



**Planning Staff Report to  
Greenville Planning Commission  
June 1, 2021  
for the June 9, 2021 Public Hearing**

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**Docket Number:** Z-20-2021  
**Applicant:** City of Greenville  
**Proposal:** TEXT AMENDMENT to MODIFY Articles 19-2.3.18

**Staff Recommendation:** Recommend Approval with Staff Comments to City Council

**Applicable Sections of the City of Greenville Code of Ordinances:**

Sec. 19-5.1 *Table of dimensional standards.*  
Table 19-5.1-1: *Table of Dimensional Standards.*  
Sec. 19-6.5.7 *Nonresidential design standards.*  
Sec. 19-6.8.9 *Multifamily design standards.*

**UPDATE:**

At the May 20, 2021 Planning Commission Regular Meeting, the Commission moved to postpone text amendments Z-12-2021; Z-13-2021; Z-14-2021; Z-15-2021; Z-16-2021; Z-17-2021; Z-18-2021; and Z-19-2021 to a Special Called Meeting scheduled for June 9, 2021.

Prior to the June 9<sup>th</sup> meeting, Planning Commission held a third public workshop on May 24, 2021 to review and discuss the above-mentioned text amendments. At this workshop, staff re-presented the items highlighting modifications to the proposed text amendments. Staff did not receive any further comments or recommendations for change from the Commission after the conclusion of the workshop.

This text amendment originally was anticipated to go before Planning Commission during Round 2 of the proposed text amendments, however, there was a demonstrated need to provide the interim process in Round 1 of the proposed text amendments.

**Background**

Planning and Development staff submits this text amendment to amend existing Section 19-2.3.18 *Alternative Equivalent Compliance*. For all non-residential developments, except for C-4, and multifamily developments, the text amendment will provide a process to adjudicate alternative equivalent compliance based on undue hardship standards for properties adjacent to single-family detached uses.

The proposal addresses a demonstrated community need by offering a public process to adjudicate certain scenarios for projects adjacent to a single-family residential use, and ultimately, foster continued compatibility among uses. The city continues to see considerable growth in both residential and commercial development and redevelopment and believes this proposal will promote greater land use compatibility when these uses abut each other.

Proposed amendment applies to the Land Management Ordinance only, and is not applicable to other established regulations, such as Planned Developments and Unity Park Neighborhood District Character Code.

**Staff Analysis:**

The proposal is consistent with the purpose and intent of the Ordinance which is to guide development in accordance with the existing and future needs of the city and to promote the public health, safety, morals, convenience, order,

appearance, prosperity, and general welfare of the property owners and residents of the city, and other members of the public..

Specifically, the proposal is particularly consistent with Land Management Ordinance "Purpose and Intent" Section 19-1.3.4, "Promote diverse quality housing, protect neighborhoods" and Section 19-1.3.10, "Create harmonious community", as the amendment provides a public process to ensure logical and orderly development.

The GVL2040 Comprehensive Plan describes "quality of life" as the key to community and economic vitality and that efforts to positively impact this precondition are the plan's highest priority. The adoption of this proposed amendment would enhance the quality of life of city residents living near non-residential and multifamily uses, except those located within the C-4, by the provision of an increased compatibility of a commercial or multifamily use adjacent to a single-family residential use.

|                      |           |             |                 |
|----------------------|-----------|-------------|-----------------|
| Application #        | Z-20-2021 | Fees Paid   |                 |
| Date Received:       |           | Accepted by |                 |
| Date deemed complete |           | App         | Deny Conditions |



## APPLICATION FOR ORDINANCE TEXT AMENDMENT

### CITY OF GREENVILLE, SOUTH CAROLINA

#### APPLICANT INFORMATION

|                             |  |
|-----------------------------|--|
| <u>City of Greenville</u>   | <u>(864) 467-4510</u>                      |
| NAME                        | FAX  |
| <u>206 S Main Street</u>    | <u>planning@greenvillesc.gov</u>           |
| ADDRESS                     | EMAIL DocuSigned by:                       |
| <u>Greenville, SC 29601</u> | <u>John McDonough</u>                      |
| Manager)                    | SIGNED DocuSigned by: (City of Greenville) |
| <u>(864) 467-4476</u>       | SIGNED 5/25/2021                           |
| PHONE                       |  |
| DATE                        |  |

#### REQUEST

PERTINENT CODE SECTION(S):  
Amendment to Article(s) 19-2 Administration

NARRATIVE DESCRIPTION/PROPOSED REVISION(S):  
This text amendment will amend existing Article 19-2 Administration in order to provide a process to adjudicate undue hardships for properties adjacent to single-family detached uses.

#### INSTRUCTIONS

1. THE APPLICATION AND FEE, **MADE PAYABLE TO THE CITY OF GREENVILLE**, MUST BE RECEIVED BY THE PLANNING AND DEVELOPMENT OFFICE NO LATER THAN 5:00 PM OF THE DATE REFLECTED ON THE ATTACHED SCHEDULE.
2. THE APPLICANT MUST RESPOND TO THE "STANDARDS" QUESTIONS ON PAGE 2 OF THIS APPLICATION (YOU MUST ANSWER "WHY" YOU BELIEVE THE APPLICATION MEETS THE TESTS FOR GRANTING A TEXT AMENDMENT). SEE ALSO **SECTION 19-2.3.2, AMENDMENTS TO TEXT AND ZONING DISTRICT MAP**, FOR ADDITIONAL INFORMATION. YOU MAY ATTACH A SEPARATE SHEET ADDRESSING THESE QUESTIONS.
3. YOU MUST ATTACH THE REQUIRED APPLICATION FEE: \$ 100.00.
4. THE ADMINISTRATOR WILL REVIEW THE APPLICATION FOR "SUFFICIENCY" PURSUANT TO **SECTION 19-2.2.6, DETERMINATION OF SUFFICIENCY**, PRIOR TO PLACING THE APPLICATION ON THE PLANNING COMMISSION AGENDA. IF THE APPLICATION IS DETERMINED TO BE "INSUFFICIENT", THE ADMINISTRATOR WILL CONTACT THE APPLICANT TO REQUEST THAT THE APPLICANT RESOLVE THE DEFICIENCIES. **YOU ARE ENCOURAGED TO SCHEDULE AN APPLICATION CONFERENCE WITH A PLANNER, WHO WILL REVIEW YOUR APPLICATION FOR "SUFFICIENCY" AT THE TIME IT IS SUBMITTED. CALL (864) 467-4476 TO SCHEDULE AN APPOINTMENT.**

#### APPLICANT RESPONSE TO SECTION 19-2.3.2(E)(1), AMENDMENTS TO TEXT (YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN.  
The GVL2040 Comprehensive Plan describes "quality of life" as the key to community and economic vitality and that efforts to positively impact this precondition are the plan's highest priority. The adoption of this proposed amendment would enhance the quality of life of city residents living near non-residential and multifamily uses, except those located within the C-4, by the provision of integrating neighborhood uses within near proximity to residential areas.

2. DESCRIBE THE WAYS IN WHICH THE PROPOSAL IS CONSISTENT WITH THE PROVISIONS OF THE ORDINANCE AND RELATED CITY REGULATIONS.

The amendment proposes modification to existing provisions and proposes new text related to a process for undue hardships experienced by development projects adjacent to a single-family residential use. These changes continue to maintain the premises of the overall Land Management Ordinance purpose by ensuring neighborhood protection and creating a more harmonious community while integrating neighborhood uses within near proximity to residential areas.

3. DESCRIBE THE CONDITIONS THAT HAVE CHANGED FROM THE CONDITIONS PREVAILING AT THE TIME THAT THE ORIGINAL TEXT WAS ADOPTED.

Greenville has experienced considerable growth in both commercial and residential development throughout the city over the past decade. When new development occurs near differing land uses, land use compatibility issues follow. In addition, this amendment is an effort to provide a process to adjudicate undue hardships in order to promote preservation of neighborhood character and developability.

4. DESCRIBE THE WAYS IN WHICH THE PROPOSAL ADDRESSES A DEMONSTRATED COMMUNITY NEED.

The proposal addresses a demonstrated community need by the provision to offer a process to adjudicate undue hardships that works towards preservation of neighborhood character. The city continues to see considerable growth in both residential and commercial development and redevelopment and believes this proposal will promote greater land use compatibility when these uses abut each other.

5. DESCRIBE THE WAYS IN WHICH THE PROPOSAL IS CONSISTENT WITH THE PURPOSE AND INTENT OF THE ZONING DISTRICTS IN THE ORDINANCE, WILL PROMOTE COMPATIBILITY AMONG USES, AND WILL PROMOTE EFFICIENT AND RESPONSIBLE DEVELOPMENT WITHIN THE CITY.

The proposal is consistent with the purpose and intent of the Ordinance which is to guide development in accordance with the existing and future needs of the city and to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the property owners and residents of the city, and other members of the public. The proposal is particularly consistent with Land Management Ordinance "Purpose and Intent" Section 19-1.3.4, "Promote diverse quality housing, protect neighborhoods" and Section 19-1.3.10, "Create harmonious community", as the amendment provides an undue hardship process to ensure the promotion of efficient and responsible development within the city.

6. DESCRIBE THE WAYS IN WHICH THE PROPOSAL PROMOTES A LOGICAL AND ORDERLY DEVELOPMENT PATTERN.

The proposal will ensure a logical and orderly development pattern of the city by offering an undue hardship process to ensure the promotion of logical and orderly development pattern.

7. DESCRIBE THE WAYS IN WHICH THE PROPOSED AMENDMENT WILL RESULT IN BENEFICIAL IMPACTS ON THE NATURAL ENVIRONMENT AND ITS ECOLOGY, INCLUDING BUT NOT LIMITED TO: WATER; AIR; NOISE; STORMWATER MANAGEMENT; WILDLIFE; VEGETATION; AND, WETLANDS.

The proposed amendment will help to ensure greater compatibility among uses and limit impact upon other stated factors. The proposed amendment is not anticipated to have any other effects on the natural environment.

8. DESCRIBE THE WAYS IN WHICH THE PROPOSED AMENDMENT WILL RESULT IN DEVELOPMENT THAT IS ADEQUATELY SERVED BY PUBLIC FACILITIES AND SERVICES (ROADS, POTABLE WATER, SEWERAGE, SCHOOLS, PARKS, POLICE, FIRE, AND EMERGENCY FACILITIES).

The proposed amendment is not anticipated to negatively affect the adequate provision of public facilities and services and should maintain the current high level of services within the City of Greenville.

19-2.3.18. *Alternative equivalent compliance.*

(A) *Purpose.* The alternative equivalent compliance (AEC) procedure is proposed to provide a mechanism for allowing minor variations from the multifamily and nonresidential design standards. Approval of an AEC allows development to occur in a manner that meets the intent of this chapter, yet through an alternative design that does not strictly adhere to the multi-family or nonresidential design standards. Approval of an AEC is not a general waiver of regulations; rather, it authorizes a licensed architect, landscape architect, or engineer to recommend that a proposed alternative design meets the intent of this chapter.

(B) *Applicability.* The AEC procedure is available only for the following sections:

- (1) Section 19-4, Use Regulations (more specifically text amendments adopted to protect single family-detached residential uses from proposed commercial development when abutting the protected use); and**
- (2) Section 19-5, Dimensional Standards and Measurements (more specifically text amendments adopted to protect single family-detached residential uses from proposed commercial development when abutting the protected use); and**
- (3) Section 19-6.2, Landscaping, buffering and screening (more specifically text amendments adopted to protect single family-detached residential uses from proposed commercial development when abutting the protected use); and**
- (4) Section 19-6.4, Exterior Lighting (more specifically text amendments adopted to protect single family-detached residential uses from proposed commercial development when abutting the protected use); and**
- (5) [Section 19-6.5](#), Design standards for nonresidential development; and
- (6) Section 19-6.6, Sign Regulations (more specifically text amendments adopted to protect single family-detached residential uses from proposed commercial development when abutting the protected use); and**
- (7) [Section 19-6.8](#), Design standards for multifamily residential development.

(C) *Pre-application conference required.* An applicant proposing alternative equivalent compliance shall request and attend a pre-application conference with the administrator in accordance with subsection 19-2.2.3. The pre-application conference materials provided by the applicant shall include a detailed description of how a proposed building design differs from the applicable design standard requirements; but complies with the intent of this chapter.

(D) *Decision-making responsibility.* Final approval of an AEC request shall be the responsibility of the decision-making body responsible for deciding the application. Administratively-approved development shall receive written AEC approval from the administrator.

**Exception: Alternative compliance to text amendments adopted to protect single family-detached residential uses from proposed commercial**

**development when abutting the protected use shall receive final approval from the Planning Commission.**

(E) *Approval criteria.* A request for alternative equivalent compliance shall be approved if the application is accompanied by a sealed recommendation from a licensed state architect or landscape architect, or professional engineer, that the proposed building design achieves the intent of the subject standards to the same or better degree than the subject standards.

**Exception: Alternative compliance to text amendments adopted to protect single family-detached residential uses from proposed commercial development when abutting the protected use shall be subject to the following approval criteria:**

- a. **Consistency with intent of applicable text amendment.** The Alternative Equivalence Design shall be consistent with the stated purpose of the applicable text amendment to protect single family-detached residential uses.
- b. **Neighborhood Compatibility.** The Alternative compliance shall achieve the same neighborhood compatibility and maintain the harmony and character of established single-family residential areas as the applicable text amendment to protect single family-detached residential uses.
- c. **Access.** The proposal will not create negative impacts to the abutting properties or rights-of-way, dedicated tracts, or easements.
- d. **Intent.** The Alternative Design will be equal to, or superior in, fulfilling the purpose and intent of the original protective text amendment requirements.
- e. **Safety.** The proposal does not negatively impact any safety features of the project, nor create any hazardous features.
- f. **Services.** The proposal will not create negative impacts to public services, including but not limited to fire and emergency services.

(F) *Effect.* AEC approval shall apply only to the specific development for which it was requested and shall not establish a precedent for approval of other requests.

**TABLE OF CHANGES**

Existing Text

**New Text**