



Agenda

**Special Called City Council Meeting
300 Wall Street, Fountain Inn, SC
Thursday, December 9, 2021 - 6:00 PM**

1. Call to Order - Mayor McLeer
2. Unfinished Business
 - a. Second Reading TX 2021-3 to amend Article 5, District Regulations of the City of Fountain Inn Zoning Ordinance; to amend Section 5:6 - C-2, Commercial District and various provisions relating thereto
3. Presentation of the 2020 Census Data and Receipt of Information regarding the Redistricting and Plan Adoption Process
4. Resolution 2021-11 Adopting Criteria for Developing Redistricting Plans
 - a. R 2021-11
5. Public Comments and questions regarding the Redistricting Plan Adoption
6. Council Orientation and Training
7. Adjourn

ORDINANCE

TITLE: AN ORDINANCE TO AMEND ARTICLE 5, DISTRICT REGULATIONS OF THE CITY OF FOUNTAIN INN ZONING ORDINANCE; TO AMEND SECTION 5:6. – C-2, COMMERCIAL DISTRICT AND VARIOUS PROVISIONS RELATING THERETO

WHEREAS, The City has a Zoning Ordinance that regulates land use and creates therein districts and provides for regulations within those districts; and

WHEREAS, The City Council has determined that the C-2, Commercial District is established primarily to provide goods and services for the convenience of local residents; and

WHEREAS, The City has experienced significant residential growth in the development of raw land for single-family subdivisions in Residential zoned areas; and

WHEREAS, The C-2, Commercial District allows for any use permitted in the R-M, Multifamily Residential District; and

WHEREAS, the City Council has an obligation to protect valuable remaining commercially zoned parcels for highest and best use; and

WHEREAS, the Fountain Inn Board of Appeals has the ability to permit uses by Special Exception by reviewing evidence submitted on a case-by-case basis by public hearing; and

WHEREAS, the Mayor and City Council have reviewed the proposed amendments and have determined that it is in the best interest of the City to adopt them;

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

Section 1. That the Zoning Ordinance, Article 5, District Regulations, Section 5:6 be amended as shown on Attachment 1 entitled: “AMENDMENT TO ZONING ORDINANCE, Section 5:6. - C-2, Commercial District.” to remove “Any use permitted in the R-M, Multifamily Residential District; and C-1, Commercial District, excluding Detached single family dwellings.”

Section 2. That the Zoning Ordinance, Article 5, District Regulations, Section 5:6.2. Uses Permitted by Special Exception. be amended as shown on Attachment 1 entitled: “AMENDMENT TO ZONING ORDINANCE, Section 5:6. - C-2, Commercial District.” to add “Attached single-family dwelling, Detached single-family dwelling, Dwelling, multifamily”.

Section 3. 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 affect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

Section 4. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. Repeal of Conflicting Ordinance. All ordinances, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Section 6. 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 or amended as stated in Sections 1, 2 and 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 7. Effective Date of the Ordinance. 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 _____ 2021.

SIGNATURE OF MAYOR

George Patrick McLeer, Jr.

ATTEST:

APPROVED AS TO FORM:

Sandra H. Woods
City Clerk

David Holmes
City Attorney

FIRST READING: 12/1/2021

SECOND READING:

ATTACHMENT 1

AMENDMENT TO ZONING ORDINANCE

SECTION 5:6.

C-2, COMMERCIAL DISTRICT.

Section 5:6. C-2, Commercial District.

This district is established to provide goods and services for the convenience of local residents.

5:6.1. *Uses Permitted.* ~~Any use permitted in the R-M, Multifamily Residential District; and C-1, Commercial District, excluding Detached single family dwellings.~~

- Accountant
- Air conditioning equipment, sales, and service
- Airline or transportation ticket office
- Ambulance service
- Amusements, commercial
- Animal shelters
- Antique shop
- Apparel store
- Appliance sales and repair
- Art school
- Art shop
- Auction house or store
- Automobile garage
- Automobile parts or accessories
- Automobile repairing, excluding body work
- Automobile sales area
- Automobile service station
- Bakery
- Bank or savings and loan
- Bar
- Barber shop
- Battery store or shop
- Beauty shop
- Bicycle repair shop
- Billiard hall
- Blueprinting or photostatting
- Boats, sales or rental
- Book store
- Bowling alley
- Broadcasting studio, radio or TV

Building and loan company
Burglar alarm business
Cafe
Cafeteria
Car wash
Catering establishment
Child care center
[Child care home](#)
Clothing store
Cocktail lounge
Collection agency
Dairy products store
Dance studio
Dancing school
Day nursery
Decoration store
Delicatessen
Dental clinic
Department store
Diaper supply service
Dressmaker
Drive-in business (Theaters, refreshment stands, restaurants, etc.)
Drug store
Electric appliance sales
Employment agency or bureau
Engravers
Farm machinery sales
Feed and seed store
Fireworks sales in a permanent structure
Fireworks stands
Florist
Furniture cleaning
Furniture store
Garden supply store

Gift shop
Golf, driving range, miniature, or pitch and putt
Greenhouse
Grocery store
Gunsmith store
Hardware store
Hobby shop
[Home occupation, subject to requirements in Article 8](#)
Ice skating rink
Interior decorating store
Jewelry store
Laundry or cleaning establishment
Leather goods store
[Library](#)
Linen or towel supply business
Liquor store
Loan company
Locksmith store
Mattress shop
Medical clinic or laboratory
Mission, rescue
Monument and tombstone sales
Motel
Motion picture theater
Motorcycle or motor scooter sales and service
Music school or studio
Music store
Newspaper establishment
Newsstand
Nightclub
Novelty store
Nursery, flower, plant, or tree
Office supply store
Office, business or professional

Optical goods sales
Optician
Paint store
Pawn shop
Pest or insect control business
Pet shop
Photo developing and finishing store
Photography studio
Planned shopping center, according to all conditions outlined in Section 5:6.8
Plumbing shop
Pottery and ceramic store
Printing establishment
Public park and playground
Radio broadcasting studio
Radio or television repair shop
Record recording studio
Recreation building
Restaurant
Roller skating rink
Sandwich shop
Self-service laundry and cleaning
Shoe store
Signs (Subject to provisions of Article 6)
Sporting goods sales
Station, bus or railway
Stationery shop
Swimming pool, commercial
Tailor shop
Television broadcasting studio
Theater (Indoor)
Tire shop (Including retreading or recapping)
Toy store
Used car lot
Utility easement or right-of-way

Veterinary clinic

Veterinary office

Accessory buildings and uses customarily incidental to the above uses

Other uses which are considered to be compatible with the aforementioned uses.

5:6.2. Uses Permitted by Special Exception. The following uses may be permitted by Special Exception by the Board of Zoning Appeals in accordance with the provisions of Article 9.

Attached single-family dwelling

Attached single-family dwelling, three or more units

Armory

Auditorium

Baseball park

Church

Detached single-family dwelling

Dwelling, multifamily

Dwelling, two-family

Educational institution, including private school

Exhibition buildings

Fairgrounds, public

Family care home

Fire station

Funeral Home

Gymnasium

Home for aged persons

Hospital

Library

Museum

Police station

Stadium or ball park

Veterinary hospital

5:6.3. Height Limitation. No structure shall exceed a height of 45 feet, except as provided in Article 7, Section 7.

5:6.4. Dimension Requirements.

5:6.4-1. Front Setback. All buildings and structures shall be set back from all street right-of-way lines not less than 35 feet.

5:6.4-2. *Side Setback.* None is required except on corner lots and lots adjacent to any residential district, in which case all commercial buildings and structures shall be set back not less than 15 feet from property lines. When a side yard is provided it shall be not less than five feet in width.

5:6.4-3. *Rear Setback.* No building shall be located closer than 20 feet to a rear lot line.

5:6.5. *Screening.* A wall, fence, or compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery at least 6 feet in height, shall be provided along the side and rear lot lines where any commercial use is adjacent to a residential district.

5:6.6. *Off-Street Parking.* Off-street parking shall be provided in accordance with the provisions set forth in Article 7, Section 9.

5:6.7. *Off-Street Loading.* Off-street loading shall be provided in accordance with the provisions set forth in Article 7, Section 10.

5:6.8. *Requirements for Planned Shopping Centers.* Each application for a Zoning Certificate/Building Permit for a planned shopping center shall be approved by the Zoning Administrator except in cases where the shopping center will be in an area zoned for a Planned Development. The application shall be accompanied by the following:

- A. A development plan of the proposed development at a scale of not less than one inch equals 100 feet showing:
 - 1. The location and size of the site;
 - 2. The dimensions of the property;
 - 3. The location and proposed use of buildings, and their general exterior dimensions;
 - 4. A traffic, parking, and circulation plan showing proposed locations, arrangements, and dimensions of parking spaces, loading areas, and drives, and ingress and egress to and from adjacent streets;
 - 5. The proposed location and materials to be used for screening;
 - 6. A title, showing the names of the developers, the date, scale of the plan, and the name of the individual or firm preparing the plan.
- B. A statement, to be filed with the Building Inspector, indicating readiness to proceed with construction of the proposed development within one year from the date the proposal is approved.
- C. A plan showing drainage of the site.

5:6.8-1. *Building Permit.* No building permit shall be issued for any building in a shopping center until a Final Development Plan shall have been approved by the Fountain Inn Planning Commission.

(Ord. of 11-13-06; Ord. No. 2011-001, § 1, 5-12-2011; Ord. No. TX 2021-1, § 1(Att. 1), 6-10-21)

A RESOLUTION

TO ADOPT REDISTRICTING CRITERIA TO BE USED IN DEVELOPING THE 2020 REDISTRICTING PLAN.

WHEREAS, Section 4-9-90 of the Code of Laws of South Carolina, as amended, requires that all city council districts be reapportioned as to population by each county council within a reasonable time prior to the next scheduled general election which follows the adoption by the State of each federal decennial census; and

WHEREAS, the City of Fountain Inn Council (“City Council”) is responsible for City Council redistricting (the “Redistricting Plan”) in conjunction with the 2020 U.S. Census; and

WHEREAS, City Council has determined that certain criteria should be followed in developing the Redistricting Plan and desires to adopt those criteria by this resolution.

NOW, THEREFORE, BE IT RESOLVED by Fountain Inn City Council that the following criteria are hereby established for use in the development of the Redistricting Plan based on 2020 census figures:

1. Districts shall be of equal population, or as nearly as practical, to comply and adhere to the Constitutional requirement of “one person, one vote.”
2. The population variance between County Council districts shall not exceed 10% as required by S.C. Code Ann. Section 4-9-90.
3. Comply with the Federal Voting Rights Act and all other applicable court decisions and federal and state laws.
4. Ensure that districts are contiguous.
5. Districts should be drawn to minimize the division of voting precincts and communities of interest to the extent possible.
6. Districts should be geographically compact so that nearby areas of population are not bypassed for a more distant population.
7. Solicit public input.

DONE IN REGULAR MEETING THIS 9th DAY OF December, 2021.

George Patrick McLeer, Jr
Mayor

ATTEST:

APPROVED AS TO FORM:

Sandra H. Woods
City Clerk

David H. Holmes
City Attorney