

ZONING

A Story of Bad Neighbors, Incompatibility, Separation, and Reunion

Presentation by City of Greenville Planning Staff

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Michael Frixen, AICP – Development Planner



city of
greenville

Upstate Forever - October 23, 2019

City of Greenville Planning & Development Division

- Staff support for Design Review Board, Board of Zoning Appeals, and Planning Commission
- Comprehensive plan
- Review of development projects and proposals
- Building permit review
- Zoning administration and enforcement
- Subdivision review
- Addressing
- Sign permits
- And much more!

PLANNING & ZONING

MISSION STATEMENT

Our mission is to work towards improving the quality of life for the citizens of Greenville. Staff members work with various boards and commissions including the Planning Commission, the Design Review Board and the Board of Zoning Appeals.



ZONING APPLICATIONS

Residential, subdivision, business, encroachment and zoning permits are online.



SIGNS

Sign regulations ensure public safety, protect property values and maintain visual standards.



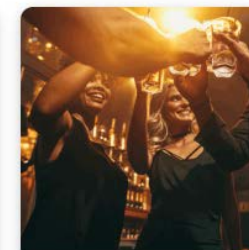
COMPREHENSIVE PLAN

You are invited to participate as we create a vision for Greenville in the next 20 years.



UPCOMING PROJECTS

All upcoming planning and zoning applications are available for public review.



CONDITIONAL USE PERMITS

Businesses open after midnight need to apply for review and recommendation.

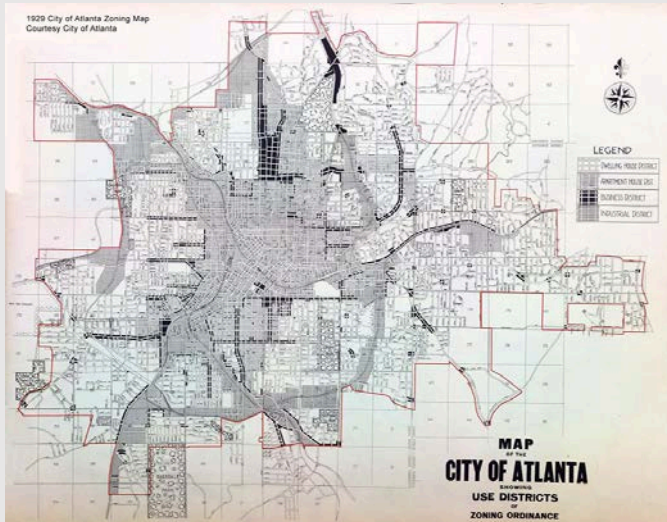


LANDSCAPING & TREES

Learn about city ordinances about trees on public and private property in the city limits.

Presentation Overview

- Zoning: A History
- Zoning 101: The Basics
- Zoning Today: Trends and Alternatives
- Zoning Practice: Group Exercise



ZONING PERMIT APPLICATIONS

Planning and zoning permit applications are not accepted after 4 p.m. daily and not after 2 p.m. on the day of deadline.

RESIDENTIAL DEVELOPMENT PERMITS

SUBDIVISION PERMITS

BUSINESS-RELATED PERMITS

ENCROACHMENT PERMITS

ZONING-RELATED PERMITS

- [Address Change Form](#): Required when requesting a change in current address of a property.
- [Rezone - Basic](#): Required to change the zoning designation of a property, except Planned Development District
- [Rezone - Planned Development \(PD\) Application](#): Required to change the zoning designation of a property to Planned Development District, or to modify an existing Planned Development District
- [Rezone - Flexible Review District \(FRD\) Application](#): Required to change the zoning designation of a property to Flexible Review District, or to modify an existing Flexible Review District
- [Final Development Plan \(PDF\)](#): Required to approval construction plans for all or a portion of a Planned Development District
- [Appeal of Administrator's Decision \(PDF\)](#): Required if it is alleged that a staff member misinterpreted or misapplied a provision of the Land Management Ordinance
- [Waiver of Time Limit \(PDF\)](#): Required for a denied application to be reconsidered earlier than prescribed in the Land Management Ordinance
- [Text Amendment \(PDF\)](#): Required to modify any provision of the Land Management Ordinance
- [Traffic Impact Analysis Warrant Form \(e-form\)](#): Complete this form to determine if a Traffic Impact Analysis is required for a project.
- [Street Name Change \(PDF\)](#): Required to establish or modify the name of a street
- [Storm Water Variance \(PDF\)](#): Required when requesting relief from the standards prescribed by the storm water provisions of the Land Management Ordinance


DOWNTOWN CHATTANOOGA FORM-BASED CODE



Presentation Overview



zoning noun

zon·ing | \ 'zō-nīŋ  \

Definition of *zoning*

: the act or process of partitioning a city, town, or borough into zones reserved for different purposes (such as residence or business)

also : the set of ordinances by which such zones are established and regulated

// voted to change the town's *zoning*

// *zoning* laws



ZONING

A History

Why Zoning? Historical Forces



Industrialization



Urbanization



Population Increase



Public Health



Urban Planning

Planning & Development



Automobile

Aldred's Case (1611)

- Historical nuisance case
- “No right to maintain a structure upon his own land, which, by reason of disgusting smells, loud or unusual noises, thick smoke, noxious vapors, the jarring of machinery, or the unwarrantable collection of flies, renders the occupancy of adjoining property dangerous, intolerable, or even uncomfortable to its tenants...”



<https://imgflip.com/memtemplate/114061905/Pig-sty>

Zoning in the United States

- Police powers of state and local governments
 - “health, safety, and public welfare”
- First zoning ordinances in U.S.
 - Los Angeles, CA (1908)
 - New York City (1916)
- Standard State Zoning Enabling Act (1924)



Legal Challenges

- **Hadacheck v. Sebastian (1915)** – upheld LA zoning laws restricting industrial uses in residential areas
- **Euclid v. Ambler Realty (1926)** – upheld constitutionality of zoning ordinances; necessary instrument for municipal planning
- **Warth v. Seldin (1975)** – court dismissed a lawsuit by housing activists alleging zoning was making housing unaffordable
- **Renton v. Playtime Theatres, Inc. (1986)** – local governments can regulate adult businesses, including time, manner, and place
- **Reed v. Town of Gilbert (2015)** – restricted the ability of local governments to regulate signs based on content

Zoning in South Carolina

- General Assembly authorized municipal planning and zoning in 1924; county zoning in 1942
- Today, all comprehensive plans, zoning regulations, and land development plans must comply with the **Local Government Comprehensive Planning Enabling Act of 1994**



Zoning in South Carolina

SECTION 6-29-710. Zoning ordinances; purposes.

(A) Zoning ordinances must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. To these ends, zoning ordinances must be made with reasonable consideration of the following purposes, where applicable:

- (1) to provide for adequate light, air, and open space;
- (2) to prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
- (3) to facilitate the creation of a convenient, attractive, and harmonious community;
- (4) to protect and preserve scenic, historic, or ecologically sensitive areas;

Zoning in South Carolina

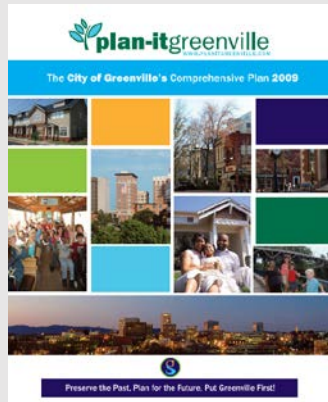
- (5) to regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
- (6) to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements. "Other public requirements" which the local governing body intends to address by a particular ordinance or action must be specified in the preamble or some other part of the ordinance or action;
- (7) to secure safety from fire, flood, and other dangers; and
- (8) to further the public welfare in any other regard specified by a local governing body.



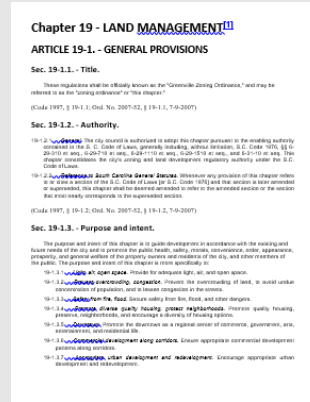
ZONING 101

The Basics

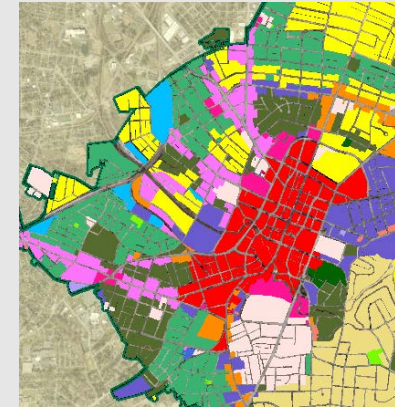
ZONING TOOLS



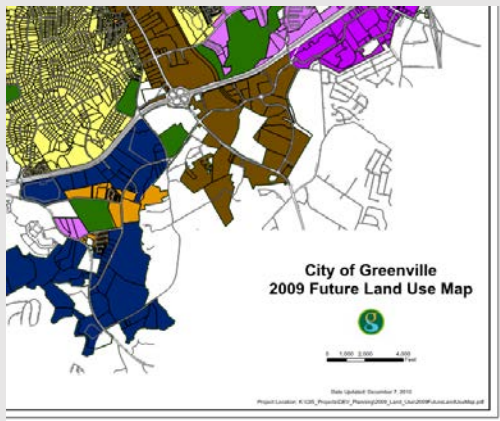
Comprehensive Plan



Zoning Ordinance



Zoning Map



Future Land Use Map (FLUM)



Master Plans



Strategic Plans

Common Zoning Elements

- Establishment of zoning districts (Euclidean Zoning)
- Permitted and prohibited uses
- Dimensional standards: height, setbacks, density
- Lot layout and building orientation
- Parking requirements
- Landscaping requirements
- Architectural and design requirements
- Sign regulations
- Open space
- Use-specific standards

Table 19-6.1-1: Off-street Parking Requirements Schedule A

Use Category	Use Type	Minimum Spaces Required	Maximum Spaces Allowed
		Square footage refers to total gross floor area, excluding accessory warehouse and storage areas unless otherwise indicated	
RESIDENTIAL USES			
	Multiple-family dwelling	1.5 per dwelling unit	See Schedule B
	Household living uses specifically for elderly or handicapped residents	0.5 per dwelling unit	See Schedule B
	Cottage subdivision	1 plus 0.25 per dwelling unit	2 per dwelling unit, not including guest parking
	All other household living uses	2 per dwelling unit	See Schedule B
Group living	Boarding house	2 plus 1 for each bedroom rented	See Schedule B
	All other group living uses	1 per each 2 beds	1 per each bed
PUBLIC AND INSTITUTIONAL USES			
Community service	Library, museum	1 per 1,000 square feet	See Schedule B
	All other community service uses	1 per 500 square feet	1 per 250 square feet
Day care	Day care center (13+ people)	1 per 375 square feet	1 per 250 square feet
	Group day care home (7 to 12 people)	2 plus requirement for principal use	See Schedule B
	Preschool	1 per 375 square feet	1 per 250 square feet

City of Greenville Zoning Districts

Residential Districts

- **R-6, R-9** Single-Family Residential District
- **RM-1, RM-1.5, RM-2, RM-3** Single-Family and Multifamily Residential Districts

Commercial and Industrial Districts

- **OD** Office and Institutional District
- **C-1** Neighborhood Commercial District
- **C-2** Local Commercial District
- **C-3** Regional Commercial District
- **C-4** Central Business District
- **S-1** Service District
- **I-1** Industrial District
- **RDV** Redevelopment District

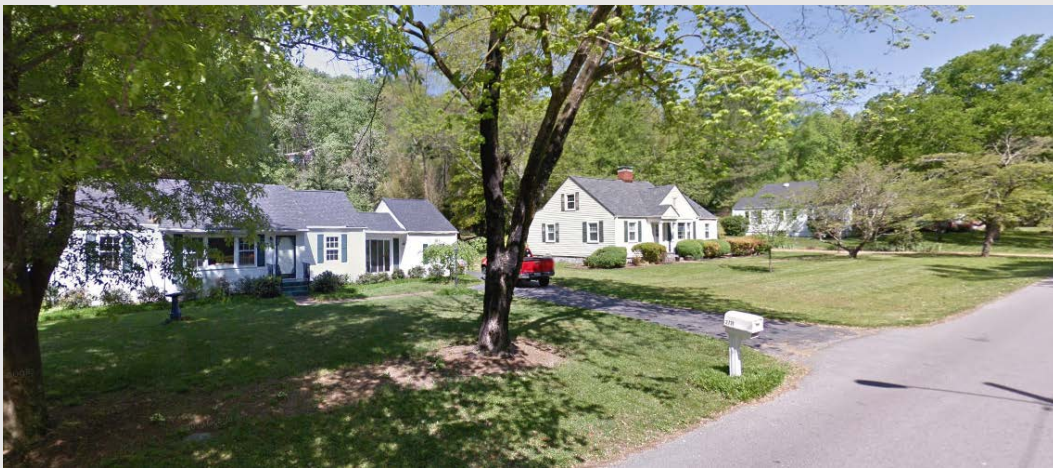
Special Districts

- **PD** Planned Development District
- **FRD** Flexible Review District



How does zoning affect me and my neighborhood?

- Assigned zoning district applies specific standards from the zoning ordinance.
- Determines what can be constructed on your property.
- Determines what can be constructed on your neighbor's property.
- Helps establish and preserve neighborhood character.
- Sets minimum standards for lot size, open space, setbacks, and height.



Who decides the Zoning Ordinance?

THE COMMUNITY:

- General public
- Property owners
- Development community
- Business owners
- Taxpayers
- Community groups
- Neighborhood groups
- Professional staff
- Planning Commission
- **City Council – Final Approval**



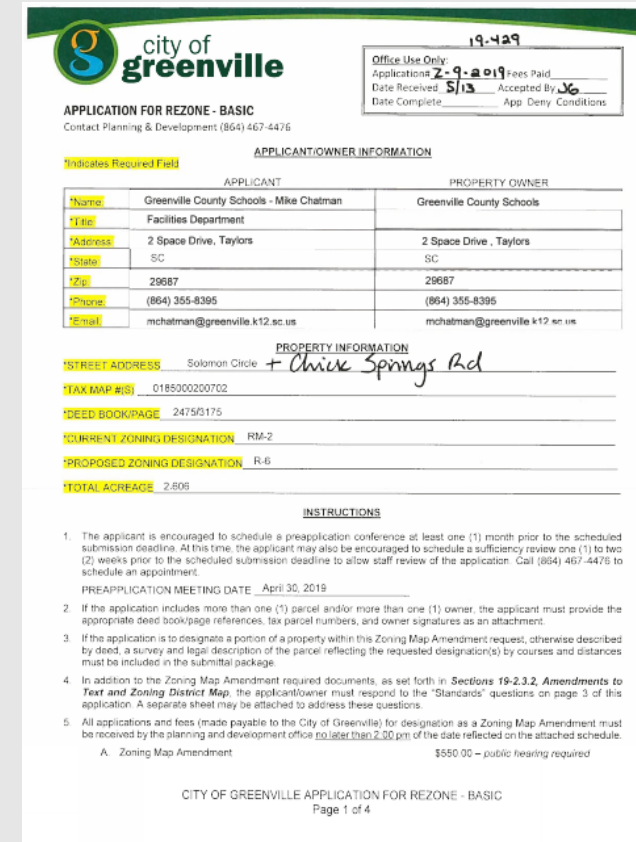
Who can modify the zoning ordinance?

Text Amendments (Sec. 19-2.3.2(C)(1)):

- City Council
- Planning Commission
- Zoning Administrator
- An owner of property in the city
- Any citizen of the city

Map Amendments (Sec. 19-2.3.2(C)(2)):

- City Council
- Planning Commission
- Zoning Administrator
- A person or entity with rights in contract in the land



The image shows a 'City of Greenville' application form for a 'REZONE - BASIC'. The form includes a header with the city logo and contact information. A table for 'APPLICANT/OWNER INFORMATION' lists details for 'Greenville County Schools - Mike Chatman' and 'Greenville County Schools'. Below this, 'PROPERTY INFORMATION' includes fields for 'STREET ADDRESS' (Solomon Circle + Chick Springs Rd), 'TAX MAP #', 'DEED BOOK/PAGE', 'CURRENT ZONING DESIGNATION' (RM-2), 'PROPOSED ZONING DESIGNATION' (R-6), and 'TOTAL ACREAGE' (2.806). An 'INSTRUCTIONS' section provides guidelines for the applicant, including a preapplication meeting date of April 30, 2019, and a fee of \$550.00 for a public hearing. The form is dated 19-429 and includes a 'Date Received' of 5/13 and 'Accepted By' JG.

city of
greenville

19-429

Office Use Only:
Applications 2-9-2019 Fees Paid
Date Received 5/13 Accepted By JG
Date Complete App. Deny Conditions

APPLICATION FOR REZONE - BASIC
Contact Planning & Development (864) 467-4476

APPLICANT/OWNER INFORMATION

APPLICANT		PROPERTY OWNER
Name	Greenville County Schools - Mike Chatman	Greenville County Schools
Title	Facilities Department	
Address	2 Space Drive, Taylors	2 Space Drive, Taylors
State	SC	SC
Zip	29687	29687
Phone	(864) 355-8395	(864) 355-8395
Email	mchatman@greenville.k12.sc.us	mchatman@greenville.k12.sc.us

PROPERTY INFORMATION

STREET ADDRESS Solomon Circle + Chick Springs Rd

TAX MAP # 0185000200702

DEED BOOK/PAGE 2475/3175

CURRENT ZONING DESIGNATION RM-2

PROPOSED ZONING DESIGNATION R-6

TOTAL ACREAGE 2.806

INSTRUCTIONS

- The applicant is encouraged to schedule a preapplication conference at least one (1) month prior to the scheduled submission deadline. At this time, the applicant may also be encouraged to schedule a sufficiency review one (1) to two (2) weeks prior to the scheduled submission deadline to allow staff review of the application. Call (864) 467-4476 to schedule an appointment.
- PREAPPLICATION MEETING DATE April 30, 2019
- If the application includes more than one (1) parcel and/or more than one (1) owner, the applicant must provide the appropriate deed book/page references, tax parcel numbers, and owner signatures as an attachment.
- If the application is to designate a portion of a property within this Zoning Map Amendment request, otherwise described by deed, a survey and legal description of the parcel reflecting the requested designation(s) by courses and distances must be included in the submittal package.
- In addition to the Zoning Map Amendment required documents, as set forth in Sections 19-2.3.2, Amendments to Text and Zoning District Map, the applicant/owner must respond to the "Standards" questions on page 3 of this application. A separate sheet may be attached to address these questions.
- All applications and fees (made payable to the City of Greenville) for designation as a Zoning Map Amendment must be received by the planning and development office no later than 2:00 pm of the date reflected on the attached schedule.
 - Zoning Map Amendment \$550.00 - public hearing required

CITY OF GREENVILLE APPLICATION FOR REZONE - BASIC
Page 1 of 4

Map & Text Amendment Process

Sec. 19-2.3.2(D)

1. Pre-application meeting with staff
2. Submit application
3. Public notice (15 days before public hearing)
 - Newspaper advertisement
 - Signs posted on property
 - Application materials posted online
4. Developer-led neighborhood meeting
5. Staff analysis & publication of staff reports
6. Planning Commission public hearing and recommendation
7. Final Action by City Council (2 readings)



Criteria for Zoning Amendments

Sec. 19-2.3.2(E)

1. Consistent with Comprehensive Plan?
2. How have conditions changed since original designation?
3. Is there a demonstrated community need?
4. Compatible with surrounding uses?
5. Promote logical and orderly development pattern?
6. Result in strip or ribbon development?
7. Create an isolated zoning district?
8. Effect on property values?
9. Effect on natural environment?
10. Availability of public facilities and services?



What CAN'T zoning do?

- Regulate owner vs. rental housing
- Restrict occupancy based on race or ethnicity
- Mandate affordable housing (varies by state)
- Force an owner to sell his or her land
- Discriminate between functionally equivalent businesses
- Prohibit national chain stores or restaurants
- Violate state or federal law





ZONING TODAY

Trends & Alternatives

Contemporary Zoning Trends

- Mixed-use zoning districts
- Flexible parking standards
- Incentives for affordable housing
- Accessory dwelling units
- Form-based codes



Form-Based Codes

- Emphasis on physical form over land use
- Minimum height requirements
- Built-to lines
- Building mass and form
- Mix of land uses
- Human-scale development

SECTION 2. UNITY PARK CHARACTER DISTRICT CONTEXT ZONES



Character Image: Unity Park Downtown Transitional (UP-DT)



Figure 2.90: Unity Park Downtown Transitional (UP-DT) Character Example

2.90 Unity Park Downtown Transitional (UP-DT)

The Unity Park Downtown Transitional zone includes the Westfield Street corridor and the proposed Broad Street-Meadow Street connector. Existing development in the area is primarily one-story commercial with new residential projects including five-story apartment buildings and three-story townhomes. Such ranges in height and scale reflect the mixture of development types appropriate for this transitional zone between Downtown Greenville and Unity Park.



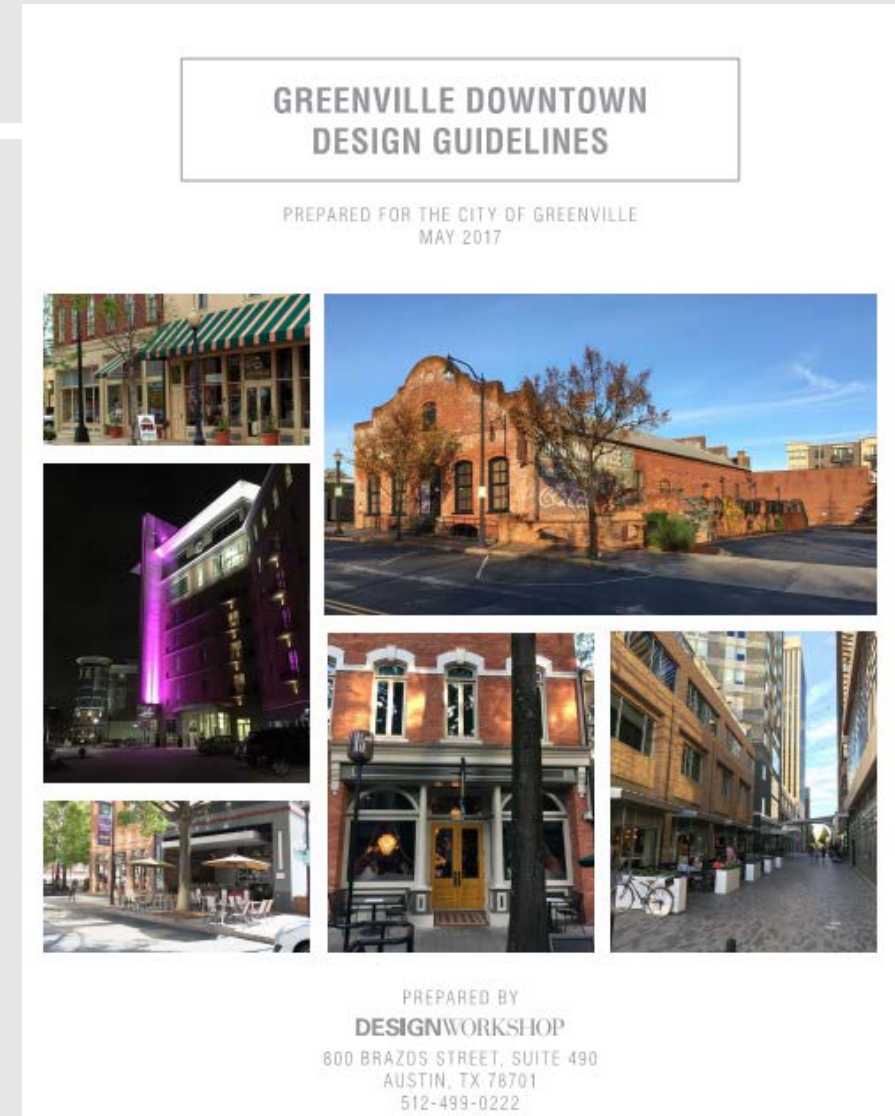
UPCD Context Zones Regulating Plan highlighting UP-DT

TABLE 2.90. DOWNTOWN TRANSITIONAL (UP-DT)

BUILDING PLACEMENT	
SETBACK (DISTANCE FROM THE ROW/PROPERTY LINE)	
Front	0' minimum
Side Street	15' minimum
Side	0' minimum
Rear	5' minimum
Accessory Building	5' min. front, 5' min. side setback, 5' min. rear setback
LOT SIZE	
Width	30' minimum, 250' maximum
Depth	80' minimum, 100' maximum
BUILDING FORM	
Building Height	See Height District Regulating Plan
Main Building	100' maximum, 2 stories minimum
Ancillary Building	25' maximum
Maximum Lot Coverage	90%
Density	73 units per acre
ALLOWED USES - see Table 2.20-B	
BUILDING TYPES PERMITTED	
Rowhouse, Multi-plex: Small, Multi-Plex: Large, Stacked Flats, Live/Work, Main Street Mixed-Use, Flex, Mid-Rise	

Other Zoning Tools

- Historic districts
- Design overlays
- Corridor overlay districts
- Conservation and environmental overlays
- Special sign districts
- Planned Developments (PD)
- Flexible Review Districts (FRD)





ZONING PRACTICE

Group Exercise

Evaluating a project using the zoning code

1. Determine the underlying zoning of the property.
2. Determine if the use is a permitted use in that zoning district. Are any special permits required?
3. Determine applicable dimensional standards—acreage, height, density, setbacks.
4. Determine any development constraints (easements, wetlands, etc.)
5. If residential, determine the type and density.
6. Review placement and orientation of buildings, parking lots.
7. Ensure compliance with parking, access, landscaping, and architectural requirements.
8. Ensure compliance with any use-specific standards.

Proposed Project

- Site: approximately 6 acres
- Current zoning: C-3, Regional Commercial District
- Application to construct age-restricted 55+ multifamily development
- Total of 192 units
- Amenity areas including dining room, fitness room, pool, salon, outdoor courtyards, communal fireplace
- Total proposed parking: 261 spaces



40 Market Point Dr - Aerial



City Limit Boundary



Parcels



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40 Market Point Dr - Existing Zoning



City Limit Boundary

Streets

Parcels

C-1

C-2

C-3

C-4

C-IN

RM-1

RM-1.5

RM-2

RM-3

R-6

R-7.5

R-9

I-1

S-1

OD

PD

POD

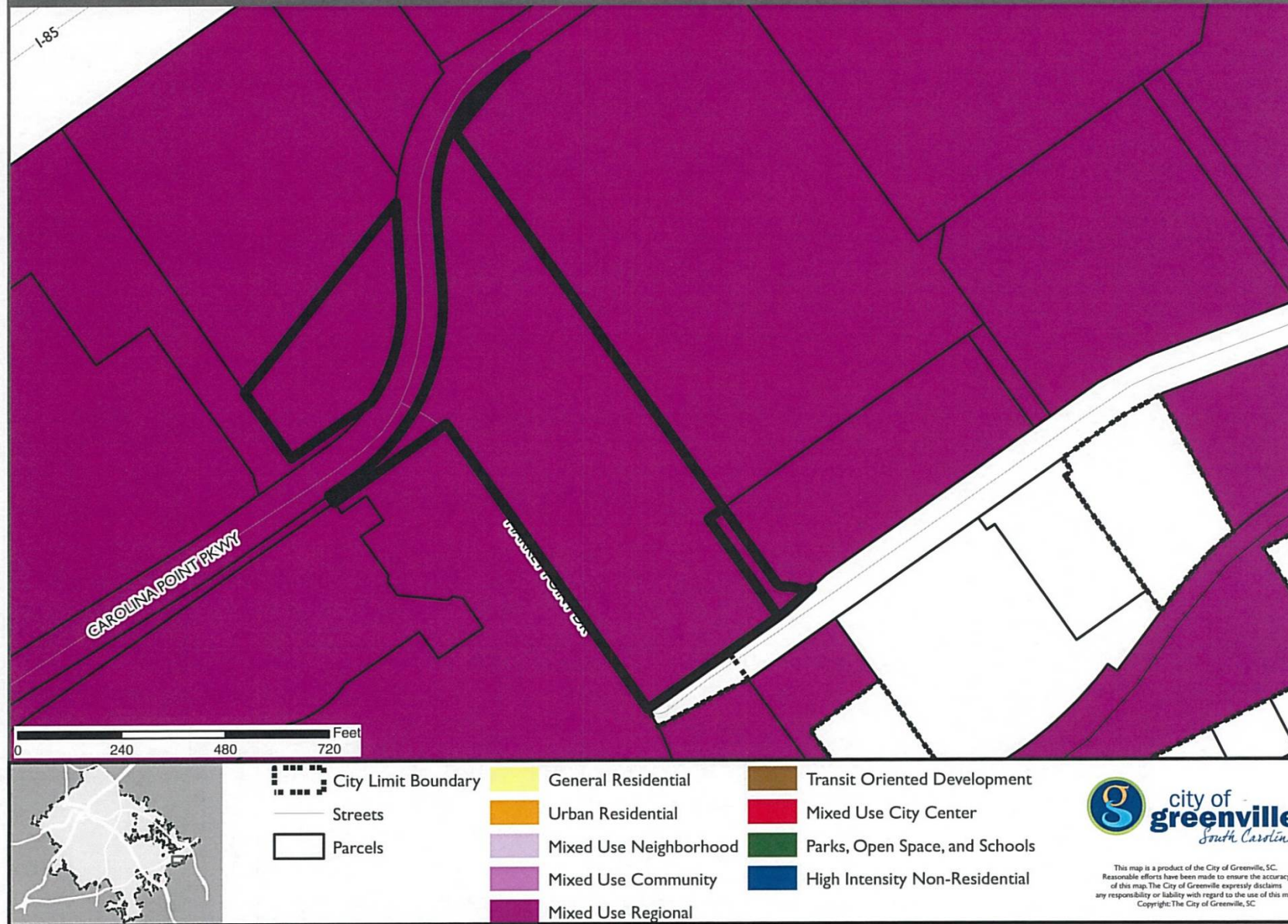
OS-C

RDV



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40 Market Point Dr - Future Land Use



THIS DRAWING SHALL NOT BE REPRODUCED IN ANY MANNER OR USED FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION.
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COPYRIGHT © SEAMON WHITE & ASSOCIATES, INC.



VICINITY MAP

SITE DATA:

Acreage: 6.0 Ac.
TMS#s: 0547010101627
0547010101637
Proposed Land Use: Age-Restricted
Multifamily Residential
Building Height: 55' Max.

BUILDING SETBACKS:

Front: 10'
(With current zoning)
Rear: 10'
(With current zoning)
Side Yard: 3'
(With current zoning)

% IMPERVIOUS AREAS:

Total Impervious Area: 3.29 Ac.
Total Site: 6.00 Ac.
3.29 Ac. divided by 6.00 Ac. = 54% Impervious
(Max. will be 75% Impervious)
(100% allowed under previous zoning)

OPEN SPACE:

200 sq. ft. required per DU (Multifamily Use)
192 Dwelling Units
106,833 sq ft provided = 556 sq ft per DU
(Natural Areas, Landscape areas, Courtyard areas)

PARKING:

TOTAL PARKING REQUIRED PER EX. ZONING:
(Multi-Family Req'd 1.5 Spaces per Unit = 288 Spaces
(Senior Housing Req'd 0.5 Spaces per Unit = 96 Spaces)

TOTAL PARKING PROVIDED: Min. 96 - Max. 288 Spaces
261 Spaces Shown (incl. min. 7 ADA Spaces)

Open Parking: 246 Spaces
Garage Parking: 16 Spaces

STREET TREES:

Market Point Drive: 430 LF

Canopy Tree	Req'd
Understory Tree	11
Shrub	0
	108

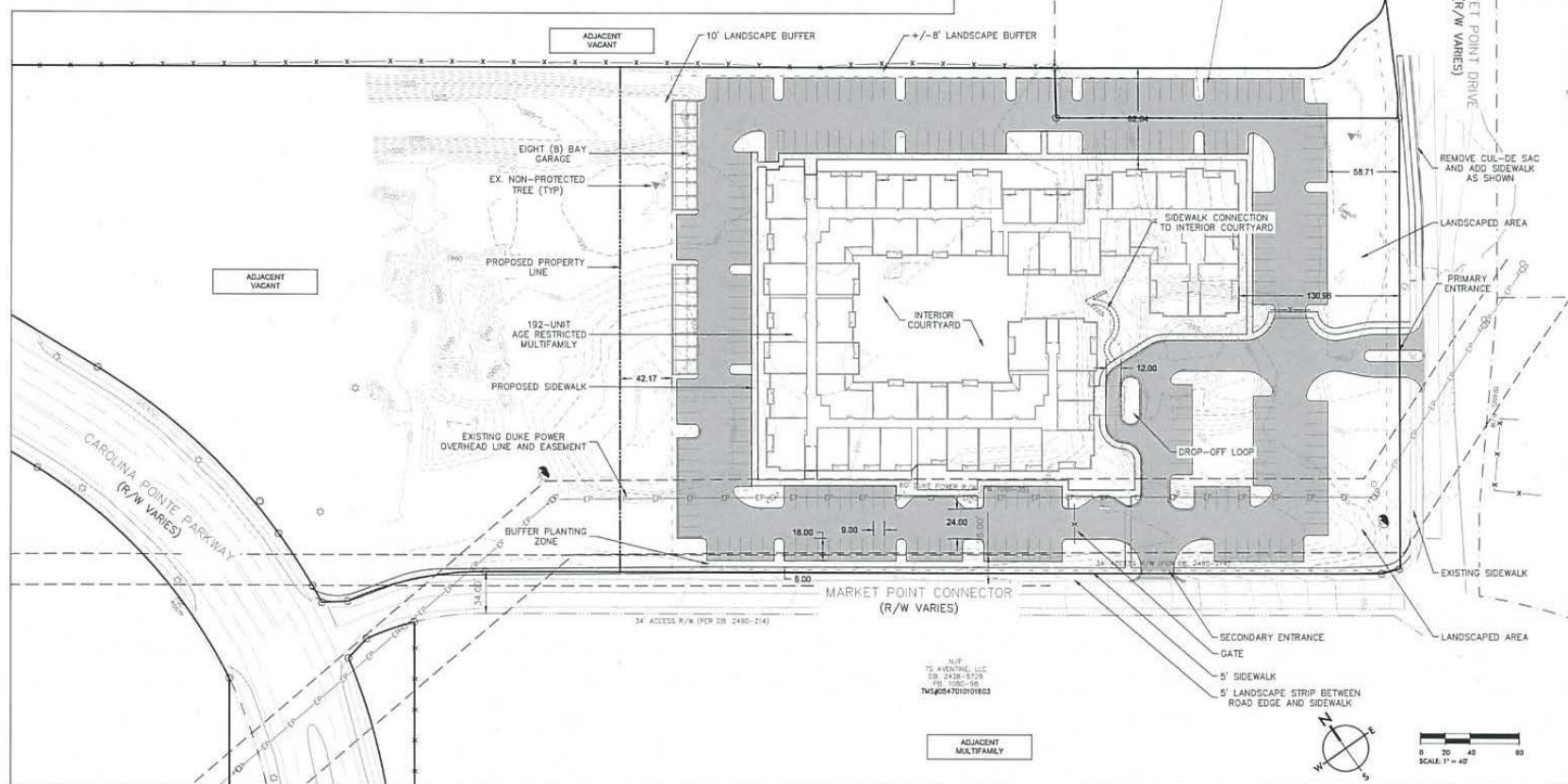
Market Point Connector: 645 LF

Canopy Tree	Req'd
Understory Tree	16
Shrub	0
	162

UNIT BREAKDOWN:

Max. Units: 192 Units
One (1) BR Units: 108 Units
Two (2) BR Units: 84 Units

Note: Stormwater to be piped to pond on adjacent parcel that has been master planned to accommodate this use per the City of Greenville.



MOUNT PLEASANT, SC
843.884.1687
GREENVILLE, SC
864.298.0534
SUMMERVILLE, SC
843.884.1687
WWW.SEAMONWHITE.COM



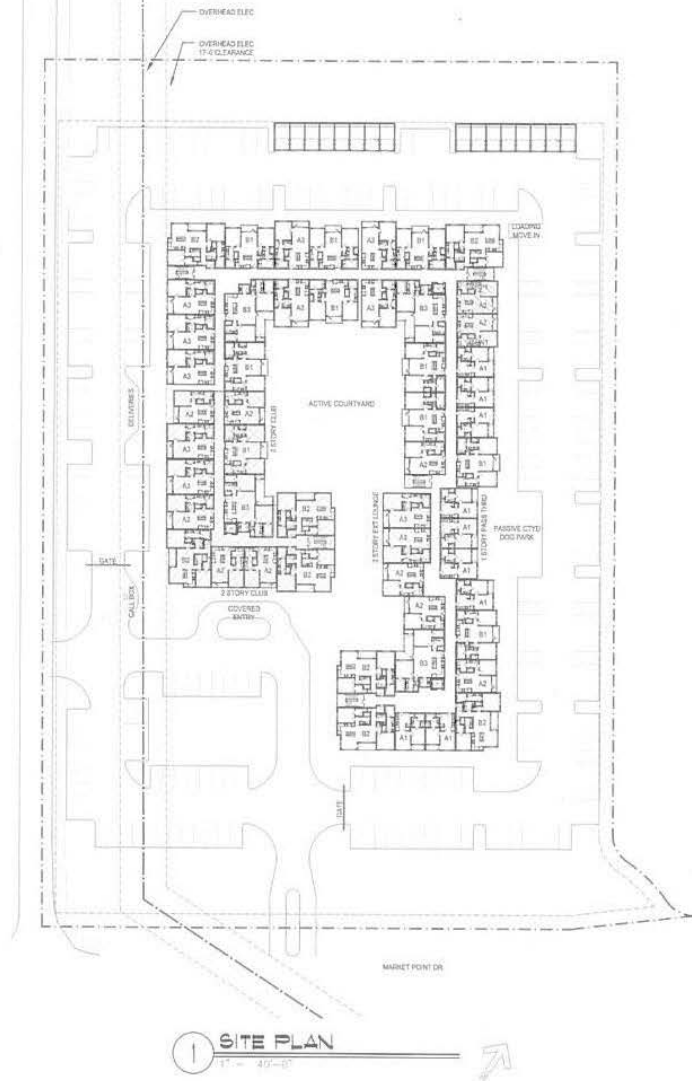
OVERTURE GREENVILLE IN GREENVILLE, SOUTH CAROLINA

SW+ PROJECT: GR2673
DATE: 09/10/2017
DRAWN BY: WCM
CHECKED BY: JB

REVISION HISTORY

NO.	DESCRIPTION

FRD
REGULATING
PLAN



UNIT				LEVELS										TOTAL RENTABLE	
NAME	MSF	GSF		1	2	3	4	TARGET	TOTAL	%	MSF	GSF		MSF	GSF
A1	1.00	543	625	8	0	8	9	25	25	100%	1875	21175			
A2	1.00	675	725	4	4	10	10	25	35		2250	23625			
A3	1.00	836	893	7	10	12	12	40	41	16.38%	18276	19613			
A4	2.00	1171	1242	0	0	0	0	0	0	0.00%	0	0			
B1	1.00	1171	1242	0	0	10	10	38	38		8936	91875			
B2/B3A	2.00	1176	1257	5	0	8	8	30	79		18270	19318			
B3	2.00	1176	1257	1	4	4	4	30	39	43.62%	18450	21345			
B4	2.00	1171	1242	0	0	0	0	0	0		0	0			
TOTAL				30	40	20	20	140	188	100.00%	184492	189547			

PARKING		CLUB/CLANING		AVERAGE UNIT SIZE	
SURFACE	248	CLUB/CLANING	12279		896
ATTACHED GAR	0				
DETACHED GAR	20				
TOTAL	268				
PARKING RATIO	1.40				

SITE			TOTAL ACRES	
NOT USED	USED	TOTAL ACRES		
0	6	6.0 ACRES		2017.05.15

1 SITE PLAN
1" = 40'-0"

SITE PLAN - OVERTURE GREENVILLE GREENVILLE, SOUTH CAROLINA - GREYSTAR DEVELOPMENT INC.

Meeks + Partners
 ARCHITECTURE
 LANDPLANNING
10100 W. 10TH AVE. SUITE 100 DENVER, CO 80202
 303.733.8800 • 303.733.8801 • WWW.MEEKSPARTNERS.COM

M P
MEERMAN PARTNERS

JUN 16, 2016



2 COLORED EXTERIOR ELEVATION
1/8"=1'-0"



1 EXTERIOR ELEVATION
1/8"=1'-0"



EXTERIOR ELEVATIONS - OVERTURE GREENVILLE
GREENVILLE, SOUTH CAROLINA - GREYSTAR DEVELOPMENT INC.

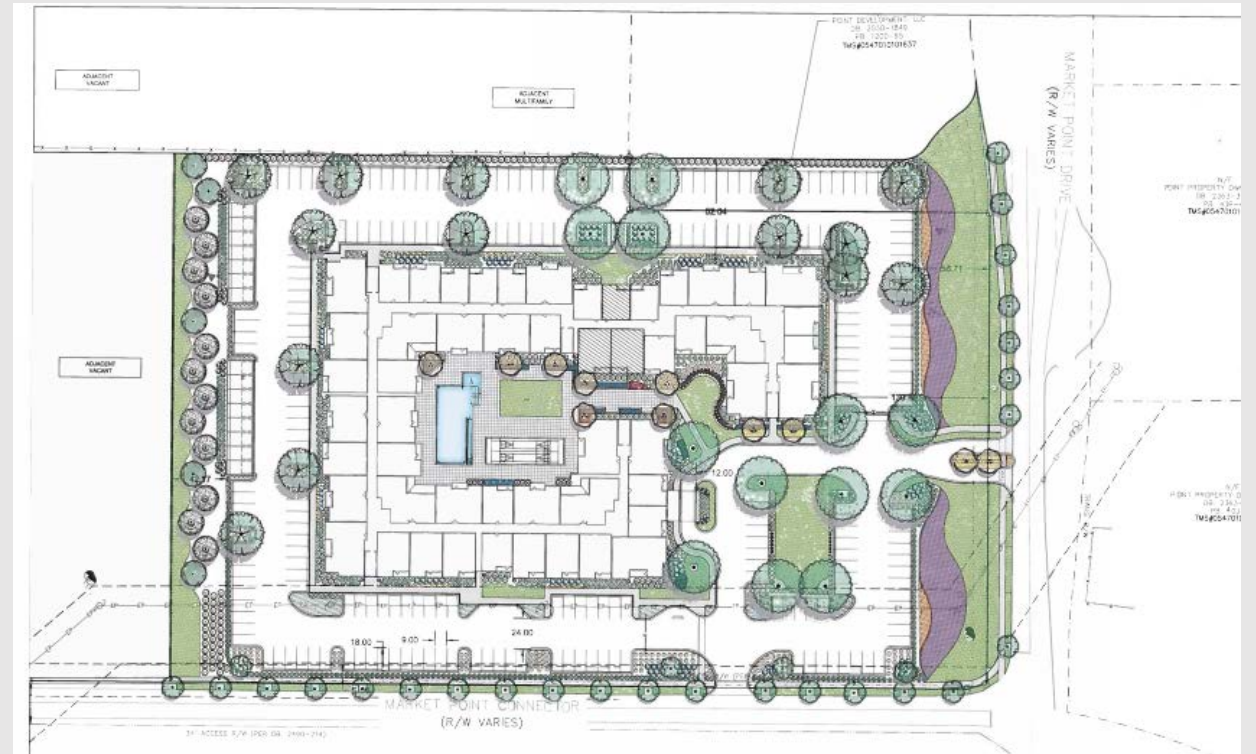
Meeks + Partners
ARCHITECTURE
LAND PLANNING
1000 W. BROADWAY, SUITE 2000, ATLANTA, GA 30333
404.525.1111 | www.meeksandpartners.com

M
P

2017.05.13
JAE M. 17010

Zoning Exercise

- Review the proposed application that includes multifamily housing.
- Determine compliance with applicable zoning standards.
- Decide if you would **approve** or **deny** the request.
- *Items to consider:*
 - *Permitted land use*
 - *Density*
 - *Parking*
 - *Height*
 - *Setbacks*





QUESTIONS & DISCUSSION

PLANNING & DEVELOPMENT

206 S Main Street

City Hall 6th Floor

Greenville, SC 29601

Phone: 864-467-4476

Email: planning@greenvillesc.gov