

Application #	Z-6-2021	Fees Paid	
Date Received:		Accepted by	
Date deemed complete		App	Deny Conditions



APPLICATION FOR ORDINANCE TEXT AMENDMENT CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT INFORMATION

City of Greenville NAME	(864)467-4510 FAX
206 S Main Street ADDRESS	planning@greenvillesc.gov EMAIL
Greenville, SC 29601	DocuSigned by: <i>John McDonough</i> SIGNED (City Manager)
(864)467-4476 PHONE	5/27/2021 DATE

REQUEST

PERTINENT CODE SECTION(S):

Amendment to Article 19-2.3, 19-5.2, and 19-6.1 of the Land Management, establishing Sections 19-2.3.21, 19-5.2.12, and 19-6.1.11

NARRATIVE DESCRIPTION/PROPOSED REVISION(S):

Creation of provisions for Affordable and workforce housing incentives in the Land Management Ordinance for multifamily and single-family attached developments within the RM-1, RM-1.5, RM-2, and RM-3, Single-family and multifamily residential districts. This would establish Section 19-2.3.21, "Affordable and workforce housing incentives" for administration of applications for affordable housing developments and developments proposing to utilized these incentives; Section 19-5.2.12, "Dimensional standards incentives for affordable and workforce housing" for building and lot standards applicable to these projects; and Section 19-6.1.11, "Off-street parking requirements incentives for affordable and workforce housing" for reduction of required off-street parking.

In addition to accommodating the specified proposed amendment, this text will provide the framework for any subsequent affordable housing incentives adopted under this version of the Land Management Ordinance. This text amendment is an adaptation from the Unity Park Code affordable housing incentives, with minor modifications to fit the general Land Management Ordinance.

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.

One of the three main priorities of the GVL 2040 Comprehensive Plan is "Affordable Housing Opportunities". The adoption of this ordinance would enhance and promote the provision of affordable housing throughout the City by incentivizing construction of affordable housing units in new developments.

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

Generally, the proposal includes provisions creating more flexible density standards for the multifamily zoning districts while requiring that affordable units remain indistinguishable from market rate units. This maintains the premises of the overall Land Management Ordinance purpose while enhancing options for use of multifamily properties. All adjustments to dimensional standards and parking requirements are considerate of potential negative impacts while promoting a affordability.

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

Drastically increasing property values, higher development costs, and rapid gentrification of neighborhoods throughout the City over the past decade has created a greater need for housing that is appropriately priced for the general workforce employed by businesses within the City and other displaced residents.

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

The proposal provides incentives for construction of affordable housing units that can be used to allow the City's workforce and low-income residents to live closer to their place of work and maintain residence within the city limits. Availability of affordable and workforce housing is in low supply and this amendment will aid in boosting that supply.

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 particularly consistent with Land Management Ordinance "Purpose and Intent" Section 19-1.3.4, "Promote diverse quality housing, protect neighborhoods", Section 19-1.3.10, "Create harmonious community", Section 19-1.3.10 "Eliminate blight" by creating an affordable outlet for homeowners in blighted areas, and the proposal general promotes the public health, morals, order, prosperity, and general welfare of the community.

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

The proposal promotes a logical and orderly development pattern by incentivizing the mixture of market rate and affordable units, and requiring that the be visually compatible, creating a more harmonious and equitable developed environment.

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 provides incentives which will allow for higher densities in multifamily districts. Allowance of the higher densities promotes more compact development and the ability to preserve other open spaces. Additionally, these provisions would not affect open/recreational space required as part of a multifamily/single-family attached development.

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).

Although this proposition will result in allowance of greater density and lot coverage, no provisions are proposed affect adequate provision of public facilities and services. Adequate public facilities and services will still be required to development in a manner consistent with the incentivized standards.

19-2.3.21. Affordable and workforce housing incentives

(A) Purpose. The purpose of this subsection is to:

- (1) Create incentives for the provision of affordable housing as a portion of certain new development within the community;
- (2) Ensure the opportunity of affordable housing for employees of businesses that are located or will be located in the community; and
- (3) Maintain a balanced community that provides housing for people of all income levels.

(B) Definitions. As used in this ordinance, the following words and terms shall have the meanings specified herein:

- (1) Affordable Housing. Housing with a sales price or rental amount within the means of a household that may occupy moderate- and low-income housing. In the case of dwelling units for sale, affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than (30) percent of such gross annual household income for a household of the size that may occupy the unit in question. In the case of dwelling units for rent, affordable means housing for which the rent and utilities constitute no more than [30] percent of such gross annual household income for a household of the size that may occupy the unit in question.
- (2) Affordable Housing Development. Housing subsidized by the federal or state government, or any housing development in which at least 25 percent of the housing units are affordable dwelling units.
- (3) Affordable Housing Development Agreement. A written agreement between an applicant for a development and the City of Greenville containing specific requirements to ensure the continuing affordability of housing included in the development.
- (4) Affordable Housing Development Plan. A plan prepared by an applicant for an affordable housing development under this ordinance that outlines and specifies the development's compliance with the applicable requirements of this ordinance.
- (5) Affordable Housing Dwelling Unit. A dwelling unit subject to covenants or restrictions requiring such dwelling units to be sold or rented at prices preserving them as affordable housing for a period of at least 30 years.
- (6) Affordable Housing Unit. A dwelling unit subsidized by the federal or state government or an affordable dwelling unit.
- (7) Conversion. A change of a residential rental development or a mixed use development that includes rental dwelling units to a development that contains only owner-occupied individual dwelling units, or a change of a development that contains owner-occupied individual units to a residential rental development or mixed use development.
- (8) Development Flexibility Incentive. An adjustment to the allowable standards for permitted development of a site, provided as an incentive for the construction of affordable housing pursuant to this ordinance.
- (9) Very Low-Income Housing. According to the U.S. Department of Housing and Urban Development, housing that is affordable, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50 percent of the median gross household income for households of the same size within the metropolitan area or portion of the metropolitan area in which the housing is located.

- (10) Median Gross Household Income. The median income level for the city, as established and defined in the annual schedule published by the secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.
- (11) Renovation. A physical improvement that adds to the value of real property but that excludes painting, ordinary repairs, and normal maintenance.
- (C) Scope of application. Any affordable housing development or any development that otherwise includes one affordable housing dwelling unit for each four market-rate dwelling units shall be eligible to receive Development Flexibility Incentives for dimensional standards (Section 19-5.2.12) and parking requirements (Section 19-6.1.11) listed in this Chapter.
- (D) Application and affordable housing development plan.
- (1) For all developments in which the applicant proposes to include affordable housing, the applicant shall complete and file an application on a form required by the City of Greenville with the Community Development Department. The application shall require, and the applicant shall provide, among other things, general information on the nature and the scope of the development as the City of Greenville may determine is necessary to properly evaluate the proposed development.
- (2) As part of the application required under paragraph (1) above, the applicant shall provide to the City of Greenville an affordable housing development plan. The plan shall be subject to approval by the City of Greenville and shall be incorporated into the affordable housing development agreement pursuant to Section F below. The affordable housing development plan shall contain, at a minimum, the following information concerning the development:
- (a) A general description of the development, including whether the development will contain units for rent or for sale;
- (b) The total number of market-rate units and affordable housing units;
- (c) The number of bedrooms in each market-rate unit and each affordable unit;
- (d) The square footage of each market-rate unit and of each affordable unit measured from the interior walls of the unit and including heated and unheated areas;
- (e) The location in the development of each market-rate and affordable housing unit;
- (f) If construction of dwelling units is to be phased, a phasing plan stating the number of market-rate and affordable housing units in each phase;
- (g) The estimated sale price or monthly rent of each market-rate unit and each affordable housing unit;
- (h) Documentation and plans regarding the exterior appearances, materials, and finishes of the affordable housing development and each of its individual units; and
- (i) A proposed marketing plan to promote the sale or rental of the affordable units within the development to eligible households.
- (E) Criteria for Location, Integration, and Character of Affordable Housing Units. An affordable housing development shall comply with the following criteria:

- (1) Affordable housing units in an affordable housing development shall be mixed with, and not clustered together or segregated in any way from, market-rate units.
- (2) If the affordable housing development plan contains a phasing plan, the phasing plan shall provide for the development of affordable housing units concurrently with the market-rate units. No phasing plan shall provide that the affordable housing units built are the last units in an affordable housing development.
- (3) The exterior appearance of affordable housing units in an affordable housing development shall be made similar to market-rate units by the provision of exterior building materials and finishes substantially the same in type and quality.
- (4) The development shall be within 0.25 miles of an existing transit stop as measured from the property frontage or, where the applicant can display a shorter pedestrian route to a transit stop is available or will be established as part of the development, measurement along this route may be used.

(F) Affordable Housing Development Agreement.

- (1) Prior to the issuance of a building permit for any units in an affordable housing development, the applicant shall have entered into an affordable housing development agreement with the City of Greenville. The development agreement shall set forth the commitments and obligations of the City of Greenville and the applicant and shall incorporate, among other things, the affordable housing plan.
- (2) The applicant shall execute any and all documents deemed necessary by the City of Greenville in a form to be established by the Legal Department, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for-rent units) to ensure the continued affordability of the affordable housing units in accordance with this ordinance.
- (3) Restrictive covenants or deed restrictions required for affordable units shall specify that the title to the subject property shall be transferred only with prior written approval by the City of Greenville.

(G) Enforcement of Affordable Housing Development Agreement; Affordability Controls.

- (1) The planning director shall promulgate rules as necessary to implement this ordinance. On an annual basis, the director shall publish or make available copies of the U.S. Department of Housing and Urban Development household income limits and rental limits applicable to affordable units within the local government's jurisdiction, and determine an inflation factor to establish a resale price of an affordable unit.
- (2) The resale price of any affordable unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions:
 - (a) Customary closing costs and costs of sale;
 - (b) Costs of real estate commissions paid by the seller if a licensed real estate salesperson is employed;
 - (c) Consideration of permanent capital improvements installed by the seller; or
 - (d) An inflation factor to be applied to the original sale price of a for-sale unit pursuant to rules established pursuant to paragraph (1) above.
- (3) The applicant or his or her agent shall manage and operate affordable units and shall submit an annual report to the City of Greenville identifying which units are affordable units in an affordable housing development, the monthly

rent for each unit, vacancy information for each year for the prior year, monthly income for tenants of each affordable unit, and other information as required by the City of Greenville while ensuring the privacy of the tenants. The annual report shall contain information sufficient to determine whether tenants of for-rent units qualify as low-or moderate-income households.

- (4) For all sales of for-sale affordable housing units, the parties to the transaction shall execute and record such documentation as required by the affordable housing development agreement. Such documentation shall include the provisions of this ordinance and shall provide, at a minimum, each of the following:
 - (a) The affordable housing unit shall be sold to and occupied by eligible households for a period of 30 years from the date of the initial certificate of occupancy.
 - (b) The affordable housing unit shall be conveyed subject to restrictions that shall maintain the affordability of such affordable housing units for eligible households.
- (5) In the case of for-rent affordable housing units, the owner of the affordable housing development shall execute and record such document as required by the affordable housing development agreement. Such documentation shall include the provisions of this ordinance and shall provide, at a minimum, each of the following:
 - (a) The affordable housing units shall be leased to and occupied by eligible households.
 - (b) The affordable housing units shall be leased at rent levels affordable to eligible households for a period of 30 years from the date of the initial certificate of occupancy.
 - (c) Subleasing of affordable housing units shall not be permitted without the express written consent of the planning director.

19-5.2.12. Dimensional standards incentives for affordable and workforce housing. Any affordable housing development or any development established under the provisions of 19-2.3.21 shall be eligible to receive the Development Flexibility Incentives listed in Table 19-5.2-2.

Table 19-5.2-2: Building and Lot Standards for Affordable and Workforce Housing				
	<i>District</i>			
	<u>RM-1</u>	<u>RM-1.5</u>	<u>RM-2</u>	<u>RM-3</u>
<u>Density (units/acre, max)</u>	<u>15</u>	<u>23</u>	<u>30</u>	<u>35</u>
<u>Building Height (stories, max)</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Building Height (FT, max)</u>	<u>40¹</u>	<u>40¹</u>	<u>40¹</u>	<u>40¹</u>
<u>Lot Width (FT, min)</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Lot Depth (FT, min)</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Lot Coverage (% , max)</u>	<u>UL*</u>	<u>UL*</u>	<u>UL*</u>	<u>UL*</u>
<u>Setback - Side (FT, min)</u>	<u>10²</u>	<u>10²</u>	<u>10²</u>	<u>10²</u>
<u>Setback - Front (FT, min)</u>	<u>15³</u>	<u>15³</u>	<u>15³</u>	<u>10³</u>

*Unlimited, provided all setbacks, stormwater, open/recreation space, and buffer requirements are met

¹ See subsection 19-5.2.9(C)(1), general.

² Zero lot line or common wall construction is allowed for single-family attached.

³ See subsection 19-5.2.4(B), setback, front.

19-6.1.11. Off-street parking requirements incentives for affordable and workforce housing. Any affordable housing development or any development established under the provisions of 19-2.3.21 shall be eligible to receive the Development Flexibility Incentives listed in Table 19-5.2-2.

Table 19-6.1-8: Parking Requirements for Affordable and Workforce Housing		
<i>Income-Qualified Level for Unit</i>	<i>Low-Income</i>	<i>Moderate-Income</i>
<u>Parking (spaces/unit)</u>	<u>0.5</u>	<u>1</u>