



REQUEST FOR COUNCIL ACTION
City of Greenville, South Carolina

Agenda Item No.

15d

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: May 22, 2023

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO TO REPEAL CHAPTER 19, LAND MANAGEMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE, SOUTH CAROLINA, AND TO REPLACE WITH NEW CHAPTER 19, GREENVILLE DEVELOPMENT CODE (Z-1-2023A)

SUMMARY BACKGROUND:

This ordinance will replace the existing Land Management Ordinance in Chapter 19 of the Code of Ordinances with the new Greenville Development Code. The code text has been prepared following an extensive public engagement and review process and is intended to implement the goals and policies of the GVL 2040 Comprehensive Plan including affordable housing, open space preservation, and transportation and mobility. The code and the new corresponding zoning map promote a node-and-corridor development pattern that facilitates intentional growth throughout the city while protecting existing neighborhoods. The Greenville Development Code also includes voluntary market-based incentives for the provision of affordable housing and open space.

Procedurally, this ordinance (Z-1-2023A) adopts the new code and establishes the new zoning districts. Its corresponding ordinance (Z-1-2023B) applies the new zoning districts to real property across the city through the adoption of the new zoning map.

Planning Staff Recommendation: Approve with Modifications

Planning Commission Recommendation: Approve with Modifications and Planning Commission Recommendations

IMPACT IF DENIED:

The new code will not be adopted. The new map cannot be adopted until this ordinance is adopted. Development will continue to occur under the existing Land Management Ordinance and zoning map.

FINANCIAL IMPACT:

N/A

REQUIRED SIGNATURES

Department Director

DocuSigned by:

B6D12FA1F69A403...

City Attorney

DocuSigned by:

5CBFADF322244F8...

OMB Director

City Manager

DocuSigned by:

FDC2AC15040F440...

AN ORDINANCE

TO REPEAL CHAPTER 19, LAND MANAGEMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE, SOUTH CAROLINA, AND TO REPLACE WITH NEW CHAPTER 19, GREENVILLE DEVELOPMENT CODE (Z-1-2023A)

WHEREAS, Article 5, Section 6-29-710 et seq. and Article 7, Section 6-29-1110 of the South Carolina Code of Laws authorizes the Greenville City Council to adopt local zoning and land development regulations; and

WHEREAS, on February 22, 2021, the City Council officially adopted the GVL2040 Comprehensive Plan for the city of Greenville (“the City”) which includes goals and policies including providing 10% of all new housing units at an affordable rate, preserving up to 35% of the remaining vacant land for open space, prioritizing transportation and mobility, and growing in a new and intentional way that protects and strengthens the City’s established neighborhoods while directing new growth towards nodes and corridors; and

WHEREAS, to implement the goals and policies of GVL2040, the Comprehensive Plan recommended updating Chapter 19 of the City’s Code of Ordinances containing the Land Management Ordinance; and

WHEREAS, the City contracted a consultant team led by czb, LLC, in July 2021 to provide planning services leadership and to work with the City, property and business owners, and other stakeholders to develop and prepare a proposed replacement of the City’s Land Management Ordinance and official zoning map with a new development code and new official zoning map; and

WHEREAS, the City facilitated an open process to replace the Section 19, Land Management Ordinance of the City’s Code of Ordinances commencing in late 2021 in conjunction to also replace the City’s Official Zoning Map, and

WHEREAS, the process for preparing and refining the draft Development Code and Zoning Map has included significant community outreach, public engagement, and stakeholder involvement consisting of:

- Publicly posting updates to the project website from October 2021 through May 2023;
- Hosting monthly online Code Connections sessions from January to November 2022 to educate the public on development code and to respond to questions and concerns of stakeholders and the community;
- Working with local stakeholder groups over the summer of 2022 to create five small area character plans, each an example of a neighborhood, node, or corridor, and receiving input from public open houses to inform the district framework and create a foundation for the new code;
- Providing regular reports at various board, commission, and City Council meetings;
- Conducting over 75 meetings and presentations since first publishing the draft Greenville Development Code and Official Zoning Map on January 25, 2023, including Coffee with the Code meetings, Learning Labs, one-on-one meetings, and neighborhood meetings, among others, attended by approximately 1,500 people since the original posting;
- Proactively meeting with developers, architects, engineers, and designers as well as various professional associations to help them understand the new code and development standards;
- Creating and regularly updating a dedicated project page on the City’s website, which has

garnered more than 28,000 unique visits since January 2022;

- Posting information and updates throughout the update process on the City's social media platforms with over 82,000 impressions;
- Creating a formal system for any member of the public to submit comments, questions, or requests for changes, resulting in submission of nearly 250 written comments that were then tracked and responded to by City staff; and

WHEREAS, the City, upon reviewing and incorporating public comments and feedback, posted a revised version of the draft Development Code document on March 15, 2023, which is attached hereto and incorporated as Exhibit A, fifteen days before the first public hearing; and

WHEREAS, the City of Greenville exceeded legal public notice requirements by mailing 21,326 postcards to all owners of real property within the municipal limits and by posting approximately 1,000 public hearing signs throughout the City on March 15, 2023, to inform the public of the upcoming Planning Commission meetings; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on March 30, 2023, with continuances on April 11, 2023, and May 15, 2023, to consider the proposed Greenville Development Code and Official Zoning Map; and

WHEREAS, City staff, having continued to meet with landowners, residents, and project stakeholders throughout the public review process, and which received comments and feedback from the Planning Commission at the public hearing continuance on April 11, 2023, published a document containing a comprehensive list of all staff-recommended changes and modifications on April 28, 2023, which is attached hereto and incorporated as Exhibit B; and

WHEREAS, at the May 15, 2023, public hearing continuance, the Planning Commission voted unanimously 7-0 to recommend approval of the Greenville Development Code to replace Section 19 – Land Management Ordinance with the following conditions:

- 1) Inclusion of the staff modifications as posted on April 28, 2023.
- 2) A review of the code shall be conducted after six (6) and twelve (12) months with reviews every twelve (12) months thereafter.
- 3) A review of the code shall be conducted after three (3) months for fueling stations, nonconformities, and Table 4.1.1 standards pertaining to adaptive reuse projects; and

WHEREAS, City Council finds the Greenville Development Code to be compatible with the City's Comprehensive Development Plan, GVL2040; and

WHEREAS, the Greenville Development Code incorporates market-based incentives, as defined in Title 6, Chapter 29, Article 7, Section 6-29-1110, of the South Carolina Code of Laws, to encourage the provision of affordable housing and open space consistent with the GVL2040 Comprehensive Plan; and

WHEREAS, in connection with adoption of the market-based incentives provided for in the Greenville Development Code, including the imposition of fees for certain voluntary density bonuses, City Council finds that:

- 1) Incentivizing the increased provision of affordable housing benefits all citizens and property owners in the City of Greenville by providing equitable opportunities for workforce housing. As stated in the GVL2040 Comprehensive Plan:

- a. “Creation of affordable housing opportunities in close reach of employment opportunities and with ready access to a range of travel options benefits the residents of affordable housing and the businesses that employ them[.]” (p.52);
 - b. “A ready and ample supply of housing affordable to working households is essential for Greenville to be economically competitive and to grow—and to do so equitably and sustainably.” (p.70);
 - c. “Job and income growth, along with high quality of life, have spurred greater demand for housing, which has led to growth in housing prices and rents above and beyond the rate of inflation. This has raised concerns about equitable access to housing, especially for workers at the lower end of Greenville’s wage scale who are critical to the functioning of the city’s hospitality and service sectors.” (p.81); and
 - d. “The Greenville community [has] consistently communicated strong views about affordable housing, expressing concern about rising home values and rents and the impact on very low-, low-, and moderate-income Greenville households.” (p.108).
- 2) The affordable housing inclusion component (for residential projects) and affordable housing mitigation fee (for non-residential projects) associated with voluntary density bonuses is reasonable and proportionate to the burden on the City to expand affordable housing in response to increased density and the corresponding impact on demand for housing and housing prices.
- 3) Incentivizing the preservation of open space benefits all citizens and property owners in the City of Greenville by improving quality of life, environmental quality, and property values. As stated in the GVL2040 Comprehensive Plan:
- a. “The natural landscape is one of Greenville’s great assets. Actively setting aside land to preserve key elements of this landscape will help Greenville live up to its values of being resourceful and enterprising with what it has.” (p.51);
 - b. “Quality of life improves due to proximity to services in nodes, access to an expanded network of parks and open space, and better mobility options along nearby corridors.” (p.57);
 - c. “In addition to providing recreational opportunities, open space and parks can significantly improve air and water quality, protect wildlife habitats, create viewsheds, improve groundwater retention, and help prevent flooding.” (p.67);
 - d. “[T]he greater greening of Greenville . . . renders the city durably competitive in the region, consistently able to compete for its share of households seeking a high quality of life.” (p.109); and
 - e. “[S]trategic acquisition of land and development rights will increase the value of all remaining land in Greenville. So, too, will the emergence of an expanded network of well-managed open spaces and parkland.” (p.51).
- 4) Increased density of development, including height, is integrally connected with the need to preserve open space available for public use, as increased density puts a greater demand

on existing open spaces in the City, including parks and other active and passive recreation spaces. As stated in the GVL2040 Comprehensive Plan:

- a. “The foreseeable trend on open space is clear: as population grows, the amount of parkland and preserved open space, per capita, will inevitably decline unless additional land is preserved. With most of Greenville’s vacant land currently zoned for development, opportunities to add to the inventory of land off-limits to development will be quite limited unless more preservation is actively pursued.” (p.38);
 - b. “A diminishing supply of vacant land, most of which is currently zoned for development, [has] raised concerns about the long-term environmental and quality of life costs if recent land consumption rates continue.” (p.81); and
 - c. “Greenville’s supply of vacant land has been steadily dwindling and that opportunities to preserve land and create new open space amenities are diminishing year by year.” (p.111).
- 5) The open space easement component and open space fee-in-lieu associated with voluntary density bonuses for residential and non-residential projects is reasonable and proportionate to the burden on the City, as a result of the increased demand on existing parks and open spaces that comes with increased density, to provide increased maintenance of existing parks and open spaces and to expand the system of such spaces.

WHEREAS, adoption of the Greenville Development Code is supplemented by the adoption of Ordinance Number _____ (Z-1-2023B) to adopt the associated new City of Greenville Official Zoning Map; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, as follows:

1. Chapter 19, Land Management Ordinance, of the City of Greenville Code of Ordinances is hereby repealed and shall be replaced with the adopted Chapter 19, Greenville Development Code, as set forth in Exhibit A and as modified by the changes and modifications applicable to the Greenville Development Code as set forth in Exhibit B
2. This Ordinance shall be effective on July 15, 2023, following second and final reading, after which all development and permits shall comply fully with the new Greenville Development Code subject to the Transitional Provisions in Section 19-1.1.6. of the new code.
3. The Administrator shall publish a final document free of any edits or mark-up that fully incorporates all adopted modifications on or before July 15, 2023, a copy of which shall be provided to the Office of the City Clerk.
4. Within three (3) months of the effective date, the Administrator shall provide a review of fueling stations, nonconformities, and Table 4.1.1 standards pertaining to adaptive reuse projects, with recommendations submitted to the Planning Commission and City Council as may be appropriate.
5. At six (6) months after the effective date, the Administrator shall conduct a thorough review of the Greenville Development Code to address any technical issues or concerns, with recommendations submitted to the Planning Commission and City Council as may be

appropriate. The purpose of this review is to ensure the Code remains operational for Greenville, is responsive to development as it occurs throughout the City, and delivers on the goals and priorities of the Comprehensive Plan.

- 6. At twelve (12) months after the effective date, and annually thereafter, the Administrator shall conduct a review of the Greenville Development Code to address any technical issues or concerns, with recommendations submitted to the Planning Commission and City Council as may be appropriate. The purpose of this annual review is to ensure the Code remains operational for Greenville, is responsive to development as it occurs throughout the City, and delivers on the goals and priorities of the Comprehensive Plan.
- 7. City Council acknowledges and intends that this Ordinance be subject to the “Pending Ordinance Doctrine,” which provides that a municipality may refuse a permit for a land use when such use is repugnant to a pending and later enacted zoning ordinance. *Sherman v. Reavis*, 273 S.C. 542, 545, 257 S.E.2d 735, 737 (1979) (“An ordinance is legally pending when the governing body has resolved to consider a particular scheme of rezoning and has advertised to the public its intention to hold public hearings on the rezoning.”).

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A

[Greenville Development Code](#)

Published March 15, 2023

EXHIBIT B

[Proposed Modifications to
Draft Greenville Development Code
& Draft Zoning Map
\(Z-1-2023 A & B\)](#)

Published April 28, 2023