

Zoning Docket from January 13, 2020 Public Hearing

Docket Number	Applicant	CC DIST.	STAFF REC.	GCPC REC.	P&D REC.	COUNCIL ACTION
CZ-2020-11	<p>Greenville County Board of Zoning Appeals The proposed text amendment to Article 7, Section 2 of the Greenville County Zoning Ordinance states that land set aside as Open Space as shown on the Final Record Plat of an Open Space Residential Development is ineligible for a reduction in size by variance from any board, commission or agency of the county.</p>	All	Approval subject to language used herein	Denial		
Public Comments	<p>Some of the general comments made by Speakers at the Public Hearing on January 13, 2020 were:</p> <p><u>Speakers For:</u></p> <p>1) Applicant</p> <ul style="list-style-type: none"> • Modification to the Zoning Ordinance • Members of the Board of Zoning Appeals discussed language and voted unanimously <p>2) Applicant</p> <ul style="list-style-type: none"> • Speaks on behalf of the Board of Zoning Appeals members • Preserves opportunities for recreation and open space • Once a final plat is approved, open space cannot be changed or reduced • This would protect and preserve the open space forever • Ample planning allows for foreseeing of all issues that could affect open space <p>3) Resident</p> <ul style="list-style-type: none"> • Has attended county meetings where examples of green space mistakes have been made <p>4) Resident</p> <ul style="list-style-type: none"> • Residents buy lots and can't get to open space • There is no reason why open space should be changed <p><u>Speakers Against:</u></p> <p>1) Resident</p> <ul style="list-style-type: none"> • Was attorney for Claremont's open space reduction case • Took 18 months to get a variance for open space • Would prefer a minimum percentage variance <p>List of meetings with staff: workshop during the October 2019 Board of Zoning Appeals meeting</p>					<p>Petition/Letter</p> <p><u>For:</u> None</p> <p><u>Against:</u> None</p>
Staff Report	<p>REQUEST HISTORY</p> <p>In October/November of 2019, the BZA sought to initiate a zoning text amendment to address reductions made to open space areas within Open Space Subdivisions after Final Plats have been approved. The BZA expressed concerns about granting variances for open space after final plat approval.</p>					

Zoning Docket from January 13, 2020 Public Hearing

	<p>ANALYSIS</p> <p>Staff has seen specific instances where open space needs to be adjusted after the Final Plat has been approved. Two recent examples of possible adjustments include: the need to add a pump station for provision of public sewer and the need to accommodate private improvements that were mistakenly built into the open space (i.e. driveways built by the home builder). Staff believes that having flexibility in the regulations to accommodate unforeseen circumstances is wise, and as long as the reduction does not violate the minimum required amount per the Zoning Ordinance, the intent of the ordinance is being met.</p> <p>Staff believes that the language, as written, would only allow for swaps of open space at a 1:1 ratio to maintain the exact open space committed to at final plat. The open space adjustment examples outlined above have all occurred post construction/final plat, leaving the developer and community little option for a solution. If staff has the flexibility to reduce open space in a way that accommodates needed changes, while not violating the required open space minimums, we will have the ability to facilitate necessary solutions.</p> <p>Staff would recommend an amendment to this proposal that would state: "...land set aside as Open Space as shown on the Final Record Plat of an Open Space Residential Development is ineligible for a reduction in size <i>below the minimum required</i> by the Zoning Ordinance, by variance from any board...."</p> <p>RECOMMENDATION</p> <p>Approval subject to an amendment using the language presented above</p>
GCPC	At the January 22, 2020 Planning Commission meeting, the Commission members voted to deny the applicant's request to amend Article 7, Section 2 of the Greenville County Zoning Ordinance.



Greenville County Planning and Zoning Division
(864) 467-7425
www.greenvillecounty.org

TO: County Council
Planning and Development Committee
Planning Commission

FROM: Meagan Staton

CC: Sarah Tresouthick Holt, AICP

RE: CZ-2020-11

APPLICANT: Board of Zoning Appeals

PROPERTY LOCATION: County-wide

PIN/TMS#(s): NA

ZONING: Any zoning where Open Space Development is permitted

REQUEST: The proposed text amendment to Article 7, Section 2 of the Greenville County Zoning Ordinance states that land set aside as Open Space as shown on the Final Record Plat of an Open Space Residential Development is ineligible for a reduction in size by variance from any board, commission or agency of the county.

ACREAGE: NA

COUNCIL DISTRICT: All

REQUEST HISTORY:

In October/November of 2019, the BZA sought to initiate a zoning text amendment to address reductions made to open space areas within Open Space Subdivisions after Final Plats have been approved. The BZA expressed concerns about granting variances for open space after final plat approval.

ANALYSIS:

Staff has seen specific instances where open space needs to be adjusted after the Final Plat has been approved. Two recent examples of possible adjustments include: the need to add a pump station for provision of public sewer and the need to accommodate private improvements that were mistakenly built into the open space (i.e. driveways built by the home builder). Staff believes that having flexibility in the regulations to accommodate unforeseen circumstances is wise, and as long as the reduction does not violate the minimum required amount per the Zoning Ordinance, the intent of the ordinance is being met.

Staff believes that the language, as written, would only allow for swaps of open space at a 1:1 ratio to maintain the exact open space committed to at final plat. The open space adjustment examples outlined above have all occurred post construction/final plat, leaving the developer and community little option for a solution. If staff has the flexibility to reduce open space in a way that accommodates needed changes, while not violating the required open space minimums, we will have the ability to facilitate necessary solutions.

Staff would recommend an amendment to this proposal that would state: "...land set aside as Open Space as shown on the Final Record Plat of an Open Space Residential Development is ineligible for a reduction in size *below the minimum required by the Zoning Ordinance*, by variance from any board...."

STAFF RECOMMENDATION: **Approval subject to an amendment using the language presented above**