

ORDINANCE

TO AMEND THE GREENVILLE COUNTY LAND DEVELOPMENT REGULATIONS TO ESTABLISH A WAITING PERIOD FOR THE SUBMISSION OF SUBDIVISION APPLICATIONS FOLLOWING A DENIAL BY THE PLANNING COMMISSION.

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

Section 1. **Findings.** Greenville County has experienced an increase in the following practices by subdivision applicants following a denial by the Greenville County Planning Commission:

(1) Applicants are filing new applications immediately following an application denial, causing the Planning Commission to review essentially the same subdivision application every two months. This practice causes a strain on the limited resources and time of the County's subdivision and planning departments and the members of the Planning Commission.

(2) Applicants are appealing a Planning Commission denial of a preliminary plan or plat application and simultaneously filing a new application for preliminary plan or plat review while the appeal is pending. This appeal practice causes the review of a proposed subdivision to proceed along two separate tracks, one in the court system and one at the planning level, rendering the plan review process inefficient, increasing the likelihood of inconsistent rulings, and preventing a decision from achieving finality.

(3) This amendment is necessary to provide all stakeholders with a consistent and orderly procedure for subdivision application reviews and appeals.

Section 2. **Amend Article 1, Section 1.6.1 of the County LDR ("LDR") to update the requirements for the filing and consideration of applications for review of all plans and plats.**

Article 1, Section 1.6.1 of the County's LDR, is amended to add subsections "C" and "D", which shall read as follows:

- "C. When the Planning Commission denies an application for preliminary plan or plat approval, Greenville County shall not, for a period of one hundred twenty (120) days from the date of the denial, accept any application for a subdivision comprised of the same Parcel or Parcels that were included in the denied application.

- D. A parcel can only have one submitted plan or plat on file for review at a time. Until an accepted submittal is approved or withdrawn, no additional plans or plats will be accepted for the affected parcel or parcels."

Section 3. **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 4. **Repeal.** Any ordinance, resolution, or order, the terms of which conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 5. **Effective Date.** This Ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2023.

Dan Tripp, Chairman
Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator