



**TOWN OF FORT MILL
PLANNING COMMISSION MEETING
July 22, 2014
112 Confederate Street
7:00 PM**

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Meeting: June 24, 2014 *[Pages 3–5]*

PUBLIC HEARING

1. Request to Rename Dobys Bridge Road (State Route 36) as N Dobys Bridge Road and S Dobys Bridge Road

OLD BUSINESS

1. **Mixed Use Plan & Dev. Conditions: Pleasant/Vista Property** *[Pages 6–22]*

An ordinance adopting a Mixed Use Concept Plan & Development Conditions for the Pleasant/Vista MXU Project

2. **Text Amendment: Local Commercial District** *[Pages 23–38]*

An ordinance amending the Zoning Ordinance for the Town of Fort Mill; Article II, Requirements by district; Section 8, LC Local Commercial District; so as to add day care centers to the list of permitted uses within the LC District; to remove newspaper publishing plants from the list of permitted uses within the LC District; and to amend the prohibition on outdoor speakers for restaurants located within the LC District

3. **Request to Approve Road Name: New Road/ Cul-De-Sac** *[Pages 39–41]*

New Cul-De-Sac (Old Dobys Bridge Road)

NEW BUSINESS

1. **Annexation Request: Talkington Property**

[Pages 42–50]

An ordinance annexing York County Tax Map Number 774-00-00-004 & 774-00-00-005

2. **Road Name Change: Dobys Bridge Road**

[Page 51]

Request from York County E-911/Addressing Office to rename Dobys Bridge Road (State Route 36) as North Dobys Bridge Road and South Dobys Bridge Road

ITEMS FOR INFORMATION / DISCUSSION

1. **Possible Amendments to R-5 District Ordinance**

[Pages 52–56]

ADJOURN

**MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION MEETING
June 24, 2014
215 Main Street
6:30 PM**

Present: Chairman James Traynor, Hynek Lettang, Chris Wolfe, Tom Petty, John Garver, Ben Hudgins, Planning Director Joe Cronin

Absent: Tony White

Guests: Dusty Wiederhold (Sunbelt Ventures, LLC), Mack Cross (Sunbelt Ventures, LLC), Cooper Willis (Capital Advisors), Jim Haden (Stewart Inc)

Chairman Traynor called the meeting to order at 7:00 pm and welcomed everyone in attendance.

Mr. Petty made a motion to approve the minutes from the June 10, 2014, special called meeting as presented. Mr. Wolfe seconded the motion. The motion was approved by a vote of 6-0.

NEW BUSINESS

1. **Commercial Appearance Review: Multi-Tenant Commercial Building:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review the architectural design for a new commercial building located at 100 Fort Mill Square (old hardware store). Dusty Weiderhold and Mack Cross appeared on behalf of the applicant, Sunbelt Ventures, LLC. Mr. Petty questioned whether rooftop units would be covered by parapets to be screened from street level view. Mr. Wiederhold stated that they would be. Mr. Hudgins questioned where loading zones would be located given that there was no “rear” for the building. Mr. Wiederhold stated that they were proposing parallel parking spaces, which could be reserved at specific times for deliveries. Mr. Wolfe questioned the location of dumpster and other service areas, and stated that such areas need to be screened from public view. Mr. Petty questioned whether outdoor seating areas would be fences. Mr. Wiederhold stated that these areas would either be fenced, or enclosed by a mixture of landscaping and hardscape elements. Mr. Petty made a motion to approve the request to include the items discussed above, with a second by Mr. Garver. The motion was approved by a vote of 6-0.

2. **Mixed Use Plan & Development Conditions: Pleasant Vista Property:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to adopt a mixed use concept plan and development conditions for property located on Pleasant Road near the intersection of Vista Road. Cooper Willis and Jim Hayden provided additional information on behalf of the applicant. Mr. Traynor and Mr. Wolfe expressed concern about the total number of units, particularly the potential impact on traffic on the Pleasant Road corridor. Mr. Traynor suggested that an architectural review requirement

should be included for all non-single family residential development, including apartments. A discussion also took place regarding open space design, and limiting the total number of units permitted until certain roadway improvements are completed. Planning Director Croning recommended including a provision in the development conditions that pedestrian access shall be provided to Pleasant Knoll Elementary School, as well as the future middle school on Pleasant Road. Staff also recommended some minor amendments to the development conditions regarding open space and buffer yards. After an extended discussion, Mr. Petty made a motion to defer the request, with a second by Mr. Garver. The motion to defer was approved by a vote of 6-0.

3. **Text Amendment: Local Commercial District:** Planning Director Cronin provided a brief overview of the proposed ordinance. The primary purpose of the ordinance was to allow amplified sound in the Local Commercial district under certain circumstances. A discussion took place regarding the town's existing noise ordinance. Mr. Garver made a motion to defer consideration of the draft ordinance, with a second by Mr. Wolfe. The motion to defer was approved by a vote of 6-0.
4. **Final Plat Approval: Massey Phase IV, Map 1:** Planning Director Cronin provided a brief overview of the request, the purpose of which is to approve a final plat for Massey Phase IV, Map 1. This map includes only two new roads: Dudley Drive and Neff Court. No new lots were included in the phase. Staff recommended in favor of approval. Mr. Garver made a motion to approve the request, with a second by Mr. Lettang. The motion was approved by a vote of 6-0.
5. **Request to Approve New Road Names:** Planning Director Cronin stated that he had been in contact with the county regarding road names and name changes related to the Fort Mill Southern Bypass. The county addressing office had a strong preference in favor of continuing the Fort Mill Parkway name on the bypass, and town staff agreed that it would be appropriate. A road name will also be required for a new cul-de-sac near Doby's Bridge Park, however, staff has not been able to contact neighboring property owners for suggestions. Mr. Lettang made a motion to approve Fort Mill Parkway as the name for the new Fort Mill Southern Bypass, and to defer consideration of a name for the new cul-de-sac. Mr. Garver seconded the request. The motion was approved by a vote of 6-0.

ITEMS FOR INFORMATION / DISCUSSION

1. **Discussion of Possible Amendments to the R-5 Zoning District:** Planning Director Cronin stated the Planning Commission had previously asked to review the R-5 district for some possible modifications. Several possible amendments were discussed, including: Paragraph 2(a), limiting single family detached dwelling to 3 dwelling units per acre, and single family attached dwellings to 5 DUA, unless amended by a development agreement; and Paragraph 3(a)(1), to require opaque fences (such as masonry), for screening utility substations. The items discussed will be put into ordinance form and brought back for consideration at a future planning commission meeting.

2. **Monthly Development Activity Report**: Planning Director Cronin presented a monthly development activity report for the month of May 2014. Planning Director Cronin stated that the planning department would begin using these reports as a tool for providing public information about development activities, new permits, new businesses, meeting reports, and other items in one, easy to read document. The reports will be placed on the new town website once it goes live later this summer.

There being no further business, the meeting was adjourned at 9:40 pm.

Respectfully submitted,

Joe Cronin
Planning Director

Planning Commission Meeting
July 22, 2014
Old Business Item

Mixed Use Concept Plan & Development Conditions: Pleasant/Vista MXU Property

An ordinance adopting a Mixed Use Concept Plan & Development Conditions for the Pleasant/Vista MXU Project

Background / Discussion

The Planning Commission is asked to consider a mixed use concept plan and development conditions for the following York County Tax Map Numbers: 020-09-01-027, 020-09-01-028, 020-09-01-030, 020-09-01-031, 020-09-01-032, 020-09-01-033, 020-09-01-034, 020-09-01-035 and 020-09-01-036.

These parcels contain a total of 156.96 acres located at the intersection of Pleasant and Vista Roads. These parcels were previously annexed into the town limits in 2008 with a zoning designation of MXU.

As shown in the attached concept plan and proposed development conditions, the applicant is requesting approval to develop the site with up to 931 dwelling units (reduced from 982), containing a mixture of 123 single-family homes (increased from 54 units), 146 townhomes (reduced from 266 units) and 662 multi-family units (unchanged), for a gross residential density of approximately 5.93 dwelling units per acre (reduced from 6.25 DUA). The applicant is also proposing a minimum of 10,000 and a maximum of 50,000 square feet of building space for commercial uses.

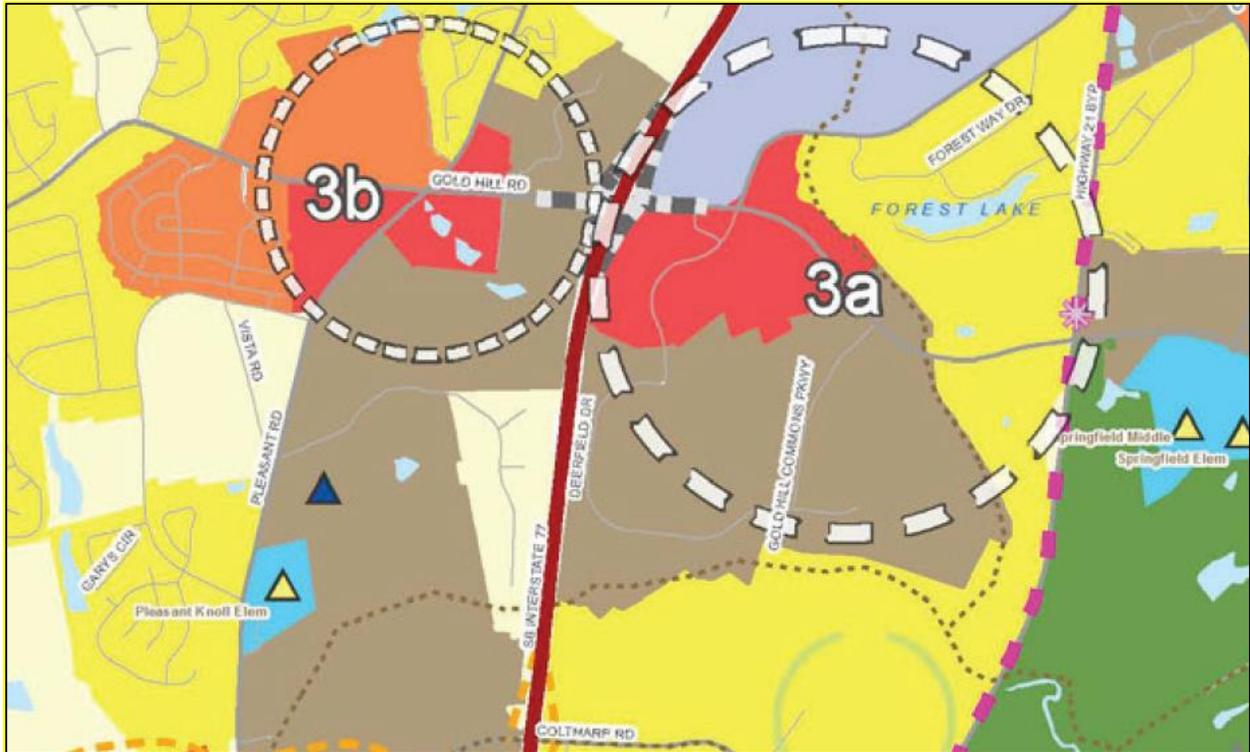
At 60.7 acres (increased from 48.75 acres), open space will comprise approximately 38% of the total site area (formerly 31.0%), which is nearly double the 20% minimum open space requirement. A 35' perimeter buffer shall also be required. A variety of greenway trails and easements/donations are also provided. Additional development standards are shown in the proposed development conditions.

Proposed access points to and from the property will be located on Pleasant and Vista Roads. Additional internal access points may also be provided to neighboring parcels.

Recommendation

The subject property is located within an area that has been designated as "Mixed Use" on the Town of Fort Mill's Future Land Use Map, last updated in January 2013. The comprehensive plan defines "Mixed Use" as "a neighborhood, tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public and recreation, in a compact urban form."

A portion of the property is also located within a development node identified as “Node 3b” on the future land use map. The 2013 comprehensive plan identifies Node 3b as a transitional area between I-77/Gold Hill Interchange and surrounding large commercial/warehouse uses to the east, and large residential developments to the west.



The 2013 comprehensive plan recommends the following uses and densities for Node 3b:

Node 3b should have a continuation of a mix of uses near the interchange. The form and type of development in this node could include commercial structures of one to two stories concentrated around the major intersections oriented towards the streets. Attached apartment, condominium and townhome housing products of up to eight DUA; and two to three-story mixed-use buildings where ground level retail has residential uses above it on the second and third floors. Single family lots of lower densities of 0.5 to two gross DUA will occur on the west side of Pleasant Road as one travels to the south. A mix of housing types, including single family homes, townhomes and apartments, could be accommodated on the east side of Pleasant Road, providing housing opportunities in close proximity to Pleasant Knoll Elementary and the proposed school.

As shown on the attached concept plan, the applicant proposes to locate the highest density residential development, as well as the commercial development, in areas within - and closest to - the Node 3b boundary. The overall residential density of 5.93 dwelling units per acre appears to conform with the recommendations of the comprehensive plan. The proposed commercial component and mixed use elements are also consistent with the comp plan recommendations.

The property is anticipated to have multiple access points along Pleasant and Vista Roads. Additional traffic impacts would be anticipated at Gold Hill Road, and to some extent, SC 160. Below is a summary of daily traffic volumes and capacities for adjacent roadways and nearby thoroughfares:

Roadway Name(s)	2012 AADT	2013 AADT	2013 Capacity
Pleasant Road	5,800	6,600	76%
Vista Road	NA (County)	NA (County)	NA%
Gold Hill Road	20,100	20,300	69%
SC 160	30,100	31,200	107%

Sources: SCDOT Average Daily Traffic (2012 & 2013), York County GIS

As is the case with all mixed use projects, the development conditions require that the applicant complete a traffic impact study prior to the commencement of any development activities. Any improvements deemed necessary by the study, in consultation with the town and SCDOT, must be constructed at the applicant's expense.

The draft concept plan and development conditions requested by the applicant are attached for consideration.

Following the first review by the planning commission on June 24, 2014, the applicant has amended the proposed development conditions. The changes to the development conditions are highlighted in red. Below is a summary of several of the major changes:

- Replaced the townhomes just south of Vista Road (parcel 4) with single family lots, which reduced the overall count by 51 units. The total number is now 931, or 5.93 DUA.
- Restricted the total number of units south of Vista to 384 units, or 3.26 DUA (so the concentration is north of Vista).
- Included four conditions that must met prior to most of the work starting, or January 1, 2018, whichever occurs first.
- Included a 10% minimum requirement for seniors housing north of Vista (Senior housing averages 0.65 cars per unit).
- Established development conditions for parcels 7a-b...the property next to Whitley Mills.
- Limited the amount of retail space and set a minimum amount of live-work units.
- Expanded the use/requirements for sidewalks, including dictating that the Legacy developers extend the sidewalk to Phil Molner's property.

- Established expanded development guidelines for the entire project, including architectural enhancements and requiring interconnectivity as much as possible.
- The power lines had been excluded from the open space calculation. The open space is actually 60 acres or 38% of the site. The applicant is now proposing to donate as much of the open space as possible to Nation Ford Land Trust. Along those lines, the applicant has proposed to provide public access to the southernmost greenway and include public amenities such as water fountains and dog park amenities.

Large copies of the concept plan and development conditions will be available for review during the meeting.

Nothing in this report shall be deemed a guarantee that water and/or sewer service/capacity will be available at the time of development. The property shall also be subject to a traffic impact analysis (TIA), to be coordinated with the town and SCDOT, prior to the approval of a preliminary subdivision plat. Any improvements deemed necessary as a result of the TIA would be the responsibility of the owner/developer.

Joe Cronin
Planning Director
July 18, 2014

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2014-__

AN ORDINANCE ADOPTING A MIXED USE CONCEPT PLAN & DEVELOPMENT
CONDITIONS FOR THE PLEASANT/VISTA MXU PROJECT

WHEREAS, the parcels currently or formerly known York County Tax Map Numbers 020-09-01-027, 020-09-01-028, 020-09-01-030, 020-09-01-031, 020-09-01-032, 020-09-01-033, 020-09-01-034, 020-09-01-035 and 020-09-01-036, containing approximately 156.96 acres at the intersection of Pleasant Road and Vista Road, were annexed to and made a part of the Town of Fort Mill by ordinance adopted on November 10, 2008 (Ord. 2008-33); and

WHEREAS, by ordinance of the Fort Mill Town Council, the above referenced parcel was zoned as follows: MXU Mixed Use; and

WHEREAS, Article II, Section 19(5)(D)(1)(a), of the Zoning Ordinance for the Town of Fort Mill, requires as part of the approval process that a Mixed Use Development Project shall contain a concept plan and, if applicable, development conditions; and

WHEREAS, the applicant has submitted Development Conditions as shown within the attached “Exhibit A,” and a Concept Plan as shown within the attached “Exhibit B,” both of which have been reviewed by the Fort Mill Planning Commission and the Fort Mill Town Council and found to be consistent with the Town’s Comprehensive Plan;

NOW, THEREFORE, pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

Section I. Pursuant to Article II, Section 19(5)(D)(3), of the Zoning Ordinance for the Town of Fort Mill, the Development Conditions for the Pleasant/Vista MXU project are hereby adopted as shown within the attached “Exhibit A.” Where any conflicts exist between the Development Conditions and the Subdivision Ordinance or Zoning Ordinance for the Town of Fort Mill, the provisions specified within the Development Conditions shall apply. A copy of these development conditions shall be maintained on file in the office of the Town Clerk and the Zoning Administrator.

Section II. Pursuant to Article II, Section 19(5)(D)(4), of the Zoning Ordinance for the Town of Fort Mill, the Concept Plan for the Pleasant/Vista MXU project is hereby adopted as shown within the attached “Exhibit B.” A copy of this Concept Plan shall be maintained on file in the office of the Town Clerk and the Zoning Administrator.

Section III. The provisions of this ordinance shall apply to the parcels currently or formerly known as York County Tax Map Numbers 020-09-01-027, 020-09-01-028, 020-09-01-030, 020-09-01-031, 020-09-01-032, 020-09-01-033, 020-09-01-034, 020-09-01-035 and 020-09-01-036, containing approximately 156.96 acres at the intersection of Pleasant Road and Vista Road.

Section IV. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section V. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section VI. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2014, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2014.

First Reading: August 11, 2014
Public Hearing: August 11, 2014
Second Reading: August 25, 2014

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Dana Powell, Interim Town Clerk

Exhibit A.

**Development Standards & Conditions
Pleasant/Vista MXU Project**

DEVELOPMENT STANDARDS & CONDITIONS

Pleasant/Vista MXU Project

Development Standards

PLEASANT/VISTA - MXU - PROJECT CONDITIONS

1. Purpose of district

The purpose of the mixed use development (MXU) district is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the provision of infrastructure; and to preserve the natural and scenic features of open areas. This district is intended for the appropriate integration of a wide range of residential and non-residential uses. The district is intended for use in connection with developments where the town has determined that the quality of a proposed new development there under will be enhanced by flexibility in the planning process.

2. Platting requirements

Platting requirements will be in accordance with ARTICLE II PLAT REQUIREMENTS, of Chapter 32-SUBDIVISIONS, of the Town of Fort Mill Municipal Ordinance. Where possible, plats will comply with Article II, Section 19.3(C) of the Zoning Ordinance.

3. Bonding requirements

Bonding requirements will be in accordance with Section 32.104-SURETY BOND, Article IV-REQUIRED IMPROVEMENTS, of Chapter 32-Subdivisions, of the Town of Fort Mill Municipal Ordinance.

Pleasant/Vista MXU Conditional Notes

1. General Provisions

- a) Each proposal for the development under MXU district is anticipated to be unique. Except as provided by this section, an MXU district shall be subject to all of the applicable standards, procedures and regulations in other sections of the zoning ordinance.
- b) The development depicted on the Concept Development Plan (RZ-1.0) is intended to reflect the arrangement of proposed uses on the site, but the final configuration, placement and the size of individual site elements may be altered or modified within the limits of the Ordinance and the standards established on the Development Standards Sheet during design development and construction phases. Street alignment and lot layout width and depth dimensions may be modified to accommodate final building layout and lot locations. The Petitioner reserves the right to modify the total number of lots identified within

individual parcels or phases, reallocate units from a parcel or phase to another, or reconfigure lots and street layouts, provided the density for the entire mixed use development does not exceed the permitted density set forth in these Development Standards, **or the density for the parcels located south of Vista Road does not exceed the restrictions outlined in Section 3.**

- c) These standards, as established by the Pleasant/Vista Technical Data Development Standards Sheet, as set out below and as depicted on the Mixed Use Development Site Plan shall be followed in connection with development taking place on the site. Standards established by these Development Standards Sheet and Pleasant/Vista Mixed Use Development Site Plan shall supersede the Fort Mill Subdivision Ordinance and Zoning Ordinance in effect at the date of approval.

2. Permitted uses

a) Residential:

- i) Subject to the information listed below, a maximum of **931** dwelling units may be constructed on the site.
- ii) Residential use shall be allowed throughout all areas of the development having minimum dimensional standards as specified in section 15, along with any incidental or accessory uses in connection therewith, which are permitted by right or under prescribed conditions in the Mixed Use Zoning District or as part of the Pleasant/Vista Mixed Use Development.
- iii) Common Open Space: May include conservation lands, natural areas, formal greens, plazas, **power line easements**, courtyards, and buffers.
- iv) Amenities: Amenity buildings, pool and pool facilities, athletic fields, parks, trails, playground equipment, picnic shelters and other accessory uses commonly associated with amenity facilities.
- v) **A minimum of 10% of the residential units located on the north side of Vista Road will be dedicated as seniors housing, for occupancy by residents 55 years old, or older.**
- vi) **7a-b will be restricted to for-sale product only. Construction materials will be similar, or better, than the construction materials used in the existing Whitley Mills development. A minimum 35' wooded buffer will be provided between the Development and the Whitley Mills subdivision. A landscaped, natural area will remain in place along Pleasant Road. Final design to be approved by Fort Mill staff.**

b) Commercial/Mixed Use:

- i) Subject to the information listed below, a minimum of 10,000 square feet to a maximum of 50,000 square feet of building space may shall be designated for commercial use. **Retail space will be limited to 15,000 square feet. A minimum of 5,000 square feet of the commercial space will be dedicated to live-work space.**
- ii) **Commercial use shall be restricted to parcels 2 and 3** and shall have minimum dimensional standards as specified in section 15, along with any incidental or accessory uses in connection therewith, which are permitted by right or under prescribed conditions in the Mixed Use Zoning District or as part of the Pleasant/Vista Mixed Use Development.

3. Density

The maximum Gross Residential Unit density will not exceed **5.93** units per acre and/or **931** total units. Individual phases may have higher or lower densities; **however, the parcels south of Vista Road will be limited to 384 units or 3.26 DUA in total.** Open space areas shall be included in the calculations for gross residential density.

4. Streets

Minimum dimensions and design standards for each street type shall follow a consistent standard. The standards for each street shall follow one of the following:

- a) Public Residential and Commercial Streets: In accordance with the Town standards outlined in the Fort Mill Subdivision Ordinance.
- b) All Residential Streets: Shall be designed to provide a stop condition no more than 2,000 feet apart. This will be accomplished by "T" intersections where practical. Where this is not practical due to site constraints, posted stop signs at intersection(s) within the 2,000-foot street length will be installed.
- c) Cul-de-sacs: Shall conform to standards in the Fort Mill Subdivision Ordinance, except that alternative cul-de-sacs and loop streets shall be permitted to have landscaped islands, provided that the dimensions of these islands will accommodate the turn-around of fire trucks without backing up. Subdrains will be provided behind the island curb if irrigation is installed within the cul-de-sac island. Cul-de-sac lengths may vary as shown on the Pleasant/Vista MXU Site Plan. The Pleasant/Vista Mixed Use Development will provide landscaped island where feasible. Landscaped islands are subject to approval of the Town of Fort Mill Fire department.
- d) Sidewalks: Will be installed on at least one side of all streets **adjoining the Development, including Pleasant and Vista Roads, providing sidewalk connectivity from the Pleasant/Vista Mixed Use Development to all current and future schools adjacent to the Development. The Developer shall coordinate with the Fort Mill School District regarding the location of future sidewalk connections.**

e) **Fort Mill staff will require that the developer of the proposed phase two of the Legacy Fort Mill apartment project install a sidewalk in front of the new, phase two and in front of the existing phase one.**

f) Block Lengths: Block lengths shall be a maximum of 2,000 feet.

5. Vehicular Access and Road Improvements

a) Vehicular Access: Access shall be provided to Pleasant Road (Highway 22) and **Vista Road**, in the general location as shown on the Pleasant/Vista Concept Development Plan. Minor adjustments to the locations of street and driveway entrances may occur, as required to meet state and local agency standards, or as a result of further site investigation and coordinate with final subdivision and site plan design.

b) Improvements to Existing Roads: A traffic impact analysis (TIA) shall be completed prior to the commencement of any land clearing or construction activities. The developer shall be responsible for installing any necessary public roadway improvements identified within the TIA as required by SCDOT and the Town of Fort Mill, to the extent such improvements are found necessary to accommodate future traffic from the Pleasant/Vista Mixed Use Project.

c) Coordination: The developer shall coordinate where feasible with neighboring property owners regarding stub road locations and future roadway connections.

6. Landscaping

Landscaping will be provided in accordance with Article II, Section 19.4(J) of the Zoning Ordinance. Existing vegetation will be retained and maintained to the extent feasible.

7. Open Space

Common open space will be provided, to be platted and recorded separately from other uses. Open space will be owned and maintained by a Homeowner's Association or Property Owner's Association. **At the Developer's option, open space lands may also be dedicated to a non-profit land trust for the perpetual ownership and conservation.** A minimum of 20% of the total site will be maintained as preserved open space or built open space. The following may be counted towards required dedicated open space: conservation lands, natural areas, formal greens, plazas and courtyards, trails, buffers held in common ownership, power line easements and parks and recreation areas, including ball fields, golf courses (excluding vertical structures: clubhouse and maintenance facilities), tennis and basketball courts, playgrounds, and other areas used for active or passive recreation. Water quality ponds, rain gardens, and other types of public (non-fenced) stormwater facilities may also be counted towards the open space requirements.

Developer will install public access that will include parking, if feasible, for the southernmost portion of the Development that will be donated to the Nation Ford Land

Trust. Additionally, Developer will provide park-like amenities at the entrance to include a water fountain and dog park.

8. Parking and Loading

Parking, loading, and other requirements for each permitted use and platted lot will be in accordance with the requirements of Article I, Section 7, Subsection I for the Fort Mill Zoning Ordinance subject to the petitioner's ability to include parking spaces located within units with garages as eligible spaces meeting said requirements.

9. Access to Lots

Access (curb cuts) to each platted lot must comply with standards set forth in the Fort Mill Zoning and Subdivision Ordinances.

10. Signage

A proposed project signage package shall be provided for approval to the town. All signs shall meet the requirements of Article II, Section 19.4(1), Subsections 1, and 2 of the Zoning Ordinance. Approval to not be unreasonably withheld.

11. Building Heights

Proposed building heights will not exceed 55 feet. Building height shall be measured in accordance with Article II, Section 19.4{D) of the Zoning Ordinance.

12. Improvements

The developer will be responsible for installation of required streets, utilities, common areas, amenity improvements, open space, storm drainage, and buffer yards, which pertain specifically to the project.

13. Changes

Petitioner/Developer understands that upon approval of the Mixed Use Development by the Town Council, any changes that are proposed which are considered to be of a minor nature such as adjustments or relocation of streets, lots, and open space; or adjustments to interior parcel boundaries, parcel sizes, or lot sizes and quantities, may be approved by the Fort Mill staff through an administrative review process. Other minor changes may be made to the list of permitted uses, unit mixture, reallocation of unit types, relocation of uses, buffer yards, landscaping and open space standards throughout the project, shall be subject to review and approval through an administrative process by the Fort Mill staff.

Significant changes to the Mixed Use Development Site Plan which include changes increasing overall project dwelling unit count, land use summary, location of primary access points to the property and adding acreage are all considered to be major site plan changes and are subject to

approval by the Town Council in accordance with Chapter 32 of the Fort Mill Municipal Ordinance.

14. Construction Schedule and Phasing

This development will be constructed in phases. The following commitments are made for the development sequencing/phasing.

- a) **Only parcels 1, 6a-b and 7a-b can be developed prior to either January 1, 2018 or the following conditions having been met, whichever occurs first:**
- 1. SCDOT required traffic improvements have been contracted for implementation at the intersection of Pleasant Road (Highway 22) and Gold Hill Road (Highway 98).**
 - 2. Interchange improvements have been made at I-77/Gold Hill Road (exit 88).**
 - 3. The proposed middle school plans and associated road improvement plans are finalized.**
 - 4. SCDOT required improvements to Pleasant Road have been contracted for implementation.**

15. Development Standards

Design Standards-Storm drainage and utilities (including sanitary sewer, gas, electric, telephone and cable television) may be located within landscape corridors.

- a) Maximum Residential Density: **5.93** dwelling units per acre
- b) Impervious Surface Ratio: 90% for residential, 100% remaining uses
- c) Residential Development - Development Standards per Article II, Section 19-4{A) of the Zoning Ordinance.
- d) Commercial/Mixed Use Development - Development Standards per Article II, Section 19-4(A) of the Zoning Ordinance.
- e) Buffer Yards: Perimeter Buffer yards between the Pleasant/Vista Mixed Use Development and adjacent properties will be in accordance with Article II, Section 19.4(K.) of the Zoning Ordinance. The buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the provision of open space for the development where the buffer is not platted and made part of an individual, privately owned lot. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required in conformance with the buffer standards of Article II, Section 19.4(K) of the Zoning Ordinance.

- f) Petitioner reserves the right to construct a minimum 6-foot high opaque fence, wall, berm, or combination thereof in order to satisfy buffer and/or screening requirements. In the event that the petitioner or their assignee decides to install a fence, wall, or berm, they may reduce buffer area dimensions by 25%. Buffer Yards will be designed in a manner to allow openings of an appropriate width in order to allow pedestrian connectivity. Utilities and right of way are allowed to be located in buffer areas where needed.
- g) The overall theme for the Development will be a mixture of: low-country, historic (i.e., downtown Charleston) and agrarian. All design features will be above-standard, including lighting, landscaping, streetscapes, etc. Where possible, existing trees and vegetation will remain in place. The intent is to avoid the look and feel of track-housing and to incorporate the design features established by developments such as Baxter and Kingsley. Final, individual-parcel designs to be approved by Fort Mill staff.**
- h) Where possible, design features will be included to encourage internal movement of both pedestrians and vehicles. The intent is to provide a live/work/play environment that is self-sufficient in terms of providing amenities and mobility, including the use of the new sidewalks which will connect to Gold Hill Road (for walking trips to Publix, Hardee's and other retail uses).**

16. Model Homes

Model homes may be constructed within residential areas at the developer's discretion. Mobile temporary sales offices shall be allowed on site at the developer's discretion. The developer will be permitted a minimum of 4 model homes with offices or mobile temporary sales offices and mobile temporary construction offices.

17. Lot Transfer and Recording

Lots may be transferred or recorded by means of posting appropriate surety bonds as referenced in Sec. 32.104.

18. Water and Sewer

The Developer understands that water and sewer will be provided by York County for all lots within the Mixed Use Development. The Developer shall construct or cause to be constructed at Developer's cost all necessary water and sewer service infrastructure to, from, and within the Property. The developer will comply with all DHEC and York County water and sewer specifications. The Property shall be subject to all current and future water connection/capacity fees imposed by the County. A water and sewer "willingness and capability letter" must be received from the County prior to obtaining a grading permit for any portion of the development utilizing the York County water and sewer. Should the Town of Fort Mill and York County elect to enter into a service agreement whereby the Town provides retail service to the Mixed Use Development, then the developer shall comply with the specifications, fees, and permitting requirements of the Town of Fort Mill.

19. Applicable Ordinances

This development will be subject to the standards and requirements for the Fort Mill Subdivision Ordinance and Zoning Ordinance in effect at the date of approval by the Town of Fort Mill or as superseded by the provisions of the Pleasant/Vista Concept Development Plan and Development Standards, as approved by the Town of Fort Mill.

20. Ten Year Vested Right

Due to the size of the proposed development and the level of Petitioner's investment, the Petitioner requests a ten (10) year vested right for construction of this project.

21. Binding Effect of the Rezoning Documents

If this Rezoning Petition is approved, all conditions applicable to development of the site imposed under the Rezoning Site Plan and Development Standards Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the site and their respective successors in interest and assigns. Upon approval of the Rezoning Site Plan and Development Standards Sheet by the Town of Fort Mill the Petitioner agrees to record above listed documents at the York County register of deeds office within 120 days.

22. Restrictive Covenants

Restrictive Covenants will be created and recorded with the office of the county clerk of court prior to the approval of a plat or issuance of a building permit for a vertical building on the property. Covenants shall be in accordance with Article II, Section 19.3{D} of the Fort Mill Zoning Ordinance.

23. Provisions Related to Floodplain Areas

Portions of the Property are currently designated as floodplain areas. Should the applicant seek to develop any property within a floodplain area, a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) shall be required from FEMA before any development activities may commence.

24. Development Impact Fees

The Property shall be subject to all current and future development impact fees imposed by the Town, provided such fees are applied consistently and in the same manner to all similarly-situated property within the Town limits. For the purpose of this Agreement, the term "development impact fees" shall include, but not be limited to, the meaning ascribed to such term in the South Carolina Development Impact Fee Act, Sections 6-1-910, et seq, of the SC Code of Laws.

Exhibit B.
Concept Plan
Pleasant/Vista MXU Project

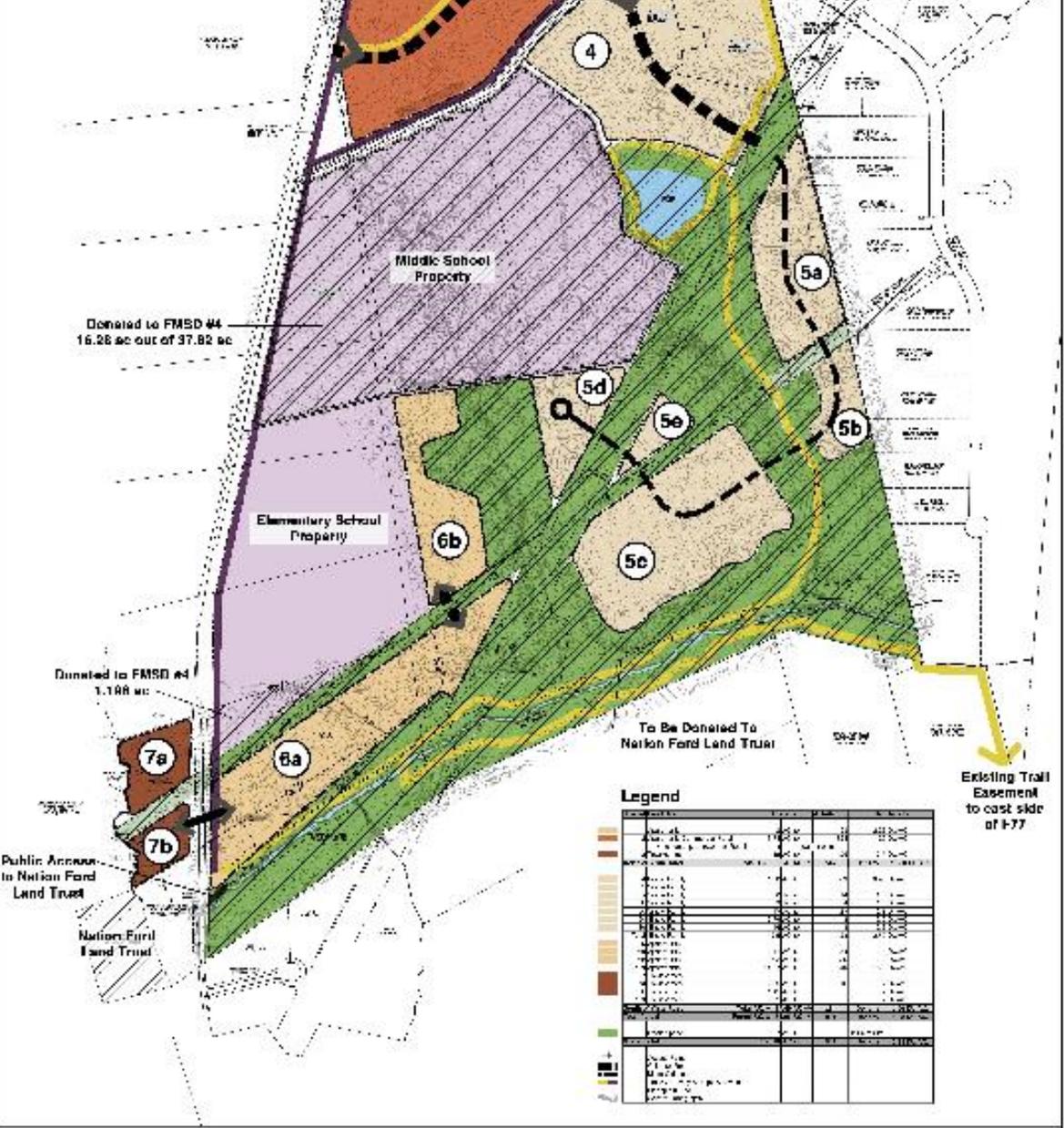


TABLE 1

Block	Acres	Area	Notes
1	1.00	1.00	
2	1.00	1.00	
3	1.00	1.00	
4	1.00	1.00	
5a	1.00	1.00	
5b	1.00	1.00	
5c	1.00	1.00	
5d	1.00	1.00	
6a	1.00	1.00	
6b	1.00	1.00	
7a	1.00	1.00	
7b	1.00	1.00	

TABLE 2

Block	Acres	Area	Notes
1	1.00	1.00	
2	1.00	1.00	
3	1.00	1.00	
4	1.00	1.00	
5a	1.00	1.00	
5b	1.00	1.00	
5c	1.00	1.00	
5d	1.00	1.00	
6a	1.00	1.00	
6b	1.00	1.00	
7a	1.00	1.00	
7b	1.00	1.00	

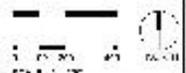


JUNE 10, 2014
PLEASANT / VISTA
 CONCEPT PLAN

FORT MILL, SOUTH CAROLINA

PREPARED FOR
 ATLANTIC BEACH, INC.

PREPARED BY
STEWART
 CONSULTANTS



Planning Commission Meeting
July 22, 2014
Old Business Item

Text Amendment: Local Commercial District

An ordinance amending the Zoning Ordinance for the Town of Fort Mill; Article II, Requirements by district; Section 8, LC Local Commercial District; so as to add day care centers to the list of permitted uses within the LC District; to remove newspaper publishing plants from the list of permitted uses within the LC District; and to amend the prohibition on outdoor speakers for restaurants located within the LC District

Background / Discussion

The Planning Commission is asked to consider a text amendment to Article II, Section 8, of the Zoning Ordinance for the Town of Fort Mill. If adopted, the attached text amendment would allow the following changes within the LC Local Commercial zoning district:

- Add day care centers to the list of permitted uses within LC
- Remove newspaper publishing plants from the list of permitted uses within LC
- Amend the prohibition on outdoor speakers for restaurants to read as follows:

~~No outside speaker system shall be utilized,~~ Outdoor speaker systems and sound amplifying devices shall be directed away from any adjoining residential uses and/or districts; provided, however, no outdoor speaker system or sound amplifying devices shall be permitted within 50 feet of an adjoining residence.

As a follow up to the discussion of this item at the last meeting, we have attached a copy of the town's current noise ordinance.

Recommendation

Staff recommends in favor of the proposed text amendment.

Upon review of the noise ordinance, staff would also recommend in favor of adding the following paragraph to the list of exceptions to the noise ordinance:

In any residentially zoned area or within 300 feet of any residentially occupied structure in any zone, the noise resulting from any live music or speakers at any restaurant, bar, or other eating or drinking establishment, whether open or enclosed, shall not exceed 75 dB at any point on or beyond the lot line between the hours of 10:00 a.m. and 10:00 p.m. and/or 65 dB at any point on or beyond the lot line between the hours of 10:01 p.m. and 9:59 a.m.;

Joe Cronin
Planning Director
July 18, 2014

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2014-__

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR THE TOWN OF FORT MILL; ARTICLE II, REQUIREMENTS BY DISTRICT; SECTION 8, LC LOCAL COMMERCIAL DISTRICT; SO AS TO ADD DAY CARE CENTERS TO THE LIST OF PERMITTED USES WITHIN THE LC DISTRICT; TO REMOVE NEWSPAPER PUBLISHING PLANTS FROM THE LIST OF PERMITTED USES WITHIN THE LC DISTRICT; AND TO AMEND THE PROHIBITION ON OUTDOOR SPEAKERS FOR RESTAURANTS LOCATED WITHIN THE LC DISTRICT

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

SECTION I. Amending the Local Commercial District. The Zoning Ordinance for the Town of Fort Mill; Article II, Requirements by Districts; Section 8, LC Local Commercial District; is hereby amended to read as follows:

Sec. 8. LC Local commercial district.

1. *Purpose of district:* It is the intent of this section that the LC zoning district be developed and reserved for local or "main street" oriented business purposes. The regulations which apply within this district are designed to:
 - (a) Encourage the formation and continuance of a stable, healthy, and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping service facilities,
 - (b) Reduce traffic and parking congestion,
 - (c) Avoid the development of "strip" business districts, and
 - (d) Discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.
2. *Permitted uses:* The following uses shall be permitted in any LC zoning district:
 - A) Retail business involving the sale of merchandise on the premises, specifically including:
 - 1) Antique store,
 - 2) Appliance, radio, television store,
 - 3) Art supply store,
 - 4) Book, magazine, newspaper shop,

- 5) Candy store,
 - 6) Clothing store,
 - 7) Drug store or pharmacy,
 - 8) Florist shop,
 - 9) Fruit, nut and/or vegetable store,
 - 10) Gift or curio shop,
 - 11) Grocery store,
 - 12) Hardware store,
 - 13) Hobby and/or toy shop,
 - 14) Household furnishing store,
 - 15) Millinery or hat store,
 - 16) Music store and/or record shop,
 - 17) Notion, 5-and-10-cent, general or variety store,
 - 18) Office supply and equipment store,
 - 19) Package liquor store,
 - 20) Paint store,
 - 21) Photographic and camera supply and service store and studio,
 - 22) Printing shop,
 - 23) Shoe store,
 - 24) Sporting goods store,
 - 25) Video store.
- B) Business involving the rendering of a personal service or the repair and servicing of small equipment, specifically including:
- 1) Appliance, radio, television repair shop,
 - 2) Banks, savings and loan association, specifically excluding check cashing establishments, title loan lenders, deferred presentment lenders, pawnshops, loan brokers, and small loan companies,
 - 3) Barber shop, beauty shop or combination thereof,
 - 4) Bicycle repair and sales shops
 - 5) Dressmaker, seamstress, tailor,
 - 6) Dry cleaning, self-service and/or laundry self-service facility,
 - 7) Furniture repair, upholstering,
 - 8) Insurance agency,
 - 9) Jewelry and watch repair shop,
 - 10) Locksmith or gunsmith,
 - 11) Medical, dental, or chiropractic office, clinic, and/or laboratory,
 - 12) Office for governmental, business, professional, or general purposes,
 - 13) Photographic studio,
 - 14) Public utility business office,
 - 15) Real estate agency,
 - 16) School offering instruction in art, music, dancing, drama, or similar cultural activity,
 - 17) Secretarial and/or telephone answering service,
 - 18) Shoe repair shop,

- 19) Telegraph office,
 - 20) Telephone exchange,
 - 21) Veterinary clinic.
- C) Radio and/or television station.
 - D) Private or semiprivate club, lodge, union hall or social center.
 - E) Church.
 - F) Residential uses permitted in any GR residential district,
 - G) Off-street commercial parking lot,
 - H) Publicly owned and operated building, facility or land,
 - I) Day care center.
 - J) Accessory use in compliance with the provisions of article I, section 7, subsection G.
3. *Conditional uses:* The following uses shall be permitted in any LC zoning district on a conditional basis:
- A) Auto accessory store; provided, that there shall be no storage of wrecked automobiles or scrapped or salvaged auto parts on the premises;
 - B) Bakery; provided, that goods baked on the premises shall be sold only at retail on the premises;
 - C) Contractor's office; provided, there shall be no storage of vehicles, equipment or materials on the premises;
 - D) Delicatessen, restaurant, soda fountain, or other eating and/or drinking establishments (other than drive-in establishments) provided, that
 - 1) ~~No outside speaker system shall be utilized;~~ Outdoor speaker systems and/or sound amplifying devices shall be directed away from any adjoining residential uses and/or districts; provided, however, no outdoor speaker system and/or sound amplifying devices shall be permitted within 50 feet of an adjoining residence.
 - 2) All lights or lighting arrangements used for purposes of advertising or night operations shall be directed away from adjoining or nearby residential properties, and
 - 3) Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six feet in height above finish grade.

- E) Dry cleaning or laundry pick-up agency; provided, that:
 - 1) Any laundering, cleaning or pressing done on the premises shall involve only articles delivered to the premises by individual customers; and
 - 2) No applicable fire zone regulation shall be violated.
- F) Pet shop; provided, that all animals shall be housed within the principal building so that no sound is perceptible beyond the premises.
- G) Public utility substation or subinstallation including water towers, provided, that:
 - 1) Such use shall be enclosed by a painted or chain-link fence or wall at least six feet in height above finish grade,
 - 2) There shall be no storage of vehicles or equipment on the premises, and
 - 3) A landscaped strip not less than five feet in width shall be planted and suitably maintained.
- H) Commercial recreation facility, specifically including: Theaters, but not including drive-in type of facility.
- ~~I) Newspaper publishing plant; provided, that the requirements for parking, loading, and unloading shall conform to the provisions of this ordinance.~~

4. *Other requirements:* Unless otherwise specified elsewhere in this ordinance, uses permitted in LC local commercial zoning districts shall be required to conform to the following standards:

- A) Minimum lot area—1500 square feet,
- B) Minimum lot width, measured at the building line—20 feet,
- C) Minimum side yard—No side yard required,
- D) Minimum rear yard—No rear yard required,
- E) Additional requirements: Uses permitted in LC zoning districts shall meet all standards set forth in article I, section 7, subsection I., pertaining to off-street parking, loading, and other requirements. Public alleys and/or parking lots may be used to satisfy this requirement.
- F) Signs: Signs permitted in LC zoning districts, including the conditions under which they must be located, are set forth in article III.

SECTION II. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the

final decision of a court of competent jurisdiction, the validity of the remaining sections, subsections, paragraphs, clauses, or provisions shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall take effect upon adoption by the Town Council.

SIGNED AND SEALED this ____ day of _____, 2014, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2014.

First Reading: August 11, 2014
Public Hearing: August 11, 2014
Second Reading: August 25, 2014

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Town Attorney

Dana Powell, Interim Town Clerk

**Town of Fort Mill
Noise Ordinance**

Adopted January 17, 2011 (Ord. 2010-18)

Sec. 24-34. Unreasonable noise prohibited.

(a) Legislative findings.

As an incident to the enactment of this section, the Town Council has made the following legislative findings:

- (1) Inadequately controlled noise may present a growing danger to the health and welfare of the residents of the town;
- (2) The making, creation or continuance of excessive noises which are prolonged or unusual in their time, place and use are a detriment to the public health, comfort, safety and welfare of the residents of the town;
- (3) Every person is entitled to an environment in which excessive or unusually loud noise is not detrimental to his or her life, health and enjoyment of property;
- (4) Any unreasonably loud, disturbing or unnecessary noise, as defined within this section, which causes discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is prohibited;
- (5) Any noise of the character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private dwellings by persons of ordinary sensibilities is hereby declared to be a nuisance;
- (6) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of legislative determination and public policy and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in the pursuance, and for the purpose, of securing and promoting the public health, comfort, safety, welfare, peace and quiet of the town and its inhabitants;
- (7) Municipalities are authorized, pursuant to S.C. Code § 5-7-30, to enact ordinances respecting any subject, consistent with the laws of this state, which appear necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government within the municipality, including the authority to abate nuisances; and
- (8) It is further found that in many circumstances, the problems created by the noise can best be solved by better communication between neighbors, which the town encourages, but that those problems can become sufficiently severe to warrant the impositions of the provisions and prohibitions set forth in this section.

(b) Definitions.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSTRUCTION. Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

DECIBEL (dB). A logarithmic unit used for measuring the intensity of sound.

EMERGENCY. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

IMPULSIVE SOUND. Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of *IMPULSIVE SOUND* include explosions, drop forge impacts and the discharge of firearms.

MOTOR CARRIER VEHICLE ENGAGED IN INTERSTATE COMMERCE. Any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

MOTOR VEHICLE. (As defined in the Motor Vehicle Code of the state.) Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles, but not including motorcycles.

MOTORBOAT. Any vessel which operates on water and which is propelled by a motor, including, but not limited to boats, barges, amphibious craft, water ski towing devices and hover craft.

MOTORCYCLE. (As defined in the Motor Vehicle Code of the state.) An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to motor scooters and minibikes.

MUFFLER or *SOUND DISSIPATIVE DEVICE.* A device for abating the sound of escaping gases of an internal combustion engine.

NOISE. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

NOISE DISTURBANCE. Any sound which endangers or injures the safety or health of humans or domestic animals, or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

POWERED MODEL VEHICLE. Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to any model airplane, boat, car or rocket.

PUBLIC RIGHT-OF-WAY. Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

PUBLIC SPACE. Any real property or structures thereon which are owned or controlled by a governmental agency.

REAL PROPERTY BOUNDARY. An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

SOUND.

- (a) An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- (b) The description of *SOUND* may include any characteristic of the sound, including duration, intensity and frequency.

WEEKDAY. Any Monday through Friday which is not a legal holiday.

(c) Prohibitions

(1) Prohibited noise generally. It shall be unlawful for any person to make or continue, or cause to be made or continued, any unreasonably loud, disturbing or unnecessary noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the corporate limits of the Town of Fort Mill. In determining whether a violation of this section has occurred, the following characteristics and conditions may be considered.

- a. The level and intensity of the noise;
- b. The duration of the noise;
- c. The time of day or night the noise occurs;
- d. The nature of the noise, whether usual or unusual and produced naturally or unnaturally;
- e. The general characteristics of the area where the noise occurs;
- f. The nature and zoning of the area where the noise occurs;

- g. The reasonable expectation of quiet of a person on public/private property surrounding the area from which the noise originates; and/or
- h. Any previous request for abatement of noise.

(2) *Specific noises prohibited.* The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive.

- a. *Animals, birds, etc.* The keeping of any animal which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity.
- b. *Blowers or engines.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- c. *Building operations.* In conducting any building operations between the hours of 9:01 p.m. and 6:59 a.m., to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists or other apparatus, the use of which is attended with loud or unusual noise, within 600 feet of any residentially occupied structure in any zone.
- d. *Defect in vehicle or load.* The use of any automobile, motorcycles or vehicle so out of repair, so loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- e. *Use of drums or other instruments to attract attention.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale or event; provided, however, that this provision shall not apply to any school sanctioned event or activity taking place on school grounds between the hours of 7:00 a.m. and 11:00 p.m.
- f. *Noisy exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- g. *Hawkers, peddlers, etc.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- h. *Horns and other signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the town, except as a danger warning, the creation by means of any such signaling device of any unreasonably loud or harsh sound, and the sounding of any such device for an

- unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- i. *Loading and unloading; opening boxes, crates, etc.* The creation of loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - j. *Transporting metal rails, pillars, etc.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars or trucks or in any other manner so loaded as to cause loud noises or so as to disturb the peace and quiet of such streets or other public places.
 - k. *Use of loudspeakers, megaphones, musical instruments, etc., for advertising.* The maintenance and operation in any building or on any premises in the town, including, but not limited to, public streets, sidewalks, facilities, parks, and parking areas, of any radio device, megaphone or mechanical musical instrument, or any similar device of any kind whereby the sound therefrom is cast directly upon the public streets and places in such manner as to create unreasonably loud, excessive or disturbing noises and where such device is maintained and operated for advertising purposes or for the purposes of attracting the attention of the passing public, or which is so placed and operated that the sound coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.
 - l. *Sound-amplifying devices generally.* Operating or causing or permitting to be operated any automatic or electrical piano, phonograph, graphophone, victrola, radio or loudspeakers, or any instrument or sound-producing or sound-amplifying device of like character, so loud as to unreasonably disturb persons in the vicinity thereof or in such a manner as to render the instrument or device a public nuisance; provided, however, that upon application to and approval by the town council, permits may be granted to responsible organizations to broadcast programs of music, speeches or general entertainment as a part and in recognition of a community celebration of national, state or town events, public festivals, or outstanding events of a noncommercial character, provided that traffic on the streets is not obstructed by reason thereof and adequate provisions will be made to minimize the disturbance to neighboring residential areas. School sanctioned events and activities taking place on school grounds between the hours of 7:00 a.m. and 11:00 p.m. shall be exempt from the provisions of this paragraph.
 - m. *Radios, phonographs, etc.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room,

vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation.

- n. *Creation of noise near any school, court, church, cemetery or hospital.* The creation of any excessive noise on any street or other public place adjacent to any school, institution of learning, church, or court while the school, institution, church or court is in use, or adjacent to any cemetery or hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys visitors to the cemetery or patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the street is a school, hospital, cemetery or court street.
- o. *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of the town manager.
- p. *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on public property, including, but not limited to, public streets, sidewalks, facilities, parks, and parking areas, between the hours of 11:01 p.m. and 6:59 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- q. *Racing engines of motor vehicles.* The racing of the engine of any motor vehicle while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the vehicle, and when such activity is not otherwise in violation of the applicable provisions of the Code of Ordinances for the Town of Fort Mill.
- r. *Residential areas.* In any residentially zoned area or within 300 feet of any residentially occupied structure in any zone, the noise resulting from any activity, whether open or enclosed, shall not exceed 65 dB at any point on or beyond the lot line. For the purpose of determining decibels as referred to in this section, the noise shall be measured on the A-weighting scale and the slow response on a Type 2 sound level meter of standard design and quality having characteristics established by the American National Standards Institute. The following shall be exceptions to this paragraph:
 - 1. The emission of any sound for the purpose of alerting persons to the existence of an emergency, crime or attempted crime;
 - 2. Sound produced by an authorized emergency vehicle;
 - 3. Sound produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger following a fire, disaster or natural disaster;

4. Sound produced by vehicles and equipment authorized to provide sanitation service and removal of yard debris;
5. Sound which was generated:
 - a. At a lawfully scheduled event or activity at any school, stadium or amphitheater between the hours of 7:00 a.m. and 11:00 p.m.;
 - b. By spectators and participants of any outdoor event of a non-commercial nature, including, but not limited to: parades, races, festivals, fiestas or concerts which are sponsored, co-sponsored or permitted by the town;
 - c. By patrons and participants using cannons and gunfire during historic battle reenactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;
 - d. By a pyrotechnic display that was inspected and approved by the fire marshal;
 - e. Any other lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution.
 - f. Sound produced by the erection, excavation, construction, demolition, alteration or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in such activity conducted between the hours of 7:00 a.m. and 9:00 p.m. and which activity did not produce a sound exceeding 85 dB when measured from the nearest residential property where the sound is being received;
 - g. Sound produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way;
 - h. Sound produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, agricultural related equipment or activities, or other similar device used between the hours of 7:00 a.m. and 9:00 p.m. and which activity did not produce a sound exceeding 85 dB when measured from the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was used;
 - i. In any residentially zoned area or within 300 feet of any residentially occupied structure in any zone, the noise resulting from any industrial activity, whether open or enclosed, shall not exceed 75 dB at any point on or beyond the lot line between the hours of 7:00 a.m. and 9:00 p.m. and/or

65 dB at any point on or beyond the lot line between the hours of 9:01 p.m. and 6:59 a.m.;

- j. Sound which was generated by an HVAC unit;
- k. Sound which was generated by an emergency generator during a power outage, an emergency situation, or during such periods when the generator is being tested and/or repaired;
- l. Sound emanating from firing ranges owned and/or operated by duly authorized public safety agencies engaged in providing security for the citizens of the town or as authorized by the Nuclear Regulatory Commission; or
- m. Sound produced by operating or permitting the operation of any recreation, all terrain vehicle (ATV), boat, jet ski, or watercraft which produces a sound not exceeding 75 dB when measured from the nearest residential property where the sound is being received or at a distance of 300 feet, whichever is closer.

(d) Enforcement; Citation of violations or property owners.

(1) Enforcement.

- a. The provisions of this section may be enforced by officers of the Fort Mill Police Department, or any duly authorized code enforcement officers within the Fort Mill Planning or Building Departments. All town agencies, offices, departments and employees shall assist in the administration and enforcement of the provisions of this section.
- b. For the purpose of determining decibels as referred to in this section, the noise shall be measured on the A-weighting scale and the slow response on a Type 2 sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

(2) Citation of violators or property owners.

- a. After receiving a complaint and upon a finding by an officer of a violation, any offender or property owner shall have an opportunity to immediately abate the offending noise without penalty; however, if the violation continues or reoccurs within 90 days, the offender or property owner shall be guilty of a misdemeanor and shall be punished to the extent provided for in this section.

Violation of any section or provision of this section shall constitute a misdemeanor, which shall be punishable by a fine of not more than \$500.00, or imprisonment for not more than 30 days.

Each day that any violation of the provisions of this section shall exist or continue after notice thereof shall constitute a separate offense

Planning Commission Meeting
July 22, 2014
Old Business Item

Request to Approve Road Name: New Road/ Cul-De-Sac
New Cul-De-Sac (Old Dobys Bridge Road)

Background / Discussion

The Planning Commission is asked to consider a request to approve road names for a new cul-de-sac created as a result of the realignment of Dobys Bridge Road.

Phase 1 of the bypass and the cul-de-sac are both nearing completion, and are expected to be opened to traffic in July 2014.

The new cul-de-sac was constructed to ensure access to several parcels near Dobys Bridge Park that were formerly accessed from Dobys Bridge Road. As part of the bypass construction project, a portion of Dobys Bridge Road was realigned, resulting in the need for a new roadway. Because this cul-de-sac is entirely within the town limits, the county has requested that the town provide a road name recommendation. At this time, we are still attempting to make contact with the Hinson family, who owns property surrounding the new cul-de-sac. It is our hope to present a name recommendation at the meeting on July 22nd.

Recommendation

A name recommendation for the new cul-de-sac will be provided during the meeting on July 22nd.

Joe Cronin
Planning Director
July 22, 2014

SECTION 6-29-1200. Approval of street names required; violation is a misdemeanor; changing street name.

(A) A local planning commission created under the provisions of this chapter shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction. It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the planning commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, must be punished in the discretion of the court.

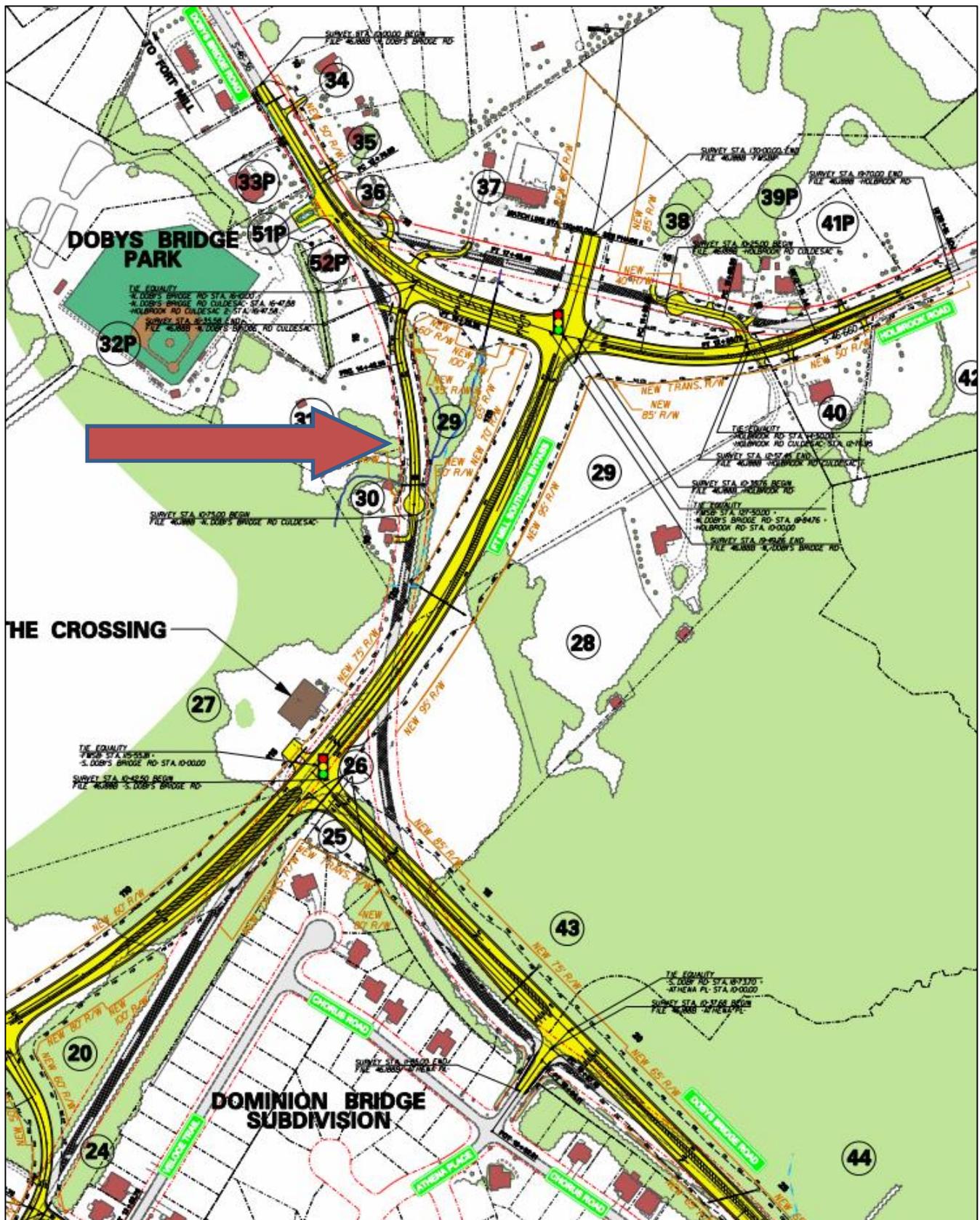
(B) A commission may, after reasonable notice through a newspaper having general circulation in which the commission is created and exists, change the name of a street or road within the boundary of its territorial jurisdiction:

(1) when there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;

(2) when it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or

(3) upon any other good and just reason that may appear to the commission.

(C) On the name being changed, after reasonable opportunity for a public hearing, the planning commission shall issue its certificate designating the change, which must be recorded in the office of the register of deeds or clerk of court, and the name changed and certified is the legal name of the street or road.



**Planning Commission Meeting
July 22, 2014
New Business Item**

Annexation Request: Talkington Property

An ordinance annexing York County Tax Map Number 774-00-00-004 & 774-00-00-005

Background / Discussion

John P. and Delores M. Talkington, and Justin R. and Jason T. Talkington, the owners of record for York County Tax Map Numbers 774-00-00-004 & 774-00-00-005, have submitted an annexation request for approximately 168 acres located on Dobys Bridge Road. A property map and description are attached for reference.

The subject parcel is located adjacent to the Preserve at Riverchase subdivision, which is located inside the town limits (zoned MXU Mixed Use). Therefore, the subject property meets the contiguity requirement as established by state law.

The subject parcel is currently zoned Rural Development District (RUD) per York County GIS. The county's RUD district allows farming and agricultural uses, campgrounds, churches, community centers, daycare centers, kennels, nursing homes, recreational facilities, and schools. A variety of residential uses, including single-family detached residences, single family detached housing developments (one acre per dwelling), modular homes, and manufactured homes, are also permitted.

The applicant has requested a zoning designation of R-5 Residential. The R-5 district was adopted by the town council on June 24, 2013, and is now available for use within the town limits. The R-5 district allows for single family residences – both detached and attached (townhomes) – as well as a limited number of non-residential uses, such as public facilities, religious institutions, and customary home occupations. The minimum lot size is 5,000 sf for single-family dwellings, and 1,500 sf for townhomes. The R-5 district contains a minimum open space requirement of 20%, as well as a project edge buffer of 35' along property lines adjacent to existing residential development.

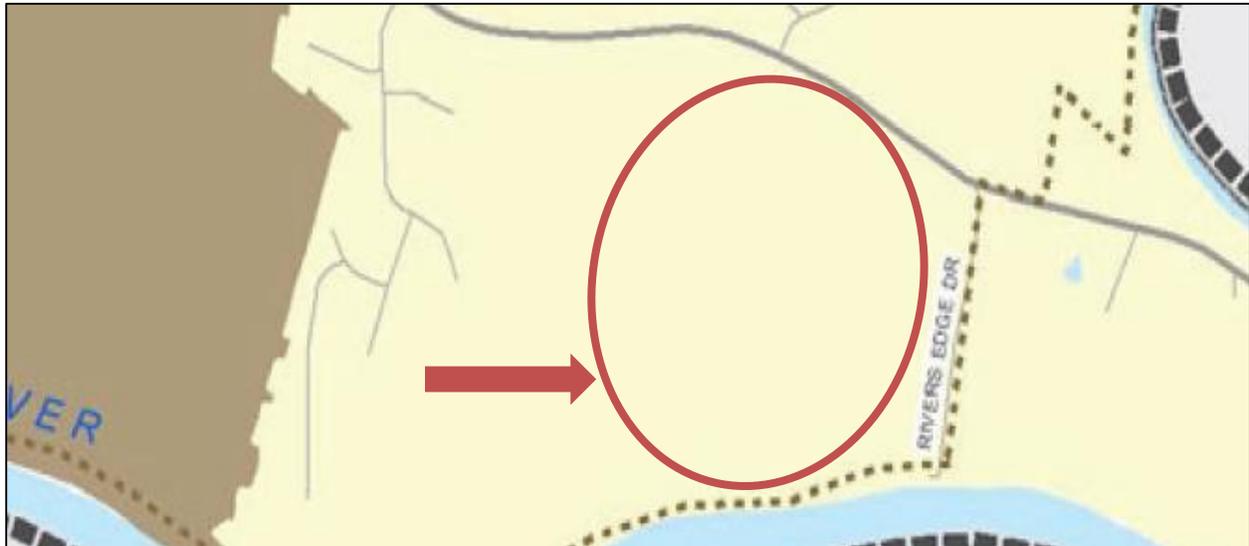
The property is currently under contract for sale to Trinity Land Partners, who is serving as the applicant. Trinity has stated that its intended use for the property, upon annexation, will be to develop a single-family residential subdivision.

Recommendation

The property is contiguous to the town limits and is, therefore, eligible for annexation.

The subject property is located within an area that has been designated as "Low-Density Residential" on the Town of Fort Mill's Future Land Use Map, last updated in January 2013. The comprehensive plan identifies "Low Density" as up to 2 dwelling units per acre. As a side note,

the comprehensive plan further defines “Medium Density” residential as 3-5 dwelling units per acre. Therefore, there is some ambiguity as to whether a total overall density between 2 and 3 units per acre would be classified as low or medium density. This would be a policy decision of the town council.



The developer’s preliminary estimates for this property put the total number of single-family lots at approximately 400-450. This number may be subject to change once engineered drawings are completed, or if the developer should choose to develop townhomes instead of single-family residences, which are also allowed in the R-5 district. Based on the total acreage of the property (168 acres), the preliminary density would be approximately 2.38-2.68 units per acre.

The property is anticipated to have multiple access points along Dobys Bridge Road. Below is a summary of daily traffic volumes and capacities for adjacent roadways:

Roadway Name(s)	2012 AADT	2013 AADT	2013 Capacity
Dobys Bridge Road	9,000	9,100	105%
Rivers Edge Drive	NA (County)	NA (County)	NA%

Sources: SCDOT Average Daily Traffic (2012 & 2013), York County GIS

All R-5 projects with more than 100 dwelling units must complete a traffic impact study prior to commencement of any development activities. Any improvements deemed necessary by the study, in consultation with the town and SCDOT, must be constructed at the applicant’s expense.

As stated above, project densities between 2 and 3 units per acre are a “gray area” between the low and medium density designations specified in the 2013 comprehensive plan.

Should council choose to move the request forward with a zoning designation of R-5, staff would strongly recommend in favor of a development agreement that limits the permitted uses and overall density of the project. In regards to interpreting the “gray area” question regarding density, staff’s

recommendation would be to consider densities of less than 2.5 units per acre and as “low density,” and those 2.5 units per acre and above as “medium density.” The current capacity status of South Dobys Bridge Road is also an item of concern.

Nothing in this report shall be deemed a guarantee that water and/or sewer service/capacity will be available at the time of development. The property shall also be subject to a traffic impact analysis (TIA) prior to the approval of a preliminary subdivision plat. Any improvements deemed necessary as a result of the TIA would be the responsibility of the owner/developer.

Joe Cronin
Planning Director
July 22, 2014

Date: June 23rd, 2014

Dennis Pieper
Town Manager
Town of Fort Mill
PO Box 159
Fort Mill, SC 29716

Re: Request for Annexation

Dear Mr. Pieper:

As the owners of the property indicated below, we respectfully request that the Town of Fort Mill annex the property into the Town limits. We also request that the annexation of the property be contingent upon it be zoned upon annexation as indicated. Thank you for your consideration.

Property Address: Dobys Bridge Road

Tax Map Number: 774-00-00-004

Total Acreage: Approximately 91 acres

Zoning Designation Requested: R-5

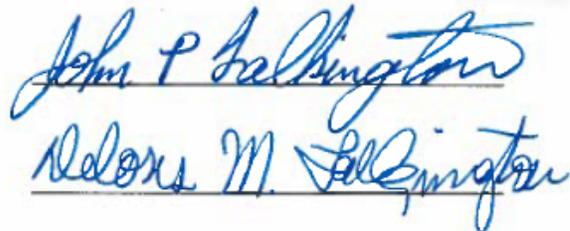
Property Owners: John P. Talkington and Delores M. Talkington

Print Name(s):

John P. Talkington

Delores M. Talkington

Signature(s):



Handwritten signatures of John P. Talkington and Delores M. Talkington. The signatures are written in blue ink and are positioned to the right of the printed names. Each signature is written over a horizontal line.

Date: June 23rd, 2014

Dennis Pieper
Town Manager
Town of Fort Mill
PO Box 159
Fort Mill, SC 29716

Re: Request for Annexation

Dear Mr. Pieper:

As the owners of the property indicated below, we respectfully request that the Town of Fort Mill annex the property into the Town limits. We also request that the annexation of the property be contingent upon it be zoned upon annexation as indicated. Thank you for your consideration.

Property Address: Dobys Bridge Road

Tax Map Number: 774-00-00-005

Total Acreage: Approximately 77 acres

Zoning Designation Requested: R-5

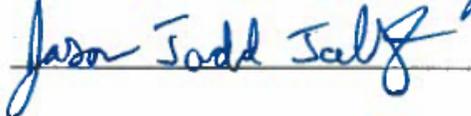
Property Owners: Justin Ryan Talkington and Jason Todd Talkington

Print Name(s):

Justin Ryan Talkington

Jason Todd Talkington

Signature(s):

SECTION II. Zoning Classification of Annexed Property. The above-described property, upon annexation into the corporate limits of the Town of Fort Mill, shall be zoned, as follows: **R-5 Residential.**

SECTION III. Voting District. For the purpose of municipal elections, the above-described property, upon annexation into the incorporated limits of the Town of Fort Mill, shall be assigned to and made a part of Ward Four (4).

SECTION IV. Notification. Notice of the annexation of the above-described area and the inclusion thereof within the incorporated limits of the Town of Fort Mill shall forthwith be filed with the Secretary of State of South Carolina (SCSOS), the South Carolina Department of Public Safety (SCDPS), and the South Carolina Department of Transportation (SCDOT), pursuant to S.C. Code § 5-3-90(E).

SECTION V. Severability. If any section, subsection, or clause of this resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION VI. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2013, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2013.

First Reading: August 11, 2014
Public Hearing: August 11, 2014
Second Reading: August 25, 2014

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Dennis Pieper, Town Manager

EXHIBIT A

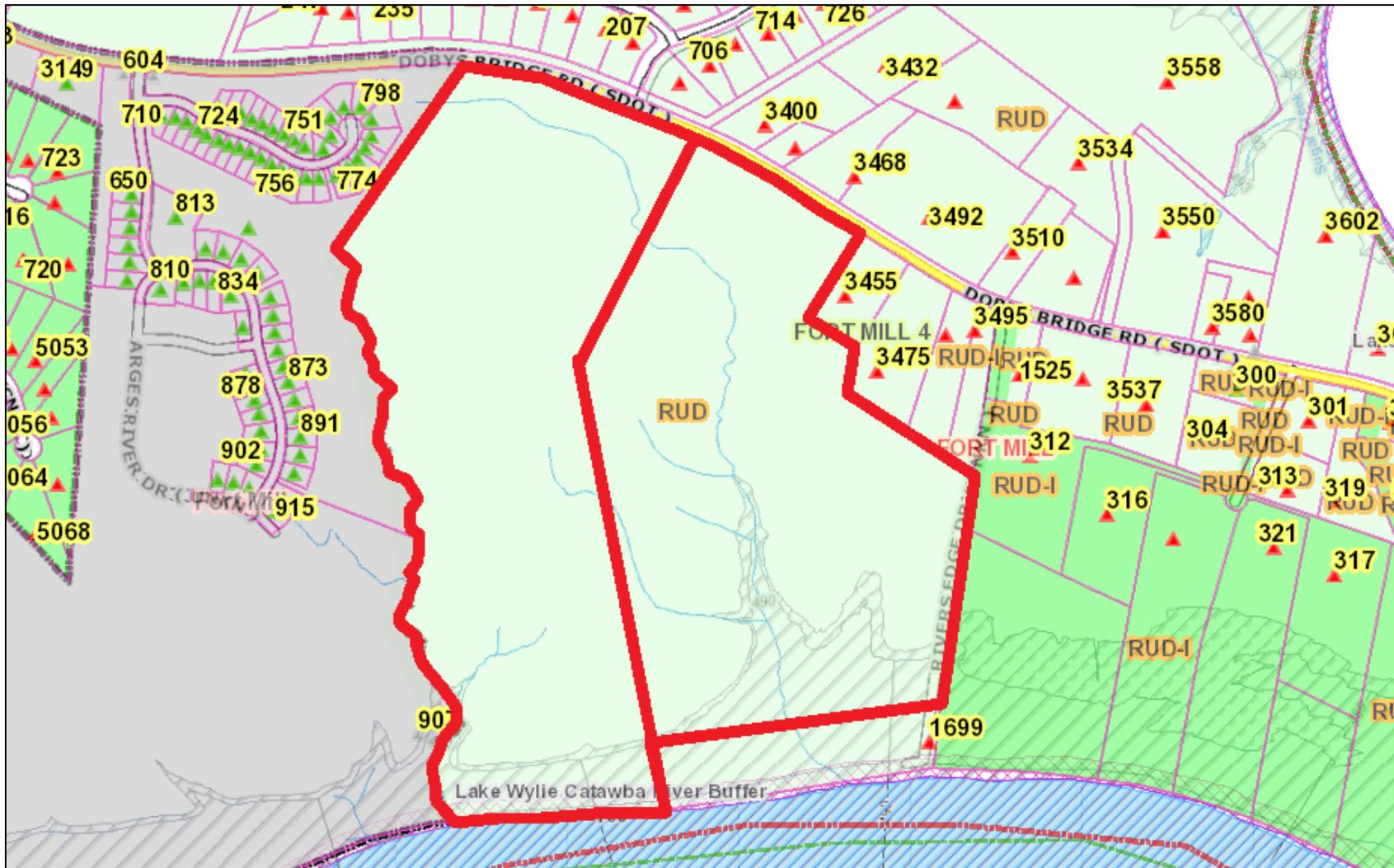
Property Description

All those certain pieces, parcels or tracts of land lying, being and situate in Fort Mill Township, County of York, State of South Carolina, containing 168 acres, more or less, containing all the property shown in the map attached as Exhibit B, and being more particularly described as York County Tax Map Numbers 774-00-00-004 & 774-00-00-005.

Pursuant to S.C. Code Section 5-3-110, this annexation shall include the whole or any part of any street, roadway, or highway abutting the above referenced property, not exceeding the width thereof, provided such street, roadway or highway has been accepted for and is under permanent public maintenance by the Town of Fort Mill, York County, or the South Carolina Department of Transportation.

EXHIBIT B

Property Map
York County Tax Map # 774-00-00-004 & 774-00-00-005



June 18, 2014

Town of Fort Mill
112 Confederate St
Fort Mill, SC 2915

Tax Map # 020-11-01-111, etl

Dear Town of Fort Mill,

As a part of the Pennies for Progress, project number 03-004, known as the Fort Mill Southern By-pass, the first phase is scheduled to open the coming weeks. The permanent road name will be Fort Mill Parkway as a continuation of the parkway from Spratt Street.

I am sure you have noticed, with the completion of the Fort Mill Parkway, that Doby's Bridge Road no longer connects which creates a non-contiguous roadway. Because it is no longer contiguous, what was one road is now two separate road ways with duplicate road names. County Ordinance does not allow duplicate road names therefore each section of Doby's Bridge Roads must have their own road name. York County along with the Town of Fort Mill is dedicated to ensuring the safety of its residents. By eliminating road name duplications, we can ensure quick emergency response during an emergency situation.

York County and the Town of Fort Mill staff have discussed the best way to approach this renaming with the least of amount impact for you, the property owner(s), and feel the most logical with minimal impact is to simply add the directional of North and South to the northern and southern sections of the existing Doby's Bridge Road.

The north designated section will extend from the town limits of Fort Mill beginning at Tom Hall St, and continue into the county and end at the newly created intersection of Doby's Bridge Rd and Holbrook Rd. The south designated section will begin at the approximate site of Whites Rd, before the realignment took place, and will continue into the county and end at the York County/ Lancaster County line.

The York County Planning Commission will hold a public hearing on July 14, 2014 at 6:00 P.M. at the York County Complex, in the large conference room at 1070 Heckle Blvd., Ste. 104 to discuss this proposal. The Public Hearing is your opportunity to discuss your concerns regarding this change.

The Town of Fort Mill's Planning Commission will hold a public hearing on July 22, 2014 at 7:00 P.M. in the Fort Mill Town Hall Council Chambers to discuss this proposal. The Public Hearing is your opportunity to discuss your concerns regarding this change.

Should you have any questions or comments please feel free to contact me at 803-909-7483.

Sincerely,



Jeanne Moore
9-1-1 Address Coordinator

Sec. 23. – R-5 Residential district.

1. *Purpose of district:* It is the intent of this section that the R-5 residential zoning district be developed and reserved for medium-to-high density single-family attached and detached residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable and healthy residential environment, while allowing for flexibility in design standards, a variety in housing options, and enhanced protection for natural and environmental resources.

2. *Permitted uses:* The following uses shall be permitted in the R-5 zoning district:
 - a. Single-family attached residential dwellings
 - b. Single-family detached residential dwellings
 - c. Publicly owned building, facility, or land;
 - d. Private uses which are customarily associated with residential development, including:
 1. Clubhouses and activity centers
 2. Pools and poolhouses
 3. Off-street parking facilities
 4. Other amenities related to recreation and/or resident activities
 - e. Accessory use in compliance with the provisions of article I, section 7, subsection G.;
 - f. Customary home occupations established under the regulations in article I, section 7, subsection F.;
 - g. Religious institutions.

3. *Conditional uses:* The following uses shall be permitted in any R-5 zoning district on a conditional basis:
 - a. Public utility substation or subinstallation, including water towers; provided that:
 1. Such use is enclosed by a painted or chain-link fence or wall at least six feet in height above finish grade,
 2. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises, and

3. A landscaped strip not less than ten feet in width is planted and suitably maintained around the facility;
 - b. Temporary use in compliance with the provisions of article VI, section 4;
 - c. Daycare facilities or pre-school nursery, provided that any such facility must be licensed or registered by the appropriate state agency.
4. *Other requirements:* Unless otherwise specified elsewhere in this ordinance, uses permitted in R-5 districts shall be required to conform to the following standards:
- a. Minimum lot area:
 1. For single-family attached residential dwellings, the minimum lot area shall be 1,500 square feet.
 2. For all other permitted uses within the R-5 district, the minimum lot area shall be 5,000 square feet.
 - b. Minimum land area per dwelling unit:
 1. For single-family attached residential dwellings, the minimum lot area shall be 1,500 square feet per dwelling unit.
 2. For single-family detached residential dwellings, the minimum lot area shall be 5,000 square feet per dwelling unit.
 - c. Minimum lot width, measured at the building line:
 1. For single-family attached residential dwellings, the minimum lot width shall be 20 feet.
 2. For all other permitted uses within the R-5 district, the minimum lot width shall be 50 feet; provided, however, that the minimum lot width may be reduced up to 20% for any single-family detached residential lot with rear alley loaded access.
 - d. Minimum front yard depth, measured from the nearest street right-of-way line:
 1. For single-family attached residential dwellings, no front yard shall be required. Where a front yard is provided, the minimum setback shall be 5 feet.
 2. For all other permitted uses within the R-5 district, the minimum front yard setback shall be 10 feet.

3. For exceptions to this requirement, See article I, section 7, subsection E.
 4. Line of sight guidelines shall apply for all corner lots and may result in a larger front yard setback.
- e. Minimum side yard:
1. For single-family attached residential dwellings, no side yard shall be required. Where a side yard is provided, the minimum setback shall be 5 feet.
 2. For all other permitted uses within the R-5 district, the minimum side yard setback shall be 5 feet.
 3. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.
 4. Line of sight guidelines shall apply for all corner lots and may result in a larger side yard setback.
 5. The minimum side yard setback for all accessory uses within the R-5 zoning district shall be 5 feet.
- f. Minimum rear yard:
1. For single-family attached residential dwellings, no rear yard shall be required. Where a rear yard is provided, the minimum setback shall be 5 feet.
 2. For all other permitted uses within the R-5 district, the minimum rear yard setback shall be 15 feet.
 3. For rear yard requirements pertaining to dual frontage lots, see article I, section 7, subsection D.
 4. The minimum rear yard setback for all accessory uses within the R-5 zoning district shall be 5 feet.
- g. Maximum building height:
1. The maximum building height for all structures within the R-5 zoning district shall be 35 feet.
 2. For exceptions to height regulations, see article I, section 7, subsection L.

- h. Dedicated open space requirements:
 - 1. For all new developments within the R-5 district, a minimum of 20 percent of the gross land area of the project shall be set aside as dedicated open space.
 - 2. For all new developments that include rear alley loaded access on at least 75% of all residential units, the open space requirement may be reduced to 10 percent of the gross land area of the project.
 - 3. Dedicated open space shall be provided in accordance with Section 19(4)(H), paragraphs 2-11, of the zoning ordinance.

- i. Buffer requirements:
 - 1. For all new developments within the R-5 district, a landscaped buffer at least 35' in width shall be required along all project edges abutting existing residential development, excluding road frontage, and shall be measured perpendicular to the property lines that define the project area. This buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the open space requirement. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required. Planted buffers shall contain a minimum of 9 evergreen trees and 20 evergreen shrubs for each 100 linear feet of buffer area.
 - 2. The required width of any project boundary buffer may be reduced by 50 percent, provided a minimum six-foot opaque wall is constructed along the project boundary.

- j. Sidewalk requirements:
 - 1. Notwithstanding other provisions of the zoning ordinance or the Code of Ordinances for the Town of Fort Mill, all new developments within the R-5 district shall include sidewalks at least five (5) feet in width along both sides of any new or existing road frontage (excluding alleys). All sidewalks shall be constructed to comply with the standards of the town, South Carolina Department of Transportation (SCDOT), and the Americans with Disabilities Act (ADA).
 - 2. New sidewalks shall be constructed in locations that will promote connectivity with existing sidewalk infrastructure. Where no adjacent sidewalk infrastructure exists, new sidewalks shall be stubbed out to locations identified by the zoning administrator in order to allow for connectivity with future development. These requirements may be waived administratively by the zoning administrator if circumstances exist that make such connections impractical.

- k. Traffic improvements.

1. A traffic impact analysis (TIA) shall be required for any new development that includes more than one hundred (100) residential units, or for any new development that is expected to generate an average of more than five hundred (500) vehicle trips per weekday. Any traffic improvements recommended by the TIA shall be installed at the developer's cost.
 2. Notwithstanding the previous paragraph, the developer shall meet with the zoning administrator and, if warranted, representatives from the SCDOT, prior to project approval for the purpose of reviewing proposed ingress/egress locations and traffic impact. Any traffic improvements recommended by the town and/or SCDOT shall be installed at the developer's cost.
- l. Additional requirements: Uses permitted in R-5 zoning districts shall meet all standards set forth in article I, section 7, subsection I., pertaining to off-street parking, loading, and other requirements.
 - m. Signs: Signs permitted in the R-5 zoning district, including the conditions under which they may be located, are set forth in article III.