



A N O R D I N A N C E

TO ADOPT SECTION 19-4.3.1(A)(5) AND TO AMEND SECTION 19-5.1, TABLE OF DIMENSIONAL STANDARDS, AND SECTION 19-6.8.3 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO PROVIDE INCENTIVES TO REPURPOSE HOTEL/MOTEL DEVELOPMENT LOCATED IN C-2 AND C-3 ZONING DISTRICTS INTO AFFORDABLE RESIDENTIAL UNITS (Z-6-2020)

WHEREAS, the city of Greenville desires to establish incentives, definitions, and standards for the conversion of existing hotel and motel uses in C-2, local commercial districts and C-3, regional commercial districts to affordable residential units; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on September 17, 2020, to consider the proposed text amendment, and the Commission recommended approval same; and

WHEREAS, City Council finds the text amendment to be compatible with the City's Comprehensive Development Plan as well as an appropriate measure to further its Affordable Housing Goals;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Section 19-4.3.1(A)(5) is hereby adopted and Section 19-5.1, Table of Dimensional Standards, and Section 19-6.8.3, Exemptions, of the Code of Ordinances are hereby amended as set forth in Exhibit A, 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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

REVIEWED:

\_\_\_\_\_  
CITY MANAGER

**EXHIBIT A**Section 19-4.3.1 A. 5. Affordable Housing

- (a) Findings. City Council finds that affordable housing is the essential foundation upon which to build a more sustainable future for the city of Greenville and to grow a more competitive workforce to meet the challenges of our regional, state, and global economy. City Council finds that zoning regulations can be an effective tool for implementing the strategies to address the needs for affordable housing stock within the city. City Council finds that the C-2 and C-3 zoning districts are an appropriate place for certain incentives provided in this section for the redevelopment of affordable housing types.
- (b) Purpose. This section is intended to promote a diversity of housing stock by providing certain incentives and regulatory standards for the creation of affordable housing units through redevelopment of hotels and motels to multi-family dwellings in the C-2 and C-3 zoning districts.
- (c) Availability. The affordable housing incentives and regulations provided in this chapter are available to all landowners in the C-2 and C-3 zoning districts as a use-specific standard when an applicant has demonstrated compliance with the conditions provided herein.
- (d) Definitions. For the purpose of this chapter, the following terms shall mean:
1. Owner-occupied affordable housing unit: A dwelling unit where at least one occupant is an owner, and where all occupants have, in the aggregate, household income less than or equal to one-hundred (100%) percent of the area median income (AMI) for owner-occupied units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development (HUD) as adjusted by the county.
  2. Rental affordable housing unit: A dwelling unit, where occupants have, in the aggregate, household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. AMI shall be determined annually by HUD as adjusted by the county.
  3. Qualified household: Households where occupants have, in the aggregate, a household income less than or equal to one hundred (100%) percent of the AMI for owner-occupied units, and a household income less than or equal to eighty (80%) percent of the AMI for rental units.
  4. Initial maximum allowable sales price: An amount equal to three (3) times one-hundred (100%) percent of the AMI plus any subsidy available to the buyer.

5. Affordable rent: Affordable rent is based on an amount not to exceed thirty (30%) percent of eighty (80%) percent of the AMI as published annually by HUD based on household size, inclusive of a utility allowance. Utility allowances are as provided by HUD guidelines.
  6. Household income: All sources of financial support, both cash and in kind, of adult occupants of the housing unit, to include wages, salaries, tips commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, pension benefits, or any other sources of financial support.
- (e) Applicability. Within the C-2 or C-3 zoning district, a property owner may elect to convert existing hotel or motel uses to multi-family dwelling units according to the standards in this section provided that the applicant demonstrates strict compliance with the conditions stated herein.
- (f) Land Use Standards. A redevelopment within the C-2 or C-3 zoning district may elect to provide for affordable housing units, in accordance with the following standards:
1. Unit Percentage. The number of owner-occupied affordable housing units and/or rental affordable housing units per development shall be one of the following at the election of the applicant:
    - a. Thirty (30%) percent of the dwelling units, rounded up to the whole number, shall be restricted by deed as owner-occupied affordable housing units and/or rental affordable housing units for a period of at least twenty (20) years; or
    - b. Twenty (20%) percent of the dwelling units, rounded up to the whole number, shall be restricted by deed as owner-occupied affordable housing units and/or rental affordable housing units for a period of at least twenty-five (25) years.
  2. Unit Design. The affordable housing units shall be sized, in terms of square footage and number of bedrooms, comparable and proportional to the square footage and number of bedrooms of the market rate units in the development as a whole. The smallest affordable housing unit by bedroom count shall not be smaller than the smallest market rate unit with the same number of bedrooms. The affordable housing units shall be integrated and intermixed within the market rate units in a development and may not be clustered together or segregated from the market rate units. When a development contains multiple buildings, it shall incorporate into each building, affordable housing units comparable and in proportion, to the number of market rate

units in the building so that affordable housing units are disbursed proportionately throughout the development. Exterior finishes of affordable housing units shall be indistinguishable from exterior finishes of market rate units.

3. Density waiver. There shall be no maximum density or minimum lot size requirements.
4. Additional units. The amount of multi-family dwelling units shall be no greater than the amount of guest rooms prior to the redevelopment of the original hotel or motel use.
5. Parking reduction. The off-street parking requirements of Section 19-6.1.3 shall be reduced by 30% percent.
6. Land use development standards. All other land use and development standards of the C-2 or C-3 zoning district for multi-family development shall be provided, including but not limited to standards for height, area, setbacks, and buffers.
7. Mixed use projects. The standards and incentives provided in this chapter shall apply only to the housing portions of the mixed use project.

(g) Submittal Requirements, Procedures and Enforcement.

1. Prior to receiving a building permit for any portion of a redevelopment, the owner thereof shall provide, in writing, in the form of a Memorandum of Understanding to be filed with the Greenville City Council, to the satisfaction of the Planning and Development Division, or its successor, information identifying the total number of efficiency, one bedroom, two bedroom, etc. and the respective square footage of the same and provide a breakdown of the number, location, size, square footage, bedrooms etc. of the affordable housing units. Prior to the issuance of a certificate of occupancy for any portion of a redevelopment, the owner thereof shall identify, in writing, to the Planning and Development Division, or its successor, the units designated as owner-occupied affordable housing units and/or rental affordable housing units. Affordable housing units shall not be changed, modified, or amended in location, size, square footage etc. without first notifying and receiving in writing, approval from the Planning and Development Division.
2. Prior to the issuance of a certificate of occupancy for any portion of a redevelopment permitted pursuant to this section, the owner shall execute

covenants satisfactory to the city that identifies the owner-occupied affordable housing units and/or the rental affordable housing units. The executed covenants shall restrict such units to occupancy or ownership by qualified households for a period of twenty (20) years when thirty (30%) percent of the units are set aside as affordable housing units or twenty-five (25) years when twenty (20%) percent of the units are set aside as affordable housing units pursuant to the sections above. The executed covenants shall be filed with the city of Greenville prior to the issuance of a certificate of occupancy.

3. Prior to the issuance of a development permit, the owner shall submit plans in accordance with Section 19-6.8 – Design standards for multifamily residential development. The plans shall demonstrate compliance with the standards provided in that section.
4. The covenants for affordable housing units shall provide:
  - a. For owner-occupied affordable housing units, the covenants shall identify the maximum allowable sales price, and provide that the initial maximum allowable sale price may be adjusted annually for inflation based on the increase in the area median income (AMI) or Consumer Price Index, whichever is greater. Each owner of such units, prior to initial occupancy, shall be required to submit to the Planning and Development Division, or its successor, a verified income report of household income of all members of the household. The covenants shall require notice to the Planning and Development Division, or its successor, of any transfer of the owner-occupied affordable housing units and verification that the purchaser is a qualified household. Owner-occupied affordable housing units shall be subject to these resale restrictions for no fewer than the numbers of years elected by the developer provided for in this section. Such restrictions shall be recorded as deed restrictions for the affordable housing unit identified in the Memorandum of Understanding executed pursuant to the requirements in this section.
  - b. For rental affordable housing units, the covenants shall require the owner to provide proof to the Planning and Development Division, or its successor, at inception of every tenancy, and on an annual basis thereafter, that no more than affordable rent is being charged for the affordable housing units. The owner or licensed property manager acting on behalf of the owner, shall provide verified income reports of household income of all occupants of rental affordable housing units at the request of the Planning and Development Division, or its

- successor. Rental affordable housing units shall be subject to these restrictions for no fewer than the number of years elected by the developer provided for in this section.
- c. If an affordable housing unit is converted from rental occupied to owner-occupied occupancy during the term of the covenants, the unit shall be subject to the owner-occupied affordable housing unit requirements as set out the sections above (to include an initial maximum sales price) for a term of months equal to the number resulting when subtracting from 300 months, the number of months the unit has been subject to the rental affordable housing covenants.
  - d. Conversion of an affordable housing unit from owner-occupied to renter occupied occupancy shall not be permitted.
  - e. Covenants shall require written notice to the Planning and Development Division prior to any conversion taking place and shall require that the necessary covenant(s) and amendment(s) to the Memorandum of Understanding be filed with the city of Greenville.
5. If the redevelopment is to be phased, each phase shall include affordable housing units concurrently with the market rate units in the particular phase in the same proportions in relations to the overall development requirements for affordable housing units. A phasing in plan must make the affordable housing units available concurrently with the market rates in proportions based on the overall percentages elected pursuant to this Code.
  6. Upkeep and maintenance of affordable housing rental units must be maintained at the same or better level provided to the market rate units.

## Section 19-5.1 (Table of Dimension Standards)

NONRESIDENTIAL DISTRICTS							
Zone	Max Density & Min. Lot (sq. ft.)	Minimum Width (in feet)	Max Coverage (percentage)(11)	Front-Setback Min (in feet) (1)	Side-Setback Min (in feet)	Rear Setback Min (in feet)	Height Max (in feet) (8)
OD	See (10) below	None	50	10	3 (5) or 10 (6)	15	40 (2, 12)
C-1	See (10) below	None	100	10	3 (5) or 10 (6)	15	40 (2, 12)
C-2	See (10, 14) below	None	100	10	3 (5) or 10 (6)	15	40 (2, 12)
C-3	See (10, 14) below	None	100	10	3 (5) or 10 (6)	10	40 (2, 12)
C-4	None	None	100	0	0	0	None (7, 12)
RDV	See (10) below	None	100	10 (20 Max)	3 (5) or 10 (6)	3 (5) or 10 (6)	40 (2, 12)
S-1	See (10) below	None	100	10	3 (5) or 10 (6)	10	40 (2)
I-1	None	None	100	25	3 (5) or 25 (6)	10	40 (2)
Accessory structures			10	NP	3 (5)	3 (5)	20 (9)



**NOTES:**

- (1) See subsection 19-5.2.4(B), setback, front.
- (2) See subsection 19-5.2.9(C)(1), general.
- (3) See subsection 19-5.2.10, Lot coverage.
- (4) See subsection 19-5.2.9(C)(2), high-rise apartments.
- (5) Zero lot line or common wall construction is allowed.
- (6) If adjacent to a residential district.
- (7) Height may be limited by design guidelines for the central business district.
- (8) See subsection 19-5.2.9, building height.
- (9) See subsection 19-4.4.2(E), maximum height.
- (10) No minimum lot area, maximum residential density is 20 units/acre.
- (11) Total impervious area shall not exceed 60 percent for lots with single-family detached homes and duplex dwellings, per section 19-6.9.
- (12) Single-family detached homes limited to 35 feet in height.
- (13) Development within the Unity Park Neighborhood District shall comply with the Table of Dimensional Standards in the Unity Park Neighborhood District Code.
- (14) Hotel or motel uses that are converted unit per unit to multi-family dwelling may exceed maximum density, per subsection 19-4.3.1(A)(5).

19-6.8.3. *Exemptions.* The following multifamily developments are exempt from the requirements of this subsection:

- (A) Structures located within the C-4 Central Business District;
- (B) Structures located within PD Planned Development Districts that incorporate multifamily development design standards;
- (C) Structures located within PO Preservation Overlay Districts, to the extent that overlay standards are more restrictive than the requirements of this section;
- (D) Structures located within NRO Neighborhood Revitalization Overlay Districts, to the extent that overlay standards are more restrictive than the requirements of this section; and
- (E) Routine maintenance and repair of multifamily residential development.
- (F) Hotel or motel uses that are converted to multifamily developments in accordance with the standards and procedure in section 19-4.3.1(A)(5), Affordable Housing.