



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

15a

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: April 26, 2021

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR PERMITS, LICENSES, CERTIFICATES OF APPROPRIATENESS, AND OTHER APPROVALS FOR A MULTIPLE-FAMILY DWELLING USE, COMMERCIAL USE, OR SERVICE AND INDUSTRIAL USE, OR FOR A DEVELOPMENT WHICH INCLUDES ANY SUCH USE, FOR PROPERTIES ABUTTING SINGLE-FAMILY DETACHED RESIDENTIAL USES IN ALL ZONING DISTRICTS EXCEPT C-4 UPND, AND PD

SUMMARY BACKGROUND:

The City recently adopted its decennial comprehensive plan, entitled GVL2040, which envisions Greenville's future growth directed into higher density nodes or centers located throughout the City and connected by major corridors. The City finds itself at a critical juncture where it must balance its strong desire for future growth, as the community attested as part of the GVL2040 plan, with the protection of the character of its neighborhoods. The critical next step for GVL2040 implementation calls for a major revision of the City's Land Management Ordinance (LMO). The City issued the LMO Requests for Proposals rewrite on March 19, 2021. This temporary moratorium allows the City time to begin the LMO rewrite to ensure future growth is consistent with the Comprehensive Plan. This moratorium is limited in application to multi-family, commercial, service, and industrial land uses adjacent to single-family detached dwelling land uses. C-4, UPND, and PD zoning classifications are exempt from the Ordinance.

Staff Recommendation: Recommend Approval to City Council

IMPACT IF DENIED:

The proposed Ordinance will not be approved and adopted; therefore, no changes to the current permit or project application processes would occur.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director Jonathan B. Graham
DocuSigned by: 219319F5AC3C445...

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

OMB Director _____

City Manager [Signature]
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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 A MULTIPLE-FAMILY DWELLING USE, COMMERCIAL USE, OR SERVICE AND INDUSTRIAL USE, OR FOR A DEVELOPMENT WHICH INCLUDES ANY SUCH USE, FOR PROPERTIES ABUTTING SINGLE-FAMILY DETACHED RESIDENTIAL USES IN ALL ZONING DISTRICTS EXCEPT C-4, UPND, AND PD

WHEREAS, Chapter 19 of the Code of Ordinances of the City of Greenville (“City”), commonly referred to as the Land Management Ordinance (“LMO”), contains regulations for the establishment of commercial uses, service and industrial uses, and multiple-family dwelling uses; and

WHEREAS, the City provides municipal planning and land use services, including, but not limited to land development regulation, zoning, land use planning, permitting, and licensing of businesses and properties, which are vital to the public health, safety, welfare, and quality of life in the City; and

WHEREAS, the City recently adopted its decennial comprehensive plan, entitled GVL2040 (the “GVL2040”); and

WHEREAS, GVL2040 envisions Greenville’s future growth will be directed into higher density nodes or centers located throughout the City and connected by major corridors; and

WHEREAS, the Comprehensive Plan recognizes the LMO needs updating given the rapid growth the City has experienced since the LMO was last revised almost 14 years ago; and

WHEREAS, the City has been faced with pressures created by commercial development along some of the City’s major corridors that abut neighborhoods; and

WHEREAS, this phenomenon, commonly known as “commercial creep,” can be incompatible with the neighborhood character of abutting properties, creating problems including, but not limited to, changes in neighborhood character, increased foot traffic, lack of walkability, lack of parking, increase in noise, and an increase in litter; and

WHEREAS, the City contains an extraordinarily large number of properties zoned for multi-family residential and non-residential uses that have nevertheless developed over the years into single-family residential land uses and taken on a single-family residential neighborhood character; and

WHEREAS, the City has experienced an escalation in the number of multiple-family dwellings being built within the City, it being recognized that approximately 9,000 multi-family units have been constructed, permitted, or planned since 2015; and

WHEREAS, multifamily and non-residential use projects have been built adjacent to or in very close proximity to single-family neighborhoods where developers have been able to join multiple individual parcels or otherwise develop larger parcels; and

WHEREAS, the current LMO does not adequately protect neighborhoods from the issues associated with commercial creep, including issues related to impact, noise, traffic, design, neighborhood character, height, massing, and form; and

WHEREAS, the current zoning designations of a large number of properties within certain single-family neighborhoods do not accurately reflect the neighborhood character and use of the surrounding areas as has developed naturally over the years; and

WHEREAS, in the last several decades, the City has experienced a renaissance where it has transformed into a world-class location to live and work, which resulted in over 25 percent growth since 2000; and

WHEREAS, this transformation would not be possible without the large amount of commercial development investment the City has experienced, much through valued public-private partnerships and economic development incentives and relationships; and

WHEREAS, the City recognizes that commercial development investment has contributed significantly to the City's existing quality of life and livability will continue to play a critical role in the City's future; and

WHEREAS, this temporary moratorium should not be construed as critical of the development community, as the City recognizes they have been, and will continue to be, a vital partner in the City's future growth; and

WHEREAS, the City finds itself at a critical juncture where it must balance its strong desire for future growth, as the community attested as part of the GVL2040 plan, with the protection of the character of its neighborhoods; and

WHEREAS, striking this balance is critical to ensure that the City's residents continue to enjoy a quality of life and livability reflective of a world class city; and

WHEREAS, the increase in the number and size of multiple-family dwelling developments and non-residential development in the City, as well as inconsistencies in land use regulations, poses a risk to public health, safety, welfare, quality of life, and livability in the City due to the impact that such development has on City services, infrastructure, and resources, including, but not limited to, creating increased strain on and negative impact to roads, fire and emergency services, police services, traffic density, water quality, stormwater runoff, pedestrian safety, aesthetics, traditional single-family neighborhoods, and affordable housing stock; and

WHEREAS, City Council desires to reduce traffic congestion, promote the health and general welfare of the City's citizens, facilitate desirable living conditions, and encourage the most appropriate use of land within the City; and

WHEREAS, the pace of commercial growth and the impact of the increase in multiple-family dwellings has created the need to review, revise and update the City's ordinances related to land development, zoning, land use planning, permitting, and licensing, as well as its zoning map; and

WHEREAS, GVL2040 calls for an immediate overhaul to the City's land management regulations and states this as the most critical step to take on the path toward implementation of the node and corridor growth framework; and

WHEREAS, incorporation of regulations to advance open space and transportation goals will make this task a critical step for all GVL2040 priorities, namely growth; and

WHEREAS, in order to preserve the status quo during the pendency of such review and adoption of amended ordinances and revised zoning map, City Council finds it necessary to temporarily limit new multi-family or commercial, service, or industrial development on properties that abut single-family detached residential uses so as to provide time for City Council and City staff to closely study the aforementioned issues and draft appropriate amendments to the City Code of Ordinances; and

WHEREAS, the moratorium will not apply to properties zoned C-4 or UPND in recognition of the fact that the urban character of former negates the concerns of commercial creep, and the latter is already protected by virtue of the comprehensive form-based code already in place adopted in early 2020; and

WHEREAS, the moratorium will also not apply to properties zoned Planned Development (PD), which have been through a regulatory process to approve a PD regulatory plan and statement of intent; and

WHEREAS, the moratorium will impact roughly 2,800 acres of land, and roughly 6,150 acres of land will continue to be available for multifamily and non-residential development within the City's approximately 19,091 acre footprint;

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

Section 1: *Temporary Moratorium*. Subject to the following limitations, 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) multiple-family dwelling(s) or development(s) which include multiple-family dwelling use(s); (b) commercial developments(s) or development(s) which include commercial use(s); and (c) service or industrial development(s) or development(s) which include service or industrial use(s). This moratorium shall only apply to properties that abut single-family residential uses in all zoning districts within the City except the C-4, UPND, and PD zoning districts. This temporary 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 Code of Ordinances nor shall it apply to pending applications. For purposes of this ordinance, an application is deemed pending if it is substantially complete and filed with the City in the ordinary course of business as of the date of the posting of the agenda for the City Council meeting at which the first reading of this ordinance shall occur. 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: *Definitions*: The following definitions shall apply for purposes of this ordinance:

- (a) "Abut" shall mean directly adjacent to the property in question, regardless of whether there is an intervening road, alley, easement, right-of-way, common area, detention pond, or utility line.
- (b) "Commercial development" shall mean the construction of a building, or substantial renovation or modification to an existing building, intended for a commercial use.
- (c) "Commercial use" shall mean any and all those uses that are classified as commercial uses in the Table of Uses in the LMO, Table 19-4.1-2.
- (d) "Multiple-family dwelling" shall mean a residential building containing three (3) or more dwelling units on a single lot. The term includes, but is not limited to, condominium buildings and apartment buildings, but does not include single-family attached dwellings (i.e., townhomes) or duplexes.

- (e) "Service or industrial development" shall mean the construction of a building, or substantial renovation or modification to an existing building, intended for service or industrial use.
- (f) "Service or industrial use" shall mean any and all those uses that are classified as service and industrial uses in the Table of Uses in the LMO, Table 19-4.1-2.
- (g) "Substantial renovation or modification" shall mean a renovation or modification to an existing building where the total cost of labor and materials for said renovation or modification exceeds fifty percent (50%) of the appraised value of the existing building.

Otherwise, the words, phrases, and terms used herein shall have the meaning ascribed to them in the LMO.

Section 3: *Effective Period for Temporary Moratorium.* The temporary moratorium set forth in this Ordinance shall be in effect for a period of six (6) months 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. City Council may, by way of resolution, extend the temporary moratorium established in this Ordinance two (2) times for a period not to exceed ninety (90) days each upon a finding by City Council that the problems giving rise to the need for the temporary moratorium established herein continue to exist and that reasonable progress is being made in carrying out a specific and prompt plan of action addressing the concerns described herein, but that additional time is reasonably needed to adequately address the issues facing the City.

Section 4: *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 _____, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER