



# FORT MILL

## TOWN OF FORT MILL PLANNING COMMISSION MEETING

December 16, 2015  
112 Confederate Street  
7:00 PM

### AGENDA

#### CALL TO ORDER

#### APPROVAL OF MINUTES

1. Regular Meeting: November 24, 2015 *[Pages 2–6]*

#### NEW BUSINESS ITEMS

1. Annexation Request: 1544 Sam Smith Road *[Pages 7–17]*

An ordinance annexing York County Tax Map Number 657-00-00-114, containing approximately 4.48 +/- acres at 1544 Sam Smith Road

2. 2016 Meeting Dates *[Page 18]*

Request to consider changing the Planning Commission's standing meeting date from the fourth Tuesday of each month to the third Tuesday of each month

#### ITEMS FOR INFORMATION / DISCUSSION

1. Preliminary Commercial Appearance Review for QuikTrip *[Pages 19–43]*
2. UDO Advisory Committee Meeting Dates: January 5<sup>th</sup> & 6<sup>th</sup> (6:30 PM)

#### ADJOURN

**MINUTES  
TOWN OF FORT MILL  
PLANNING COMMISSION MEETING  
November 24, 2015  
112 Confederate Street  
7:00 PM**

Present: James Traynor, John Garver, Hynek Lettang, Jay McMullen, Planning Director Joe Cronin, Assistant Planner Chris Pettit, Chief Chipper Wilkerson

Absent: Ben Hudgins, Chris Wolfe, Tom Petty

Guests: Larry Huntley (Town Council), Bryan Tuttle (Tuttle Co.), Debbie Weatherby (Tuttle Co.), Sean Jones (Decker National), Kevin Burrell (Hensley Road), Lindsay Jarvis (Hensley Road), Randy Lee (Crossings Ministries), Robert McLeave (Hinson Property), Boy Scout Troop 250

Chairman Traynor called the meeting to order at 7:00 pm and welcomed everyone in attendance. Chairman Traynor also welcomed members and parents of Boy Scout Troop 250, who were in the audience.

Chairman Traynor noted a minor correction to the minutes from the October 27, 2015, meeting. Mr. Garver made a motion to approve the minutes from the October 27, 2015, meeting as revised, with a second by Mr. McMullen. The minutes were approved by a vote of 4-0.

Planning Director Cronin stated that he had heard from Mr. Hudgins, Mr. Wolfe and Mr. Petty, who would be unable to attend due to scheduling conflicts. He also noted two typos on the agenda cover page.

**OLD BUSINESS ITEMS**

- 1. Annexation Request: Patterson Property:** Planning Director Cronin stated that this item had been deferred during the October meeting so that the applicant could meet with neighboring property owners. A meeting was held on November 17<sup>th</sup> at the Spratt Building, and was attended by the applicant (including the developer and home builder), Planning Director Cronin, and several residents from Savannah Place and Heritage Court. Bryan Tuttle of the Tuttle Co. spoke on behalf of the applicant. Mr. Tuttle stated that the meeting with the neighboring property owners had been productive, and that the attendees were generally supportive of the project, particularly given the current state of the property. Planning Director Cronin added that residents were satisfied that the R-5 district would require a 35' minimum buffer along the project edge, and also wanted to make sure that there would be no stormwater impact to neighboring properties.

Planning Director Cronin stated that the zoning designation of R-5 was consistent with the town's comprehensive plan, and the maximum allowable density of 3 units per acre was only slightly higher than the neighboring Savannah Place subdivision, which contains 2.5

units per acre. Therefore, staff recommended in favor of R-5 zoning. Chairman Traynor stated that the request appeared to be consistent with the comprehensive plan, while Mr. McMullen expressed concern about smaller separation distances between houses in the R-5 district than in neighboring subdivisions.

Mr. Lettang made a motion to recommend in favor of the annexation with a zoning designation of R-5. Mr. Garver seconded the motion. The motion passed by a vote of 3-1, with Mr. McMullen opposed.

2. **Appearance Review: Academy Street Shell Building:** Assistant Planner Pettit provided a brief overview of the changes submitted by the applicant for a proposed multi-tenant shell building to be located at 120 Academy Street. At the previous meeting, members of the Planning Commission expressed concern about having garage doors at the front and rear of the building. Assistant Pettit noted that a new window design had been submitted which retained the appearance of garage doors at the front of the building, but would not be operational. Members of the commission stated that the remainder of the building design and materials were acceptable, but expressed concern that the window designs on the front of the building were inconsistent with surrounding properties. A discussion took place regarding possible alternatives. Sean Jones provided additional information on behalf of the applicant, Decker National.

Mr. Garver made a motion to grant commercial appearance review approval for the proposed multi-tenant commercial building, and to delegate to staff the ability to approve modifications to the window designs using one of the following options: amending the design to include shorter windows (single pane or multi-pane, with tinting allowed, but no frosted glass) above a brick band in the center of the building, or replacing the windows in the center with the same door-window combination included at both ends of the building. Mr. McMullen seconded the motion. The motion passed by a vote of 3-1, with Mr. Lettang opposed.

## **NEW BUSINESS ITEMS**

1. **Subdivision Request: Hinson Property:** Planning Director Cronin stated that the town had received a subdivision plat from Carolina Surveyors Inc., submitted on behalf of the property owner, Marshall Hinson, to subdivide York County Tax Map Number 020-12001-202, containing 12.134 acres near the intersection of Fort Mill Parkway and Whites Road, into two parcels containing 3.001 acres and 9.133 acres. The property was recently rezoned by town council from PND Planned Neighborhood Development to HC Highway Commercial. Mr. Robert McLeave, an attorney representing Mr. Hinson, stated that the 9.133 acre portion of the property was under contract for sale and would be developed as part of a new shopping center anchored by a Harris Teeter supermarket. The remaining 3.001 acre parcel would be retained and developed by Mr. Hinson. Planning Director Cronin stated that the two parcels were consistent with the town's zoning ordinance, and therefore, staff recommended in favor of approval.

Mr. Garver made a motion to approve the subdivision plat as presented. Mr. Lettang seconded the motion. The motion was approved by a vote of 4-0.

2. **Rezoning Request: 1462 & 1466 N Dobys Bridge Road:** Planning Director Cronin Cronin provided a brief overview of the request, the purpose of which was to consider a rezoning application from the Crossings Ministries for York County Tax Map Numbers 020-11-01-110 and 020-11-01-111, containing approximately 7.6 +/- acres at 1462 and 1466 N Dobys Bridge Road. The applicant was requesting a rezoning of the property from R-15 Residential to GR-A Residential. A previous request to rezone the same parcels from R-15 to HC Highway Commercial was denied by town council earlier this year. Pastor Randy Lee stated that the property was originally zoned for commercial use in the county at the time of purchase, but was later rezoned to R-15 at the time of annexation. The church is now seeking to sell the property, and would like to upzone the property to recoup as much of the original investment as possible.

Planning Director Cronin stated that the property was located in an area designated as “medium density residential” on the town’s future land use map, with a recommended density of 3-5 dwelling units per acre. While staff would support a zoning designation of R-5 Residential or RT-4 Townhome at this location, it was recommended that GR-A, with a maximum allowable density of 8 units per acre, was inconsistent with the comprehensive plan. Staff did note, however, that the property is adjacent to the existing Walnut Lane Apartments, which are also zoned GR-A.

Members of the commission expressed concern about the proposed density being inconsistent with the town’s comprehensive plan. Mr. McMullen stated that he didn’t think that this location was suited for townhomes or apartments. Chairman Traynor asked if the applicant would be open to either the R-5 or RT-4 zoning designations, as these would be more consistent with the density allowances envisioned by the comprehensive plan. Pastor Lee stated that the church would be open to exploring these options and potentially revising its application to one of these districts. Planning Director Cronin stated that the request could be deferred until December, and the applicant can determine whether to withdraw or revise the existing application.

Mr. McMullen made a motion to defer consideration of the request in order to allow the applicant to evaluate alternate zoning designations, and to possibly amend the rezoning request. Mr. Garver seconded the motion. The motion to defer was approved by a vote of 4-0.

3. **Final Plat Approval: Massey Phase 2, Map 1:** Planning Director Cronin informed members of the commission that the town has received a final plat from Jen Worth Carolina 6 LLC for Phase 2, Map 1, of the Massey subdivision (49 single family lots) on S Dobys Bridge Road. Planning Director Cronin stated that staff had not received the requested corrections or an approved list of proposed road names prior to the meeting. Therefore, staff recommended in favor of deferral.

Mr. Garver made a motion to defer consideration of the request until a revised final plat has been received, and all road names have been cleared with York County. Mr. McMullen seconded the motion. The motion to defer was approved by a vote of 4-0.

- 4. Capital Improvements Plan Amendment:** Planning Director Cronin stated that town council had voted to proceed with upgrades and renovations to an existing building at 1881 N Dobys Bridge Road for the purpose of converting a temporary fire station located in a residential structure into a fully operational, 24/7 fire station and police substation. Planning Director Cronin stated that he had received a request from the town's Operations Director, on behalf of town council, to draft an ordinance amending the CIP to include Fire Station #2.

Chief Chipper Wilkinson of the Fort Mill Fire Department provided an overview of the project, which includes construction of a new heated bay for two fire trucks, renovations to the interior of the existing building, site work, as well as offices and storage space for a police substation. The cost of the project was estimated by Bobbitt Design-Build at \$777,994, which would be divided among the Fire Department (\$659,258) and Police Department (\$118,736).

Planning Director Cronin stated that the project would be eligible for funding from impact fee revenues, provided the project was included in the CIP. Since the town has collected less than \$10,000 in fire impact fees and \$25,000 in municipal facilities and equipment fees to date, the funds would likely need to be "fronted" by the town's capital projects fund, and reimbursed from impact fee revenues over the next several years.

Mr. Garver made a motion to recommend in favor of the ordinance amending the CIP to include Fire Station #2, adjusting the cost estimates for the south region police substation, and updating the cover page, index, and appendices A and B to reflect these amendments. The budget estimates may be updated as the project cost is further refined. Mr. McMullen seconded the motion. The motion was approved by a vote of 4-0.

- 5. Comprehensive Plan Amendment:** Planning Director Cronin stated that this was a companion ordinance to the CIP Amendment. At the time the CIP was first adopted in August 2015, the town's comprehensive plan was also amended so as to incorporate the CIP within the Priority Investment Element of Volume 2: Fort Mill Tomorrow. Should council elect to amend the CIP to include Fire Station #2, then the comprehensive plan should similarly be amended to include the updated version of the CIP.

Mr. Garver made a motion to recommend in favor of the ordinance amending the comprehensive plan to reflect changes to the town's CIP. Mr. McMullen seconded the motion. The motion was approved by a vote of 4-0.

## **ITEMS FOR INFORMATION / DISCUSSION**

- 1. December Meeting Date:** Planning Director Cronin stated that the December meeting date was scheduled for Tuesday, December 22<sup>nd</sup>, and asked if members wished to move the date

forward or back to an alternate date due to the Christmas holiday. The 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> of December were discussed as possible alternatives. Since three members were absent, Chairman Traynor recommended that staff send out a Doodle poll to determine the date that works best for the greatest number of commission members. Once a date has been confirmed, staff will notify members of the special called meeting date.

There being no further business, the meeting was adjourned at 8:42 pm.

Respectfully submitted,

Joe Cronin  
Planning Director

**Planning Commission Meeting  
December 16, 2015  
New Business Item**

**Annexation Request: 1544 Sam Smith Road**

An ordinance annexing York County Tax Map Number 657-00-00-114, containing approximately 4.48 +/- acres at 1544 Sam Smith Road

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**Background / Discussion**

The town has received an annexation application from Darryl W. Trull, for York County Tax Map Number 657-00-00-114. This parcel contains a total of approximately 4.48 +/- acres located at 1544 Sam Smith Road. A property map and description are attached for reference.

The subject parcel is adjacent to land owned by the Town of Fort Mill, and across Harris Road from property owned by Ramon and June Luddington. Per the town's zoning map, these parcels have been annexed into the town limits and have a zoning designation of LI Limited Industrial. To the north, the property is bordered by an existing residence, which is zoned RC-I per York County GIS. Freeman's Body Shop, which is zoned BD-III, is located on the opposite side of Sam Smith Road.

The subject property is currently zoned RC-I per York County GIS. The county's RC-I district allows single-family residences and modular homes (min. 10,000 sf per dwelling). Other permitted uses include agricultural (field crops and orchards/groves), equestrian uses, day care homes, religious institutions, parks, and schools. The RC-I District also requires 20% min. open space.

The applicant has requested a zoning designation of LI Limited Industrial upon annexation. The LI district allows a variety of commercial uses, including: wholesale and retail sales, light manufacturing, warehouse and storage, automotive sales and repair, office, and other similar uses. Lots must generally have a minimum area of 10,000 square feet, a 75' minimum lot width, and minimum setbacks of 35' (front), 10' (sides) and 35' (rear). Additional setbacks and screening may be required as part of the commercial appearance review process, particularly in areas that border a residential zoning district.

**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 "Medium-Density Residential" on the Town of Fort Mill's Future Land Use Map, last updated in January 2013. The comprehensive plan identifies "Medium Density" as 3-5 dwelling units per acre.



Though our recommendations are rarely inconsistent with the recommendations of the Future Land Use Map, in this instance, the Planning Department supports the annexation request with a zoning designation of LI Limited Industrial. Below is a summary of relevant information pertaining to our recommendation:

### **Density / Zoning Designation**

Given the size and location of the property, staff believes that a zoning designation of LI would be appropriate in this situation. The property is bordered on two sides by LI zoned property, and is located across the street from an existing automotive repair garage (zoned BD-III in York County), which would be a permitted use in the town's LI district. With the property's limited footprint, as well as its proximity to I-77, we see limited viability for residential development. With more than 5,000 residential units planned to be built in the next ten years, we believe there will be no shortage of available residential development. Therefore, we support the zoning designation of LI.

### **Traffic Impact**

The estimated traffic impact would depend on the type and scale of future development. At less than 5 acres, any anticipated light manufacturing, warehouse or storage related use on the property would be expected to generate a fairly modest traffic impact, especially at AM and PM peak travel times. While traffic counts are not available for Sam Smith Road, Harris Road currently operates at less than 50% capacity (4,000 trips per day), per SCDOT traffic counts.

### **Utility Impact**

The subject property would be served by the Riverview Water District (water) and the Town of Fort Mill (sewer). As with all other projects, any upgrades necessary to serve the project would be borne by the applicant. An existing sewer line, installed by MI Homes to serve the Sutton Mill subdivision, runs across the subject property.

### **Fire Service**

The subject property is located approximately 2.2 miles (ordinary driving distance) from the town's fire station on Tom Hall Street, which is well within the ISO recommended distance of 5 miles.

## **School Impact**

The LI zoning district does not permit residential development. Therefore, there would be no enrollment impact to the Fort Mill School District. Future development on the property would be taxed at the 6% commercial assessment rate for school operations and bond repayments.

If the property were to be zoned residential, the anticipated yield would be estimated between 13 (3.0/acre) and 22 (5.0/acre) residential units. Using the school district's formula, this would generate an estimated 8-14 additional students.

For these reasons, staff recommends in favor of annexation with a zoning designation of LI.

Joe Cronin  
Planning Director  
December 10, 2015

Date:

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, I/we respectfully request that the Town of Fort Mill annex the property into the Town limits. I/we also request that the property be zoned upon annexation as indicated. Thank you for your consideration.

Property Address: 1544 Sam Smith Road

Tax Map Number: 6570000114

Total Acreage: 4.48 Acres

Zoning Designation Requested: LI Limited Industrial

Property Owners:

Print Name(s):

Signature(s):

Darryl W. Trull

Darryl W. Trull

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\_\_\_\_\_

\_\_\_\_\_

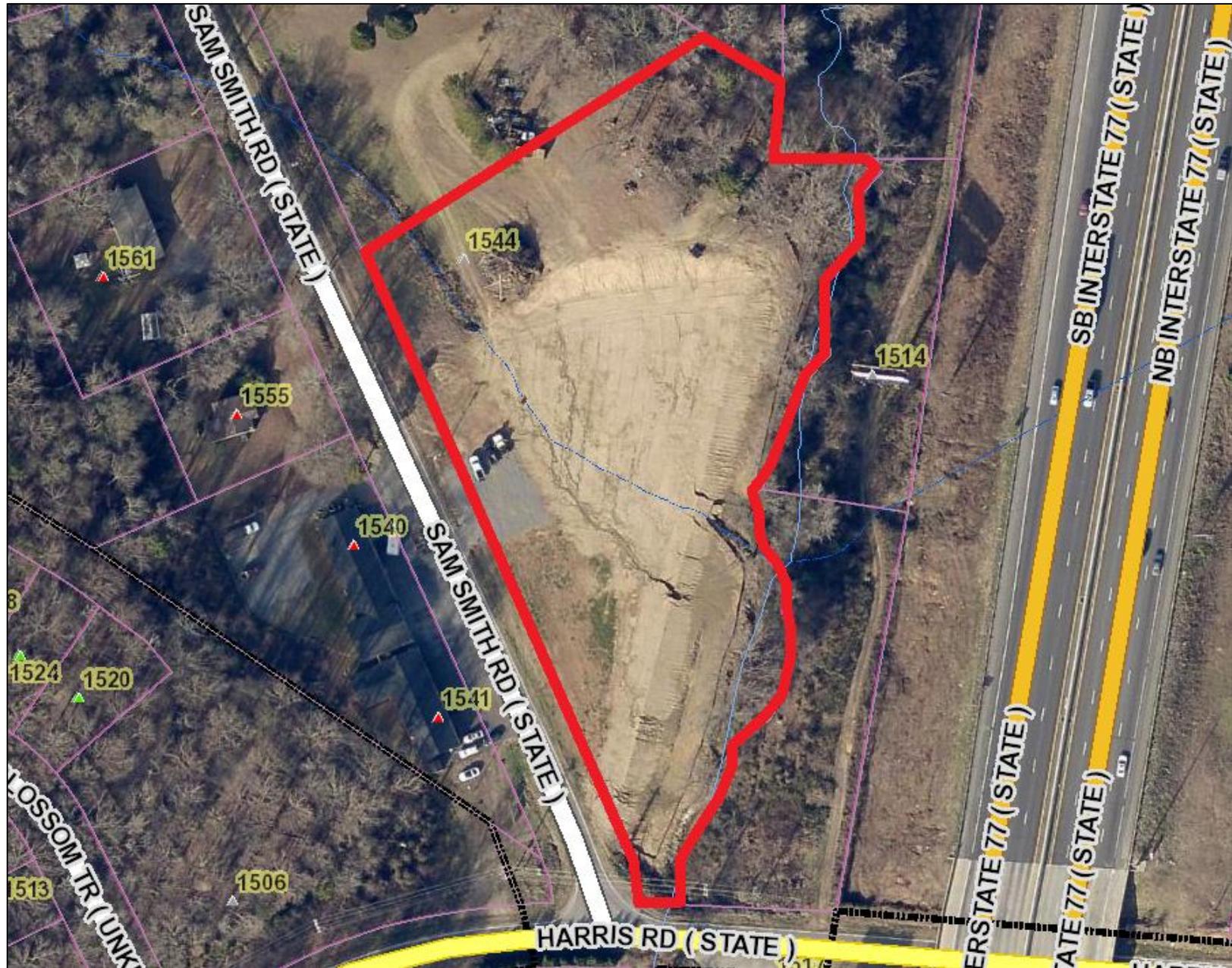
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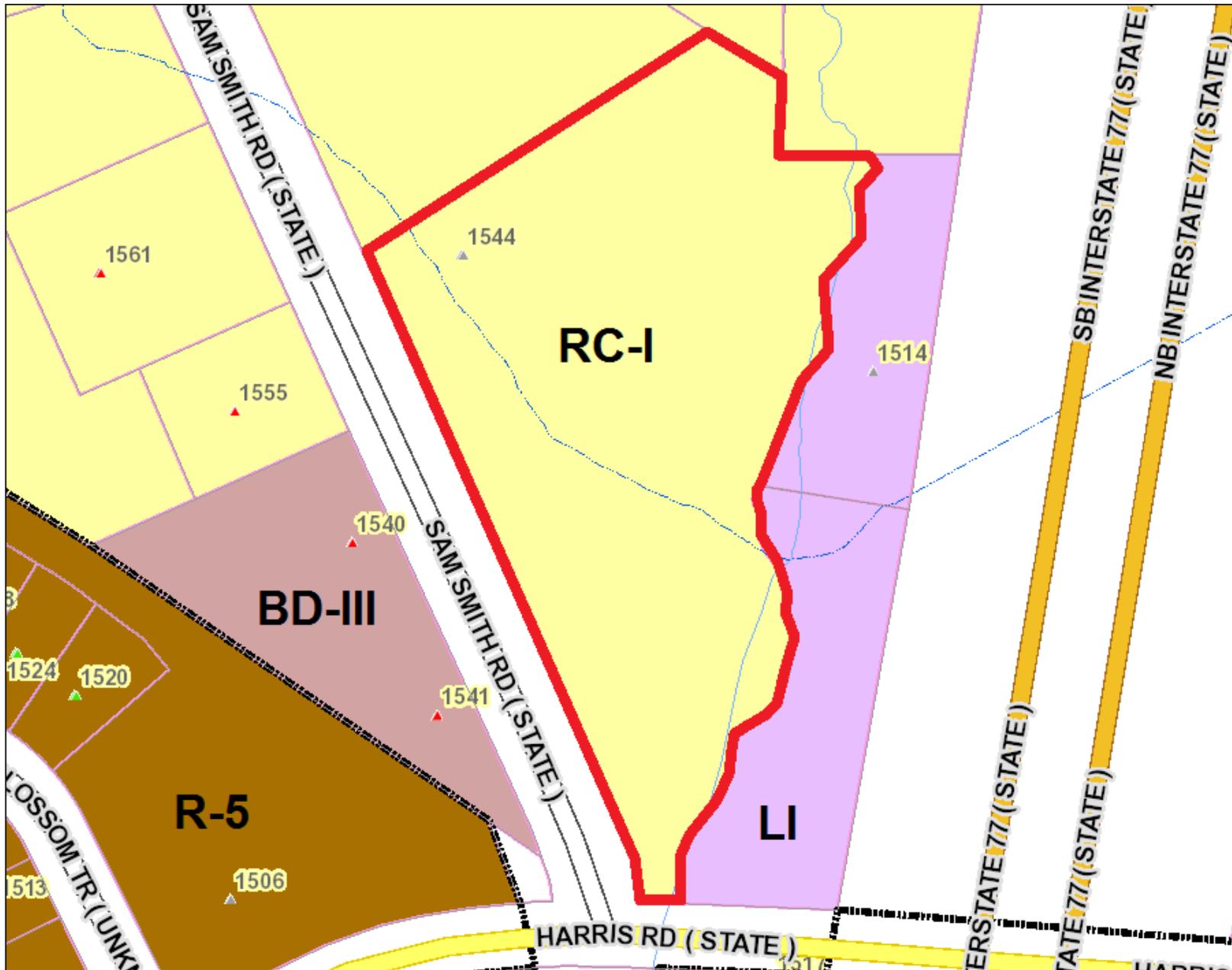
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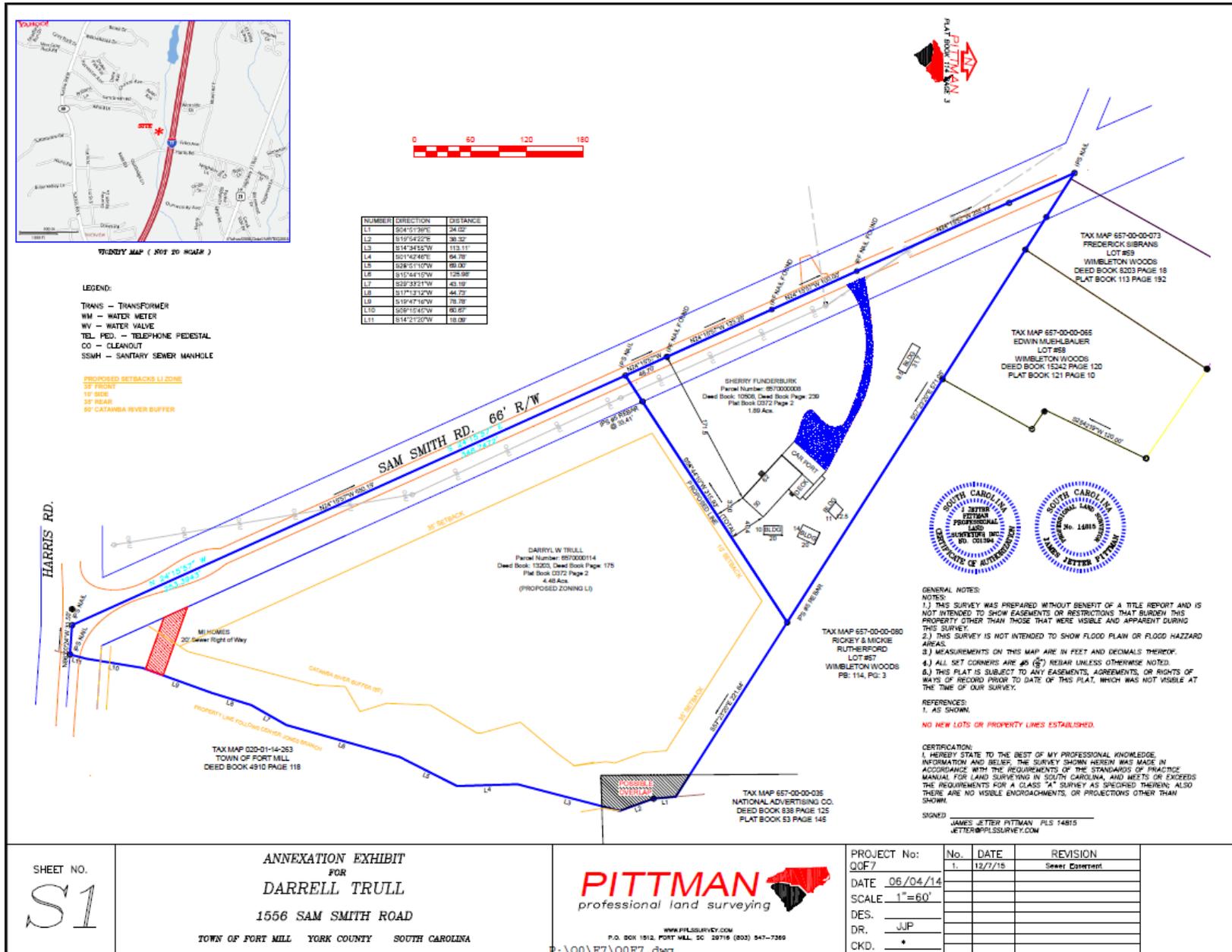
# Property Map



# Zoning Map



# Property Survey



SHEET NO.  
**S1**

ANNEXATION EXHIBIT  
FOR  
**DARRELL TRULL**  
1556 SAM SMITH ROAD  
TOWN OF FORT MILL YORK COUNTY SOUTH CAROLINA

**PITTMAN**  
professional land surveying

WWW.PITTMANLANDSURVEYING.COM  
P.O. BOX 1512, FORT MILL, SC 29716 (803) 547-7366

PROJECT No:	No.	DATE	REVISION
Q0F7	1.	12/7/15	Sever Easement
DATE	06/04/14		
SCALE	1"=60'		
DES.	JJP		
DR.	JJP		
CKD.	*		

STATE OF SOUTH CAROLINA  
TOWN COUNCIL FOR THE TOWN OF FORT MILL  
ORDINANCE NO. 2016-\_\_\_

AN ORDINANCE ANNEXING YORK COUNTY TAX MAP NUMBER 657-00-00-114, CONTAINING APPROXIMATELY 4.48 +/- ACRES AT 1544 SAM SMITH ROAD

WHEREAS, a proper petition was submitted to the Fort Mill Town Council on December 9, 2015, by Darryl W. Trull (the "Property Owner"), requesting that York County Tax Map Number 657-00-00-114, said parcel being owned fully by the Property Owner, be annexed to and included within the corporate limits of the Town of Fort Mill under the provisions of S.C. Code Section 5-3-150(3); and

WHEREAS, the Planning Commission of the Town of Fort Mill, in a duly called meeting on December 16, 2015, made its recommendation in favor of annexation, and that upon annexation, the aforesaid area shall be zoned under the Town's Zoning Code, as follows: LI Limited Industrial; and

WHEREAS, a public hearing was advertised and held at 7:00 pm on January 11, 2016, during a duly called regular meeting of the Town Council of the Town of Fort Mill; and

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina, as amended, provides that any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete; and

WHEREAS, using the definition of "contiguous" as outlined in S.C. Code Section 5-3-305, the Town Council has determined that the above referenced property is contiguous to property that was previously annexed into the corporate limits of the Town of Fort Mill; and

WHEREAS, the Town Council has determined that annexation would be in the best interest of both the property owner and the Town of Fort Mill;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Mill in Council assembled:

SECTION I. Annexation. It is hereby declared by the Town Council of the Town of Fort Mill, in Council assembled, that the incorporated limits of the Town of Fort Mill shall be extended so as to include, annex and make a part of said Town, the described area of territory above referred to, being more or less 4.48 acres, the same being fully described in Exhibit "A" attached hereto, and contiguous to land already within the Town of Fort Mill. 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.

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: LI Limited Industrial.

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 One (1).

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

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2016, having been duly adopted by the Town Council for the Town of Fort Mill on the \_\_\_\_ day of \_\_\_\_\_, 2016.

First Reading: January 11, 2016  
Public Hearing: January 11, 2016  
Second Reading: January 25, 2016

TOWN OF FORT MILL

\_\_\_\_\_  
Gynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

\_\_\_\_\_  
Barron B. Mack, Jr, Town Attorney

\_\_\_\_\_  
Virginia Burgess, Town Clerk

## EXHIBIT A

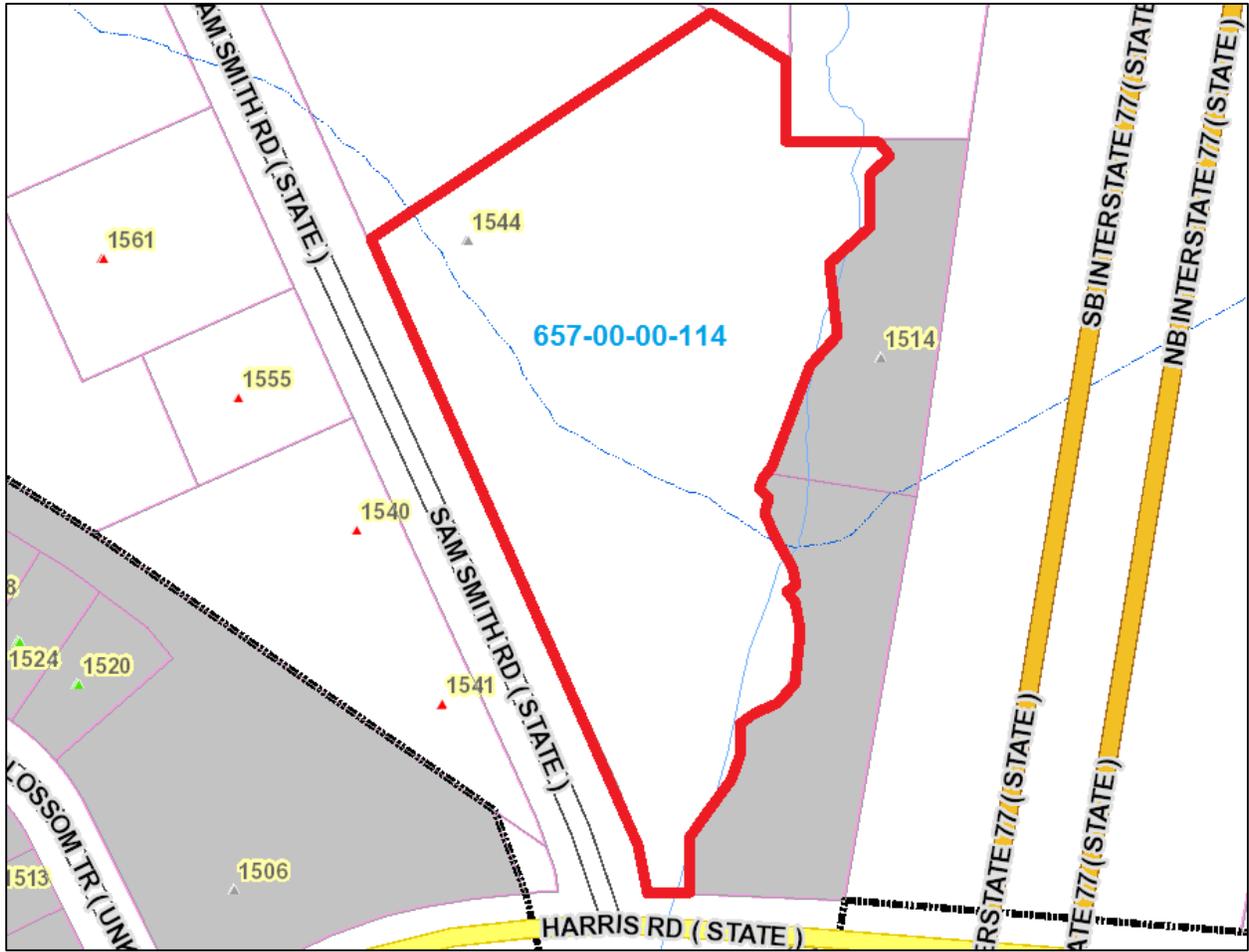
### Property Description

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 4.48 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 Number 657-00-00-114.

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 Number 657-00-00-114



**Planning Commission Meeting  
December 16, 2015  
New Business Item**

**2016 Meeting Dates**

Request to consider changing the Planning Commission’s standing meeting date from the fourth Tuesday of each month to the third Tuesday of each month

Staff would like to request that the Planning Commission consider changing its standing meeting date from the fourth Tuesday of each month to the third Tuesday of each month.

The primary purpose of this request would be to allow at least 15 days from the Planning Commission’s monthly meeting and the town council’s regularly scheduled meeting on the second Monday of each month.

The town currently must advertise public hearings for rezonings, annexations, and text amendments to the zoning ordinance at least 15 days in advance of the public hearing date. In most months, there are less than 15 days between the Planning Commission meeting and the next town council meeting.

By moving the Planning Commission’s meeting date up one week, all public hearings may be advertised for the first council meeting of following month. This, in turn, would shorten the turnaround time for most rezonings, annexations and text amendments by 2-4 weeks.

The current and recommended meeting dates for 2016 are listed below:

<b>Fourth Tuesday (Current)</b>	<b>Third Tuesday (Recommended)</b>
January 26, 2016	January 19, 2016
February 23, 2016	February 16, 2016
March 22, 2016	March 15, 2016
April 26, 2016	April 19, 2016
May 24, 2016	May 17, 2016
June 28, 2016	June 21, 2016
July 26, 2016	July 19, 2016
August 23, 2016	August 16, 2016
September 27, 2016	September 20, 2016
October 25, 2016	October 18, 2016
November 22, 2016	November 15, 2016
December 27, 2016	December 20, 2016

**Planning Commission Meeting  
December 16, 2015  
New Business Item**

**Commercial Appearance Review: QuikTrip**

Request from QuikTrip for a preliminary review of a proposed gas station/convenience store located at the corner of Highway 160 and Springfield Parkway.

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**Background / Discussion**

The Planning Commission is asked to consider a request from QuikTrip for a preliminary review of a gas station/convenience store located at the corner of Highway 160 and Springfield Parkway. A map and site plan are attached for reference.

The property (Tax Map # Pending), is zoned Highway Commercial (HC) and is also subject to the requirements of the COD-N Corridor Overlay (Node) district.

The proposed building elevations, site plans and landscaping plans are attached for review. The exterior of the building and gas canopy features brick masonry with stone accents. The landscape plan includes a mixture of crape myrtle and skyline honeylocust trees within the parking lot and along the project perimeter. Shrubbery was included in two planting beds along the two road frontages.

**Recommendation**

The property is zoned HC and is, therefore, properly zoned for a gas station/convenience store. The COD-N overlay also allows gas stations/convenience stores.

The following paragraphs detail staff's review of the site plan's and elevation's compliance with COD-N requirements. A full copy of the overlay district's requirements will be attached, however certain sections will be included within the text as well (highlighted in grey). Staff has highlighted key requirements but not necessarily all requirements of the COD-N overlay.

**Setback and Height**

The proposed building and associated improvements meet the setback requirements of the COD-N overlay. The building height requirements for the COD-N overlay district are listed as a 20' minimum building height. The definition of a minimum building height is as follows:

*Height of building, minimum.* The vertical distance between the average grade at the base of a structure and the lowest part of the top of the structure, including parapets, but not including the following: porches, porte-cocheres, other unheated appurtenances that enhance the building architecture or features that are deemed appropriate by the Planning Commission as determined in the commercial appearance review.

The Planning Commission, during the commercial appearance review process, shall have the discretion to determine whether the proposed building height meets the requirements, and intent, of the COD-N overlay district requirements.

### **Building Placement and Orientation**

In regards to building placement/orientation, the COD-N overlay notes that buildings shall be oriented toward the public street(s) and:

...development will be designed to bring buildings closer to the road edge to better define the public space of the streets enhanced by landscaping and pathways and create a scale that is more appropriate for a pedestrian traffic.

Additional sections of the overlay also note that buildings are to be brought up to the street, oriented toward the street, to create a pedestrian scale atmosphere. The section regarding off-street parking notes that:

Off-street parking in the district shall be located to the side or rear of the structure(s) located nearest to the public road(s), to the extent practicable. Where parking is located between a structure and the corridor, it shall be limited to one bay of parking (i.e., two rows of parking spaces with one shared drive aisle between the rows of spaces).

The Planning Commission shall have the discretion to determine if the proposed plan meets the requirements, and intent, of the COD-N overlay district requirements.

### **Building Materials**

The proposed convenience store and gas canopy structures use brick with stone accents. The COD-N overlay provides the following requirements for building materials and architectural design:

#### Architectural features/façade treatments:

- 1) Materials:
  - (a) Buildings shall be designed to use building materials such as rock, stone, brick, stucco, concrete, wood or Hardiplank.
  - (b) No mirrored glass shall be permitted on any facades in COD-N, and mirrored glass with a reflectance no greater than 20 percent shall be permitted in COD.
  - (c) Corrugated metal shall not be used on any facade.
- 2) In COD-N, variations in the rooflines and facades of adjacent buildings shall be encouraged to avoid monotony.
- 3) In COD-N, any nonresidential façade facing the corridor or any other street shall be articulated with architectural features and treatments, such as windows, awnings, scoring, trim, and changes in materials (i.e., stone "water table" base with stucco above), to enhance the quality of pedestrian environment of the public street, particularly in the absence of a primary entrance.

The Planning Commission shall have the discretion to determine whether the proposed design and materials best meets the requirements, and intent, of the COD-N overlay district.

## **Landscaping**

The applicant has supplied a landscape plan showing a mixture of crape myrtle and skyline honeylocust trees within the parking lot and along the project perimeter. Shrubbery was also included in two locations. Staff will note the following requirements of the COD-N:

1. Street trees are to be provided at a rate of one tree per 50 linear feet of frontage. In this case, the frontage would include Highway 160 as well as Springfield Parkway. The applicant has provided the appropriate number of plantings, however these plantings are to all be located within 15' of the frontage ROWs. As shown, these trees surround the entire property perimeter.
2. Additional plantings are determined by calculating the "planting area" defined in "Streetscape" section of the COD-N overlay requirements. Per staff's calculation (756.05 LF – (2)45' entrances), the following would need to be planted within 35' of the frontage ROW:
  - a. 19 trees, with 50% being canopy trees (required street trees may be used to meet this requirement, therefore only 3 additional trees required for a total of 19)
  - b. 94 shrubs, with 50% being evergreen (the applicant has shown a total of 106 shrubs located in two planting areas). See bullet #4.
3. A tree survey marking significant trees to be removed/protected was not provided, therefore compliance cannot be determined. Any trees 30 inches or more in diameter that are saved shall count towards the required planting requirements. Any trees 30 inches or more in diameter that are removed shall be replaced with a 6" caliper tree of a similar species.
4. Off-street parking areas are to be screened from frontage ROWs by a minimum of one row of evergreen shrubs planted no more than 5' on center. Staff calculates a total of 133 shrubs would be required to meet this requirement. These shrubs may be used to meet the requirements listed in bullet #2(b).
5. The proposed dumpster enclosure would require three sides of landscaped screening.
6. The parking lot would be required to have a total of 7 trees. Such trees cannot be utilized to meet both parking lot landscaping requirements and other requirements listed previously.
7. The trees provided are to be from the approved tree species list provided in Section 38-71 of the Code of Ordinances. Staff will defer compliance with this requirement to the resident landscape architect on the commission.

## **Lighting**

A lighting plan would be required for the project, however one was not provided with the submission. The COD-N overlay notes that "Lighting shall be installed within the streetscape zone (the first 15 feet of the setback closest to the corridor)" in accordance with a master plan for the corridor, if it exists. The purpose of the lighting would be to provide a safe pedestrian realm. The Town hasn't adopted a master lighting plan for the corridor, so a discussion will need to occur to set the tone for this area of the corridor. Lighting within the interior of the project would need to be a maximum of 28' in height.

### **Pedestrian Pathways**

An 8' pathway is required along the frontages of Springfield Parkway and Highway 160. The COD-N overlay notes that the pathway shall be no closer than 8' to the edge of pavement of the adjacent streets, in an attempt to bring the pedestrians away from traffic to create a safer pedestrian realm. The applicant shows an 8' path directly beside the edge of pavement for the streets. The Planning Commission, at their discretion, would need to approve this deviation using the procedure noted in Subsection 17 "Alternative means of compliance" within the COD-N overlay code. Staff will note that the pedestrian pathway adjacent to the road already exists along Highway 160.

The pathways along the street frontages would additionally be required to connect to the internal network of sidewalks so that a pedestrian could access the internal site/building without getting off of a pathway. Internal pathways that are to be provided shall be distinguished from asphalt surfaces "through the use of durable, low maintenance, surface materials such as pavers, bricks, or scored, stamped or colored concrete".

### **Driveways**

In relation to driveways, the COD-N overlay code notes that no driveway shall be allowed within 400 feet of an intersection of any other public road on the corridor. The driveway shown appears to be generally in compliance with that requirement. Further development on the subject parcel could utilize the driveway as planned on the attached site plan, and the development plans as proposed do not block the possibility of future inter-parcel connectivity. Staff will note that the adjacent parcel along Springfield Parkway would not be required to follow the same access management regulations since it is not located within the COD-N overlay.

### **Parking**

Parking, as shown on the attached site plan, exceeds the requirements of the zoning ordinance. As mentioned previously, the parking is to be located to the side or rear of the structure(s) to the extent practical. The Planning Commission, at their discretion, shall determine whether the proposed design meets the requirements, and intent, of the COD-N overlay district.

A key to the overlay requirements is to create a pedestrian/bicycle friendly environment. As such, the overlay requires that bicycle parking be present in addition to vehicular parking. A minimum of 2 "spaces" would be required for the convenience store. The current plan does not show bicycle parking.

### **District Purpose**

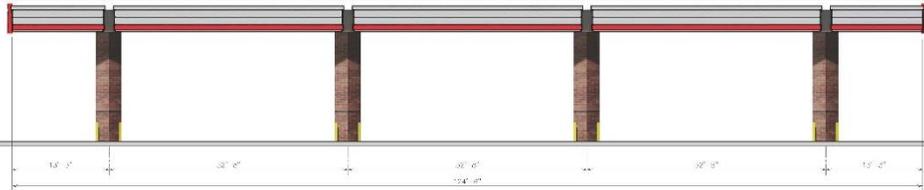
As a final note, staff has included the purpose of the COD/COD-N overlay district:

*Purpose.* The corridor overlay district is established for the purpose of maintaining a safe, efficient, functional and attractive roadway corridor for the Fort Mill Southern Bypass (the "Bypass") and surrounding areas. It is recognized that, in areas of high visibility, the protection of features that contribute to the character of the area and enhancements to development quality promote economic development and stability in the entire community.

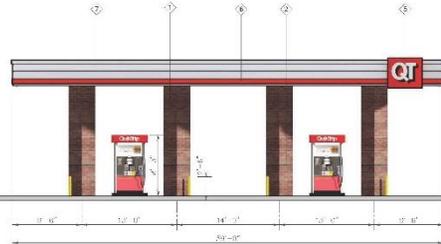
Should the Planning Commission feel as though strict interpretation and application of the requirements creates a hardship, the code does provide a procedure for “alternative means of compliance.”

Chris Pettit, AICP  
Assistant Planner  
December 11, 2015

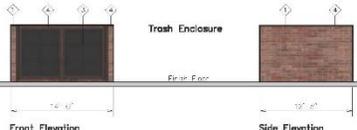




Front Elevation



Left Elevation



Front Elevation

Side Elevation



Right Elevation

30'-0" Max. / 28'-0" Min.  
 28'-0" Max. / 28'-0" Min.  
 18'-0" Min. / 18'-0" Min.  
 ATC Datum of Grassy

Trash Enclosure

Finish Floor



**QuikTrip**

4705 South 129th East Ave.  
 Tulsa, OK 74124-7008  
 P.O. Box 3475  
 Tulsa, OK 74101-3475  
 (918) 615-7700

State # **1062** Double Stack 8 Canopy Elevations

Address **160 HWY & Springfield Parkway**

City, State **Fort Mill, SC**

Serial # **81-1062-GD08**

Scale: **NTS**

Issue Date: **12/04/15**

Drawn By: **CDC**

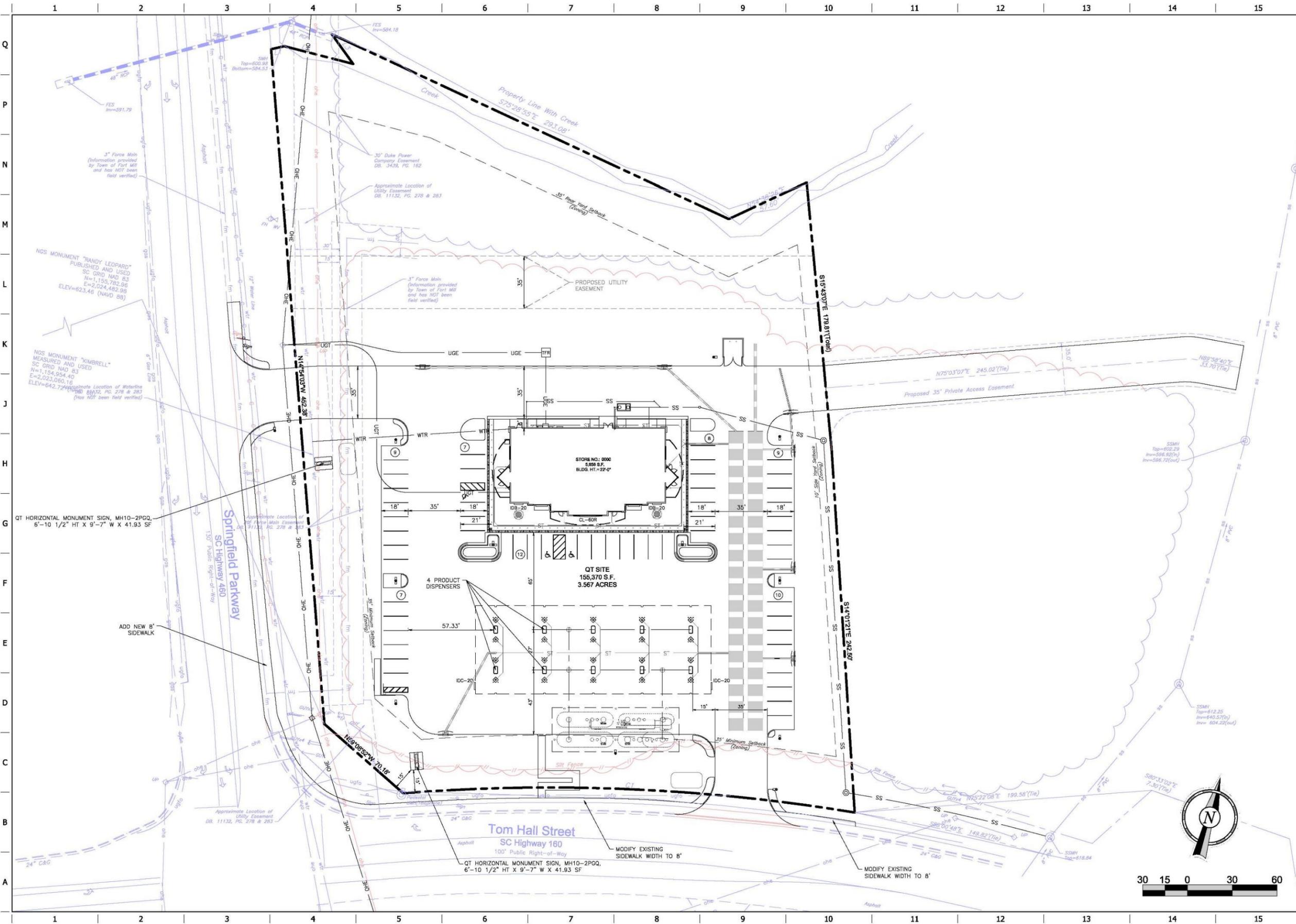
Rev./Notes:

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QTY	FINISH	MANUFACTURER	SPECIFICATION
1	ROOFING	INDEPENDENT	24' X 24' PANEL
2	ROOFING	INDEPENDENT	24' X 24' PANEL
3	ROOFING	INDEPENDENT	24' X 24' PANEL
4	ROOFING	INDEPENDENT	24' X 24' PANEL
5	ROOFING	INDEPENDENT	24' X 24' PANEL
6	ROOFING	INDEPENDENT	24' X 24' PANEL
7	ROOFING	INDEPENDENT	24' X 24' PANEL

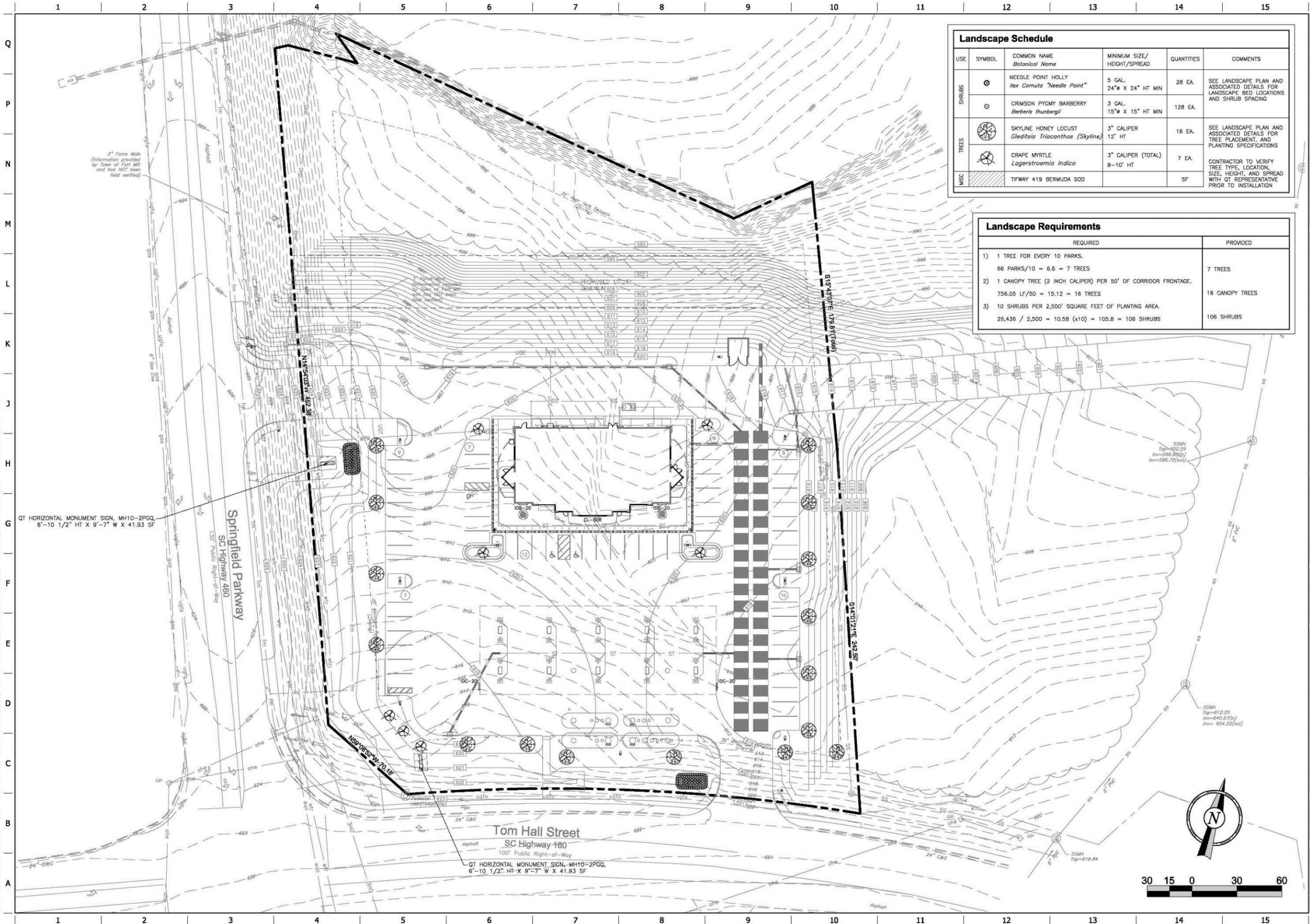


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PROJECT NO.: 81-1062													
<h2 style="margin: 0;">QuikTrip No. 1062</h2> <p style="margin: 0;">160 HWY &amp; SPRINGFIELD PARKWAY FORT MILL, SC</p>													
© COPYRIGHT 2011 QUIKTRIP CORPORATION. ALL RIGHTS RESERVED. ANY UNAUTHORIZED USE, REPRODUCTION, PUBLICATION, DISTRIBUTION, OR SALE IN WHOLE OR IN PART, IS STRICTLY FORBIDDEN.													
PROTOTYPE: P-84 (08/01/15) DIVISION: VERSION: 001 DESIGNED BY: CW DRAWN BY: DED REVIEWED BY: TK													
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REV	DATE	DESCRIPTION											
SHEET TITLE: <b>SITE/DEMO PLAN</b>													
SHEET NUMBER: <h1 style="margin: 0;">1</h1>													

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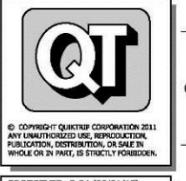


Landscape Schedule					
USE	SYMBOL	COMMON NAME <i>Botanical Name</i>	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES	COMMENTS
SHRUBS	⊙	NEEDLE POINT HOLLY <i>Ilex Cornuta "Needle Point"</i>	5 GAL. 24" X 24" HT MIN	28 EA.	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR LANDSCAPE BED LOCATIONS AND SHRUB SPACING
	⊙	CRIMSON PYGMY BARBERRY <i>Berberis thunbergii</i>	3 GAL. 15" X 15" HT MIN	128 EA.	
TREES	⊙	SKYLINE HONEY LOCUST <i>Gleditsia Triacanthos (Skyline)</i>	3" CALIPER 12' HT	16 EA.	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR TREE PLACEMENT, AND PLANTING SPECIFICATIONS
	⊙	GRAPE MYRTLE <i>Lagerstroemia Indica</i>	3" CALIPER (TOTAL) 8-10' HT	7 EA.	
MISC		TIFWAY 419 BERMUDA SOD		SF	CONTRACTOR TO VERIFY TREE TYPE, LOCATION, SIZE, HEIGHT, AND SPREAD WITH QT REPRESENTATIVE PRIOR TO INSTALLATION

Landscape Requirements	
REQUIRED	PROVIDED
1) 1 TREE FOR EVERY 10 PARKS. 66 PARKS/10 = 6.6 = 7 TREES	7 TREES
2) 1 CANOPY TREE (2 INCH CALIPER) PER 50' OF CORRIDOR FRONTAGE. 756.05 LF/50 = 15.12 = 16 TREES	16 CANOPY TREES
3) 10 SHRUBS PER 2,500' SQUARE FEET OF PLANTING AREA. 26,436 / 2,500 = 10.58 (x10) = 105.8 = 106 SHRUBS	106 SHRUBS

PROJECT NO.: 1062

**QuikTrip No. 1062**  
160 HWY & SPRINGFIELD PARKWAY  
FORT MILL, SC



PROTOTYPE: P-84 (08/01/15)  
DIVISION:  
VERSION: 001  
DESIGNED BY: CW  
DRAWN BY: DEB  
REVIEWED BY: TK

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 12/01/2015

SHEET TITLE:  
LANDSCAPE PLAN

SHEET NUMBER:  
**L100**

# Commercial Appearance Review Criteria

- 1) *Relationship of building site:*
  - A) The proposed commercial development shall be designed and sited to accomplish a desirable view as observed from adjacent streets.
  - B) Parking areas shall be enhanced with decorative elements, building wall extensions, plantings, berms, or other innovative means to screen parking areas from view from the streets.
  - C) Utility services shall be underground.
- 2) *Relationship to adjoining areas:*
  - A) Adjacent buildings of different architectural styles shall be made compatible by use of screens, sight breaks, materials, and other methods.
  - B) Landscaping shall provide a transition to adjoining property.
  - C) Texture, building lines, and mass shall be harmonious with adjoining property. Monotonous texture, lines, and mass shall be avoided.
- 3) *Landscaping:* Landscaping shall conform to article IV and other sections of this ordinance.
- 4) *Building design:*
  - A) Architectural style is not restricted. Quality of design and compatibility with surrounding uses shall provide the basis of the evaluation of the appearance of a proposed commercial development.
  - B) Materials shall be of good architectural character and shall be harmonious with adjoining buildings.
  - C) Materials shall be suitable for the type and design of the building. Materials which are architecturally harmonious shall be used for all exterior building walls and other exterior building components.
  - D) Materials and finishes shall be of durable quality.
  - E) Building components, such as windows, doors, eaves, and parapets, shall have appropriate proportion and relationships to one another.
  - F) Colors shall be harmonious and shall use compatible accents.
  - G) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from view with materials harmonious with the building.
  - H) Monotony of design shall be avoided. Variation in vegetation, detail, form, and siting shall be used to provide visual interest.
- 5) *Signs:*
  - A) Signs shall conform to the provisions of article III and this article.
  - B) Every sign shall be of appropriate scale and proportion in relation to the surrounding buildings.
  - C) Every sign shall be designed as an integral architectural element of the building and site to which it relates.
  - D) The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it relates.
  - E) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's principal message and shall be in proportion to the area of the sign.
  - F) Each sign shall be compatible with signs on adjoining plots or buildings.
  - G) Corporation logos shall conform to the criteria for all other signs.
- 6) *Miscellaneous structures:* Miscellaneous structures and hardware shall be part of the architectural concept of the project. Materials, scale, and colors shall be compatible with the building and surrounding uses.

## Sec. 24. - COD/COD-N Corridor overlay district.

1. *Purpose.* The corridor overlay district is established for the purpose of maintaining a safe, efficient, functional and attractive roadway corridor for the Fort Mill Southern Bypass (the "Bypass") and surrounding areas. It is recognized that, in areas of high visibility, the protection of features that contribute to the character of the area and enhancements to development quality promote economic development and stability in the entire community.
2. *Applicability.*
  - A) All land within 500 feet of the outer edge of the right-of-way of the bypass corridor (the "Corridor"), as defined herein, shall be subject to the standards and regulations of the COD/COD-N corridor overlay district, unless specifically excluded herein. Where part of a parcel is within 500 feet of the right-of-way of the corridor, only that portion of the parcel shall be subject to these regulations.
  - B) COD-N refers to subareas of the land that lie within the corridor overlay district. This designation is intended for COD parcels or portions of parcels that lie within the areas identified as activity nodes in the adopted Fort Mill Comprehensive Plan and are envisioned to be more urban in nature. Consistent with the characteristics of urbanized areas, these areas are more likely to accommodate a variety of uses in a walkable environment. Therefore, development will be designed to bring buildings closer to the road edge to better define the public space of the streets enhanced by landscaping and pathways and create a scale that is more appropriate for a pedestrian traffic. These subareas are subject to standards specified herein that are in addition to or serve as alternatives to the standards of the corridor overlay district.
  - C) A corridor overlay district map, prepared by land design and dated November 21, 2013, is hereby adopted and incorporated into this section by reference. The boundaries of the COD and COD-N shall be as illustrated in the above referenced map, and a copy of which shall be maintained on file with the zoning administrator and town clerk.
  - D) The COD and COD-N shall be incorporated into the Official Zoning Map for the Town of Fort Mill.
  - E) The requirements of the COD and COD-N shall apply only to parcels located within the corporate limits of the Town of Fort Mill. Any unincorporated parcels within the boundaries of the COD and COD-N at the effective date of this ordinance [February 24, 2014] shall become subject to the requirements of this section only upon the annexation of such parcels into the Town of Fort Mill.
  - F) The standards established in this section shall be applied to any of the following types of new development to be located within the corridor overlay district which are submitted and approved after the effective date of this section:
    - 1) All nonresidential development, including civic and institutional uses, such as schools, churches and community facilities;
    - 2) Multifamily residential; and
    - 3) Single-family residential, with the following exceptions:
      - (a) Single-family residential development shall be subject only to the following standards:
        1. The minimum setback requirements under dimensional requirements,
        2. The orientation requirements under building design,
        3. The applicable requirements under screening, and
        4. The applicable requirements under driveways on corridor.
      - (b) In new single-family residential subdivisions, the standards pertaining to streetscape and pedestrian pathways shall also apply.

- G) These standards shall not apply to any development that is covered by a development agreement between the town and the developer, provided such development agreement was adopted prior to the effective date of this section [February 24, 2014], prepared consistent with the provisions of Chapter 31 of the South Carolina Code of Laws and is still in force.
- H) Existing development shall not be subject to these standards. However, expansions of existing nonresidential development resulting in a minimum ten percent increase in building area or lot area shall be subject to some of the standards, as indicated herein.
- I) Where more than 50 percent of the footprint of a proposed building lies within the corridor overlay district, all portions of such building shall be subject to the building design standards of subsection 5.
- J) Excluding building height regulations, if the requirements of the underlying zoning district are more restrictive, those requirements shall apply. Refer to subsection 4.A)2) building height under dimensional requirements.

3. *Permitted uses.*

- A) All permitted, special and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each use classification, except as follows.
- B) Notwithstanding the provisions of the underlying zoning district, the following uses shall be prohibited within COD/COD-N:
  - 1) Automobile rental and sales.
  - 2) Automotive wrecker service.
  - 3) Bingo halls.
  - 4) Casino or gambling establishment.
  - 5) Check cashing establishments, title loan lenders, deferred presentment lenders, pawnshops, loan brokers, and small loan companies.
  - 6) Communications towers. Where such towers must be permitted per the Telecommunications Act of 1996 and it has been demonstrated that no existing towers or structures (such as rooftops, water towers, etc.) can accommodate such equipment, the towers shall not exceed 100 feet in height. To the extent practicable, they shall be roof-mounted, not freestanding, structures.
  - 7) Industrial or heavy manufacturing uses (prohibited in COD-N only).
  - 8) Junk or salvage yards.
  - 9) Mobile homes.
  - 10) Sexually-oriented businesses.
  - 11) Sweepstakes cafes.
  - 12) Tattoo facilities.

4. *Dimensional requirements.*

- A) The dimensional requirements shall be the same as the underlying zoning district, except as follows:
  - 1) Building setbacks.
    - (a) Subject to the notes below, the building setbacks of the underlying zoning districts shall apply, except along the corridor. Building setbacks, measured from the right-of-way of the corridor, shall be as follows:

Area	Minimum Building Setback (ft)
------	-------------------------------

COD-N	35'
COD	50' or 100' (landscaped buffer requirements vary)

(b) Notes pertaining to building setbacks:

1. The minimum setback in COD shall be reduced in cases where the setback area exceeds 40 percent of the acreage of a parcel already in existence on the effective date of this section. The width of the setback area shall be reduced to the extent necessary (up to a 15-foot reduction) in order that the buffer shall not exceed 40 percent of the parcel. No setback shall be less than 35 feet.

(c) There shall be no development allowed in the setback from the corridor right-of-way, except as follows:

1. Drainage features designed to mimic the natural environment;
2. Driveways;
3. Landscaping;
4. Lighting;
5. Parks and park-like amenities (not including athletic fields or facilities);
6. Public utilities (limited to lines and other equipment);
7. Retaining wall(s) up to ten feet in height (refer to subsection 16);
8. Pathways, pedestrian ways, or bikeways;
9. Signs, subject to subsection 13; and
10. Streetscape elements.

2) Building height:

(a) Subject to the notes below, the minimum and maximum building heights shall be as follows:

Area	Minimum Building Height (ft)	Maximum Building Height (ft)
COD-N	20'	45', unless underlying zoning maximum is higher
COD	NA	Consistent with underlying zoning

(b) Notes pertaining to building heights:

1. Maximum and minimum building heights shall be measured as set forth in the definitions for "height of building, maximum," and "height of building, minimum."
2. Buildings less than 2,500 square feet shall not be subject to the minimum height requirements; however, some portion of the structure's roofline shall be articulated in a manner that achieves the minimum height.
3. Height may be above the maximum height indicated, provided all portions of the structure exceeding the height limit indicated shall be stepped back an additional one foot from the adjoining property line for each additional foot in excess.

4. If the maximum building height of the underlying zoning of a parcel in COD-N is less than 45 feet, then 45 feet shall be the maximum height.

5. *Building design.*

- A) All buildings in the corridor overlay district shall comply with the requirements below. In addition, all nonresidential development shall be subject to the requirements of article V, commercial development appearance review, as well as the commercial appearance review process.
- B) Orientation:
  - 1) Except as provided below for COD-N, the rear facades of buildings shall not be visible from the corridor. Such facades shall be oriented away from view from the corridor or shall be screened by landscaped buffers that meet or exceed the requirements for landscaped buffers in subsection 7.
  - 2) In COD-N, buildings shall be oriented toward the public street(s).
    - (a) Pedestrian access from the street is encouraged for all multi-family residential and nonresidential uses. Therefore, primary entrances shall be visible and accessible from the public street, where feasible. Where parking is provided at the rear of the building, the primary entrance may be located to provide access from such parking. Two primary entrances, one from the street and one from the rear parking area, are permitted.
    - (b) Loading areas of buildings shall not be visible from the corridor. Such loading areas shall be oriented away from view from the corridor or shall be screened per the requirements in subsection 8.
- C) Architectural features/façade treatments:
  - 1) Materials:
    - (a) Buildings shall be designed to use building materials such as rock, stone, brick, stucco, concrete, wood or Hardiplank.
    - (b) No mirrored glass shall be permitted on any facades in COD-N, and mirrored glass with a reflectance no greater than 20 percent shall be permitted in COD.
    - (c) Corrugated metal shall not be used on any facade.
  - 2) In COD-N, variations in the rooflines and facades of adjacent buildings shall be encouraged to avoid monotony.
  - 3) In COD-N, any nonresidential façade facing the corridor or any other street shall be articulated with architectural features and treatments, such as windows, awnings, scoring, trim, and changes in materials (i.e., stone "water table" base with stucco above), to enhance the quality of pedestrian environment of the public street, particularly in the absence of a primary entrance.

6. *Streetscape.*

- A) All trees planted in accordance with the requirements of this section shall be trees that are approved by the town, per the approved tree species list provided in section 38-71 of the Code of Ordinances.
  - 1) COD-N:
    - (a) Street trees shall consist of canopy trees planted within the streetscape zone (the first 15 feet of the setback closest to the corridor) at rate of one tree per 50 linear feet along all corridor frontages. Tree spacing shall be not more than 60 feet and not less than 40 feet on center. At planting, street trees shall be a minimum of two inches in caliper (measured four feet above ground level) or eight feet in height. Such tree placement shall comply with SCDOT safety requirements. Significant trees protected in

accordance with section 3 of the landscaping standards of article IV may be counted to satisfy this tree planting requirement.

- (b) All new development or expansions of existing development resulting in a minimum ten percent increase in building area or lot area shall provide landscaping within the setback in accordance with this subsection. For purposes of this subsection, the planting area shall be determined by multiplying the lot frontage, less driveways, times the minimum required setback width to determine required planting area.

1. Trees:

- a. For every 2,500 square feet of planting area, a minimum of two trees shall be planted.
- b. At least 50 percent of the trees planted to meet this requirement shall be canopy trees. At planting, required trees shall be a minimum of two inches in caliper (measured four feet above ground level), and shall have a mature height of at least 35 feet.
- c. Street trees planted in this area shall be counted toward the minimum tree planting requirements.
- d. Significant trees protected in accordance with section 3 of the landscaping standards of article IV may be counted to satisfy this tree planting requirement.

2. Shrubs:

- a. For every 2,500 square feet of planting area, a minimum of ten shrubs shall be planted.
- b. At least 50 percent of the shrubs planted shall be evergreen.

2) COD:

- (a) Existing significant trees within 50 feet of the right-of-way of the corridor shall be protected in accordance with section 3 of the landscaping standards of article IV.
- (b) If the 50-foot minimum setback is utilized, a landscaped buffer shall be provided within the setback in accordance with the landscaped buffer requirements in subsection 7 for 50-foot buffers. Tree placement shall comply with SCDOT safety requirements. Significant trees protected in accordance with Section 3 of the landscaping standards of article IV may be counted to satisfy the tree planting requirement.
- (c) If the 100-foot minimum setback is utilized, landscaping a landscaped buffer shall be provided within the setback in accordance with the landscaped buffer requirements in subsection 7 for 20-foot buffers. Tree placement shall comply with SCDOT safety requirements. Significant trees protected in accordance with section 3 of the landscaping standards of article IV may be counted to satisfy the tree planting requirement.
- (d) Street trees shall not be required along corridor frontages outside of COD-N. However, if such trees are provided, street trees shall be located only in areas where there is no existing vegetation to be preserved. Canopy trees may be combined with understory trees and may be uniformly spaced or clustered. However, canopy trees shall not be less than 40 feet on center. Such tree placement shall comply with SCDOT safety requirements.

7. *Buffers.*

- A) Any required landscaped buffers shall meet the following requirements:

- 1) A landscaped buffer shall be a natural, undisturbed wooded area where possible, provided it meets the intent of this buffer requirement. Where existing natural, undisturbed vegetation does not exist or is not sufficient to achieve intended separation and screening of uses, a planted buffer shall be provided.
- 2) A planted landscaped buffer shall meet or exceed the following standards:

Lot size	Min. buffer width, measured from the property boundary (or right-of-way)	Min. landscaping to be provided within the required buffer per 100 linear feet	Min. buffer width if min. 6' opaque fence or wall is installed	Min. landscaping if min. 6' opaque fence or wall is installed
Lots under 5 acres	20'	three (3) canopy trees six (6) understory trees nine (9) shrubs	15'	two (2) canopy trees four (4) understory trees six (6) shrubs
Lots 5—10 acres	35'	five (5) canopy trees ten (10) understory trees fifteen (15) shrubs	25'	four (4) canopy trees eight (8) understory trees twelve (12) shrubs
Lots over 10 acres	50'	five (5) canopy trees ten (10) understory trees twenty (20) shrubs	35'	four (4) canopy trees eight (8) understory trees sixteen (16) shrubs

- 3) Significant trees protected in accordance with section 3 of the landscaping standards of article IV may be counted to satisfy the tree planting requirement.
- 4) Trees planted to satisfy a landscaped buffer requirement shall be a minimum of two inches in caliper (measured four feet above ground level) or eight feet in height.

8. *Screening.*

A) Screening shall be provided in accordance with the following:

- 1) Multifamily and nonresidential development shall be screened as follows:
  - (a) Notwithstanding the dimensional requirement of section 2 of article IV, which requires nonresidential vehicular areas shall be set back at least 25 feet from any property line abutting land used for residential purposes or located in a residential zone, landscaped buffers per subsection 7. shall be used to screen multifamily and nonresidential uses from existing one-family residential uses or approved one-family residential subdivision lots, except where one-family uses are integrated with other uses in accordance with an approved PND or MXU zoning district. This requirement applies to new development as well as expansions of existing development resulting in a minimum ten percent increase in building area or lot area. Such buffers shall only be required along property boundaries abutting single-family residential uses or lots.
  - (b) All required trees and shrubs planted to meet this requirement shall be evergreen.
  - (c) Required landscaped buffers shall be located entirely on the parcel of the developing multi-family or nonresidential use; the width of the required buffer shall be measured from the property boundary of the parcel that is being developed where it adjoins the

parcels of existing single-family residential uses or approved single-family residential subdivision lots.

- B) All loading areas and service areas shall be screened from view from the corridor in accordance with section 5 of article IV.
  - C) All rear facades of single family residential buildings visible from the corridor shall be screened from view from the corridor with a landscaped buffer.
  - D) All off-street parking areas of multi-family and nonresidential development shall be screened from view from the corridor with a minimum of one row of evergreen shrubs. Such shrubs shall be planted not more than five feet on center and shall be at least three feet in height at time of planting. This requirement applies to new development as well as expansions of existing development resulting in a minimum ten percent increase in building area or lot area. Such shrubs may be counted toward any setback landscaping requirements for parcels in COD-N.
9. *Lighting standards.* Lighting shall be installed within the streetscape zone (the first 15 feet of the setback closest to the corridor) along the corridor in COD-N in accordance with the fixture spacing, height, color and type requirements specified in the lighting plan (or streetscape plan that includes a lighting plan) adopted by the town for that COD-N segment of the corridor, if such plan exists. Fixtures shall be installed to provide adequate lighting of pedestrian pathways. All other lighting standards of section 6 of article IV shall apply.
10. *Pedestrian pathways.*
- A) Pedestrian pathways shall be provided in the COD district in accordance with the following requirements:
    - 1) Pedestrian pathways at least eight feet in width shall be provided along all sides of lots that abut public roads. Pedestrian pathways may be parallel to such roads or meandering to allow for street trees between the pathways and the road, to avoid existing vegetation to be preserved, and to address topographic issues.
    - 2) Continuous pedestrian pathways, not less than eight feet in width, shall be provided from the pedestrian pathways along public roads to the principal customer entrance of nonresidential establishments and the primary entrance of multi-family buildings. At a minimum, pedestrian pathways shall connect areas of pedestrian activity such as, but not limited to, road crossings, parking areas, and building entry points.
    - 3) No pedestrian pathway shall be closer than eight feet to the back of curb or edge of pavement of a public road, except at designated crosswalk locations. All pedestrian pathways constructed in accordance with the above provisions shall be constructed by the developer. Maintenance shall be the responsibility of the property owner unless the town or SCDOT has accepted maintenance responsibilities in conjunction with the dedication by the developer or property owner of a right-of-way or an easement encompassing the pathway. All pedestrian pathways shall be constructed of concrete, concrete pavers, brick or a combination of such materials in accordance with the sidewalk standards of SCDOT's Standard Specifications for Highway Construction (and applicable town standards), and shall meet ADA requirements.
    - 4) With town approval, the developer may pay fees in lieu of constructing a required pedestrian pathway. This alternative means of providing a pathway shall be considered when the timing of development warrants a delay in pathway construction (i.e., planned off-site construction would result in the demolition of a newly constructed sidewalk, a pedestrian connection between two adjoining parcels requires a pedestrian bridge, or the construction of a pedestrian pathway requires coordination with a county or SCDOT construction project).
  - B) Pedestrian pathways in the COD-N shall be subject to the following additional requirements:
    - 1) Pedestrian pathways at least eight feet in width shall be provided along the corridor within 15 feet of the right-of-way and all sides of lots that abut public roads. Pedestrian pathways

may be parallel to such roads or meandering to allow for street trees between the pathways and the road, to allow existing vegetation to be preserved, or to address topographic issues.

- 2) No pedestrian pathway shall be closer than eight feet to the back of curb or edge of pavement of a public road, except at designated crosswalk locations. However, pavement between the pedestrian pathway and the back of curb shall be permitted as an alternative to a planting strip, provided street trees in this area are installed using tree grates.
- 3) All pedestrian pathways constructed along the corridor shall extend to the side property lines so that such pathways can be continued on the adjoining parcels in physically feasible locations as development occurs.
- 4) If a pedestrian pathway has been constructed along the corridor on an adjoining property, and such pathway has been terminated at the common property line, the developing parcel shall construct a pedestrian pathway along the corridor in a manner that connects it to the existing pathway, thereby creating a continuous pedestrian pathway along the corridor.
- 5) To facilitate internal pedestrian circulation in multi-family and nonresidential developments, pathways no less than eight feet in width shall be provided along any nonresidential facade featuring a customer entrance, and along any facade abutting public parking areas. Additional pathway width shall be provided as needed in non-residential development to accommodate outdoor seating areas adjacent to restaurants to maintain an eight-foot wide clear pedestrian circulation area.
- 6) Internal pedestrian pathways constructed in multi-family and nonresidential developments shall extend to the property lines in a manner that:
  - (a) Connects to the existing pedestrian pathways on an adjoining developed parcel where such existing pathways have been stubbed out at the common property line; or
  - (b) Facilitates the future continuation of such internal pathways into adjoining parcels in physically feasible locations as development on adjoining parcels occurs.
- 7) Pedestrian pathways and crosswalks in parking areas shall be distinguished from asphalt driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the pathways.

11. *Driveways on corridor.*

- A) All driveways and public road intersections shall be subject to the standards and permitting processes of SCDOT.
- B) Any parcel of land with frontage on a corridor shall have no more than one vehicular access point (driveway) connecting to the corridor, unless a traffic analysis demonstrates to the town council the need for an additional driveway due to potentially hazardous traffic conditions, and SCDOT Department of Highways and Public Transportation agrees that an additional driveway is needed.
- C) No driveway shall be allowed within 400 feet of an intersection of any other public road on the corridor.
- D) Driveways shall be a minimum of 400 feet apart (measured from center line to center line) on the corridor, and shall align with opposing driveways, where possible.
- E) Shared driveways, or parallel access roads (in COD only), shall be used when deemed necessary, and the appropriate legal documents may be required by the town prior to driveway permit issuance.
- F) A cross access easement may be required between adjacent lots fronting on the corridor in order to minimize the total number of access points along the corridor and to facilitate traffic flow between lots. The location and dimensions of such easement shall be determined by the property owners in coordination with town staff.

- G) If access to a lot or legally created parcel of land is physically unobtainable under these provisions, an access point may be approved which is located the greatest distance possible from an existing access point and in the safest possible location to be approved by SCDOT.
- H) For the purpose of this section, adjacent parcels in common ownership fronting on the corridor shall be considered as one parcel when determining permitted driveways.
- I) Access to adjacent nonresidential development:
  - 1) Where feasible, driveway connections between adjacent nonresidential developments shall be provided and clearly identified. All driveway connections shall be constructed and stubbed, and future development of adjacent property shall complete a connection to any existing stub.
  - 2) Access easements shall be required to ensure outparcels or adjacent developments have adequate access if ownership patterns change.
  - 3) The decision making body with review authority (staff or planning commission) may waive the requirement for a driveway connection required above in those cases where unusual topography or site conditions would render such an easement of no benefit to adjoining properties.
  - 4) The decision making body with review authority (staff or planning commission) may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.

## 12. *Parking.*

- A) Off-street parking.
  - 1) All off-street parking shall be provided in accordance with the off-street parking requirements set forth in article I, section 7.
  - 2) Off-street parking in the district shall be located to the side or rear of the structure(s) located nearest to the public road(s), to the extent practicable. Where parking is located between a structure and the corridor, it shall be limited to one bay of parking (i.e., two rows of parking spaces with one shared drive aisle between the rows of spaces).
  - 3) All off-street parking areas shall be screened in accordance with the screening requirements of subsection 8.
  - 4) Landscaping in off-street parking lots shall meet the requirements of the landscaping standards of article IV.
  - 5) All such off-street parking shall be subject to the requirements of article V, commercial development appearance review, as well as the commercial appearance review process.
  - 6) Shared parking is allowed and is encouraged in circumstances where the parking would be within 1,200 feet of each respective use.
    - (a) Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the zoning administrator that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by or acceptable to the zoning administrator. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
    - (b) A shared parking plan shall be enforced through written agreement among all owners of record and included in the development agreements filed with the town. The owner of the shared parking area shall enter into a written agreement with the town with enforcement running to the town providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that the owner agrees to

bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns. An attested copy of the agreement between the owners of record shall be submitted to the zoning administrator for recordation in a form established by the town attorney. Recordation of the agreement must take place before issuance of a building permit or certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided on-site. The town shall void the written agreement if other off-street facilities are provided in accord with these zoning regulations.

- 7) In addition to off-street vehicular parking requirements, the following bicycle parking requirements shall be met for the retail, restaurant, office, service, civic, institutional and multi-family residential uses:
  - (a) Bicycle parking shall be provided in an amount equal to 5% of the minimum required off-street parking for vehicles, or a minimum of two spaces, whichever is greater.
  - (b) Such parking shall be located in close proximity to the primary entrance used by customers, visitors, or residents.
  - (c) Bicycle parking areas shall be designed to utilize bike racks installed on paved surfaces.
  - (d) Bicycle parking areas and pathways connecting them to the buildings they serve shall be lighted for the safety of the cyclists and to discourage theft.
  - (e) Bicycle parking shall be encouraged, though not required, if the entire development has a gross floor area of 5,000 square feet or less.
  - (f) Shared bicycle parking for two or more uses is permitted provided an attested copy of the agreement between the owners of record is submitted to the zoning administrator for recordation in a form established by the town attorney.

B) On-street parking.

- 1) No on-street parking shall be located on the corridor.
- 2) In COD-N, a minimum of 50 percent of the required off-street parking shall be provided on site. Where on-street parking is available or provided as part of the development, on-street parking spaces may account for up to 50 percent of the required spaces, provided:
  - (a) A key map is provided that delineates the location of allocated on-street spaces for a designated parcel or use.
  - (b) The on-street parking must be located within 1,200 feet of the primary entrance of the use it is serving.
  - (c) On-street parallel parking spaces shall be 7' × 20' measured from the face of curb (or edge of pavement, if curb does not exist).
  - (d) On-street diagonal parking with a 60-degree angle or less shall have a minimum travel lane width of 11 feet.

13. *Signs.*

A) Freestanding signs.

- 1) Freestanding identification signs for nonresidential and multi-family uses are permitted along the corridor in accordance with the following standards, which shall supersede the standards of the underlying zoning district for freestanding signs:
  - (a) No parcel with less than 50 feet of frontage on the corridor shall be permitted to have a freestanding sign. Wall-mounted signs shall be permitted in such instances.
  - (b) Parcels with 50 to 200 feet of frontage on the corridor may be permitted to have one freestanding sign.

1. Maximum height: 4 feet.
  2. Maximum sign face area: 0.5 square feet per 2 linear feet of frontage, up to a maximum sign area of 30 square feet (total).
  3. Minimum setback from right-of-way: 5 feet.
- (c) Parcels with more than 200 feet of frontage on the corridor may be permitted to have up to two free standing signs.
1. General provisions:
    - a. Maximum height: 7 feet.
    - b. Maximum sign face area (total): 50 square feet.
    - c. Minimum setback from ROW: 5 feet.
  2. Special provisions for unified, nonresidential, multi-tenant developments:
    - a. Unified development signs that identify only the development shall be permitted. Within the same maximum sign face area, individual tenants or establishments may also be identified. Separate freestanding signs identifying individual tenants or establishments shall not be permitted in conjunction with the unified development signs.
    - b. Each permitted sign shall conform to standards set forth for freestanding signs except that, if the street frontage of the unified development exceeds 300 feet, such standards may be modified as follows:
      - i. Maximum height: 22 feet in height above the grade of the frontage street.
      - ii. Maximum sign face area: 250 square feet per side.
      - iii. Minimum setback from ROW: 10 feet.
      - iv. Minimum separation between signs: 350 feet.
- (d) Internal lighting of signs, neon, LED, and flashing signs shall not be permitted along the corridor, except that up to 20 percent of the actual sign face may be utilized for LED display of time, temperature, or gas prices. Building floodlighting shall not be permitted, except in COD-N.
- B) Pole signs.
- 1) Only parcels that lie wholly or in part within 150 feet of the Interstate-77 right-of-way shall be permitted to utilize pole signs, per article III, section 14. Pole signs shall be prohibited on all other parcels along the corridor not meeting this requirement.
- C) Wall mounted signs.
- 1) Wall mounted signs shall be permitted per article III, section 16.
- D) Temporary signs.
- 1) The provisions of this subsection shall not apply to temporary signs permitted per article III, section 17.
- E) All other applicable sign standards pertaining to freestanding signs per article III shall apply along other street frontages.
14. *Traffic signals.* In locations where town and SCDOT warrants for signals are met and to the extent practicable, new traffic signals shall be installed using steel poles with mast arm. Such poles shall be installed in accordance with the standards set forth in 690.1 of the SCDOT Traffic Signals Supplemental Specifications, and style and finish shall be consistent with the black, decorative mast arms approved by the town and installed elsewhere within the municipal limits.

15. *Utilities.* To the extent practicable, all new utility lines shall be placed underground in accordance with the standards established by the utility. Where burying lines is deemed infeasible by good engineering practices, at a minimum, all tap lines from the main feeder shall be underground, and above-ground lines and supporting structures shall be located in a manner that screens them from public view. Such above-ground lines and supporting structures may be in easements outside of the road rights-of-way, for example, such that lines and structures are visually screened by street trees, vegetated buffers or buildings. Any visible, above-ground lines permitted by the town as a temporary measure shall be permitted in conjunction with an agreement that specifies a timeframe for permanently placing such lines underground or moving such lines to a location where they can be screened from public view.
16. *Walls and fences.*
  - A) Walls and fences enclosing a site or portion(s) thereof.
    - 1) Fences and walls shall be limited to a maximum height of six feet for rear and side yards and cannot extend beyond the principal structure into the front yard.
    - 2) Front yard fences and walls shall not exceed four feet in height and must be approved by the zoning administrator.
    - 3) Fences and walls cannot be located in any right-of-way.
    - 4) On corner lots, fences may not be permitted beyond the principal structure in side yards facing the adjoining street. The sides and rear fence shall conform to the above guidance; however, due to the potential visibility problem, the construction of fences within the front yard will be restricted. The code enforcement officer may use the authority provided in article I, section 7, subsection M.A) to issue a special use permit for front yards on a case-by-case basis for corner lots.
  - B) Retaining walls.
    - 1) No section of a retaining wall within a setback measured from the corridor right-of-way shall exceed ten feet in height as measured from the finished elevation at the base of the wall to the top of the wall cap.
  - C) Construction, finishes and maintenance.
    - 1) Fences and walls shall be constructed with quality material and workmanship and be maintained in good repair.
    - 2) The material(s), color(s) and texture(s) of the sides of the walls and fences visible from public view shall complement the finishes of the structures of the associated development. Materials must be approved by the decision making body with review authority (staff or planning commission). Barbed wire, constantine wire, razor wire, or poultry wire are strictly prohibited.
    - 3) The finished side of fences and walls shall face adjoining property and shall blend with the landscape.
    - 4) For maintenance purposes and the property owners' protection, a six-inch setback from property lines shall be required.
17. *Alternative means of compliance.*
  - A) Strict interpretation and application of the standards of this section may create particular hardships in certain locations and situations. Such examples may include, but are not limited to, the presence of any one or more of the following:
    - 1) Unusual or extreme topographic conditions or separations in grade;
    - 2) Water bodies, such as rivers, lakes, streams, marshes and wetlands, as well as floodplains, floodways, riparian buffers and conservation areas;

- 3) Irregular property configuration and/or dimensions, including lots that are extremely narrow or shallow in nature;
  - 4) Existing easements and rights-of-way (public or private) that limit or restrict ordinary development of the property;
  - 5) Public safety hazards, particularly, though not exclusively, related to ingress/egress locations;
  - 6) Wildlife habitats and/or endangered species;
  - 7) Sites and/or structures of archaeological and/or historical significance; and
  - 8) Existing development which is proposed for retrofitting or expansion.
- B) The decision making body with review authority (staff or planning commission) may approve a proposed development plan which does not meet a specific standard or standards of this section as an alternate means of compliance, subject to making the following findings:
- 1) The proposed development attempts to meet the intent of the corridor overlay district;
  - 2) There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of this section;
  - 3) The proposed development will be designed to meet the standards of this section to the fullest extent possible; and
  - 4) The proposed development plan maintains or enhances public safety along the corridor.

In approving an alternate means of compliance, the reviewing authority may attach reasonable conditions regarding the location, character, or other features of the proposed building, structure, or use as the reviewing authority may consider advisable to protect established property values in the surrounding area, maintain the character of the corridor, or to promote the public health, safety, or general welfare.

- C) Should the reviewing authority (staff or planning commission) fail to approve an applicant's proposed alternate means of compliance, the applicant may submit a variance request to the board of zoning appeals. Requests for variances from the provisions of this section shall be subject to review and approval by the board of zoning appeals, pursuant to article VIII of this ordinance, and Section 6-29-800 of the SC Code of Laws.
- D) In no instance may staff, the planning commission or board of zoning appeals approve a variance or alternative means of compliance, the effect of which would be to allow the establishment of a use not otherwise permitted in either the underlying zoning district or the corridor overlay district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map.

18. *Waivers.*

- A) The zoning administrator shall be authorized to grant a waiver from the requirements of the COD/COD-N overlay district for any parcel that meets the following criteria:
- 1) At least 25 percent of the parcel must be located outside of the corridor overlay district, as established in subsection 2.A).
  - 2) The property shall have frontage along another public right-of-way other than or in addition to the corridor.
  - 3) All portions of the property within 250 feet of the corridor right-of-way must be undevelopable due to one or more of the following:
    - (a) Presence of floodplain, floodway and/or wetland designation;
    - (b) Applicability of the resource conservation district, as established in article II, section 13, of this ordinance; or

(c) Documentation of a recorded conservation easement.

- B) Any applicant who meets the conditions established by this subsection may apply for a waiver from the requirements of the COD/COD-N overlay district. The waiver request shall be made on an application form provided by the zoning administrator. The zoning administrator shall be authorized to charge an administrative review fee of \$100.00 for each application. The application shall not be considered complete until the applicant provides all information required on the application form and pays the required application fee. A separate waiver application form shall be required for each parcel.
- C) The zoning administrator shall have 30 days from the date upon which a completed application is received to render a decision on the waiver request. Any parcel which meets the eligibility requirements of this subsection shall be granted a waiver. If a decision is not made within 30 days, the waiver application shall be deemed approved.
- D) All waivers granted by the zoning administrator shall be subject to the following conditions:
- 1) All proposed development and land disturbing activities shall be at least 250 feet from the corridor right-of-way.
  - 2) The parcel shall have no ingress or egress to or from the corridor right-of-way.
  - 3) All portions of the property within 250 feet of the corridor right-of-way shall be left in a natural, undisturbed state, except to accommodate a pedestrian facility connection, where feasible, between the two parcels on either side where such connection is not located within the corridor right-of-way.
  - 4) The parcel shall not be enlarged due to recombination or subdivided into two or more parcels during the waiver period.
- E) Waivers granted by the zoning administrator shall expire upon the earlier of the following:
- 1) If the property owner or his designee fails to obtain a building permit within one year from the date the waiver is granted.
  - 2) If the parcel is enlarged due to recombination with all or part of one or more adjacent parcels.
  - 3) If the parcel is subdivided into two or more parcels.
- Nothing in this paragraph is intended to limit a property owner's ability to apply for a new waiver upon expiration of an existing waiver, regardless of cause. A new or existing parcel may qualify for a new waiver if the parcel meets the requirements of paragraph A). Subsequent waiver requests for new or existing parcels shall follow the same procedures outlined in paragraphs B) and C) and, if granted, shall be subject to the same conditions contained within paragraph D).
- F) All waivers granted by the zoning administrator shall apply to the subject parcel and not the applicant. If an applicant shall sell or otherwise transfer the subject parcel to one or more subsequent owners after a waiver has been granted, the subsequent owner(s) need not apply for a new waiver, unless the waiver has expired per the provisions of paragraph E). Subsequent owners shall be subject to the same conditions as the original applicant, as outlined in paragraph D).
- G) Any aggrieved party may appeal the decision of the zoning administrator within 60 days following the date of approval or denial of a waiver request. The board of zoning appeals shall have the authority to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by the zoning administrator in the enforcement of this subsection. All appeals shall be reviewed by the board of zoning appeals, pursuant to article VIII of this ordinance, and Section 6-29-800 of the SC Code of Laws.

(Ord. No. 2014-06, § III, 2-24-14)