

ORDINANCE # 835

AN AMENDMENT TO THE MAULDIN ZONING ORDINANCE TO PROVIDE APPROPRIATE STANDARDS THAT FURTHER PROMOTE PEDESTRIAN-ORIENTED DESIGN IN THE CENTRAL REDEVELOPMENT DISTRICT (SECTION 5:6), INCREASE THE HEIGHT BONUS PERMITTED IN THE CENTRAL REDEVELOPMENT DISTRICT (SECTION 3:8.1), AND TO PERMIT DAMAGED OR DESTROYED NONCONFORMING USES TO BE RECONSTRUCTED (SECTION 3:12.3.6).

Whereas, the City of Mauldin Comprehensive Plan calls for more flexible zoning and development regulations to allow for mixed-use development in the Main Street corridor and encourages live-work units, loft apartments, and accessory dwelling units in appropriate areas;

Whereas, the City of Mauldin Comprehensive Plan encourages mixed-use retail, office and residential development in a more traditional "downtown" form in the underdeveloped corridor north of City Hall to Jenkins Street;

Whereas, the intent of the Central Redevelopment District (CRD) is to encourage the re-development of the central core of the city in such a way as to create an identifiable and pedestrian-friendly downtown and to create a district where individuals can live, dine, shop, and work; and

Whereas, the proposed amendment provides appropriate standards that further promotes pedestrian-oriented development in the CRD zoning district.

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

**Section 1. Amendment.** Amend Table 3:8.1-A under Section 3:8.1 *Building Height Bonuses* as follows (*language that is struck through is language proposed to be deleted, underlined language is language proposed to be added, language that is not struck through or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*):

Sec. 3:8.1 – Building Height Bonuses

\*\*\*

B. Height Bonuses

<b><i>DISTRICT</i></b>	<b><i>MAXIMUM HEIGHT with BONUS</i></b>
R-M1	40 feet
R-M	50 feet
POD, O-D	50 feet
<u>CRD</u> , C-1	50 feet
<u>CRD</u>	65 feet
C-2	65 feet
S-1	65 feet

**Section 2. Amendment.** Amend Section 3:12.3.6 Damage or Destruction of Nonconforming Uses as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*) :

#### Sec. 3:12.3.6 – Damage or Destruction of Nonconforming Uses

Any conforming structure or any structure containing a nonconforming use, which has been damaged by fire or other causes, may be reconstructed and used as before within the same footprint as the original structure, if it is done provided that a building permit(s) for reconstruction is ~~issued~~ applied for within six (6) months of damage and provided that the size of the structure is not increased. ~~unless such structure has been declared by the Zoning Administrator to have been damaged to an extent exceeding eighty (80) percent of its value at the time of destruction. If the structure is damaged to a degree greater than eighty (80) percent, future use of the structure or site must be in conformance with the zoning district regulations for the area. Any structure that is not reestablished in the exact same footprint and timeframe established for obtaining a permit shall meet all the bulk and setback requirements for the zoning district in which it is located.~~

**Section 3. Amendment.** Amend Section 5:6 CRD, Central Redevelopment District as follows (*language that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and \*\*\* represents sections of the Zoning Ordinance that have been skipped and remain unchanged*) :

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

The intent of this district is to encourage the re-development of the central core area of the city in such a way as to create an identifiable and pedestrian friendly downtown, and to create a district where individuals can live, dine, shop, and work.

##### 5:6.1 Uses Permitted.

- ~~All uses permitted in the C-1, Commercial District (subsection 5:7.1)~~
- Bank and other Financial institutions
- Barber shop and Beauty salons
- Dressmaker and Tailor
- Dwelling, accessory single family attached (subject to subsection 5:6.10)
- Dwelling, accessory multifamily (subject to subsection 5:6.10)
- Eating establishments
- Farmers market
- Florist shop
- Grocery store
- Laundry and Dry cleaning establishments
- Lodging, Hotel or Motel
- Medical facility (other than hospital)
- Nursery and Garden supply stores
- Office, Business and Professional
- Pet supplies and Grooming establishments
- Pharmacy
- Post office (excluding distribution)
- Printing establishments, excluding newspapers and periodicals
- Professional services (catering, interior design)
- Recreation games facility (indoor)
- Recreational park (outdoor)

- Retail sales
- Studios and Galleries (Art, dance, photography)
- Specialty food and Retail stores (Candy, pastry, ice cream, snacks shops)
- Veterinary clinics (no outdoor kennel)
- Theater (indoor)
- Accessory uses customarily incidental to the above uses
- Places of worship

#### 5:6.2 Uses Permitted by Special Exception.

- Fire station
- Governmental offices
- Library
- Police station or substation
- Post office
- Public and semipublic uses considered to be compatible with the aforementioned uses
- School, public, private or parochial

#### 5:6.3 Conditional Uses.

- Adult care center
- Assisted living facilities
- Bed and breakfast inn
- College and Universities
- Child care center
- Convenience store (without a carwash and fuel service)
- Dwelling, accessory single family attached (townhome)
- Drinking establishments: Brewery, Pub, Wine Bar
- Drive-thru facilities
- Emergency response facilities (Fire and Police substations)
- Event venues (Performance Center, Auditorium, Stadium or arena)
- Government offices
- Health Club and Spa
- Home occupations
- Library and Museums
- Parking structures
- Vocational and Training schools

#### 5:6.4 ~~Height Limitations~~ Dimensional Requirements

##### A. Height.

No structure shall exceed a height of ~~forty (40)~~ fifty-five (55) feet unless a height bonus is achieved per Section 3:8.1, Building Height Bonuses. ~~nor shall it exceed three (3) stories above grade.~~ New principal structures must be a minimum height of two habitable stories. As an alternative, new one-story principal structures may be permitted only if the height of the building is at least eighteen (18) feet and the building includes a band of clerestory windows at least thirty (30) inches tall. Clerestory windows shall occupy at least 65 percent of the length of each façade visible from a public right-of-way or public open space. Clerestory windows shall not count toward the minimum requirement for public entryways and windows for ground floors.

## B. Dimensional Requirements Setbacks

1. Front and Corner Setbacks. ~~A maximum setback of fifteen (15) feet from the street right-of-way line shall be met, except that the setback shall be reduced to ten (10) feet where road widening is not anticipated provided that all parking is located to the side or rear and not closer to the street than the edge of the front façade of the principal structure, and where pedestrian oriented design features are incorporated in the building and site design. Principal structures shall be built to the front property line and shall not be set back more than fifteen (15) feet from the front property line, except to accommodate for a plaza, forecourt or outdoor dining area.~~

Where used, forecourts and plazas shall have a minimum width of fifteen (15) feet and a minimum depth of ten (10) feet. Forecourts and plazas should be substantially paved and enhanced with landscaping.

2. Side and Rear Setbacks. ~~None is required, except on corner lots and lots adjacent to any residential district, in which case all buildings shall be set back not less than ten (10) and not more than fifteen (15) feet from the street right-of-way line or residential property line. When a side yard is provided, it shall not be less than five (5) feet in width. No minimum side and rear setbacks shall apply, except on lots adjacent to residential districts, for which the principal structure(s) shall be set back at least ten (10) feet from the property line shared with the residential district.~~
3. Rear Setback. ~~No buildings shall be located closer than fifteen (15) feet to a rear property line.~~
3. Accessory structures. All accessory structures shall be located entirely in a side or rear yard and located behind the building line of the principle structure. Accessory structures shall be screened (as applicable) in accordance with Section 6:2.9, Additional Screening Requirements: Outdoor Storage Areas, Utility Structures, and Dumpsters.
4. Outside merchandise. All outside merchandise for sale and/or on display shall be setback a minimum of fifteen (15) feet from street right-of-way line. When pedestrian oriented design features are incorporated into the building and site design, the Business and Development Services Director may approve alternate locations for display of outdoor merchandise.

### 5:6.5 Screening.

~~A wall, dense hedge, or other permanent year-round foliage, or a combination thereof, which provides a solid, opaque, visual and physical barrier at least six (6) feet in height shall be provided around dumpsters, ground mounted transformers, loading docks, compactors and air conditioning or refrigeration equipment along the side and rear lot lines where any property in the district is adjacent to a single family residential district.~~

Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall-mounted, or roof-mounted, should be located so as to minimize visibility from all streets and public gathering areas. Mechanical equipment and other like appurtenances shall be screened from view at the front property line and any active street side. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

Screening shall be provided in accordance with Section 6:2.9, Additional Screening Requirements: Outdoor Storage Areas, Utility Structures, and Dumpsters.

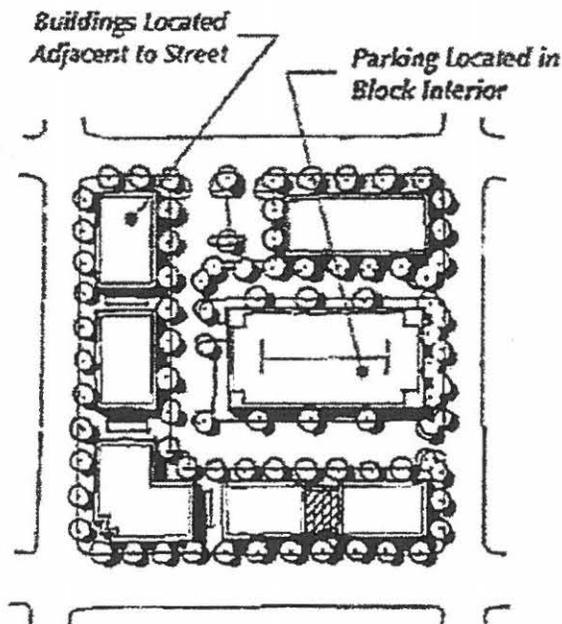
5:6.6 Off-Street Parking and Parking Structures.

A. Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 6:1, *Off-Street Parking Requirements*. Parking lots shall be placed in the side or rear yards.

1. Location. In order to minimize the negative impact of large paved surfaces and maintain the quality of the visual environment, new surface parking lots and parking structures should be located in the block interior, side and rear yards and not be located between the building and any abutting street.
  2. Landscaping. In addition, new surface parking lots shall be landscaped in accordance with Section 6:2, *Landscape and Design Standards*.
- a) Parking lots installed in the side yard shall also provide the following:

1. Continuous landscape screen, consisting of an evergreen or deciduous hedge, shall be provided along the entire street frontage adjacent to the parking area. Hedges shall be planted in a minimum 5-foot wide continuous landscape zone.
2. Solid masonry wall, at least 36 inches tall, can be substituted for hedge to screen parking areas. Materials must match the site's exterior building materials. Where such walls replace hedges, the 5-foot landscape zone should be maintained.



3. Driveway. In order to create a safe environment for both vehicles and pedestrians, the width of the driveway shall not exceed twenty-seven (27) feet throughout the right-of-way and the required street yard buffer, except for driveways at facilities for emergency response vehicles.

#### B. Parking Structures

Parking structures shall be compatible in color, form, materials, texture and quality with adjacent buildings. Structures should be setback a minimum of six to ten feet from the sidewalk. This setback shall be landscaped with trees, shrubs, and ground covers to soften views of the structure, provide visual interest and establish a sense of human scale. Vehicular entries shall be clearly marked.

Parking structures shall provide adequate ground floor dimensions to allow use by or conversion to pedestrian-active uses. Adequate dimensions shall include floor-to-floor heights, structural, driving aisle and utility layouts within 30 feet of the public right of way designed to accommodate occupancy by pedestrian-active uses.

Parking structures fronting on key pedestrian streets shall only be permitted when the structure's façade provides a compatible streetscape frontage and is concealed with an active habitable space. Parked automobiles, signage, and light sources within the interior of the structure shall not be visible from outside the structure.

Façade openings which face any public right of way or open space shall be vertically and horizontally aligned and the floor fronting on such façades shall be level.

Exposed parking structures that are not wrapped with an active uses shall provide landscape screening at a rate of one tree and two shrubs per 30 linear feet of the parking structure's perimeter.

#### 5:6.7 Service and Off-Street Loading Areas.

Service and loading areas should be located to minimize their visibility from public streets. Refuse containers and actively used service and loading areas must be screened from view by the buildings they serve or by solid masonry walls which are designed as an integral part of the building, and finished with compatible materials.

Off-street loading and screening of service areas shall be provided in accordance with the provisions set forth in subsection 6:1.1.4, *Off-street Loading Requirements* and the screening requirements of Section 6:2.9, *Additional Screening Requirements: Outdoor Storage Areas, Utility Structures, and Dumpster.*

#### 5:6.8 Drainage.

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

#### 5:6.9 Streetscape and Landscaping.

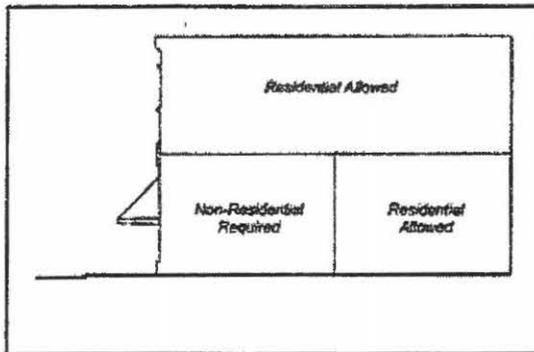
Landscaping shall generally be provided in accordance with the provisions set forth in Section 6:2, *Landscape and Design Standards*, except that large maturing deciduous street trees shall be provided along all public streets, spaced at 30-foot maximum intervals.

Street trees may be planted in a continuous planting strip of not less than seven (7) feet in width, in-ground planters, or may be located in tree grates, bulb outs (etc.) as part of a coordinated streetscape design.

5:6.10 Accessory Dwellings.

~~Any dwelling units built in the CRD district must be located on the second or third floor of a retail or office building. No dwelling units shall be permitted on the street level. No dwelling unit may be built over a convenience store or any structure housing regulated amounts of flammable liquids or solids.~~

Accessory dwelling units are generally permitted in the CRD district. However, accessory dwelling units shall be prohibited on the ground floor adjacent to the right-of-way. Additionally, no more than forty-nine percent (49%) of the entire ground floor area of a building may be occupied by a residential use.



5:6.11 Signage.

Signage shall be permitted in accordance with Section 6:4, *Signs*.

5:6.12 Outside Display or Storage.

A. *Outdoor Display of Goods and Products.*

The outdoor display of goods and products is permitted within the public right-of-way when accompanying a shop or store located in an adjacent building. At least six (6) feet of continual sidewalk clearance shall be maintained to provide for adequate pedestrian circulation. Outdoor displays shall also stay clear of display windows and entryways of adjacent businesses. Merchandise must be moved indoors at the close of each business day.

B. *Outdoor Display or Storage not permitted.*

Outdoor display of products does not include merchandise or material in boxes, crates, or pallets or other kind of shipping containers. No other outside display of merchandise, or storage of any non-fixed equipment or merchandise is permitted.

5:6.13 Outdoor Fencing.

Fencing shall be confined to the side and rear yards of the site and not located closer to the street than the leading edge of the principle structure. Fencing which is visible from a public right-of-way shall be strictly of an ornamental nature (e.g., wrought iron or picket fence).

5:6.14 Outdoor Dining.

Outdoor dining is permitted within the public right-of-way when accompanying a restaurant located in an adjacent building. At least six (6) feet of continual clearance shall be maintained to provide for adequate pedestrian circulation and to maintain accessibility. Dining furnishings shall also stay clear of display windows and entryways of adjacent businesses.

Tables and chairs used in outdoor dining areas shall be constructed of heavyweight, high-quality materials like metal or wood. Lightweight materials such as plastic or vinyl which may be blown astray by moderate winds are prohibited.

The outdoor dining area shall be maintained in a clean and safe condition at all times, including promptly and properly disposing of all trash generated by the operation.

No additional parking spaces shall be required for outdoor dining areas.

#### 5:6.15 Pedestrian Design: Sidewalks.

A public sidewalk shall be required within the right-of-way along all adjacent streets. The sidewalk shall be constructed of concrete, unless otherwise approved by the Mauldin Public Works Director. The width of the sidewalk shall not be less than ten (10) feet along City-maintained rights-of-way and not less than six (6) feet along other rights-of-way. The thickness of the sidewalk shall not be less than four inches. The sidewalk shall not exceed the maximum grade required by the Standard Building Code in accordance with the Americans with Disabilities Act. Sidewalks shall align vertically and horizontally with abutting sidewalks.

Shelter, shade, and/or weather protection in the form of shade trees, awnings, arcades, balconies, overhangs, or other similar means approved by the Business and Development Services Director shall be provided along the public sidewalk.

#### 5:6.16 Architectural Design.

Building walls and façades should have perceivable thickness, visual interest, and character. A selection of architectural details such as vertical and horizontal recesses and projections, changes in height, floor levels, roof forms, parapets, cornice treatments, belt courses, pilasters, window reveals, and forms, and color as appropriate to each site can create shadows and texture and add to the character of the building.

##### A. *Building Orientation*

In order to protect the pedestrian character of this district, the main entrance of each principal building shall face the adjacent street. On corner lots, the main entrance may face either of the streets or be oriented to the corner. With buildings that have more than one main entrance, only one entrance must meet this requirement.

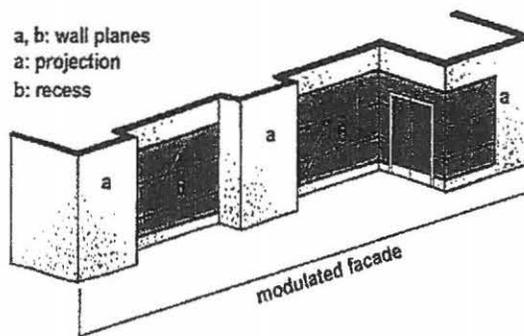
##### B. *Exterior Finish Materials and Color*

Plain concrete block, plain concrete, corrugated metal, plywood, and sheet pressboard are not allowed as exterior finish material.

No intense or distracting colors or color schemes shall be used. The City encourages the use of neutral or earth tone colors with low reflectance. Vibrant colors shall only be used to accentuate trim and other architectural elements.

##### C. *Horizontal Massing*

Buildings should be designed to incorporate varied massing and design across long façades. Building walls shall be articulated at a minimum of every fifty (50) feet. Articulation may include storefront bays with modulating building elements such as recesses, projections, expressed entries, building form, columns, pilasters, colonnades, arcades, and/or other clearly expressed architectural details. No horizontal section of the building façade shall exceed fifty (50) feet without incorporating visible changes in the façade elevation.



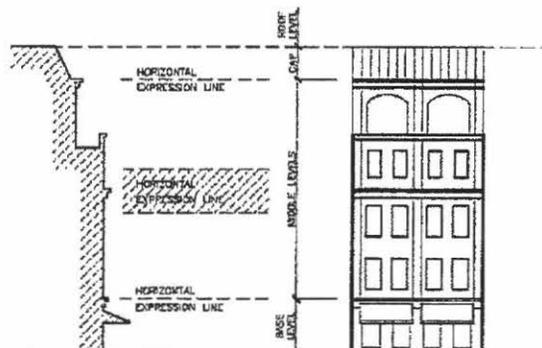
#### D. Vertical Massing

Multi-story buildings shall generally include a base, middle, and cap. The base generally consists of the entryway(s) and large transparent windows. The middle is generally described as the upper stories of a building and typically features windows and/or balconies. The cap includes the area from the top floor to the roof of the building.

In order to modulate their scale, multi-story buildings shall articulate the base, middle, and cap through the use of expression lines, cornices, string cornices, step-backs, or similar articulating features as follows:

1. A horizontal expression line between the base and the middle is vital for reinforcing the pedestrian scale at the adjacent sidewalk. The expression line may entail a molding or reveal placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least two (2) inches and a height of at least four (4) inches.
2. The middle may also utilize expression lines to articulate long vertical sections of the building.
3. The cap shall include an expression line consisting of a cornice or a roof overhang.

E. Expression lines, including moldings, cornices, and windowsills, shall generally align with those of adjacent buildings.



#### F. Entryway Design

Entryways provide a special opportunity to make a building unique while providing a highly visible customer entrance and discernable public address. All buildings shall have their principal entrance face the street, square, plaza, or public sidewalk. The principal entrance shall not open onto a parking lot. Buildings shall maintain a regular rhythm of storefronts with entrances at least every fifty (50) feet on average.

Building entrances should be prominent and easy to identify. Awnings, changes in the roofline, or other acceptable means shall be used to define the building entrance facing the street right-of-way. Pedestrian lighting shall be provided at building entrances. Appropriate fixtures, devices, and placement shall be considered so as to prevent or eliminate glare from the lighting. Doors may be recessed up to five (5) feet into the face of the building to provide a sense of entry and to add variety to the streetscape. Doors which are not recessed into the face of the building shall not pivot or swing open into any right-of-way or public sidewalk.



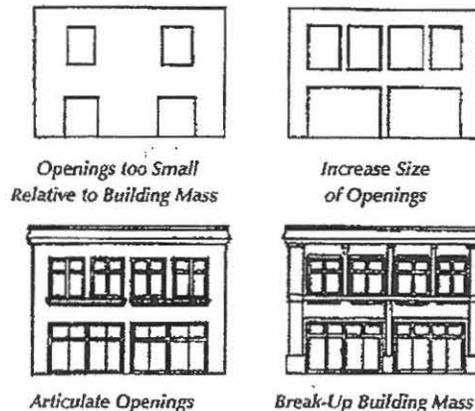
**G. Windows/Fenestration Design**

The ground floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street. At the ground level, at least sixty percent (60%), but not more than ninety percent (90%), of the total surface area of the each elevation adjacent to a public street shall be in public entryways, windows (including retail display windows but not including clerestory windows), and transoms. The bottom of windows used on storefronts shall be at least twelve (12) inches but not more than thirty-six (36) inches above the grade of the adjacent sidewalk and shall be separated from the ground by a bulkhead. Reflective and heavily tinted windows at the ground level are prohibited.

On upper stories above the ground level, windows, doors and other openings shall make up at least thirty percent (30%), but not more than sixty percent (60%), of the wall surface of the upper stories.

All windows shall incorporate decorative architectural features such as sills, trim, and lintels. Windows should be inset a minimum of 3 inches from the exterior wall surface to add visual relief to the wall.

**Breaking-Up a Building Facade to Achieve Greater Articulation**



## H. Galleries and Arcades

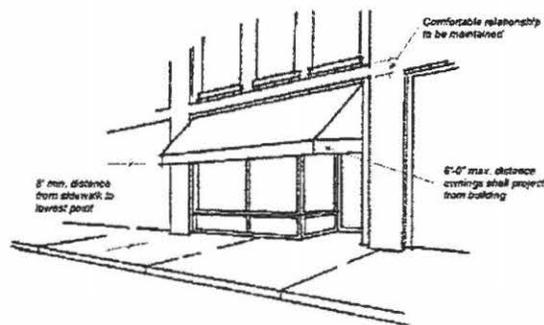
Galleries and arcades are permitted to encroach into the right-of-way provided that they are set back from the curb at least two (2) feet. Galleries and arcades shall extend for a width of at least ten (10) feet. Any gallery or arcade which overlaps a sidewalk shall maintain a minimum clearance of at least ten (10) feet above the sidewalk. Galleries shall not exceed a height of two (2) stories. Columns and arches shall be spaced at least eight (8) feet apart. The height and proportions should be consistent with the architectural style of the building.

## I. Awnings and Canopies

Awnings, canopies, and other features that provide shade for pedestrians are strongly encouraged and should be integrally designed with the building. Awnings should fit within framed-in storefronts, primarily covering openings such as windows and doors and not extending along the entire façade.

Awning shape, size, color, and material should be consistent with the architectural style and character of the building. Awnings should be compatible with adjacent awnings. The shape, size, and height of each awning should be proportional to the façade. Awnings shall be made of fabric, metal, glass, or similar durable material.

Awnings may encroach into right-of-way provided that they are set back from the curb at least two (2) feet. Any awning which overlaps a sidewalk shall maintain a minimum clearance of at least eight (8) feet above the sidewalk.



## J. Balconies

Balconies are permitted to encroach into the right-of-way provided that they are set back from the curb at least two (2) feet. Any balcony which overlaps a sidewalk shall maintain a minimum clearance of at least ten (10) feet above the sidewalk.



K. Roof Design

Roof lines should vary and be expressed in a visually interesting manner that complements the composition of the building and the surrounding area. Flat roofs shall incorporate a strong, attractively detailed cornice or parapet. To create a varied roof line, different types of cornices and varied cornice lines are encouraged. Sculpted roof forms shall employ high quality roofing materials.



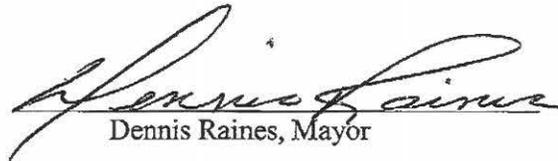
**Section 4. Conflicting Ordinances.** Any ordinance, municipal code, or other regulation that conflicts with the regulations herein are hereby repealed to the extent of the inconsistency. Such repeal shall not affect the validity of the remaining provision.

**Section 5. Effective Date.** That said amendment shall become effective upon second and final reading.

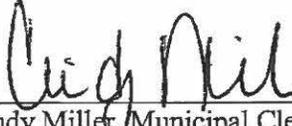
This ordinance was passed on first reading October 16, 2017; and on second and final reading

November 20 2017.

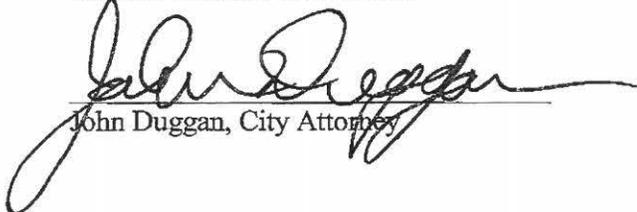
CITY OF MAULDIN, SOUTH CAROLINA

  
Dennis Raines, Mayor

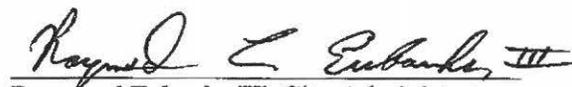
ATTEST:

  
Cindy Miller, Municipal Clerk

APPROVED AS TO FORM:

  
John Duggan, City Attorney

REVIEWED:

  
Raymond Eubanks III, City Administrator