



**TOWN OF FORT MILL
PLANNING COMMISSION MEETING
February 18, 2020
112 Confederate Street
6:30 PM
AGENDA**

CALL TO ORDER

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

APPROVAL OF MINUTES

1. Regular Meeting: January 21, 2020 *[Pages 3-5]*

NEW BUSINESS ITEMS

1. **Commercial Appearance Review: Lowe's Home Centers Inc.** *[Pages 6-11]*
Request from Lowe's to grant commercial appearance review for a 3,000 sq. ft. building addition and a 1,500 sq. ft. outdoor storage case
2. **Text Amendment: INS Institutional District** *[Pages 12-16]*
An ordinance amending the Zoning Ordinance for the Town of Fort Mill; Article II, Requirements by District; Section 29, INST Institutional District; to establish requirements for Hospitals; to provide for a Public Hearing; and, to provide other matters relating thereto
3. **Rezoning Request: Fort Mill Town Council** *[Pages 17-25]*
An ordinance amending the Zoning Map of the Town of Fort Mill so as to change the zoning designation for York County Tax Map Numbers 020-09-01-015, containing approximately 40+/- acres located along Highway 160 and Highway 21 Bypass, from HC Highway Commercial to INST Institutional
4. **Rezoning Request: Fort Mill Town Council** *[Pages 26-38]*
An ordinance amending the Zoning Map of the Town of Fort Mill so as to change the zoning designation for York County Tax Map Numbers 020-20-01-036, 020-13-01-075 and 20-20-01-034 from R-15 Residential to INST Institutional
5. **Text Amendment: Transportation Mitigation Agreement** *[Pages 39-51]*
An ordinance amending the Zoning Ordinance for the Town of Fort Mill; Article I, In General, Section 8, Transportation Impact Analyses, Subsection F, Transportation

Mitigation Agreement; to provide for a Public Hearing: and, to provide other matters relating thereto

6. Development Impact Fee Ordinance *[Pages 52-123]*

An ordinance amending the Code of Ordinances for the Town of Fort Mill: Chapter 2, Administration; Article IV, Finance and Taxation; Division 4, Development Impact Fees; so as to update the development impact fees for the town as mandated by the South Carolina Development Impact Fee Act

7. Capital Improvements Plan Ordinance *[Pages 124-130]*

An ordinance adopting the Town of Fort Mill Capital Improvements Plan for FY 2019-20 through FY 2023-24

8. Comprehensive Plan Ordinance *[Pages 131-138]*

An ordinance adopting the 2040 Comprehensive Plan for the Town of Fort Mill

ADJOURN

The following press was notified of the meeting by email or fax in accordance of the Freedom of Information Act: The Herald; CN2; WRHI; Fort Mill Times and WBTV. The agenda was also posted at the entrance to Town Hall the required length of time and on the Town website.

The Town of Fort Mill is committed to assuring accessibility with reasonable accommodation, of Town services and facilities for all individuals, in compliance with federal law. Please contact the Town Manager's Office at 803-547 2116 if you need assistance.

**MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION MEETING
January 21, 2020
112 Confederate Street
6:30 PM**

Present: James Traynor, Hynek Lettang, Matthew Lucarelli, Ben Hudgins, and Planning Director Penelope Karagounis

Absent: Andy Agrawal, Tom Petty and Chris Wolfe

Guests: Mark McAuley, Justin Roark, Mike Goodin, Matt DeWitt, Mark Nosacka, and John Marks

Chairman Traynor called the meeting to order at 6:30 pm.

Chairman Traynor suggested to continue the election of Chairperson and Vice-Chairperson to the February Planning Commission meeting due to not having all members present. Staff will place the Election of Chairperson and Vice-Chairperson on the February Planning Commission agenda.

After as discussed and with no further questions or comments the Chairman asked for a motion. Mr. Lucarelli made a motion to approve the minutes from the December 18, 2019 Planning Commission meeting. Mr. Hudgins seconded the motion. The minutes were approved by a vote of 4-0.

NEW BUSINESS ITEMS

1. Text Amendment: HC Highway Commercial District

Planning Director Karagounis provided a brief overview of the staff report and draft ordinance, which would amend Article II, Requirements by District; Section 9, HC Highway Commercial District; so as to add Religious Institutions as an allowed use in the Highway Commercial District.

With recent development, staff recognized Religious Institutions, permitted in most zoning districts, is not currently a permitted use in the Highway Commercial (HC) zoning district. After no further questions or comments Chairman Traynor asked for a motion. Mr. Hudgins made a motion to recommend approval of the text amendment. Mr. Lettang seconded the motion. The motion was approved by a vote of 4-0.

2. Text Amendment: INS Institutional District

Planning Director Karagounis provided a brief overview of the staff report and draft ordinance, which would amend Article II, Requirements by District; Section 29, INS Institutional District; to establish requirements for Religious Institutions.

Staff previously drafted the Institutional District in July 2019 that initially encompassed school sites. The Institutional District was written with the intent of expanding other uses other than schools. Those uses were to include other public or semi-public facilities such as government uses, utilities, arts/cultures/civic uses, hospitals, daycares, and places of worship.

The text amendment would amend the Zoning Ordinance to allow Religious Institutions as an allowed use with the Institutional District, with requirements intended to minimize the impacts to neighboring properties.

INFORMATION/DISCUSSION

Preliminary Commercial Appearance Review: Fort Mill Hospital

The design team for the hospital came to the Planning Commission to introduce themselves. The following people were in attendance:

- Mark McAuley from ColeJenest and Stone - Civil Engineer
- Justin Roark from ESa – Architect
- Mike Goodin from Robins and Morton – General Contractor
- Mark Nosacka from Tenet Health – CEO

The design team mentioned how they are in the early stages of the preliminary plan for the hospital. The location of the site is at the corner of Highway 160 and Highway 21. They are focusing on the orientation of the building to sit at the highest point of the site. The proposal is for a 210,000 square foot, three-story hospital and an approximately 80,000 square foot, five-story medical office building. The architect mentioned that they do not currently have the exterior design of the building, but they would like to use materials that are complimentary with the community and especially similar design elements to Kingsley and LPL.

The preliminary site plan of the hospital showed a loop road and it was discussed how access points/driveways were not finalized because the TIA has not been completed and SCDOT will determine the finalization of the access points. Chairman Traynor suggested extending the area for ambulances or other vehicles to be able to make a left turn from the main loop road to the other street within the hospital campus. Mr. Hudgins brought a concern about the helipad and advise the design team to inspect regulations to minimize the impact of surrounding properties (noise, flight pattern clearance, etc.).

Mr. Hudgins commented to the design team to preserve as much existing natural areas of the site. Mr. McAuley agreed that they would preserve certain natural areas to enhance the hospital. Mr. Lucarelli mentioned that there could be opportunities to preserve the existing peach trees on the site as well.

Mr. Traynor asked if all the parking would be surface parking? The answer was yes. The Commissioners voiced their opinion on the site plan parking by stating that it appeared there was excess parking for the site. It appears that the exterior parking needs to be

reduced and brought in closer to the hospital site. Mr. McAuley mentioned they would look to reducing some of the excess parking.

Mr. Lettang mentioned how he would like for the hospital to be successful and a be a cornerstone to this area. He stressed the importance of a quality designed hospital.

Mr. Roark discussed how they are still working on the exterior design of the hospital. However, he wanted to receive an opinion from the Commissioners on certain materials that they were looking at using. The materials were some brick, composite metal panel and EIFS/stucco.

The Commissioners voiced their opposition for EIFS/stucco. Mr. Lucarelli was not convinced to have EIFS for material of a hospital. This material would not have the quality or longevity for the hospital. The hospital will be located on a prominent corner and the building materials need to have good quality.

Mr. Traynor mentioned to the design team that Kingsley was a good reference point for the type of materials to use. He does not agree for the stucco material to be the dominant material for the hospital. Mr. Nosacka had some concerns for spending money on high quality material, when the money could be used to pay doctors or purchase high quality hospital equipment.

Mr. Traynor explained to the design team that the Commission would like to see exterior material board/elevations when they formally submit for the Commercial Appearance Review. Mr. Roark mentioned that they would like to submit for the Commercial Appearance Review in May. Planning Director Karagounis suggested to the design team to come back to the Planning Commission in March and April for an informal review of the site plan, building materials and elevations.

There being no further business, the meeting was adjourned at 7:42 PM.

Respectfully submitted,
Penelope G. Karagounis, MA
Planning Director
February 11, 2020



Meeting Information	
Meeting Type	Planning Commission
Meeting Date	February 18, 2020

Request Summary						
Request Type		Action (Old Bus.)	X	Action (New Bus.)		Info/Discussion
		Public Hearing		Executive Session		Other

Case Summary						
Case Type		Annexation		Rezoning		Text Amendment
		Subdivision Plat	X	Appearance Review		Other

Property Information	
Applicant	Lowe's Home Centers Inc.
Property Owner	Lowe's Home Centers Inc.
Property Location	1640 Highway 160 W
Tax Map Numbers	020-23-01-004
Acreage	14.9 +/- acres
Current Zoning	HC, Highway Commercial
Existing Use	Lowe's Home Improvement Store

Title

Request from Lowe's to grant commercial appearance review approval for a 3,000 sq. ft. building addition and a 1,500 sq. ft. outdoor storage cage.

Background Information

Site Characteristics The property is located adjacent to the western side of I-77. It is accessed from Carolina Place off Highway 160. It consists of 14.9 +/- acres and currently contains a Lowe's Home Improvement Store.

Neighboring Uses

Direction	Zoning	Existing Use
North	County (UD)/HC	Multi-Commercial/Hotel
South	HC	Multi-Commercial
East	N/A	Interstate 77
West	County (UD)	Multi-Commercial

Zoning Summary

The site is currently zoned HC, Highway Commercial.

- **Minimum lot area:** 10,000 square feet
- **Minimum lot width:** 75' at building line
- **Minimum front yard setback:** 35'
- **Minimum side yard setback:** 10'
- **Minimum rear yard setback:** 35'

Applicant Proposal

The applicant is proposing a 3,000 square foot building addition to the east side of the building closest to I-77. The addition will be used for Lowe's tool rentals. There is also a proposal to add a 1,500 sq. ft. outdoor caged storage area that will connect into the northern side of the addition and into the existing building.

The applicant has provided a site plan showing the proposed layout of the additions. 39 parking spaces will be removed, and 591 parking spaces will remain which exceeds the Town's parking requirements.

The proposed building elevations have been provided (attached). They include different shades of painted CMU block to match the existing building.

Staff Recommendation

The site plan is pending review and approval by the town's Fire Marshal and Building Official. Should the Planning Commission wish to grant commercial appearance review approval, staff would request including language in the approval motion to allow for minor modifications to be made to the site plan to accommodate comments or concerns made by the Fire Marshal and/or Building Official.

The site plan and elevations comply with all zoning requirements. Staff recommends in favor of approval, with a condition allowing staff to approve minor adjustments to the site plan, landscape plan, signage plan, and lighting plan to satisfy the comments and requirements of the town's Fire Marshal, Building Official, and/or the town's Utilities and Planning Departments.

Alternatives	
1.	Grant commercial appearance review approval with conditions.
2.	Grant commercial appearance review approval.
3.	Deny commercial appearance review approval.
Staff Recommendation	
Recommendation	Staff recommends in favor of APPROVAL for the request, conditioned upon allowing staff to administratively approve minor adjustments to the site plan, landscape plan, signage plan, and lighting plan to satisfy the comments and requirements of the town's Fire Marshal, Building Official, and/or the town's Utilities and Planning Departments.
Name & Title	Nick Cauthen, Planner II

Department	Planning Department
Date of Request	February 18, 2020
Legislative History	
Planning Commission	2/18/20: Scheduled

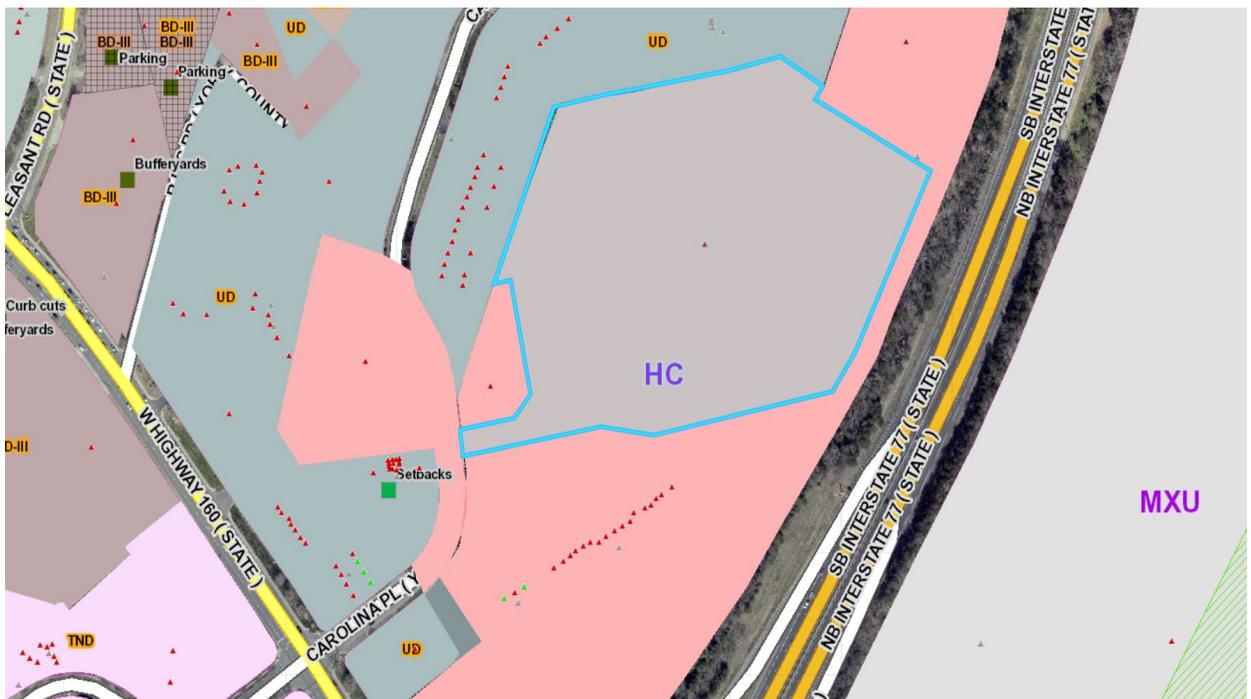
Attachments

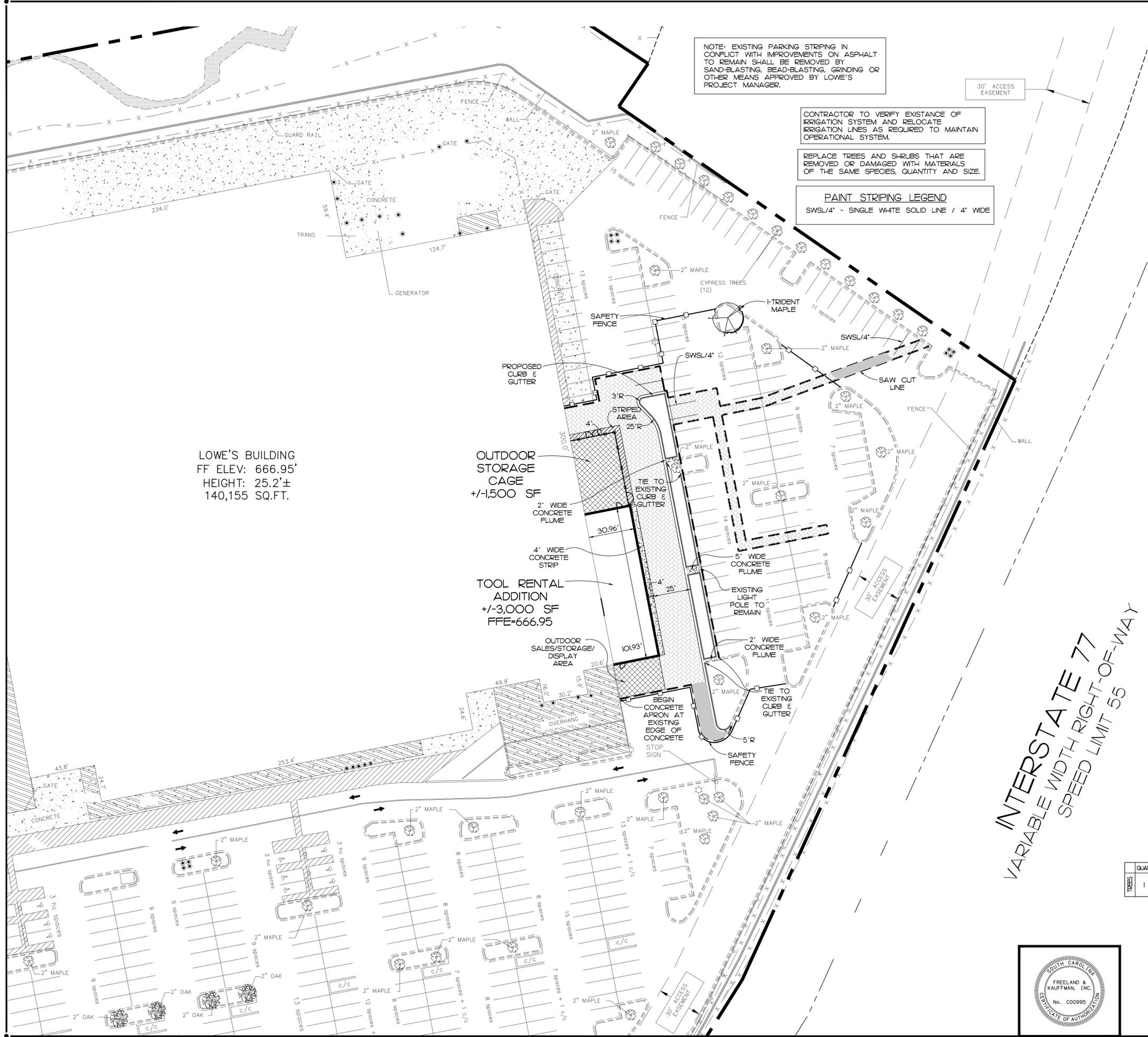
- Aerial Map
- Zoning Map
- Proposed Plans
- Building Elevations

Aerial Map



Zoning Map





LOWE'S BUILDING
 FF ELEV: 666.95'
 HEIGHT: 25.2'±
 140,155 SQ.FT.

OUTDOOR STORAGE CAGE
 +/-1,500 SF

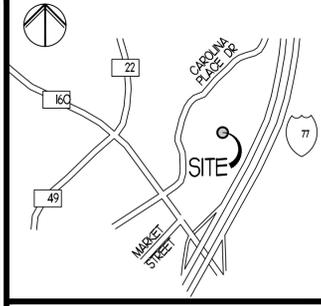
TOOL RENTAL ADDITION
 +/-3,000 SF
 FFE=666.95

NOTE: EXISTING PARKING STRIPING IN CONFLICT WITH IMPROVEMENTS ON ASPHALT TO REMAIN SHALL BE REMOVED BY SAND-BLASTING, BEAD-BLASTING, GRINDING OR OTHER MEANS APPROVED BY LOWE'S PROJECT MANAGER.

CONTRACTOR TO VERIFY EXISTENCE OF IRRIGATION SYSTEM AND RELOCATE IRRIGATION LINES AS REQUIRED TO MAINTAIN OPERATIONAL SYSTEM.

REPLACE TREES AND SHRUBS THAT ARE REMOVED OR DAMAGED WITH MATERIALS OF THE SAME SPECIES, QUANTITY AND SIZE.

PAINT STRIPING LEGEND
 SWSL/4" - SINGLE WHITE SOLID LINE / 4" WIDE



REVISIONS	
DATE	DESCRIPTION

LEGEND		DESCRIPTION
EXISTING	PROPOSED	CURB & GUTTER
---	---	SAFETY FENCE
---	---	GUIDE RAIL
---	---	FENCE
---	---	SIGN
---	---	HEAVY DUTY CONCRETE
---	---	HEAVY DUTY ASPHALT
---	---	CONCRETE PAVEMENT (RE: ARCH)
---	---	STANDARD DUTY ASPHALT
---	---	LIGHT POLE
---	---	PROPERTY LINE
---	---	SAW CUT LINE

SITE DATA			
ADDRESS: 1640 HIGHWAY 160 WEST, FORT MILL, SC 29708			
PROJECT AREA: 14.89 AC			
ZONING: HC (HIGHWAY COMMERCIAL)			
TOWN OF FORT MILL PARCEL #020230004			
USE (EXISTING/PROPOSED): RETAIL SALES AND SERVICES			
PARKING DATA			
EXISTING CONDITION			
EXISTING BUILDING AREA	PARKING REQUIREMENT	REQUIRED PARKING	EXISTING PARKING SPACES
140,018 SF	4.0/1000 SF	560	630
PROPOSED CONDITION			
PROPOSED BUILDING AREA	PARKING REQUIREMENT	REQUIRED PARKING	PROPOSED PARKING SPACES
143,016 SF* (* INCLUDES 3,000 SF ADDITION)	3.5/1000 SF OF GLA	501	591 (39 SPACES TO BE REMOVED)

- NOTES:
- BOUNDARY & TOPOGRAPHIC INFORMATION OBTAIN FROM FREELAND AND ASSOCIATES, INC., DATED 07-02-2007, PH. (864) 271-4924
 - EXISTING CONDITIONS AS DEPICTED ON THESE PLANS HAVE BEEN OBTAINED FROM TOPOGRAPHIC SURVEY PREPARED BY FREELAND AND ASSOCIATES, INC. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO EXAMINE THE SITE AND BE FAMILIAR WITH EXISTING CONDITIONS PRIOR TO BEGIN ANY WORK. IF CONDITIONS ENCOUNTERED DURING EXAMINATION ARE SIGNIFICANTLY DIFFERENT THAN THOSE SHOWN, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY.
 - ALL DIMENSIONS, UNLESS NOTED, ARE TO FACE OF CURB, FACE OF BUILDING OR CENTERLINE OF PARKING BAY.
 - UNLESS OTHERWISE NOTED, PAVEMENT SHALL BE STANDARD DUTY ASPHALT.
 - THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF THE DOORS, RAMPS, PRECISE BUILDING DIMENSIONS AND EXACT UTILITY ENTRANCE POINTS.

QUAN.	SYMBOL	CODE	SCIENTIFIC NAME	COMMON NAME	SIZE REQUIREMENTS	SPACING
1	(Symbol)		ACER BURGERSIANUM	TRIDENT MAPLE	2" MIN. CALIPER, 8' MIN. HT., BEB	AS SHOWN

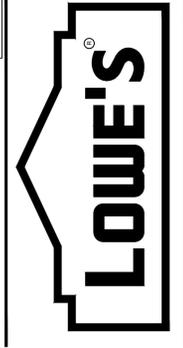
INTERSTATE 77
 VARIABLE WIDTH RIGHT-OF-WAY
 SPEED LIMIT 55



FREELAND and KAUFFMAN, INC.
 Engineers & Landscape Architects
 209 West Stone Avenue
 Greenville, South Carolina 29609
 (864) 233-5497

LOWE'S HOME CENTERS, LLC
 1000 LOWE'S BLVD
 MOORESVILLE, NC 28117
 704.758.4766 (V)

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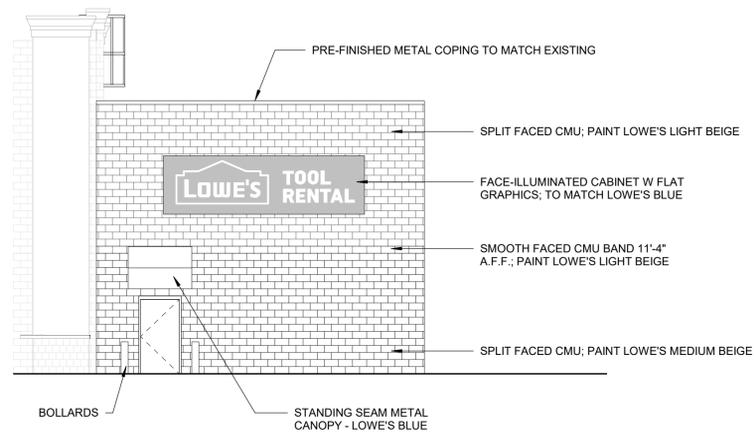


LOWE'S TOOL RENTAL
 SITE & LANDSCAPE PLAN
 LOWE'S OF:
 FORT MILL, SC
 TOWN OF FORT MILL, SOUTH CAROLINA
 DRAWN BY: AK CHECKED BY: BJS

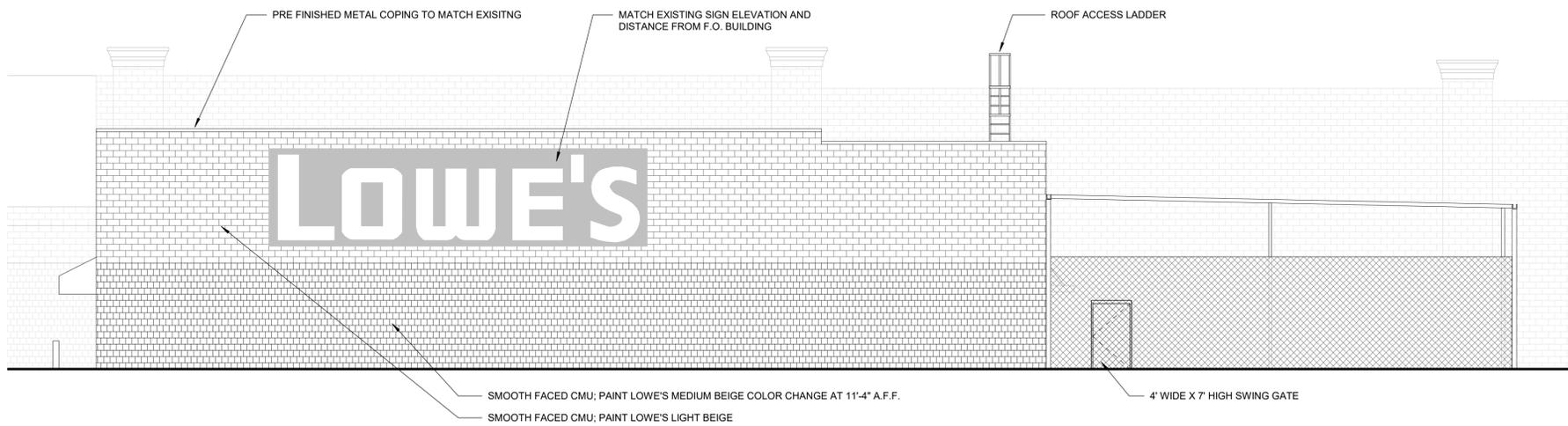
ORIGINAL ISSUE DATE: 01/30/2020
 PERMIT SET ISSUE DATE:
 CONSTRUCTION SET ISSUE DATE:
 DRAWING NUMBER:

4

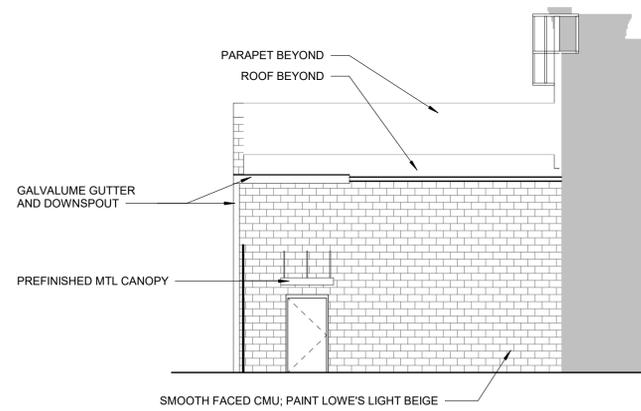
C:\temp\Arch_Lowe's Tool Rental - 2442 Fort Mill SC.dwg - jason@lsp.com



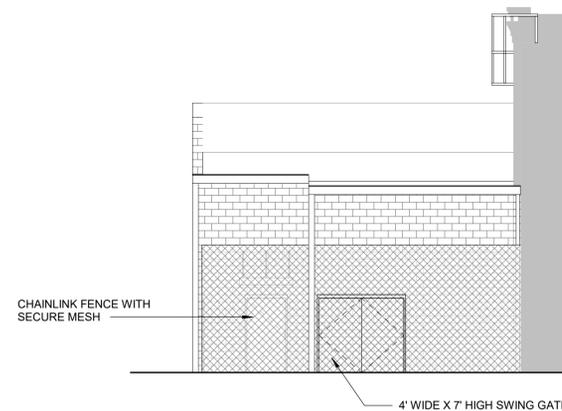
(D1) FRONT ELEVATION
1/8" = 1'-0"



(B1) SIDE ELEVATION
1/8" = 1'-0"



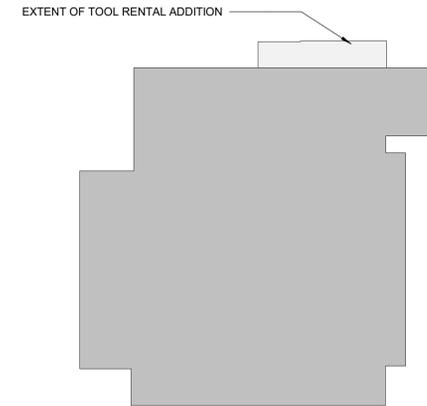
(A1) REAR ELAVATION 1
1/8" = 1'-0"



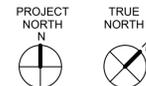
(A3) REAR ELEVATION 2
1/8" = 1'-0"



EXISTING BULDING PHOTO



(B5) KEY PLAN
1" = 100'-0"



REVISIONS

Date	No	Description

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ZONING ELEVATIONS

LOWE'S TOOL RENTAL -
2442 FORT MILL SC

CRITERIA ISSUE DATE:	
PERMIT SET ISSUE DATE:	01/30/2020
CONSTRUCTION SET ISSUE DATE:	
DRAWING NUMBER:	

SK-1

FINAL	ORIGINAL
	SECOND
	THIRD



Meeting Information	
Meeting Type	Planning Commission
Meeting Date	February 18, 2020

Request Summary						
Request Type		Action (Old Bus.)	X	Action (New Bus.)		Info/Discussion
		Public Hearing		Executive Session		Other

Case Summary						
Case Type		Annexation		Rezoning	X	Text Amendment
		Subdivision Plat		Appearance Review		Other

Title

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR THE TOWN OF FORT MILL; ARTICLE II, REQUIREMENTS BY DISTRICT; SECTION 29, INST INSTITUTIONAL DISTRICT; TO ESTABLISH REQUIREMENTS FOR HOSPITAL; AND, TO PROVIDE OTHER MATTERS RELATING THERETO

Background Information

Discussion

Staff previously drafted the Institutional (INST) District in July 2019 that initially encompassed school sites. The Institutional District was written with the intent of expanding other uses other than schools. Those uses were to include other public or semi-public facilities such as government uses, utilities, arts/cultures/civic uses, hospital, daycares, and places of worship.

At the January Planning Commission, staff presented a text amendment adding Religious Institution as a permitted use to the Institutional District and the Town Council is in the process of adopting the ordinance.

The current text amendment would amend the Zoning Ordinance to allow Hospitals as an allowed use within the Institutional (INST) District, with conditions intended to minimize the impacts to neighboring properties.

A draft ordinance is attached for consideration.

Alternatives	
1.	Recommend approval of the ordinance
2.	Recommend approval of the ordinance with modifications
3.	Recommend denial of the ordinance

Staff Recommendation	
Recommendation	Staff recommends in favor of APPROVAL of the ordinance
Name & Title	Penelope Karagounis, Planning Director
Department	Planning Department
Date of Request	February 18, 2020

Legislative History	
Planning Commission	2/18/2020
First Reading	TBD
Public Hearing	TBD
Second Reading	TBD
Effective Date	Upon adoption

Attachments

- Draft Text Amendment Ordinance

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2020-___

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR THE TOWN OF FORT MILL; ARTICLE II, REQUIREMENTS BY DISTRICT; SECTION 29, INST INSTITUTIONAL DISTRICT; TO ESTABLISH REQUIREMENTS FOR HOSPITALS; TO PROVIDE FOR A PUBLIC HEARING; AND, TO PROVIDE OTHER MATTERS RELATING THERETO

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

SECTION I. The Zoning Ordinance for the Town of Fort Mill; Article II, requirements by District; Section 29, Inst Institutional District; is hereby amended to create a new Section, 2, Religious Institutions and to add requirements for Religious Institutions.

Sec. 29. — Institutional District

1. Purpose and Intent:

- a. The Institutional district is intended to provide specifically defined areas for the development of cultural, educational, medical, governmental, religious, and other institutional facilities or campuses. The purpose is to promote the many varied uses associated with such institutions while providing specific use requirements designed to integrate the uses into the surrounding neighborhoods and community.

2. Permitted Uses: The following uses shall be permitted in any Institutional zoning district, provided that specific use requirements are met:

A. Schools (K-12):

- 1. Minimum lot area shall be two (2) acres.
- 2. Minimum lot width shall be 200 feet.
- 3. Maximum building height may be up to 55 feet.
- 4. At least one (1) property line, meeting the minimum width requirement, shall abut and have direct access to an arterial or collector street
- 5. All buildings, parking areas and outdoor activity areas (ball fields, tennis courts, playgrounds, bleachers, etc.) shall have a minimum 35-foot front yard setback and shall be setback 50 feet from any side or rear property line. Expansions or modifications to facilities constructed prior to the establishment of this district shall not be subject to the preceding setback

requirements, provided that the expansion or modification is constructed so that it is no closer to any property line than the existing facility.

6. Lighting shall be subject to the requirements of Article 4, Section 6 of the Town's Zoning Ordinance, except that any lighting for athletic fields shall be exempt from the maximum height requirements.
7. A 35-foot buffer shall be required along the perimeter of the property line. At a minimum, the typical 100-foot section of this buffer, as measured along the property line, shall contain 2 canopy trees, 2 ornamental trees, 2 evergreen trees, and 4 evergreen shrubs. Existing vegetation may be used to meet these planting requirements, but only upon submission of a tree survey by the applicant showing that the existing vegetation meets or exceeds the intent of the buffer.
8. Sidewalks: In conjunction with new development or redevelopment, sidewalks shall be constructed across the width of the subject property. The sidewalk shall be located within the right-of-way or within the required setback area of all public and private streets to ensure current and future pedestrian connectivity. Where sidewalks are not located within the right-of-way, a public access easement shall be provided. Sidewalks shall be constructed in accordance with town specifications and standards.

B. Religious Institutions:

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be 200 feet.
3. At least one property line, meeting the minimum width requirement, shall abut and have direct access to an arterial or collector street
4. To the extent practical, shared parking arrangements should be employed with other uses in the vicinity, in accordance with the provisions of Article 1, In General; Section 7, General Provisions, Subsection I.

C. Hospitals:

1. Maximum building height may be 75 feet.
2. A minimum lot area of 10 acres shall be required if the site is to include a heliport or helipad.
3. The location of the helipad shall have a separation requirement of 500 feet from any existing building not owned by the applicant at the time the site plan is approved by the town and 500 feet from any residential use.

3. Conditional Uses: RESERVED

4. Other requirements: RESERVED

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

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

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

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2020.

First Reading:
Public Hearing:
Second Reading:

TOWN OF FORT MILL

Guynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Virginia Burgess, Town



Meeting Information	
Meeting Type	Planning Commission
Meeting Date	February 18th, 2020

Request Summary						
Request Type		Action (Old Bus.)	X	Action (New Bus.)		Info/Discussion
		Public Hearing		Executive Session		Other

Case Summary						
Case Type		Annexation	X	Rezoning		Text Amendment
		Subdivision Plat		Appearance Review		Other

Property Information	
Applicant	Fort Mill Town Council
Property Owner	Amisub of South Carolina Inc % Altus Group US Inc
Tax Map Number	Currently or formerly known as 020-09-01-015
Acreage	40 +/- acres
Current Zoning	HC, Highway Commercial
Proposed Zoning	INST, Institutional
Existing Use	Vacant

Title

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF FORT MILL SO AS TO CHANGE THE ZONING DESIGNATION FOR YORK COUNTY TAX MAP NUMBERS 020-09-01-015, CONTAINING APPROXIMATELY 40 +/- ACRES LOCATED ALONG HIGHWAY 160 AND HIGHWAY 21 BYPASS, FROM HC HIGHWAY COMMERCIAL TO INST INSTITUTIONAL

Background Information

Site Characteristics The subject property is an undeveloped, wooded parcel located at the intersection of Highway 160 and Highway 21 Bypass. The property abuts Kingsley, consisting of 40 +/- acres with road frontage along Highway 160 and Highway 21 Bypass.

Neighboring Uses

Direction	Zoning	Existing Use
North	MXU	Kingsley, Vacant
South	GR-A, HC	Peachtree Apartments, Peach Stand
East	MXU	Vacant
West	HC, MXU	Peachtree Plaza, Kingsley

Zoning Summary

The rezoning proposal is initiated by Town Council in order to facilitate the development of the future Hospital site.

The subject property is currently zoned HC Highway Commercial. The HC zoning district is intended for the development of commercial and retail services serving the surrounding neighborhoods and larger community. The HC district allows a variety of uses, including offices, retail, and service uses. The minimum lot area is 10,000 square feet, and the minimum lot width is 75 feet at the building line. The minimum setback requirements are 35 feet in the front and rear and 10 feet on both sides. The maximum building height is 35 feet.

While the use is allowed in the HC zoning district, the height requirements limit overall development of the campus which will consist of the hospital and medical office building. Staff previously drafted the Institutional (INST) District in July 2019 that initially encompassed school sites. The Institutional district is intended to provide specifically defined areas for the development of cultural, educational, medical, governmental, religious, and other institutional facilities or campuses. The purpose is to promote the many varied uses associated with such institutions while providing specific use requirements designed to integrate the uses into the surrounding neighborhoods and community. The Institutional District was written with the intent of expanding more uses other than schools. Those uses were to include other public or semi-public facilities such as government uses, utilities, arts/cultures/civic uses, hospitals, daycares, and places of worship.

While the building size, location, and site layout is still preliminary at this time, the subject property would be better suited for the INST zoning district.

The text amendment establishing the requirements of the use is a separate agenda item.

Comprehensive Plan

The subject property is located within an area that has been designated as “employment” on the Town of Fort Mill’s Future Land Use Map. The property is also located within “Node 4b.” The comprehensive plan recommends the following types of development with Node 4b:

The area is envisioned as a mixed-use area with a mix of residential densities including allowance for apartments, townhomes and single-family detached homes, with employment bearing uses fronting US 21 and SC -160.

The proposed zoning is consistent with the Land Use Plan and compatible with surrounding uses.



Traffic Impact

While the property has frontage on Highway 160 and Highway 21 Bypass, any future development would be subject to the Town’s TIA requirements. Any off-site transportation improvements deemed necessary by the Town, York County, and/or SCDOT would be the responsibility of the developer.

Fire Impact

The property is located approximately 2.0 mile (5 Minutes) ordinary driving distance form the Town’s main fire station on Tom Hall Street.

Utility Impact

The subject property is currently served by the Town’s water and sewer system. There is no utility impact as a result of this rezoning request. Any increase in service capacity to the site would be subject to additional water and sewer capacity fees. Any additional costs required to connect to the system would be borne by the developer.

School Impact

The INST district would not allow residential development. Therefore, there is no school impact anticipated as a result of this rezoning request.

Discussion

In staff’s opinion, the subject property is not well suited for the current zoning designation due to the size of the facility that limits development. The proposed INST zoning will make a better transition since the INST zoning district allows a wide variety of institutional uses which includes development standards for hospital facilities. This development should be positive for the surrounding community and is generally consistent with the Town’s Comprehensive Plan and with nearby properties. Therefore, staff recommends approval of the rezoning with a designation of INST Institutional.

Nothing in this report shall be deemed a guarantee that water and/or sewer service/capacity will be available at the time of development. As noted, any future development is subject to a TIA prior to the approval. Any improvements deemed necessary as a result of the TIA would be the responsibility of the owner/developer.

Alternatives	
1.	Recommend approval of the rezoning request with a zoning designation of INST Institutional
2.	Recommend denial of the rezoning request with a zoning designation of INST Institutional

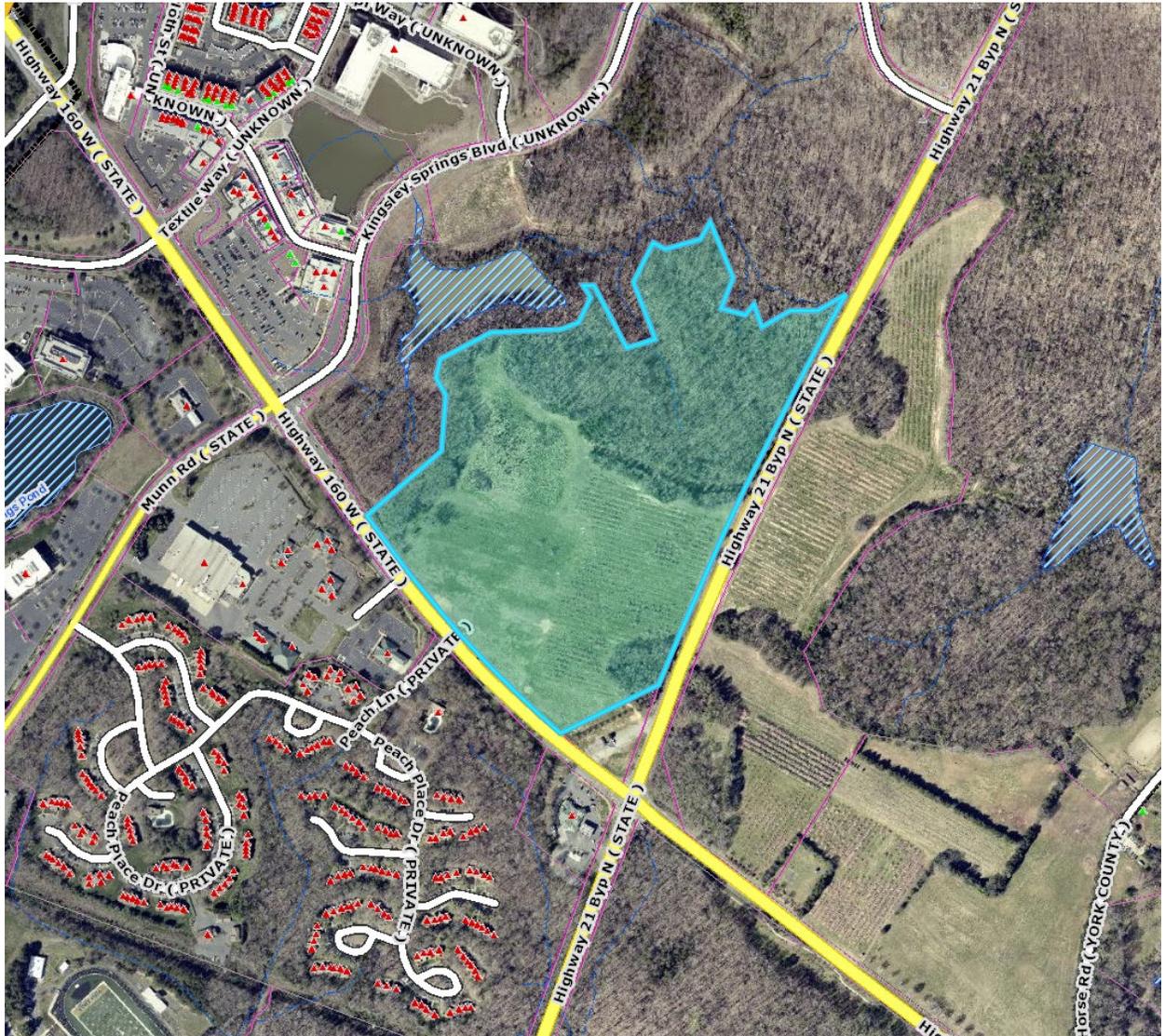
Staff Recommendation	
Recommendation	Staff recommends in favor of APPROVAL for the rezoning with a zoning designation of INST Institutional
Name & Title	Penelope Karagounis, Planning Director
Department	Planning Department
Date of Request	February 18th, 2020

Legislative History	
Planning Commission	02/18/2020
First Reading	TBD
Public Hearing	TBD
Second Reading	TBD
Effective Date	Upon adoption

Attachments

- Zoning Map
- Aerial Map
- Draft Ordinance

Aerial Map



STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2020-___

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF FORT MILL SO AS TO CHANGE THE ZONING DESIGNATION FOR YORK COUNTY TAX MAP NUMBERS 020-09-01-015, CONTAINING APPROXIMATELY 40 +/- ACRES LOCATED ALONG HIGHWAY 160 AND HIGHWAY 21 BYPASS, FROM HC HIGHWAY COMMERCIAL TO INST INSTITUTIONAL

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

SECTION I. The Zoning Map of the Town of Fort Mill is hereby amended to change the zoning classifications for the York County Tax Map Numbers as outlined below. A property map of the parcels subject to this rezoning ordinance is attached hereto as Exhibit A.

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

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

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

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2020.

First Reading:
Public Hearing:
Second Reading:

TOWN OF FORT MILL

Gynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

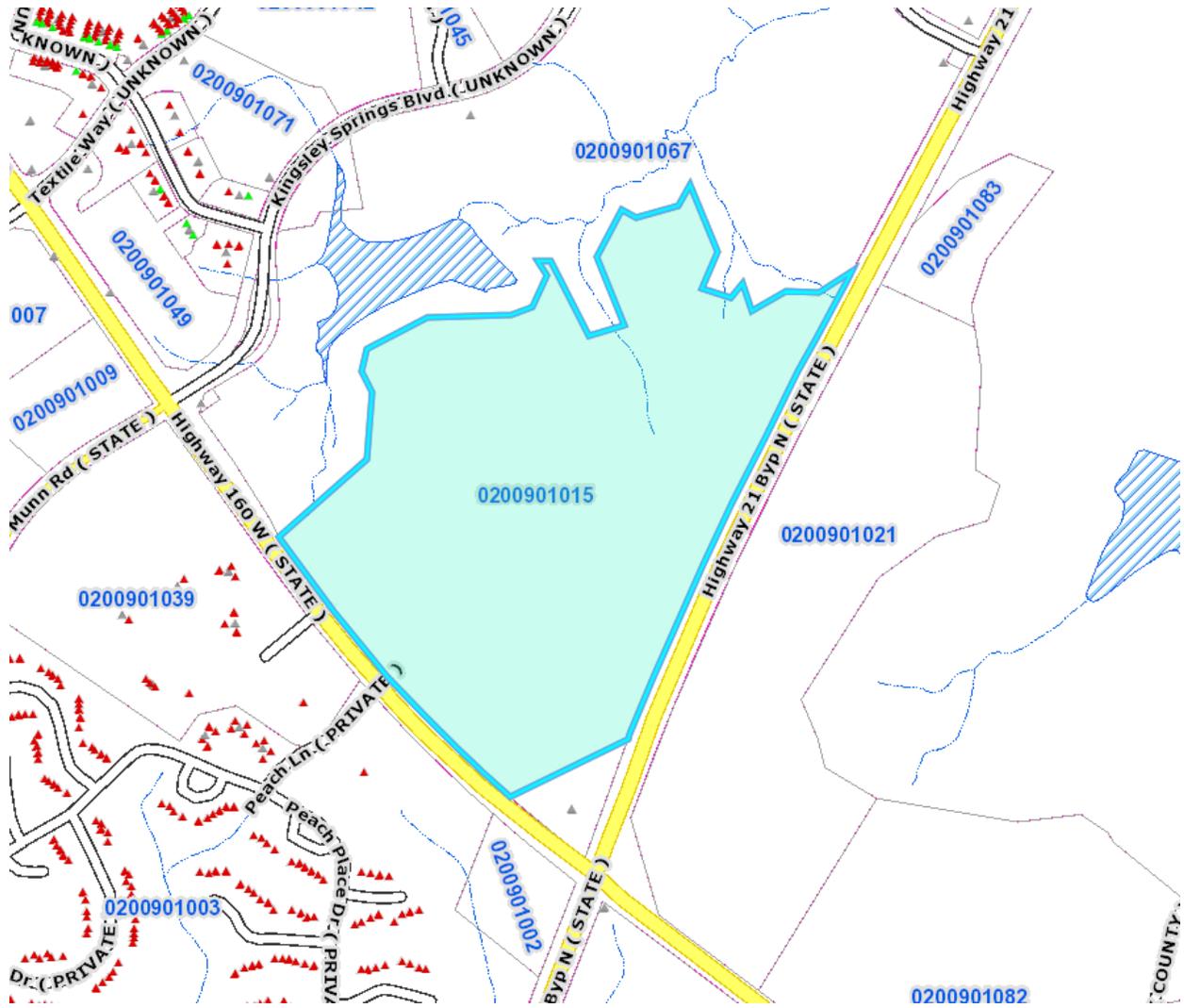
Barron B. Mack, Jr, Town Attorney

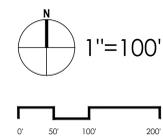
Virginia Burgess, Town

EXHIBIT A

Property Map

York County Tax Map Number 020-09-01-015





THIS EXHIBIT IS SCHEMATIC IN NATURE AND IS SUBJECT TO VARIATION.

FORT MILL MEDICAL CENTER

CONCEPTUAL SITE PLAN

FORT MILL, SOUTH CAROLINA

12.05.19





Meeting Information	
Meeting Type	Planning Commission
Meeting Date	February 18th, 2020

Request Summary						
Request Type		Action (Old Bus.)	X	Action (New Bus.)		Info/Discussion
		Public Hearing		Executive Session		Other

Case Summary						
Case Type		Annexation	X	Rezoning		Text Amendment
		Subdivision Plat		Appearance Review		Other

Property Information	
Applicant	Fort Mill Town Council
Property Owner	Fort Mill School District (FMSD)
Tax Map Number	Currently or formerly known as 020-20-01-036, 020-13-01-075 and 020-20-01-034
Acreage	1.081; 32.62; 39.22 +/- acres
Current Zoning	R-15, Residential
Proposed Zoning	INST, Institutional

Title

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF FORT MILL SO AS TO CHANGE THE ZONING DESIGNATION FOR YORK COUNTY TAX MAP NUMBERS 020-20-01-036, 020-13-01-075 AND 020-20-01-034 FROM R-15 RESIDENTIAL TO INST INSTITUTIONAL

Background Information

Reason for Request In August 2019 staff brought before Town Council the request to amend the Zoning Map of the Town of Fort Mill for the Fort Mill School District’s K-12 schools within the Town limits. The purpose of this rezoning was to ensure the zoning regulations across all school sites will be consistent as opposed to schools zoned to a variety of residential and commercial districts.

The listed parcels are the most recent two school developments; Elementary School #10, and Elementary School #11. The additional small parcel is owned by the school district and is being rezoned for consistency.

Zoning Summary

Council asked staff to develop a text amendment that would create a new zoning district, INST Institutional, to encompass all current and future school sites within the Town. The designated purpose in establishing the district would offer uniformity in the zoning regulations across all school sites as opposed to having schools zoned to a variety of residential and commercial districts.

Comprehensive Plan

The subject property is located within an area that has been designated as “Institutional” on the Town of Fort Mill’s Future Land Use Map. The Institutional designation was included on the future land use map to denote the properties as being the site of current or future schools.

Traffic Impact

Any future development would be subject to the Town’s TIA requirements. Any off-site transportation improvements deemed necessary by the Town, York County, and/or SCDOT would be the responsibility of the developer.

Fire Impact

The rezoning request would not change the established or intended use of the subject properties, therefore there would be no additional fire impact as a result of the rezoning request

Utility Impact

The rezoning request would not change the established or intended use of the subject properties, therefore there would be no additional utility impact as a result of the rezoning request

School Impact

The rezoning request would be reducing the overall acreage of property within the Town limits that was zoned residential, which would reduce the overall potential of by-right residential development and therefore reduce the potential future impact to school enrollment.

Discussion

In staff’s opinion, the designated purpose in establishing the district would offer uniformity in the zoning regulations across all school sites as opposed to having schools zoned to a variety of residential and commercial districts. The proposed zoning is similar to the existing zoning in terms of the uses that are permitted.

The request is consistent with the recommendation of the Comprehensive Plan; therefore, staff recommends approval of the rezoning.

Alternatives	
1.	Recommend approval of the rezoning request with a zoning designation of INST Institutional
2.	Recommend denial of the rezoning request with a zoning designation of INST Institutional

Staff Recommendation

Recommendation	Staff recommends in favor of APPROVAL for the rezoning with a zoning designation of INST Institutional District
Name & Title	Penelope Karagounis, Planning Director
Department	Planning Department
Date of Request	February 18th, 2020

Legislative History

Planning Commission	02/18/2020
First Reading	TBD
Public Hearing	TBD
Second Reading	TBD
Effective Date	Upon adoption

Attachments

- Zoning Map
- Aerial Map
- Draft Ordinance

Zoning Map

York County Tax Map # 020-13-01-075

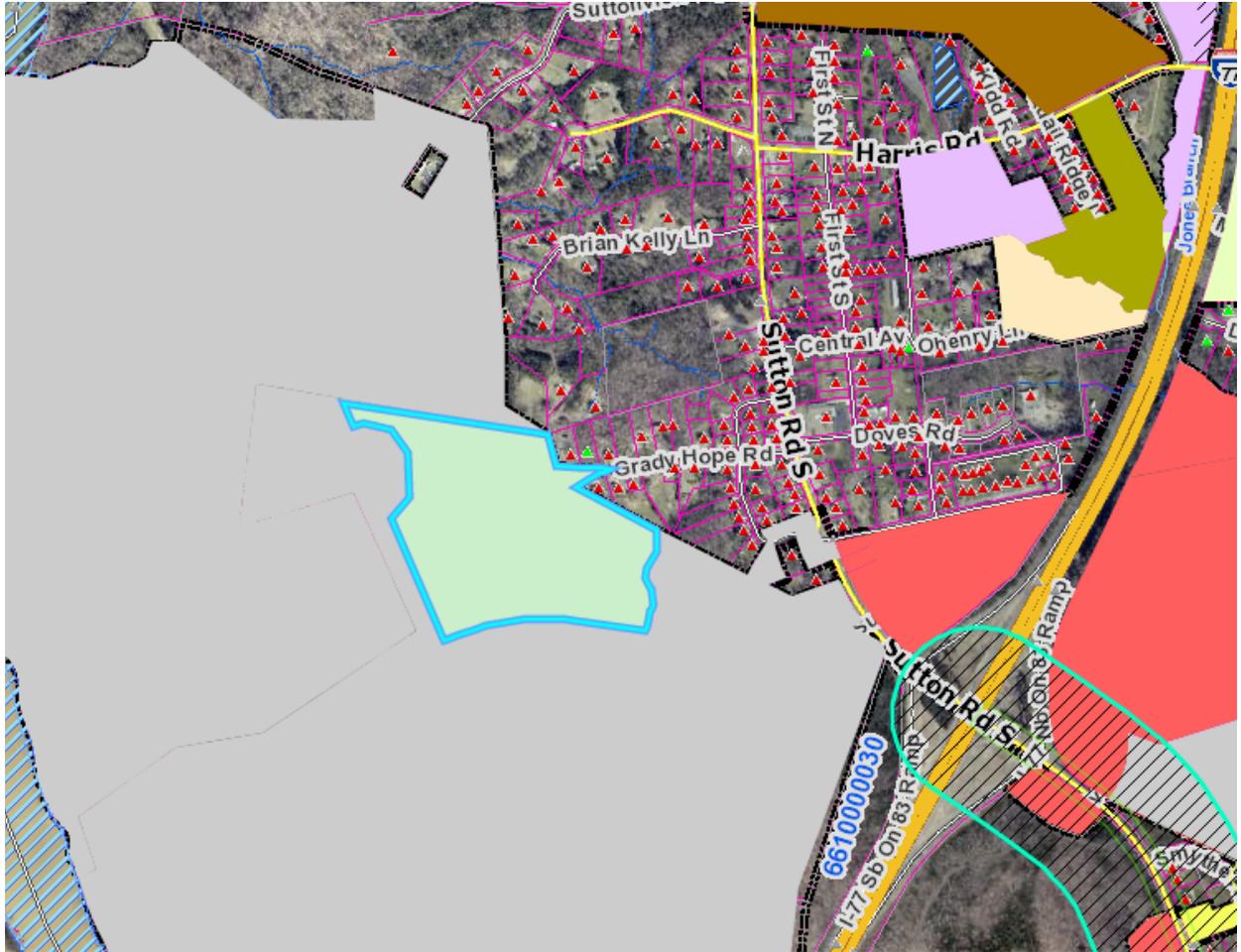


Aerial Map

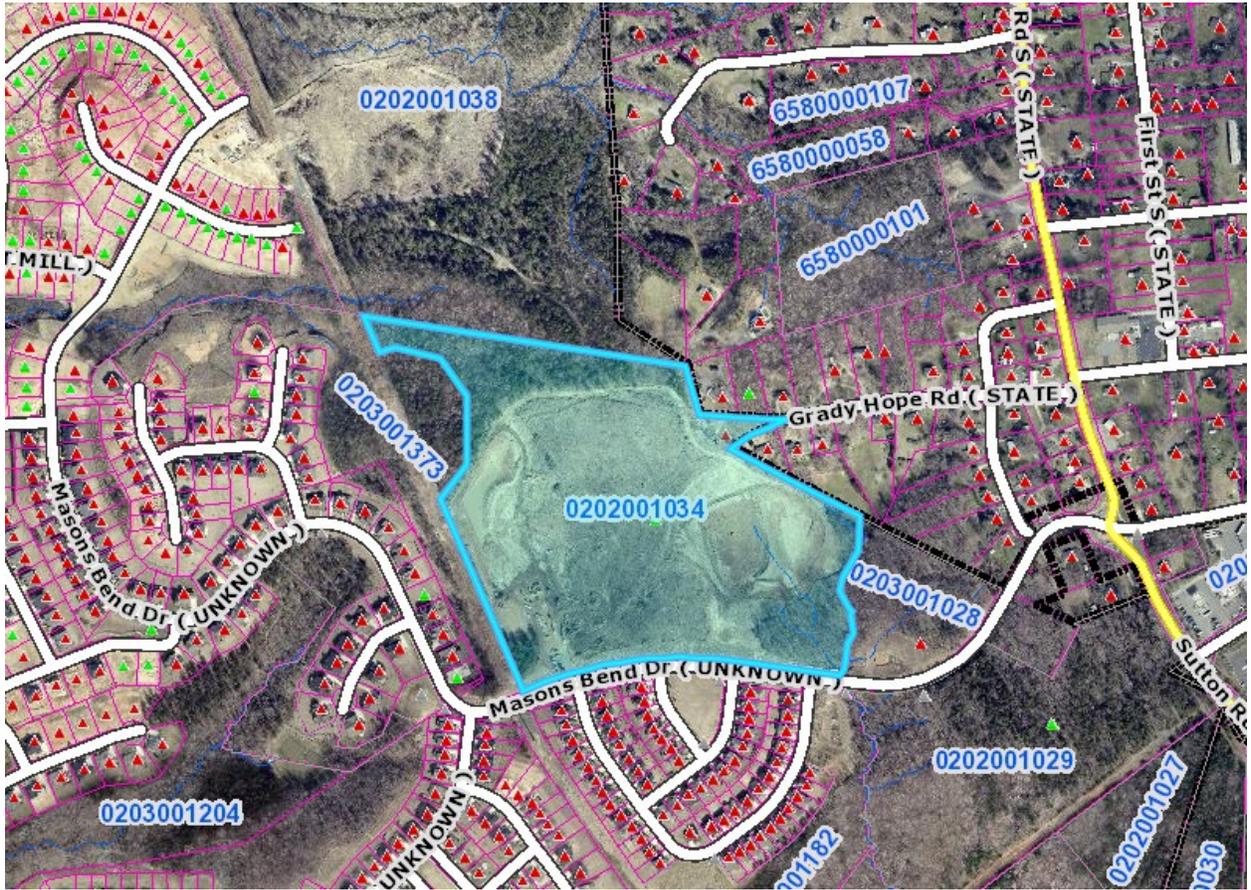


Zoning Map

York County Tax Map # 020-20-01-034

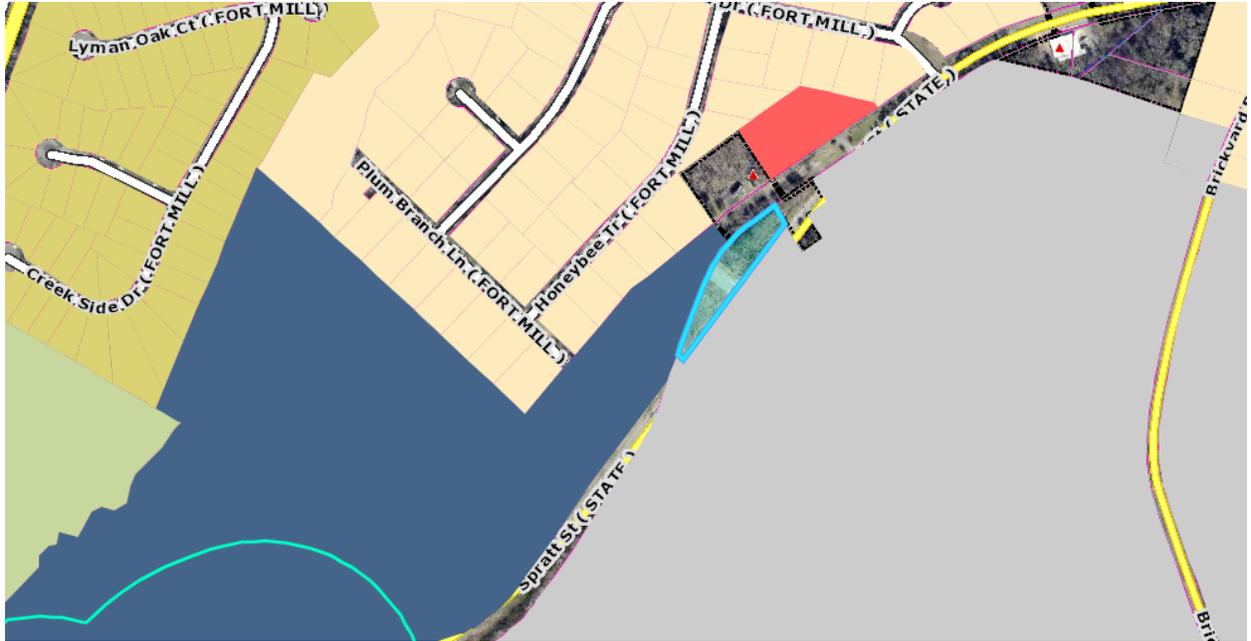


Aerial Map



Zoning Map

York County Tax Map # 020-20-01-036



Aerial Map



STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2020-____

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF FORT MILL SO AS TO CHANGE THE ZONING DESIGNATION FOR YORK COUNTY TAX MAP NUMBERS 020-20-01-036, 020-13-01-075 and 020-20-01-034 from R-15 RESIDENTIAL TO INST INSTITUTIONAL;

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

SECTION I. The Zoning Map of the Town of Fort Mill is hereby amended to change the zoning classifications for the York County Tax Map Numbers as outlined below. A property map of the parcels subject to this rezoning ordinance is attached hereto as Exhibit A.

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

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

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

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2020.

First Reading:
Public Hearing:
Second Reading:

TOWN OF FORT MILL

Gynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

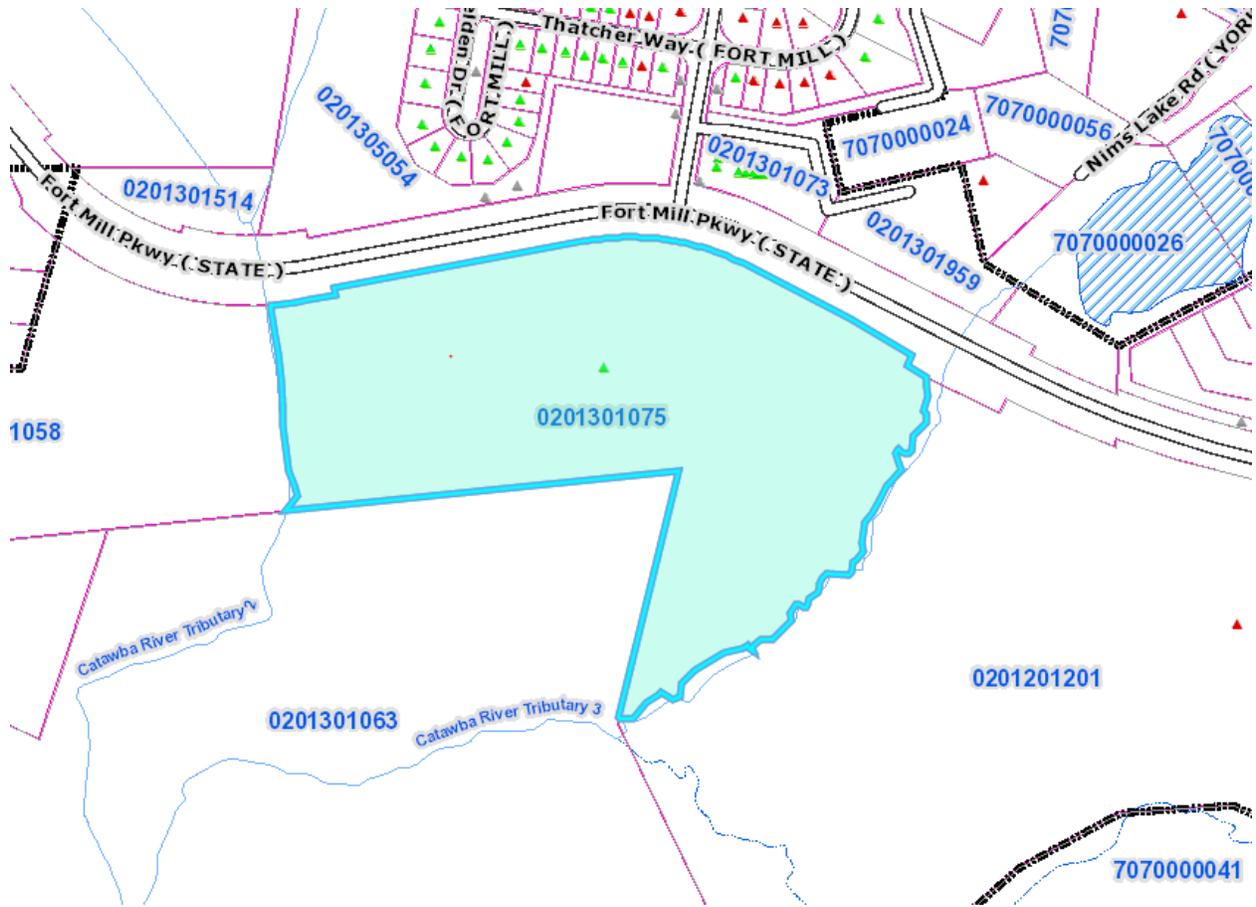
Barron B. Mack, Jr, Town Attorney

Virginia Burgess, Town

EXHIBIT A

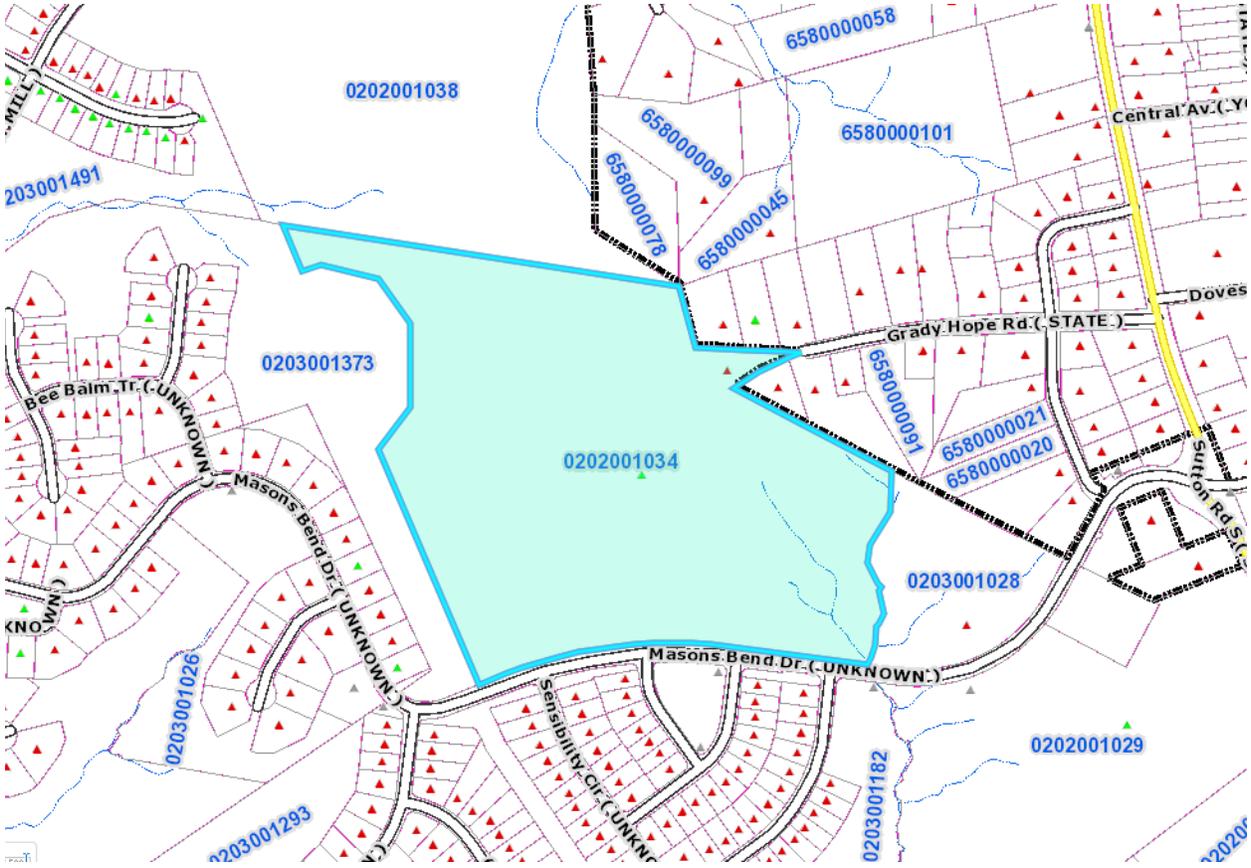
Property Map

York County Tax Map Number 020-13-01-075



Property Map

York County Tax Map Number 020-20-01-034



Property Map

York County Tax Map Number 020-20-01-036





Meeting Information	
Meeting Type	Planning Commission
Meeting Date	February 18 th , 2020

Request Summary						
Request Type		Action (Old Bus.)	X	Action (New Bus.)		Info/Discussion
		Public Hearing		Executive Session		Other

Case Summary						
Case Type		Annexation		Rezoning	X	Text Amendment
		Subdivision Plat		Appearance Review		Other

Title

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR THE TOWN OF FORT MILL; ARTICLE I, IN GENERAL, SECTION 8, TRANSPORTATION IMPACT ANALYSES, SUBSECTION F, TRANSPORTATION MITIGATION AGREEMENT; TO PROVIDE FOR A PUBLIC HEARING; AND, TO PROVIDE FOR OTHER MATTERS RELATING THERETO

Background Information

Background / Discussion

The Planning Commission is asked to consider a text amendment to Article I, Section 8, Subsection F, of the Transportation Impact Analyses.

Staff is proposing to amend subsection F, Transportation Mitigation Agreement (TMA), where it states, “The TMA must be signed by the applicant, Town, SCDOT (if the mitigation involves a state roadway), and York County (if the mitigation involves a county roadway).” The proposed amendment would read as “The TMA must be signed by the applicant and the Town following the approval of the TIA by all applicable parties.”

A draft ordinance is attached for consideration.

Recommendation

Staff recommends in favor of approval of the proposed text amendment.

Suggested Motion List	
1.	Recommend approval of the text amendment as written.
2.	Recommend approval of the text amendment with modifications.
3.	Recommend denial of the text amendment.

Staff Recommendation

Recommendation	Staff recommends in favor of APPROVAL of the text amendment.
Name & Title	Penelope Karagounis, Planning Director
Department	Planning Department
Date of Request	02/18/2020

Legislative History

Planning Commission	02/18/2020 — Scheduled
First Reading	TBD
Public Hearing	TBD
Second Reading	TBD
Effective Date	Upon adoption

Attachments

- Draft Text Amendment Ordinance

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2020-__

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR THE TOWN OF FORT MILL; ARTICLE I, IN GENERAL, SECTION 8, TRANSPORTATION IMPACT ANALYSES, SUBSECTION F, TRANSPORTATION MITIGATION AGREEMENT; TO PROVIDE FOR A PUBLIC HEARING; AND, TO PROVIDE FOR OTHER MATTERS RELATING THERETO

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

SECTION I. The Zoning Ordinance for the Town of Fort Mill; Article I, In General; Section 8, General Provisions; Subsection F, is hereby amended to read as follows:

Sec. 8 – Transportation Impact Analyses

Transportation impacts, and how to mitigate them, are an important consideration for our community when a development is proposed. Public policy makers, citizens, and developers all have a stake in understanding and responding to additional demands on the transportation system. A Transportation Impact Analysis (TIA) is a tool used to evaluate the incremental impacts on the surrounding transportation infrastructure and how to mitigate them to maintain safe traffic and transportation operations.

- A. TIA Determination — The Town shall determine the need for a TIA upon receipt of any development application (by-right or rezoning) accompanied by a sketch or schematic plan. Types of development applications could include, but are not limited to, multi-family developments, single family developments, commercial developments, mixed-use projects, rezonings, or annexation requests. If warranted, the transportation consultant assigned by the Town shall prepare the TIA. At the discretion of the South Carolina Department of Transportation (SCDOT) and the Town, a Transportation Technical Memorandum, in lieu of a full TIA report, may be allowed for some developments.

- B. Minimum Thresholds for TIAs — A TIA will be required to accompany any development plan when expected gross trip generation is 400 total trips or more in a 24-hour period, and/or 100 total trips during either the AM or PM peak hours [prior to any trip reductions applied – see *Section 8.6 G (10)*]. The gross trip generation will be calculated by the Town or its consultant based on information (proposed project summary and development plan) provided by the applicant, and the final determination for requiring the TIA will be made by the Town. The Town may also determine the need for a TIA based on special circumstances associated with the development, even if the gross trip generation falls below the identified threshold(s). This may be due to location, an intersection or thoroughfare nearby that is at or above capacity, the nature of the use, or one of the following:
 - 1. Traffic generated from a non-residential development that could potentially significantly impact adjacent residential neighborhoods.
 - 2. Traffic operation issues for current and/or future years on nearby streets are expected to be significantly worsened by traffic generated from the proposed new development.

3. Arterials and/or collectors near the site are experiencing significant/unacceptable delays.
4. Traffic safety issues exist at the intersection(s) or street(s) that would serve the proposed new development.
5. The proposed land use differs significantly from the future land use designation of the Town's adopted Comprehensive Plan.
6. The internal street or access system is not anticipated to accommodate the expected traffic generation.
7. The proposed development project includes a drive-through facility or other uses, such as schools, that require significant on-site circulation that may have an off-site impact to adjoining roads and/or intersections.
8. The amount, behavior, and/or assignment of traffic is deemed by the Town as being significantly different from a previously approved TIA, or more than 24 months have passed since completion of a previous TIA for the site.

A Transportation Technical Memorandum (TTM) will be required for any proposed development when the conditions above are not met. In this case, the Town and its consultant will determine what the TTM will address.

- C. Scoping Meeting — A mandatory Scoping Meeting is required prior to beginning the TIA to discuss the requirements and strategies for a TIA specific to the site and the proposed development. Background information shall be submitted by the applicant and shall include a conceptual site plan showing proposed access points, access spacing/distances between one another and adjacent roads, proposed land uses and densities, structure and parking envelopes. The Town, the transportation consultant assigned by the Town, and the applicant(s) are required to attend the mandatory Scoping Meeting, and representatives from the SCDOT District 4 office, York County, and Rock Hill-Fort Mill Area Transportation Study (RFATS) will be invited and encouraged to attend as needed. The applicant may invite members of his/her development team as needed.
- D. Scoping Document — A Scoping Document detailing the understood scope and parameters of the TIA shall be prepared by the transportation consultant assigned by the Town. The Scoping Document shall be signed by the applicant, the Town, and the SCDOT and/or York County (if access to a state or county road is involved) before the consultant can begin work on the TIA. Failure by the applicant to provide accurate information or failure by the assigned transportation consultant to follow the Scoping Document shall result in disapproval of the TIA. If significant changes are made to the parameters outlined in the Scoping Document, a revised Scoping Document will be required.
- E. Fees — Prior to the Scoping Meeting, the transportation consultant assigned by the Town shall submit a summary of consultant fees to the Town to perform the scoping portion of the TIA based upon the background information submitted by the applicant (discussed in item C above). The applicant shall agree to provide payment in full to the Town for these services prior to scheduling of the Scoping Meeting. After the Scoping Document is prepared, changes by the applicant which require updates to the Scoping Document, will result in additional services and must be paid for by the applicant prior to performance of the additional services. After the Scoping Meeting, the transportation consultant assigned by the Town shall submit a summary of consultant fees for preparing the TIA to the Town. Per the Scoping Document, the applicant shall agree to provide payment in full to the Town for preparation of the TIA so that the Town can release the work to the consultant. Any

additional services incurred by the transportation consultant in addition to the Scoping Document must be approved by the Town and agreed to and paid for by the applicant prior to performance of the additional services.

- F. Transportation Mitigation Agreement (TMA) — Upon completion of the TIA, certain on- or off-site transportation mitigation measures may be required as recommended by the TIA. If so, the transportation consultant assigned by the Town shall prepare a Transportation Mitigation Agreement (TMA) which will summarize the following:
- 1 Development plan
 - 2 Development phasing and timing (if applicable)
 - 3 Site access and points of ingress/egress
 - 4 On- and off-site improvements required to adequately mitigate the project impacts to the Town's transportation system, including vehicular, pedestrian, and bicycle improvements
 - 5 Trigger points and deadlines for construction and/or submittal of financial guarantees for any improvements

The TMA must be signed by the applicant, Town, SCDOT (if the mitigation involves a state roadway), and York County (if the mitigation involves a county roadway). The TMA must be signed by the applicant and Town following the approval of the TIA by all applicable parties. All required mitigation measures must be implemented as prescribed in the TMA. If the development program is planned to be phased, then a development phasing analysis shall be performed, either as part of the TIA or as an additional service to the TIA, to determine the mitigation for each phase of development if mitigation phasing is desired by the applicant. The applicant shall provide a financial guarantee in a manner acceptable to the Town in the amount of 150% of all phased transportation improvements as prescribed in the TMA. A planning-level opinion of probable construction cost (OPCC) will be performed by the Town and its consultant as an additional service and submitted to the applicant to provide payment. The OPCC will include costs for planning/design, utilities, permitting, construction, and right-of-way.

- G. TIA Outline and Contents – The outline and contents of what is required to be included in the TIA will be discussed at the Scoping Meeting and included in the Scoping Document. A detailed summary of the expected content and methodologies to be used in the TIA is discussed below.
1. Cover/Signature Page — Includes the project name, location, name of the applicant, contact information for the applicant, and date of the study. The name, contact information, registration number, signature, and seal of a duly qualified and registered professional engineer in the State of South Carolina are also required to appear on this page.
 2. Table of Contents — Includes a list of all section headings, figures, tables, and appendices included in the TIA report. Page numbers shall denote the location of all information, excluding appendices, in the TIA report.
 3. Executive Summary — Includes a description of the study findings, a general description of the project scope, study horizon years, expected transportation impacts of the project, and mitigation measure recommendations. Technical

publications, calculations, documentation, data reporting, and detailed design shall not be included in this section.

4. Project Description — Includes a detailed description of the development, including the size of the parcel, development size, existing and proposed uses for the site, anticipated completion dates (including phasing if appropriate). It shall also include the square footage of each use and/or the number and size of dwelling units proposed, and a map and copy of the site plan provided by the applicant.
5. Site Description — Includes a description of the project location within the Town and region, existing zoning and use (and proposed use if applicable), and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.
6. Site Access — A complete description of the ingress/egress of the site shall be explained and depicted. It shall include number of driveways, their locations, distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.), types of driveways (two-way, one-way, etc.), traffic controls, etc. Internal streets (lanes, flow, and queuing), parking lots, pedestrian and bicycle facilities, and designated loading/unloading areas shall also be described. Similar information for adjacent properties, including topographic grade relationship, shall be provided to evaluate opportunities for internal and/or adjacent connectivity. The design, number, and location of access points to collector and arterial roadways immediately adjacent to the site must be fully analyzed. The number of access points shall be kept to a minimum and designed to be consistent with the type of roadway facility. Driveways serving the site from state roads shall be designed in accordance with the SCDOT's *Access and Roadside Management Standards (ARMS) Manual* and/or Town standards, as applicable.
7. Study Area — The limits of the study area shall be based on the location, size and extent of the proposed project, and an understanding of existing and future land uses and traffic conditions surrounding the site. The limits of the study area for the TIA shall be reviewed and approved by the Town and SCDOT staff at the mandatory Scoping Meeting. At a minimum, the study area shall include all streets and signalized intersections within a one-mile radius of the proposed site and/or where site traffic estimated for build-out of the project will constitute 10% or more of any signalized intersection approach during one or both peak hours. During the Scoping Meeting, staff may reduce the radius due to conditions specific to the site based on request by applicant and supported with valid reasoning. Unsignalized intersections between the required signalized intersections will be added to the scope as directed by the Town. To initially determine the impacts, the Town will maintain a database of recent peak-hour intersection turning movement counts. The applicable intersection counts will be equated to current year baseline volumes. Based on the proposed development program submitted by the applicant, a preliminary trip generation analysis, distribution, and assignment will be performed within the area surrounding the site and compared to the current year base volumes. Related impacts or current operational problems may dictate that other intersections be included in the study area as determined by Town staff and/or SCDOT staff. A narrative describing the study area shall identify the location of the proposed project in relation to

the existing transportation system and list the specific study intersections and/or segments. Any unique transportation plans or policies applicable to the area (e.g., CATS bus service and future plans) shall be mentioned. A site location map shall be provided and shall identify natural features, major and minor roadways within the study area, study intersections, and a boundary of the site under consideration.

8. Existing Conditions — Shall include a narrative and map that represents AM and PM peak-hour turning-movement volumes for all intersections within the study area. Traffic volumes shall represent 15-minute interval weekday turning-movement counts (Tuesday through Thursday), include heavy-vehicle, pedestrian and bicycle counts, no more than twelve months old, and shall be collected during periods of the year when local schools are in session and during weeks that have no observed federal, state, or local holidays and periods unless otherwise approved by the Town. The required count timeframes are from 6:30-9:00AM and 3:00-7:00PM. The PM count timeframe is expected to cover peaking characteristics caused by local Middle and High School dismissal times, as well as typical employment peaking characteristics; however, site-specific conditions may necessitate additional or different traffic counting hours and/or days depending on the development program and location within the Town. These unique circumstances will be determined and directed by the Town. The Town will determine if modified peak hours or weekend analyses shall be included in the TIA at the mandatory Scoping Meeting. For example, 8, 12, or 16-hour turning movement counts shall be required to complete the analysis if a full traffic signal warrant analysis is required as part of the TIA. The source of existing traffic volume information shall be explicitly stated (e.g., Town counts, new counts collected by the applicant, SCDOT counts, etc.). If previous counts were obtained, only counts collected within one year of TIA submittal for the proposed site will be deemed acceptable. Summary sheets for existing turning movement counts shall be included in the appendix of the TIA report. A separate narrative and map shall be prepared to describe the characteristics of surrounding major roadways, including functional classification, number of lanes, posted speed limit, existing average daily traffic volumes, typical cross section, intersection control, and lineal distance between major roadways. Field notes for the existing conditions observation may be included in the appendix of the TIA report.
9. Future Year Conditions — Unless otherwise approved by the Town, future year conditions for a single-phase development shall be analyzed for the year the development is expected to be at full occupancy (build-out year). For multiple-phased developments, the scenarios shall be completed in order, with any improvements specified by development included in the subsequent build scenarios. Specific analysis periods to include in the study shall depend upon the development program, proposed project phasing plan, and significant improvements programmed for the surrounding transportation system. The approved offsite developments and transportation projects to be included in the base future-year background conditions for the transportation system within the study area shall be determined during the Scoping Meeting. Transportation improvements assumed in the future-year background conditions analysis may include those with an expected completion date concurrent with that of the development and funded either by the Town, SCDOT, or indicated as a required condition of approval from an offsite development application. Only projects approved by the Town at the Scoping Meeting may be included in the analysis as future existing infrastructure. Those improvements

committed by other developments must be clearly identified in the report as approved offsite development road improvements. Adjacent development traffic information used in the development of the future year background traffic volumes shall be included in the appendix of the TIA report. Unfunded, planned infrastructure projects may be mentioned in the TIA, but the description shall specifically identify that these projects are not included in the background condition. Future year background traffic volumes shall be forecasted using historical growth rate information, regional models, and/or TIA reports for development(s) approved by the Town but not yet built. Additional future year scenarios may be applicable in the case that there are committed offsite approved development improvements as indicated in *Section 8.6 G (17)*. A narrative and map shall be prepared that presents turning movement volumes for each peak hour for all intersections identified within the study area. Future year base (existing plus historical growth) traffic volumes, offsite approved development volumes, and site traffic volumes shall be clearly separated and combined in the map.

10. Trip Generation — Base trip generation for the proposed land use(s) shall be calculated using data published in the latest version of the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*. Data limitations, data age, choice of peak hour of adjacent street traffic, choice of independent variable, and choice of average rate versus equation shall be discussed at the mandatory Scoping Meeting. Local trip generation rates may be acceptable if appropriate validation is provided by the applicant to support them. Any deviation from ITE trip generation rates shall be discussed in the mandatory Scoping Meeting and documented in the Scoping Document if approved by the Town and SCDOT.
 - a. Internal Capture — Base trip generation may be reduced by rate of internal capture when two or more land uses are proposed using methodology recommended in the most current *Trip Generation Handbook* published by ITE, or research published by the National Cooperative Highway Research Program (NCHRP) Transportation Research Board. Reductions for internal capture shall be applied to multi- or mixed-use sites only. The internal capture reduction shall be applied before pass-by trips are calculated.
 - b. Pass-by Trips — Pass-by trips are those made as intermediate trips between an origin and primary destination (i.e., home to work, home to shopping, etc.). However, pass-by trips are not diverted from another roadway. Base trip generation may be reduced by rate of pass-by capture using methodology recommended in the most current *Trip Generation Handbook* published by the ITE. Pass-by trips associated with the development program may not exceed 10% of the peak-hour background volume reported for the adjacent public street network. This network shall include the streets that provide primary access to/from the site. For example, if a site access drive that connects to a low-volume local street, which its primary access is to a major collector road, the traffic on the major collector shall be used as the adjacent street for pass-by calculation purposes. Evaluation of diverted trips may apply depending on the specifics of each site. A trip generation table shall summarize all trip generation calculations for the project.

11. Trip Distribution — External trip distribution shall be determined on a project-by-project basis using one of several sources of information available to transportation and land planning professionals. Potential sources for determining project trip distribution may include the regional travel demand model, market analysis, existing traffic patterns, and/or professional judgment. At the Town's direction, multiple trip distributions may be required for differing land use types. Regardless of methodology, the procedures followed and logic for estimating trip distribution percentages must be well-documented in the TIA. Trip distribution percentages proposed for the surrounding transportation network shall be discussed during the Scoping Meeting and shall be approved by the Town and SCDOT before proceeding with the TIA. A map showing the percentage of site traffic on each street included in the study area shall be included in the TIA.

12. Trip Assignment — Site traffic shall be distributed to the surrounding transportation system based on the site's trip generation estimates and trip distribution percentages. Future year build-out traffic forecasts (i.e., future year background traffic plus site traffic) shall be represented in graphic formats for AM and PM peak-hour conditions at all intersections included in the study area. If the project will be built in phases, traffic assignments shall be reported for each phase. Pass-by traffic shall be included at the driveways and access points for evaluating driveway volumes. Multiple assignment analyses may be required if the traffic control at the access drives varies (i.e., right-in/right-out vs. stop controlled vs. signalized).

13. Operations Analysis — The TIA shall include multi-modal operations analyses including vehicular, pedestrian and bicycle, to allow for the safe and convenient travel for all modes. Level-of-Service (LOS) and delay are the primary measures of effectiveness for impacts to the transportation system and are defined by the most current edition of the *Highway Capacity Manual (HCM)*. Operations analyses shall be performed for the existing and all future year scenarios, as described in *Section 8.6 G (17)*. Impacts from the proposed project shall be measured by comparing the future year background conditions to the future year build-out conditions. Requirements for mitigation are described in *Section 8.6 G (17)*.
 - a. Vehicular Capacity Analysis — Unless otherwise noted, Synchro level-of-service (LOS) and delay shall be reported for all signalized intersections and approaches identified in the study area. Based on HCM, LOS for unsignalized intersections is not defined as a whole; instead, only the individual approaches shall be reported as applicable based on the HCM reports determined through the Synchro analysis. Existing signalized intersections shall be modeled based on existing signal timing plans provided by either the Town or SCDOT. Existing signal timing plans shall be included in the appendix of the TIA report. Pedestrian movements must be considered in the evaluation and adequate pedestrian clearance provided in the signal cycle split assumptions. If a traffic signal is part of a coordinated system it must be analyzed as such under all conditions. Other standard practices and default input values for evaluating signalized intersections shall be consistent with the most recent guidelines published by the SCDOT. The Town may also require safety, traffic simulation, gap and/or other analyses appropriate for evaluating a development application. Additional analyses and/or traffic capacity or simulation tools (such

as VISSIM or Transmodeler) required for the TIA shall be identified during the Scoping Meeting. All TIA reports submitted to the Town shall use Synchro, SimTraffic, VISSIM, and/or Transmodeler analysis software for signalized and unsignalized intersections, or Sidra Software for roundabouts, consistent with SCDOT policies. A narrative, table, and map shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A – F), the intersection and approach signal delay for signalized intersections, the approach delay for unsignalized intersections, and 95th percentile queue lengths for all movements. Capacity analysis worksheets and SCDOT auxiliary turn-lane warrants for unsignalized intersections shall be included in the appendix of the TIA report.

- b. Pedestrian Operations Analysis — Unless otherwise noted, methodology provided in the latest edition of the Highway Capacity Manual shall be used to evaluate pedestrian LOS for the intersections identified in the study area. The current methodology is based on geometric data, demand data, and signal control data including, but not limited to:
 - Number of lanes on the major street
 - Crossing distance
 - Traffic volumes
 - Motorist yielding rates to pedestrians
 - Cycle Length
 - Walk Time
 - Presence of pedestrian phase

- c. Bicycle Operations Analysis — The bicycle LOS at intersections identified in the study area shall be evaluated using locally accepted methodology. This current methodology assesses bicyclists' comfort based on geometric and traffic signal features including, but not limited to:
 - Number of lanes crossed
 - Presence of conflicting turning movements
 - Presence of bike lanes

Under this methodology, intersection features are assigned points, where the LOS for each approach is calculated based on the accumulation of points for each geometric and traffic signal feature identified in the worksheet. Currently, this methodology does not take into account demand volumes; therefore, the bicycle LOS would not differ between AM and PM peak hours, and thus would not need to be reported for both under this methodology.

- 14. Queuing Analysis — 95th percentile and simulation analysis of future year queues shall be consistent with SCDOT's current practices and published Capacity Analysis Guidelines, as applicable. Turn lanes and storage lengths for the major street (uncontrolled) approaches at unsignalized intersections shall be identified using volume thresholds published in the SCDOT's *2017 Roadway Design Manual* (see Guidelines for Left- and Right-Turn Lanes Nomographs, Section 9.5.1). Recommendations for left- and right-turn lanes serving the site shall be designed to account for both the SCDOT warrants described above and to meet future year

capacity needs identified through the capacity analyses. For projects that include drive-through facilities, pick-up/drop-off areas, or entrance gates, a queuing analysis may be required by the Town to ensure that vehicle stacking will not adversely impact the public transportation system. The queuing analysis must be performed using accepted transportation engineering procedures approved by the Town. If a TIA is required for a new school site, the internal circulation and ingress/egress of the site shall be modeled using a “dummy signal” in the Synchro software as prescribed by NCDOT Municipal School Transportation Assistance (MSTA) department.

15. Crash Analysis — A summary of crash data (type, number, and severity) for the most recent three-year period at each study location may be required. South Carolina Department of Public Safety reports will be requested by the Town’s consultant and shall be included in the appendix of the TIA report if required. For locations with prevalent crash types and/or frequency, a discussion shall be included describing factors that may be contributing to the incidents. At a minimum, the proposed development features shall not contribute to factors potentially involved in the existing crash rates. If contributing factors are identified, recommendations to eliminate or mitigate these features shall be included.

16. Traffic Signal Warrants — Town staff and/or SCDOT may consider potential signal locations at the Scoping Meeting. However, traffic flow progression is of paramount importance when considering a new traffic signal location. A new traffic signal shall not cause an undesirable delay to the surrounding transportation system. Installation of a traffic signal at a new location shall be based on the application of warrant criteria contained in the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and engineering judgment. Traffic signal warrants shall be included in the appendix of the TIA report. Additionally, spacing of traffic signals within the Town must adhere to SCDOT requirements. If a full signal warrant analysis is recommended in the TIA, then the consultant identified by the Town will perform the associated warrant analysis as an additional service if not performed as part of the TIA. The Town and/or SCDOT may decide to defer a signal warrant analysis until after the development has opened to allow use of actual turning movement counts at an intersection. As such, the TIA recommendations must clearly state that this analysis shall occur at a specified date following the opening of the development. The applicant shall provide a financial guarantee as outlined in TMA for the estimated cost of the signal warrant analysis and resulting signal prior to final approval of the TIA. The cost shall be established based on an engineer’s estimate provided by the consultant identified by the Town.

17. Mitigation Measure Recommendations — This section of the TIA report shall provide a description of the study’s findings regarding impacts of the proposed project on the existing and future transportation system and describe the location, nature, and extent of all mitigation measures recommended to the applicant to improve and/or maintain the future year background level-of-service (LOS) conditions through phasing and ultimate build-out of the project. This mitigation will be identified by measuring the impact between the future year background conditions and the future year build-out conditions. The applicant is required to mitigate transportation deficiencies caused solely by the projected impact of their proposed development,

and not unacceptable background conditions or other deficiencies caused by offsite development within the defined study area.

The applicant shall be required to identify mitigation improvements to the transportation network if at least one of the following conditions exists when comparing the multimodal operations analyses of future year background conditions to future year build-out conditions:

- a. the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same LOS,
- b. the LOS degrades by at least one level,
- c. or the LOS does not meet the identified standard (as shown below) in background conditions, and the proposed project shows a negative impact on the intersection or approach.

Adopted LOS Standard	
Intersection Type	LOS Threshold
Involving only Collector or Local streets	LOS C or better
Involving one or more Arterial or Higher Order streets	LOS D or better

If the background LOS (intersection or approach) is inadequate, the applicant will be expected to mitigate only the impact caused by the proposed site. For example, if the background LOS of an intersection is LOS F with 85 seconds of delay, and the site traffic increases the delay to 95 seconds at LOS F, the applicant will be required to mitigate the added 10 seconds of delay, not the inadequate background delay. Town staff and SCDOT will review the recommendations in the final version of the TIA and will have the ultimate determination in the scope of the required mitigation measures.

The applicant shall also be responsible for committed transportation improvements by approved offsite developments included in the background and build-out scenarios in the case that they are not completed prior to build-out of the proposed site, unless additional background and build-out analyses are performed without the approved offsite development traffic and associated committed improvements, and the analyses show that such committed improvements would not be caused by the proposed site. A Transportation Mitigation Agreement (TMA) as outlined in Part F of this ordinance may apply if there are mitigation requirements.

For multi-phase developments, the capacity analyses scenarios shall address the phasing of improvements for each phase of development. A narrative and table shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A–F) and average control delay for each intersection and approach.

A narrative and map shall also be prepared that describes and illustrates recommended improvements, by development phase if necessary, for mitigating the projected impact of the proposed development.

- 18. Compliance with Adopted Transportation Plans — All TIA reports must include a statement of compliance with plans, programs, and policies adopted by the Town of Fort Mill for maintaining a safe and efficient multi-modal transportation system.

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

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

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2020.

First Reading:
Public Hearing:
Second Reading:

TOWN OF FORT MILL

Guynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Virginia C. Burgess, Town Clerk

Fort Mill Town Council



Meeting Information	
Meeting Type	Planning Commission
Meeting Date	February 18, 2020

Request Summary						
Request Type		Action (Old Bus.)	X	Action (New Bus.)		Info/Discussion
		Public Hearing		Executive Session		Other

Case Summary						
Case Type		Annexation		Rezoning	X	Text Amendment
		Subdivision Plat		Appearance Review		Other

Title

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF FORT MILL; CHAPTER 2, ADMINISTRATION; ARTICLE IV, FINANCE AND TAXATION; DIVISION 4, DEVELOPMENT IMPACT FEES; SO AS TO UPDATE THE DEVELOPMENT IMPACT FEES FOR THE TOWN AS MANDATED BY THE SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT

Background Information

Impact Fee History The Town of Fort Mill originally adopted impact fees by Ordinance 2015-12 on August 24, 2015 and began collecting impact fees on October 1, 2015 (the start of the Town’s 2015-16 fiscal year). Through the end of the 2018-19 fiscal year, the Town had collected approximately:

- \$3,795,465 in Parks and Recreation Impact Fees
- \$842,089 in Fire Protection Impact Fees
- \$1,391,091 in Municipal Facilities and Equipment Impact Fees
- \$6,028,646 in Total Collections

To date, the funds have been utilized to purchase the new town hall, to help fund Fire Station #2, to purchase additional park properties adjacent to Doby Bridge Park, and to help fund a portion of the Banks Athletic Park and the Walter Y. Elisha Amphitheater projects.

Background

The South Carolina Development Impact Fee Act (the “Act”) requires that the plans, studies, and ordinances relating to impact fees be updated at least once every five years. Since impact fees were originally adopted by the Town in 2015, it is now time for the Town to review and consider the adoption of an update. The process to update impact fees is exactly the same as the process for initially adopting impact fees.

The process begins with Town Council adopting a resolution directing the Planning Commission to conduct the necessary studies to update the town’s development impact fees and to make their recommendations to Town Council in accordance with the Act. Town Council adopted resolutions for this purpose on May 13, 2019 and January 27, 2020.

There are three main documents that are required to update impact fees:

1. Development Impact Fee Study Update Report for Fort Mill (the “Study”);
2. Housing Affordability Analysis in Support of the Development Impact Fee Study Update Report in Fort Mill (the “Affordability Analysis”);
3. Development Impact Fee Ordinance (the “Ordinance”); and,

The first document, the Study, was completed on February 10, 2020 and is attached to this staff report. It examines existing capital conditions, anticipates future year needs and their implementation costs, and recommends maximum allowable impact fees by category. In the last five years, many of the data inputs (value of capital assets, town population, etc.) that go into the calculations for determining the maximum allowable impact fees by category have changed, which has resulted in a change in the maximum allowable impact fees. The Study documents what these new fee maximums are, while the Ordinance (discussed below) establishes the exact impact fee amounts to be charged for new development.

The Affordability Analysis was also completed on February 10, 2020 and is included as an attachment to this staff report. The Act requires the completion of this analysis in order to estimate the effect imposing impact fees would have on affordable housing. The results of this analysis are considered in the Ordinance by way of establishing a process for exempting affordable housing from having to pay impact fees. This process for exempting affordable housing was established in the Town’s original impact fee ordinance (No. 2015-12), therefore the updated Affordability Analysis has not resulted in a change in the Ordinance.

The third document, the Ordinance, is what is formally adopted by the Town Council to enact the rules and requirements for establishing and

enforcing impact fees in the Town of Fort Mill. This update process has resulted in a few principal changes to the Ordinance:

1. The Ordinance has been updated to reflect the most up-to-date provisions of the state enabling legislation (the Act);
2. The language relating to the Transportation Impact Fee has been removed from the Ordinance as it has not been utilized and was not studied with the update; and,
3. The Ordinance has been updated with the results of the updated Study.

With these required documents completed, it is now the duty of the Planning Commission to review the documents and to formulate a recommendation for Town Council on the Ordinance. The primary decision for the Planning Commission is to determine the discount rates to recommend for the individual impact fee categories. Town Council, in 2015, set the following discount rates for the three categories being considered today:

- Parks and Recreation: 10% Discount Rate (we collect 90% of the maximum allowable fee)
- Fire Protection: 50% Discount Rate (we collect 50% of the max)
- Municipal Facilities & Equipment: 50% Discount Rate (we collect 50% of the max)

In practice, it is recommended that all categories have at least a 10% discount rate. This 10% discount rate creates a conservative buffer that can account for any discrepancies that may exist in the data utilized in establishing the fees. While staff is confident that there are no discrepancies, the 10% discount does give the town a safeguard should a fee be challenged. Beyond that, the specific discount rate selected for each impact fee category is ultimately a policy decision of Town Council.

**Staff
Recommendation**

Staff recommends approval with discount rates set at 10% for all impact fee categories.

For the Parks and Recreation Impact Fee, staff estimates that using a 10% discount rate could generate approximately \$4 million over the next five years. With growth related capital needs far exceeding \$4 million, staff recommends maintain the 10% discount rate to maximize the Town's ability to fund these capital projects.

Developing estimates for the Fire Protection and Municipal Facilities Impact Fees is much more difficult since they include revenues generated from both residential and commercial development. That being said, staff estimates that using a 10% discount rate could generate approximately \$2

million for Fire Protection and approximately \$3 million for Municipal Facilities and Equipment. Again, with growth related capital needs far exceeding these potential collections, staff recommends adopting a 10% discount rate for these categories to maximize the Town’s ability to fund capital projects in these categories.

Suggested Motion List	
1.	Approve the resolution including the discount rates recommended by staff.
2.	Approve the resolution including alternate discount rates (to be named in motion by category)

Staff Recommendation	
Recommendation	Staff recommends approval of the ordinance and resolution as drafted, which recommends a discount rate of 10% for all impact fee categories.
Name & Title	Chris Pettit, Assistant Town Manager
Department	Administration

Attachments

- Development Impact Fee Study Update Report for Fort Mill
- Housing Affordability Analysis in Support of the Development Impact Fee Study Update Report in Fort Mill
- Draft Development Impact Fee Ordinance (Redlined)
- Draft Development Impact Fee Ordinance (Clean)
- Draft Resolution for Planning Commission Recommendation

Attachment #1

[Click Here to View the Development Impact Fee Study
Update Report for Fort Mill](#)

Attachment #2

[Click Here to View the Housing Affordability Analysis in Support of the Development Impact Fee Study Update Report in Fort Mill](#)

Attachment #3

Draft Development Impact Fee Ordinance (Redlined)

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2020-__

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF FORT MILL; CHAPTER 2, ADMINISTRATION; ARTICLE IV, FINANCE AND TAXATION; DIVISION 4, DEVELOPMENT IMPACT FEES; SO AS TO UPDATE THE DEVELOPMENT IMPACT FEES FOR THE TOWN AS MANDATED BY THE SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT

WHEREAS, the Fort Mill Town Council originally adopted impact fees by Ordinance 2015-12 on August 24, 2015; and

WHEREAS, the South Carolina Development Impact Fee Act (the “Act”), as more fully set forth in Section 6-1-910, et seq, Code of Laws of South Carolina (1976), as amended, requires that the plans, studies, and ordinances relating to impact fees be updated at least once every five years; and

WHEREAS, on May 13, 2019 and January 27, 2020, the Fort Mill Town Council adopted resolutions directing the Fort Mill Planning Commission to conduct the necessary studies to update the town’s development impact fees and to make their recommendations to Town Council in accordance with the Act; and

WHEREAS, on February 18, 2020, the Fort Mill Planning Commission adopted a resolution to recommend in favor of approval of this updated development impact fee ordinance; and

WHEREAS, the Fort Mill Town Council finds that the continued use of development impact fees would be in the best interest of the Town of Fort Mill;

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

SECTION I. Updated Reports. The Fort Mill Town Council hereby adopts the *Development Impact Fee Study Update Report for Fort Mill* dated February 10, 2020 and the *Housing Affordability Analysis in Support of the Development Impact Fee Study Update Report in Fort Mill* dated February 10, 2020.

SECTION II. The Code of Ordinances for the Town of Fort Mill; Chapter 2, Administration; Article IV, Finance and Taxation; Division 4, Development Impact Fees; is hereby amended to read as follows:

DIVISION 4. DEVELOPMENT IMPACT FEES

Sec. 2-300. Title

This ordinance shall be referred to as the “Development Impact Fee Ordinance for the Town of Fort Mill, South Carolina.”

Sec. 2-301. Authority

This ordinance is adopted pursuant to and in compliance with the authority of the South Carolina Development Impact Fee Act, Code of Laws of South Carolina, Title 6, Article 9, Chapter 1 (the “Act”), and is to be interpreted in accordance with such Act , or as it may be amended in the future.

Sec. 2-302. Findings

The Fort Mill Town Council hereby declares that:

- (a) Adequate parks and recreation facilities, fire protection, and municipal facilities and equipment, ~~and transportation system~~ are vital and necessary to the health, safety, welfare, and prosperity of the Town and its citizens. Substantial growth and new construction ~~is~~ are taking place within the Town and is anticipated to continue. This growth creates substantial need for new infrastructure capacity. Meeting these needs is very costly; however, failure to do so will result in an inadequate system of facilities and equipment to accommodate anticipated demand. This would make the Town a less desirable place to live and do business and be detrimental to the health, safety, welfare, and prosperity of the Town and its citizens.
- (b) To the extent that future growth and new construction in the Town place demands on parks and recreation facilities, fire protection, or municipal facilities and equipment, ~~or the transportation system~~, those demands and needs should be met by shifting a portion of the capital costs for providing new capacity to serve new development, which creates, in whole or in part, these demands and needs.
- (c) By Resolutions adopted on ~~April 14, 2014~~ May 13, 2019, and ~~April 27, 2015~~ January 27, 2020, the Town Council directed the Planning Commission to conduct the necessary studies ~~and develop a recommended~~ to review and update the development impact fee ordinance in accordance with the requirements of the Act.
- (d) The Planning Commission recommended to Town Council a *Development Impact Fee Study Update Report for Fort Mill* dated February ~~23~~ 10, 2015 ~~2020~~, a *Town of Fort Mill Capital Improvements Plan* with projects eligible for impact fee funding dated ~~June 23, 2015~~ February 10, 2020, and a *Housing Affordability Analysis in Support of* ~~a~~ the *Development Impact Fee Study Update Report in Fort Mill* dated February ~~23~~ 10, 2015 ~~2020~~, each of which have been adopted by the Town Council, as modified.
- (e) This ordinance is enacted to implement the findings and recommendations of the *Development Impact Fee Study Update Report for Fort Mill* and endorse the list of capital projects eligible for impact fee funding in the *Town of Fort Mill Capital Improvements Plan*.

- (f) The impact fees prescribed in this ordinance are equitable, do not impose an unfair or disproportionate burden on developers and new construction, and are in the best interests of the general welfare of Fort Mill and its citizens.
- (g) New facilities or equipment eligible for development impact fee funding will benefit all new development or redevelopment in Town limits. Therefore, it is appropriate to treat the entire town as one service area for calculating, collecting, and spending development impact fees.
- (h) This ordinance provides the procedures for timely processing of applications for determination of appropriate development impact fees applicable to all development inside Town limits subject to the impact fees, and for the timely processing of applications for individual assessment of development impact fees, credits, or reimbursements allowed or paid.
- ~~(i) The transportation impact fees presented in Exhibit A of this ordinance reflect the Town's commitment to provide road capacity for future vehicle trips using maximum service capacities defined by the 2010 Highway Capacity Manual, based on average daily traffic volumes and measurements.~~
- (i) The maximum allowable parks and recreation impact fee determined in the Development Impact Fee Study *Update Report for Fort Mill* has been reduced by **ten percent (10%)** for the General Development Impact Fee Schedule summarized in Exhibit A of this ordinance, setting the fees at **ninety percent (90%)** of the maximum amount to provide a reasonable fee for residential investment and to ensure that the impact fees collected do not exceed the cost to provide capital facilities that accommodate new development.
- (j) The maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* has been reduced by **ten percent (10%)** for the General Development Impact Fee Schedule summarized in Exhibit A of this ordinance, setting the fees at **ninety percent (90%)** of the maximum amount to provide a reasonable fee for residential and non-residential investments and to ensure that the impact fees collected do not exceed the cost to provide capital facilities and equipment that accommodate new development.
- (k) The maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* has been reduced by **ten percent (10%)** for the General Development Impact Fee Schedule summarized in Exhibit A of this ordinance, setting the fees at **ninety percent (90%)** of the maximum amount to provide a reasonable fee for residential and non-residential investments and to ensure that the impact fees collected do not exceed the cost to provide capital facilities and equipment that accommodate new development.
- ~~(j) The maximum allowable transportation impact fee determined in the *Development Impact Fee Study Report for Fort Mill* has been reduced by one hundred percent (100%) for the~~

~~General Development Impact Fee Schedule summarized in Exhibit A of this ordinance, setting the fees at zero percent (0%) of the maximum amount to provide a reasonable fee and non-residential investments and to ensure that the impact fees collected do not exceed the cost to provide capital transportation facilities that accommodate new development.~~

- (1) Property for which a valid building permit has been issued prior to the effective date of this ordinance shall ~~not~~ be subject to ~~new or updated~~ the rules, procedures, and dollar amounts for development impact fees enacted by the Town on August 24, 2015.

Sec. 2-303. Definitions

The following definitions apply within this ordinance consistent with the provisions set forth in the South Carolina Development Impact fee Act, or as it may be amended in the future. Where terms are not defined, the definitions used in the Town of Fort Mill Code of Ordinances shall apply.

- (a) Affordable Housing. Housing that is affordable to families whose incomes do not exceed eighty (80%) percent of the median income for the service zone established for the Town of Fort Mill.
- (b) Building Permit. A permit issued by the Town permitting the construction of a building or structure within Town limits.
- (c) Capital Improvement. Improvements with a useful life of five years or more, by new construction or other action, which increase the service capacity of the public facility. Public facilities for the purpose of this ordinance include parks and recreation facilities, fire protection, and municipal facilities and equipment, ~~and transportation~~.
- (d) Capital Improvements Plan (CIP). A multi-year planning tool used to identify capital projects and coordinate financing and implementation. The Plan also identifies capital improvements for which impact fees may be used as a funding source.
- (e) Certificate of Occupancy. A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with the Town of Fort Mill Code of Ordinances and all other applicable regulations.
- (f) Credits. Impact fee deductions allowed to a fee payor for eligible off-site capital improvements funded by the fee payor.
- (g) Developer. An individual, corporation, partnership, or other legal entity undertaking new development.
- (h) Development. Construction or installation of a new building or structure, or a change in use of an existing building or structure, any of which creates additional demand and need for public facilities (i.e., parks and recreation, fire protection, or municipal facilities and equipment, ~~or transportation~~). A building or structure shall include, but not be limited to,

modular buildings and manufactured housing. Development does not include alterations made to existing single-family homes.

- (i) Development Impact Fee. A financial payment made by a developer to a local government for funding certain off-site capital improvements identified to accommodate future growth. Development impact fees (or “impact fees”) are collected by the Town for parks and recreation facilities, fire protection, and municipal facilities and equipment, ~~and transportation~~.
- (j) Fee Payor. A developer that pays or is required to pay a development impact fee.
- (k) Fire Protection Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the fire protection system identified to serve new development.
- (l) Municipal Facilities and Equipment Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the municipal facilities and equipment system identified to serve new development.
- (m) Off-Site Improvements. Capital improvements located outside of the boundaries of a development that are required to serve the development's demands and needs.
- (n) Parks and Recreation Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the parks and recreation system identified to serve new development.
- (o) Public Facilities. Improvements to and/or construction of capital improvements identified in the *Town of Fort Mill Capital Improvements Plan and the Development Impact Fee Study Report for Fort Mill* as described in Section 2-304 hereof. Public facilities for the purpose of this ordinance shall include parks and recreation facilities, fire protection, and municipal facilities and equipment, ~~and transportation~~.
- (p) Square Feet (s.f.). As referred to in Exhibit A of this ordinance, means the sum (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (measured 6 foot, 6 inches minimum) regardless of their use. If a ground-level area of a building, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this square footage definition considers it part of the overall square footage for the building. However, unroofed areas and unenclosed roofed-over spaces, except those contained within the principle outside faces of exterior walls, should be excluded from the area measurement. The area of any parking garage within a building shall not be included in the area measurement.
- (q) System Improvement. A capital improvement to a public facility which is designed to provide service to a service area.

- (r) System Improvement Costs. The costs incurred for construction and reconstruction of system improvements, including design, acquisition, engineering, and other costs attributable to the improvements, and also including the cost of providing additional public facilities needed to serve new growth and development. System improvement costs do not include:
- (1) Construction, acquisition, or expansion of public facilities other than capital improvements eligible for impact fee funding that are identified in the *Town of Fort Mill Capital Improvements Plan*;
 - (2) Repair, operation, or maintenance of existing or new capital improvements;
 - (3) Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;
 - (4) Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;
 - (5) Administrative and operating costs of the governmental entity; or
 - (6) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements eligible for impact fee funding that are identified in the *Town of Fort Mill Capital Improvements Plan*.

~~(s) Transportation Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the transportation system identified to serve new development.~~

~~(t) Volume to Service Capacity Ratio. A measurement of the relationship between average daily traffic volumes (demand) and average daily maximum service capacities (supply) for transportation facilities in the Fort Mill Study Area. A volume to service capacity ratio greater than 1.00 identified the need for a capacity enhancing improvement. This measurement is consistent with the methodology used by the Rock Hill—Fort Mill Area Transportation Study (RFATS) Metropolitan Planning Organization for developing the 2035 Long Range Transportation Plan.~~

Sec. 2-304. Supporting Documentation

This ordinance is based upon the conclusions and recommendations presented in the *Development Impact Fee Study Update Report for Fort Mill* and the *Housing Affordability Analysis in Support of ~~the~~ Development Impact Fee Study Update Report in Fort Mill*, prepared consistent with the provisions set forth in the Act and adopted by ~~resolution~~ordinance of Town Council on **April 27, 2015**, and the *Town of Fort Mill Capital Improvements Plan*,

prepared consistent with the provisions set forth in the Act and adopted by ordinance of Town Council **August 24, 2015**. All three documents are and shall remain on file in the Town Planning Department and are hereby incorporated into this ordinance by reference.

All development impact fees collected pursuant to this ordinance shall be used to implement any or all of the public facilities deemed eligible for impact fee funding identified in the *Town of Fort Mill Capital Improvements Plan* as prioritized therein.

Sec. 2-305. Jurisdiction

A development impact fee shall apply to all new development or redevelopment located within Town limits.

Sec. 2-306. Application and Exemptions

The provisions of the ordinance shall apply to all new development or redevelopment within Town limits for which a building permit or development approval is required except for the following:

- (a) Rebuilding the same amount of floor space of a structure that was destroyed by fire or other natural catastrophe;
- (b) Remodeling or repairing a structure with the same land use that does not result in an increase in the number of service units or place new demand on parks and recreation facilities, fire protection, or municipal facilities and equipment, ~~or transportation system~~;
- (c) Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the amount of traffic generated by the new residential unit does not increase;
- (d) Placing a construction trailer or temporary office on a lot during the period of construction on the same lot;
- (e) Construction of an addition to a residential structure that does not increase the amount of traffic generated by the same land use;
- (f) Adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates new demand for parks and recreation facilities, fire protection, or municipal facilities and equipment, ~~or the transportation system~~; ~~and~~
- (g) All or part of a particular development project if:
 - (1) The project is determined to create affordable housing; and

- (2) The exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees.

(h) Constructing a new elementary, middle, or secondary school; and

(h) Constructing a new volunteer fire department.

Sec. 2-307. Provisions for Affordable Housing

Because all or part of any particular development project may be exempt from development impact fees for affordable housing, the following sets forth the administrative standards for determining what constitutes affordable housing and the procedures for exemption from one or more development impact fees.

(a) Median Household Income

Affordable housing is based upon eighty percent (80%) of the median household income for residents living within the Town of Fort Mill. Median household income shall be determined once a year utilizing the following procedure:

- (1) The most recently available figures from the US Census Bureau American Community Survey will serve as the base year for this evaluation;
- (2) Each subsequent year will be adjusted once annually thereafter during January of the calendar year based upon the previous year's published Consumer Price Index (CPI) increase, until the next US Census Bureau data set is published and this procedure is replicated.

(b) Maximum Expenditure

The maximum expenditure for housing costs shall correspond to the Fannie Mae Foundation Mortgage Calculator multiplier of thirty percent (30%) of gross household income as used in the *Housing Affordability Analysis in Support of ~~a~~the Development Impact Fee Study Update Report in Fort Mill*. Affordable housing based upon eighty percent (80%) of median household income is:

- (1) Multifamily rental dwelling units of which the gross monthly rent cost does not exceed thirty percent (30%) of eighty percent (80%) of the gross median household monthly income.
- (2) Fee simple ownership dwelling units of which the cost of homeownership for the dwelling unit do not exceed thirty percent (30%) of eighty percent (80%) of the gross median household monthly income as reflected in the sales price using the Fannie Mae Foundation Mortgage Calculator (or comparable methodology) assuming a 20% down payment and a specified interest rate. The specified interest rate shall be determined by selecting the lowest 30-year fixed mortgage rate reported by area lending institutions

as of the first week of January for any given year and shall remain so for the balance of the year.

(c) Procedures for Exemption from Development Impact Fees

- (1) A developer seeking exemption from one or more development impact fees for the construction of affordable multifamily rental dwelling units must identify the alternate source of funds for the impact fee and, unless the alternate source is from Town resources, post a financial guarantee suitable to the Town prior to the issuance of a building permit. The amount of the financial guarantee shall reflect the amount of development impact fees due for all affordable housing units as if they were not affordable housing units. No Certificate of Occupancy for any of the units may be issued until the impact fees for the affordable housing units have been paid by the alternate source or from the proceeds of the financial guarantee.

If the alternate source of funds for impact fees is from Town resources, prior to issuance of the Certificate of Occupancy by the Town, the developer shall record an agreement approved by the Town restricting the monthly rental cost of each affordable housing unit for a period of six (6) years. Upon delivery of the recorded rent control agreement, the Certificate of Occupancy shall be issued.

- (2) A developer seeking exemption from one or more development impact fees for construction of a fee simple ownership dwelling unit shall identify the alternate source of funds for the impact fees and, unless the alternate source is from Town resources, post a financial guarantee suitable to the Town prior to the issuance of a building permit. The amount of the financial guarantee shall reflect the amount of development impact fees due for all affordable housing units as if they were not affordable housing units. No Certificate of Occupancy may be issued for the affordable housing dwellings until the impact fees have been paid by the alternate source or from the proceeds of the financial guarantee.

If the alternate source of funds for impact fees is from Town resources, prior to the issuance of a Certificate of Occupancy by the Town, the developer shall file with the Town a closing statement for the dwelling unit indicating an arm's length sales price no greater than that allowed for affordable housing at the time of final sale and a recorded covenant, approved by the Town, restricting the sales price of the dwelling, for a period of six (6) years, to the original sales price, adjusted annually for inflation.

Sec. 2-308. Determination of Fees

(a) General Provisions

- (1) The Town Planning Department shall determine, assess, and collect all development impact fees administered within the Town limits.

- (2) Upon the effective date of this ordinance, development impact fees shall be charged to new development or redevelopment in accordance with the procedures set forth in this ordinance. The fees to be collected for a development will be determined at the time of application for a building permit. If the development is one that does not require a building permit, the impact fee for the development will be determined at the time of development approval. No building permit or development approval shall be issued for any development requiring the payment of development impact fees until the fees have been assessed by and remitted to the Town Planning Department, or in the case of affordable housing, the appropriate financial guarantees have been filed with the Town Manager. At the Town Planning Director's discretion, any development impact fees assessed at the time of permitting may be remitted after the issuance of a building permit, but in all instances, the development impact fees must be remitted to the Town Planning Department prior to the issuance of a Certificate of Occupancy. Payment of such fees shall not relieve the developer from obligations to comply with any other applicable Town ordinances, regulations, or requirements including, but not limited to, the "Zoning," "Subdivisions," or "Buildings and Building Regulations" Chapters of the Town of Fort Mill Code of Ordinances prior to receiving a Certificate of Occupancy.
- (3) All monies paid by the fee payor pursuant to this ordinance shall be identified as development impact fees and promptly deposited in the appropriate development impact fee trust fund described under Section 2-309 of this ordinance.
- (4) For the purpose of calculating development impact fees, the land use types assumed in the General Development Impact Fee Schedule of this ordinance (i.e., Exhibit A) shall be defined in accordance with the definitions contained in the Institute of Transportation Engineers' *Trip Generation Manual*, ~~Ninth~~-Tenth Edition (see *Development Impact Fee Study Update Report for Fort Mill, Appendix BC*).
- (5) Payment of development impact fees according to the General Development Impact Fee Schedule (i.e., Exhibit A), or independent impact fee calculation study reviewed and approved by the Town Planning Director, shall constitute full and complete payment of the new development's proportionate share of public facilities costs.
- (6) A developer may negotiate and contract with the Town to provide facilities or services in lieu of payment of development impact fees in accordance with Section 6-1-1050 of the Act.

(b) Parks and Recreation Impact Fees

(1) Parks and Recreation Impact Fee Formula

Parks and recreation impact fees collected within Town limits shall be in accordance with the following formula:

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate published by the US Census Bureau for various dwelling unit categories (see *Development Impact Fee Study Update Report for Fort Mill, Appendix B-C*).

COST = The cost per capita for providing improvements to parks and recreation facilities based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on **April 27, 2015**. The cost per capita is ~~\$528.81~~525.28.

TDR = For the purpose of this calculation, it is Town Council policy to charge only **ninety percent (90%)** of the maximum allowable parks and recreation impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(2) Determining Park and Recreation Impact Fees

The amount of parks and recreation impact fees attributable to a specific development shall be determined through the following process:

- a. Verify the type and number of new residential dwelling units for which the building permit is being sought;
- b. Determine whether any of the proposed residential dwelling units qualify ~~for a discount on parks and recreation impact fees~~ as "affordable housing" and, if so, the number and type of such units;
- c. Determine the applicable residential dwelling unit category set forth in Exhibit A (as applicable) of this ordinance; and
- d. Multiply the discounted development impact fee rate for the residential dwelling unit category by the number of net new units within the development and the average persons per household estimate.

(3) Independent Parks and Recreation Impact Fee Calculation

In the event that a fee payor or Town staff contend that the land use for which the building permit is being sought is not within those land uses identified in Exhibit A, or if the fee payor contends that the Exhibit A calculations are not accurate for its intended use, then the Town' Planning Director, or its designee, shall make a determination as to the most comparable land use category to assume for calculating parks and recreation impact fees. If the fee payor disagrees with the determination of the Town Planning

Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

- a. Independent calculations for the determination of parks and recreation impact fees must be performed by a certified professional engineer, architect, landscape architect, planner or other duly qualified and licensed professional approved by the Town Planning Director.
- b. The independent calculation shall be subject to review and approval by the Town Planning Director, or its designee. In the event that the Town Planning Director elects to contract with a third party to review the independent calculation, the cost of this review shall be borne by the applicant based on the cost of the ~~third party~~ third-party review, plus a ten percent (10%) administrative fee.
- c. The Town Planning Director shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.
- d. Prior to commencing the study, the developer's hired professional and the Town Planning Director, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.
- e. The maximum allowable parks and recreation impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* shall be reduced by ten percent (10%) for the purposes of completing an independent impact fee calculation, setting the fees at ninety percent (90%) of the maximum amount.
- f. The independent impact fee calculation shall be based on the following formula:

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate approved by the Town Planning Director.

COST = The cost per capita for providing improvements to parks and recreation facilities based on information presented in the *Development*

Impact Fee Study Update Report for Fort Mill adopted by Town Council on **April 27, 2015**. The cost per capita is ~~\$528.81~~525.28.

TDR = For the purpose of this calculation, it is Town Council policy to charge only **ninety percent (90%)** of the maximum allowable parks and recreation impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(c) Fire Protection Impact Fees

(1) Fire Protection Impact Fee Formula

Fire protection impact fees collected within Town limits shall be in accordance with one of the following formulas:

a. Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate published by the US Census Bureau for various dwelling unit categories (See *Development Impact Fee Study Update Report for Fort Mill, Appendix B.C*).

COST = The cost per capita for providing fire protection services based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on **April 27, 2015**. The cost per capita is ~~\$112.97~~203.64.

TDR = For the purpose of this calculation, it is Town Council policy to charge only **ninety percent (90%)** of the maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

b. Non-Residential Development

$$\text{Impact Fee} = ((\text{NNSF})/1,000) \times (\text{ESR}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNSF = The amount of net new square footage generated by the proposed development. In instances where a variable other than square

footage is used in determining the ESR (such as hotel rooms, hospital beds, etc.), then that variable shall be used in lieu of square footage, and such variable shall not be divided by 1,000 in the formula above.

ESR = Average employee space ratio developed using information published in the Institute of Transportation Engineers *Trip Generation, Ninth-Tenth Edition* (see *Development Impact Fee Study Update Report for Fort Mill, Appendix B-C*).

COST = The cost per employee for providing fire protection services is based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on **April 27, 2015**. The cost per employee is ~~\$433.09~~497.05.

TDR = For the purpose of this calculation, it is Town Council policy to charge only **ninety percent (90%)** of the maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(2) Determining Fire Protection Impact Fees

The amount of fire protection impact fees attributable to a specific development shall be determined through the following process:

- a. Verify the type and number of new residential dwelling units or the type and intensity of new non-residential square footage or other land use measuring criteria for which the building permit is being sought;
- b. For residential development, determine whether any of the proposed residential dwelling units qualify ~~for a discount on fire protection impact fees~~ as "affordable housing" and, if so, the number and type of such units;
- c. Determine the applicable land use type and impact fee per unit set forth in Exhibit A (as applicable) of this ordinance; and
- d. Multiply the discounted development impact fee rate for the specified land use category by the number of net new units or net new square footage within the development (as applicable) and the average persons per household or employee space ratio estimate (as applicable).

(3) Independent Fire Protection Impact Fee Calculation

In the event that a fee payor or Town staff contend that the land use for which the building permit is being sought is not within those land uses identified in Exhibit A, or if the fee payor contends that the Exhibit A calculations are not accurate for its intended use, then the Town Planning Director, or its designee, shall make a determination as to

the most comparable land use category to assume for calculating fire protection impact fees. If the fee payor disagrees with the determination of the Town Planning Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

- a. Independent calculations for the determination of fire protection impact fees must be performed by a certified professional engineer, architect, landscape architect, planner or other duly qualified and licensed professional approved by the Town Planning Director.
- b. The independent calculation shall be subject to review and approval by the Town Planning Director, or its designee. In the event that the Town Planning Director elects to contract with a third party to review the independent calculation, the cost of this review shall be borne by the applicant based on the cost of the ~~third party~~third-party review, plus a ten percent (10%) administrative fee.
- c. The Town Planning Director shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.
- d. Prior to commencing the study, the developer's hired professional and the Town Planning Director, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.
- e. The maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* shall be **reduced by ten percent (10%)** for the purposes of completing an independent impact fee calculation, setting the fees at **ninety percent (90%)** of the maximum amount.
- f. The independent impact fee calculation shall be based on one of the following formulas:

1. Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate approved by the Town Planning Director.

COST = The cost per capita for providing fire protection services based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on April 27, 2015. The cost per capita is \$~~112.97~~203.64.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

2. Non-Residential Development

$$\text{Impact Fee} = ((\text{NNSF})/1000) \times (\text{ESR}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNSF = The amount of net new square footage generated by the proposed development. In instances where a variable other than square footage is used in determining the ESR (such as hotel rooms, hospital beds, etc.), then that variable shall be used in lieu of square footage, and such variable shall not be divided by 1,000 in the formula above.

ESR = Average employee space ratio approved by the Town Planning Director.

COST = The cost per employee for providing fire protection services based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on April 27, 2015. The cost per employee is \$~~433.09~~497.05.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(d) Municipal Facilities and Equipment Impact Fees

(1) Municipal Facilities and Equipment Impact Fee Formula

Municipal facilities and equipment impact fees collected within Town limits shall be in accordance with one of the following formulas:

a. Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate published by the US Census Bureau for various dwelling unit categories (See *Development Impact Fee Study Update Report for Fort Mill, Appendix B C*).

COST = The cost per capita for providing municipal facilities and equipment based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on April 27, 2015. The cost per capita is \$~~290.11~~376.86.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable municipal facilities and services impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

b. Non-Residential Development

$$\text{Impact Fee} = ((\text{NNSF})/1000) \times (\text{ESR}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNSF = The amount of net new square footage generated by the proposed development. In instances where a variable other than square footage is used in determining the ESR (such as hotel rooms, hospital beds, etc.), then that variable shall be used in lieu of square footage, and such variable shall not be divided by 1,000 in the formula above.

ESR = Average employee space ratio developed using information published in the Institute of Transportation Engineers *Trip Generation, Ninth-Tenth Edition* (see *Development Impact Fee Study Update Report for Fort Mill, Appendix B C*).

COST = The cost per employee for providing municipal facilities and equipment based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on April 27, 2015. The cost per employee is \$~~259.44~~331.84.

TDR = For the purpose of this calculation, it is Town Council policy to charge only **ninety percent (90%)** of the maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(2) Determining Municipal Facilities and Equipment Impact Fees

The amount of municipal facilities and equipment impact fees attributable to a specific development shall be determined through the following process:

- a. Verify the type and number of new residential dwelling units or the type and intensity of new non-residential square footage or other land use measuring criteria for which the building permit is being sought;
- b. For residential development, determine whether any of the proposed residential dwelling units qualify ~~for a discount on municipal facilities and equipment impact fees~~ as "affordable housing" and, if so, the number and type of such units;
- c. Determine the applicable land use type and impact fee per unit set forth in Exhibit A (as applicable) of this ordinance; and
- d. Multiply the discounted development impact fee rate for the specified land use category by the number of net new units or net new square footage within the development (as applicable) and the average persons per household or employee space ratio estimate (as applicable).

(3) Independent Municipal Facilities and Equipment Impact Fee Calculation

In the event that a fee payor or Town staff contend that the land use for which the building permit is being sought is not within those land uses identified in Exhibit A, or if the fee payor contends that the Exhibit A calculations are not accurate for its intended use, then the Town Planning Director, or its designee, shall make a determination as to the most comparable land use category to assume for calculating municipal facilities and equipment impact fees. If the fee payor disagrees with the determination of the Town Planning Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

- a. Independent calculations for the determination of municipal facilities and equipment impact fees must be performed by a certified professional engineer, architect, landscape architect, planner or other duly qualified and licensed professional approved by the Town Planning Director.

- b. The independent calculation shall be subject to review and approval by the Town Planning Director, or its designee. In the event that the Town Planning Director elects to contract with a third party to review the independent calculation, the cost of this review shall be borne by the applicant based on the cost of the ~~third party~~third-party review, plus a ten percent (10%) administrative fee.
- c. The Town Planning Director shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.
- d. Prior to commencing the study, the developer's hired professional and the Town Planning Director, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.
- e. The maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* shall be reduced by **ten percent (10%)** for the purposes of completing an independent impact fee calculation, setting the fees at **ninety percent (90%)** of the maximum amount.
- f. The independent impact fee calculation shall be based on one of the following formulas:

1. Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate approved by the Town Planning Director.

COST = The cost per capita for providing municipal facilities and equipment based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on **April 27, 2015**. The cost per capita is ~~\$290.11~~\$376.86.

TDR = For the purpose of this calculation, it is Town Council policy to charge only **ninety percent (90%)** of the maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

2. Non-Residential Development

$$\text{Impact Fee} = ((\text{NNSF})/1000) \times (\text{ESR}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNSF = The amount of net new square footage generated by the proposed development. In instances where a variable other than square footage is used in determining the ESR (such as hotel rooms, hospital beds, etc.), then that variable shall be used in lieu of square footage, and such variable shall not be divided by 1,000 in the formula above.

ESR = Average employee space ratio approved by the Town Planning Director.

COST = The cost per employee for providing municipal facilities and equipment is based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on **April 27, 2015**. The cost per employee is ~~\$259.44~~331.84.

TDR = For the purpose of this calculation, it is Town Council policy to charge only **ninety percent (90%)** of the maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

~~(e) Transportation Impact Fees~~

~~(1) Transportation Impact Fee Formula~~

~~Transportation impact fees collected within Town limits shall be in accordance with one of the following formulas:~~

~~a. Residential Development~~

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{TRIPS}) \times (\text{COST}) \times (\text{TDR})$$

~~Where:~~

~~NNDU = The number of net new dwelling units generated by the proposed development.~~

~~TRIPS = The number of new average daily trips generated by the proposed development taking into account the rate of pass-by capture published in the most current edition of the *Trip Generation Handbook* published by the Institute of Transportation Engineers.~~

~~COST = The cost per trip for providing transportation improvements based on information presented in the *Development Impact Fee Study Report for Fort Mill* adopted by Town Council on April 27, 2015. The cost per trip is \$99.53.~~

~~TDR = For the purpose of this calculation, it is Town Council policy to charge zero percent (0%) of the maximum allowable transportation impact fee determined in the *Development Impact Fee Study Report for Fort Mill*.~~

~~b. Non-Residential Development~~

$$\text{Impact Fee} = ((\text{NNSF})/1000) \times (\text{TRIPS}) \times (\text{COST}) \times (\text{TDR})$$

~~Where:~~

~~NNSF = The amount of net new square footage generated by the proposed development. In instances where a variable other than square footage is used in determining TRIPS (such as hotel rooms, hospital beds, etc.), then that variable shall be used in lieu of square footage, and such variable shall not be divided by 1,000 in the formula above.~~

~~TRIPS = The number of new average daily trips generated by the proposed development taking into account the rate of pass-by capture published in the most current edition of the *Trip Generation Handbook* published by the Institute of Transportation Engineers.~~

~~COST = The cost per trip for providing transportation improvements based on information presented in the *Development Impact Fee Study Report for Fort Mill* adopted by Town Council on April 27, 2015. The cost per trip is \$99.53.~~

~~TDR = For the purpose of this calculation, it is Town Council policy to charge zero percent (0%) of the maximum allowable transportation impact fee determined in the *Development Impact Fee Study Report for Fort Mill*.~~

~~(2) Determining Transportation Impact Fees~~

~~The amount of transportation impact fees attributable to a specific development shall be determined through the following process:~~

- ~~a. Verify the type and number of new residential dwelling units or the type and intensity of new non-residential square footage or other land use measuring criteria for which the building permit is being sought;~~

- ~~b. For residential development, determine whether any of the proposed residential dwelling units qualify for a discount on transportation impact fees as "affordable housing" and, if so, the number and type of such units;~~
- ~~c. Determine the applicable land use type and impact fee per unit set forth in Exhibit A (as applicable) of this ordinance; and~~
- ~~d. Multiply the discounted impact fee rate for the specified land use by the number of units or square footage for the same land use within the development.~~

(3) Independent Transportation Impact Fee Calculation

~~In the event that a fee payor or Town staff contend that the land use for which the building permit is being sought is not within those land uses identified in Exhibit A, or if the fee payor contends that the Exhibit A calculations are not accurate for its intended use, then the Town Planning Director, or its designee, shall make a determination as to the most comparable land use category to assume for calculating transportation impact fees. If the fee payor disagrees with the determination of the Town Planning Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of transportation system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:~~

- ~~a. Independent calculations for the determination of transportation impact fees must be performed by a duly qualified and licensed engineer in the State of South Carolina, based upon sound traffic engineering studies utilizing accepted engineering practices and planning principles.~~
- ~~b. The independent calculation shall be subject to review and approval by the Town Planning Director, or its designee. In the event that the Town Planning Director elects to contract with a third party to review the independent calculation, the cost of this review shall be borne by the applicant based on the cost of the third party review, plus a ten percent (10%) administrative fee.~~
- ~~c. The Town Planning Director shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.~~
- ~~d. Prior to commencing the study, the developer's hired professional and the Town Planning Director, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.~~

e. ~~Process for the independent calculation study for determination of transportation impact fees:~~

- ~~1. Determine base trip generation for the proposed land use(s) utilizing the Institute of Transportation Engineers' *Trip Generation Manual*, Ninth Edition (or subsequent editions).~~
- ~~2. Base trip generation may be reduced by rate of pass by capture using methodology in the most current *Trip Generation Handbook* published by the Institute of Transportation Engineers.~~
- ~~3. Base trip generation may be reduced by rate of internal capture when two or more land uses are proposed and at least one of those land uses is residential in nature and at least one of the other land uses is non-residential in nature using methodology recommended in the most current *Trip Generation Handbook* published by the Institute of Transportation Engineers, subject to approval for use by the Town Planning Director.~~
- ~~4. The maximum allowable transportation impact fee determined in the *Development Impact Fee Study Report for Fort Mill* shall be reduced by one hundred percent (100%) for the purposes of completing an independent impact fee calculation, setting the fees at zero percent (0%) of the maximum amount.~~
- ~~5. The independent impact fee calculation shall be based on one of the following formulas:~~

~~i. Residential Development~~

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{TRIPS}) \times (\text{COST}) \times (\text{TDR})$$

~~Where:~~

~~NNDU = The number of net new dwelling units generated by the proposed development.~~

~~TRIPS = The number of new average daily trips generated by the proposed development taking into account the rate of pass-by capture published in the most current edition of the *Trip Generation Handbook* published by the Institute of Transportation Engineers.~~

~~COST = The cost per trip for providing transportation improvements based on information presented in the *Development Impact Fee Study Report for Fort Mill* adopted by Town Council on April 27, 2015. The cost per trip is \$99.53.~~

~~TDR = For the purpose of this calculation, it is Town Council policy to charge zero percent (0%) of the maximum allowable transportation impact fee determined in the *Development Impact Fee Study Report for Fort Mill*.~~

ii. ~~Non-Residential Development~~

$$\text{Impact Fee} = \frac{((\text{NNSF})/1000) \times (\text{TRIPS}) \times (\text{COST}) \times (\text{TDR})}{1}$$

Where:

~~NNSF = The amount of net new square footage generated by the proposed development. In instances where a variable other than square footage is used in determining TRIPS (such as hotel rooms, hospital beds, etc.), then that variable shall be used in lieu of square footage, and such variable shall not be divided by 1,000 in the formula above.~~

~~TRIPS = The number of new average daily trips generated by the proposed development taking into account the rate of pass-by capture published in the most current edition of the *Trip Generation Handbook* published by the Institute of Transportation Engineers.~~

~~COST = The cost per trip for providing transportation improvements based on information presented in the *Development Impact Fee Study Report for Fort Mill* adopted by Town Council on April 27, 2015. The cost per trip is \$99.53.~~

~~TDR = For the purpose of this calculation, it is Town Council policy to charge zero percent (10%) of the maximum allowable transportation impact fee determined in the *Development Impact Fee Study Report for Fort Mill*.~~

(e) Special Cases

The Town Planning Department shall take the following special cases into account when calculating development impact fees for a building permit application:

- (1) When an application for a building permit has been made that contains two or more land uses in any combination, including two or more land uses within a single building or structure, the total development impact fee assessment shall be the sum of the products, as calculated above, for each land use unless an independent impact fee calculation is performed, and approved for use by the Town Planning Director, or its designee, consistent with subsections (b), (c), and (d) ~~and (e)~~ of this section.

- (2) In the case of a change, redevelopment, or modification of a land use which requires a building permit, and which is not exempted from development impact fees under Section 2-306 of this ordinance, the impact fee calculation shall be based upon the net increase in new or proposed land use as compared to the existing or previous land use.
- (3) In the case of a demolition or termination of an existing use or structure, development impact fees for future redevelopment shall be based upon the net increase in development impact fees for the new or proposed land use as compared to the existing actual active previous land use since its original occupancy. Credit for the prior use shall not be transferable to another location.
- (4) In the case of relocating an existing land use, development impact fees shall be assessed to the relocated use at its new location. Future redevelopment of the old location from which the use was removed will receive a credit against development impact fees assessed equal to the impact fees that would have been assessed against the relocated use. Credits shall not be transferable to the new location.
- (5) Before a building permit application may become eligible for the provisions set forth in paragraphs (2), (3) and (4), a developer shall provide reasonably sufficient evidence that a previous land use had been actively maintained on the site within twelve (12) months of the date of application for a building permit. Such evidence may include proof of utility records, records for the use sought to be shown, or other documentation.
- (6) Any claim of existing or previous use must be made no later than the time for application of a building permit. Any claim made after such time shall be deemed invalid.

Sec. 2-309. Impact Fee Trust Funds

Development impact fees collected pursuant to this ordinance shall be kept separate from other revenue of the Town. There shall be one trust fund established for each development impact fee category depicted in Exhibit A of this ordinance: parks and recreation, fire protection, [and](#) municipal facilities and equipment, ~~and transportation~~. All development impact fees collected shall be properly identified by property address noted on the approved building permit and by the appropriate trust account.

Any funds on deposit not immediately necessary for expenditure shall be maintained in an interest-bearing account prior to expenditure on recommended projects. Interest earned on development impact fees in deposit must be considered revenue to the trust fund account for which income is earned and must be subject to all restrictions placed on the use of development impact fees pursuant to this ordinance.

Sec. 2-310. Limitation on Expenditures of Funds Collected

- (a) Eligible System Improvement Costs

Funds from development impact fee trust accounts shall be expended only for the public facilities and system improvements identified as eligible for impact fee funding in the *Town of Fort Mill Capital Improvements Plan*, incorporated herein by reference. No funds shall be used for administrative or operating costs associated with imposing any of the development impact fees. Eligible components of a public facility may include, but are not limited to, the following:

- (1) Design and construction plan preparation;
- (2) Right-of-way acquisition;
- (3) Construction of new facilities, structures, or amenities that provide additional capacity;
- (4) Purchase of new equipment (>\$100,000 purchase price) that provide additional capacity;
- ~~(5) Construction of new through lanes and/or turn lanes;~~
- ~~(6)~~(5) Construction of new bridges;
- ~~(7)~~(6) Construction of new drainage facilities associated with capital improvements;
- ~~(8)~~(7) Purchase and installation of traffic signalization;
- ~~(9)~~(8) Construction of new curbs, medians, and shoulders;
- ~~(10)~~(9) Relocating utilities to accommodate new ~~road construction~~capital improvements;
and
- ~~(11)~~(10) Principal payments, interest and other finance charges on bonds or other indebtedness issued by or on behalf of the Town for financing any or all public facilities.

(b) Rational Nexus Test

The Town Finance Director, or its designee, shall make an annual report to the Town Council and publish this report for access by the general citizenry showing where development impact fees have been collected and what projects have been funded with these revenues. The Council shall consider this report and whether the fees are being spent for the benefit of new development within Town limits. If the Council determines that this is not the case, then it shall adjust the *Town of Fort Mill Capital Improvements Plan* and other projected capital expenditures to correct the condition.

(c) Expenditure of Funds

Development impact fee funds shall be expended in the order in which they were collected. The disbursement of such funds shall require approval of the Town Council, upon recommendation of the Town Manager or its designee.

(d) Reimbursement

Impact fee funds not obligated for expenditure within three (3) years of the date that they are scheduled to be expended in the *Town of Fort Mill Capital Improvements Plan* shall be returned, with actual interest earned, to the record owner of the property for which the fees were collected, on a first-in, first-out basis.

Sec. 2-311. Credits / Reimbursements

(a) General Provisions

- (1) A developer shall be entitled to a credit against development impact fees assessed pursuant to this ordinance for Town-approved monetary or in-kind contributions toward some or all of the public facilities included in the *Town of Fort Mill Capital Improvements Plan* that are eligible for impact fee funding.
- (2) Development impact fees shall not be imposed on a fee payor or developer who has entered into an agreement with the Town for certain contribution, payment, construction, or dedication of land up to the cash value of the specific improvements identified within the agreement. Any difference between total development impact fees due for the development and the cash value of the executed agreement remain eligible for collection pursuant to the rules and requirements of this ordinance.
- (3) A fee payor shall be reimbursed for contributions of land or facilities that exceed his proportionate share of the cost of public facilities when such excess contribution is made at the request of the Town.

(b) Application for Credit Agreement

- (1) The determination of the amount of any credit shall be undertaken through submission of an Application for Credit Agreement, which shall be submitted through the Town Planning Department for review by the Town Planning Director, or its designee.
- (2) The Application for Credit Agreement shall include the following information:
 - a. The following documentation must be provided if the proposed application involves a credit for any cash contribution:
 1. A certified copy of the development approval in which the contribution was agreed; and
 2. Proof of payment (if already made); or

3. Proposed method of payment (if not already made).
- b. The following documentation must be provided if the proposed application involves credit for dedication of land:
 1. A drawing and legal description of the land;
 2. The appraised fair market value of the land at the date a building permit application is sought for the land use(s), prepared by a professional Real Estate Appraiser who is a member of the member Appraisal Institute (MAL) or who is a member of Senior Residential Appraisers (SRA); and
 3. A certified copy of the development permit in which the land was agreed to be dedicated (if applicable).
 - c. The following documentation must be provided if the proposed application involves credit for construction:
 1. The proposed construction documents of the specific construction project prepared and certified by a duly qualified and licensed engineer in the State of South Carolina;
 2. The projected costs for the suggested improvements, which shall be based on local information for similar improvements, along with the construction schedule for the completion of said improvements. Such estimated cost shall include construction or reconstruction of the project, the cost of labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for one (1) year after completion of construction, costs of plans and specifications, surveys of estimates of costs and revenues, costs of professional services, and all of the expenses necessary or incidental to determining the feasibility or practicability of such construction or reconstruction.
- (3) Within fourteen (14) days of receipt of the proposed Application for Credit Agreement, the Town Planning Director, or its designee, shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the Town Planning Director shall send written notification to the applicant outlining the deficiencies. The Town Planning Director shall take no further action on the proposed Application for Credit Agreement until all such deficiencies have been corrected or otherwise settled.
 - (4) Once the Town Planning Director determines that the proposed Application for Credit Agreement is complete, it shall be reviewed within thirty (30) days by a committee of designated staff composed of the Town Manager, Town Finance Director, Town Code

Enforcement Officer (Plans Submittal Official), and Town Engineer (together known as the Credit Review Committee).

- (5) If the Application for Credit Agreement is approved by the Credit Review Committee, a Credit Agreement shall be prepared and signed by the applicant and the Town Manager. It shall specifically outline the contribution, payment, construction, or land dedication, the time by which it shall be complete, dedicated, or paid, and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment, or construction against development impact fees. The agreement may also include provisions for rescinding the credit and issuing stop work orders if the dedication and/or work and/or construction are not timely accomplished.
- (6) A fee payor affected by the decision of the Credit Review Committee regarding credits may appeal such decision pursuant to Section 2-313(a) of this ordinance.

Sec. 2-312. Penalties

Town Council shall have the following remedies, which may be exercised individually or collectively, for collecting development impact fees. The failure to pursue any remedy at any time shall not be deemed as a waiver of Town rights to pursue any remedy at such other time as may be deemed appropriate.

- (a) Interest and Penalties. The Town may, at its discretion, add to the amount of calculated development impact fees due prior to award of a Certificate of Occupancy, reasonable interest and penalties for non-payment or late payment of required funds. Penalties for unpaid development impact fees shall be administered consistent with Chapter 1 (General Provisions), Section 1-6 in the Town of Fort Mill Code of Ordinances, which declares the violation a penalty subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days. Each day of violation shall be deemed a separate offense.
- (b) Withholding Certificate of Occupancy. The Town may withhold a Certificate of Occupancy until full and complete payment has been made by the developer of development impact fees due for the development.
- (c) Withholding Utility Service. The Town may withhold the provision of utility services to a development until the required development impact fees have been paid in full.
- (d) Lien. The Town may impose a lien on the developer's property for failure of the developer to pay required development impact fees in full.
- (e) Other. The Town may pursue the collection of the development impact fees, including interest, by way of civil process in the Court of Common Pleas for York County.

Sec. 2-313. Appeal Process

A developer shall have the following rights for appeal of development impact fees imposed by the Town on their development pursuant only to this ordinance:

(a) Administrative Appeal

- (1) A developer may file an administrative appeal with the Town Manager regarding the payment of development impact fees, independent calculation of impact fees, or credits or reimbursements by filing a written Notice of Appeal. Said Notice shall be filed within thirty (30) days of the decision sought to be appealed. The filing of an appeal will immediately halt the building permit application process, unless the developer posts a bond or submits an irrevocable letter of credit for the full amount of the development impact fees as calculated by the Town to be due. All Notices of Appeal shall include a full explanation of the reasons for the appeal, specifying the grounds therefore, and containing any documentation that the developer desires to be considered. The appeal shall contain the name and address of the developer filing the appeal and shall state their capacity to act as a representative or agent if they are not the owner of the property to which impact fees or credits pertain.
- (2) Within thirty (30) days following receipt of the written Notice of Appeal, the Town Manager will review the Appellant's written report, supporting documentation and departmental staff reports. The thirty (30) day review period may be extended if additional information is needed from the Appellant in order to render a decision. Upon completion of the administrative review, the Town Manager will provide a written response to the Appellant constituting a final administrative determination.
- (3) Any person desiring to appeal the final administrative determination of the Town Manager regarding payment of development impact fees or credits shall file a written Notice of Appeal to the Town Council. Said Notice of Appeal to Town Council shall be filed with the Clerk of Town Council within fifteen (15) days following receipt of the final administrative determination. Receipt shall be construed to have occurred when the final administrative decision is deposited in the United States mail postage prepaid to the person whose name and address is identified in the original Notice of Appeal.
- (4) The Town Clerk of Council will schedule all impact fee appeals for the first Town Council meeting following ten (10) days from receipt of the Written Notice of Appeal to the Town Council. Postponements of the Town Council appeal date may be granted by the Town Manager if they are requested in writing at least ten (10) days in advance of the scheduled Town Council meeting date.
- (5) When an Appeal is scheduled for oral presentation before the Town Council, the Appellant and Town staff shall each be given ten (10) minutes at the oral argument to present the Appeal and to discuss the submitted written record.

(b) Payment Under Protest

A fee payer may pay development impact fees under protest. Payment under protest does not preclude the developer from filing an administrative appeal nor is the fee payer estopped from receiving a refund of an amount considered to have been collected illegally. A fee payor, at ~~his~~-its option, may also post a bond or submit an irrevocable letter of credit for the amount of development impact fees due instead of making a cash payment under protest, pending the outcome of an appeal.

(c) Mediation

Town Council shall provide for mediation by a qualified independent party, upon voluntary agreement by both the developer and the Town, to address a disagreement related to development impact fees calculated by the Town. Neither a request for, nor participation in, mediation shall preclude a fee payor from pursuing other developer rights or remedies otherwise available by law.

Sec. 2-314. Refunds

(a) General Provisions

Funds not obligated for expenditure within three (3) years of the date that they are scheduled to be expended in the *Town of Fort Mill Capital Improvements Plan* shall be refunded to the record owner of property for which the impact fees were paid, with actual interest earned, on a first-in, first-out basis. For the purpose of determining whether fees have been spent or encumbered, the first money placed in a trust fund account shall be deemed to the first money taken out of that account when withdrawals have been made.

(b) Refund Process

- (1) The owner of property eligible for a refund of one or more development impact fee payments shall submit to the Town Planning Director a notarized sworn statement that the person is the current owner of the property for which a refund is due, a certified copy of the latest recorded deed, and a copy of the most recent ad valorem tax bill for the property.
- (2) When a right to a refund exists, the Town shall send a refund to the current owner of record within ninety (90) days after it is determined by Town Council that a refund is due.
- (3) All refunds shall include the pro rata portion of the interest earned while on deposit in the specific development impact fee trust account.
- (4) A record owner of property for which one or more development impact fee refunds are due has standing to sue for such refund pursuant to Section 6-1-1020(D) of the Act if there has not been a good-faith effort towards a timely payment of a refund pursuant to this section.

Sec. 2-315. Review

- (a) Town Council shall be responsible for preparing and publishing an annual report describing the amount of development impact fees collected, appropriated, and spent during the preceding fiscal year.
- (b) Planning Commission shall be responsible for a holistic review and update of the *Development Impact Fee Study Update Report for Fort Mill, Town of Fort Mill Capital Improvements Plan, Housing Affordability Analysis in Support of ~~the~~ Development Impact Fee Study Update Report in Fort Mill, and the *Development Impact Fee Ordinance for the Town of Fort Mill* in the same manner and on the same review cycle as the Town of Fort Mill Comprehensive Plan.*

Sec. 2-316. Termination of Development Impact Fees

Development impact fees for the Town of Fort Mill shall be terminated within fifteen (15) years after the effective date of this ordinance, or when sufficient fees have been collected to fund all of the projects eligible for development impact fee funding that are identified in the *Town of Fort Mill Capital Improvements Plan*, whichever shall first occur, unless:

- (a) Town Council adopts a revised *Development Impact Fee Study Update Report for Fort Mill* or amends the *Town of Fort Mill Capital Improvements Plan* for a subsequent amount of time; or
- (b) Town Council adopts an updated *Development Impact Fee Ordinance for the Town of Fort Mill* pursuant to the substantive and procedural requirements set forth in the South Carolina Development Impact Fee Act, as amended.

Sec. 2-317. Liberal Construction

The provisions of this ordinance shall be liberally construed to effectively carry out its purpose in the interest of further promoting and protecting public health, safety, welfare, and convenience.

SECTION III. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court, such section, subsection, sentence, clause, phrase or portion of this ordinance shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of this ordinance nor impair or nullify the remainder of these provisions which shall continue in full force and effect.

If the application of any provision of this ordinance to any new development is declared to be invalid by a decision of any court, the intent of Town Council is that such decision shall be limited only to the specific new development expressly involved in the controversy, action, or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify

this ordinance as a whole or the application of any provision of this ordinance to any other new development.

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

SECTION V. Effective Date. This ordinance shall be effective from and after **October 1, 2015**.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2020.

First Reading:
Public Hearing:
Second Reading:

TOWN OF FORT MILL

Gynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Virginia Burgess, Town Clerk

Attachment #4

Draft Development Impact Fee Ordinance (Clean)

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2020-__

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF FORT MILL; CHAPTER 2, ADMINISTRATION; ARTICLE IV, FINANCE AND TAXATION; DIVISION 4, DEVELOPMENT IMPACT FEES; SO AS TO UPDATE THE DEVELOPMENT IMPACT FEES FOR THE TOWN AS MANDATED BY THE SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT

WHEREAS, the Fort Mill Town Council originally adopted impact fees by Ordinance 2015-12 on August 24, 2015; and

WHEREAS, the South Carolina Development Impact Fee Act (the “Act”), as more fully set forth in Section 6-1-910, et seq, Code of Laws of South Carolina (1976), as amended, requires that the plans, studies, and ordinances relating to impact fees be updated at least once every five years; and

WHEREAS, on May 13, 2019 and January 27, 2020, the Fort Mill Town Council adopted resolutions directing the Fort Mill Planning Commission to conduct the necessary studies to update the town’s development impact fees and to make their recommendations to Town Council in accordance with the Act; and

WHEREAS, on February 18, 2020, the Fort Mill Planning Commission adopted a resolution to recommend in favor of approval of this updated development impact fee ordinance; and

WHEREAS, the Fort Mill Town Council finds that the continued use of development impact fees would be in the best interest of the Town of Fort Mill;

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

SECTION I. Updated Reports. The Fort Mill Town Council hereby adopts the *Development Impact Fee Study Update Report for Fort Mill* dated February 10, 2020 and the *Housing Affordability Analysis in Support of the Development Impact Fee Study Update Report in Fort Mill* dated February 10, 2020.

SECTION II. The Code of Ordinances for the Town of Fort Mill; Chapter 2, Administration; Article IV, Finance and Taxation; Division 4, Development Impact Fees; is hereby amended to read as follows:

DIVISION 4. DEVELOPMENT IMPACT FEES

Sec. 2-300. Title

This ordinance shall be referred to as the “Development Impact Fee Ordinance for the Town of Fort Mill, South Carolina.”

Sec. 2-301. Authority

This ordinance is adopted pursuant to and in compliance with the authority of the South Carolina Development Impact Fee Act, Code of Laws of South Carolina, Title 6, Article 9, Chapter 1 (the “Act”), and is to be interpreted in accordance with such Act , or as it may be amended in the future.

Sec. 2-302. Findings

The Fort Mill Town Council hereby declares that:

- (a) Adequate parks and recreation facilities, fire protection, and municipal facilities and equipment are vital and necessary to the health, safety, welfare, and prosperity of the Town and its citizens. Substantial growth and new construction are taking place within the Town and is anticipated to continue. This growth creates substantial need for new infrastructure capacity. Meeting these needs is very costly; however, failure to do so will result in an inadequate system of facilities and equipment to accommodate anticipated demand. This would make the Town a less desirable place to live and do business and be detrimental to the health, safety, welfare, and prosperity of the Town and its citizens.
- (b) To the extent that future growth and new construction in the Town place demands on parks and recreation facilities, fire protection, or municipal facilities and equipment, those demands and needs should be met by shifting a portion of the capital costs for providing new capacity to serve new development, which creates, in whole or in part, these demands and needs.
- (c) By Resolutions adopted on May 13, 2019, and January 27, 2020, the Town Council directed the Planning Commission to conduct the necessary studies to review and update the development impact fee ordinance in accordance with the requirements of the Act.
- (d) The Planning Commission recommended to Town Council a *Development Impact Fee Study Update Report for Fort Mill* dated February 10, 2020, a *Town of Fort Mill Capital Improvements Plan* with projects eligible for impact fee funding dated February 10, 2020, and a *Housing Affordability Analysis in Support of the Development Impact Fee Study Update Report in Fort Mill* dated February 10, 2020, each of which have been adopted by the Town Council, as modified.
- (e) This ordinance is enacted to implement the findings and recommendations of the *Development Impact Fee Study Update Report for Fort Mill* and endorse the list of capital projects eligible for impact fee funding in the *Town of Fort Mill Capital Improvements Plan*.

- (f) The impact fees prescribed in this ordinance are equitable, do not impose an unfair or disproportionate burden on developers and new construction, and are in the best interests of the general welfare of Fort Mill and its citizens.
- (g) New facilities or equipment eligible for development impact fee funding will benefit all new development or redevelopment in Town limits. Therefore, it is appropriate to treat the entire town as one service area for calculating, collecting, and spending development impact fees.
- (h) This ordinance provides the procedures for timely processing of applications for determination of appropriate development impact fees applicable to all development inside Town limits subject to the impact fees, and for the timely processing of applications for individual assessment of development impact fees, credits, or reimbursements allowed or paid.
- (i) The maximum allowable parks and recreation impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* has been reduced by ten percent (10%) for the General Development Impact Fee Schedule summarized in Exhibit A of this ordinance, setting the fees at ninety percent (90%) of the maximum amount to provide a reasonable fee for residential investment and to ensure that the impact fees collected do not exceed the cost to provide capital facilities that accommodate new development.
- (j) The maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* has been reduced by ten percent (10%) for the General Development Impact Fee Schedule summarized in Exhibit A of this ordinance, setting the fees at ninety percent (90%) of the maximum amount to provide a reasonable fee for residential and non-residential investments and to ensure that the impact fees collected do not exceed the cost to provide capital facilities and equipment that accommodate new development.
- (k) The maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* has been reduced by ten percent (10%) for the General Development Impact Fee Schedule summarized in Exhibit A of this ordinance, setting the fees at ninety percent (90%) of the maximum amount to provide a reasonable fee for residential and non-residential investments and to ensure that the impact fees collected do not exceed the cost to provide capital facilities and equipment that accommodate new development.
- (l) Property for which a valid building permit has been issued prior to the effective date of this ordinance shall be subject to the rules, procedures, and dollar amounts for development impact fees enacted by the Town on August 24, 2015.

Sec. 2-303. Definitions

The following definitions apply within this ordinance consistent with the provisions set forth in the South Carolina Development Impact fee Act, or as it may be amended in the future. Where terms are not defined, the definitions used in the Town of Fort Mill Code of Ordinances shall apply.

- (a) Affordable Housing. Housing that is affordable to families whose incomes do not exceed eighty (80%) percent of the median income for the service zone established for the Town of Fort Mill.
- (b) Building Permit. A permit issued by the Town permitting the construction of a building or structure within Town limits.
- (c) Capital Improvement. Improvements with a useful life of five years or more, by new construction or other action, which increase the service capacity of the public facility. Public facilities for the purpose of this ordinance include parks and recreation facilities, fire protection, and municipal facilities and equipment.
- (d) Capital Improvements Plan (CIP). A multi-year planning tool used to identify capital projects and coordinate financing and implementation. The Plan also identifies capital improvements for which impact fees may be used as a funding source.
- (e) Certificate of Occupancy. A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with the Town of Fort Mill Code of Ordinances and all other applicable regulations.
- (f) Credits. Impact fee deductions allowed to a fee payor for eligible off-site capital improvements funded by the fee payor.
- (g) Developer. An individual, corporation, partnership, or other legal entity undertaking new development.
- (h) Development. Construction or installation of a new building or structure, or a change in use of an existing building or structure, any of which creates additional demand and need for public facilities (i.e., parks and recreation, fire protection, or municipal facilities and equipment). A building or structure shall include, but not be limited to, modular buildings and manufactured housing. Development does not include alterations made to existing single-family homes.
- (i) Development Impact Fee. A financial payment made by a developer to a local government for funding certain off-site capital improvements identified to accommodate future growth. Development impact fees (or “impact fees”) are collected by the Town for parks and recreation facilities, fire protection, and municipal facilities and equipment.
- (j) Fee Payor. A developer that pays or is required to pay a development impact fee.

- (k) Fire Protection Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the fire protection system identified to serve new development.
- (l) Municipal Facilities and Equipment Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the municipal facilities and equipment system identified to serve new development.
- (m) Off-Site Improvements. Capital improvements located outside of the boundaries of a development that are required to serve the development's demands and needs.
- (n) Parks and Recreation Impact Fee. A payment of money imposed as a condition of approval to pay a proportionate share of the cost for improvements to the parks and recreation system identified to serve new development.
- (o) Public Facilities. Improvements to and/or construction of capital improvements identified in the *Town of Fort Mill Capital Improvements Plan* as described in Section 2-304 hereof. Public facilities for the purpose of this ordinance shall include parks and recreation facilities, fire protection, and municipal facilities and equipment.
- (p) Square Feet (s.f.). As referred to in Exhibit A of this ordinance, means the sum (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (measured 6 foot, 6 inches minimum) regardless of their use. If a ground-level area of a building, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this square footage definition considers it part of the overall square footage for the building. However, unroofed areas and unenclosed roofed-over spaces, except those contained within the principle outside faces of exterior walls, should be excluded from the area measurement. The area of any parking garage within a building shall not be included in the area measurement.
- (q) System Improvement. A capital improvement to a public facility which is designed to provide service to a service area.
- (r) System Improvement Costs. The costs incurred for construction and reconstruction of system improvements, including design, acquisition, engineering, and other costs attributable to the improvements, and also including the cost of providing additional public facilities needed to serve new growth and development. System improvement costs do not include:
 - (1) Construction, acquisition, or expansion of public facilities other than capital improvements eligible for impact fee funding that are identified in the *Town of Fort Mill Capital Improvements Plan*;
 - (2) Repair, operation, or maintenance of existing or new capital improvements;

- (3) Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;
- (4) Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;
- (5) Administrative and operating costs of the governmental entity; or
- (6) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements eligible for impact fee funding that are identified in the *Town of Fort Mill Capital Improvements Plan*.

Sec. 2-304. Supporting Documentation

This ordinance is based upon the conclusions and recommendations presented in the *Development Impact Fee Study Update Report for Fort Mill* and the *Housing Affordability Analysis in Support of the Development Impact Fee Study Update Report in Fort Mill*, prepared consistent with the provisions set forth in the Act and adopted by ordinance of Town Council on _____, and the *Town of Fort Mill Capital Improvements Plan*, prepared consistent with the provisions set forth in the Act and adopted by ordinance of Town Council _____. All three documents are and shall remain on file in the Town Planning Department and are hereby incorporated into this ordinance by reference.

All development impact fees collected pursuant to this ordinance shall be used to implement any or all of the public facilities deemed eligible for impact fee funding identified in the *Town of Fort Mill Capital Improvements Plan* as prioritized therein.

Sec. 2-305. Jurisdiction

A development impact fee shall apply to all new development or redevelopment located within Town limits.

Sec. 2-306. Application and Exemptions

The provisions of the ordinance shall apply to all new development or redevelopment within Town limits for which a building permit or development approval is required except for the following:

- (a) Rebuilding the same amount of floor space of a structure that was destroyed by fire or other natural catastrophe;

- (b) Remodeling or repairing a structure with the same land use that does not result in an increase in the number of service units or place new demand on parks and recreation facilities, fire protection, or municipal facilities and equipment;
- (c) Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the amount of traffic generated by the new residential unit does not increase;
- (d) Placing a construction trailer or temporary office on a lot during the period of construction on the same lot;
- (e) Construction of an addition to a residential structure that does not increase the amount of traffic generated by the same land use;
- (f) Adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates new demand for parks and recreation facilities, fire protection, or municipal facilities and equipment;
- (g) All or part of a particular development project if:
 - (1) The project is determined to create affordable housing; and
 - (2) The exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees.
- (h) Constructing a new elementary, middle, or secondary school; and
- (h) Constructing a new volunteer fire department.

Sec. 2-307. Provisions for Affordable Housing

Because all or part of any particular development project may be exempt from development impact fees for affordable housing, the following sets forth the administrative standards for determining what constitutes affordable housing and the procedures for exemption from one or more development impact fees.

(a) Median Household Income

Affordable housing is based upon eighty percent (80%) of the median household income for residents living within the Town of Fort Mill. Median household income shall be determined once a year utilizing the following procedure:

- (1) The most recently available figures from the US Census Bureau American Community Survey will serve as the base year for this evaluation;

- (2) Each subsequent year will be adjusted once annually thereafter during January of the calendar year based upon the previous year's published Consumer Price Index (CPI) increase, until the next US Census Bureau data set is published and this procedure is replicated.

(b) Maximum Expenditure

The maximum expenditure for housing costs shall correspond to the Fannie Mae Foundation Mortgage Calculator multiplier of thirty percent (30%) of gross household income as used in the *Housing Affordability Analysis in Support of the Development Impact Fee Study Update Report in Fort Mill*. Affordable housing based upon eighty percent (80%) of median household income is:

- (1) Multifamily rental dwelling units of which the gross monthly rent cost does not exceed thirty percent (30%) of eighty percent (80%) of the gross median household monthly income.
- (2) Fee simple ownership dwelling units of which the cost of homeownership for the dwelling unit do not exceed thirty percent (30%) of eighty percent (80%) of the gross median household monthly income as reflected in the sales price using the Fannie Mae Foundation Mortgage Calculator (or comparable methodology) assuming a 20% down payment and a specified interest rate. The specified interest rate shall be determined by selecting the lowest 30-year fixed mortgage rate reported by area lending institutions as of the first week of January for any given year and shall remain so for the balance of the year.

(c) Procedures for Exemption from Development Impact Fees

- (1) A developer seeking exemption from one or more development impact fees for the construction of affordable multifamily rental dwelling units must identify the alternate source of funds for the impact fee and, unless the alternate source is from Town resources, post a financial guarantee suitable to the Town prior to the issuance of a building permit. The amount of the financial guarantee shall reflect the amount of development impact fees due for all affordable housing units as if they were not affordable housing units. No Certificate of Occupancy for any of the units may be issued until the impact fees for the affordable housing units have been paid by the alternate source or from the proceeds of the financial guarantee.

If the alternate source of funds for impact fees is from Town resources, prior to issuance of the Certificate of Occupancy by the Town, the developer shall record an agreement approved by the Town restricting the monthly rental cost of each affordable housing unit for a period of six (6) years. Upon delivery of the recorded rent control agreement, the Certificate of Occupancy shall be issued.

- (2) A developer seeking exemption from one or more development impact fees for construction of a fee simple ownership dwelling unit shall identify the alternate source

of funds for the impact fees and, unless the alternate source is from Town resources, post a financial guarantee suitable to the Town prior to the issuance of a building permit. The amount of the financial guarantee shall reflect the amount of development impact fees due for all affordable housing units as if they were not affordable housing units. No Certificate of Occupancy may be issued for the affordable housing dwellings until the impact fees have been paid by the alternate source or from the proceeds of the financial guarantee.

If the alternate source of funds for impact fees is from Town resources, prior to the issuance of a Certificate of Occupancy by the Town, the developer shall file with the Town a closing statement for the dwelling unit indicating an arm's length sales price no greater than that allowed for affordable housing at the time of final sale and a recorded covenant, approved by the Town, restricting the sales price of the dwelling, for a period of six (6) years, to the original sales price, adjusted annually for inflation.

Sec. 2-308. Determination of Fees

(a) General Provisions

- (1) The Town Planning Department shall determine, assess, and collect all development impact fees administered within the Town limits.
- (2) Upon the effective date of this ordinance, development impact fees shall be charged to new development or redevelopment in accordance with the procedures set forth in this ordinance. The fees to be collected for a development will be determined at the time of application for a building permit. If the development is one that does not require a building permit, the impact fee for the development will be determined at the time of development approval. No building permit or development approval shall be issued for any development requiring the payment of development impact fees until the fees have been assessed by and remitted to the Town Planning Department, or in the case of affordable housing, the appropriate financial guarantees have been filed with the Town Manager. At the Town Planning Director's discretion, any development impact fees assessed at the time of permitting may be remitted after the issuance of a building permit, but in all instances, the development impact fees must be remitted to the Town Planning Department prior to the issuance of a Certificate of Occupancy. Payment of such fees shall not relieve the developer from obligations to comply with any other applicable Town ordinances, regulations, or requirements including, but not limited to, the "Zoning," "Subdivisions," or "Buildings and Building Regulations" Chapters of the Town of Fort Mill Code of Ordinances prior to receiving a Certificate of Occupancy.
- (3) All monies paid by the fee payor pursuant to this ordinance shall be identified as development impact fees and promptly deposited in the appropriate development impact fee trust fund described under Section 2-309 of this ordinance.
- (4) For the purpose of calculating development impact fees, the land use types assumed in the General Development Impact Fee Schedule of this ordinance (i.e., Exhibit A) shall

be defined in accordance with the definitions contained in the Institute of Transportation Engineers' *Trip Generation Manual*, Tenth Edition (see *Development Impact Fee Study Update Report for Fort Mill, Appendix C*).

- (5) Payment of development impact fees according to the General Development Impact Fee Schedule (i.e., Exhibit A), or independent impact fee calculation study reviewed and approved by the Town Planning Director, shall constitute full and complete payment of the new development's proportionate share of public facilities costs.
- (6) A developer may negotiate and contract with the Town to provide facilities or services in lieu of payment of development impact fees in accordance with Section 6-1-1050 of the Act.

(b) Parks and Recreation Impact Fees

(1) Parks and Recreation Impact Fee Formula

Parks and recreation impact fees collected within Town limits shall be in accordance with the following formula:

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate published by the US Census Bureau for various dwelling unit categories (see *Development Impact Fee Study Update Report for Fort Mill, Appendix C*).

COST = The cost per capita for providing improvements to parks and recreation facilities based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on _____. The cost per capita is \$525.28.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable parks and recreation impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(2) Determining Park and Recreation Impact Fees

The amount of parks and recreation impact fees attributable to a specific development shall be determined through the following process:

- a. Verify the type and number of new residential dwelling units for which the building permit is being sought;
- b. Determine whether any of the proposed residential dwelling units qualify as "affordable housing" and, if so, the number and type of such units;
- c. Determine the applicable residential dwelling unit category set forth in Exhibit A (as applicable) of this ordinance; and
- d. Multiply the discounted development impact fee rate for the residential dwelling unit category by the number of net new units within the development and the average persons per household estimate.

(3) Independent Parks and Recreation Impact Fee Calculation

In the event that a fee payor or Town staff contend that the land use for which the building permit is being sought is not within those land uses identified in Exhibit A, or if the fee payor contends that the Exhibit A calculations are not accurate for its intended use, then the Town' Planning Director, or its designee, shall make a determination as to the most comparable land use category to assume for calculating parks and recreation impact fees. If the fee payor disagrees with the determination of the Town Planning Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

- a. Independent calculations for the determination of parks and recreation impact fees must be performed by a certified professional engineer, architect, landscape architect, planner or other duly qualified and licensed professional approved by the Town Planning Director.
- b. The independent calculation shall be subject to review and approval by the Town Planning Director, or its designee. In the event that the Town Planning Director elects to contract with a third party to review the independent calculation, the cost of this review shall be borne by the applicant based on the cost of the third-party review, plus a ten percent (10%) administrative fee.
- c. The Town Planning Director shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.

- d. Prior to commencing the study, the developer's hired professional and the Town Planning Director, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.
- e. The maximum allowable parks and recreation impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* shall be reduced by ten percent (10%) for the purposes of completing an independent impact fee calculation, setting the fees at ninety percent (90%) of the maximum amount.
- f. The independent impact fee calculation shall be based on the following formula:

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate approved by the Town Planning Director.

COST = The cost per capita for providing improvements to parks and recreation facilities based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on _____. The cost per capita is \$525.28.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable parks and recreation impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(c) Fire Protection Impact Fees

(1) Fire Protection Impact Fee Formula

Fire protection impact fees collected within Town limits shall be in accordance with one of the following formulas:

a. Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate published by the US Census Bureau for various dwelling unit categories (See *Development Impact Fee Study Update Report for Fort Mill, Appendix C*).

COST = The cost per capita for providing fire protection services based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on _____. The cost per capita is \$203.64.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

b. Non-Residential Development

$$\text{Impact Fee} = ((\text{NNSF})/1,000) \times (\text{ESR}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNSF = The amount of net new square footage generated by the proposed development. In instances where a variable other than square footage is used in determining the ESR (such as hotel rooms, hospital beds, etc.), then that variable shall be used in lieu of square footage, and such variable shall not be divided by 1,000 in the formula above.

ESR = Average employee space ratio developed using information published in the Institute of Transportation Engineers *Trip Generation, Tenth Edition* (see *Development Impact Fee Study Update Report for Fort Mill, Appendix C*).

COST = The cost per employee for providing fire protection services is based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on _____. The cost per employee is \$497.05.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(2) Determining Fire Protection Impact Fees

The amount of fire protection impact fees attributable to a specific development shall be determined through the following process:

- a. Verify the type and number of new residential dwelling units or the type and intensity of new non-residential square footage or other land use measuring criteria for which the building permit is being sought;
- b. For residential development, determine whether any of the proposed residential dwelling units qualify as "affordable housing" and, if so, the number and type of such units;
- c. Determine the applicable land use type and impact fee per unit set forth in Exhibit A (as applicable) of this ordinance; and
- d. Multiply the discounted development impact fee rate for the specified land use category by the number of net new units or net new square footage within the development (as applicable) and the average persons per household or employee space ratio estimate (as applicable).

(3) Independent Fire Protection Impact Fee Calculation

In the event that a fee payor or Town staff contend that the land use for which the building permit is being sought is not within those land uses identified in Exhibit A, or if the fee payor contends that the Exhibit A calculations are not accurate for its intended use, then the Town Planning Director, or its designee, shall make a determination as to the most comparable land use category to assume for calculating fire protection impact fees. If the fee payor disagrees with the determination of the Town Planning Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

- a. Independent calculations for the determination of fire protection impact fees must be performed by a certified professional engineer, architect, landscape architect, planner or other duly qualified and licensed professional approved by the Town Planning Director.
- b. The independent calculation shall be subject to review and approval by the Town Planning Director, or its designee. In the event that the Town Planning Director elects to contract with a third party to review the independent calculation, the cost of this review shall be borne by the applicant based on the cost of the third-party review, plus a ten percent (10%) administrative fee.

- c. The Town Planning Director shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.
- d. Prior to commencing the study, the developer's hired professional and the Town Planning Director, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.
- e. The maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* shall be reduced by ten percent (10%) for the purposes of completing an independent impact fee calculation, setting the fees at ninety percent (90%) of the maximum amount.
- f. The independent impact fee calculation shall be based on one of the following formulas:

1. Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate approved by the Town Planning Director.

COST = The cost per capita for providing fire protection services based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on _____. The cost per capita is \$203.64.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

2. Non-Residential Development

$$\text{Impact Fee} = ((\text{NNSF})/1000) \times (\text{ESR}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNSF = The amount of net new square footage generated by the proposed development. In instances where a variable other than

square footage is used in determining the ESR (such as hotel rooms, hospital beds, etc.), then that variable shall be used in lieu of square footage, and such variable shall not be divided by 1,000 in the formula above.

ESR = Average employee space ratio approved by the Town Planning Director.

COST = The cost per employee for providing fire protection services based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on _____. The cost per employee is \$497.05.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable fire protection impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(d) Municipal Facilities and Equipment Impact Fees

(1) Municipal Facilities and Equipment Impact Fee Formula

Municipal facilities and equipment impact fees collected within Town limits shall be in accordance with one of the following formulas:

a. Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate published by the US Census Bureau for various dwelling unit categories (See *Development Impact Fee Study Update Report for Fort Mill, Appendix C*).

COST = The cost per capita for providing municipal facilities and equipment based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on _____. The cost per capita is \$376.86.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable municipal

facilities and services impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

b. Non-Residential Development

$$\text{Impact Fee} = ((\text{NNSF})/1000) \times (\text{ESR}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNSF = The amount of net new square footage generated by the proposed development. In instances where a variable other than square footage is used in determining the ESR (such as hotel rooms, hospital beds, etc.), then that variable shall be used in lieu of square footage, and such variable shall not be divided by 1,000 in the formula above.

ESR = Average employee space ratio developed using information published in the Institute of Transportation Engineers *Trip Generation, Tenth Edition* (see *Development Impact Fee Study Update Report for Fort Mill, Appendix C*).

COST = The cost per employee for providing municipal facilities and equipment based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on _____. The cost per employee is \$331.84.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(2) Determining Municipal Facilities and Equipment Impact Fees

The amount of municipal facilities and equipment impact fees attributable to a specific development shall be determined through the following process:

- a. Verify the type and number of new residential dwelling units or the type and intensity of new non-residential square footage or other land use measuring criteria for which the building permit is being sought;
- b. For residential development, determine whether any of the proposed residential dwelling units qualify as "affordable housing" and, if so, the number and type of such units;
- c. Determine the applicable land use type and impact fee per unit set forth in Exhibit A (as applicable) of this ordinance; and

- d. Multiply the discounted development impact fee rate for the specified land use category by the number of net new units or net new square footage within the development (as applicable) and the average persons per household or employee space ratio estimate (as applicable).

(3) Independent Municipal Facilities and Equipment Impact Fee Calculation

In the event that a fee payor or Town staff contend that the land use for which the building permit is being sought is not within those land uses identified in Exhibit A, or if the fee payor contends that the Exhibit A calculations are not accurate for its intended use, then the Town Planning Director, or its designee, shall make a determination as to the most comparable land use category to assume for calculating municipal facilities and equipment impact fees. If the fee payor disagrees with the determination of the Town Planning Director or if the Town otherwise deems it appropriate, an independent impact fee calculation may be performed to quantify the fair share of system improvement costs attributable to the development. Preparation of an independent impact fee calculation will immediately halt the building permit application process until such time that the necessary calculation is deemed complete by the Town Planning Director. If an independent calculation is requested, it must accompany the building permit application and be prepared in accordance with the following provisions:

- a. Independent calculations for the determination of municipal facilities and equipment impact fees must be performed by a certified professional engineer, architect, landscape architect, planner or other duly qualified and licensed professional approved by the Town Planning Director.
- b. The independent calculation shall be subject to review and approval by the Town Planning Director, or its designee. In the event that the Town Planning Director elects to contract with a third party to review the independent calculation, the cost of this review shall be borne by the applicant based on the cost of the third-party review, plus a ten percent (10%) administrative fee.
- c. The Town Planning Director shall either approve or provide in writing the reasons for disapproval of the independent calculation study within thirty (30) days of its submittal for review.
- d. Prior to commencing the study, the developer's hired professional and the Town Planning Director, or its designee, shall agree upon the relevant factors and values that will be utilized in the independent calculation of impact fees.
- e. The maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill* shall be reduced by ten percent (10%) for the purposes of completing an independent impact fee calculation, setting the fees at ninety percent (90%) of the maximum amount.

- f. The independent impact fee calculation shall be based on one of the following formulas:

1. Residential Development

$$\text{Impact Fee} = (\text{NNDU}) \times (\text{P/HH}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNDU = The number of net new dwelling units generated by the proposed development.

P/HH = Average person per household estimate approved by the Town Planning Director.

COST = The cost per capita for providing municipal facilities and equipment based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on _____. The cost per capita is \$376.86.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

2. Non-Residential Development

$$\text{Impact Fee} = ((\text{NNSF})/1000) \times (\text{ESR}) \times (\text{COST}) \times (\text{TDR})$$

Where:

NNSF = The amount of net new square footage generated by the proposed development. In instances where a variable other than square footage is used in determining the ESR (such as hotel rooms, hospital beds, etc.), then that variable shall be used in lieu of square footage, and such variable shall not be divided by 1,000 in the formula above.

ESR = Average employee space ratio approved by the Town Planning Director.

COST = The cost per employee for providing municipal facilities and equipment is based on information presented in the *Development Impact Fee Study Update Report for Fort Mill* adopted by Town Council on _____. The cost per employee is \$331.84.

TDR = For the purpose of this calculation, it is Town Council policy to charge only ninety percent (90%) of the maximum allowable municipal facilities and equipment impact fee determined in the *Development Impact Fee Study Update Report for Fort Mill*.

(e) Special Cases

The Town Planning Department shall take the following special cases into account when calculating development impact fees for a building permit application:

- (1) When an application for a building permit has been made that contains two or more land uses in any combination, including two or more land uses within a single building or structure, the total development impact fee assessment shall be the sum of the products, as calculated above, for each land use unless an independent impact fee calculation is performed, and approved for use by the Town Planning Director, or its designee, consistent with subsections (b), (c), and (d) of this section.
- (2) In the case of a change, redevelopment, or modification of a land use which requires a building permit, and which is not exempted from development impact fees under Section 2-306 of this ordinance, the impact fee calculation shall be based upon the net increase in new or proposed land use as compared to the existing or previous land use.
- (3) In the case of a demolition or termination of an existing use or structure, development impact fees for future redevelopment shall be based upon the net increase in development impact fees for the new or proposed land use as compared to the existing actual active previous land use since its original occupancy. Credit for the prior use shall not be transferable to another location.
- (4) In the case of relocating an existing land use, development impact fees shall be assessed to the relocated use at its new location. Future redevelopment of the old location from which the use was removed will receive a credit against development impact fees assessed equal to the impact fees that would have been assessed against the relocated use. Credits shall not be transferable to the new location.
- (5) Before a building permit application may become eligible for the provisions set forth in paragraphs (2), (3) and (4), a developer shall provide reasonably sufficient evidence that a previous land use had been actively maintained on the site within twelve (12) months of the date of application for a building permit. Such evidence may include proof of utility records, records for the use sought to be shown, or other documentation.
- (6) Any claim of existing or previous use must be made no later than the time for application of a building permit. Any claim made after such time shall be deemed invalid.

Sec. 2-309. Impact Fee Trust Funds

Development impact fees collected pursuant to this ordinance shall be kept separate from other revenue of the Town. There shall be one trust fund established for each development impact fee category depicted in Exhibit A of this ordinance: parks and recreation, fire protection, and municipal facilities and equipment. All development impact fees collected shall be properly identified by property address noted on the approved building permit and by the appropriate trust account.

Any funds on deposit not immediately necessary for expenditure shall be maintained in an interest-bearing account prior to expenditure on recommended projects. Interest earned on development impact fees in deposit must be considered revenue to the trust fund account for which income is earned and must be subject to all restrictions placed on the use of development impact fees pursuant to this ordinance.

Sec. 2-310. Limitation on Expenditures of Funds Collected

(a) Eligible System Improvement Costs

Funds from development impact fee trust accounts shall be expended only for the public facilities and system improvements identified as eligible for impact fee funding in the *Town of Fort Mill Capital Improvements Plan*, incorporated herein by reference. No funds shall be used for administrative or operating costs associated with imposing any of the development impact fees. Eligible components of a public facility may include, but are not limited to, the following:

- (1) Design and construction plan preparation;
- (2) Right-of-way acquisition;
- (3) Construction of new facilities, structures, or amenities that provide additional capacity;
- (4) Purchase of new equipment (>\$100,000 purchase price) that provide additional capacity;
- (5) Construction of new bridges;
- (6) Construction of new drainage facilities associated with capital improvements;
- (7) Purchase and installation of traffic signalization;
- (8) Construction of new curbs, medians, and shoulders;
- (9) Relocating utilities to accommodate new capital improvements; and

(10) Principal payments, interest and other finance charges on bonds or other indebtedness issued by or on behalf of the Town for financing any or all public facilities.

(b) Rational Nexus Test

The Town Finance Director, or its designee, shall make an annual report to the Town Council and publish this report for access by the general citizenry showing where development impact fees have been collected and what projects have been funded with these revenues. The Council shall consider this report and whether the fees are being spent for the benefit of new development within Town limits. If the Council determines that this is not the case, then it shall adjust the *Town of Fort Mill Capital Improvements Plan* and other projected capital expenditures to correct the condition.

(c) Expenditure of Funds

Development impact fee funds shall be expended in the order in which they were collected. The disbursement of such funds shall require approval of the Town Council, upon recommendation of the Town Manager or its designee.

(d) Reimbursement

Impact fee funds not obligated for expenditure within three (3) years of the date that they are scheduled to be expended in the *Town of Fort Mill Capital Improvements Plan* shall be returned, with actual interest earned, to the record owner of the property for which the fees were collected, on a first-in, first-out basis.

Sec. 2-311. Credits / Reimbursements

(a) General Provisions

(1) A developer shall be entitled to a credit against development impact fees assessed pursuant to this ordinance for Town-approved monetary or in-kind contributions toward some or all of the public facilities included in the *Town of Fort Mill Capital Improvements Plan* that are eligible for impact fee funding.

(2) Development impact fees shall not be imposed on a fee payor or developer who has entered into an agreement with the Town for certain contribution, payment, construction, or dedication of land up to the cash value of the specific improvements identified within the agreement. Any difference between total development impact fees due for the development and the cash value of the executed agreement remain eligible for collection pursuant to the rules and requirements of this ordinance.

(3) A fee payor shall be reimbursed for contributions of land or facilities that exceed his proportionate share of the cost of public facilities when such excess contribution is made at the request of the Town.

(b) Application for Credit Agreement

- (1) The determination of the amount of any credit shall be undertaken through submission of an Application for Credit Agreement, which shall be submitted through the Town Planning Department for review by the Town Planning Director, or its designee.
- (2) The Application for Credit Agreement shall include the following information:
 - a. The following documentation must be provided if the proposed application involves a credit for any cash contribution:
 1. A certified copy of the development approval in which the contribution was agreed; and
 2. Proof of payment (if already made); or
 3. Proposed method of payment (if not already made).
 - b. The following documentation must be provided if the proposed application involves credit for dedication of land:
 1. A drawing and legal description of the land;
 2. The appraised fair market value of the land at the date a building permit application is sought for the land use(s), prepared by a professional Real Estate Appraiser who is a member of the member Appraisal Institute (MAL) or who is a member of Senior Residential Appraisers (SRA); and
 3. A certified copy of the development permit in which the land was agreed to be dedicated (if applicable).
 - c. The following documentation must be provided if the proposed application involves credit for construction:
 1. The proposed construction documents of the specific construction project prepared and certified by a duly qualified and licensed engineer in the State of South Carolina;
 2. The projected costs for the suggested improvements, which shall be based on local information for similar improvements, along with the construction schedule for the completion of said improvements. Such estimated cost shall include construction or reconstruction of the project, the cost of labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for one (1) year after completion of construction, costs of plans and specifications, surveys of estimates of costs and revenues, costs of professional services, and

all of the expenses necessary or incidental to determining the feasibility or practicability of such construction or reconstruction.

- (3) Within fourteen (14) days of receipt of the proposed Application for Credit Agreement, the Town Planning Director, or its designee, shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the Town Planning Director shall send written notification to the applicant outlining the deficiencies. The Town Planning Director shall take no further action on the proposed Application for Credit Agreement until all such deficiencies have been corrected or otherwise settled.
- (4) Once the Town Planning Director determines that the proposed Application for Credit Agreement is complete, it shall be reviewed within thirty (30) days by a committee of designated staff composed of the Town Manager, Town Finance Director, Town Code Enforcement Officer (Plans Submittal Official), and Town Engineer (together known as the Credit Review Committee).
- (5) If the Application for Credit Agreement is approved by the Credit Review Committee, a Credit Agreement shall be prepared and signed by the applicant and the Town Manager. It shall specifically outline the contribution, payment, construction, or land dedication, the time by which it shall be complete, dedicated, or paid, and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment, or construction against development impact fees. The agreement may also include provisions for rescinding the credit and issuing stop work orders if the dedication and/or work and/or construction are not timely accomplished.
- (6) A fee payor affected by the decision of the Credit Review Committee regarding credits may appeal such decision pursuant to Section 2-313(a) of this ordinance.

Sec. 2-312. Penalties

Town Council shall have the following remedies, which may be exercised individually or collectively, for collecting development impact fees. The failure to pursue any remedy at any time shall not be deemed as a waiver of Town rights to pursue any remedy at such other time as may be deemed appropriate.

- (a) Interest and Penalties. The Town may, at its discretion, add to the amount of calculated development impact fees due prior to award of a Certificate of Occupancy, reasonable interest and penalties for non-payment or late payment of required funds. Penalties for unpaid development impact fees shall be administered consistent with Chapter 1 (General Provisions), Section 1-6 in the Town of Fort Mill Code of Ordinances, which declares the violation a penalty subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days. Each day of violation shall be deemed a separate offense.

- (b) Withholding Certificate of Occupancy. The Town may withhold a Certificate of Occupancy until full and complete payment has been made by the developer of development impact fees due for the development.
- (c) Withholding Utility Service. The Town may withhold the provision of utility services to a development until the required development impact fees have been paid in full.
- (d) Lien. The Town may impose a lien on the developer's property for failure of the developer to pay required development impact fees in full.
- (e) Other. The Town may pursue the collection of the development impact fees, including interest, by way of civil process in the Court of Common Pleas for York County.

Sec. 2-313. Appeal Process

A developer shall have the following rights for appeal of development impact fees imposed by the Town on their development pursuant only to this ordinance:

(a) Administrative Appeal

- (1) A developer may file an administrative appeal with the Town Manager regarding the payment of development impact fees, independent calculation of impact fees, or credits or reimbursements by filing a written Notice of Appeal. Said Notice shall be filed within thirty (30) days of the decision sought to be appealed. The filing of an appeal will immediately halt the building permit application process, unless the developer posts a bond or submits an irrevocable letter of credit for the full amount of the development impact fees as calculated by the Town to be due. All Notices of Appeal shall include a full explanation of the reasons for the appeal, specifying the grounds therefore, and containing any documentation that the developer desires to be considered. The appeal shall contain the name and address of the developer filing the appeal and shall state their capacity to act as a representative or agent if they are not the owner of the property to which impact fees or credits pertain.
- (2) Within thirty (30) days following receipt of the written Notice of Appeal, the Town Manager will review the Appellant's written report, supporting documentation and departmental staff reports. The thirty (30) day review period may be extended if additional information is needed from the Appellant in order to render a decision. Upon completion of the administrative review, the Town Manager will provide a written response to the Appellant constituting a final administrative determination.
- (3) Any person desiring to appeal the final administrative determination of the Town Manager regarding payment of development impact fees or credits shall file a written Notice of Appeal to the Town Council. Said Notice of Appeal to Town Council shall be filed with the Clerk of Town Council within fifteen (15) days following receipt of the final administrative determination. Receipt shall be construed to have occurred when the final administrative decision is deposited in the United States mail postage

prepaid to the person whose name and address is identified in the original Notice of Appeal.

(4) The Town Clerk of Council will schedule all impact fee appeals for the first Town Council meeting following ten (10) days from receipt of the Written Notice of Appeal to the Town Council. Postponements of the Town Council appeal date may be granted by the Town Manager if they are requested in writing at least ten (10) days in advance of the scheduled Town Council meeting date.

(5) When an Appeal is scheduled for oral presentation before the Town Council, the Appellant and Town staff shall each be given ten (10) minutes at the oral argument to present the Appeal and to discuss the submitted written record.

(b) Payment Under Protest

A fee payer may pay development impact fees under protest. Payment under protest does not preclude the developer from filing an administrative appeal nor is the fee payer estopped from receiving a refund of an amount considered to have been collected illegally. A fee payor, at its option, may also post a bond or submit an irrevocable letter of credit for the amount of development impact fees due instead of making a cash payment under protest, pending the outcome of an appeal.

(c) Mediation

Town Council shall provide for mediation by a qualified independent party, upon voluntary agreement by both the developer and the Town, to address a disagreement related to development impact fees calculated by the Town. Neither a request for, nor participation in, mediation shall preclude a fee payor from pursuing other developer rights or remedies otherwise available by law.

Sec. 2-314. Refunds

(a) General Provisions

Funds not obligated for expenditure within three (3) years of the date that they are scheduled to be expended in the *Town of Fort Mill Capital Improvements Plan* shall be refunded to the record owner of property for which the impact fees were paid, with actual interest earned, on a first-in, first-out basis. For the purpose of determining whether fees have been spent or encumbered, the first money placed in a trust fund account shall be deemed to be the first money taken out of that account when withdrawals have been made.

(b) Refund Process

(1) The owner of property eligible for a refund of one or more development impact fee payments shall submit to the Town Planning Director a notarized sworn statement that the person is the current owner of the property for which a refund is due, a certified

copy of the latest recorded deed, and a copy of the most recent ad valorem tax bill for the property.

- (2) When a right to a refund exists, the Town shall send a refund to the current owner of record within ninety (90) days after it is determined by Town Council that a refund is due.
- (3) All refunds shall include the pro rata portion of the interest earned while on deposit in the specific development impact fee trust account.
- (4) A record owner of property for which one or more development impact fee refunds are due has standing to sue for such refund pursuant to Section 6-1-1020(D) of the Act if there has not been a good-faith effort towards a timely payment of a refund pursuant to this section.

Sec. 2-315. Review

- (a) Town Council shall be responsible for preparing and publishing an annual report describing the amount of development impact fees collected, appropriated, and spent during the preceding fiscal year.
- (b) Planning Commission shall be responsible for a holistic review and update of the *Development Impact Fee Study Update Report for Fort Mill, Town of Fort Mill Capital Improvements Plan, Housing Affordability Analysis in Support of the Development Impact Fee Study Update Report in Fort Mill*, and the *Development Impact Fee Ordinance for the Town of Fort Mill* in the same manner and on the same review cycle as the Town of Fort Mill Comprehensive Plan.

Sec. 2-316. Termination of Development Impact Fees

Development impact fees for the Town of Fort Mill shall be terminated within fifteen (15) years after the effective date of this ordinance, or when sufficient fees have been collected to fund all of the projects eligible for development impact fee funding that are identified in the *Town of Fort Mill Capital Improvements Plan*, whichever shall first occur, unless:

- (a) Town Council adopts a revised *Development Impact Fee Study Update Report for Fort Mill* or amends the *Town of Fort Mill Capital Improvements Plan* for a subsequent amount of time; or
- (b) Town Council adopts an updated *Development Impact Fee Ordinance for the Town of Fort Mill* pursuant to the substantive and procedural requirements set forth in the South Carolina Development Impact Fee Act, as amended.

Sec. 2-317. Liberal Construction

The provisions of this ordinance shall be liberally construed to effectively carry out its purpose in the interest of further promoting and protecting public health, safety, welfare, and convenience.

SECTION III. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court, such section, subsection, sentence, clause, phrase or portion of this ordinance shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of this ordinance nor impair or nullify the remainder of these provisions which shall continue in full force and effect.

If the application of any provision of this ordinance to any new development is declared to be invalid by a decision of any court, the intent of Town Council is that such decision shall be limited only to the specific new development expressly involved in the controversy, action, or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this ordinance as a whole or the application of any provision of this ordinance to any other new development.

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2020.

First Reading:
Public Hearing:
Second Reading:

TOWN OF FORT MILL

Guynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Virginia Burgess, Town Clerk

Attachment #5

Draft Resolution for Planning Commission
Recommendation

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

A RESOLUTION OF THE
TOWN OF FORT MILL
PLANNING COMMISSION

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF FORT MILL; CHAPTER 2, ADMINISTRATION; ARTICLE IV, FINANCE AND TAXATION; DIVISION 4, DEVELOPMENT IMPACT FEES; SO AS TO UPDATE THE DEVELOPMENT IMPACT FEES FOR THE TOWN AS MANDATED BY THE SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT

WHEREAS, the Fort Mill Town Council originally adopted impact fees by Ordinance 2015-12 on August 24, 2015; and

WHEREAS, the South Carolina Development Impact Fee Act (the "Act"), as more fully set forth in Section 6-1-910, et seq, Code of Laws of South Carolina (1976), as amended, requires that the plans, studies, and ordinances relating to impact fees be updated at least once every five years; and

WHEREAS, on May 13, 2019 and January 27, 2020, the Fort Mill Town Council adopted resolutions directing the Fort Mill Planning Commission to conduct the necessary studies to update the town's development impact fees and to make their recommendations to Town Council in accordance with the act; and

WHEREAS, on February 18, 2020, the Fort Mill Planning Commission reviewed and accepted as information the completed *Development Impact Fee Study Update Report for Fort Mill* dated February 10, 2020 and the *Housing Affordability Analysis in Support of the Development Impact Fee Study Report* in Fort Mill dated February 10, 2020; and

WHEREAS, the Fort Mill Planning Commission finds that the continued use of development impact fees would be in the best interest of the Town of Fort Mill;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission for the Town of Fort Mill, duly assembled, does hereby recommend approval of the ordinance entitled "An ordinance amending the Code of Ordinances for the Town of Fort Mill; Chapter 2, Administration; Article IV, Finance and Taxation; Division 4, Development Impact Fees; so as to update the development impact fees for the town as mandated by the South Carolina Development Impact Fee Act"

BE IT FURTHER RESOLVED that the Fort Mill Planning Commission recommends use of a ten percent (10%) discount rate for the parks and recreation impact fee, a ten percent (10%) discount rate for the fire protection impact fee, and a ten percent (10%) discount rate for the municipal facilities and equipment impact fee.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Planning Commission for the Town of Fort Mill on the ____ day of _____, 2020.

FORT MILL PLANNING COMMISSION

James Traynor, Chairman

ATTEST THIS THE _____ DAY

OF _____, 2020

Penelope Karagounis,
Planning Commission Secretary

Fort Mill Town Council



Meeting Information

Meeting Type	Planning Commission
Meeting Date	February 18, 2020

Request Summary

Request Type	Action (Old Bus.)	X	Action (New Bus.)	Info/Discussion
	Public Hearing		Executive Session	Other

Case Summary

Case Type	Annexation		Rezoning	Text Amendment
	Subdivision Plat		Appearance Review	X Other

Title

AN ORDINANCE ADOPTING THE TOWN OF FORT MILL CAPITAL IMPROVEMENTS PLAN FOR FY 2019-20 THROUGH FY 2023-24

Background Information

Background

The Planning Commission is asked to consider this ordinance adopting an updated capital improvements plan (CIP) for the town’s 2019-20 fiscal year through the 2023-24 fiscal year. The town originally adopted a CIP in 2015 in conjunction with the enactment of the development impact fee ordinance, as the CIP is a required precursor to enacting impact fees.

The CIP has been amended several times over the last five years to reflect new and/or amended projects. These previous amendments did not, however, change the horizon year on the CIP. Therefore, the current CIP still has a horizon year of 2019-20, which is the town’s current fiscal year.

In addition to changing the planning horizon on the plan to 2023-24, the attached CIP document also updates information on CIP items that were carried over from the previous plan as well as adds some additional projects that are to be considered during the planning horizon that would be eligible to be paid for with impact fee dollars.

Staff Recommendation

Staff recommends approval of the CIP to allow for continued use of impact fee dollars for growth related capital projects.

Suggested Motion List	
1.	Approve the resolution in support of the adoption of the capital improvements plan ordinance
2.	Approve an amended resolution (changes to be listed in the motion)
3.	Do not approve the resolution

Staff Recommendation	
Recommendation	Staff recommends approval of the ordinance and resolution as drafted.
Name & Title	Chris Pettit, Assistant Town Manager
Department	Administration

Attachments

- Draft Capital Improvements Plan
- Draft Ordinance Adopting Capital Improvement Plan
- Draft Resolution for Planning Commission Recommendation

Draft Capital Improvements Plan

[Click Here to View the Plan](#)

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2020-___

AN ORDINANCE ADOPTING THE TOWN OF FORT MILL CAPITAL IMPROVEMENTS PLAN FOR FY 2019-20 THROUGH FY 2023-24

WHEREAS, the Mayor and Council of the Town of Fort Mill wish to adopt development impact fees pursuant to the South Carolina Development Impact Fee Act, S.C. Code, Title 6, Article 9, Chapter 1 (the "Act"); and

WHEREAS, § 6-1-960 of the Act requires the adoption of a Capital Improvements Plan which outlines a general description of all existing public facilities and their existing deficiencies, a description of all system improvements and their costs necessitated by and attributable to new development, a reasonable estimate of all costs, identification of all sources and levels of funding available, and a schedule setting forth estimated dates for commencing and completing construction of all improvements; and

WHEREAS, public hearings were advertised and conducted pursuant to S.C. Code § 6-1-960(A); and

WHEREAS, it is fitting and proper to adopt a Town of Fort Mill Capital Improvements Plan to identify, evaluate, and prioritize a list of capital facilities and equipment purchases which may be eligible to be purchased with revenues from development impact fees;

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

SECTION I. Adoption of Town of Fort Mill Capital Improvements Plan. The Town of Fort Mill Capital Improvements Plan, attached hereto as Exhibit A, is hereby adopted. The Capital Improvements Plan shall be reviewed on an annual basis, and may, from time to time, be updated and amended by ordinance adopted by the Mayor and Town Council, pursuant to the Act.

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

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

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

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2020.

First Reading:
Public Hearing:
Second Reading:

TOWN OF FORT MILL

Guynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Virginia C. Burgess, Town Clerk

Exhibit A

Town of Fort Mill Capital Improvements Plan

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

A RESOLUTION OF THE
TOWN OF FORT MILL
PLANNING COMMISSION

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE ADOPTING THE TOWN OF FORT MILL CAPITAL IMPROVEMENTS PLAN FOR FY 2019-20 THROUGH FY 2023-24

WHEREAS, the Fort Mill Town Council originally adopted impact fees by Ordinance 2015-12 on August 24, 2015; and

WHEREAS, the South Carolina Development Impact Fee Act (the "Act"), as more fully set forth in Section 6-1-910, et seq, Code of Laws of South Carolina (1976), as amended, requires that the plans, studies, and ordinances relating to impact fees be updated at least once every five years; and

WHEREAS, on May 13, 2019 and January 27, 2020, the Fort Mill Town Council adopted resolutions directing the Fort Mill Planning Commission to conduct the necessary studies to update the town's development impact fees and to make their recommendations to Town Council in accordance with the act; and

WHEREAS, on February 18, 2020, the Fort Mill Planning Commission reviewed the *Town of Fort Mill Capital Improvements Plan for FY 2019-20 through FY 2023-24* and found that its adoption in conjunction with the development impact fee updates would be in the best interest of the Town of Fort Mill;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission for the Town of Fort Mill, duly assembled, does hereby recommend approval of the ordinance entitled "An ordinance adopting the Town of Fort Mill Capital Improvements Plan for FY 2019-20 through FY 2023-24"

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Planning Commission for the Town of Fort Mill on the ____ day of _____, 2020.

FORT MILL PLANNING COMMISSION

James Traynor, Chairman

ATTEST THIS THE ____ DAY

OF _____, 2020

Penelope Karagounis,
Planning Commission Secretary

Fort Mill Town Council



Meeting Information	
Meeting Type	Planning Commission
Meeting Date	February 18, 2020

Request Summary						
Request Type		Action (Old Bus.)	X	Action (New Bus.)		Info/Discussion
		Public Hearing		Executive Session		Other

Case Summary						
Case Type		Annexation		Rezoning		Text Amendment
		Subdivision Plat		Appearance Review	X	Other

Title

AN ORDINANCE ADOPTING THE 2040 COMPREHENSIVE PLAN FOR THE TOWN OF FORT MILL

Background Information

Background

The comprehensive plan is a policy document that outlines existing conditions, future needs, and future goals on a variety of topics including population, economic development, natural resources, cultural resources, community facilities, housing, land use, transportation, and priority investments.

Over the last few years, the Planning Commission has worked alongside a Comprehensive Plan Advisory Committee, town staff, and the Catawba Regional Council of Governments to develop a new comprehensive plan that looks at the Town of Fort Mill through the lens of the year 2040. The plan establishes the vision of what the Town will be in 2040 and develops a road map of goals and objectives that will guide the Town to that vision.

The elements of the new comprehensive plan were developed using input gained from an extensive public engagement process that utilized an advisory committee, focus groups, public input surveys, and community meetings.

A copy of the plan is included as an attachment to this staff report.

Staff Recommendation

Staff recommends approval of the ordinance adopting the comprehensive plan and the Planning Commission’s resolution in support of the plan. A significant amount of work has gone into the development of this plan. Staff feels as though the plan is reflective of all the input that was received over the extensive public engagement period.

That being said, staff is recommending an update process to the plan that will begin this year. New information is constantly being received by the Town that could impact the Town’s plan, which is why we feel it is important to begin considering updates to the plan now. One good example would be the upcoming / underway U.S. Census. The data that we will be able to obtain from the U.S. Census Bureau will be extremely valuable in our future planning efforts.

Suggested Motion List	
1.	Approve the resolution in support of the adoption of the comprehensive plan.
2.	Do not approve the resolution.

Staff Recommendation	
Recommendation	Staff recommends approval of the ordinance and resolution as drafted.
Name & Title	Chris Pettit, Assistant Town Manager
Department	Administration

Attachments

- Draft 2040 Comprehensive Plan for the Town of Fort Mill
- Draft Ordinance Adopting the Comprehensive Plan
- Draft Resolution for Planning Commission Recommendation

Draft 2040 Comprehensive Plan for the Town of Fort Mill

[Click Here to View the Plan](#)

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2020-___

AN ORDINANCE ADOPTING THE 2040 COMPREHENSIVE PLAN FOR THE TOWN OF FORT MILL

WHEREAS, the 1994 South Carolina Local Government Comprehensive Planning Enabling Act (the “Act”), as amended, requires that the local planning commission develop and maintain a planning process which will result in the systematic preparation and continuing re-evaluation and updating of certain planning elements considered critical, necessary, and desirable to guide the development and redevelopment of the areas within its jurisdiction; and

WHEREAS, the Town of Fort Mill Planning Commission has worked alongside members of the Comprehensive Plan Advisory Committee, town staff, and the Catawba Regional Council of Governments to develop a new comprehensive plan; and

WHEREAS, the elements of the new comprehensive plan were developed using input gained from a significant public engagement process that utilized advisory committees, focus groups, multiple surveys, and community meetings; and

WHEREAS, on February 18, 2020, the Fort Mill Planning Commission reviewed the plan and approved a resolution recommending adoption of the plan; and

WHEREAS, a public hearing was advertised and conducted pursuant to S.C. Code § 6-29-530; and,

WHEREAS, the Fort Mill Town Council has reviewed the plan and found that its adoption would be in the best interest of the Town of Fort Mill to support the health, safety, and general welfare of the town, its citizens, and the general public;

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

SECTION I. Adoption of the Comprehensive Plan. The Fort Mill Town Council does hereby adopt the 2040 Comprehensive Plan for the Town of Fort Mill, attached hereto as Exhibit A, inclusive of all maps, graphs, charts, attachments, and other descriptive materials.

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

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

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

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2020.

First Reading:
Public Hearing:
Second Reading:

TOWN OF FORT MILL

Gynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Virginia C. Burgess, Town Clerk

Exhibit A

2040 Comprehensive Plan for the Town of Fort Mill

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

A RESOLUTION OF THE
TOWN OF FORT MILL
PLANNING COMMISSION

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE ADOPTING THE 2040 COMPREHENSIVE PLAN FOR THE TOWN OF FORT MILL

WHEREAS, the 1994 South Carolina Local Government Comprehensive Planning Enabling Act (the “Act”), as amended, requires that the local planning commission develop and maintain a planning process which will result in the systematic preparation and continuing re-evaluation and updating of certain planning elements considered critical, necessary, and desirable to guide the development and redevelopment of the areas within its jurisdiction; and

WHEREAS, the Town of Fort Mill Planning Commission has worked alongside members of the Comprehensive Plan Advisory Committee, town staff, and the Catawba Regional Council of Governments to develop a new comprehensive plan; and

WHEREAS, the elements of the new comprehensive plan were developed using input gained from an extensive public engagement process that utilized advisory committees, focus groups, multiple surveys, and community meetings; and

WHEREAS, on February 18, 2020, the Fort Mill Planning Commission reviewed the new plan entitled the 2040 Comprehensive Plan for the Town of Fort Mill and found that its adoption would be in the best interest of the Town of Fort Mill to support the health, safety, and general welfare of the town, its citizens, and the general public; and

WHEREAS, the Act requires that the Planning Commission’s recommendation in support of adopting the 2040 Comprehensive Plan for the Town of Fort Mill be made by resolution carried by the affirmative votes of at least a majority of the entire membership of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission for the Town of Fort Mill, duly assembled, does hereby recommend approval of the ordinance entitled “An ordinance adopting the 2040 Comprehensive Plan for the Town of Fort Mill”

BE IT FURTHER RESOLVED that a copy of this resolution shall be recorded in the official minutes of the Planning Commission’s February 18, 2020 meeting.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Planning Commission for the Town of Fort Mill on the ____ day of _____, 2020.

FORT MILL PLANNING COMMISSION

James Traynor, Chairman

ATTEST THIS THE _____ DAY

OF _____, 2020

Penelope Karagounis,
Planning Commission Secretary