

## **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:

**1.        Occupancy**

1.        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.
2.        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.
3.        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.

**2.        Setbacks**

1.        Units shall not be parked within a drainage or utility easement, or building, or zoning setback; and
2.        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
3.        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.
4.        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.

**3.        Other**

1.        Any utility connections must have a special building permit from the building inspector, and sewage dumping shall be only in approved facilities.
2.        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.
3.        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.

4. 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.
5. 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.
6. 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.
7. 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.

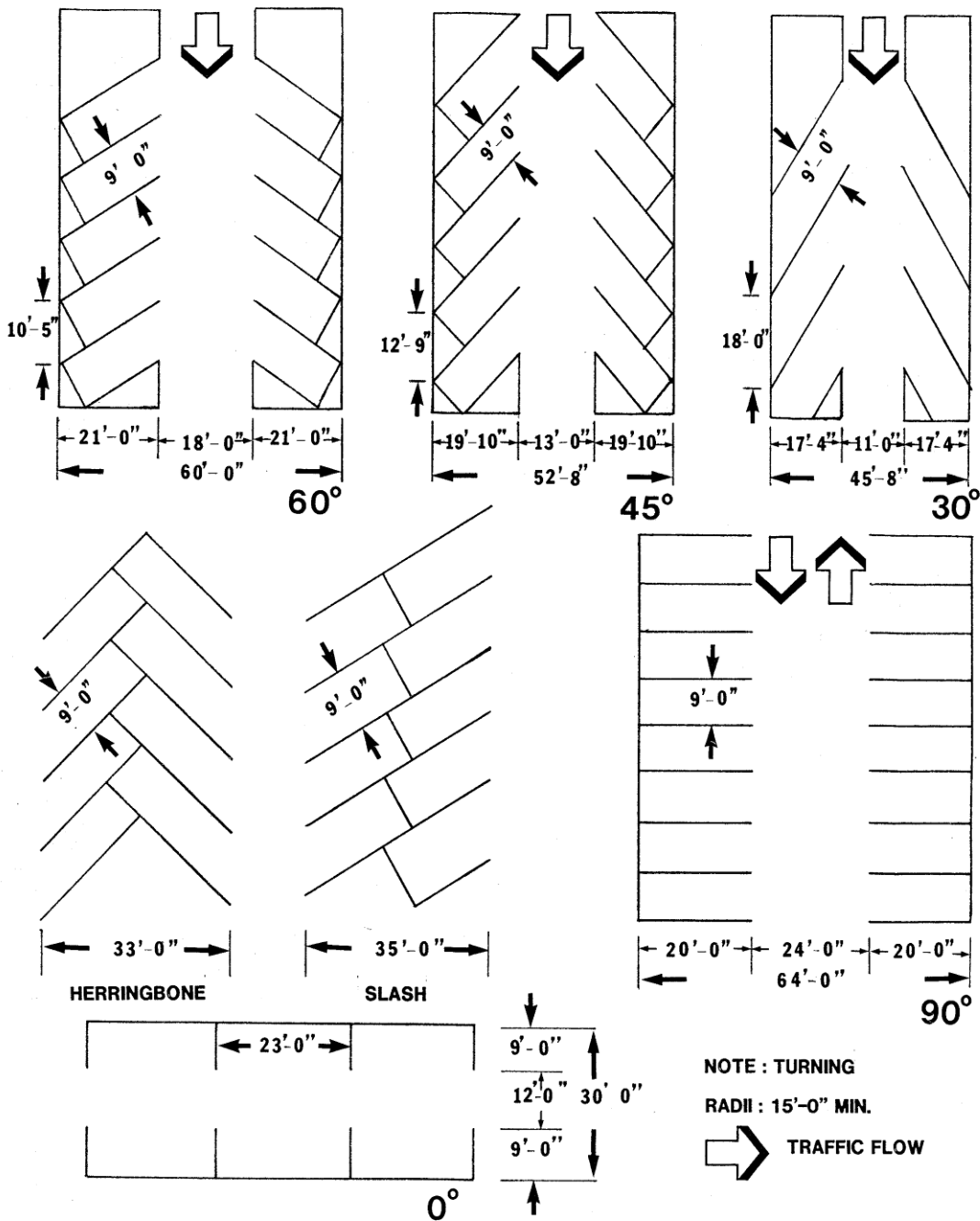
### **6:9.4 Design of Parking Area**

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**



<b>Parking</b>	<b>Width of Stall</b>	<b>Minimum Depth of Stall</b>	<b>Driveway Width</b>	<b>Length of Curb Per Car</b>
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.

<b>Use</b>	<b>Required Off-Street Parking</b>
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	One (1) space for each four (4) spectator seats

**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.

<b>Square Feet of Gross Floor Area in Structure</b>	<b>Number of Berths</b>
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.

<b>Original Construction Cost of Sign(s)</b>	<b>Amortization Period</b>
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).
- 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	(Castanea 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)
Gingko – 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 Phelos)

#### **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 Cuspida)
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).

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

### **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.