



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

11g

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: March 23, 2020

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR PERMITS, LICENSES, CERTIFICATES OF APPROPRIATENESS, AND OTHER APPROVALS FOR AN EATING ESTABLISHMENT OR BREWERY, OR FOR A DEVELOPMENT WHICH INCLUDES SUCH USE, IN CERTAIN AREAS ADJACENT TO UNITY PARK WHICH WERE NOT REZONED AS PART OF THE ADOPTION OF THE UNITY PARK NEIGHBORHOOD DISTRICT CODE

SUMMARY BACKGROUND:

At the January 13, 2020, Formal Meeting, Council referred the matter of rezoning certain parcels of real property adjacent to Unity Park ("Study Area") from OD, C2, or RDV to UPND to Planning Commission for further study and recommendation. It is anticipated that the Planning Commission will make a recommendation at its April 16, 2020, meeting.

The purpose of the moratorium is to allow time for additional study of the compatibility of uses allowed under the current regulations for the Study Area with surrounding land uses before the City determines what, if any, additional regulation is warranted for restaurants, artisan production establishments, and light manufacturing uses in the Study Area, particularly where those uses may include the sale or manufacture of alcoholic beverages.

The Ordinance would place a sixty-five (65) day moratorium on restaurants, artisan production establishments, and light manufacturing uses, and developments which include such uses, within the Study Area.

IMPACT IF DENIED:

If denied, restaurants, artisan production establishments, and light manufacturing uses would continue to be allowed within the Study Area as currently provided by ordinance.

FINANCIAL IMPACT:

None.

REQUIRED SIGNATURES

Department Director Ginny Stroud
DocuSigned by: FE9DC7E5A9C7477...

City Attorney Michael Pitts
DocuSigned by: 5E0F2A267E2D413...

OMB Director _____

City Manager John F. McDonough
DocuSigned by: FDC2AC15040F440...

A N O R D I N A N C E

TO IMPOSE A TEMPORARY MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR PERMITS, LICENSES, CERTIFICATES OF APPROPRIATENESS, AND OTHER APPROVALS FOR AN EATING ESTABLISHMENT OR BREWERY, OR FOR A DEVELOPMENT WHICH INCLUDES SUCH USE, IN CERTAIN AREAS ADJACENT TO UNITY PARK WHICH WERE NOT REZONED AS PART OF THE ADOPTION OF THE UNITY PARK NEIGHBORHOOD DISTRICT CODE

WHEREAS, the City of Greenville (“City”) Code of Ordinances contains regulations for the sale of alcohol, and the establishment of restaurants, artisan production establishments, and light manufacturing uses; and

WHEREAS, under the regulations for areas zoned OD, RDV, and C-2, eating establishments are either permitted, conditional uses, or special exceptions, with the exception of drive-through restaurants which are not permitted in OD or RDV; and

WHEREAS, artisan production establishments and light manufacturing are permitted or conditional uses in areas zoned RDV; and

WHEREAS, the sale or manufacture of alcoholic beverages may be allowed within the OD, RDV, and C-2 use classifications; and

WHEREAS, certain areas adjacent to Unity Park (“Study Area”), more particularly described in Exhibit A attached hereto and made a part hereof, are zoned OD, RDV, or C-2; and

WHEREAS, since properties within the Study Area were classified as OD, RDV, or C-2, the character and use of the surrounding area has changed, due in part to the development of Unity Park and the growth and enhancement of the surrounding community; and

WHEREAS, City Council desires to promote the health and general welfare of the City’s citizens, and encourage the most appropriate use of land within the City; and

WHEREAS, City Council is concerned that the current permitting requirements and zoning regulations for the Study Area may not adequately address the impact restaurants, artisan production establishments, and light manufacturing uses may have on the surrounding area, particularly where those uses may include the sale or manufacture of alcoholic beverages; and

WHEREAS, additional study of the compatibility of uses allowed under the current regulations for the Study Area with surrounding land uses is necessary before the City determines what, if any, additional regulation is warranted for restaurants, artisan production establishments, and light manufacturing uses in the Study Area; and

WHEREAS, at the January 13, 2020, Formal Meeting of City Council, Council referred the matter of the rezoning of the Study Area from OD, RDV, and C-2 to UPND to the Planning Commission for further study and recommendation; and

WHEREAS, it is anticipated that the Planning Commission will make a recommendation to City Council regarding the appropriate zoning classification for the Study Area at Planning Commission’s April 16, 2020, meeting; and

WHEREAS, in order to preserve the status quo during the pendency of the review the land use regulation for the Study Area, City Council finds it necessary to temporarily limit the development or establishment of restaurants, artisan production establishments, and light manufacturing uses in the Study Area so as to provide time for City Council to closely study the aforementioned issues and adopt an appropriate zoning classification for the Study Area; and

WHEREAS, City Council desires to stress this moratorium is temporary in nature and that it does not anticipate that the uses subject to this Ordinance will be prohibited outright within the Study Area;

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

Section 1: *Moratorium*. There is hereby imposed a temporary moratorium on the acceptance of new applications for permits, licenses, certificates of appropriateness, and/or other approvals for (a) restaurants, artisan production establishments, or light manufacturing uses within the Study Area; or (b) development(s) which include restaurants, artisan production establishments, or light manufacturing uses within the Study Area. This moratorium shall not apply to applications or uses that are vested in accordance with either S.C. Code Ann. § 6-29-1510, et seq., or Section 19-2.2.14 of the City’s Code of Ordinances. Any city ordinances, rules, regulations, or policies that are inconsistent or conflict with this Ordinance are hereby suspended as to such inconsistency or conflict while this Ordinance is in effect.

Section 2: *Effective Period for Moratorium*. The moratorium set forth in this Ordinance shall be in effect for a period of sixty-five (65) days from the effective date of this Ordinance. This provision regarding final adoption shall in no way adversely affect the enforceability, applicability, and legality of the pending ordinance status, which shall be fully effective upon first reading approval.

Section 3: *Severability*. Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A

PIN	GIS_ACRES	SHEET	BLOCK	LOT	PLSTRING	Shape.STArea()	Shape.STLength()
0016000200100	1.34	001600	02	00100	16-2-1	58470.26526	982.9498642
0016000200300	0.45	001600	02	00300	16-2-3	19785.67737	701.6883225
0016000200400	0.18	001600	02	00400	16-2-4	8029.608887	395.1411594
0016000200401	0.16	001600	02	00401	16-2-4.1	6835.38916	376.8395335
0016000200500	0.39	001600	02	00500	16-2-5	16866.3634	680.7752451
0016000200600	0.32	001600	02	00600	16-2-6	14093.44421	516.1370713
0016000200601	0.09	001600	02	00601	16-2-6.1	3938.210327	279.2276871
0016000200602	0.09	001600	02	00602	16-2-6.2	3938.317505	279.2326747
0016000200700	0.5	001600	02	00700	16-2-7	21638.51453	719.4302666
0016000200800	1.38	001600	02	00800	16-2-8	60270.54834	1022.310414
0051000101000	2.53	005100	01	01000	51-1-10	110113.2828	1426.507789
0051000101900	9.91	005100	01	01900	51-1-19	431802.4398	2937.046934
0051000102600	0.05	005100	01	02600	51-1-26	2156.080322	231.1017056
0051000201000	0.17	005100	02	01000	51-2-10	7569.501099	384.7024196
0051000201100	0.16	005100	02	01100	51-2-11	6967.101807	377.5254251
0051000201200	0.15	005100	02	01200	51-2-12	6728.669189	374.1667517
0051000201300	0.14	005100	02	01300	51-2-13	6305.988647	362.9584943
0051000201400	0.14	005100	02	01400	51-2-14	6280.115967	355.3615817
0051000201700	0.42	005100	02	01700	51-2-17	18468.85303	547.3626829
0051000201701	0.26	005100	02	01701	51-2-17.1	11111.71484	440.4257447
0051000201702	0.04	005100	02	01702	51-2-17.2	1728.806274	199.9782945
0051000201703	0.03	005100	02	01703	51-2-17.3	1329.834351	189.668242
0051000201704	0.03	005100	02	01704	51-2-17.4	1329.347778	189.614247
0051000201705	0.03	005100	02	01705	51-2-17.5	1306.003418	188.972021
0051000201706	0.03	005100	02	01706	51-2-17.6	1324.186401	189.3992325
0051000201707	0.03	005100	02	01707	51-2-17.7	1297.470703	188.6818544
0051000201708	0.04	005100	02	01708	51-2-17.8	1722.200562	199.6071991
0051000201709	0.39	005100	02	01709	51-2-17.9	16986.81726	1425.250238
0051000200500	0.51	005100	02	00500	51-2-5	22278.70007	668.5778105
0051000200900	0.15	005100	02	00900	51-2-9	6663.916138	370.5216444
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0051000301500	0.33	005100	03	01500	51-3-15	14191.59387	483.4324162
0051000301600	0.17	005100	03	01600	51-3-16	7193.948486	432.283887
0052000500100	0.62	005200	05	00100	52-5-1	27060.51807	1827.950225
0052000500101	0.05	005200	05	00101	52-5-1.1	2182.337524	217.789265
0052000500110	0.04	005200	05	00110	52-5-1.10	1954.781982	200.0008005
0052000500111	0.03	005200	05	00111	52-5-1.11	1173.831055	178.6925745
0052000500112	0.04	005200	05	00112	52-5-1.12	1906.635132	198.6641536
0052000500113	0.03	005200	05	00113	52-5-1.13	1173.169189	178.6460818
0052000500114	0.04	005200	05	00114	52-5-1.14	1906.154541	198.6278192
0052000500115	0.03	005200	05	00115	52-5-1.15	1172.881226	178.6098737
0052000500116	0.04	005200	05	00116	52-5-1.16	1953.336304	199.8916233
0052000500117	0.05	005200	05	00117	52-5-1.17	2172.55835	216.2201015
0052000500118	0.03	005200	05	00118	52-5-1.18	1302.877197	194.859873
0052000500119	0.05	005200	05	00119	52-5-1.19	2117.176636	214.8598717
0052000500102	0.03	005200	05	00102	52-5-1.2	1318.474976	196.8095052
0052000500120	0.03	005200	05	00120	52-5-1.20	1302.876953	194.859873
0052000500121	0.05	005200	05	00121	52-5-1.21	2117.174316	214.8595791
0052000500122	0.03	005200	05	00122	52-5-1.22	1302.881592	194.8598166
0052000500123	0.05	005200	05	00123	52-5-1.23	2170.104858	216.1599424
0052000500103	0.05	005200	05	00103	52-5-1.3	2142.261719	216.7898441
0052000500104	0.03	005200	05	00104	52-5-1.4	1318.165894	196.7704413
0052000500105	0.05	005200	05	00105	52-5-1.5	2140.934082	216.730872
0052000500106	0.03	005200	05	00106	52-5-1.6	1318.686768	196.7520618
0052000500107	0.05	005200	05	00107	52-5-1.7	2185.390137	217.7911498
0052000500108	0.03	005200	05	00108	52-5-1.8	1317.542603	196.7068899
0052000500109	0.05	005200	05	00109	52-5-1.9	2184.711304	217.7477447
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0055000200104	0.41	005500	02	00104	55-2-1.4	17702.51331	560.6533683
0055000200105	5.72	005500	02	00105	55-2-1.5	249028.0529	2944.093349
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0055000200300	1.1	005500 02	00300 55-2-3	47724.69482	912.5139615
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0056000200302	0.4	005600 02	00302 56-2-3.2	17588.45593	853.7828401
0056000200601	0.83	005600 02	00601 56-2-6.1	36275.61206	1004.40448
0056000200602	0.52	005600 02	00602 56-2-6.2	22464.2771	640.8826462
0056000200800	1.2	005600 02	00800 56-2-8	52122.13245	1086.703597
0056000200900	0.4	005600 02	00900 56-2-9	17225.67065	596.0598198
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0056000300100	14.55	005600 03	00100 56-3-1	633864.0177	4403.51196
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0056000401300	0.08	005600 04	01300 56-4-13	3523.871338	246.8638303
0056000401701	0	005600 04	01701 56-4-17.1	166.0379639	77.09295418
0056000401800	0.01	005600 04	01800 56-4-18	646.4981689	115.0603033
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0056000700501	0.52	005600 07	00501 56-7-5.1	22587.10681	1016.198484
0056000700502	0.07	005600 07	00502 56-7-5.2	3122.179565	273.7827167