



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council
FROM: John F. McDonough, City Manager

Agenda Item No.

15m

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: June 14, 2021

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO AMEND SECTION 19-2.3.18, ALTERNATIVE EQUIVALENT COMPLIANCE, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR NONRESIDENTIAL USES AND MULTIFAMILY USES ADJACENT TO DETACHED SINGLE-FAMILY RESIDENTIAL USES (Z-20-2021)

SUMMARY BACKGROUND:

Staff submits these text amendments to amend Section 19-2.3.18, Alternative Equivalent Compliance, so that all nonresidential developments, except for C-4, and multifamily developments, will be provided a process to adjudicate alternative equivalent compliance based on undue hardship standards for properties adjacent to single-family detached uses.

These amendments are intended to enhance the quality of life of City residents living near nonresidential and multifamily uses, except those located within the C-4, by the provision of an increased compatibility of a commercial or multifamily use adjacent to a single-family residential use.

The City Planning Commission, pursuant to public notice, held a public hearing on June 9, 2021, to consider the proposed text amendments. The application was recommended for approval with conditions for modification by a vote of 6-0.

Planning Staff Recommendation: Approve

Planning Commission Recommendation: Approval by a vote of 6-0

IMPACT IF DENIED:

The text amendments will not be approved, and hardships for nonresidential and multifamily developments will remain regulated by the existing standards of the Land Management Ordinance.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director Jonathan B. Graham
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OMB Director _____

City Attorney Michael Pitts
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City Manager John McDonough
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A N O R D I N A N C E

TO AMEND SECTION 19-2.3.18, ALTERNATIVE EQUIVALENT COMPLIANCE, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR NONRESIDENTIAL USES AND MULTIFAMILY USES ADJACENT TO DETACHED SINGLE-FAMILY RESIDENTIAL USES (Z-20-2021)

WHEREAS, Chapter 19 of the Code of Ordinances of the City of Greenville, commonly referred to as the Land Management Ordinance (the “LMO”), contains regulations for the establishment of commercial uses, service and industrial uses, and multiple-family dwelling uses; and

WHEREAS, the city of Greenville (the “City”) provides municipal planning and land use services including, but not limited to, land development regulation, zoning, land use planning, permitting, and licensing of businesses and properties, which are vital to the public health, safety, welfare, and quality of life in the City; and

WHEREAS, the City recently adopted its decennial comprehensive plan, entitled GVL2040 (the “GVL2040”); and

WHEREAS, GVL2040 envisions Greenville’s future growth will be directed into higher density nodes or centers located throughout the City and connected by major corridors; and

WHEREAS, City Council desires to protect the character of existing single-family neighborhoods and quality of life for neighborhood residents; and

WHEREAS, GVL2040 recognizes the LMO required substantial revision in response to the rapid growth the City has experienced since the LMO was last revised almost 14 years ago; and

WHEREAS, GVL2040 calls for an immediate update to the City’s land management regulations and states this as the most critical step to take on the path toward implementation of the node and corridor growth framework; and

WHEREAS, the City has been faced with pressures created by multi-family and commercial development along the City’s major corridors that abut neighborhoods, as well as development of properties within existing neighborhoods; and

WHEREAS, the current LMO does not adequately protect neighborhoods from the impacts associated with concentrated development, including issues related to construction impact, noise, lighting, traffic, design, neighborhood character, height, massing, and form; and

WHEREAS, the City desires to modify Section 19-2.3.18, Alternative equivalent compliance, of the Code of Ordinances of the City of Greenville (the “City Code”), as shown in the attached Exhibit A; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on June 9, 2021, to consider the proposed text amendments, and

WHEREAS, the Planning Commission voted unanimously to recommend approval of the proposed text amendments as proposed with staff comments and added clarification that the requirements pertain to developments that abut the protected use of single-family detached residential; and

WHEREAS, City Council finds the text amendments to be compatible with the City's Comprehensive Development Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Section 19-2.3.18, Alternative equivalent compliance, of the City Code is hereby amended as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. This Ordinance shall be effective upon second and final reading.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A

19-2.3.18. *Alternative equivalent compliance.*

(A) *Purpose.* The alternative equivalent compliance (AEC) procedure is proposed to provide a mechanism for allowing minor variations from the multifamily and nonresidential design standards. Approval of an AEC allows development to occur in a manner that meets the intent of this chapter, yet through an alternative design that does not strictly adhere to the multi-family or nonresidential design standards. Approval of an AEC is not a general waiver of regulations; rather, it authorizes a licensed architect, landscape architect, or engineer to recommend that a proposed alternative design meets the intent of this chapter.

(B) *Applicability.* The AEC procedure is available only for the following sections:

- (1) Section 19-4, Use Regulations that protect single family-detached residential uses from proposed commercial development when abutting the protected use; and
- (2) Section 19-5, Dimensional Standards and Measurements that protect single family-detached residential uses from proposed commercial development when abutting the protected use; and
- (3) Section 19-6.2, Landscaping, buffering and screening that protect single family-detached residential uses from proposed commercial development when abutting the protected use; and
- (4) Section 19-6.4, Exterior Lighting that protects single family-detached residential uses from proposed commercial development when abutting the protected use; and
- (5) Section 19-6.5, Design standards for nonresidential development; and
- (6) Section 19-6.6, Sign Regulations that protect single family-detached residential uses from proposed commercial development when abutting the protected use; and
- (7) Section 19-6.8, Design standards for multifamily residential development.

(C) *Pre-application conference required.* An applicant proposing alternative equivalent compliance shall request and attend a pre-application conference with the administrator in accordance with subsection 19-2.2.3. The pre-application conference materials provided by the applicant shall include a detailed description of how a proposed building design differs from the applicable design standard requirements; but complies with the intent of this chapter.

(D) *Decision-making responsibility.* Final approval of an AEC request shall be the responsibility of the decision-making body responsible for deciding the application. Administratively-approved development shall receive written AEC approval from the administrator. The foregoing notwithstanding, alternative equivalent compliance with those sections set forth above in subsection (B) that protect single family-detached residential uses from proposed commercial development when abutting the protected use shall receive final approval from the Planning Commission.

(E) *Approval criteria.* A request for alternative equivalent compliance shall be approved if the application is accompanied by a sealed recommendation from a licensed state architect or landscape architect, or professional engineer, that the proposed building design achieves the intent of the subject standards to the same or better degree than the subject standards. The foregoing notwithstanding, requests for alternative equivalent compliance with those sections set forth above in subsection (B) that protect single family-detached residential uses from proposed commercial development when abutting the protected use shall be evaluated in accordance with the following criteria:

- a. *Consistency with intent of applicable text amendment.* The alternative equivalence shall be consistent with the stated purpose of the applicable text amendment to protect single family-detached residential uses.
- b. *Neighborhood Compatibility.* The alternative equivalence shall achieve the same neighborhood compatibility and maintain the harmony and character of established single-family residential areas as the applicable text amendment to protect single family-detached residential uses.
- c. *Access.* The proposal will not create negative impacts to the abutting properties or rights-of-way, dedicated tracts, or easements.
- d. *Intent.* The alternative equivalence will be equal to, or superior in, fulfilling the purpose and intent of the original protective text amendment requirements.
- e. *Safety.* The proposal does not negatively impact any safety features of the project, nor create any hazardous features.
- f. *Services.* The proposal will not create negative impacts to public services, including but not limited to fire and emergency services.

(F) *Effect.* AEC approval shall apply only to the specific development for which it was requested and shall not establish a precedent for approval of other requests.