

AN ORDINANCE

TO AMEND THE GREENVILLE COUNTY ZONING ORDINANCE RELATING TO INITIATION OF NEW ZONING BY PETITION IN UNZONED AREAS OF THE COUNTY.

WHEREAS, Greenville County Council finds that property owners in some parts of the county that remain unzoned have an interest to engage in a petition process to allow for the consideration of first-time zoning; and

WHEREAS, County Council finds that current initiation of zoning by petition requirements have many unnecessary steps and that the amendments set forth in this ordinance will update and streamline the process; and

NOW, BE IT ORDAINED by the County Council of Greenville County, South Carolina:

Section 1. Amend Section 3:2.3 Subsection B of the County Zoning Ordinance to replace the Subsection B with the following:

Section 3:2.3 Subsection B “Initiation of Zoning by Petition” of the County Zoning Ordinance is hereby amended as follows:

“B. Initiation of Zoning by Petition.

Pursuant to State law, County Council may only impose zoning in the unincorporated areas of Greenville County. A County may also adopt zoning in selected parts of the unincorporated area of the County. Under the provisions of this subsection, property owners in unzoned parts of the County may initiate zoning in a specific area utilizing the petition method set forth as follows:

1. For purposes of this subsection, property owners of a minimum of ½ square mile or 320 acres of contiguous property in an unzoned area of the County may petition for first-time zoning consideration. To initiate a new zoning area under this method, property owners must file with the Greenville County Planning Department (“Planning Department”) an application for new zoning and must include a petition signed by each property owner that will include property address and tax map number (application and petition can be obtained from the Planning Department). Planning Department staff will acknowledge receipt of the petition and verify the ownership and acreage for certification based on records maintained by the County’s Real Property Services Division. Upon receipt of a qualifying application and petition, the Planning Department will establish formal boundaries of the new zoning area to be subject to the requested zoning. The petition zoning area must be a minimum of ½ square mile or 320 acres and be made up of contiguous property(ies).
2. If the petition and application meet the requirements of this Ordinance and the Planning Department staff is able to establish formal boundaries for the proposed new area, the Planning Department will prepare an amendment to the County Zoning Map covering the

petition area in accordance with the County's Comprehensive Plan, including the future land use plan, as amended.

3. After the Planning Department prepares the proposed amendment to the County Zoning Map, the Planning Department will prepare all necessary items to ensure the application and petition are carried through the process that is established for rezoning of parcels within Greenville County, which will include a public hearing and a review and recommendation by the Planning Commission. Based upon the comments received, the Planning Commission will present the proposed zoning map and its recommendations to the County Council Committee on Planning and Development (“P&D”). The P&D Committee will review the application and petition, with the proposed zoning map (with any amendments) and all other submitted materials, and provide a recommendation to County Council for final consideration.
4. If the County Council approves the petition and adopts the zoning for the proposed area, property owners in unzoned areas that are contiguous to the newly-zoned area(s) may apply for initial zoning, provided they do so within six months of the effective date of the adoption of the new zoning. County Council may process and review applications from contiguous properties filed in this six-month period in the same manner as map amendments, as outlined in Step 3 above, without the need for a new petition.”

Section 2. Severability. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 3. Effective Date. This Ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2022.

Willis H. Meadows, Chairman

Greenville County Council

Regina McCaskill

Clerk to Council

Joseph M. Kernell

County Administrator

12/6/21