

Zoning Docket from March 20, 2023 Public Hearing

Docket Number	Applicant	CC DIST.	STAFF REC.	GCPC REC.	P&D REC.	COUNCIL ACTION
CZ-2023-021	Greenville County Council Countywide Text Amendment to amend Article 4, <u>Definitions</u> , Article 6, Table 6.1 <u>Uses Permitted, Uses by Special Exception, and Conditional Uses</u> and Section 6.2, <u>Use Conditions (28) Single-Family and Multifamily Residential in C-1, C-2, and C-3, Commercial Districts</u> of the Greenville County Zoning Ordinance	All	Approval	Approval 3/22/23		
Public Comments	<p>Some of the general comments made by Speakers at the Public Hearing on March 20, 2023 were:</p> <p><u>Speakers For:</u> None</p> <p><u>Speakers Against:</u> None</p> <p>List of meetings with staff: None</p>					<p>Petition/Letter For: None</p> <p>Against: None</p>
Staff Report	<p>REQUEST HISTORY and EXPLANATION</p> <p>It has come to Staff's attention that the current language of Article 4, <u>Definitions</u>; and Article 6, Table 6.1 <u>Uses Permitted, Uses by Special Exception, and Conditional Uses</u> and Section 6.2, <u>Use Conditions (28) Single-Family and Multifamily Residential in C-1, C-2, and C-3, Commercial Districts</u> of the Greenville County Zoning Ordinance allows for uses that do not keep with the intent of the Zoning Ordinance.</p> <p>The proposed changes will allow for Mixed Use development, or residential use in conjunction with commercial use on parcels in the C-1, C-2, and C-3, Commercial Districts. However, residential uses will no longer be permitted as the only use in the aforementioned commercial zoning districts. See page 4 for the ordinance with proposed changes and see page 7 for a clean draft. The changes are summarized below:</p> <ol style="list-style-type: none"> 1. To remove the definitions from Condition 28 and place them in Article 4; 2. To remove single-family (attached and detached), multifamily, and two-family (duplex) as a permitted conditional use in Table 6.1 in these commercial districts; 3. To add Mixed Use Developments and Mixed Use Structures as a new use category in Table 6.1 as permitted by condition in the NC, Neighborhood Commercial District and C-1, C-2, and C-3, Commercial Districts; 4. To amend Condition 28 to remove provisions for single-family and multifamily and other necessary changes for the Mixed Use Development and Mixed Use Structure regulations. <p>This text amendment request went as a Consent Item before County Council on February 7, 2022. A Zoning Public Hearing is scheduled for March 20, 2023 and followed by a First Reading before County Council on March 21, 2023.</p>					

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CONCLUSION and RECOMMENDATION

Staff is of the opinion that the proposed changes, which will only allow residential uses in Commercial zoning districts as part of a Mixed Use Development or Mixed Use Structure, will prevent Commercial zoning districts from being used for residential development. Additionally, the proposed changes keep with the intent of the Commercial districts outlined in the Zoning Ordinance.

Based on these reasons, staff recommends approval of the proposed Text Amendment.



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

TO: County Council
Planning and Development Committee
Planning Commission

FROM: Lisa Mann, Planner II

RE: CZ-2023-021

APPLICANT: Greenville County Council

PROPERTY LOCATION: Countywide

PIN/TMS#(s): N/A

REQUEST: To amend Article 4, Definitions, Article 6, Table 6.1 Uses Permitted, Uses by Special Exception, and Conditional Uses and Section 6.2, Use Conditions (28) Single-Family and Multifamily Residential in C-1, C-2, and C-3, Commercial Districts of the Greenville County Zoning Ordinance

ACREAGE: N/A

COUNCIL DISTRICT: All

**REQUEST HISTORY and
EXPLANATION:**

It has come to Staff's attention that the current language of Article 4, Definitions; and Article 6, Table 6.1 Uses Permitted, Uses by Special Exception, and Conditional Uses and Section 6.2, Use Conditions (28) Single-Family and Multifamily Residential in C-1, C-2, and C-3, Commercial Districts of the Greenville County Zoning Ordinance allows for uses that do not keep with the intent of the Zoning Ordinance.

The proposed changes will allow for Mixed Use development, or residential use in conjunction with commercial use on parcels in the C-1, C-2, and C-3, Commercial Districts. However, residential uses will no longer be permitted as the only use in the aforementioned commercial zoning districts. See page 4 for the ordinance with proposed changes and see page 7 for a clean draft. The changes are summarized below:

1. To remove the definitions from Condition 28 and place them in Article 4;
2. To remove single-family (attached and detached), multifamily, and two-family (duplex) as a permitted conditional use in Table 6.1 in these commercial districts;
3. To add Mixed Use Developments and Mixed Use Structures as a new use category in Table 6.1 as permitted by condition in the NC, Neighborhood Commercial District and C-1, C-2, and C-3, Commercial Districts;
4. To amend Condition 28 to remove provisions for single-family and multifamily and other necessary changes for the Mixed Use Development and Mixed Use Structure regulations.

This text amendment request went as a Consent Item before County Council on February 7, 2022. A Zoning Public Hearing is scheduled for March 20, 2023 and followed by a First Reading before County Council on March 21, 2023.

CONCLUSION:

Staff is of the opinion that the proposed changes, which will only allow residential uses in Commercial zoning districts as part of a Mixed Use Development or Mixed Use Structure, will prevent Commercial zoning districts from being used for residential development. Additionally, the proposed changes keep with the intent of the Commercial districts outlined in the Zoning Ordinance.

**STAFF
RECOMMENDATION:**

Based on these reasons, staff recommends approval of the proposed Text Amendment.

**CURRENT ORDINANCE WITH PROPOSED CHANGES:
(It is proposed to add the Red language and remove the struck through language.)**

Article 4, Definitions (these definitions have been removed from Condition 28 and placed in this article of the Zoning Ordinance)

Mixed Use Development – A parcel of land or portion thereof containing two or more uses.

Mixed Use Structures – A building or portion thereof containing two or more occupancies or uses

Use	AG	R-R3	R-R1	R-S	R-20 - R-6	R - 20A	R-M2 - R-M20	R-MA	R-MHP	O-D	POD	NC	C-1	C-2	C-3	S-1	I-1	I-2	BTD	ESD - PM
Dwelling - multiple-family							P	P			P	P	C ²⁸	C ²⁸	C ²⁸					
Dwelling - single-family attached					C ¹⁰	C ¹⁰	P	P			P	P	C ²⁸	C ²⁸	C ²⁸					
Dwelling - single-family detached	P	P	P	P	P	P	P	P			P	P	C ²⁸	C ²⁸	C ²⁸					P
Dwelling - two-family (duplex)					C ¹⁰	C ¹⁰	P	P			P	P	C ²⁸	C ²⁸	C ²⁸					

Use	AG	R-R3	R-R1	R-S	R-20 - R-6	R - 20A	R-M2 - R-M20	R-MA	R-MHP	O-D	POD	NC	C-1	C-2	C-3	S-1	I-1	I-2	BTD	ESD - PM
Mixed Use Development												C ²⁸	C ²⁸	C ²⁸	C ²⁸					
Mixed Use Structure												C ²⁸	C ²⁸	C ²⁸	C ²⁸					

28) ~~Single Family and Multifamily Residential~~ Mixed Use Developments, and Mixed Use Structures in the NC, Neighborhood Commercial and C-1, C-2, and C-3, Commercial, Districts

~~Single Family, Multifamily, Mixed Use developments, and Mixed Use structures~~ and Mixed Use Developments -are permitted in the NC, Neighborhood Commercial and C-1, C-2, and C-3, Commercial Districts, subject to the following conditions:

1. Density
 - a. NC: maximum of 10 units/acre
 - ~~a-b.~~ C-1: maximum of 12 units/acre
 - ~~b-c.~~ C-2 and C-3: maximum of 16 units/acre
2. Connectivity
 - a. Vehicular:
 - i. ~~If developed on the same parcel of land as a commercial use, v~~ Vehicular access shall be provided internally between all uses, drives, and parking areas.
 - ii. If development is adjacent to a multifamily, office, commercial use, or similar use as deemed by County Staff, an attempt to provide vehicular access to such uses shall be made.
 - b. Pedestrian:
 - i. ~~If developed on the same parcel of land as a commercial use, p~~ Pedestrian access shall be provided internally between all uses, drives, and parking areas.
 - ii. ~~Within the multifamily development, p~~ Pedestrian access shall be provided between parking areas, buildings, open space areas, recreation areas, and other amenity areas where provided.

- c. All developments must provide sidewalks to connect to an external sidewalk. If an external sidewalk is not available, the development will be required to install sidewalks along all roadways and where determined necessary within the project by County Staff.
 - d. All pedestrian pathways and sidewalks shall be at least five (5) feet in width.
3. Parking
 - a. Parking areas shall be located on the interior of the development with no parking allowed between buildings and adjacent roadways. Sites shall be designed to accomplish this requirement.
 - b. Parking areas must be distinguished from pedestrian walkways through curbing or wheel-stops.
 4. Setbacks

~~Neighborhood Commercial setbacks shall apply on the exterior of the project with no internal setbacks enforced between uses. The setbacks of the underlying zoning district shall apply on the exterior of the project with no internal setbacks enforced between uses.~~

5. Architectural Requirements
 - a. All ~~multifamily~~ buildings shall have pitched roofs.
 - b. Architectural treatments shall be provided on building walls and entrances. In addition, all walls visible from roadways and parking areas shall incorporate design features including arcades, windows, entry areas, overhangs, and other architectural features to ensure no blank walls are visible from these areas.
6. Landscaping
 - a. All developments shall meet the standards for parking lot landscaping in Section 12:4.
 - b. In addition to Section 12:4, landscaping or grassed areas are required between parking areas/sidewalks, and building entrances along the base of all buildings.
7. Screening and Buffering
 - a. All dumpsters, service areas, and mechanical equipment shall be screened from public view.
 - b. ~~Buffer requirements shall apply according to Section 12:9. Screening shall only be required on the perimeter subject to Section 12:9, no internal screening between uses shall be required exclusive of the requirements stated in subsection 7 above.~~
8. Lighting

Lighting shall be designed to minimize light trespass on adjoining parcels. For outdoor lighting, cutoff fixtures shall be used. These outdoor lighting fixtures shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as to reduce obtrusive light on neighboring properties or public areas.

9. Stormwater

In addition to the conditions herein, all ~~multifamily~~ development in commercial districts shall meet the standards of the stormwater ordinance. Stricter provisions may be required by Greenville County to address existing downstream restrictions.

~~3. Mixed Use Structures and Developments~~

~~Mixed Use Structures—A building or portion thereof containing two or more occupancies or uses.~~

~~Mixed Use Development—A parcel of land or portion thereof containing two or more uses.~~

~~A. Density~~

~~Residential development in any commercial district shall comply with the densities specified below:~~

- ~~a. C-1: maximum of 12 units/acre.~~
- ~~b. C-2 and C-3: maximum of 16 units/acre.~~

~~B. Connectivity~~

~~a. Vehicular:~~

- ~~i. Vehicular access shall be provided internally between all uses, drives, and parking areas.~~
- ~~ii. If developed adjacent to a multifamily, office, commercial use, or similar use as deemed by County Staff, an attempt to provide vehicular access to such uses shall be made.~~

~~b. Pedestrian:~~

- ~~i. Pedestrian access shall be provided internally between all uses, drives, and parking areas.~~
- ~~ii. Pedestrian access shall be provided between parking areas, buildings, open space areas, recreation areas, and other amenity areas where provided.~~

~~c. All developments must provide sidewalks to connect to an external sidewalk. If an external sidewalk is not available, the development will be required to install sidewalks along all roadways and where determined necessary within the project by County Staff.~~

~~d. All pedestrian pathways and sidewalks shall be at least five (5) feet in width.~~

~~C. Parking~~

~~a. Parking areas shall be located on the interior of the development, with no parking allowed between buildings and adjacent roadways. Sites shall be designed to accomplish this requirement.~~

~~b. Parking areas must be distinguished from pedestrian walkways through curbing or wheel stops.~~

~~D. Setbacks~~

~~The setbacks of the underlying zoning district shall apply on the exterior of the project with no internal setbacks enforced between uses.~~

~~E. Architectural Requirements~~

~~a. All multifamily buildings shall have pitched roofs.~~

~~b. For multifamily structures, architectural treatments shall be provided on building walls and entrances. In addition, all walls visible from roadways and parking areas shall incorporate design features, including arcades, windows, entry areas, overhangs, and other architectural features, to ensure no blank walls are visible from these areas.~~

~~F. Landscaping~~

~~a. All developments shall meet the standards for parking lot landscaping in Section 12:4.~~

~~b. In addition to Section 12:4, landscaping or grassed areas are required between parking areas/sidewalks, and building entrances along the base of all buildings.~~

~~G.— Screening and Buffering~~

~~a.— All dumpsters, service areas, and mechanical equipment shall be screened from public view.~~

~~b.— Screening shall only be required on the perimeter subject to Section 12:9, no internal screening between uses shall be required exclusive of the requirements stated in subsection F. above.~~

~~H.— Lighting~~

~~For outdoor lighting, cutoff fixtures shall be used. These outdoor lighting fixtures shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse, and so as to reduce obtrusive light on neighboring properties or public areas.~~

~~I.— Stormwater~~

~~In addition to the conditions herein, all multifamily development in commercial districts shall meet the standards of the stormwater ordinance. Stricter provisions may be required by Greenville County to address existing downstream restrictions.~~

~~4.— Mixed Use In Existing Structures~~

~~Must meet all applicable provisions of the zoning ordinance and building and fire code. (Am. Ord. 4469, § 2, 3-6-2012)~~

PROPOSED ORDINANCE:

Article 4, Definitions (these definitions have been removed from Condition 28 and placed in this article of the Zoning Ordinance)

Mixed Use Structures – A building or portion thereof containing two or more occupancies or uses

Mixed Use Development – A parcel of land or portion thereof containing two or more uses.

Use	AG	R-R3	R-R1	R-S	R-20 - R-6	R - 20A	R-M2 - R-M20	R-MA	R-MHP	O-D	POD	NC	C-1	C-2	C-3	S-1	I-1	I-2	BTD	ESD - PM
Dwelling - multiple-family							P	P			P	P								
Dwelling - single-family attached					C ¹⁰	C ¹⁰	P	P			P	P								
Dwelling - single-family detached	P	P	P	P	P	P	P	P			P	P								P
Dwelling - two-family (duplex)					C ¹⁰	C ¹⁰	P	P			P	P								

Use	AG	R-R3	R-R1	R-S	R-20 - R-6	R - 20A	R-M2 - R-M20	R-MA	R-MHP	O-D	POD	NC	C-1	C-2	C-3	S-1	I-1	I-2	BTD	ESD - PM
Mixed Use Development												C ²⁸	C ²⁸	C ²⁸	C ²⁸					
Mixed Use Structure												C ²⁸	C ²⁸	C ²⁸	C ²⁸					

28) Multifamily Residential, Mixed Use Structures, and Mixed Use Developments in the NC, Neighborhood Commercial and C-1, C-2, and C-3, Commercial Districts Multifamily, Mixed Use developments, and Mixed Use structures are permitted in C-1, C-2, and C-3, Commercial districts, subject to the following conditions:

1. Any Multifamily Residential Development must be in conjunction with another permitted principal use whether it is in a Mixed Use Development or Mixed Use Structure. Any mixed use in an existing structure must meet all applicable provisions of the zoning ordinance and building and fire code.
2. Density
 - a. NC: maximum of 10 units/acre
 - b. C-1: maximum of 12 units/acre
 - c. C-2 and C-3: maximum of 16 units/acre
3. Connectivity
 - e. Vehicular:
 - iii. Vehicular access shall be provided internally between all uses, drives, and parking areas.
 - iv. If developed adjacent to a multifamily, office, commercial use, or similar use as deemed by County Staff, an attempt to provide vehicular access to such uses shall be made.
 - f. Pedestrian:

-
- iii. Pedestrian access shall be provided internally between all uses, drives, and parking areas.
 - iv. Pedestrian access shall be provided between parking areas, buildings, open space areas, recreation areas, and other amenity areas where provided.
 - g. All developments must provide sidewalks to connect to an external sidewalk. If an external sidewalk is not available, the development will be required to install sidewalks along all roadways and where determined necessary within the project by County Staff.
 - h. All pedestrian pathways and sidewalks shall be at least five (5) feet in width.
4. Parking
- c. Parking areas shall be located on the interior of the development with no parking allowed between buildings and adjacent roadways. Sites shall be designed to accomplish this requirement.
 - d. Parking areas must be distinguished from pedestrian walkways through curbing or wheel-stops.
5. Setbacks
- The setbacks of the underlying zoning district shall apply on the exterior of the project with no internal setbacks enforced between uses.
6. Architectural Requirements
- c. All buildings shall have pitched roofs.
 - d. Architectural treatments shall be provided on building walls and entrances. In addition, all walls visible from roadways and parking areas shall incorporate design features including arcades, windows, entry areas, overhangs, and other architectural features to ensure no blank walls are visible from these areas.
7. Landscaping
- c. All developments shall meet the standards for parking lot landscaping in Section 12:4.
 - d. In addition to Section 12:4, landscaping or grassed areas are required between parking areas/sidewalks, and building entrances along the base of all buildings.
8. Screening and Buffering
- c. All dumpsters, service areas, and mechanical equipment shall be screened from public view.
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9. Lighting
- Lighting shall be designed to minimize light trespass on adjoining parcels. For outdoor lighting, cutoff fixtures shall be used. These outdoor lighting fixtures shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as to reduce obtrusive light on neighboring properties or public areas.
10. Stormwater

In addition to the conditions herein, all development in commercial districts shall meet the standards of the stormwater ordinance. Stricter provisions may be required by Greenville County to address existing downstream restrictions.