



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

11c

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

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

AGENDA DATE REQUESTED: January 23, 2023

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO AMEND SECTION 19-2.3.2, AMENDMENTS TO TEXT AND ZONING DISTRICT MAP, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE BY ESTABLISHING SUBSECTION (D)(4), TWO-THIRDS MAJORITY REQUIRED IN SOME CIRCUMSTANCES (Z-17-2022)

SUMMARY BACKGROUND:

Staff submits this text amendment to amend Section 19-2.3.2, Amendments to text and zoning district map, to require a two-thirds (2/3) supermajority of City Council where Planning Commission had previously recommended denial.

Staff has found that members of the City’s Planning Commission are appointed because of their personal and professional qualifications to serve on the commission, they receive regular training and advisement on planning-related issues, and they are familiar with the standards and criteria for zoning map amendments, text amendments, and other matters. They are therefore well qualified to effectively evaluate such requests and present a formal recommendation to City Council based on the review criteria for such applications and in response to public comments and input received as part of the formal public hearing at Planning Commission meetings.

The proposed text amendment provides a higher standard for City Council to approve applications on which the Planning Commission recommends denial.

The City Planning Commission, pursuant to public notice, held a public hearing on December 15, 2022, to consider the proposed text amendment. The amendment was recommended for approval by a vote of 5-0.

Planning Staff Recommendation: Approve

Planning Commission Recommendation: Approval by a vote of 5-0

IMPACT IF DENIED:

The text amendment will not be approved, and no two-thirds supermajority of City Council will be required to approve text or zoning map amendments that have received a recommendation of denial from Planning Commission.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director

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City Attorney

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OMB Director

City Manager

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AN ORDINANCE

TO AMEND SECTION 19-2.3.2, AMENDMENTS TO TEXT AND ZONING DISTRICT MAP, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE BY ESTABLISHING SUBSECTION (D)(4), TWO-THIRDS MAJORITY REQUIRED IN SOME CIRCUMSTANCES (Z-17-2022)

WHEREAS, application for text and zoning district map amendments receive a public hearing and recommendation by the City's Planning Commission before they proceed to City Council for final action; and

WHEREAS, if an application proceeds from the Planning Commission to City Council with a recommendation for denial, it currently requires only a simple majority of Council to approve final action of the application; and

WHEREAS, City staff received a request from City Council to modify the procedure for text and zoning district map amendments to require a two-thirds (2/3) supermajority vote of City Council on applications on which Planning Commission provided a recommendation of denial for the application; and

WHEREAS, members of the City's Planning Commission are appointed because of their personal and professional qualifications to serve on the commission, they receive regular training and advisement on planning-related issues, and they are familiar with the standards and criteria for zoning map amendments, text amendments, and other matters; and

WHEREAS, they are therefore well qualified to effectively evaluate such requests and present a formal recommendation to City Council based on the review criteria for such applications and in response to public comments and input received as part of the formal public hearing at Planning Commission meetings; and

WHEREAS, the proposed text amendment therefore provides a higher standard for City Council to approve matters on which the Planning Commission, having reviewed such requests with their aforementioned insights and qualifications, do not recommend for approval; and

WHEREAS, the City's Planning Commission, pursuant to public notice, held a public hearing on December 15, 2022, to consider the proposed text amendment, and

WHEREAS, the Planning Commission voted unanimously five (5) to zero (0) to recommend approval of the proposed text amendment to Section 19-2.3.2; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Section 19-2.3.2, Amendments to text and zoning district map, of the Code of Ordinances of the City of Greenville is 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 _____, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A

Sec. 19-2.3. - Specific standards and other requirements for applications for development approval.

19-2.3.1. *General overview.* A summary of the development review procedures for the different types of development approvals and permits in this section is provided in the administrative manual.

19-2.3.2. *Amendments to text and zoning district map.*

(A) *Purpose.* The purpose of this subsection is to provide a means for amending the text of this chapter or making an amendment to the zoning district map (rezoning).

(B) *Authority.* The city council may adopt an ordinance amending the text of this chapter or amending the zoning district map (rezoning) upon compliance with the provisions of this section.

(C) *Initiation.*

(1) *Amendment to the text of this chapter.* An application to amend the text of this chapter may be initiated by the city council, the planning commission, the administrator, an owner of property in the city, or a citizen of the city.

(2) *Amendment to zoning district map.* An application to amend the zoning district map (rezoning) may be initiated by the city council, the planning commission, the administrator, or by a person or entity who may submit applications pursuant to subsection 19-2.2.1, authority to file applications.

(D) *Procedures.*

(1) *Application review, notification and scheduling hearing.* The procedures and requirements for submission and review of an application, public notification, and scheduling the public hearing are established in section 19-2.2, common procedures. Prior to the preparation of the staff report, city staff may make recommendations to the administrator to include in the staff report.

(2) *Review and recommendation by planning commission.* On the date of the referral of the application from the administrator, the planning commission shall conduct a public hearing on the application pursuant to subsection 19-2.2.18, public hearing procedures. At the public hearing, the planning commission shall consider the application, the relevant support materials, the staff report, the evidence presented at the hearing, and make a report to the city council recommending to approve, disapprove, or modify the application based on the standards in subsection 19-2.3.2(E), standards. If the planning commission fails to forward the report to city council within 30 calendar days from the date of referral (date of public hearing), the application is deemed to have been recommended for approval. Upon request or consent of the applicant, the planning commission may defer action on the application to a fixed date, time, and place.

(3) *Review and action by city council.* After receipt of the report from the planning commission, the city council may receive public comments in addition to those provided at the public hearing. At the public meeting, the city council shall consider the application, the relevant support materials, the staff report, the report of the planning commission, and any testimony or other evidence submitted to the planning commission or to the city council. In its discretion, the city council may refer the matter to the planning commission for further study and recommendation on specific issues and for a supplemental report to be submitted to the city council within 65 days. If the referral requires additional public notification, it shall be given in accordance with subsection 19-2.2.9. The city council shall either adopt an ordinance amending the text of this chapter or the zoning district map (whichever is appropriate) or disapprove the application, based on the standards of subsection 19-2.3.2)(e), standards.

(4) *Two-thirds majority required in some circumstances.* In the event the Planning Commission recommends denial of an application, in order for Council to adopt an ordinance amending the text of this chapter or the zoning district map (whichever is appropriate) as requested in the application, a favorable vote of two-thirds (2/3) of all City Council members is required.