



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council
FROM: John F. McDonough, City Manager

Agenda Item No.

11d

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: July 12, 2021

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO AMEND SECTIONS 19-7.5, STORMWATER PERMITS, AND 19-7.6.2, MINOR STORMWATER PERMIT, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO CREATE ADDITIONAL STORMWATER CONTROL STANDARDS FOR COMMERCIAL AND MULTIFAMILY DEVELOPMENTS THAT ABUT AND DRAIN TO A SINGLE-FAMILY DETACHED USE (Z-25-2021)

SUMMARY BACKGROUND:

Staff submits these text amendments to amend Sections 19-7.5, Stormwater permits, and 19-7.6.2, Minor stormwater permit, to create additional stormwater control standards for commercial and multifamily developments that abut and drain to a single-family detached use and includes any of the following: disturbs 50 percent or more of the parcel; new construction, renovation, or reconstruction of existing structures that exceed 25 percent of the current fair market value of the property.

These changes are needed in order to maintain the premises of the Land Management Ordinance's purpose which, among other things, is to ensure compatibility between neighborhoods and surrounding uses as well as to create a more harmonious community.

These amendments are intended to enhance the quality of life for city residents living near non-residential and multifamily uses by the requirement to include appropriate stormwater measures.

The City Planning Commission, pursuant to public notice, held a public hearing on June 17, 2021, to consider the proposed text amendments. The application was recommended for approval by a vote of 5-0.

Planning Staff Recommendation: Approve

Planning Commission Recommendation: Approval by a vote of 5-0. Commissioner Gardner was absent.

IMPACT IF DENIED:

The text amendments will not be approved, and the stormwater requirements will remain regulated by the existing standards of the Land Management Ordinance.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

DocuSigned by:
Department Director Jonathan B. Graham
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OMB Director _____

DocuSigned by:
City Attorney Michael Pitts
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City Manager John McDonough
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A N O R D I N A N C E

TO AMEND SECTIONS 19-7.5, STORMWATER PERMITS, AND 19-7.6.2, MINOR STORMWATER PERMIT, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO CREATE ADDITIONAL STORMWATER CONTROL STANDARDS FOR COMMERCIAL AND MULTIFAMILY DEVELOPMENTS THAT ABUT AND DRAIN TO A SINGLE-FAMILY DETACHED USE (Z-25-2021)

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

WHEREAS, the city of Greenville (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, City Council desires to protect the character of existing single-family neighborhoods and quality of life for neighborhood residents; and

WHEREAS, GVL2040 recognizes the LMO required substantial revision in response to the rapid growth the City has experienced since the LMO was last revised almost 14 years ago; and

WHEREAS, GVL2040 calls for an immediate update 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, the City has been faced with pressures created by multifamily and commercial development along the City’s major corridors that abut neighborhoods, as well as development of properties within existing neighborhoods; and

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

WHEREAS, the City desires to modify Sections 19-7.5, Stormwater permits, and 19-7.6.2, Minor stormwater permit, of the Code of Ordinances of the City of Greenville (the “City Code”), as shown in the attached Exhibit A; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on June 17, 2021, to consider the proposed text amendments, and

WHEREAS, the Planning Commission voted unanimously to recommend approval of the proposed text amendments as proposed; and

WHEREAS, City Council finds the text amendments to be compatible with the City's Comprehensive Development Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Sections 19-7.5, Stormwater permits, and 19-7.6.2, Minor stormwater permit, of the City Code are hereby amended as set forth in Exhibit A, which is 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 _____, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A

Sec. 19-7.5. Stormwater permits.

[...]

- (B) *Stormwater permit fee.* The administrator shall compile the requirements for the fees in an administrative manual. The manual shall be approved by the city manager and shall be made available to the public. A stormwater permit is required for any development which:
- (1) Disturbs 10,000 square feet or more or is part of a larger common plan;
 - (2) Is located in a regulatory floodplain;
 - (3) Modifies a riverine floodprone area where the tributary drainage area is greater than 40 acres;
 - (4) Modifies a non-riverine floodprone area where the tributary drainage area is greater than 20 acres;
 - (5) Is located in a depressional storage area with a storage volume of 0.75 acre-feet or more;
~~or~~
 - (6) Impacts a wetland or riparian environment of one-tenth acre or more within an area defined as waters of the U.S. or waters of the state; or
 - (7) Is a commercial or multifamily development that abuts and drains to a single-family detached use and includes any of the following:
 - (a) Disturbs 50 percent or more of the parcel, regardless of the total area of disturbance;
or
 - (b) New construction, renovation, or reconstruction of existing structures that exceeds 25 percent of the current fair market value of the property. This shall be based on a market appraisal performed by a certified appraiser at the applicant's expense or shall be determined by the Greenville County Tax Office. This shall not be construed to require demolition of an existing structure in order to comply with these standards. In such cases, the administrator may grant a waiver of the requirements if presented with a certification by a registered architect or engineer that compliance is not practicable on an existing building. These standards shall not apply to routine maintenance and repair of a structure or other feature on the surrounding site.
- (C) *Stormwater permit classification.* The stormwater permit has been developed such that the level of permitting required matches the scope of work. One of the following permits shall be required:
- (1) *Major stormwater permit.* A major stormwater permit typically requires detention, stormwater quality and quantity control, preparation of a stormwater pollution prevention plan, and may include additional requirements for activities in special management areas. A major stormwater permit is required when a development:
[...]
 - (2) *Minor stormwater permit.* A minor stormwater permit typically requires stormwater quality and may include additional requirements for activities in special management areas. A minor stormwater permit is required when a development:
 - (a) Disturbs more than one but less than two acres; ~~or~~

- (b) Has a total impervious surface area ratio of 60 percent or greater and disturbs 50 percent or more of the parcel or larger common plan over a five year period; or
 - (c) Is a commercial or multifamily development that abuts and drains to a single-family detached use and includes any of the requirements in Sec. 19-7.5 (B) (7).
- (3) *Soil erosion and sediment control permit.* A soil erosion and sediment control permit is required when a development disturbs 10,000 square feet or more but does not meet any of the thresholds listed above. A soil erosion and sediment control permit may include additional requirements for activities in special management areas.
- [...]

Sec. 19-7.6.2. *Minor stormwater permit.* In addition to the above requirements, the following requirements shall apply, at a minimum, for all development requiring a minor stormwater permit:

(A) *Application requirements.*

- (1) A minor stormwater permit and plans must be prepared, signed, and sealed by a professional engineer, Tier B land surveyor, or landscape architect for projects that meet the standards of Sec. 19-7.5 (C) (2) (a) and Sec. 19-7.5 (C) (2) (b). All licensees must be of the state.
- (2) A completed minor stormwater permit application signed by the applicant.
- (3) A report to include:
 - (a) Stormwater measures sized and located in accordance with the *City of Greenville Guidelines for Green Infrastructure and Low Impact Development* unless addressed in part (e) below.
 - ~~(a) An area drainage plan locating the proposed development in the watershed.~~
 - (b) An exhibit for review which displays all deed or plat restrictions of record or to be recorded for the stormwater management system.
 - (c) Drainage map identifying contributing areas to each stormwater control measure.
 - (d) Fully executed maintenance agreement and plan for all post construction stormwater control measures and facilities.
 - (e) If the proposed stormwater measures are not in accordance with the *City of Greenville Guidelines for Green Infrastructure and Low Impact Development*, the report must include:
 - ~~(e)(1)~~ (1) A general description of the proposed water quality stormwater control measures.
 - ~~(e)(2)~~ (2) Calculations verifying that the proposed LID or water quality stormwater control measures meet the treatment requirements as specified in the article.
 - ~~(e)~~ (f)(3) Drainage map identifying contributing areas to each stormwater control measure.
 - ~~(f)(3)~~ (3) Calculations verifying that the stormwater control measure has the appropriate total flow rate for which the associated

pipe network has been designed. Total flow rate includes treated flow and bypass flow.

~~(g) Fully executed maintenance agreement and plan for all post construction stormwater control measures and facilities.~~

~~(h)(4)~~ Supporting documentation for method used to meet 50-percent hydrocarbon removal.

(4) Minor stormwater permit plans shall show, at a minimum:

[...]

(B) *Performance standards.* Water quality treatment is typically required for minor stormwater permits.

(1) Water quality treatment is required when either:

(a) The proposed development has a total impervious surface area ratio of 60 percent or greater and disturbs 50 percent or more of the parcel or larger common plan over a five year period; or

(b) The proposed development creates a new impervious surface greater than or equal to 0.25 acres.

(2) For those developments requiring water quality treatment, the following shall be met:

[...]

(3) If the project does not meet the standards of Sec. 19-7.5 (C) (2) (a) and Sec. 19-7.5 (C) (2) (b), stormwater control measures may be sized and located in accordance with the *City of Greenville Guidelines for Green Infrastructure and Low Impact Development* for the contributing areas that drain to a single-family detached use.