



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

15b

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: August 9, 2021

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO AMEND SECTION 19-2.2.4, NEIGHBORHOOD MEETINGS, AND SECTION 19-2.2.7, PREPARATION OF STAFF REPORT, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO UPDATE THE NEIGHBORHOOD MEETING STANDARDS AND REQUIREMENTS FOR PUBLIC HEARING APPLICATIONS (Z-29-2021)

SUMMARY BACKGROUND:

Staff submits these text amendments to amend Section 19-2.2.4, Neighborhood meetings, and Section 19-2.2.7, Preparation of staff report, to clarify a neighborhood meeting is required for Planned Development or Flexible Review District rezoning, add the neighborhood meeting requirement for a multifamily or a Certificate of Appropriateness which includes a multifamily use, and add the neighborhood meeting requirement to an application that requires a public hearing and is a project for commercial and/or multi-family uses adjacent to single-family detached uses.

These changes are needed 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 of city residents by ensuring that commercial and multi-family developments are designed in a way that respects neighborhood concerns.

The City Planning Commission, pursuant to public notice, held a public hearing on July 15, 2021, to consider the proposed text amendments. The application was recommended for approval by a vote of 6-0.

Planning Staff Recommendation: Approve

Planning Commission Recommendation: Approval by a vote of 6-0.

IMPACT IF DENIED:

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

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director

DocuSigned by:

Jay Graham

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City Attorney

DocuSigned by:

Michael S. Pitts

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DocuSigned by:

OMB Director

City Manager

John F. McDonough

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A N O R D I N A N C E

TO AMEND SECTION 19-2.2.4, NEIGHBORHOOD MEETINGS, AND SECTION 19-2.2.7, PREPARATION OF STAFF REPORT, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO UPDATE THE NEIGHBORHOOD MEETING STANDARDS AND REQUIREMENTS FOR PUBLIC HEARING APPLICATIONS (Z-29-2021)

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 Section 19-2.2.4, Neighborhood meetings, and Section 19-2.2.7, Preparation of staff report, 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 July 15, 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, Section 19-2.2.4, Neighborhood meetings, and Section 19-2.2.7, Preparation of staff report, 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. 19-2.2. Common procedures.

[...]

19-2.2.4. *Neighborhood meetings.*

- (A) *General.* The purpose of the neighborhood meeting is to provide an opportunity for informal communication between applicants, occupants, and owners of nearby properties who may be affected by development proposals; to educate the occupants and owners about the proposed development and application; to receive comments and address concerns about the development proposal; and to resolve conflicts and outstanding issues, where possible.
- (B) *Neighborhood meeting encouraged.* Where not otherwise mandatory, a A neighborhood meeting is strongly encouraged for all applications requiring a public hearing prior to submission of an application, provided the neighborhood meeting is not required under Sec. 19-2.2.4(C). ~~Furthermore, the chairperson of the planning commission, design review board, or board of zoning appeals may, during a public hearing, direct an applicant to conduct a neighborhood meeting if it is determined that the application could potentially have negative land use, appearance, traffic, or other public facility impacts on neighboring properties. Upon receiving an application requiring a public hearing, the administrator may require an applicant to conduct a neighborhood meeting prior to a public hearing being scheduled if the administrator determines that:~~
- ~~(1) Pursuant to practice, the application is of a type that characteristically the chairperson of the subject decision making body has required to be the subject of a neighborhood meeting;~~
 - ~~(2) One or more property owners directly abutting the subject property has requested, via standard mail or email, a neighborhood meeting; or~~
 - ~~(3) Owners of 20 percent or more of the parcels within 500 feet of the subject property have requested, via standard mail or email, a neighborhood meeting.~~
- (C) ~~Neighborhood meeting required. Unless a waiver is granted by the administrator, a A~~ neighborhood meeting shall be required to be conducted prior to submission of the following public hearing applications:
- (1) Map amendment (rezoning), including PD (Planned Development) and FRD (Flexible Review District);
 - (2) Major subdivision;
 - (3) Special exception for: bed and breakfast inn;
 - (4) Multifamily or a Certificate of Appropriates which includes a multifamily use;
or
 - (5) Any application requiring a public hearing where the proposed project is commercial or multi-family in nature and abuts an existing single family detached use.
- (D) Notwithstanding the foregoing subsection and only with respect to applications requiring a public hearing, a neighborhood meeting may be required for a public hearing application under one or more of the following scenarios;

- (1) The chairperson of the planning commission, design review board, or board of zoning appeals may, during a public hearing, direct an applicant to conduct a neighborhood meeting if it is determined that the application could potentially have negative land use, appearance, traffic, or other public facility impacts on neighboring properties;
- (2) The administrator may require an applicant to conduct a neighborhood meeting prior to a public hearing being scheduled if the administrator determines that:
 - (a) One or more property owners directly abutting the subject property has requested, via standard mail or email, a neighborhood meeting; or
 - (b) Owners of 20 percent or more of the parcels within 500 feet of the subject property have requested, via standard mail or email, a neighborhood meeting;

(E) *Procedure.* If a neighborhood meeting is convened, it should generally comply with the following procedures:

- (1) *Time and place.* The neighborhood meeting should be held during the hours of 6:00 p.m. to 9:00 p.m., Monday through Friday, at a place that is generally accessible to occupants of property in close proximity to the land subject to the application. Meetings may be held at a time and day different from above at the neighborhood's request. Meetings shall be held at least eight calendar days prior to the scheduled public hearing. Failure to do so may result in delay or denial of the application.
- (2) *Notification.* The applicant shall provide notification of the neighborhood meeting a minimum of five business days in advance of the meeting by first class mail to: all owners and occupants within 500 feet of the land subject to the application; any neighborhood organization that represents citizens within that area; the planning staff; and the review board. The notification shall state the time and place of the meeting.
- (3) *Conduct of meetings.* At the neighborhood meeting, the applicant shall explain the development proposal and application; answer questions; and, address the ways in which to resolve the attendees' concerns. Within two days of the meeting, the applicant shall provide the city a list of those in attendance with a summary of the attendee's concerns.
- (4) *Attendance.* It is strongly encouraged that the applicant, property owner or designated agent, owners and occupants within 500 feet of the land subject to the application, any neighborhood organization that represents citizens within that area, city staff, and any other persons that are directly affected by the proposal or their designated representatives, be in attendance at the neighborhood meeting.

[...]

19-2.2.7. *Preparation of staff report.* After an application is determined sufficient, the administrator shall refer the application to the appropriate staff and any other review agencies for comment, review the application, and for applications requiring a public hearing, prepare a written staff report. The staff report shall be provided to the applicant and made available to the public within a reasonable amount of time before the scheduled public hearing on the application. The staff report shall include a staff analysis, staff comments, staff recommendation that the reviewing body approve (in whole or in part), approve with conditions, approve with modifications, or disapprove the application, any

pertinent issues, comments or concerns raised at neighborhood meeting (if one is held), and any other items of similar context or pertinent for the approving body to take into consideration during deliberations. Conditions for approval may also be recommended to eliminate any areas of noncompliance or to mitigate any adverse effects of the development proposal.

[...]