

Zoning Docket from S, 2022 Public Hearing

Docket Number	Applicant	CC DIST.	STAFF REC.	GCPC REC.	P&D REC.	COUNCIL ACTION
CZ-2022-077	Greenville County Council County-wide Text Amendment to amend Section 3:2.11 Stay of Proceedings of the Greenville County Zoning Ordinance	All	Approval			
Public Comments	<p>Some of the general comments made by Speakers at the Public Hearing on September 19, 2022 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</p> <p><u>For:</u> None</p> <p><u>Against:</u> None</p>
Staff Report	<p>REQUEST HISTORY AND EXPLANATION</p> <p>It has come to Staff's attention that the current language of Section 3:2.11 Stay of Proceedings, does not provide a maximum number of times you can submit a rezoning application to stay enforcement action on a property that is in violation. There have been times when this provision has been abused to allow a violation to continue without bringing the property into compliance. The intent of this provision was to give property owners the opportunity to work with Staff to see if rezoning the property was feasible and then go through the rezoning process. If approved, the violation that had occurred (i.e. a use that was not permitted in the previous zone) would be corrected and the property would then be in compliance.</p> <p>The proposed changes will be to place stipulations on using this section. It will place a one-time only option to pursue a rezoning to correct the violation. It will also state that if you withdraw your rezoning request, then the enforcement action will continue and the applicant would not be afforded another opportunity to stay the violation. Below is the existing language and the proposed addition (in red):</p> <p>A pending rezoning application stays any enforcement actions related to a violation of the GCZO on the property which is the subject of the rezoning request. If the rezoning application is withdrawn or denied, then any enforcement action will continue. Only one stay of enforcement action shall be granted pursuant to this section and no stay of enforcement action shall be granted after a decision has been made on the rezoning application that resulted in the stay.</p> <p>This text amendment request went before the Planning and Development Committee on June 20, 2022 and as a Consent Item before County Council on August 16, 2022. A Zoning Public Hearing is scheduled for September 19, 2022 and followed by a First Reading before County Council on September 20, 2022.</p> <p>CONCLUSION</p> <p>Staff is of the opinion that the proposed amendment will assist in regulating properties that are in violation from enforcement actions and will remove the ability to abuse this provision to continue a violation indefinitely.</p> <p>Based on these reasons, Staff recommends approval of the proposed Text Amendment.</p>					



Greenville County Planning and Zoning Division
(864) 467-7425
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TO: County Council
Planning and Development Committee
Planning Commission

FROM: Joshua T. Henderson, Zoning Administrator

RE: CZ-2022-077

APPLICANT: Greenville County Council

PROPERTY LOCATION: County-wide

PIN/TMS#(s): NA

REQUEST: To amend Section 3:2.11 Stay of Proceedings 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 Section 3:2.11 Stay of Proceedings, does not provide a maximum number of times you can submit a rezoning application to stay enforcement action on a property that is in violation. There have been times when this provision has been abused to allow a violation to continue without bringing the property into compliance. The intent of this provision was to give property owners the opportunity to work with Staff to see if rezoning the property was feasible and then go through the rezoning process. If approved, the violation that had occurred (i.e. a use that was not permitted in the previous zone) would be corrected and the property would then be in compliance.

The proposed changes will be to place stipulations on using this section. It will place a one-time only option to pursue a rezoning to correct the violation. It will also state that if you withdraw your rezoning request, then the enforcement action will continue and the applicant would not be afforded another opportunity to stay the violation. Below is the existing language and the proposed addition (in red):

A pending rezoning application stays any enforcement actions related to a violation of the GCZO on the property which is the subject of the rezoning request. **If the rezoning application is withdrawn or denied, then any enforcement action will continue. Only one stay of enforcement action shall be granted pursuant to this section and no stay of enforcement action shall be granted after a decision has been made on the rezoning application that resulted in the stay.**

This text amendment request went before the Planning and Development Committee on June 20, 2022 and as a Consent Item before County Council on August 16, 2022. A Zoning Public Hearing is scheduled for September 19, 2022 and followed by a First Reading before County Council on September 20, 2022.

CONCLUSION:

Staff is of the opinion that the proposed amendment will assist in regulating properties that are in violation from enforcement actions and will remove the ability to abuse this provision to continue a violation indefinitely.

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