Agenda
Special Called Meeting
Agenda

Mayor Sam Lee, Mayor Pro-Tempore Matthew King
Council members: Phil Clemmer, Anthony Cunningham, John Mahony, Michael Maier, Rose Ann Woods

Thursday, February 21, 2019   6:00 PM   200 North Main Street, Council Chambers

1. Call to Order – Mayor Sam Lee
2. Presentation – First Tryon and Parker Poe
3. Unfinished Business
   a. Ordinance 2019-001 To amend Article II, Business License – Second Reading
   c. AX 2019-001 - Speedway Drive 0354000100900, 0556010101200, 0556010101501 – to annex and zone the property R 12
   d. Approval of Splash Pad Construction Documents
   e. R 2019-007 Zoning Administrator
4. New Business
   a. Discussion of Council Chambers/Municipal Court facilities. (Must Do #3)
5. Executive Session
   a. For the discussion of contract negotiations and to receive legal advice concerning a development agreement for Project Falcon.

After coming out of Executive Session, Council may vote on items discussed in Executive Session.

6. Next Meeting – Thursday, March 14, 2019 at 6:00 pm.
7. Adjourn

FOIA Compliance – Public notification of this meeting has been published, posted and distributed in compliance with the Freedom of Information Act and the City of Fountain Inn’s requirements.
CITY OF FOUNTAIN INN, SOUTH CAROLINA

TITLE: AN ORDINANCE TO AMEND ARTICLE II, BUSINESS LICENSES, TO ACHIEVE UNIFORMITY WITH OTHER MUNICIPALITIES IN THE STATE IN ITS BUSINESS LICENSE PROCEDURES AS REQUESTED BY THE MUNICIPAL ASSOCIATION OF SOUTH CAROLINA; TO SPECIFY THAT A BUSINESS LICENSE IS EFFECTIVE FOR THE TWELVE-MONTH PERIOD OF MAY 1 TO APRIL 30, AND A DUE DATE OF THE 30TH DAY OF APRIL IN EACH YEAR; TO AMEND THE BUSINESS LICENSE RATE SCHEDULE, SECTION 11-46(b), APPENDIX A; AND TO AMEND APPENDIX B, BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE, SECTION 11-46(b).

WHEREAS, the City of Fountain Inn has a business license ordinance in the Code of Ordinances for the City of Fountain Inn in Article II; and

WHEREAS, the City’s business license ordinance is a “uniform ordinance” as recommended by the Municipal Association of South Carolina (“MASC”)” and MASC has requested municipalities to adopt changes to their business license ordinances so that the dates for the acquisition of a business license and the effective dates for the business license are uniform across the state; and

WHEREAS, the City Council of the City of Fountain Inn believes that it is in the best interests of the municipality to remain uniform with sister municipalities across the state in its business license procedures and therefore, the amendments should be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOUNTAIN INN, SOUTH CAROLINA, as follows:

SECTION 1. That the Code of Ordinances, Article II, Business Licenses, Sections 11-28 and 11-29 (a), be amended as follows: [Additions are underlined; deletions are struck through.]

 Sec. 11-28. - Purpose and duration.

The business license levied by this article is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each yearly license shall be issued for one calendar year ending December 31, the twelve-month period of May 1 to April 30. The provisions of this article and the rates herein shall remain in effect from year to year as amended by council.

Sec. 11-29. - License tax.

(a) The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the 15th day of April due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

SECTION 2. AMENDMENT OF THE BUSINESS LICENSE RATE SCHEDULE – SEC. 11-46 APPENDIX A. SEC. 11-46(B) Appendix A rate schedule for the business license tax is hereby amended as shown on the amended Appendix A attached to this Ordinance.
SECTION 3. AMENDMENT OF THE BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE, APPENDIX B. SEC. 11-46(B) Appendix B, Business License Class Schedule by NAICS Code is hereby amended as shown on the amended Appendix B attached to this Ordinance.

SECTION 4. AUTHORIZATION. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

SECTION 5. REPEALER: All ordinances, orders, resolutions and parts thereof in conflict herewith are, but only to the extent of such conflict, are hereby REPEALED and this Ordinance shall take effect and be in full force from the Effective Date as set forth in Section 7.

SECTION 6. PROVISION SEVERAGE: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The CITY COUNCIL hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 7. SAVINGS CLAUSE: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as stated in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 8. The CITY CLERK is hereby ordered and directed to cause this ordinance to be published according to law.

SECTION 9. EFFECTIVE DATE: This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

DONE in Regular Meeting duly assembled this ________ day of _________ 2019.

SIGNATURE OF MAYOR:

_________________________________
Sam Lee

ATTEST: APPROVED AS TO FORM:

_________________________________  ______________________________
Sandra H. Woods       David W. Holmes
City Clerk           City Attorney

FIRST READING:  __________________
SECOND READING:  ________________
<table>
<thead>
<tr>
<th>RATE CLASS</th>
<th>INCOME: $0.00 — $2,000.00 MINIMUM TAX</th>
<th>INCOME OVER $2,000.00 RATE PER THOUSAND OR FRACTION THEREOF</th>
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<tbody>
<tr>
<td>1</td>
<td>$65.00</td>
<td>$1.35</td>
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<tr>
<td>8.2</td>
<td>$ set by State statute</td>
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</tr>
<tr>
<td>8.3</td>
<td>MASC Telecommunications</td>
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<tr>
<td>8.41</td>
<td>$150.00</td>
<td>$3.50</td>
</tr>
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<td>8.42</td>
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<td>MASC Insurance</td>
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<tr>
<td>8.81</td>
<td>$12.50 + $12.50 per machine</td>
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<tr>
<td>8.82</td>
<td>$150.00</td>
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<tr>
<td>8.83</td>
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<tr>
<td>8.92</td>
<td>$100.00</td>
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<tr>
<td>8.93</td>
<td>$250.00</td>
<td>$1.25</td>
</tr>
<tr>
<td>8.10</td>
<td>$50.00 + $5.00 per table</td>
<td>$1.15</td>
</tr>
</tbody>
</table>

**NON-RESIDENT RATES**

Unless otherwise specifically provided, all minimum taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the municipality.

**DECLINING RATES**

Declining rates apply in all classes for gross income in excess of $1,000,000.00, unless otherwise specifically provided for in this article.

<table>
<thead>
<tr>
<th>Gross Income in $ Millions</th>
<th>Percent of Class Rate for each additional $1,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 — 1</td>
<td>100%</td>
</tr>
<tr>
<td>1 — 2</td>
<td>90%</td>
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<tr>
<td>2 — 3</td>
<td>80%</td>
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<tr>
<td>3 — 4</td>
<td>70%</td>
</tr>
<tr>
<td>OVER 4</td>
<td>60%</td>
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</table>

**CLASS 8 RATES**

Each NAICS number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.
NAICS 230000 — Contractors, Construction, All Types

8.1 Having permanent place of business within the municipality

Minimum on first $2,000.00 .... $75.00. PLUS
Each additional $1,000.00 .... $1.55

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this article.

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per $1,000.00 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a calendar year.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the zoning ordinance.

Each prime contractor shall file with the license official a list of sub-contractors furnishing labor or materials for each project.

8.2 NAICS 482 — Railroad Companies — (See S.C. Code § 12-23-210)

For the first 1000 inhabitants of the City .... $_____ 
For each additional 1000 inhabitants according to the last US census .... $_____

[Census population: _______. Tax = $______]

8.3 NAICS 5171, 5172 — Telephone Companies:

A. Notwithstanding any other provisions of the business license ordinance, the business license tax for "retail telecommunications services", as defined in S.C. Code § 58-9-2200, shall be at the maximum rate authorized by S.C. Code § 58-9-2220, as it now provides or as provided by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

B. In conformity with S.C. Code § 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a 12-month projected income.
C. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

D. The delinquent penalty shall be five percent of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

F. Nothing in this article shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this article.

H. As authorized by S.C. Code § 5-7-300, the agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code § 58-9-2200 shall continue in effect.

**NAICS 22112 — Electric Power Distribution** ..... See Consent or Franchise

**NAICS 22121 — Natural Gas Distribution** ..... See Consent or Franchise

**NAICS 517110 — Television: Cable or Pay**

Services using public streets ..... See Franchise

**8.41 NAICS 423930 — Junk or Scrap Dealers [Non-resident rates apply]**

Minimum on first $2,000.00 ..... $150.00
Per $1,000.00, or fraction, over $1,000.00 ..... $3.50

**8.42 NAICS 522298 — Pawn Brokers — All Types**

Minimum on first $2,000.00 ..... $200.00 PLUS
Per $1,000.00, or fraction, over $1,000.00 ..... $4.00

**8.5 NAICS 4411, 4412 — Automotive, Motor Vehicles, Boats, Farm Machinery or Retail (except auto supply stores — see 4413)**

Minimum on first $2,000.00 ..... $120.00 PLUS
Per $1,000.00, or fraction, over $1,000.00 ..... $0.30

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

**NAICS 454390 — Peddlers, Solicitors, Canvassers, Door-To-Door Sales**

Direct retail sales of merchandise. [Non-resident rates apply]
8.61 Regular activities [more than two sale periods of more than three days each per year]

Minimum on first $2,000.00 ..... $100.00 PLUS
Per $1,000.00, or fraction, over $1,000.00 ..... $2.00

8.62 Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]

Minimum on first $2,000.00 ..... $50.00 PLUS
Per $1,000.00, or fraction, over $1,000.00 ..... $2.00

Applicant for a license to sell on private property must provide written authorization from the property [property] owner to use the intended location.

8.7 NAICS 5241 — Insurance Companies:

Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.

NAICS 52411 — Life, Health and Accident ..... 0.75% of Gross Premiums

NAICS 524126 — Fire and Casualty ..... 2% of Gross Premiums

NAICS 524127 — Title Insurance ..... 2% of Gross Premiums

Notwithstanding any other provisions of this article, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be five percent of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.
Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina, by agreement with the municipality, is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300.

[The South Carolina General Assembly, in order to ensure consistency with the Federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Hatl# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195. The act establishes a blended broker's premium tax rate of six percent comprised of a four percent state broker's premium tax and a two percent municipal broker's premium tax. The act states a municipality may not impose on brokers of non-admitted insurance in the state an additional license fee or tax based upon a percentage of premiums.]

**NAICS 713120** — Amusement Machines. coin operated (except gambling) —
Music machines, juke boxes, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by S.C. Department of Revenue pursuant to S.C. Code § 12-21-2720(A)(1) and (A)(2) — [Type I and Type II]

**8.81 Operator of machine**  ... $12.50/machine PLUS
... $12.50 business license
for operation of all machines (not on gross income). [§ 12-21-2746]

**8.82 Distributor selling or leasing machines** (not licensed by the State as an operator pursuant to [S.C. Code] § 12-21-2728) — [Nonresident rates apply.] —
Minimum on first $1,000.00 ..... $150.00 PLUS
Per $1,000.00 or fraction over $1,000.00 ..... $3.50

**NAICS 713290** — Amusement Machines. coin operated. non-payout

Amusement machines of the non-payout type or in-line pin game licensed by S.C. Department of Revenue pursuant to S.C. Code § 12-21-2720(A)(3) [Type III]

**8.83 Operator of machine (owner of business)**  ... $12.50 business license
for operation of all machines (not on gross income). [[S.C. Code] § 12-21-2720(B)] PLUS
$12.50/machine.

**8.82 Distributor selling or leasing machines** (not licensed by the state as an operator pursuant to [S.C. Code] § 12-21-2728) — [Nonresident rates apply.]
Minimum on first $2,000.00 ..... $150.00 PLUS
Per $1,000.00, or fraction, over $1,000.00 ..... $3.50

**8.91 NAICS 713290** — Bingo halls, parlors —
Minimum on first $2,000.00 ..... $100.00 PLUS
Per $1,000.00, or fraction, over $1,000.00 ..... $2.00

**8.92 NAICS 711990** — Carnivals and Circuses —
Minimum on first $2,000.00 ..... $100.00 PLUS
Per $1,000.00, or fraction, over $1,000.00 ..... $2.00

**8.93 NAICS 722410** — Drinking Places, bars, lounges, cabarets (Alcoholic beverages consumed on premises)
Minimum on first $2,000.00 ..... $250.00 PLUS
Per $1,000.00, or fraction, over $1,000.00 ..... $1.25

License must be issued in the name of the individual who has been issued a state alcohol, beer or wine permit or license and will have actual control and management of the business.

8.10 **NAICS 713990** — Billiard or Pool Rooms, all types ..... $5.00 stamp/table PLUS
Minimum on first $2,000.00 ..... $50.00 PLUS
Per $1,000.00, or fraction, over $1,000.00 ..... $1.15

(Ord. No. 2015-003, § 1,4-9-15; Ord. No. 2017-008, § 1, 8-10-17)
This appendix will be updated annually based on the latest available IRS statistics.

**APPENDIX B**

**2016 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE**

<table>
<thead>
<tr>
<th>NAICS Sector/Subsector</th>
<th>Industry Sector</th>
<th>Class</th>
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</thead>
<tbody>
<tr>
<td>11</td>
<td>Agriculture, forestry, hunting and fishing</td>
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<tr>
<td>113</td>
<td>Forestry and logging (including forest nurseries, timber tracts)</td>
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<tr>
<td>115</td>
<td>Support activities for agriculture and forestry</td>
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<tr>
<td>2</td>
<td>Mining</td>
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<tr>
<td>2211</td>
<td>Electric Power Generation, Transmission and Distribution</td>
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<tr>
<td>2212</td>
<td>Natural Gas Distribution</td>
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<td>Construction</td>
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<td>31-33</td>
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<td>311</td>
<td>Food manufacturing</td>
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<td>313</td>
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<td>Apparel</td>
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<td>Paper products</td>
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<td>Printing and related support activities</td>
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<td>324</td>
<td>Petroleum and coal products</td>
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<td>Chemical manufacturing</td>
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<td>Nonmetallic mineral products</td>
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<td>Primary metal industries</td>
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<td>332</td>
<td>Fabricated metal products</td>
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<td>333</td>
<td>Machinery</td>
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<td>Computer and electronic products</td>
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<td>335</td>
<td>Electrical equipment, appliances, and components</td>
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<td>336</td>
<td>Transportation equipment</td>
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<td>Furniture and related products</td>
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<td>Other miscellaneous manufacturing</td>
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<td>Wholesale trade</td>
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<td>Recyclable Material Merchant Wholesalers (Junk)</td>
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<td>441</td>
<td>Motor vehicle and parts dealers</td>
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<td>4411</td>
<td>Automobile Dealers</td>
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<td>4412</td>
<td>Other Motor Vehicle Dealers</td>
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<td>442</td>
<td>Furniture and home furnishing stores</td>
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<tr>
<td>443</td>
<td>Electronic and appliance stores</td>
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<tr>
<td>444</td>
<td>Building material and garden equipment and supplies dealers</td>
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<tr>
<td>445</td>
<td>Food and beverage stores</td>
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<tr>
<td>446</td>
<td>Health and personal care stores</td>
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## APPENDIX B

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<table>
<thead>
<tr>
<th>NAICS Sector/Subsector</th>
<th>Industry Sector</th>
<th>Class</th>
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<tbody>
<tr>
<td>447</td>
<td>Gasoline stations</td>
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<tr>
<td>448</td>
<td>Clothing and accessories stores</td>
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</tr>
<tr>
<td>451</td>
<td>Sporting goods, hobby, book, and music stores</td>
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<tr>
<td>452</td>
<td>General merchandise stores</td>
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<tr>
<td>453</td>
<td>Miscellaneous store retailers</td>
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<tr>
<td>454</td>
<td>Nonstore retailers</td>
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<td>Other Direct Selling Establishments (Peddlers)</td>
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<td>Transportation and warehousing</td>
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<td>Rail Transportation</td>
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<td>484</td>
<td>Truck Transportation</td>
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<td>Pipeline transportation</td>
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<td>Warehousing and storage facilities</td>
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<td>Information</td>
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<td>Publishing industries (except internet)</td>
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<td>Broadcasting (except internet) and telecommunications</td>
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<td>Management of companies</td>
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<td>Administrative and support and waste management and remediation services</td>
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<td>Health care and social assistance</td>
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<td>Amusement Parks and Arcades</td>
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<td>Other services</td>
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<td>811</td>
<td>Repair and maintenance</td>
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<td>Auto repair and maintenance</td>
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<td>812</td>
<td>Personal and laundry services</td>
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<tr>
<td>813</td>
<td>Religious, grantmaking, civic, professional, and similar organizations</td>
<td>3</td>
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AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF FOUNTAIN INN, SAID AMENDMENT BEING FOR THE PURPOSE OF CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY HEREIN DESCRIBED.

WHEREAS, the City of Fountain Inn received a petition for re-zoning of the real property described herein; and

WHEREAS, The Fountain Inn Planning Commission conducted a public hearing on the re-zoning petition and after having duly considered same and the receiving a staff report recommended to the City Council the approval of the re-zoning request from R-15 Residential District to FRD, Flexible Review District upon certain conditions;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Fountain Inn, South Carolina:

SECTION 1: That the real property referred to herein is described fully in Docket Number FI-2019-001 which real property is known as a portion of 1512 Howard Drive, containing approximately 32.20 acres Greenville County Tax Map 0353000100500, located in the City of Fountain Inn, South Carolina and more fully described on Exhibit A attached hereto and made a part hereof by reference.

SECTION 2: The Property is hereby rezoned from R15, Residential District to FRD, Flexible Review District upon the satisfaction of the following conditions:

a. Sidewalks must be constructed on Howard Drive

b. A recorded plat with a statement that any storm detention or retention pond and any storm drainage facility will remain private property and will not be maintained by the City of Fountain Inn.

c. A natural resource inventory, required at the time of application (Sec. 5:9.4.6), shall be submitted and approved by staff prior to the Final Development Plan.

SECTION 3: This Ordinance shall be effective upon second and final reading by the City Council.

DONE IN REGULAR MEETING THIS ___ DAY OF ________, 2019.

SIGNATURE OF MAYOR:

______________________________
Sam Lee
ATTEST:  
Sandra H. Woods  
City Clerk

APPROVED AS TO FORM:  
David W. Holmes  
City Attorney

FIRST READING:  
SECOND READING:  

CURRENT ZONING: R-15

ACRES: 46.65

CURRENT ZONING: R-15
REQUESTED REZONE: RM

ACRES: 32.2

HOWARD DRIVE
FOUNTAIN INN, SC

SITE DATA: 31.8 AC
TOTAL UNITS: 151
40'x125' LOTS: 41
50'x125' LOTS: 46
24' TOWNS: 64

NEW ROAD: 3,750 L.F.

LOCATION MAP (N.T.S.)
HWY 14
HOWARD DRIVE
S. KING DRIVE
VIEW DR.
VALLEY

SITE EXHIBIT A
January 14, 2019

To: Fountain Inn City Council  
   Sam Lee, Mayor  
   Shawn Bell, City Administrator

From: Roger Case, Zoning Administrator  
      Aaron Hood, Chair Planning Commission

Request  
Docket Number FI-2019-001

Request to rezone property at 1512 Howard Drive from R-15, Residential to FRD, Flexible Review District.

Applicant: Charles Flemming  
Agent: Crown Properties

Tax Map: 0353000100500

The Fountain Inn Planning Commission met Monday, January 14, 2019. Request was to rezone the property located at 1512 Howard Drive being tax map 0353000100500 from R-15, Residential to FRD, Flexible review District.

The Board voted unanimously to approve the request.
Fountain Inn Planning Commission
Zoning Hearing Minutes
January 14, 2019 ~ 6:00 PM ~ Council Chambers

The following Board members of Planning Commission in attendance: Dan Wilson, Kathryn Spence, Aaron Hood, Matt Waschkowski, Brent Fonokalafi, Wendell Tumblin

City Staff members in attendance: Shawn Bell, Roger Case, Lori Cooper, David Holmes

Greenville County Planning Commission members in attendance: Greg Gordos

City Council members in attendance: Sam Lee, Mayor

Visitors: Seven (7)

Welcome/Call to Order- Aaron Hood, Chairman

Approval of November 12, 2018 minutes

Motion to approve minutes by Matthew Waschkowski

Motion seconded by Wendell Tumblin

Motion made and properly seconded

All aye

Motion carried.

FI-2019-001
Request: Rezone from R-15, Residential District to FRD, Flexible Review District
1512 Howard Drive
Tax Map: 0353000100500
Charles Flemming Property

Applicant: Charles Flemming and Elizabeth Flemming
Crown Properties LLC and Gray Engineering, Authorized Agent(s)

Crown Properties, Rodney Gray
- Rodney worked with Charles Flemming on development of this property
- Has a traffic Engineer here to answer any questions that the Board has. Took 3 months to do a traffic study
- Will have an emergency exit if Fire Chief requires one
- Subdivision will have some privacy
• Has a lot of green space including walking trails
• Detention pond has a 50 foot buffer
• Mix of townhomes and single family
• 151 total residential units
• Hoping to begin in the Spring of 2019
• Townhomes will have 2 and 3 bedroom units with sizes from 1,100 square feet to 1,600 square feet
• Single family homes will have 3 to 5 bedrooms and will range in size from 1,700 square feet to 4,000 square feet with at least one car garage and room in drive way
• Will be a mailbox kiosk
• 25 foot setback off exterior property boundary
• Will be an HOA
• Sewer is provided by Fountain Inn

Greg Gordos, GCPC Staff Report

DOCKET NUMBER: FI-2019-001
APPLICANT: Crown Properties LLC, Agent
OWNER: Fleming Revocable Trust
PROPERTY LOCATION: 1512 Howard Drive
TAX MAP NUMBER: 0353000100500
PARCEL ACREAGE: ~78.85 acres
PROJECT ACREAGE: ~32.20 acres
EXISTING ZONING: R-15, Residential
REQUESTED ZONING: FRD, Flexible Review District
ADJACENT LAND USE:
North: Residential
East: Residential
South: Commercial
West: Residential

ADJACENT ZONING:
North: PD, Planned Development East: R-15, Residential
South: C-2, Commercial
West: R-15 & R-12, Residential

ANALYSIS:
The site is located north of the intersection of Main Street and Howard Drive. Gas stations, commercial retail, restaurants, and auto repair is immediately south along Main. The site is heavily wooded with dense forest, as is across Howard Drive to the east and to the west. Farther out, West Farm subdivision is the closest to the north and the Village at Fountain Inn is closest to the East.

As of the date of this report, the property has not been subdivided; meaning while the project (named Foxchase) is only intended to take approximately 32 acres, the parcel is nearly double that size at 78.85 acres. The Fleming family intends to continue living on the northern portion of the property.
This area has been identified for High Density Residential use in the city’s 2017 Master Plan. The area is surrounded by residential zoning on three sides that are currently vacant/forested; the current zoning of the site is R-15.

R-15 and R-12 are considered Medium-Low Density per the Master Plan.

High Density Residential is equivalent to any multi-family zoning district (up to 14.5 units per acre) or single-family district (5.8 units per acre). The applicant in the Statement of Intent notes “total overall density for this project, consisting of single family and townhomes will not exceed 4.8 units per acre or 151 total residential units”. This mix of uses is what is prompting the zoning designation of FRD, Flexible Review District.

Per the Fountain Inn, South Carolina – Code of Ordinances and Ordinance TX2016-01 adopted by Fountain Inn City Council, the intent of a Flexible Review District is to provide a way for inventive design to be accomplished and to permit development that cannot be achieved through conventional zoning districts due to the parameters required therein. It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations.

Many Planned Development districts currently exist in the city under this same though process. FRD differs from a PD in that PD, Planned Development is now intended for a mix of uses outside of residential, such as commercial or office, whereas FRD is purely residential.

Flexible Review District zones do not have minimum site size, minimum lot width, minimum yard size, maximum lot coverage, or maximum height. No structure shall be erected within 25 feet from any external lot line of any FRD district, and Foxchase would comply with this requirement per their Statement of Intent.

However, any proposed Flexible Review District has additional requirements that more traditional zoning request would not require. In addition, a Final Development Plan must return to the Planning Commission and City Council before construction would be permitted.

Depending on the modifications to the plan before you (Major or Minor), the plan may again require City Council approval. The additional requirements are provided as an appendix to this report.

The applicant has proposed a +/-32.2 Acre Flexible Review District (FRD) per the submitted survey. It is described in this document as a “31.80-acre tract on Howard Drive”, and in the application as “for rezoning approximately 32.2 AC +/- of my 78.85 Acre Tract”. County GIS records indicate the parcel is 78.85 acres. Rezoning a portion of a single parcel to another zone is considered “split-zoning”. While not expressly prohibited under the Fountain Inn Code of Ordinances, planning staff does not support split-zoning. *UPDATE: SURVEY PROVIDED 01/02/2019*

Before the planning staff makes a recommendation to the Planning Commission, it shall determine the following:

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

Staff Recommendation: * RECOMMEND APPROVAL WITH CONDITIONS*

A Natural Resource Inventory, required at the time of application (5:9.4.6), shall be submitted and approved by staff prior to the Final Development Plan.

Sidewalks on Howard Drive must be included in the final development plans.

APPENDIX A

FLEXIBLE REVIEW DISTRICT REQUIREMENTS

Section 5:9.4. - FRD, flexible review district.

5:9.4.1. Intent. The intent of the FRD district is to provide a way for inventive design to be accomplished and to permit development that cannot be achieved through conventional zoning districts due to the parameters required therein.

It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations.

5:9.4.2. Minimum Site Size. There is no minimum site size for the FRD district.

5:9.4.3. General Requirements. The provisions of the zoning ordinance regulating minimum lot area, parking, landscaping, and lighting shall serve as a general guide. However, variations to these standards included in the approved Statement of Intent or Final Development Plan shall supersede the other provisions of this article. The cost for a rezoning application from any district to a Flexible Review District is $750.

5:9.4.4. Minimum Lot Width, Minimum Yard Requirements, Maximum Lot Coverage, Maximum Height of Structures. No structure shall be erected within 25 feet from any external lot line of any FRD district with the following exceptions:

A. Where the property to be rezoned FRD is between 2 and 5 acres, no structure shall be erected within 12.5 feet from any external lot line.

B. Where the property is less than 2 acres, no structure shall be erected within 5' from any external lot line.

C. Where land uses within the FRD district are the same as uses permitted in the adjoining properties outside the FRD district, a lesser setback that is consistent with the uses or zoning on the adjoining properties may be permitted.

Minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not otherwise regulated within the FRD district provided, however, that the Planning Commission and City Council shall ascertain that the characteristics of building location shall be appropriate as related to structures within the district and otherwise fulfill the intent of this article.
5:9.4.5. Development Standards. The standards set forth in Section 19:8, Development Standards for PD, POD, NC and FRD Districts, may serve as a guide for the FRD district. However, variations are permitted. Applicants for the FRD district shall discuss variations with City of Fountain Inn Planning Staff prior to submitting their rezoning application.

5:9.4.6. FRD Application Process and Preliminary Development Plans.

A. Prior to submitting a FRD district application, the applicant is required to meet with the Planning Staff for a pre-application conference to avoid undue delay in the review process after the application is submitted.

B. Applications for the FRD district shall include the following:

1. Preliminary Development Plan - The applicant shall submit one printed site plan and one electronic site plan, which shall include the following:
   a) A boundary survey with vicinity map, title block, scale, and north arrow.
   b) Total number of acres of overall site.
   c) Location and orientation of existing and proposed buildings, including square footage.
   d) Primary traffic circulation pattern, including external and internal points of ingress and egress.
   e) Location of parking areas and approximate number of parking spaces per use.
   f) Any such information or descriptions as may be deemed reasonably appropriate for review.

Natural Resources Inventory - The primary objective of the natural resources inventory is to provide better information about the type of land cover, topography, and significant natural, historical and cultural features on sites proposed for development. The applicant shall submit a natural resources inventory at the same scale as the preliminary development plan including the following:

   a) Land cover type (i.e., wooded, pasture, wetland, etc.) indicating the wood line or boundary line between wooded and non-wooded areas of the site.
   b) Topographic contour lines at 4-foot intervals.
   c) Stream and Floodplain information.

Statement of Intent - The applicant shall submit one paper copy and one electronic copy of a report setting forth the characteristics of the proposed FRD district including the following:

   d) A description of the procedures of any proposed homeowners association or other group maintenance agreement.
   e) A statement setting forth the proposed development schedule.
   f) A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.
   g) A statement of impact on public facilities including water, sewer collection and treatment, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed development.
   h) A statement describing or renderings or photographs of the architectural style, appearance and orientation of proposed buildings.
i) A statement describing the landscaping and screening of proposed project.

j) A statement describing the maintenance and screening of any proposed pond, lake, or storm water management facility contained in the development.

k) A statement describing pedestrian access and circulation throughout the project.

l) Any such information or descriptions as may be deemed reasonably appropriate for review.

5:9.4.7. Final Development Plan. Approval of a Concept Plan shall constitute authority for the applicant to prepare a Final Development Plan. All Final Development Plans in the FRD district will require a site plan review and approval by the Fountain Inn Planning Commission in accordance with Section 3 of the Fountain Inn Land Development Regulations.

5:9.4.8. Subdivision Plats. Approval of a Final Development Plan shall constitute authority for the applicant to prepare subdivision plats if applicable in accordance with procedures set forth in the City of Fountain Inn Land Development Regulations. No building permit or certificate of occupancy shall be issued until the Planning Commission has approved a final subdivision plat.

5:9.4.9. Changes to FRD Districts. Changes to an approved FRD district may be permitted. The Zoning Administrator shall determine whether any proposed change is major or minor using the criteria below. The Zoning Administrator's determination shall be a part of the FRD records.

A. MAJOR CHANGES - Changes to an approved FRD district that would significantly alter the basic concept and general characteristics of the district shall be approved by City Council in accordance with the amendment procedures established in Article 12 of this ordinance. After approval of a major change by City Council, approval of a final development plan showing such changes must be submitted to the Planning Commission for site plan review in accordance with Section 3 of the Fountain Inn Land Development Regulations. Examples of major changes may include, but are not limited to the following:

1. Boundary changes
2. Decrease in open space
3. Increase or decrease in number of ingress and egress points
4. Changes to less restrictive land uses, e.g., residential to commercial
5. Any change which the Zoning Administrator determines would significantly alter the basic concept and general characteristics of the FRD district

B. MINOR CHANGES - Changes to an approved FRD district that do not significantly alter the basic concept and general characteristics of the district may be approved by the Planning Staff provided that no minor change may be approved by the Planning Staff which is in conflict with specific conceptual considerations previously approved by City Council. Examples of [minor changes] may include, but are not limited to the following:

1. Reductions in density, signage, or square footage
2. Increases in landscaping, open space, or setbacks
3. Minor changes to landscaping, lighting, parking, or signage
4. Minor changes may allow reorientation of structures, realignment of approved ingress and egress, changes to more restrictive land uses, or shifts in approved density from one area of FRD to another.

(Ord. No. TX 2016-001, § 1(Att. 1), 8-11-16)
Roger Dyer, Traffic Engineer

- Hard to forecast traffic, it is like forecasting the weather
- SCDOT Standard methods are used
- Existing issues with offset entrance onto Hoard Drive at North Main Street
- Talked briefly on Improvements that could be made, turning lanes and stripping
- Discussed peak hours and total traffic count all in B Range which is acceptable range for SCDOT

Roger Case, City Staff Report

This is **Docket Number FI-2019-001**

Applicant: Crown Properties/Fleming Revocable Trust  

The request is to rezone the property located at 1512 Howard Drive from R-15, Residential to FRD, Flexible Review District being Tax Map Number(s) 0353000100500

Development Name is Foxchase.  
This property owned by Charles and Elizabeth Fleming consist of 31.8 acres more or less. The property is on Howard Drive near Highway 14.

The property backs up to West Farm Subdivision (North of the property) and to the East is Quail Run Subdivision. Undeveloped property is to the West. The Rumfelt property consisting of about 41 acres, Alston Smith who owns Whisper Walk Subdivision and Cannon Cemetery.

Single family and townhomes would not be detrimental to the surrounding land uses.

City looked at long-term traffic plans several years back for North Main at Howard Drive. SCDOT was looking at a little over $2,000,000, maybe an offset signal light.

We have been working on this project for the last year. I have visited several areas in Greenville with FRD and they are god projects.

Fire Department would prefer 2 entrances or at least one entrance with an emergency entrance/exit

The subdivision will be bonded through Greenville County

Staff’s recommendation is to approve the request to rezone from R15 to FRD, Flexible Review District with the following:

- A recorded plat with a statement that any storm detention or retention pond and any storm drainage facility will remain private property and will not be maintained by the City of Fountain Inn.

Shawn Bell, City Administrator

City staff has worked with Rodney Gray on this project. There are several wins, a new builder, a new project here and adding housing stock. New zoning with mixed diversity and uses. We have young professionals looking for walkability, good stock of homes, not a detriment to the neighborhood. If the project is approved, it would end up a 2 separate parcels.
Public Discussion

Allen Burton
Concerned with the intersection at North Main and Howard Drive and the amount of traffic on Howard Drive
Whatever can be done to improve it (traffic) would be a big help. Really help out.

Speed Limit was not brought up. 45 mph is too high. SCDOT needs to identify as a problem and reduce the speed.

Allen Capabella
Howard Drive and North Main at 5:30 pm is next to impossible to turn left and is impossible to turn in to other lanes. Lanes are not wide enough. Concerned with rainwater coming down. Hard rain would cause Howard to go under water. Need to fence off the property between West Farm and this project.

Casandra Wolfin
The curve on Howard Drive is too dangerous for 45 mph at Fountain Inn Drive and Howard Drive. A new development would make it more dangerous with increase in traffic.

Charles Flemming
Owner of the property. 32 acres more or less will be developed. There is a buffer from West Farm and this project.

Public Comment Closed

Rodney Gray
Will have 100 year flood insurance and program in place
Will have a detention pond to hold back water. Will meet requirements of Greenville County Land Development.
Also there is sewer on the property

Board Discussion

Motion made by Matt Waschkowski to approve the request to rezone the property located at 1512 Howard Drive from R-15 to FRD, Flexible Review District with conditions outline by staff:

- Sidewalks must be on Howard Drive
- A recorded plat with a statement that any storm detention or retention pond and any storm drainage facility will remain private property and will not be maintained by the City of Fountain Inn.
- A natural resource inventory, required at the time of application (5:9.4.6) shall be submitted and approved by staff prior to the Final Development Plan.
Motion seconded by Wendell Tumblin.

Motion made and properly seconded.

All Aye. Motion carried unanimously.

Motion made by Dan Wilson to adjourn.

Motion seconded by Katheryn Spence.

Motion carried unanimously.

Adjourn.

Respectfully submitted by
Lori Cooper
Secretary to Planning Commission Board
Call to Order

Approval of Minutes
November 12, 2018 zoning hearing

FI-2019-001

Public Hearing

Request: Rezone from R-15 to FRD, Flexible Review District
1512 Howard Drive
Tax Map: 0353000100500

Applicant: Crown Properties LLC, Agent

GCPC Staff Report Greg Gordos

City Staff Report Roger Case, Zoning Administrator
Shawn Bell, City Administrator

Public Comment Period

Adjourn Public Comment Period

Board Discussion

Board Decision

Adjournment
DOCKET NUMBER: FI-2019-001

APPLICANT: Crown Properties LLC, Agent

OWNER: Fleming Revocable Trust

PROPERTY LOCATION: 1512 Howard Drive

TAX MAP NUMBER: 0353000100500

PARCEL ACREAGE: ~78.85 acres
PROJECT ACREAGE: ~32.20 acres

EXISTING ZONING: R-15, Residential

REQUESTED ZONING: FRD, Flexible Review District

ADJACENT LAND USE:
North: Residential
East: Residential
South: Commercial
West: Residential

ADJACENT ZONING:
North: PD, Planned Development
East: R-15, Residential
South: C-2, Commercial
West: R-15 & R-12, Residential
City of Fountain Inn Future Land Use Map:
Current Zoning:
North of Subject Site:

South of Subject Site:
ANALYSIS:
The site is located north of the intersection of Main Street and Howard Drive. Gas stations, commercial retail, restaurants, and auto repair is immediately south along Main. The site is heavily wooded with dense forest, as is across Howard Drive to the east and to the west. Farther out, West Farm subdivision is the closest to the north and the Village at Fountain Inn is closest to the East.
As of the date of this report, the property has not been subdivided; meaning while the project (named Foxchase) is only intended to take approximately 32 acres, the parcel is nearly double that size at 78.85 acres. The Fleming family intends to continue living on the northern portion of the property.

This area has been identified for High Density Residential use in the city’s 2017 Master Plan. The area is surrounded by residential zoning on three sides that are currently vacant/forested; the current zoning of the site is R-15. R-15 and R-12 are considered Medium-Low Density per the Master Plan. High Density Residential is equivalent to any multi-family zoning district (up to 14.5 units per acre) or single-family district (5.8 units per acre). The applicant in the Statement of Intent notes “total overall density for this project, consisting of single family and townhomes will not exceed 4.8 units per acre or 151 total residential units”. This mix of uses is what is prompting the zoning designation of FRD, Flexible Review District.

Per the Fountain Inn, South Carolina – Code of Ordinances and Ordinance TX2016-01 adopted by Fountain Inn City Council, the intent of a Flexible Review District is to provide a way for inventive design to be accomplished and to permit development that cannot be achieved through conventional zoning districts due to the parameters required therein. It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations.

Many Planned Development districts currently exist in the city under this same though process. FRD differs from a PD in that PD, Planned Development is now intended for a mix of uses outside of residential, such as commercial or office, whereas FRD is purely residential.

Flexible Review District zones do not have minimum site size, minimum lot width, minimum yard size, maximum lot coverage, or maximum height. No structure shall be erected within 25 feet from any external lot line of any FRD district, and Foxchase would comply with this requirement per their Statement of Intent. However, any proposed Flexible Review District has additional requirements that more traditional zoning request would not require. In addition, a Final Development Plan must return to the Planning Commission and City Council before construction would be permitted. Depending on the modifications to the plan before you (Major or Minor), the plan may again require City Council approval. The additional requirements are provided as an appendix to this report.

The applicant has proposed a +/-32.2 Acre Flexible Review District (FRD) per the submitted survey. It is described in this document as a “31.80-acre tract on Howard Drive”, and in the application as “for rezoning approximately 32.2 AC +/- of my 78.85 Acre Tract”. County GIS records indicate the parcel is 78.85 acres. Rezoning a portion of a single parcel to another zone is considered “split-zoning”. While not expressly prohibited under the Fountain Inn Code of Ordinances, planning staff does not support split-zoning. *UPDATE: SURVEY PROVIDED 01/02/2019*
Before the planning staff makes a recommendation to the Planning Commission, it shall determine the following:
A. That the spirit of the zoning district shall not be violated.
B. That the proposed development will harmonize with existing developments.
C. That the proposed development will be a desirable addition to the physical pattern of the neighborhood.
D. That the design be such that additional traffic will not be a burden on existing streets.
E. That no adverse environmental impacts will be created by the proposed development.
F. That the visual appearance of the development will harmonize with the existing development.
G. That the architectural character blends with the surrounding area.

Staff Recommendation: *RECOMMEND APPROVAL WITH CONDITIONS*
A Natural Resource Inventory, required at the time of application (5:9.4.6), shall be submitted and approved by staff prior to the Final Development Plan.
APPENDIX A
FLEXIBLE REVIEW DISTRICT REQUIREMENTS

Section 5:9.4. - FRD, flexible review district.
5:9.4.1. Intent. The intent of the FRD district is to provide a way for inventive design to be accomplished and to permit development that cannot be achieved through conventional zoning districts due to the parameters required therein.

It is recognized that some concepts will be more appropriate than others and the approval of an application in one location does not necessarily indicate the development will be applicable in other locations.

5:9.4.2. Minimum Site Size. There is no minimum site size for the FRD district.

5:9.4.3. General Requirements. The provisions of the zoning ordinance regulating minimum lot area, parking, landscaping, and lighting shall serve as a general guide. However, variations to these standards included in the approved Statement of Intent or Final Development Plan shall supersede the other provisions of this article. The cost for a rezoning application from any district to a Flexible Review District is $750.

5:9.4.4. Minimum Lot Width, Minimum Yard Requirements, Maximum Lot Coverage, Maximum Height of Structures. No structure shall be erected within 25 feet from any external lot line of any FRD district with the following exceptions:

   A. Where the property to be rezoned FRD is between 2 and 5 acres, no structure shall be erected within 12.5 feet from any external lot line.

   B. Where the property is less than 2 acres, no structure shall be erected within 5’ from any external lot line.

   C. Where land uses within the FRD district are the same as uses permitted in the adjoining properties outside the FRD district, a lesser setback that is consistent with the uses or zoning on the adjoining properties may be permitted.

Minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not otherwise regulated within the FRD district provided, however, that the Planning Commission and City Council shall ascertain that the characteristics of building location shall be appropriate as related to structures within the district and otherwise fulfill the intent of this article.

5:9.4.5. Development Standards. The standards set forth in Section 19:8, Development Standards for PD, POD, NC and FRD Districts, may serve as a guide for the FRD district. However, variations are permitted. Applicants for the FRD district shall discuss variations with City of Fountain Inn Planning Staff prior to submitting their rezoning application.

5:9.4.6. FRD Application Process and Preliminary Development Plans.

   A. Prior to submitting a FRD district application, the applicant is required to meet with the Planning Staff for a pre-application conference to avoid undue delay in the review process after the application is submitted.

   B. Applications for the FRD district shall include the following:

      1. Preliminary Development Plan - The applicant shall submit one printed site plan and one electronic site plan, which shall include the following:

         a) A boundary survey with vicinity map, title block, scale, and north arrow.

         b) Total number of acres of overall site.

         c) Location and orientation of existing and proposed buildings, including square footage.

         d) Primary traffic circulation pattern, including external and internal points of ingress and egress.

         e) Location of parking areas and approximate number of parking spaces per use.

         f) Any such information or descriptions as may be deemed reasonably appropriate for review.
2. Natural Resources Inventory - The primary objective of the natural resources inventory is to provide better information about the type of land cover, topography, and significant natural, historical and cultural features on sites proposed for development. The applicant shall submit a natural resources inventory at the same scale as the preliminary development plan including the following:
   a) Land cover type (i.e., wooded, pasture, wetland, etc.) indicating the wood line or boundary line between wooded and non-wooded areas of the site.
   b) Topographic contour lines at 4-foot intervals.
   c) Stream and Floodplain information.

3. Statement of Intent - The applicant shall submit one paper copy and one electronic copy of a report setting forth the characteristics of the proposed FRD district including the following:
   a) A description of the procedures of any proposed homeowners association or other group maintenance agreement.
   b) A statement setting forth the proposed development schedule.
   c) A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.
   d) A statement of impact on public facilities including water, sewer collection and treatment, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed development.
   e) A statement describing or renderings or photographs of the architectural style, appearance and orientation of proposed buildings.
   f) A statement describing the landscaping and screening of proposed project.
   g) A statement describing the maintenance and screening of any proposed pond, lake, or storm water management facility contained in the development.
   h) A statement describing pedestrian access and circulation throughout the project.
   i) Any such information or descriptions as may be deemed reasonably appropriate for review.

5:9.4.7. Final Development Plan. Approval of a Concept Plan shall constitute authority for the applicant to prepare a Final Development Plan. All Final Development Plans in the FRD district will require a site plan review and approval by the Fountain Inn Planning Commission in accordance with Section 3 of the Fountain Inn Land Development Regulations.

5:9.4.8. Subdivision Plats. Approval of a Final Development Plan shall constitute authority for the applicant to prepare subdivision plats if applicable in accordance with procedures set forth in the City of Fountain Inn Land Development Regulations. No building permit or certificate of occupancy shall be issued until the Planning Commission has approved a final subdivision plat.

5:9.4.9. Changes to FRD Districts. Changes to an approved FRD district may be permitted. The Zoning Administrator shall determine whether any proposed change is major or minor using the criteria below. The Zoning Administrator’s determination shall be a part of the FRD records.

   A. MAJOR CHANGES - Changes to an approved FRD district that would significantly alter the basic concept and general characteristics of the district shall be approved by City Council in accordance with the amendment procedures established in Article 12 of this ordinance. After approval of a major change by City Council, approval of a final development plan showing such changes must be submitted to the Planning Commission for site plan review in accordance with Section 3 of the Fountain Inn Land Development Regulations. Examples of major changes may include, but are not limited to the following:
      1. Boundary changes
      2. Decrease in open space
      3. Increase or decrease in number of ingress and egress points
4. Changes to less restrictive land uses, e.g., residential to commercial

5. Any change which the Zoning Administrator determines would significantly alter the basic concept and general characteristics of the FRD district

B. MINOR CHANGES - Changes to an approved FRD district that do not significantly alter the basic concept and general characteristics of the district may be approved by the Planning Staff provided that no minor change may be approved by the Planning Staff which is in conflict with specific conceptual considerations previously approved by City Council. Examples of [minor changes] may include, but are not limited to the following:

1. Reductions in density, signage, or square footage
2. Increases in landscaping, open space, or setbacks
3. Minor changes to landscaping, lighting, parking, or signage
4. Minor changes may allow reorientation of structures, realignment of approved ingress and egress, changes to more restrictive land uses, or shifts in approved density from one area of FRD to another.

(Ord. No. TX 2016-001, § 1(Att. 1), 8-11-16)
CITY OF FOUNTAIN INN
APPLICATION FOR REZONING

Owner: Fleming Revocable Trust

1. I (We) Crown Properties LLC

2. Of 4113 East North Street
   Address Greenville, SC 29615
   City State Zip Telephone
   864-630-0557

Do hereby petition for a variance of the zoning ordinance of Fountain Inn, South Carolina

3. By varying from R-15 to A portion of the property to R-8. (Approximately 32.2 AC +/-) (See attached Sketch)

4. the property located at 1512 Howard Drive Fountain Inn, SC 29644
   and having frontage(s) along bordering streets as follows: Howard Drive

5. +/-32.2 AC out of 78.85 AC being rezoned with an estimated 154 Town Homes. Tax Map #03510001000500
   containing __________ acres more or less and being lot(s) __________, block __________
   as shown on the Greenville and Laurens County Tax Maps.

6. This property is more specifically described by a metes and bounds description attached hereto,
   and as shown on attached plat on tax map.

7. Name of owner(s) of each lot is as shown on a certificate of ownership from the Greenville and
   Laurens County Tax Coordinator's office attached hereto.

8. Receipt(s) of notice(s) that were sent by certified mail to owners who are not co-signers of
   petition is attached hereto.

9. The filing fee of $350 is attached hereto. (call 409-3334)

10. Signatures of owner(s)

     By Crown Properties LLC
     Agent

     4113 East North Street
     Greenville, SC 29615
     Address
     864-630-0557
     Telephone

APPLICATION FEES ARE NON-REFUNDABLE AND NON-TRANSFERABLE
Acting Agent Authorization

Date: October 29, 2018

I, Charles R. Fleming and Elizabeth Fleming, are the owners of the property in Greenville County, located at 1512 Howard Drive Fountain Inn, SC 29644.
Tax Map #s: 0353000100500

We hereby authorize:
Crown Properties LLC and Gray Engineering Consultants Inc.

To act as my agent(s) for rezoning approximately 32.2 AC +/- of my 78.85 Acre Tract

Property Owner Signature and Printed Name:
Sign: Charles R. Fleming
Print: Charles R. Fleming

Sign: Elizabeth Fleming
Print: Elizabeth Fleming

Witness Signature and Printed Name:
Sign: [Signature]
Print: Chris Priembele
FOXCHASE

+/-31.8 Acre Flexible Review District (FRD)
Howard Drive, Fountain Inn, SC

Statement of Intent
November 2, 2018

Flexible Review District. The development planned for this +/-31.8-acre tract on Howard Drive, near Hwy 14, will utilize the Flexible Review District (FRD) zoning format and existing terrain and features of the property in a planned community that includes roughly 10.2 acres of common area, +/-32% of the entire site. The common areas will be natural areas, landscaped buffers, and detention areas. This development will be comprised of single family and townhomes with 1 and 2 car garages. Townhomes will have the ability of having a car parked in the garage(s) and in the driveway. Total overall density for this project, consisting of single family and townhomes will not exceed 4.8 units per acre or 151 total residential units (townhomes and single-family units combined). See preliminary drawing.

Estimated Development Schedule. This site is estimated to begin construction in the spring of 2019 and the development should have complete build out by 2026.

Single Family Residential Section. The residential area will consist of traditional single-family lots. The houses will have a mixture of sizes, including 3, 4 and 5 bedroom dwellings, and will be constructed with a variety of materials. House sizes will range from 1,700 square feet to 4,000 square feet. All units will have garages capable of storing at least one car within the garage and one car in the driveway without overhanging the sidewalk or road. The typical styles of the homes are represented by the photos at the end of this submittal.

Townhome Section. The townhomes area will consist of traditional townhomes units, grouped together into 3 to 6 units per building. The townhomes will have a mixture of sizes, including 2 and 3 bedroom units, and will be constructed with a variety of materials. Townhome sizes will range from 1,100 square feet to 1,600 square feet. All units will have garages capable of storing at least one car within the garage and one car in the driveway without overhanging the sidewalk or road. The typical styles of the townhomes are represented by the photos at the end of this submittal.

Common Area. As stated above, this proposed development will include approximately 10.2 acres (32%) of common area that will consist of tree preservation areas, landscape buffers and required detention. Common area is area useable by all residents in the development. Within the common areas, there will also be provided a mail kiosk, mulched walking trails, and possibly a community park area. A community pool may also be built in the future. If so, as with all common areas, it will be owned and maintained by the HOA.
Setbacks. A 25’ setback will be provided off of the development’s exterior property boundary. No other internal lot setbacks will be required.

Lighting, Landscaping and Signage. Street lighting will be designed and located per the local electric authority.

Ponds (whether detention (dry pond), or retention (wet pond)) will meet all applicable design and screening requirements as set forth in the current LDR and Zoning ordinances.

Entrance signage will be provided at each entrance to the subdivision. An example of similar signage is provided at the end of this submittal.

Internal Interconnectivity and Roads. Single Family and Townhome sections will be interconnected internally via a 5’ sidewalk on one side of all internal roads/drives as well as mulched walking trails. All the roads will be public and owned and maintained by the City of Fountain Inn.

Home Owners Association. Prior to the first sale of a residence or occupancy of any dwelling unit, an incorporated, non-profit association of owners (home owners association (HOA)) will be established. All common areas or common amenities and facilities within the communities shall be permanently protected by recorded covenants and restrictions and shall be conveyed by the developer to the HOA. The HOA shall be responsible for the continuing upkeep and proper maintenance of the common areas of the community, including any required stormwater detention/retention and landscaped buffer areas. This ownership and maintenance shall also apply to any other common facilities that may be constructed in the future.

Sewer. The developer has determined that a gravity sewer line can be constructed within available easements to serve this site and no pump station will be required. The developer will construct the lines and dedicate them to the City of Fountain Inn when completed and approved.

Other Public Improvements and Facility Impact. All roads and utilities will be constructed to meet applicable design standards. Storm water management will be designed according to the specifications of the appropriate regulatory authority. The community as designed should have no adverse impact on public utilities. All construction will be in accordance with applicable building codes, zoning ordinances, and all other state and local laws and ordinances. Utilities are provided by the City of Fountain Inn Public Works, Greenville Water System, Laurens Electric Co., Piedmont Natural Gas, and AT&T.
24' Townhomes: (Cottage Series)

1400-2200 SF

$180,000-$220,000
30' Single Family: (Heritage Series)
1900-2400 SF
$230,000-$270,000
40' Single Family: (Palmetto Series)

2500-3000 SF

$280,000-$320,000
From: Roger Case, Zoning Administrator

This is Docket Number FI-2019-001

Applicant: Crown Properties/Fleming Revocable Trust

The request is to rezone the property located at 1512 Howard Drive from R-15, Residential to FRD, Flexible Review District

Tax Map Number(s) 0353000100500

Development Name: Foxchase

This property owned by Charles and Elizabeth Fleming consist of 31.8 acres more or less. The property is on Howard Drive near Highway 14.

The property backs up to West Farm Subdivision (North of the property) and to the East is Quail Run Subdivision. Undeveloped property is to the West. The Rumfelt property consisting of about 41 acres, Alston Smith who owns Whisper Walk Subdivision and Cannon Cemetery.

Single family and townhomes would not be detrimental to the surrounding land uses.

Staff’s recommendation is to approve the request to rezone from R15 to FRD, Flexible Review District with the following:

1. A recorded plat with a statement that any storm detention or retention pond and any storm drainage facility will remain private property and will not be maintained by the City of Fountain Inn.
AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF THE PROPERTY DESCRIBED HEREIN TO THE CITY LIMITS OF THE CITY OF FOUNTAIN INN; TO ESTABLISH A ZONING CLASSIFICATION THEREFOR; TO ASSIGN THE ANNEXED PROPERTY TO A COUNCIL WARD; AND VARIOUS MATTERS RELATED THERETO.

WHEREAS, Lee W. Smith has filed a proper petition with the City of Fountain Inn using the 100 percent petition method concerning those parcels or tracts of land, which property is contiguous to the City limits petitioning for annexation of said property to the City of Fountain Inn under the provisions of S.C. Code Ann. § 5-3-150(3) and described as follows:

BEGINNING AT A NAIL FOUND ON THE NORTHEASTERN RIGHT OF WAY LINE OF SPEEDWAY DRIVE, BEING THE POINT AND PLACE OF BEGINNING. THENCE RUNNING ALONG THE ADJOINING PROPERTY LINE OF LEE SMITH AND MAMIE REVOCABLE TRUST N 23º30'52" E 316.80 FEET TO AN IRON PIN FOUND 3/4" CRIMP TOP, THENCE N 59 º 38'16" W 138.01 FEET TO AN IRON PIN FOUND 3/4" CRIMP TOP, THENCE RUNNING ALONG THE ADJOINING PROPERTY LINE OF HAYWARD A. SMITH N 60 º 47'51" W 137.64 FEET TO AN IRON PIN FOUND 5/8" SOLID ROD, THENCE TURNING AND RUNNING ALONG THE ADJOINING PROPERTY LINE OF BOBBY DEE SMITH, JR. AND CHARLES A. SMITH N 23 º 29'53" E 250.00 FEET TO A MAG NAIL SET IN THE CENTERLINE OF SMITH CIRCLE, THENCE TURNING AND RUNNING ALONG THE SOUTHERN RIGHT OF WAY OF SMITH CIRCLE S 81 º 05'40" E 97.48 FEET TO A MAG NAIL SET, THENCE S 87 º 08'14" E 224.28 FEET TO A MAG NAIL SET, THENCE N 69 º 03'13" E 68.38 FEET TO A N IRON PIN FOUND ½" REBAR, THENCE RUNNING ALONG AN UNPAVED ROAD (PER PLAT BOOK 6-Z, PAGE 15) AND THE ADJOINING PROPERTY OF SMITH REVOCABLE TRUST AND LEE WILLIE SMITH S 84 º 01'51" E 145.24 FEET TO AN IRON PIN SET 5/8" REBAR, THENCE S 84 º 02'58" E 51.69 FEET TO AN IRON PIN FOUND ½" REBAR, THENCE S 09 º 06'06" W 17.59 FEET TO AN IRON PIN FOUND ½" REBAR, THENCE S 07 º 30'17" W 78.02 FEET TO AN IRON PIN FOUND ½" REBAR, THENCE N 52 º 45'19" E 229.23 FEET TO AN IRON PIN SET ½" REBAR, THENCE N 52 º 57'00" E 200.38 FEET TO AN IRON PIN FOUND ¼" CRIMP TOP, THENCE TURNING AND RUNNING S 80º%d10'09" W 209.40 FEET TO AN IRON PIN FOUND ½" REBAR, THENCE RUNNING ALONG THE ADJOINING PROPERTY LINE OF LOIS SMITH DAVIS N 55 º 40'49" W 183.42 FEET TO AN IRON PIN FOUND ½" REBAR, THENCE RUNNING ALONG THE ADJOINING PROPERTY OF ODESSA ANN GRIFFIN N 7 º 50'16" E 202.94 FEET TO AN IRON PIN FOUND ½" OPEN TOP, THENCE TURNING AND RUNNING N 81 º 59'23" W 203 FEET TO AN IRON PIN FOUND ½" OPEN TOP, THENCE RUNNING ALONG THE EASTERN RIGHT OF WAY LINE OF SMITH CIRCLE N 08 º 17'48" E 35.19 FEET TO A MAG NAIL SET, THENCE N 11 º 35'39" W 71.15 FEET TO A MAG NAIL SET, THENCE TURNING AND RUNNING ALONG THE ADJOINING PROPERTY LINE OF SMITH REVOCABLE TRUST N 45 º 15'12" E 307.24 FEET TO AN IRON PIN FOUND ¾" CRIMP TOP BENT, THENCE TURNING AND RUNNING N 46 º 15'49" W 179.82 FEET TO AN IRON PIN FOUND 5/8" REBAR BENT, THENCE RUNNING ALONG THE ADJOINING PROPERTY LINE OF ROBERT LEE BAILEY N 46 º 19'16" W
211.45 FEET TO AN IRON PIN SET ½" REBAR, THENCE TURNING AND RUNNING S 48 ° 13’44” W 200 FEET TO A MAG NAIL SET, THENCE RUNNING ALONG THE NORTHERN RIGHT OF WAY OF SMITH CIRCLE N 41 ° 30’16” W 210 FEET TO A MAG NAIL SET, THENCE TURNING AND RUNNING ALONG THE EASTERN RIGHT OF WAY LINE OF FOUNTAIN INN DRIVE N 22’02’44” E 210 FEET TO A MAG NAIL SET, THENCE N 23 ° 24’48” E 168.85 FEET TO A MAG NAIL SET, THENCE TURNING AND RUNNING ALONG THE ADJOINING PROPERTY OF LEE SMITH AND MAMIE REVOCABLE TRUST S 66 ° 19’00” S 21.54 FEET TO AN IRON PIN FOUND S 66 ° 19’00” E 209.68 FEET TO AN IRON PIN FOUND 5/8” REBAR, THENCE TURNING AND RUNNING N 23 ° 42’34” E 210.08 FEET TO AN IRON PIN FOUND 5/8” REBAR, THENCE TURNING AND RUNNING N 66 ° 17’03” W 210.04 FEET TO AN IRON PIN FOUND 5/8” REBAR, THENCE RUNNING ALONG THE EASTERN RIGHT OF WAY LINE OF FOUNTAIN INN DRIVE N 24 ° 03’37” E 25.74 FEET TO AN IRON PIN FOUND ¾” CRIMP TOP, THENCE TURNING AND RUNNING ALONG THE ADJOINING PROPERTY LINE OF SHANDRA G. GRAY S 65 ° 59’14” E 420.27 FEET TO AN IRON PIN FOUND ¾” CRIMP TOP, THENCE TURNING AND RUNNING N 23 ° 30’d40”35” E 234.86 FEET TO AN IRON PIN FOUND ¾” CRIMP TOP, THENCE TURNING AND RUNNING N 65 ° 59’37” W 209.78 FEET TO AN IRON PIN FOUND 1” CRIMP TOP, THENCE TURNING AND RUNNING ALONG THE ADJOINING PROPERTY OF DONNA LOLLIS N 24 ° 05’07” E 199.73 FEET TO AN IRON PIN SET ½” REBAR, THENCE TURNING AND RUNNING ALONG THE ADJOINING PROPERTY LINE OF HAROLD GARRETT S 49 ° 51’31” E 201.74 FEET TO AN IRON PIN FOUND ½” REBAR, THENCE S 49 ° 51’31” E 369.86 FEET TO AN IRON PIN SET ½” REBAR, THENCE RUNNING ALONG THE ADJOINING PROPERTY LINE OF HAROLD E. GARRETT AND TARA ANN G GARRETT AND JAMES BERRY GARRETT AND BLAKE P. GARRETT, JR. S 49 ° 31’19” E 1508.25 FEET TO AN IRON PIN FOUND 2” OPEN TOP, THENCE TURNING AND RUNNING ALONG THE ADJOINING PROPERTY LINE OF JONES FAMILY LIMITED PARTNERSHIP S 33 ° 38’33” W 543.43 FEET TO AN IRON PIN FOUND 1” OPEN TOP, THENCE S 32 ° 54’00” W 360.75 FEET TO AN IRON ½” OPEN TOP, THENCE TURNING AND RUNNING ALONG THE ADJOINING PROPERTY LINE OF STATE OF SC N 62 ° 17’44” W 208.23 FEET TO A POINT IN CREEK, THENCE TURNING AND RUNNING ALONG THE CREEK S 20 ° 09’41” W 284.44 FEET TO A POINT, THENCE S 34 ° 30’46” W 477.51 FEET TO A POINT, THENCE S 20 ° 17’58” W 519.74 FEET TO A POINT, THENCE S 44 ° 49’33” W 179.63 FEET TO A POINT, THENCE TURNING AND RUNNING ALONG THE NORTHEASTERN RIGHT OF WAY LINE SPEEDWAY DRIVE N 59 ° 46’00” W 128.25 FEET TO A SPIKE FOUND, THENCE N 59 ° 13’19” W 974.43 FEET TO A NAIL FOUND, BEING THE POINT AND PLACE OF BEGINNING. SAID TOTAL PROPERTY CONTAINS 84.488 ACRES, 363,680,279 SQUARE FEET MORE OR LESS.

GREENVILLE COUNTY TMS #0354000100900, 0556010101200, 0556010101501, AND 0556010101500 [or parts thereof]

and,

WHEREAS, it appears to the City Council that annexation would be in the best interest of the property owners and the City of Fountain Inn; and

WHEREAS, the notice and public hearing requirements of S.C. Code Section 5-3-150 (1) have been complied with;
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Fountain Inn, South Carolina, as follows:

Section 1. ANNEXATION: That the property herein described is hereby annexed to and becomes a part of the City of Fountain Inn effective on the date of the passage of this Ordinance.

Section 2. ZONING CLASSIFICATION: The property herein described is hereby assigned the zoning classification of R 12, Residential.

Section 3. DISTRICT ASSIGNMENT: The within described property shall be assigned to City Council Ward 1.

Section 4. FLOOD RATE INSURANCE MAPS: In accordance with the provisions of 44 CFR §64.4, in the event that the newly annexed area was previously located in a community participating in the NFIP Program, pending formal adoption of the amendment to its flood plain management regulations, the City hereby certifies that within the newly annexed area the flood plain management requirements previously applicable in the area remain in force. In the event that the newly annexed area was previously located in a community not participating in the NFIP Program, upon annexation, and pending formal adoption of the amendments to its flood plain management regulations, the City certifies that it shall enforce within the newly annexed area, existing flood insurance policies which shall remain in effect until their date of expiration may be renewed, and new policies may be issued.

Section 5. AUTHORIZATION. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the actions authorized by this Ordinance in accordance with the conditions herein set forth.

Section 6. EFFECTIVE DATE. This Ordinance shall be effective upon second and final reading by the City Council.

DONE IN REGULAR MEETING THIS ___ DAY OF ___________ 2019.

SIGNATURE OF MAYOR:

______________________________
Sam Lee

ATTEST:  APPROVED AS TO FORM:

__________________________________  ______________________________
Sandra H. Woods                   David W. Holmes
City Clerk                       City Attorney

FIRST READING: 02/14/2019
SECOND READING:
DOCKET NUMBER: FI-2019-003 (annexation)

APPLICANT/OWNER: Lee W. Smith; Sabal Homes LLC

PROPERTY LOCATION: Speedway Drive

TAX MAP NUMBER: 0354000100900, 0556010101200, 0556010101501, 0556010101500

ACREAGE: ~ 87.56

EXISTING ZONING: R-S Residential Suburban and S-1, Service District (Greenville County)

REQUESTED ZONING: R-7.5R-12, Single-Family Residential

Existing Land Use: Vacant; Auto wrecking facilities, junkyards, recycling collection and processing centers, salvage yards and scrap processors.

Adjacent Land Use: North: Vacant; Residential  
East: Vacant; Institutional  
South: Residential  
West: Residential

Adjacent Zoning: North: R-S, Residential Suburban (Greenville County)  
East: R-S, Residential Suburban (Greenville County), S-1 Service District (City of Fountain Inn)  
South: R-12, Single Family Residential (Fountain Inn)  
West: R-S, Residential Suburban (Greenville County)
Aerial Map (source: Greenville County GIS):
Adjacency to City limits (source: Greenville County GIS):
Future Land Use Map:
Zoning Map (Master Plan):
Zoning Map (Subject Area):
West of site, facing north

East of site (U.S. Army National Guard)
ANALYSIS:

The subject property is located north of the existing city limits along Speedway Drive. The site consists of four parcels of land bound by Speedway to the south, Fountain Inn Drive to the west, the Howard Branch creek and the National Guard site to the east, and large acre residential tracts to the north. Combined the site is nearly 90 acres and adjacent to the existing City limits on two sides, east and south. Greenville County unincorporated land is to the north (although it can be noted that the City limits begin again along Hunter Road). Topographic changes, blue line streams, irregular parcel boundaries and utility easements constrain the site.

The property is currently zoned S-1 Service (Greenville County) on a portion of the southern parcel; the rest is zoned R-S, Residential Suburban. R-S zoning in the County is designed “to provide reasonable safeguards for areas that are in the process of development with predominantly single-family dwellings but are generally still rural in character.”

A residential neighborhood (along Queens Street, Bonds Circle) is directly south of the site. Adjacent properties in the City of Fountain Inn are zoned R-12 single family residential and S-1. The subject property is considered for Medium-Low Residential on the 2017 Future Land Use Map.

The proposed annexation and concurrent rezoning of the subject properties would join property directly adjacent to the city limits and permit a similar land use to those properties adjacent and within the city. The parcel is adjacent to City limits on the south side and would extend city limits to create a relatively contiguous City boundary.

The Future Land Use Map included in this report indicates that this property is outside of the City of Fountain Inn but for future land uses recommends Medium-Low Density Residential for this site (Rural Conservation District once adopted). Medium-Low Density Residential is shown as any single-family residentially zoned district that is 3.6 units per acre or less in density. Land used primarily as agriculture is largely associated with a residence and is represented as part of this category. R-15 and R-12 zoning districts fall under Medium-Low Density. The applicant is requesting R-12, Residential District zoning.

The applicant is requesting R-7.5, Single Family Residential zoning for this site upon annexation. Per the 2017 Master Plan, R-7.5 qualifies as High Density Residential. High Density Residential is equivalent to any multi-family zoning district (up to 14.5 units per acre) or single-family districts zoned R-10, single-family residential (4.4 or units per acre or minimum lot sizes of 10,000 square feet) or R-7.5, single-family residential (5.8 or units per acre or minimum lot sizes of 7,500 square feet).

Staff supports annexation due to the immediate adjacency to the City limits. However, the The request to annex and zone this subject property as R-7.5R-12, Single Family Residential District would not be consistent with the Future Land Use Map. A single-family zoning that meets the definition of Medium-Low Density (R-12 or R-15) would more accurately comply with the vision set forth in the 2017 City of Fountain Inn Master Plan. In addition, the adjacent community within City limits is zoned R-12, Residential District.

STAFF RECOMMENDATION: Approval of annexation. Denial for request of R-7.5 zoning (staff would support approval if the requested district change from R-7.5 to R-12) Approval
From: Roger Case, Zoning Administrator

This is Docket Number FI-2019-003

Applicant: Lee Smith
Agent: Sabal Homes LLC

The request is to annex the property located on Speedway Drive and rezone the property to R7.5, Residential District.

Tax Map Number(s) 0354000100900, 0556010101200, 0556010101501, 0556010101500

The property is owned by Lee Smith and consist of 87.56 acres more or less. The property is located on Speedway Drive.

The property has a REWA sewer line that runs through the property along the creek line. There is also a high pressure gas line that runs on the North east side. The Flood Zone area is on the Southern side.

Staff recommends to deny the request. The R7.5 does not meet with the City Comprehensive Plan.

The Applicant has verbally agreed to zone the property to R12.

1. A recorded plat with a statement that any storm detention or retention pond and any storm drainage facility will remain private property and will not be maintained by the City of Fountain Inn.
2. Streets will be maintained by the HOA
3. Street Signs will be maintained by the HOA
4. Street lights will be maintained by the HOA
Call to Order

Aaron Hood

FI-2019-003 Public Hearing

Request: To annex the property located on Speedway Drive and zone the property to R7.5, Residential District.

Tax Map: 0354000100900, 0556010101200, 0556010101501, 0556010101500

Applicant: Lee Smith
Sabal Homes LLC, Agent

GCPC Staff Report Greg Gordos

City Staff Report Roger Case, Zoning Administrator
Shawn Bell, City Administrator

Public Comment Period
Adjourn Public Comment Period
Board Discussion
Board Decision
Adjournment
100 PERCENT PETITION FORM

TO THE MAYOR AND COUNCIL OF THE CITY OF FOUNTAIN INN

The undersigned, being 100 percent of the freeholders owning 100 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat or map, hereby petition for annexation of said territory to the City of Fountain Inn by ordinance effective as soon hereafter as possible, pursuant to South Carolina Code Section 5-3-150(3).

The territory to be annexed is described as follows:

Address of Property to be Annexed: Speedway Drive

The property is designated as follows on the County tax maps:

| 035400010900.05560101200 |
| 05560101600.n05601001600 |

It is requested that the property be zoned as RT 5

Deed Book: __________________________________________
Deed Page: __________________________________________

BUSINESS NAME: Sabal Homes LLC

NAME OF PROPERTY OWNER(S) or MEMBER’S NAMES (LLC),

Malinda Jane Smith, as Trustee of Smith Reversible Trust, Lee Willis Smith

Print Name(S) Hayward Smith, as Trustee of Smith Reversible Trust, Mamie B Smith, Lee Willis Smith, as Trustee of Maydec and Odessa P Smith Trust

Date

368 Speedway Drive, Fountain Inn 29444

Mailing Address

Contact Phone Number

FOR MUNICIPAL USE:

Petition received by ____________________________, Date ________________

Description and Ownership verified by ____________________________, Date ________________

Recommendation: ____________________________________________

By: ____________________________, Date: _________________________
January 7, 2019

Letter of Authorization

To Whom it may concern:

This letter authorizes Sabal Homes, LLC, as my agent, to obtain and sign an application from the Zoning/Building Official on our behalf for the Property (308 Speedway Drive, Fountain Inn, SC 29644). We are working with the agent to move forward with zoning and annexation.

Thank you,

Property Owners;

[Signature]

Malinda Jane Smith, as Trustee of Smith Revocable Trust;
Lee Willis Smith
Hayward Smith, as Trustee of Smith Revocable Trust
Maine B Smith
Lee Willis Smith, as Trustee of Maydee and Odessa P Smith Trust
Hayward Smith, as Trustee of Maydee and Odessa P Smith Trust
Jacquelynn Smith, as Trustee of Maydee and Odessa P Smith Trust

Sabal Homes LLC,

Ashley Vaughan, VP Land
(843) 531-6384
avaughan@sabalhomes.net
The following Board members of the Planning Commission in attendance: Dan Wilson, Dusty Keller, Aaron Hood, Wendell Tumblin, Matthew Waschkowski, Brent Fonokalafi

City Staff members in attendance: Shawn Bell, Lori Cooper, David Holmes

Greenville County Planning Commission members in attendance: Greg Gordos

City Council members in attendance: Mayor Sam Lee, Michael Maier

Visitors: 1

Welcome/Call to Order- Aaron Hood, Chairman

FI-2019-003
Request: To annex property located on Speedway Drive and zone the property to R-7.5, Residential District.

Tax Map: 0354000100900, 05560101101200, 0556010101501, 0556010101500

Applicant: Lee Smith
Sabal Homes LLC, Agent

Jack Reel, Engineering Firm of Thomas & Hutton
Ashley Vaughn, Sabal Homes
- Their main office is based in Charleston South Carolina
- They have Jones Mill Crossing here in the City that has closed on 31 homes to date
- They are amending the request for zoning from R7.5 to R12

Greg Gordos, GCPC Staff Report

- Staff accepts the amendment change from R7.5 to R12
- Explained how state governs annexation
- Explained planning commission role in zoning
- Existing land use
- Adjacent zoning
- Aerial map
• Adjacency to City Limits map
• Future Land Use Map
• Zoning Map (Master Plan)
• Zoning Map (Subject Area)
• Photos of property
• Property almost 90 acres
• Greenville County land use and zoning
• Property is contiguous to city boundary
• Staff recommends approval with R12 zoning

Roger Case, City Staff Report
• Staff recommends approval with R12 zoning

Motion made by Matthew Waschkowski to accept the annexation and zone the property to R12, Residential District.

Motion seconded by Dan Wilson.

All ayes. Motion carried unanimously.

Motion made by Wendell Tumblin to adjourn. Motion seconded by Brent Fonokalafi. Motion carried unanimously.

Adjournment.

Respectfully submitted by,
Lori Cooper
Secretary to Planning Commission Board
PLANS ARE LIMITED TO THE SPLASH PAD SHOWN AND DESCRIBED AND DO NOT INCLUDE SURROUNDING GRADING, LANDSCAPING, FENCING OR OTHER STRUCTURES. POTABLE WATER AND WASTE PLUMBING, ELECTRICAL AND CIVIL DETAILS ARE NOT PART OF THIS DRAWING SET.

FOUNTAIN INN - INTERACTIVE FOUNTAIN

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<tr>
<td>SP-02</td>
<td>CONCRETE LAYOUT DIMENSIONS</td>
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<td>SP-03</td>
<td>FEATURE LAYOUT</td>
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<td>SP-04</td>
<td>PIPING DIAGRAM</td>
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<tr>
<td>SP-05</td>
<td>MECHANICAL DIMENSIONS</td>
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Installation should be done in accordance with local building codes, authorities having jurisdiction, and manufacturer recommendations where applicable. Inspections & approvals are the responsibility of the Owner/Contractor. To ensure a smooth installation always plan ahead and work with qualified trades people where possible. Contact your local "Call Before You Dig" service to obtain all required information and approvals before beginning site work. Call 877-795-0615 for questions and assistance.
CONCRETE NOTES:

1. USE FINISH 2000 PER CONCRETE (4" DEPTH WITH ANTI-SLIP EMBLISHMENT)
2. ORTHOCLASE - 4" DEPTH OR LARGER 
3. USE 3 DEGREE INCREASE FOR 6" D.C. GRID PATTERN
4. USE AN EXCESSIVE AMOUNT OF SPARKERS TO create HEALTHY SLOPES AND TEAR AT THE STAGE
5. CONSIDER PERIPHERAL EDGE (EXTERNAL) TO STRAIGHTEN ALL CURVES BEFORE INSTALLATION OF POURING AREA
6. CROSS DRILLING DESIGN USE PLUGS TO PERMIT - OUTLINES CAN BE "CUT-IN" TO ENHANCE FOR BEAUTY SLOTS
7. FOR COLOURED USE AMRYAN YIELDING BRIGHT FOR MIRAGE Tissor / OR DYROX Tissor COLORED TRANSITION SEALLER MIRAGE Tissor MODEL ADI
8. REFER TO SEALER PRODUCT INSTRUCTIONS FOR PROPER CONCRETE CURING TIME BEFORE FABRICATION

A - AQUA PLAY AQC-002 BRIGHT JET
B - AQUA PLAY AQC-003 VERTICAL SPRAY
L - AQUA PLAY AM-BA-03 ALUMINUM (BULLETS)
New Business
WHEREAS, The City of Fountain Inn has adopted a Zoning Ordinance that specifies zoning districts and the uses permitted in each district; and

WHEREAS, Article 10 of the Zoning Ordinance specifies how the Zoning Ordinance is to be administered; and

WHEREAS, Article 10 requires, among other things, that prior to the use or occupancy of any property, a zoning certificate and an occupancy certificate must be obtained from the Zoning Administrator; and

WHEREAS, Holly Oak Chemical, Inc., is the owner of property within the city limits located on McCarter Road (South Carolina Highway 418), the bulk of which is zoned I-1, Industrial District, Greenville County Tax Map # 0351000100900; and

WHEREAS, a business known as Fairview Portable Buildings has relocated to the Holly Oak Chemical, Inc., in that portion of the property that is zoned I-1, and has begun business operations where portable, wooden storage buildings are being sold; and

WHEREAS, the City Zoning Administrator has expressed the opinion that the retail sale of portable wooden storage buildings is a permitted use in zoning district I-1; and

WHEREAS, it appears that neither Holly Oak Chemical, Inc., nor Fairview Portable Buildings has applied for or obtained a zoning certificate or an occupancy certificate for the site prior to the installation or construction of buildings or utilities as required by the Zoning Ordinance;

NOW THEREFORE, IT IS RESOLVED as follows:

1. The City Council has determined that the opinion of the Zoning Administrator is incorrect. It is the decision of city council that the retail sale of portable wooden storage buildings is not a permitted use in zoning district I-1.

2. It is the decision of the City Council that:
   a. No land shall be used or occupied and no land shall be graded for construction and no building or other structure shall be erected, structurally altered, added to or moved until a Zoning Certificate shall have been issued in conformity with the provisions of the Zoning Ordinance by the Building Inspector.
   b. It is a violation of the Zoning Ordinance to use or occupy or permit the use or occupancy of any building or premises, or both, or part hereafter
created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued by the Zoning Enforcement Official stating that the proposed use of the building or land complies with the provisions of this Ordinance.

c. There is no record of either a zoning certificate or an occupancy certificate being issued for this site.

3. The City Council directs that City Administrator and the Zoning Administrator send a letter (sent certified, RRR) to both Holly Oak Chemical and Fairview Portable Buildings that says:

   a. The zoning classification for this property is I-1, Industrial District. The Industrial District is a district for manufacturing plants, assembly plants, and warehouses. The use of the property for the retail sale of portable buildings is not permitted.

   b. No zoning certificate was applied for as required by Sec. 10:2.1 and 10:2.2 of the Zoning Ordinance.

   c. No occupancy certificate was applied for this site as required by Sec. 10:3.2 of the Zoning Ordinance.

   d. The use of the property by Fairview Portable Buildings for the retail sale of portable buildings is in violation of the Zoning Ordinance and must cease within 30 days from the date of this letter.

4. The City Administrator is directed to:

   a. Assume, on a temporary basis, the duties of the Zoning Administrator as specified in the Zoning Ordinance, Article 10, Section 10.1.2(A), (B), & (C).

   b. Develop a plan for the reorganization of the zoning administration department of the city and present the plan to city council for approval.

DONE in Regular Meeting duly assembled this _____ day of __________ 2019.

SIGNATURE OF MAYOR:

________________________________________
Sam Lee