



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

14d

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: June 12, 2023

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO REPLACE THE CITY OF GREENVILLE OFFICIAL ZONING MAP WITH A NEW OFFICIAL ZONING MAP CONSISTENT WITH THE GREENVILLE DEVELOPMENT CODE (Z-1-2023B)

SUMMARY BACKGROUND:

This Ordinance will adopt a new citywide zoning map pursuant to the new Greenville Development Code (Z-1-2023A). The new zoning map 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 its recommended node-and-corridor development pattern that facilitates intentional growth throughout the City while protecting existing neighborhoods. The new map identifies parcels that are eligible to receive the voluntary market-based incentives for the provision of affordable housing and open space. The new zoning map is inclusive of the Design Guidelines Boundary and Downtown Height Map.

Procedurally, this Ordinance (Z-1-2023B) applies the new zoning districts to real property across the city through the adoption of the new zoning map. It will be adopted after its corresponding ordinance (Z-1-2023A), which first establishes the new zoning districts as part of the Greenville Development Code.

Planning Staff Recommendation: Approve with Modifications

Planning Commission Recommendation: Approve with Modifications and Planning Commission Recommendations

IMPACT IF DENIED:

The new zoning map will not be adopted. The new Development Code will not become operational until the new zoning map is adopted.

FINANCIAL IMPACT:

N/A

REQUIRED SIGNATURES

Department Director

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City Attorney

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OMB Director

City Manager

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A N O R D I N A N C E

TO REPLACE THE CITY OF GREENVILLE OFFICIAL ZONING MAP WITH A NEW OFFICIAL ZONING MAP CONSISTENT WITH THE GREENVILLE DEVELOPMENT CODE (Z-1-2023B)

WHEREAS, Article 5, Section 6-29-760 of the South Carolina Code of Laws authorizes the Greenville City Council to enact or amend the zoning map following a public hearing and review and recommendation by the Planning Commission; 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, the City contracted with 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 corresponding zoning map; and

WHEREAS, the new Greenville Development Code contains new and updated zoning districts which requires adoption of a new Official Zoning Map for the entire City; and

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

- Publicly posting monthly updates to the project website From October 2021 to November 2022;
- 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, zoning map, 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 Zoning Map on April 28, 2023, which is attached hereto and incorporated as Exhibit A, fifteen days before the first public hearing; and

WHEREAS, the Zoning Map is inclusive of the Design Guidelines Boundary and Downtown Height Map that was published on March 15, 2023, and which is attached hereto and incorporated as Exhibit B; 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 including modifications to the Zoning Map on April 28, 2023, which is attached hereto and incorporated as Exhibit C; and

WHEREAS, at their May 15, 2023, public hearing continuance, the Planning Commission voted unanimously 7-0 to recommend approval of the new Official Zoning Map, including the Design Guidelines Boundary and Downtown Height Map, to replace the old Official Zoning Map with the following conditions:

- 1) Inclusion of the staff map modifications as posted on April 28, 2023; and
- 2) A review of the official zoning map shall be conducted after six (6) and twelve (12) months with reviews every twelve (12) months thereafter; and

WHEREAS, the new Zoning Map does not rezone existing Planned Developments, each of which was established according to the criteria in Article 5, Section 6-29-740, of the South Carolina Code of Laws, and which contain vested rights and development standards specific to each Planned Development District; and

WHEREAS, new Planned Developments are not permitted under the new Development Code or Zoning Map given the inherent lack of predictability they provide to the community and deviation from the carefully determined development standards generally applicable to properties throughout the City; and

WHEREAS, City Council finds the new Official Zoning Map to be compatible with the City's GVL2040 Comprehensive Plan and its goal of 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, adoption of the new Official Zoning Map is supplemented by the adoption of Ordinance Number _____ (Z-1-2023A) to adopt the associated new City of Greenville Development Code; and

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

1. The Official Zoning Map of the city of Greenville is hereby replaced with the adopted Official Zoning Map of the city of Greenville as set forth in Exhibit A, including the Design Guidelines Boundary and Downtown Height Map as shown in Exhibit B, and as modified by the changes and modifications applicable to the Greenville Development Code as set forth in Exhibit C.
2. This Ordinance shall be effective on July 15, 2023, following second and final reading, after which all development and permits shall comply with the newly adopted Official Zoning Map subject to the Transitional Provisions in Section 19-1.1.6. of the new code.
3. The Administrator shall publish a final Zoning Map 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. At six (6) months after the effective date, and concurrent with the required review of the Greenville Development Code text, the Administrator shall conduct a thorough review of the adopted Official Zoning Map to address any 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 Map 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.
5. At twelve (12) months after the effective date, and annually thereafter, the Administrator shall conduct a review of the Official Zoning Map to address any 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 Map 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. 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

[Official Zoning Map](#)

Published April 28, 2023

Exhibit B

[Design Guidelines Boundary and Downtown Height Map](#)

Published March 15, 2023

Exhibit C

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

Published April 28, 2023