

No. \_\_\_\_\_

**AN ORDINANCE**

**AN ORDINANCE TO AMEND SECTION 3:2 OF THE GREENVILLE COUNTY ZONING ORDINANCE, AS AMENDED, TO ALLOW FOR THE OPTION OF ADDITIONAL PUBLIC COMMENT BEFORE THE PLANNING COMMISSION ON ZONING DOCKETS AND TO UPDATE PUBLIC HEARING PROVISIONS.**

**BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:**

**Section 1. Amend Sections 3:2.4, 3:2.5, 3:2.6, 3:2.7 of the Greenville County Zoning Ordinance to Allow for Additional Public Comment and to Update the Public Hearing Provisions.**

Sections 3:2.4, 5, 6, and 7 of the Greenville County Zoning Ordinance, as amended, are amended to read as follows:

**“3:2.4 Public Hearing**

Upon receipt of a completed application from the Planning ~~Commission~~ Department staff for an amendment to the Zoning Ordinance text or map, the request ~~County Council~~ shall be placed ~~place the request~~ on the agenda for the next scheduled public hearing. No amendment to the Zoning Ordinance text or map shall be eligible for reading by County Council until after a public notice and hearing by County Council. The Planning ~~Commission~~ Department staff shall present the facts regarding the request for the amendment at the public hearing. This presentation shall be made a part of the hearing record.

**3:2.5 Notice of Hearing**

Notice of a public hearing shall be ~~published in a newspaper of general circulation at least 15 days prior to the hearing. The notice shall be blocked in, carry an appropriate descriptive title, and shall state the time, date, and place of the hearing in accordance with state law.~~ The Planning ~~Commission~~ Department staff shall provide the applicant or his designated representative with an adequate number of Notice of Hearing signs to allow the applicant or his designated representative to properly post and maintain on the property a County Notice sign at least 15 days prior to the date of the public hearing. Only such signs as provided by the Planning ~~Commission~~ Department staff shall be used and such signs shall be placed in a conspicuous place or places on the affected premises. The posting of the subject property is the responsibility of the applicant. Failure to keep the subject property posted will result in removal of the rezoning application from the zoning hearing docket and forfeiture of the application fees. In the event the signs ~~rezoning applicant is~~ are removed, the applicant may submit a new rezoning application and fees for the following month. All Notice of Zoning Hearing signs must be removed within five (5) days after the public hearing.

### **3:2.6 Action by the Planning ~~Commission~~ Staff and Planning Commission**

The Planning ~~Commission~~ staff shall, upon receipt of a request for an amendment to the Zoning Ordinance text or map, review and make written recommendations to the Greenville County Planning Commission concerning the request. The Planning Commission shall have ~~60~~ 30 days within which to submit its report and recommendation to County Council. The Planning Commission may allow additional public comment on a zoning docket at its regularly scheduled meeting. If the Planning Commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure from the text or map.

### **3:2.7 Action by County Council**

~~After conducting a duly advertised public hearing, The Planning and Development Committee County Council shall consider information presented at the public hearing and the staff review and recommendation received from the Greenville County Planning Commission before making a recommendation to County Council. In its recommendation, the Planning Commission may request an additional comment session. The Planning and Development Committee may return the zoning docket to the Planning Commission and require an additional public comment session on the zoning docket based on the Committee's determination or based on the request by the Planning Commission. Should the docket be returned to the Planning Commission for comment purposes, the public comment session shall be held at the next regularly scheduled meeting of the Planning Commission.~~

~~The Planning Commission staff's written report shall be forwarded to County Council for action at its next regular meeting following the scheduled public hearing.~~ Before County Council approves any map amendment, the Planning Commission and County Council shall be informed of the relation of the application to the provisions of the county's Comprehensive Plan or, in the absence of such information, that one or more of the following should be considered:

A. That the original zoning classification given the property was improper or inappropriate.

B. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the county's comprehensive plan and which have substantially altered the basic character of such area. If the Planning Commission recommends denial of the request for an amendment, County Council may reject the recommendation of the Planning Commission by a favorable vote of two-thirds of the members of the Council. Greenville County Council or Council's ~~Public Service,~~ Planning and Development Committee shall have the option to defer action on any rezoning request in order to gain additional facts or to seek the resolution of any disputes surrounding the rezoning case. ~~If final action has not been taken on a rezoning request within four months from the date of the original public hearing, the request shall be~~

---

~~the subject property will be posted again. The applicant will not be required to pay an additional application fee. This requirement may be waived by action of Council if active negotiations are under way between the applicant and the opposition in an attempt to reach a compromise.”~~

**Section 2. Severability.** Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 3. Repeal.** All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

**Section 4. Effective Date.** This Ordinance shall take effect upon the date of its adoption.

**DONE IN REGULAR MEETING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

---

Herman G. Kirven, Jr., Chairman  
Greenville County Council

---

Joseph M. Kernell  
County Administrator

ATTEST:

---

Theresa B. Kizer  
Clerk to Council