

Proposed Text Amendment

No. _____

AN ORDINANCE TO AMEND SECTION 8:5 (ESD-PM, ENVIRONMENTALLY SENSITIVE DISTRICT-PARIS MOUNTAIN) OF THE GREENVILLE COUNTY ZONING ORDINANCE REGARDING DISTRICT INTENT AND PROTECTING PUBLIC SAFETY ON ALTAMONT ROAD.

BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

Section 1. Amendment to Section 8:5.1 Intent

Section 8:5.1 is hereby amended to state:

The purpose of the ESD-PM district is to protect the environmentally sensitive nature of Paris Mountain through proper and safe placement of structures, easements, access and uses in conformance with the natural landform, landscape and existing plant life and with due consideration of motor vehicle and bicycle safety and on the overall safe use of Altamont Rd.

Section 2. Amendment to Section 8:5.8 Special Provisions

Section 8:5.8 is hereby amended to add the following sentence at the end of the paragraph:

Any access to or connection with Altamont Rd. by Paris Mountain State Park, or from any extension of Paris Mountain State Park or any other similar uses are prohibited.

Section 3. Severability.

Should any section or provision of this Ordinance be temporarily or permanently enjoined or held to be invalid by a court of competent jurisdiction that section or provision shall be severable from the remaining sections or provisions.

Section 4. Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date.

This Ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2023.

Dan Tripp, Chairman Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator

<APPLICATION CONTINUED ON NEXT PAGE>



Robert C. Childs, III, Esq. | P.O. Box 1519 Travelers Rest SC 29690 | www.LawyerChilds.com

July 6, 2023

VIA HAND DELIVERY

Greenville County Planning Department / Planning Commission
301 University Ridge, Suite 3800
Greenville, SC 29601

Re: *Zoning Text Amendment Application Pursuant to 3:2.3 of the Zoning Ordinance by "Interested Property Owners and/or Residents of Greenville County"*
Our File No: 22-10-23

Dear Planning Commission and Staff,

You will find enclosed a \$100.00 filing fee and ad hoc application for a text amendment of my clients Altamont Road Safety Alliance, Sussan Beattie, Brenda Caie, Elaine Carter, Ron and Ava Chitty, Aaron and Heather Collins, Margaret and Robert Degiorgio, Elliot and Jennifer Earle, Laura Edge, Travis Elmore, Marilyn Endler, John Fields, Jim Hambright, Leah Hunter, Lauren Johnson, Cynthia Kinghorn, Alex Kiriakides, Jason Kraning, Elaine and Bill Landreth, Robert and Patricia Lanning, Frank and Barbara League, Louis and Ann Leblanc, Frank Lewkowicz, Forrest and Jane Long, George and Fain McDaniel, Brian McSharry, Ronald and Kathy Mercer, Steven and Anna Mickle, Helen and Fred Moorhead, John Parker and Audrey Pasin, Jim Sheets, Matthew Phillips, Shannon Pierce, Michael Rawis, Ronald and Tommie Reece, Daniel and Kimberly Rudzinski, Jason Seefafer, David Taylor, Ronald Trammel, Greg Valente and Emily and Caleb VanWingerden. Please contact my office for pickup of any zoning change signs.

If you need anything further do not hesitate to contact me. Be advised that any determination that his application is not permitted by the Zoning Ordinance must be in writing by the Zoning Administrator.

With kind regards, I remain

Sincerely,

Robert C. Childs III, Esq.

RCC/tkr

Enclosure

cc: Mark Tollison, Esq.

SKILLED · AGGRESSIVE · EXPERIENCED

Childs Law Firm LLC - 20 Center Street, Travelers Rest SC 29690
864-242-9097 • 864-242-9914 (fax) • Robert@LawyerChilds.com

APPLICATION OF THE ALTAMONT ROAD SAFETY ALLIANCE, SUSSANE BEATTIE, BRENDA CALE, ELAINE CARTER, RON AND AVA CHITTY, AARON AND HEATHER COLLINS, MARGARET AND ROBERT DEGIORGIO, ELLIOT AND JENNIFER EARLE, LAURA EDGE, TRAVIS ELMORE, MARILYN ENDLER, JOHN FIELDS, JIM HAMBRIGHT, LEAH HUNTER, LAUREN JOHNSON, CYNTHIA KINGHORN, ALEX KIRIAKIDES, JASON KRANING, ELAINE AND BILL LANDRETH, ROBERT AND PATRICIA LANNING, FRANK AND BARBARA LEAGUE, LOUIS AND ANN LEBLANC, FRANK LEWKOWICZ, FORREST AND JANE LONG, GEORGE AND FAIN MCDANIEL, BRIAN MCSHARRY, RONALD AND KATHY MERCER, STEVEN AND ANNA MICKLE, HELEN AND FRED MOORHEAD, JOHN PARKER, AUDREY PASIN, JIM SHEETS, MATTHEW PHILLIPS, SHANNON PIERCE, MICHAEL RAWLS, RONALD AND TOMMIE REECE, DANIEL AND KIMBERLY RUDZINSKI, JASON SEEFATER, DAVID TAYLOR, RONALD TRAMMEL, GREG VALENTE, AND EMILY AND CALEB VANWINGERDEN FOR A TEXT AMENDMENT TO THE GREENVILLE COUNTY ZONING ORDINANCE.

TO: GREENVILLE COUNTY PLANNING COMMISSION, THE GREENVILLE COUNTY ZONING ADMINISTRATOR AND THE GREENVILLE COUNTY ATTORNEY.

You will please take notice that the below listed property owners/authorized representatives make the following application for a text amendment to the Greenville County Zoning Ordinance. The applicants have been advised that there is no form for text amendments by interested property owners or residents of Greenville County. Thus, there is no required format as set forth in 3:1.1 of the Greenville County Zoning Ordinance. The Applicants/Authorized Agent are using this form until such time they are informed as to another format as set forth in 3:1.1 of the Greenville County Zoning Ordinance is specified. Enclosed also is the application fee of \$100.00.

1. THE PROPERTY OWNERS, AUTHORIZED REPRESENTATIVE AND AFFECTED AREA.

a. The Area.

The area subject to this application is within the unincorporated areas of Greenville County along Altamont Rd. and zoned Environmentally Sensitive District-Paris Mountain. This area is in Greenville County Council District 20. The area is shown on the attached Exhibit "A".

b. Altamont Road Safety Alliance, Interested party.

Applicant Altamont Road Safety Alliance is a non-profit corporation organized and existing in Greenville County with one of its dedicated purposes to protect and improve the safety of Altamont Road and the environmentally sensitive nature of Paris Mountain, Greenville SC 29690. Altamont Road Safety Alliance members represents a number of property owners along Altamont Road and interested citizens who are concerned with protecting and improving the safety of Altamont Rd. and its surrounding area and more

particularly the area shown on Exhibit "A". Altamont Road as shown on Exhibit "B" is a winding two-lane road maintained by the State of South Carolina traveling from Highway 253 to Hwy 276 over Paris Mountain.

c. Suzanne Beattie, Property Owner.

Applicant Suzanne Beattie is a citizen and resident of Greenville County owning real estate located at 163 Old Altamont Ridge Rd. Tax Map # 0464000100147 having acquired an interest in said property on July 1, 2022 by Deed Book 2661, Page 4299. Ms. Beattie's property is located approximately 4,850 feet Northwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

d. Brenda Cale, Property Owner.

Applicant Brenda Cale is a citizen and resident of Greenville County owning real estate located at 821 Altamont Rd. Tax Map # 0461000301006 having acquired an interest in said property on December 21, 1995 by Deed Book 1630, Page 1337. Ms. Cale's property is located approximately 1.1 miles Southeast of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

e. Elaine Carter, Property Owner.

Applicant Elaine Carter is a citizen and resident of Greenville County owning real estate located at 841 Altamont Rd. Tax Map # 0461000300904 having acquired an interest in said property on January 21, 2015 by Deed Book 2458, Page 3292. Ms. Carter's property is located approximately 1.0 mile Southeast of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

f. Ron and Eva Chitty, Property Owners.

Applicants Ron and Eva Chitty are citizens and residents of Greenville County owning real estate located at 117 Old Altamont Ridge Rd. Tax Map # 0464000100123 having acquired an interest in said property on November 27, 2013 by Deed Book 2435, Page 3110. The Chitty's property is located approximately 3,540 feet Northeast of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

g. Aaron and Heather Collins, Property Owners.

Applicants Aaron and Heather Collins are citizens and residents of Greenville County owning real estate located at 203 Lake Circle Drive Tax Map # 0461000200601 having acquired an interest in said property on December 15, 2010 by Deed Book 2381, Page 5343. The Collins' property is located approximately 3,870 feet Southeast of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

h. Margaret and Robert Degiorgio, Property Owners.

Applicants Margaret and Robert Degiorgio are citizens and residents of Greenville County owning real estate located at 1071 Altamont Rd Map # 0463000100507 having acquired an interest in said property on September 25, 1991 by Deed Book 1449, Page 429. The Degiorgio's property is located approximately 800 feet Southwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

i. Elliott and Jennifer Earle, Property Owners.

Applicants Elliott and Jennifer Earle are citizens and residents of Greenville County owning real estate located at 1100 Altamont Rd Map # 0462000100705 having acquired an interest in said property on January 26, 2022 by Deed Book 2647, Page 1387. The Earle's property is located adjacent to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

j. Laura Edge, Property Owner.

Applicant Laura Edge is a citizen and resident of Greenville County owning real estate located at 2363 Altamont Rd. Tax Map # 0476000100602 having acquired an interest in said property on April 6, 2005 by Deed Book 2138, Page 483. Ms. Edge's property is located approximately 1.5 miles Northwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

k. Travis Elmore, Property Owner.

Applicant Travis Elmore is a citizen and resident of Greenville County owning real estate located at 223 Altamont Rd. Tax Map # P031000104900 having acquired an interest in said property on July 28, 1993 by Deed Book 1524, Page 294. Mr. Elmore's property is located approximately 1.95 miles Southeast of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

l. Marilyn Endler, Property Owner.

Applicant Marilyn Endler is a citizen and resident of Greenville County owning real estate located at 14 Old Altamont Ridge Rd. Tax Map # 0464000100117 having acquired an interest in said property on February 24, 2023 by Deed Book 2681, Page 3188. Ms. Endler's property is located approximately 3,910 feet Northwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

m. John Fields, Property Owner.

Applicant John Fields is a citizen and resident of Greenville County owning real estate located at 1240 Altamont Rd. Tax Map # 0462000100500 having acquired an interest in said property on July 20, 2017 by Deed Book 2517, Page 1431. Mr. Fields' property is

located adjacent to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

n. Jim Hambright, Property Owner.

Applicant Jim Hambright is a citizen and resident of Greenville County owning real estate located at 10 Chestnut Ridge Tax Map # P034000100100 having acquired an interest in said property on December 30, 2016 by Deed Book 2503, Page 3010. Mr. Hambright's property is located approximately 1.35 miles Southeast of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

o. Leah Hunter, Property Owner.

Applicant Leah Hunter is a citizen and resident of Greenville County owning real estate located at 1235 Altamont Rd. Tax Map # 0463000100400 having acquired an interest in said property on October 2, 2007 by Deed Book 2292, Page 1649. Ms. Hunter's property is located approximately 1,057 feet Northwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

p. Lauren Johnson, Property Owner.

Applicant Leah Hunter is a citizen and resident of Greenville County owning real estate located at 2363 Altamont Rd. Tax Map # 0476000100800 having acquired an interest in said property on November 8, 2022 by Deed Book 2673, Page 556. Ms. Johnson's property is located approximately 1.5 miles Northwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

q. Cynthia Kinghorn, Property Owner.

Applicant Cynthia Kinghorn is a citizen and resident of Greenville County owning real estate located at 10 Altamont Forest Dr. Tax Map # 0464010101200 having acquired an interest in said property on July 28, 1993 by Deed Book 1524, Page 186. Ms. Kinghorn's property is located approximately 2,590 feet Northeast of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

r. Alex Kiriakides, III, Property Owner.

Applicant Alex Kiriakides, III, as trustee of the Alex Kiriakides, III Revocable Trust. Mr. Kiriakides is a citizen and resident of Greenville County owning real estate located at 1061 Altamont Rd. Tax Map #0463000100500 having acquired said property on September 11, 2012 by Deed Book 2411, Page 4731. Mr. Kiriakides' property is located between Lake Circle Drive and Altamont Forest Drive on Altamont Rd. His property is zoned ESD-PM and is approximately 1,250 feet south of the property owned by Naturaland Trust set forth the above.

s. Jason Kraning, Property Owner.

Applicant Jason Kraning is a citizen and resident of Greenville County owning real estate located at 1077 Altamont Rd. Tax Map # 0463000100504 having acquired an interest in said property on February 19, 2003 by Deed Book 1994, Page 291. Mr. Kraning's property is located adjacent to the property of Micheal S. Rawls and is approximately 400 feet Southwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

t. Elaine and Bill Landreth, Property Owners.

Applicants Elaine and Bill Landreth are citizens and residents of Greenville County owning real estate located at 1069 Altamont Rd Map # 0463000100508 having acquired an interest in said property on June 12, 2006 by Deed Book 2210, Page 529. The Landreth's property is located approximately 890 feet Southwest to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

u. Robert and Patricia Lanning, Property Owners.

Applicants Robert and Patricia Lanning are citizens and residents of Greenville County owning real estate located at 121 Laurel Falls Way Map # 0464020100200 having acquired an interest in said property on November 4, 2014 by Deed Book 2454, Page 2713. The Lanning's property is located approximately 3,640 feet Northeast to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

v. Frank and Barbara League, Property Owners.

Applicants Frank and Barbara League are citizens and residents of Greenville County owning real estate located at 823 Altamont Rd. Map # 0461000301005 having acquired an interest in said property on September 25, 2015 by Deed Book 2473, Page 5321. The League's property is located approximately 1.1 miles Southeast to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

w. Louis and Ann Leblanc, Property Owners.

Applicants Louis and Ann Leblanc are citizens and residents of Greenville County owning real estate located at 23 Old Altamont Ridge Rd. Map # 0464000100151 having acquired an interest in said property on May 12, 2011 by Deed Book 2388, Page 2069. The Leblanc's property is located approximately 3,853 feet Northwest to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

x. Frank Lewkowicz, Property Owner.

Applicant Frank Lewkowicz is a citizen and resident of Greenville County owning real estate located at 829 Altamont Rd. Tax Map # 0461000301007 having acquired an interest in said property on June 25, 2004 by Deed Book 2095, Page 70. Mr. Lewkowicz' property

is located approximately 1.1 miles Southeast of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

y. Forrest and Jane Long, Property Owners.

Applicants Forrest and Jane Long are citizens and residents of Greenville County owning real estate located at 632 Altamont Rd. Map # P037000104503 having acquired an interest in said property on October 4, 2010 by Deed Book 2378, Page 4877. The Long's property is located approximately 1.37 miles Southeast to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

z. George and Fain McDaniel, Property Owners.

Applicants George and Fain McDaniel are citizens and residents of Greenville County owning real estate located at 811 Altamont Rd. Map # 0461000301200 having acquired an interest in said property on November 13, 2018 by Deed Book 2552, Page 520. The McDaniel's property is located approximately 1.15 miles Southeast to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

aa. Brian McSharry, Property Owner.

Applicant Brian McSharry is a citizen and resident of Greenville County owning real estate located at 902 Altamont Rd. Tax Map # 0461000101201 having acquired an interest in said property on July 17, 2013 by Deed Book 2427, Page 5811. Mr. McSharry's property is located approximately 3,945 feet Southeast of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

bb. Ronald and Kathy Mercer, Property Owners.

Applicants Ronald and Kathy Mercer are citizens and residents of Greenville County owning real estate located at 41 Old Altamont Ridge Rd. Map # 0464000100143 having acquired an interest in said property on October 29, 2014 by Deed Book 2454, Page 447. The Mercer's property is located approximately 3,580 feet Northwest to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

cc. Steven J. and Anna Mickle, Property Owners.

Applicants Steven J. and Anna Mickle are citizens and residents of Greenville County owning real estate located at 6 The Summit Map # 0463000103300 having acquired an interest in said property on December 7, 2004 by Deed Book 2120, Page 675. The Mickle's property is located approximately 1,645 feet Southeast to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

dd. Helen and Fred Moorhead, Property Owners.

Applicants Helen and Fred Moorhead are citizens and residents of Greenville County owning real estate located at 651 Altamont Rd. Map # 0461000301601 having acquired an interest in said property on June 6, 2018 by Deed Book 2540, Page 684. The Moorhead's property is located approximately 1.35 miles Southeast to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

ee. John Parker, Property Owner.

Applicant John Parker is a citizen and resident of Greenville County owning real estate located at 1070 Altamont Rd. Tax Map # 0462000100802 having acquired an interest in said property on September 10, 2021 by Deed Book 2635, Page 404. Mr. Parker's property is located approximately 650 feet Southwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

ff. Audrey Pasin and Jim Sheets, Property Owners.

Applicants Audrey Pasin and Jim Sheets are citizens and residents of Greenville County owning real estate located at 136 Old Altamont Ridge Rd. Map # 0464000100127 having acquired an interest in said property on August 17, 2000 by Deed Book 1921, Page 1608. The Pasin's and Sheets' property is located approximately 3,940 feet Northeast to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

gg. Matthew Phillips, Property Owner.

Applicant Matthew Phillips is a citizen and resident of Greenville County owning real estate located at 11 Old Altamont Ridge Rd. Tax Map # 0464000100112 having acquired an interest in said property on February 7, 2022 by Deed Book 2648, Page 1772. Mr. Phillips' property is located approximately 4,100 feet Northwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

hh. Shannon Pierce, Property Owner.

Applicant Shannon Pierce is a citizen and resident of Greenville County owning real estate located at 7 Elk Park Tax Map # 0463000100403 having acquired an interest in said property on October 21, 2019 by Deed Book 2578, Page 4210. Ms. Pierce's property is located approximately 395 feet Northwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

ii. Michael S. Rawls, Property Owner.

Applicant Micheal S. Rawls is a citizen and resident of Greenville County owning real estate located at 1081 Altamont Rd. Tax Map #0463000100501 having acquired an interest in said property on February 8, 2018 by Deed Book 2531, Page 2005. Mr. Rawls' property is located approximately 150 feet Southwest of the western most point of the property presently owned by Naturaland Trust identified in Tax Map # 0462010100102.

jj. Ronald and Tommie Reece, Property Owners.

Applicants Ronald and Tommie Reece are citizens and residents of Greenville County owning real estate located at 18 Chestnut Ridge Rd. Map # P035000101300 having acquired an interest in said property on March 6, 1984 by Deed Book 1207, Page 597. The Reece's property is located approximately 1.25 miles Southeast to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

kk. Daniel and Kimberly Rudzinski, Property Owners.

Applicants Daniel and Kimberly Rudzinski are citizens and residents of Greenville County owning real estate located at 6 Tropicana Court Map # 0477020100100 having acquired an interest in said property on December 6, 2019 by Deed Book 2582, Page 2746. The Rudzinski's property is located approximately 1.23 miles Northwest to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

ll. Jason Seefafer, Property Owner.

Applicant Jason Seefafer is a citizen and resident of Greenville County owning real estate located at 700 Altamont Rd. Tax Map # P035000200306 having acquired an interest in said property on March 25, 2013 by Deed Book 2421, Page 3034. Mr. Seefafer's property is located approximately 1.2 miles Southeast of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

mm. David Taylor, Property Owner.

Applicant David Taylor is a citizen and resident of Greenville County owning real estate located at 1133 Altamont Rd. Tax Map # 0463000100404 having acquired an interest in said property on October 11, 2019 by Deed Book 2577, Page 5938. Mr. Taylor's property is located approximately 195 feet Northwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

nn. Ronald Trammel, Property Owner.

Applicant Ronald Trammel is a citizen and resident of Greenville County owning real estate located at 5 Tropicana Court Tax Map # 0477020100700 having acquired an interest in said property on August 14, 2020 by Deed Book 2601, Page 637. Mr. Trammel's property is located approximately 1.2 miles Northwest of the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

oo. Gregory Valente, Property Owner.

Applicant Mr. Gregory Valente is citizen and resident of Greenville County owning real estate located at 829 Altamont Rd. Tax Map #0461000301002 having acquired said property on August 28, 2013 by Deed Book 2420, Page 3533. Mr. Valente's property is

located between Lake Circle Drive and Altamont Forest Drive on Altamont Rd. His property is zoned ESD-PM and is approximately 1.7 miles south of property owned by Naturaland Trust (Tax Map #0462010100102) which contains a potential new connection to Altamont Rd. for Paris Mountain State Park and is designated to become part of Paris Mountain State Park in accordance with the grant approved by Greenville County Council. The Naturaland Trust property is also zoned ESD-PM and is adjacent to the property of the SC State Commission on Forestry (Tax Map#0498100100100) which is zoned Residential Suburban. ESD-PM and Residential Suburban zoning designations do not permit outright recreation (commercial) or Recreation (private/public/nonprofit or Recreation Community area). See Exhibit "C" for property owner locations.

pp. Emily and Caleb VanWingerden, Property Owners.

Applicants Emily and Caleb VanWingerden are citizens and residents of Greenville County owning real estate located at 1267 Altamont Rd. Map # 0463000100200 having acquired an interest in said property on March 15, 2021 by Deed Book 2618, Page 4199. The VanWingerden's property is located approximately 1,330 feet Northwest to the western most point of the property owned by Naturaland Trust identified in Tax Map #0462010100102.

qq. Robert C. Childs, III, Esq., Authorized Representative.

The Applicants have retained Robert C. Childs, III of the Childs Law Firm LLC as their authorized representatives. His address is P.O. Box 1519, 20 Center Street, Travelers Rest, SC 29690. His phone number is 864-242-9997 and his fax number is 864-242-9914. His email is Robert@LawyerChilds.com.

2. THE APPLICANTS' CONCERNS.

Any new access or connections to Altamont Rd. will have a detrimental impact on the environmentally sensitive nature of Paris Mountain and will degrade the overall safe use of Altamont Rd. over Paris Mountain. The stated intent by the South Carolina Department of Parks, Recreation and Tourism to use Altamont Rd. to connect to Paris Mountain State Park and to provide for additional parking of motor vehicles for Paris Mountain State Park jeopardizes the entire ESD-PM intent and potentially opens the door for numerous connection points to Altamont Rd. through the over 250 acres owned by the State of South Carolina and the approximately 150 acres owned by Naturaland Trust that is near and/or contiguous with over 5,250 feet of Altamont Rd.

3. THE REQUESTED TEXT AMENDMENT OF APPLICANTS.

Applicants request the following text amendments to the ESD-PM zoning district set forth in proposed Greenville County Ordinance form as shown on the following page:

4. APPLICANT'S RIGHT TO MAKE THIS APPLICATION.

3:2.1 "Application" of the Greenville County Zoning Ordinance provides:

An application for any change or amendment to the text or map of this Ordinance shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be changed and the names and addresses of the owner or owners of the property. Such application shall be filed with the Greenville County Planning Commission staff in accordance with the published schedule of rezoning deadline and meeting dates. In order for an application to be processed by Planning Commission staff, all required information and forms must be completed. Planning Commission staff may return any incomplete forms to the applicant. (Emphasis added.)

3:2.3 "Initiation of Amendments" of the Greenville County Zoning Ordinance provides:

County Council, County Planning Commission, or Board of Zoning Appeals may initiate proposed changes or amendments to the ordinance text. Petitions for text changes or amendments by any interested property owner or resident of Greenville County must first be presented to the Public Service, Planning and Development Committee of County Council. In the event County Council recommends approval of the text change or amendment for public hearing, the text change or amendment shall be scheduled for public hearing, and considered for adoption. . . (Emphasis added)

3:2.4 "Public Hearing" of the Greenville County Zoning Ordinance provides:

Upon receipt of a completed application from the Planning Commission staff for an amendment to the Zoning Ordinance text or map, the request shall be placed the request on the agenda for the next scheduled public hearing. No amendment to the Zoning Ordinance text or map shall be eligible for reading by County Council until after a public notice and hearing by County Council. (Emphasis added.)

3:2.6 "Action by the Planning Staff and Planning Commission" of the Greenville County Zoning Ordinance provides:

The Planning staff shall, upon receipt of a request for an amendment to the Zoning Ordinance text or map, review and make written recommendations to the Greenville County Planning Commission concerning the request. The Planning Commission shall have 30 days within which to submit its report and recommendation to County Council. The Planning Commission may allow additional public comment on a zoning docket at its regularly scheduled meeting. If the Planning Commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure from the text or map. (Emphasis added.)

S.C. Code Ann. 6-29-760(A) provides:

Before enacting or amending any zoning regulations or maps, the governing authority or the planning commission, if authorized by the governing authority, shall hold a public hearing on it, which must be advertised and conducted according to lawfully prescribed procedures. If no established procedures exist, then at least fifteen days' notice of the time and place of the public hearing must be given in a newspaper of general circulation in the municipality or county. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. If the local government maintains a list of groups that have expressed an interest in being informed of zoning proceedings, notice of such meetings must be mailed to these groups. No change in or departure from the text or maps as recommended by the local planning commission may be made pursuant to the hearing unless the change or departure be first submitted to the planning commission for review and recommendation. The planning commission shall have a time prescribed in the ordinance which may not be more than thirty days within which to submit its report and recommendation on the change to the governing authority. If the planning commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure. When the required public hearing is held by the planning commission, no public hearing by the governing authority is required before amending the zoning ordinance text or maps. (Emphasis added)

In *I'On LLC v. Town of Mt. Pleasant*, 338 S.C. 406, 526 S.E.2d 716 (S.C. 2000) the South Carolina Supreme Court stated:

Zoning often is one of the most controversial activities undertaken by a local government. Some citizens view zoning as a requisite in today's world, necessary to control disparate uses of land, promote orderly development, and conserve valuable resources. To others, zoning raises the specter of an overbearing government bent on destroying individual property rights and independent spirits. As aptly expressed by the New Jersey Supreme Court,

In municipal government, few issues generate as much public interest as the control of land-use development. Zoning ordinances touch people where they live. Sensitive to the intense public interest in local land-use development, the Legislature has developed an orderly structure for public participation in the process. That process also contemplates the rational development of land use, free from undue political influence.

Great Atlantic & Pacific Tea Co. v. Borough of Point Pleasant, 137 N.J. 136, 644 A.2d 598, 600 (1994).

Similarly, the comprehensive and detailed nature of the Title 6 provisions briefly outlined above reveals our Legislature's intent that zoning decisions should be made by a crosssection of unbiased officials after careful deliberation. Whether the zoning decisions involve the development of an overall zoning system or master plan, or the application of established rules in a particular case, Title 6 is designed to allow ample planning and ensure due process for all interested parties.

The Legislature has recognized by its enactment of detailed procedures in Title 6 that haphazard or thoughtless decisions are the antithesis of meaningful zoning... (Emphasis added.)

Therefore, it is clear that the intent of the Ordinance and State law is to allow "Petitions for text changes or amendments by any interested property owner or resident of Greenville County ..." If interested property owners or residents were not allowed to request a text amendment, then there would be no reason for a fee of \$100.00 to apply for an amendment as set forth in 3:2.10 which states;

When a proposed amendment to the ordinance text or map is initiated by individuals or parties other than County Council, Planning Commission, or Board of Zoning Appeals, a fee shall be paid for each application for administrative and advertising expenses as set forth in the following table. (Emphasis added.)

Table 3.1 specifies a fee of \$100.00 for text amendments.

5. PROCESS THAT IS REQUIRED.

Despite the plain language of Section 3:2.3 of the Zoning Ordinance that a text amendment is initially referred to a Council committee, this conflicts with the process for public hearings before County Council consideration set forth in Section 3:2.4 of the Zoning Ordinance, recommendations to the planning commission in Section 3:2.6 of the Zoning Ordinance and S.C. Code 6-29-760 that requires review by the Planning Commission first. Therefore, this application should be processed in the same fashion as a rezoning request.

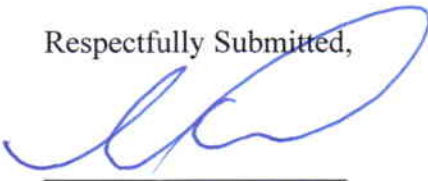
6. IN THE EVENT OF AN ADMINISTRATIVE DETERMINATION THAT APPLICANTS MAY NOT APPLY FOR A TEXT AMENDMENT.

The Zoning Ordinance is administered and enforced by the Zoning Administrator (See, Section 13:1.1) "All questions of interpretation and enforcement shall first be presented to the Zoning Administrator and such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator, and that recourse from the decision of the Board of Zoning Appeals shall be as provided in South Carolina local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Title 6, Chapter 29." (See, Section 3:5.1)

Therefore, only the Zoning Administration can determine if the Applicants may apply for a text amendment. In the event administrative officials determine applicants may not request a text amendment they specifically request a written determination by the Zoning Administrator in order to Appeal that decision to the Board of Zoning Appeals.

Wherefore, the applicants request consideration of the proposed text amendment to the ESD-PM District.

Respectfully Submitted,



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Notice of Public Hearing

_____ the public hearing to consider this request is scheduled for (Date) ___/___/___ at 6:00 p.m. in the County Council Chambers at 301 University Ridge Greenville, South Carolina.

Signature by Owner or Authorized Agent

Date

Robert C. Childs, III
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For Staff Use

Docket Number	Date Submitted	Posting Date	Fee Paid	Taken By