cuspidata)
Leyland Cypress	(Cupressocyparis X Leylandii)
Mountain Laurel	(Kalmia Latifolia)
Russian Olive	(Elaeagnus Angustifolia)
Saucer Magnolia	(Magnolia X Soulangeana)
Trident Maple	(Acer Buergerianum)
Yoshino Cherry	(Prunus Yedoensis)

6:17.12 Shrubs

American Elderberry	(Sambucus Canadensis)
American Filbert	(Corylus Americana)
Arrowwood	(Viburnum Dentatum)
Azalea (all low varieties)	(R. Pentanthera and R. Tsutsusi cultivars)
Beautyberry	(Callicarpa Dichotoma)
Beautybush	(Kolkwitzia Amabilis)
Bluebeard	(Caryopteris X Clandonensis)
Boxwood	(Buxus Sempervirens)
Bridal Wreath Spirea	(Spiraea Prunifolia)
Butterfly Bush	(Buddleia Davidii)
Carolina Allspice	(Calycanthus Floridus)
Carolina Rhododendron	(Rhododendron Carolinianum)
Chinese Holly	(Ilex Cornuta)
Common Lilac	(Syringa Vulgaris)
Common Privet	(Ligustrum Vulgare)
Dwarf Fothergilla	(Fothergilla Gardenii)
Dwarf Pomegranate	(Punica Granatum)
English Holly	(Ilex Aquifolium)
Evergreen Euonymous	(Euonymous Japonica)
Flowering Quince	(Chaenomeles Speciosa)
Forsythia	(Forsythia X Intermedia)
Gardenia	(Gardenia Jasminoides)
Hinoki Cypress	(Chamaecyparis Obtusa)
Hydrangea	(Hydrangea Arborescens)
Japanese Holly	(Ilex Crenata)
Japanese Laurel	(Aucuba Japonica)
Juniper	(Juniperus Communis)
Leatherwood	(Dirca Palustris)
Mountain Andromeda	(Pieris Floribunda)
Nandina	(Nandina Domestica)
Oleander	(Nerium Oleander)
Red Chokeberry	(Aronia Arbutifolia)
Rose-of-Sharon	(Hibiscus Syriacus)

Shrubby Cinquefoil	(Potentilla Fruticosa)
Star Magnolia	(Magnolia Stellata)
Sweet Fern	(Comptonia Peregrina)
Sweet Mock Orange	(Philadelphus Coronarius)
Sweet Pepperbush	(Clethra Alnifolia)
Sweetspire	(Itea Virginica)
Tree Peony	(Paeonia Suffruticosa)
Wax Myrtle	(Myrica Cerifera)
Weigela	(Weigela Florida)
Wintergreen Barberry	(Berberis Julianae)
Yaupon	(Ilex Vomitoria)

Section 6:18, Cluster Development and Open Space

6:18.1 Intent

This section is established to encourage residential subdivision development that clusters homes to preserve open space for recreational and environmental reasons. The purpose of cluster development is to provide a method of land development that permits variation in lot sizes without an increase in the overall density of population or development. This allows the subdivision of land into lots of varying sizes which will provide home buyers a choice of lot sizes according to their needs, while at the same time, preserving open space, tree cover, scenic vistas, natural drainage-ways, and outstanding natural topography. Such measures prevent soil erosion and flooding by allowing development to occur according to the nature of the terrain; provide larger open areas with greater utility for rest and recreation; and encourage the development of more attractive and economical site design.

The developer, while still building the same number of homes, is able to provide a more economical product to the consumer by reducing the overall cost of required sewer, roads, and other infrastructure. Cluster development facilitates the economic and efficient provision of public services as well. The resultant subdivision benefits from the open, recreational space and by the placement of houses in a manner more conducive to better social interactions among neighbors.

6:18.2 Permitted Density

The overall density of a cluster development may be found in the following table. All densities are based on the total number of dwelling units divided by the total number of acres (both developed land and undeveloped open space).

PERMITTED DENSITIES BY ZONING DISTRICT			
ZONING CLASS	DWELLING UNITS/ACRE	ZONING CLASS	DWELLING UNITS/ACRE
R-20	2.2	R-10	4.4
R-15	2.9	R-M1	8.7
R-12	3.6	R-M	7.3

6:18.3 Minimum Areas

There is no required minimum lot area per dwelling unit, unless otherwise required by DHEC. The minimum tract area for a cluster residential development shall be two (2) acres. The minimum area shall consist of contiguous parcels, not divided by an existing public or private road or a recreational or navigable body of water.

6:18.4 Yard Requirements

There are no minimum lot width or yard requirements, except as required herein, or those required by DHEC and/or the adopted codes.

6:18.5 Setback

Setbacks from external roads shall comply with the requirements of the zoning district. In no case shall any structure be located within 25 feet of the exterior of the cluster development.

6:18.6 Required Open Space and Buffer Areas

In order for a site to be considered for a cluster residential development, a minimum percentage of the total acreage must be designated as open space. On property zoned R-20, the minimum percentage of required open space shall be thirty percent (30%). The open space in R-20 may include both developable and undevelopable land. On property zoned R-15, R-12, R-10, R-M1, or R-M the minimum percentage of required open space shall be fifteen percent (15%). Of that land dedicated for open space, a minimum of fifty percent (50%) of the total open space must be considered developable land, as defined in Article 4, Definitions.

Land dedicated as open space shall be of meaningful proportions and dimensions so as to be consistent with the purpose and intent of this section. The open space shall be contiguous to the extent practicable. Land dedicated to open space shall not include land dedicated for uses such as community swimming pool(s), clubhouse(s), and similar uses. Recreational lakes or ponds used for stormwater management may be included in the land designated as open space. Fenced detention or retention areas used for stormwater management shall not be included in the calculation of required open space.

6:18.7 Open Space Ownership, Dedication, and Management

A. Open Space Ownership - The type of ownership of land dedicated for open space purposes shall be selected by the owner and developer, or subdivider. Type of ownership may include, but is not necessarily limited to, the following:

1. The City, subject to acceptance by the governing body;
2. Other public jurisdictions or agencies, subject to their acceptance;
3. Non-profit or quasi-public organizations committed to the protection and conservation of open space, subject to their acceptance;
4. Homeowner or cooperative associations or organizations; or

5. Shared, undivided interest by all property owners within the subdivision.

B. Homeowner=s Association - All common open space, any common areas or common facilities within the cluster residential development shall be permanently protected by recorded covenants and restrictions and shall be conveyed by the property owner(s) to a homeowner=s association or other legal entity under the laws of the State of South

Carolina, or may be deeded to the municipality with a trust clause ensuring that it be maintained as open space, or to a private non-profit organization which is committed to the protection and conservation of open space.

- C. Maintenance of Open Space - The person(s) or entity identified above, as having the right to ownership or control over open space, shall be responsible for its continuing upkeep and proper maintenance.

6:18.8 Effective Date

Any subdivision under consideration by the Planning Commission after the effective date of this ordinance is eligible to be considered for cluster development, based on the requirements herein. Any subdivision approved prior to the effective date of this ordinance is required to be reconsidered by the Mauldin City Planning Commission in accordance with the Mauldin City Land Development Regulations.

ARTICLE 7 PROVISIONS FOR USES PERMITTED BY SPECIAL EXCEPTION

Section 7:1 General Provisions

The Board of Zoning Appeals may issue permits for those uses permitted on review which are in accordance with the provisions of this Ordinance and the specific conditions set forth below.

The Board may grant or deny or modify a request for a use permitted by special exception after a public hearing has been held on the written request submitted by an applicant. It may also attach any necessary conditions such as time limitations or requirements that one or more things be done before the request can be initiated. Additionally, the Board may require an acceptable bond to ensure that uses allowed by special exception are completed consistent with time limitations or requirements. The Board shall act on the request for uses permitted by special exception within 75 days of the date of submittal. Failure to act within 75 days shall constitute approval of the request.

If the request is granted the Board shall determine that:

- A. The use meets all required conditions;
- B. The use is reasonably necessary for the public health or general welfare;
- C. The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar services; and
- D. The use will not violate neighborhood character nor adversely affect surrounding land uses.

If the Board denies the request, the reasons shall be entered in the minutes of the meeting at which the permit is denied.

In granting the permit, the Board may designate such reasonable and appropriate conditions in addition to the specific conditions contained in this Ordinance to assure that the proposed use will be in harmony with the area in which it is to be located and with the spirit of this Ordinance.

No use permitted by special exception shall be approved by the Board of Zoning Appeals until the Zoning Administrator has reviewed the application and submitted a report on the proposal to the Board of Zoning Appeals.

Section 7:2 Mobile Home Parks

Mobile home parks shall be permitted only in the R-M district as prescribed in Article 5, Section 5:4, within the area zoned. The following regulations shall apply to all mobile home parks.

7:2.1 Plan Approval

Prior to construction of a mobile home park or enlargement of a mobile home park existing at the time of adoption of this Ordinance, a development plan approved by the Greenville County Board of Health shall be submitted to the Zoning Administrator.

The Zoning Administration shall review the proposed development and then request that the Planning Commission staff review the plat for the purpose of determining:

- A. That the spirit of the zoning regulations shall not be violated;
- B. That the proposed development does not conflict with proposed or existing development in adjacent areas; and
- C. That the proposed development will be a desirable addition to the physical pattern of the city.

The plan shall be drawn to a scale of not less than one hundred (100) feet to 1 inch and shall contain the following information:

- A. The location of the proposed park and the nature of the surrounding land uses;
- B. The location and dimensions of streets, rights-of-way, drives, parking spaces, and walks;
- C. The location and size of mobile home plots;
- D. The location and size of service buildings and recreation areas;
- E. The location and type of screening, fences or hedges;
- F. The names and addresses of abutting property owners and of developers.

Any mobile home, service building, or recreation area located in any mobile home park shall be placed in accordance with an approved development plan.

7:2.2 Design Requirements

7:2.2-1 Park Size

The minimum mobile home park size shall be 3 acres.

7:2.2-2 Plot Size

Each mobile home shall be on a plot not less than 5,000 square feet in area, have an average width not less than 50 feet, and an average length of not less than 100 feet.

7:2.2-3 Setbacks

No mobile home shall be located closer than 50 feet to the right-of-way line of a street or highway and not closer than 15 feet from side and rear property lines.

Each mobile home shall be set back at least 15 feet from the front, side, and rear lines of the plot on which it is located.

7:2.2-4 Off-Street Parking

Off-street vehicular parking shall be as follows: two spaces for each mobile home, plus one space for each two-park office employees.

7:2.2-5 Access

No mobile home shall have direct access to a public street or highway. All mobile home plots shall have access to an interior roadway, which is not less than 30 feet in width, having a paved surface not less than 20 feet in width.

7:2.2-6 Screening

Where any property line of a mobile home park abuts land zoned for or occupied by a residential use, there shall be provided and maintained along the property line of the mobile home park a continuous visual screen not less than 6 feet in height. The screen shall be a wall, fence, or compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery.

7:2.2-7 Utility Requirements

Within the area zoned, each mobile home space in a mobile home park shall be provided with approved water and sewer service which is connected to the municipal water and sewerage system.

7:2.2-8 Recreation Areas

Recreation space of not less than 200 square feet for each mobile home plot shall be provided in the mobile home park.

7:2.2-9 Operating Requirements

The operator of each mobile home park shall comply with all State and County Health Department rules and regulations governing the sanitation and operation of mobile home parks, and shall maintain the park in such a way as not to be detrimental to surrounding properties.

Section 7:3 Public Utility Buildings and Uses

Public utility buildings and uses such as sewage lift stations, pump stations, electrical substations, and telephone equipment buildings, which are not detrimental to other uses permitted in the district, may be permitted in any district. Such uses shall be enclosed within a building or by a suitable fence providing protection and screening against light, noise, fumes, or unsightliness. Open area on the premises shall be appropriately landscaped.

Section 7:4 Junk Yards, Automobile Wreckers, Scrap Processors

Junk yard scrap processors and automobile wreckers may be permitted in the I-1, Industrial District subject to the following requirements.

7:4.1 Site Size

All junkyards, scrap processors and automobile wreckers shall be located on a site of at least two acres.

7:4.2 Location

No junk yard, scrap processor, or automobile wrecker shall be located within 500 feet of any residential district existing at the time business operations are started. No automobiles or scrap metal objects shall be stacked over 8 feet in height.

7:4.3 Screening

Open storage shall be enclosed by a continuous visual screen provided and maintained along the property line. The screen shall be a wall, fence, or compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery at least eight (8) feet in height. Materials stored in the open shall not be stacked higher than the required screen.

Section 7:5 Livestock in Residential Districts

Livestock, excluding pigs and sheep may be kept in the R-20, R-15, and R-12 districts subject to the district regulations and the following conditions.

7:5.1 Site

The minimum lot area upon which livestock may be kept is one acre. Not more than one head of livestock shall be permitted for each one-half acre of lot area.

7:5.2 Setback

No barn or other structure where livestock is kept or fed, and no grazing or pasturing shall be permitted within 50 feet of any property line, except where such property line abuts a street, railroad, or watercourse at least 50 feet in width.

Section 7:6 Churches

A church may be permitted in all districts subject to the requirements of the district and the following requirements.

7:6.1 Lot Area

The minimum lot area shall be 40,000 square feet.

7:6.2 Setback Requirements

All buildings shall be set back from the front, side, and rear property lines a minimum of 30 feet.

7:6.3 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Article 6, Section 6:9.

Section 7:7 Private Recreation Area

A private recreation area or country club may be permitted in the R-20, R-12, and R-M districts subject to the requirements of the district in which it is located and the following requirements.

7:7.1 Lot Area

A private recreation area shall be located on a site not less than two acres in area.

7:7.2 Setback Requirements

All buildings, game courts, swimming pools, and similar structures shall be set back from front, side, and rear property lines a minimum of 50 feet.

7:7.3 Food and Entertainment

The provision of food and entertainment for members and guests may be permitted provided that such provision shall not cause a nuisance in the residential district.

Section 7:8 Child Care Centers or Child Day Care Centers, and Child Care Homes

Child care homes may be permitted in the R-20, R-15, R-12, and R-M districts, subject to the district regulations, the South Carolina State Department of Social Services rules and regulations relating to licensing day care facilities, and the following requirements:

Child Care Homes

7:8.1 Incidental to the Residential Use

The child care home must be clearly incidental to the residential use of the dwelling, and must not change the essential residential character of the dwelling.

7:8.2 Indoor Area

The building shall contain a minimum of 35 square feet of floor area for each child present.

7:8.3 Outdoor Area

At least 75 square feet of outdoor play area shall be available for each child present. Outdoor play should occur only between the hours of 8 a.m. and 6 p.m.

7:8.4 Fencing

The entire play area shall be enclosed by a fence having a minimum height of 4 feet, constructed to provide maximum safety to the children. If the outdoor play area is within 50 feet of another residential structure, additional buffering in terms of a compact evergreen hedge or other type of evergreen foliage will be required.

Child Care or Child Day Care Centers

Child care centers or child day care centers may be permitted in the C-1, C-2, O-D, S-1, and I-1 districts subject to the district regulations, the South Carolina State Department of Social Services rules and regulations relating to the licensing of day care facilities, and the following requirements:

7:8.5 Indoor Area

The building shall contain a minimum of 35 square feet of floor area for each child present.

7:8.6 Outdoor Area

At least 75 square feet of outdoor play area shall be available for each child present. Outdoor play should occur only between the hours of 8 a.m. and 6 p.m.

7:8.7 Fencing

The entire play area shall be enclosed by a fence having a minimum height of 4 feet, constructed to provide maximum safety to the children. If the outdoor play area is within 50 feet of another residential structure, additional buffering in terms of a compact evergreen hedge or other type of evergreen foliage will be required.

7:8.8 Parking

Off-street parking must meet the requirements stated in Section 6:9. (Change in parking requirements to include 1 space for every ten users or fraction thereof.)

7:8.9 Loading and Unloading

An area adequate for loading and unloading of children to show ingress and egress and circulation (not to be located within any public right-of-way) shall be provided.

7:8.10 Signage

All signs must meet the requirements as stated in Section 6:11.

7:8.11 Additional Conditions

The Board shall determine if additional safeguards and conditions are appropriate in order to protect the health, safety, and welfare of the children from detrimental characteristics of adjacent uses or to protect adjacent uses from potentially incompatible characteristics arising from the day care center.

Section 7:9 Mobile Homes - As Accessory to Schools

Only one mobile home shall be allowed adjacent to and in conjunction with any public or private school or park. In determining whether to grant or deny such exception, the Board of Zoning Appeals may consider, but not be limited to, such factors as the availability of professional law enforcement service, history of criminal incidents in the vicinity, experience of crime or damage at the school in question, or the adequacy of alternate means of securing the premises. The Board shall also make a finding of whether such exception be permitted to continue indefinitely, or until a certain time, or subject to periodic review by the Board. The location and placement of the mobile home on the school site as well as the quality design of the mobile home proposed shall be determined by the Board on an individual review basis. However, in no instances shall a mobile home be allowed to be located in the front yard of the school and shall not be located closer than 10 feet to any side or rear property line. Additionally, the Board may impose any other requirements which they deem necessary and appropriate in order to ensure that the mobile home shall have a minimum impact upon the character of the neighborhood and the specific uses which adjoin the school or park site.

Section 7:10 Accessory Dwelling

One accessory dwelling unit may be permitted with approval of the Board of Zoning Appeals in conjunction with any permitted principal use in the C-2, S-1, and I-1 districts subject to the following conditions:

- A. The accessory dwelling unit must be located entirely within the structure containing the permitted principal use.
- B. The accessory dwelling unit must be clearly incidental and subordinate to and necessary to the operation of the permitted principal use.
- C. The accessory dwelling unit shall not interfere with the operation of the permitted principal use, nor shall the operation being carried on by the permitted principal use

create conditions which are adverse or hazardous to the person or persons occupying the accessory dwelling unit.

Section 7:11 Professional Offices in the RM-1 District

Professional offices may be allowed in the RM-1 district subject to the following requirements.

7:11.1 Size

The minimum lot area required for professional offices to be developed in RM-1 is 2 acres. In no instance shall an office development, parking, and other related activities occupy more than 70 percent of the gross lot area.

7:11.2 Front Setback

All buildings and structures shall be set back from all street right-of-way lines not less than 25 feet.

7:11.3 Side Setback

All buildings and structures shall be set back not less than 15 feet from property lines.

7:11.4 Rear Setback

All building shall be located closer than 20 feet to rear lot lines.

7:11.5 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 5:9.

7:11.6 Additional Requirements

Applications for professional offices in the RM-1 district shall include the following data and other reasonable information the Mauldin Board of Zoning Appeals and the Zoning Administrator may require in their review of the application.

- A. Number of professional offices and overall square footage thereof.
- B. Location of all curb cuts and points of egress and ingress and all sidewalks and dimensions thereof.
- C. The location and size of any existing or proposed roads on any part of the site.
- D. The location of all parking.
- E. A complete landscaping and screening plan.
- F. Plans showing complete drainage of entire site.
- G. Prospective sketch indicating exterior color and materials, all structures, and screening.

- H. A copy of covenants, grants, easements, or other restrictions proposed to be imposed upon the use of land, buildings, and structures including proposed easements for grants and public utilities.

Before the Zoning Administrator makes a recommendation to the Board of Zoning Appeals, it shall determine the following:

- A. The spirit of the Zoning Ordinance is not violated.
- B. The proposed development will harmonize with the existing development.
- C. The proposed development is a desirable addition to the physical pattern of the neighborhood.
- D. The design is such that the additional traffic will not be a burden on existing streets.
- E. No adverse environmental impacts will be created by the proposed development.
- F. The architectural character blends with the surrounding area.

Section 7:12 Group Development

Group Development is allowed in the RM-1 district subject to the district regulations and the following requirements.

- A. A legal description of the proposed boundaries.
- B. A site plan showing number of dwelling units of various types and overall density thereof.
- C. Location of all curb cuts and points of egress and ingress and all sidewalks and dimensions thereof.
- D. The density of land use proposed for every part of the site and number of acres devoted to nonresidential uses if any.
- E. Location and size of any existing or proposed roads within the acreage.
- F. Description of open space, uses, areas proposed, and adequacy thereof to serve anticipated demand and if dedication of open spaces proposed, procedures and conditions thereof in detail.
- G. The location of all parking.
- H. A complete landscaping plan.
- I. Plans showing complete drainage of entire site.
- J. A prospective sketch indicating color and materials of all structures, and screening.
- K. A copy of covenants, grants, easements, or other restrictions proposed to be imposed upon the use of land, buildings, and structures including proposed easements for grants and public utilities.
- L. Other information or descriptions as deemed reasonably appropriate by the Zoning Administrator.

Section 7:12.1 Roads

All roads or drives within the Group Development shall be no less than 24 feet in width with extruded curbs and gutters and 4 inches of rock base or 3 inches of hot laid asphaltic binder

covered by 1-1/2 inches of hot laid asphalt. If the roads are to be conveyed to the City of Mauldin, a 50-foot right-of-way shall be provided and all County Subdivision Regulations shall be met.

Section 7:12.2 Size

The minimum lot area required for Group Development in the RM-1 district is 2 acres. The principal use of the RM-1 district is residential, thus nonresidential uses, parking, and other related activities shall occupy no more than 40 percent of the total development.

Section 7:12.3 Yard Requirements

No structures shall be constructed closer than 15 feet to an exterior property line and no structure shall be constructed closer than 35 feet to a public right-of-way.

Section 7:12.4 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9.

Section 7:12.5 Street Lights

Adequate street lighting shall be provided in all Group Developments.

Section 7:12.6 Height

No building shall exceed 35 feet in height.

Section 7:13 Provisions for Group Development in the S-1 District

Group Development is allowed in the S-1 district as a Use Permitted.

Site Plan Requirements

A minimum of three copies of the Site Plan meeting the requirements of this section must be submitted to the office of the Zoning Administrator. In order to issue proper and expeditious review, the site plan must meet the following criteria.

- A. The site plan must be drawn to a scale of not less than 100 feet to 1 inch by a registered engineer/surveyor of the State of South Carolina.
- B. A vicinity map, title block, scale, north arrow, site size, and property lines survey.
- C. The location of any utility easements.
- D. The land use for every part of the site and the number of acres devoted to each use.
- E. The site's traffic circulation plan, including the location of curb cuts and points of ingress and egress, and also including the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.
- F. The site's parking plan, including all off-street parking, loading/unloading areas and structures, and also including all parking spaces and their dimensions.
- G. The sites sign plan, which would include all exterior signage of the development.
- H. The site's lighting plan, including the location, height, and type of all exterior light fixtures.
- I. Elevations of proposed development.

Section 7:13.1 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:9.

ARTICLE 8 ADMINISTRATION

Section 8:1 Zoning Enforcement Official Duties

8:1.1 Zoning Enforcement Official

This Ordinance shall be administered and enforced by the Zoning Administrator of the City of Mauldin, with the assistance of such other persons as the city of Mauldin may direct.

8:1.2 Duties of the Zoning Administrator

The duties of the Zoning Administrator shall include receiving applications, issuing zoning certificates, inspecting premises, issuing certificates of occupancy for uses and structures that meet the requirements of this Ordinance, and other actions to assure conformance with this Ordinance.

If the Zoning Administrator shall find that any of the provisions of the Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 8:2 Zoning Certificate and Application Procedure

8:2.1 Zoning Certificate/Building Permit

No land shall be used, occupied, or excavated and no building or other structure shall be erected, structurally altered, added to, or moved until a zoning certificate/building permit shall have been issued in conformity with the provisions of this Ordinance by the building inspector.

A record of all zoning certificates/building permits issued shall be kept on file in the office of the building inspector, and copies shall be furnished, on request, to persons having a proprietary or tenancy interest in the building or land involved.

8:2.2 Application Procedure

Application for a zoning certificate/building permit shall be made prior to construction, alteration, or moving of any structure, or change of land use. Each application for a zoning certificate/building permit shall be accompanied by two copies of a plan drawn to a scale of not less than 100 feet to one inch. The plan shall show the shape and dimensions of the lot on which the proposed building or use is to be erected or conducted; the location of the lot with respect to adjacent rights-of-way; the setback lines of buildings on adjoining lots; the location and material contained in the visual screen if required; the shape, dimensions, and location of all buildings,

existing and proposed, on the lot; the nature of the proposed use of the building or land; the location and dimensions of off-street parking and the means of egress and ingress to such space; and any other information the building inspector may deem necessary for consideration in enforcing the provisions of this Ordinance. At the request of the Zoning Administrator, a complete drainage plan of the entire site, meeting the requirements of the Mauldin City Drainage Ordinance shall be provided if the Zoning Administrator determines that it is necessary for the health, safety, and welfare of the area.

8:2.3 Issuance of Zoning Certificate

If the proposed plan conforms with the provisions of this Ordinance, the building inspector shall issue a zoning certificate and return one copy of the plan to the applicant. The building inspector shall mark the plan as approved and attest to the same by his signature. The second copy of the plan, similarly marked, and a copy of the zoning certificate shall be retained by the building inspector.

8:2.4 Expiration of Zoning Certificate

If the work described in any zoning certificate has not been substantially completed within one year of the date of issuance, or if a vacant parcel of land for which a zoning certificate has been issued is not used for the purpose for which the permit was issued within three months of the date of issuance, the permit shall expire and be canceled by the building inspector, and written notice shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning certificate has been obtained.

Section 8:3 Certificate of Occupancy for New, Altered, or Nonconforming Uses

8:3.1 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both; or part hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued by the building inspector stating that the proposed use of the building or land complies with the provisions of this Ordinance.

No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Occupancy shall have been issued by the building inspector. The certificate shall state specifically how the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall have six months to apply for certificates. Failure to make such application within six months shall be presumptive evidence that the property was a conforming use at the time of enactment or amendment of this Ordinance.

A record of all Certificates of Occupancy issued shall be kept on file in the office of the building inspector, and copies shall be furnished on request to persons having a proprietary or tenancy interest in the building or land involved.

8:3.2 Application Procedure

The Certificate of Occupancy shall be issued after verification that the erection, move, or structural alteration of any building or change in the use of any premises has been completed in conformity with the provisions of applicable city Ordinances.

8:3.3 Temporary Certificate of Occupancy

A temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six months during alterations or partial occupancy of a building pending the completion; or for bazaars, carnivals, and such. A temporary permit may also be issued for a period not exceeding twelve months to allow a mobile structure to be placed in all commercial, office, and industrial districts as a temporary nonresidential use provided such unit is used only prior to and during the construction of a permanent structure for the same use; provided that such temporary permits may require such conditions and safeguards as will protect the safety of the occupants and the general public.

8:3.4 Failure to Obtain Certificate of Occupancy

Failure to obtain a certificate of occupancy shall be a violation of this Ordinance and punishable under Article 14 of this Ordinance.

8:3.5 Utility Connections

No utility company doing business in the city of Mauldin shall provide power or service to any structure until a Certificate of Occupancy has been issued by the Building Inspector.

Section 8:4 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy

Zoning certificates or Certificates of Occupancy issued on the basis of plans and applications approved by the building inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from that authorized shall be deemed a violation of the Ordinance and punishable as provided by Article 14 of this Ordinance.

Section 8:5 Right of Appeal

If the request for a zoning certificate is disapproved or if a Certificate of Occupancy is denied, the applicant may appeal the action of the Building Inspector to the Board of Zoning Appeals.

ARTICLE 9 BOARD OF ZONING APPEALS

Section 9:1 Establishment of Board of Zoning Appeals

A Board of Zoning Appeals is hereby created with the powers and duties set forth below.

Section 9:2 Membership

The Board of Zoning Appeals shall be composed of five members appointed by City Council to serve staggered terms of three years. The City Council may, at its discretion, appoint not more than two alternate members to serve on such Board in the absence, for any cause, of any regular members. Such alternate member or members shall be appointed in the same manner as regular members and at the regular times for appointment. Each alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular members so absent. Vacancies shall be filled for the unexpired term only. Members shall be removable for cause by City Council upon written charges and after public hearing.

Section 9:3 Proceedings

The Board of Zoning Appeals shall draw up and adopt rules governing the conduct of the affairs, which are in keeping with the provisions of this Ordinance. The rules shall provide and require the following, in addition to other rules and regulations the Board shall adopt.

9:3.1 Officials

At the first meeting after its establishment, the Board shall elect a chairman, a vice-chairman and such other officers as necessary from among the members. Such officers shall serve one-year terms and may succeed themselves. The chairman, or in his absence, the vice chairman, shall preside at all meetings, may administer oaths, and compel the attendance of witnesses, and the production of papers, records, and other documents by subpoena.

9:3.2 Meetings

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Due notice shall be given to all parties of interest. All meetings of the Board shall be open to the public, and all evidence and testimony shall be presented publicly.

9:3.3 Minutes of Proceedings

The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or his absence or failure to vote, indicating such fact, and also keep records of its examinations, findings, determinations, and any other official action. No final action shall be taken unless a majority of the total membership of the Board is present.

Section 9:4 Appeals and Hearings

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by an officer, department, board, or bureau of the city. Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Zoning Appeals shall fix a reasonable time for hearing the appeal, give due notice of hearing to the parties concerned, and decide the same within forty-five days. At the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make such order, requirement, decision, or determination as in its opinion ought to be made on the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

Section 9:5 Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties.

9:5.1 Review

The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this Ordinance.

9:5.2 Variances

The Board of Zoning Appeals may authorize upon written appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or peculiar and exceptional practical difficulties.

Before action is taken on a request for a variance, the Board of Zoning Appeals shall hold one or more public hearings, at which any party may appear in person, or by agent or attorney.

9:5.2-1 Notice of Hearing

Notice of a public hearing shall be published in a newspaper of general circulation, at least fifteen days prior to the hearing. The notice shall be blocked in, carry an appropriate descriptive title, and shall state the time, dates, and place of the hearing. Following any request for a

variance, the City shall properly post and maintain on the subject property a Notice of Public Hearing at least ten days prior to the date of the public hearing. Such signs must be placed in a conspicuous place or places on the affected premises and posted at the City Hall.

9:5.2-2 Action by the Board of Zoning Appeals

A variance from the terms of this Ordinance may be granted by the Board of Zoning Appeals upon a finding that:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
- B. These conditions do not generally apply to other property in the vicinity.
- C. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved.

9:5.3 Uses Permitted by Special Exception

The Board of Zoning Appeals may hear and decide upon Uses Permitted by special exception specifically authorized by the terms of this Ordinance. A use permitted by special exception shall not be authorized by the Board of Zoning Appeals unless and until:

- A. A public hearing shall be held;
- B. The Board shall make findings;
- C. The Board shall make written findings certifying compliance with the regulations governing the special use.

9:5.3-1 Notice of Hearing

Notice of public hearing shall be published in a newspaper of general circulation, at least fifteen days prior to the hearing. The notice shall be blocked in, carry an appropriate descriptive title, and shall state the time, dates, and place of the hearing. Following any request for a use permitted by special exception, the City shall properly post and maintain on the subject property a Notice of Public Hearing at least ten days prior the date of the public hearing. Such signs must be placed in a conspicuous place or places on the affected premises, and posted at the City Hall.

9:5.4 Additional Power

In addition to the powers conferred upon the Board of Zoning Appeals, the Board shall have authority to interpret district boundaries where boundaries on the ground are at variance with those shown on the Official Zoning Map.

In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards shall be a violation of this Ordinance and punishable under Article 14.

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Ordinance, or any use expressly or by implication prohibited by the terms of this Ordinance in the district involved.

Section 9:6 Decisions

The concurring vote of four members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the building inspector charged with the enforcement of this Ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to grant a variance from the provisions of this Ordinance.

Section 9:7 Appeals

Every decision of the Board of Zoning Appeals shall be subject to review by a court of record, in the manner provided by the laws of the State of South Carolina and particularly by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Title 6, Chapter 29.

Section 9:8 Fee

A fee of one hundred dollars shall be paid to the City Clerk for each application to the Board of Zoning Appeals to cover the necessary administrative costs.

Section 9:9 Duties of Administrative Official, Board of Zoning Appeals, City Council, and Courts on Matters Of Appeals

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Building Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Building Inspector, and that recourse from the decision of the Board of Zoning Appeals shall be to the Circuit Court and the Supreme Court of the State of South Carolina, as provided by the laws of the State of South Carolina and particularly by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Title 6, Chapter 29.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the City Council shall have only the duty of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law.

ARTICLE 10 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed by the City Council. Prior to any such action by City Council the Planning Commission, as established under Article 6 of the City Code, shall conduct studies, hold public hearings, and make recommendations in accordance with the following procedures.

Section 10:1 Action by the Applicant

The following action shall be taken by the applicant for an amendment to this Ordinance or any map adopted hereunder.

10:1.1 Initiation of Amendment

Proposed changes or amendments to the Ordinance text may be initiated by City Council, City Planning Commission, Board of Zoning Appeals, or by petition of any interested property owner or resident of the City of Mauldin.

Proposed changes or amendments to the zoning district map may be initiated by City Council, City Planning Commission, Board of Zoning Appeals, or by petition of any interested property owner with a property interest in the parcel of property being petitioned for a map change in accordance with the following procedures.

10:1.2 Application

An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be changed, and the names and addresses of the owner or owners of the property. Such application shall be filed with the City Clerk not later than forty days prior to the Planning Commission meeting at which the application is to be considered.

10:1.3 Fee

When a proposed amendment is initiated by an individual or parties other than the City Council, Planning Commission, or Board of Zoning Appeals, a fee shall be paid for each application for administrative and advertising expenses as set forth in the following table (see next page).

Section 10:2 Action by the Planning Commission

The Planning Commission shall, upon receipt of a request for an amendment to the zoning Ordinance or map, hold and chair a public hearing consistent with Section 10:3.3 of this Ordinance. Following the public hearing the Planning Commission shall review the findings and

make written recommendations to City Council concerning the request. The Planning Commission shall have thirty days within which to submit its report to City Council.

REZONING FEE SCHEDULE										
Category Requested	Acreage									
	1	2	3	4	5	6	7	8	9	Greater than 10
Single-Family Residential Districts R-20, R-15, R-12, R-10	\$50	\$75	\$100	\$125	\$150	\$175	\$200	\$225	\$250	\$250
Multifamily Residential Districts R-M, RM-1	\$150	\$175	\$200	\$225	\$250	\$275	\$300	\$325	\$350	\$350
Nonresidential Districts O-D, POD, C-1, C-1N, C-2, S-1, I-1	\$200	\$225	\$250	\$275	\$300	\$325	\$350	\$375	\$400	\$400
Planned Development Districts PD-R, PD-C	\$250	\$275	\$300	\$325	\$350	\$375	\$400	\$425	\$450	\$450
Test Amendments	\$75									

Section 10:3 Action by the City Council

10:3.1 City Council Consideration

The City Council may consider proposed zoning amendments at any meeting of Council.

10:3.2 Public Hearing

No amendment shall be adopted by the City Council until after public notice and hearing.

10:3.3 Notice of Hearing

One notice of a public hearing shall be published in a newspaper of general circulation. The notice shall be published at least thirty days prior to the public hearing. The notice shall be blocked in, carry an appropriate descriptive title, and shall state the time, dates, and place of the hearing. Following any request for amendments to the zoning map, the City shall properly post and maintain on the subject property a Notice of Public Hearing at least ten days prior to the date

of the public hearing. Such signs must be placed in a conspicuous place or places on the affected premises, and posted at the City Hall.

10:3.4 Action by City Council

Before any map amendment is approved by City Council, the Planning Commission and City Council must find that one or more of the following apply, and such findings shall be recorded in the minutes and records of the Planning Commission and City Council:

- A. That the original zoning classification given to the property is inappropriate or improper.
- B. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the city's Comprehensive Plan and which have substantially altered the basic character of such area.

Before taking such lawful action, as it may deem advisable, the City Council shall consider the recommendation of the Planning Commission on each proposed zoning amendment. If no recommendation is received from the Planning Commission within thirty days from the date of public hearing, it shall be deemed to have approved the proposed amendment.

If the Planning Commission fails to recommend approval of a request for an amendment, the City Council may reject the recommendation of the Planning Commission by a favorable vote of five members of the Council, including the mayor.

10:3.5 Protests

In case of a protest against any proposed zoning change signed by the owners of twenty percent or more of the lots included in the proposed change, or of those immediately adjacent to, in the rear, or on either side extending 100 feet, or of those directly opposite extending 100 feet from the street frontage of such opposite lots, any amendment shall not become effective except by favorable vote of five members of the City Council, including the mayor.

No protest petition shall be valid unless it is: (1) written, (2) bears the actual signatures of the requisite number of property owners and states that they protest the proposed amendment, and (3) is received by the Building Inspector in time to allow at least two normal work days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.

10:3.6 Reconsideration of Request for Amendment

When an application for an amendment is withdrawn at the request of the applicant after such time as the application has been legally advertised for public hearing, it shall not be considered for an amendment affecting the same property for six months from the date of withdrawal.

When the City Council shall have denied a request for an amendment, it shall not consider the same reclassification for an amendment affecting the same property until one year from the date of the previous denial.

10:3.7 Effective Date of Changes in Zoning Ordinance or Map

Any Ordinance affecting a change in the text of the Zoning Ordinance or Zoning Map shall not become effective until one day after final approval.

ARTICLE 11

**PROVISIONS OF ORDINANCE DECLARED TO BE
MINIMUM REQUIREMENTS**

The provisions of this Ordinance shall be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, Ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards, shall govern.

ARTICLE 12 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis of the alleged violation, shall be filed with the Building Inspector. He shall record properly the complaint, immediately investigate, and take action as provided by this Ordinance.

ARTICLE 13 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this Ordinance, the building inspector or any appropriate authority of the municipality, or any adjacent, nearby, or neighboring property owner who would be affected by such violation, in addition to other remedies, may institute an injunction or any other appropriate action in proceeding to prevent the occupancy of such building, structure, or land.

ARTICLE 14 PENALTIES FOR VIOLATION

Any person, firm, or corporation violating any provisions of this Ordinance, or who shall fail to comply with any order made thereunder; or who shall continue to work upon any structure after having received written notice from the Building Inspector to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed two hundred dollars or imprisoned for not more than thirty days, or both. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to the owner, the agent of the owner, or the contractor and left at his known place of residence or place of business.

ARTICLE 15 SEPARABILITY

If for any reason one or more sections, sentences, clauses, or parts of this Ordinance are held unconstitutional or invalid, such decision shall not affect, impair, or invalidate the remaining provisions of this Ordinance.

ARTICLE 16 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage and adoption.

Adopted by the Council of the City of Mauldin this 19th day of April 1999.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MAULDIN, SOUTH CAROLINA, as follows:

Passed on first reading March 15, 1999

Passed on second reading April 19, 1999

ATTEST:


CINDY MILLER, MUNICIPAL CLERK

**TABLE 1
DISTRICT REQUIREMENTS FOR PERMANENT SIGNS**

Category	Total Number of Signs Allowed Per Category	Special Use Provisions	Type Signs Allowed*	Allowable Square Foot Area Per Sign	Height Maximum	Setback
Category A Residential	1	Home Occupation (6:11.8.2a)	Wall	2	N/A	Wall Mounted
	1 Per Entrance	Permanent Subdivision (6:11.8.2b)	Freestanding or Wall	20		
	1 Per Entrance Not to Exceed 1 Per Street Front	Group Residential and Nonresidential (6:11.8.2c)	Freestanding or Wall	40	12'	As Set Forth in Section 6:11.7-2b
Category B Office District O-D, POD	2 Per Business	As Set Forth in Section 6:11.9-2	Wall	20% Usable Wall Area 200 Maximum	Not Above Roof Line	Building Mounted
			Projecting	2 Per Linear Foot 200 Maximum	No More Than 5' Above Parapet	Building Mounted
			Freestanding 1 Per Street Front	2 Per Linear Foot 200 Maximum	25' Except Group Development	As Set Forth in Section 6:11.1-2

**TABLE 1
DISTRICT REQUIREMENTS FOR PERMANENT SIGNS**

TABLE 1 DISTRICT REQUIREMENTS FOR PERMANENT SIGNS						

Category C Commercial C-1, C-1N, C-2	2 Per Business	As Set Forth in Section 6:11.9-2	Wall	20% Usable Wall Area 350 Maximum	Not Above Roof Line	Building Mounted
			Projecting	1 Per Linear Foot 225 Maximum	No More than 5' Above Parapet	Building Mounted
			Freestanding 1 Per Street Front	1 Per Linear Foot 225 Maximum	35'	As Set Forth in Section 6:11.1-2
Individual businesses in the C-1 and C-2 Districts shall be allowed a changeable display sign not to exceed a total of 35 square feet in area and 8 feet in width. In addition, it shall be attached in a permanent fashion to the sign support, sign base, or the existing sign itself, and located entirely within the width of the host sign.						
Category D Service and Industrial District S-1, I-1	3 Per Business	As Set Forth In Section 6:11.10-2	Wall	20% Usable Wall Area 350 Maximum	Not Above	Building Mounted
			Freestanding	1 Per Linear Foot 300 Maximum Per Sign	35'	As Set Forth in Section 6:11.1-2
			Marquee	No Restrictions	Not Above Roof Line	Building Mounted
			Projecting	1 Per Linear Foot 300 Maximum	No More than 5' Above Parapet	Building Mounted
			Window	20% of Window Area		

Category E
PD-R, PD-C

Signs in PD-R and PD-C Districts are subject to the provisions set forth in Section 6:11.11 of this article

* Wall signs are counted toward the maximum number of allowable signs.